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DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1900

REPORTED AND EDITED BY

HOLLAND BROS.

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FIFTH SESSION—EIGHTH PARLIAMENT

OTTAWA
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1900

SENATORS OF CANADA

5th SESSION, 8th PARLIAMENT, 63-64 VICTORIA

1900

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

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WILLIAM OWENS	Inkerman	Montreal.
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SIR JOHN CARLING, K.C.M.G	London	London, Ont.
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ALFRED A. THIBAUDEAU	De la Vallière	Montreal.
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GEORGE A. COX		Toronto, Ont.
GEORGE GERALD KING	Queen's	Chipman, N.B.
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CHARLES BURPEE	Sunbury	Sheffield, N.B.
JOSEPH P. B. CASGRAIN	DeLanaudière	Montreal.
ROBERT WATSON	Portage la Prairie	Portage la Prairie, Manitoba.
FINDLAY M. YOUNG	Killarney	Killarney, Manitoba.
JOSEPH SHEHYN	Laurentides	Quebec.
ARTHUR H. GILLMOR		St. George, N.B.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FIFTH SESSION OF THE EIGHTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE FIRST DAY OF FEBRUARY, IN THE SIXTY-THIRD YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA

THE SENATE.

Ottawa, Thursday, February 1, 1900.

The Senate met at 2.30 p.m.

PRAYERS.

THE CLERK OF THE SENATE.

The SPEAKER informed the Senate that a commission under the Great Seal had been granted to Samuel Edmour St. Onge Chapleau, appointing him the Clerk of the Senate.

The Commission to the Clerk was then read.

Mr. Chapleau, having taken the oath of office, took his place.

NEW SENATORS.

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

Hon. GEORGE TAYLOR FULFORD, of Brockville, Ont., *vice* the Hon. W. E. Sanford, deceased.

Hon. CHARLES BURPEE, of Sheffield, N.B., *vice* the Hon. Thos. Temple, deceased.

The Senate adjourned during pleasure.

THE SPEECH FROM THE THRONE.

This day, at Three o'clock p.m., His Excellency the Governor General proceeded in state in 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 Fifth Session of the Eighth Parliament of the Dominion of Canada, with the following speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons

It is again my pleasing duty to congratulate you on the continued prosperity of the Dominion and on the remarkable increase in the general volume of the revenue and of the exports and imports of the country.

Hostilities having unfortunately broken out during the recess between Great Britain and the South African Republic, it appeared to my ministers expedient to anticipate the action of parliament by equipping and forwarding two contingents of volunteers to the seat of war as a practical evidence of the profound devotion and loyalty of the entire people of Canada to the Sovereign and institutions of the British Empire.

In this connection it is a matter of pride and gratification to the people of this Dominion that,

in addition to the contingents sent by the government, another Canadian force is being organized and despatched at the personal expense of the High Commissioner of Canada. This generous and patriotic action upon the part of Lord Strathcona reflects high honour on him and on the Dominion he represents.

I have been instructed to convey to you Her Majesty's high appreciation of the loyalty and patriotism thus displayed, which, following the preference granted under the present tariff to articles of British manufacture, has had the happiest effect in cementing and intensifying the cordial relations subsisting between Canada and the mother country.

A Bill will be submitted for your approval making provision for the cost of equipping and paying the Canadian contingents.

The measures which have been taken from time to time to facilitate the safe transportation of food stuffs to European markets have resulted in a large increase in the exportation of several important articles of produce, and it may become necessary in the interest of this very important branch of industry to require a more careful inspection than has been customary for the purpose of maintaining that high standard of excellence heretofore secured and which is absolutely indispensible if the people of Canada are to increase their large and profitable trade with other countries in these commodities.

I am glad to observe that the returns from the Post Office Department afford good ground for believing that the temporary loss of revenue caused by the great reduction recently made in letter postage, will speedily be made good by the increased correspondence consequent thereon.

Negotiations are now in progress with several of our sister colonies in the West Indies which it is hoped may result in increasing and developing our trade with those islands, and possibly with certain portions of the adjacent continent of South America.

It gives me great pleasure to observe that, in pursuance of the policy which was defined at the last session of parliament, a carefully devised body of regulations has been adopted, applicable to all railways and public works within the federal jurisdiction, making adequate provision for the sanitary protection and medical care of workingmen.

The attention of the government has been called to the conflicts which occasionally arise between workmen and their employers. While it may not be possible to wholly prevent such difficulties by legislation, my government think that many of the disputes might be averted if better provisions could be made for the friendly intervention of boards of conciliation, the conclusions of which, while not legally binding would have much weight with both sides and be useful in bringing an intelligent public opinion to bear on these complicated subjects. You will be invited to consider whether the provincial legislation in this matter may not be usefully supplemented by an enactment providing for the establishment of a Dominion tribunal for assisting in the settlement of such questions.

I am happy to observe that the number of settlers who have taken up lands in Manitoba and in the North-west Territories is larger than in any previous year, and affords conclusive evidence of the success which has attended the efforts of my government to promote immigration, and I have no doubt that the greatly increased production of the West will henceforth add materially to the growth of the trade of the whole Dominion. While the efforts made to secure increased population for the West have thus been successful, much attention has also been devoted to the repatriation of Canadians who in less prosperous times have left Canada. You will be pleased to learn that this work has been attended with satisfactory results.

My government, during the recess, has been giving its attention to the subject of a railway commission. Valuable information has been and is still being collected, which when completed will be submitted to you, and will, no doubt, receive at your hands the earnest consideration which the importance of the subject requires.

I am pleased to say that our canal system, connecting the great lakes with the Atlantic seaboard, has been completed so as to allow vessels having a draft of 14 feet to pass from the head of Lake Superior to the sea. The vigorous and successful prosecution of these works by my Government has already attracted the attention of those interested in western transportation, and there are good grounds for the hope that, when the necessary facilities for the quick and inexpensive handling of ocean traffic are provided and which are now in progress, Canadian ports will control a much larger share of the traffic of the West.

Measures will be introduced to renew and amend the existing banking laws, to regulate the rate of interest payable upon judgments recovered in courts of law, to provide for the taking of the next decennial census, for the better arrangement of the electoral districts, to amend the Criminal Code and the laws relating to other important subjects.

Gentlemen of the House of Commons:

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

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I commend to your consideration the subjects I have mentioned, confiding in your patriotism and judgment.

THE ADDRESS.

Hon. Mr. MILLS moved :

That the Senate do take into consideration the speech of His Excellency the Governor General on Monday next.

The motion was agreed to.

The Senate then ajourned.

THE SENATE.

Ottawa, Monday, February 5, 1900.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. JOSEPH PHILIPPE BABY-CASGRAIN, representing the electoral division of De Lanaudière, *vice* Hon. Joseph H. Bellerose, deceased, was introduced and took his seat.

THE ADDRESS.

The Order of the Day being read:

Consideration of His Excellency the Governor General's speech on the opening of the Fifth Session of the Eighth Parliament.

Hon. Mr. CASGRAIN (De Lanaudière) said (in French) : Called upon for the first time to address this legislative body where sit the wise and the aged of the nation, before this areopagus of our political world, before princes of finance, before, above all, men who have devoted the best of their lives to the service of the State, I feel under the influence of the deepest anxiety and the most natural emotions. Why should I try to conceal them in appearing before you, who know well the timidity of a novice in parliamentary career, knowing the great responsibility which attaches to the quasi-official words which I am invited to discuss under the grave and painful circumstances which surround the British Empire at this time. I have accepted with joy, hon. gentlemen of the Senate, the invitation which the government of my country has extended to me to move the adoption of the address in reply to the speech from the Throne, because I find therein, on the occasion of my entering for the first time this Chamber, an opportunity of expressing on my own behalf and for the province in which I was born, our sincere sentiments of loyalty towards our Gracious Sovereign. The other day his honour the Lieutenant-Governor of the province of Quebec with that appropriateness of expression which distinguishes him, wishing God speed to the Canadian officers who had put their swords and their lives at the service of the empire, on the occasion of their departure from the ancient city of Champlain, eloquently developed this thought, in recalling two immortal pages from our own history which in certain places people appear to leave in oblivion. Fifteen years had barely passed after the cession of Canada, when, as the Marquis of Montcalm had predicted long before the loss of Canada, already a tempest of revolt in nearly all the British colonies of America extinguished the peaceable fires on the hearths and rebellious hands carried triumphantly the incendiary torches of civil war in the fertile fields of the new world. The great majority of the sons of Albion on American soil raised the standard of revolt, and threatened to wrest from England the last of its colonies on this continent. Emissaries of the partisans of independence were sent to Canada to lead the Canadians into rebellion. They were prodigal of captious promises. Messrs. Franklin, Chase and Carroll passed weeks and weeks in Montreal trying to sow sedition there. Certainly the temptation was great, but our ancestors listening only to the voice of duty and the wise counsels of the Roman Catholic clergy, remained true to their sworn allegiance, and I am proud to be able to proclaim that Canada remains in the British Empire to-day, thanks to the loyalty of the descendants of France to the British Crown. Our great Canadian sculptor, Hebert, who immortalizes to-day in bronze the memory of that good man, of that great citizen, of that honest Prime Minister, who was Alexander Mackenzie, whose statue will adorn for ever the avenue leading to these legislative halls, erected several years ago on the historic shores of the Chambly River, another monument to remind future generations of the glory of that great patriot, the conqueror of Chateauguay, Colonel Salaberry. Her Royal Highness the Princess Louise herself unveiled his statue. For the second time under British rule our territory was invaded. The very existence of

the colony was endangered. A patriotic union of the whole population was necessary to repulse the enemy. It was on the morning of the 26th October, 1813, Salaberry, commander-in-chief of the troops on that memorable day, presented his forces as a living rampart against the American invasion and won the glorious victory of Chateauguay. With 300 or 400 brave men, after a free fight of four hours' duration, he routed General Hampton and 7,000 United States soldiers. The fidelity and the courage of Canadians for the second time saved the colony and secured Canada to the empire for ever. In the presence of these undeniable historical facts, corroborated by all the English authors, is there an intelligent and sincere man who will say that England cannot count on the loyalty and devotion of the Canadian people to the utmost ?

The first paragraph of the speech from the Throne congratulates parliament on the new era of prosperity which reigns from the Atlantic to the Pacific. You know better than I do, hon. gentlemen, that Canada for the last three years has been striding forward with the pace of a giant in the path of progress. The development of our mineral resources is the marvel of the world. The icy regions of the Klondike and the Yukon, rival in richness the gold and silver mines of that land of eternal spring—British Columbia. Thanks to the enlightened and progressive administration of the Department of Agriculture, the products of the Canadian farm, which Providence has bountifully lavished upon us, are placed on the markets of Europe to-day in all their freshness and meet with success the competition of similar products coming from much nearer countries. The consul at Liverpool of the great republic, our neighbour, in an official report addressed to his government, admits that the effective and practical aid furnished by the Minister of Agriculture to the farmers of Canada, gives the Canadian products an immense advantage on the English market. The lumber trade, which was depressed for a number of years and which has been for a long time, with agriculture, one of the most fruitful sources of wealth to this country, has taken a new lease of life. The price of timber limits has doubled within a short time, and even those which had been considered of little use for years have acquired to-day a great value, for they serve now to supply the immense establishments where they make pulp, with which we shall soon supply the world. Near one of these establishments, as under the magic wand of a good fairy, the town of Grand Mère sprang up from the virgin forest with a population of 3,000 souls. What shall I say of the Falls of Shawenigan and of their marvellous development ? But time does not permit me to dwell upon them and I must pass on rapidly. New industries are born every day. Old industries double the capacity of their machines, increasing their factories and demanding of the people to furnish them the necessary hands. The artisans are all working full or overtime. All find remunerative work, bringing them happiness and ease in their humble homes.

Providence has dowered Canada with the finest commercial artery in the world. From the head of ocean navigation to the sources of the St. Lawrence at the extreme western end of Lake Superior, we have 1,400 miles of navigation, interrupted in some places by insurmountable cataracts. Without cultivation, the most fertile soil will yield nothing. Thus the work of man must second the work of the Creator and overcome the obstructions which God in his wisdom has placed on that incomparable route to prevent the too easy flow of the waters of the great lakes. In the course of a great number of years Canada has expended enormous sums to improve the St. Lawrence route. As the weakness of one link in a chain is the measure of its entire strength, so one shallow place is sufficient to interrupt the navigation of a great river. The Soulanges Canal had not yet been constructed. When the present administration took office a most important problem presented itself for consideration to the commercial world. The railways had attained such a high degree of perfection, the facilities for transportation had been so beautifully improved, by reducing grades and augmenting the capacity of the cars and the power of the locomotives, that the question was raised whether it might not be as well to abandon the further deepening of the canals

and let the transport of grain go entirely to the railways. The government seriously studied the question, and after a most thorough inquiry on the matter, came to the conclusion, after consultation with engineers, that transport by water was still more advantageous. The rapids between the counties of Beauharnois and Soulanges were the last obstacles to be removed. The works were pushed with a vigour without parallel in the history of public works in this country, and under the able direction of that eminent engineer, Mr. Thomas Munro, the Soulanges Canal was opened last year for navigation. The engineer supplemented the work of nature, and from these inland seas which we call the great lakes, ships drawing fourteen feet of water are able to carry to the shores of the Atlantic the wheat grown on the immense plains of the west. With the deepening of Port Colborne opposite the city of Buffalo, and the carrying out of modern improvements at the port of Montreal, the national port of Canada, not only shall we transport our own Canadian wheat, of which the greater part at present takes the United States route, but we shall secure a large portion of the traffic from the western states. At the present hour, while I am addressing the hon. gentlemen of this Chamber, a syndicate is at work in the port of Montreal which has undertaken to transport as much grain as the total export of that port last year.

Hon. gentlemen of the Senate, I approve entirely of the sending of the Canadian contingents to Africa by the present government. For more than sixty years Canada has enjoyed profound peace. I have searched in vain in the pages of history down to the most recent times without finding in any part of the world another people of four or five millions who wished to develop its resources, which has become wealthy and powerful, without having to pay in money or in men for the protection or defence of its territory. Under the democratic institutions which have been given us, and which England has confirmed to us, we have enjoyed every constitutional liberty. Every creed and nationality has stood on an equal footing and enjoyed equal liberty on Canadian soil. We are all proud of possessing equal rights. We collect our own revenues and the people, at their free will, expend them through their representatives in the House of Commons. The gracious sovereign through whose royal munificence we have received all these benefits has incontestable claims upon our gratitude. So when the hour of danger sounded, when her territory was invaded, in all the provinces of the confederation, hundreds and thousands of men volunteered to sacrifice their lives on the battle field of Africa in defence of the empire. In the presence of that grand manifestation of patriotism the course of the government was plainly traced. Ignoring for the moment the letter of the constitution, and listening only to the voice of gratitude and the dictates of the heart, the ministry entered upon a new policy without assembling the representatives of the people and spent the public money anticipating the approval of the Commons. I do not believe, hon. gentlemen, that the government will be condemned for that action by Her Majesty's loyal Canadian subjects. In addition to these two contingents, the High Commissioner of Canada in London, Lord Strathcona, with the munificence of which he has given proofs on so many occasions in Canada—witness his donation of nearly a million dollars to the Royal Victoria Hospital and his endowment of over two millions to McGill University—has undertaken at his own expense to equip a contingent of five hundred men furnishing them with arms and mounts complete. He is sending them to South Africa in steamships expressly fitted for that purpose, transforming them into veritable military transports. I hope that the government of this country, with the entire population, on the approaching return of Lord Strathcona to Canada will testify to him by an immense demonstration their appreciation of his generosity, which surpasses aught that has ever been done in the United Kingdom by any one citizen whether noble or plebeian. The ministers themselves have paid their tribute in blood, and the sons of three of them are now facing the enemy on the soil of South Africa. The only son of the Speaker of this House, Col. Oscar Pelletier, parting from his wife and children, bidding adieu to the banks of the St. Lawrence, confiding to the care of his country all that is most dear to him in the world, is now opposing his breast to the

fire of the enemy in defence of the British flag. Let us pray God, the God of battles, that he will protect our sons and our brothers, and return them to their homes covered with glory after having aided in achieving victory for the British arms on the soil of Africa, restored the sovereignty of the Queen in the Transvaal and hoisted the British flag triumphant over Pretoria. I have the honour to move the adoption of the address in reply to the speech from the Throne.

Hon. Mr. BURPEE—In rising to second the motion of the hon. gentleman who has preceded me, I think I can claim consideration in any remarks that I may make, as I am a new member of the Senate, and I know that the policy of this honourable body is to always extend a certain consideration to new members. I have not the pleasure of understanding the language in which the hon. mover has addressed the House. I am sorry that my education is deficient in that respect. I have no doubt that he has dealt with the important measures that are foreshadowed in the speech in a very exhaustive and able manner, and if I could interpret all that he has said, I have no doubt I would be inclined to let well enough alone, and resume my seat after having seconded the address. But, hon. gentlemen, if you will bear with me for a short time, I will allude to some of the important measures that are foreshadowed in the speech from the Throne. The first paragraph refers to the prosperity of this country as evidenced by its increased importation and exportation. I need not dwell upon the fact that this Dominion of ours is enjoying a high degree of prosperity. That cannot be disputed when we see by the papers that the volume of trade has increased eighty-two and a half million, in round numbers, for the last three years, making for each year, an average of twenty-seven and a half millions. This certainly is a gratifying statement, and proves conclusively that the Dominion is in a very prosperous condition. Not only is that so, but it is a fact that within the last six months of the fiscal year our volume of trade amounted to two hundred and three million dollars. The trade returns of corresponding six months of previous year was only one hundred and seventy-seven millions dollars, being an increase of twenty-six million dollars. The subject that is commanding most attention in this country at this time is the unfortunate war which Great Britain is now waging against the Orange Free State and the Transvaal. Great Britain no doubt has been driven into this war against her inclination. The fact is that the misgovernment of the Transvaal, and the manner in which the Boer government has persecuted the Uitlanders of all creeds and nationalities, is a grievance which could not be overlooked in view of the number of British subjects residing in that country. She remonstrated and negotiations were carried on with a view to ameliorating or lessening the grievances of the Uitlanders, but they all failed. Instead of meeting the British government in a proper spirit, the negotiations culminated in the Boer government sending the British government an impertinent demand to at once cease sending troops and munitions of war into her own colonies. Hardly had the negotiations terminated, when the Boer armies invaded British territory, compelling the British government to take up arms in defence of her own colonies and to redress the grievances of her subjects and others in the Transvaal, and in the interest of good government and fair dealing with all classes and all denominations in the South African Republic. It is with pride that we recall the prompt manner in which the government and people of Canada volunteered to take up arms in defence of their Queen and empire. From one end of the country to the other, a spirit of loyalty prevailed in every household, and the people came forward nobly with men and means to assist the Imperial government in their struggle for right, for justice and good government.

I believe that before many decades it will be demonstrated that the Boers are now fighting against their own material interest. I believe that they will be subdued and that they will be given a constitution similar to ours as soon as they are capable and willing to accept and carry it out. I believe they will be given such a degree of self government as will enable them to become greater and more influential in the world than they are now. The fact is, if they had a government such as ours, capital and emigration

would flow in there, and the country would develop by leaps and bounds. The government of Canada is the freest and best in the world. In testimony of this I will just for a moment revert to an incident which occurred in the year 1865, when a gentleman from Montreal, who was a public man with large experience in different countries and under different governments—I refer to the Hon. D'Arcy McGee—gave a lecture in the city of St. John at the Mechanics' Institute on the subject of Irish affairs. In the course of that lecture he told his hearers that he had lived in Ireland, that he was born in Ireland, and that he had great sympathy for his native land, that he believed they had grievances, some of which he recited. He had lived in England a number of years, and he understood the government of England pretty well. He then said he had lived in the United States some four or five years, and as a journalist he understood pretty well the system of government there. He had lived in Canada a few years, and he said 'gentlemen, when in Ireland I was called an Irish rebel. Under similar circumstances I would be so again, but in Canada I claim to be as good and loyal a British subject as there is in the Dominion, and for the reason that we have the freest constitution and best governed country in the world.' I think that goes to show why we are happy in our government. We are free under the rule of Great Britain, and we are proud to belong to an empire on which the sun never sets, and which is able to defend herself and her subjects no matter what part of the world they are in. I wish to mention briefly some of the other measures alluded to in the address. Reference is made in the speech from the Throne to the trade relations of the country, and to preferential trade with England, and it is gratifying to note that the trade with England has been increasing for the last two years at least. In the year 1898 it increased three millions under the twelve and a half per cent reduction of tariff. In the following year, with twenty-five per cent reduction of tariff, it increased four and a half million dollars; so that it is increasing from year to year. I think that is something to be commended. The agriculture of the Dominion is alluded to. The government and the Minister of Agriculture deserve credit for the manner in which they have facilitated the export of agricultural products by providing cheap and expeditious transportation and cold storage, which preserves many of the articles in a proper state for sale in England. The address also refers to the necessity for proper inspection. That is a matter which should be looked after very sharply because it is a fact, as stated by the journals of the day, that a large quantity of inferior United States goods are put upon the market in England as Canadian goods. This should be checked. The reduction in postage rates is a great boon to the people, and I am pleased to see that it is expected that the loss caused by the reduction of one cent on letters and other postal matters, will be overcome by the extra amount of postage which will be received. With regard to another subject, the expansion of our markets to the West Indies and to South America, it is important that we should take every advantages of markets outside the Dominion for our surplus products. And it is a fact that we are in a great measure excluded from the markets of our neighbours to the south by a very high and restrictive tariff, The nearest market outside of the United States is the English market, and of course being the second nearest to us, would be the second best, and if we cannot obtain fair trade relations with the United States, we must look elsewhere. I hope the government will be successful in its effort to secure freer trade relations with the West Indies and South America. Another matter to which I will allude which perhaps is not strictly included in any of the subjects mentioned in the speech, is the fact that in the United States the press and a number of the public men advocate a high tariff, a Chinese commercial wall in order that they may drive Canada into their arms. In view of the operation of the preferential tariff, and the ebullition of loyalty which has aroused Canada from one end to the other, the United States will no longer entertain the idea that they can, by any high tariff, or by excluding our commodities from their markets drive us into annexation, their restrictive legislation has had the very opposite effect. If we cannot obtain fair reciprocal trade relations with

other countries, Canada is quite able to paddle her own canoe. Then I may say that the immigration in the North-west is very gratifying. It is said that fifty thousand immigrants entered that country last year, and that fifteen thousand which number came from the United States which is an advance over any previous year. There is just one other point with which I will trouble this honourable House to-day, and that is with reference to the expansion of our trade by the opening up of our canals, the extension of our railways and the facilities given for cheap transportation to the seaports of the Dominion. We have in the province of New Brunswick, in St. John, expended a large amount of money in facilitating the exportation of western goods to England. We are prepared to do a large amount of that export trade, and I do hope that hereafter, as is indicated in the speech from the Throne, a larger proportion of western trade will be exported through our own Canadian seaports.

NEW SENATORS.

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

Hon. ROBERT WATSON, of Portage la Prairie, Man., *vice* Hon. John Sutherland, deceased.

Hon. FINLAY M. YOUNG, of Killarney, Man., *vice* Hon. C. A. Boulton, deceased.

THE ADDRESS.

Hon. Sir MACKENZIE BOWELL resumed the debate. He said : I may be permitted to congratulate the House on the acquisition to its debating talent, after having listened to the hon. gentleman who moved the address in answer to the speech from the Throne. I frankly admit that my knowledge of the French language is not such as to fully appreciate his remarks, but from what I could glean from them, they breathe that spirit of patriotism and loyalty to the Crown which I am quite sure actuated his ancestors, and I am glad to know that they are the views of a vast majority of the people of this country, irrespective of their nationality. I had the pleasure for a good many years of sitting opposite my friend (Hon. Mr. Burpee), who is well on in years like myself, in the House of Commons, and I could not help smiling when he asked the indulgence of the House for a young member. True he is a young member in the Senate, but like myself he is rather an old experienced legislator. He had, with myself, the honour, for such I may deem it, of occupying a seat in the House of Commons for a number of years, and it has always been my pleasure to be on the opposite side from him. We have smiled at each other occasionally across the floor, and I hope for many years to come we may be able to occupy similar positions. Before dealing with the subjects mentioned in the address, I should like to ask the leader of the government why the Senate has not been treated with the same courtesy which was extended to the House of Commons in the matter of the correspondence between the Imperial government and this government, and all other correspondence relating to the sending of the contingents from Canada to South Africa. Those of us who have had a little experience in parliamentary practice were rather amused, if not surprised, at the little, shall I say dodge—perhaps that would be unparliamentary—but the little by-play between the Premier and the gentleman who resigned his seat in the House of Commons in protestation of the course pursued by the Premier in asking for the enrolment of 1,000 volunteers to send to the Transvaal without calling parliament together. When the motion was put for the debate on the address, the right hon. gentleman, the leader of the lower House, turned around, indicating that there was an understanding between these two gentlemen, who agree so admirably upon the course which he had pursued, to ask for an adjournment. The adjournment was asked for, and he condescendingly consented to give it. During my 30 years of parliamentary experience, I have no recollection of ever having witnessed a scene of that kind, or seen a course of that character pursued. I have often heard the leader of the opposition demand from the government of the day the production of certain papers before proceeding with the address. But I never yet saw my old and venerated leader, Sir John Macdonald, accede to such a proposition, the constitutional practice and principle being that on all occasions the address from the Governor should be

answered before any documents are laid on the table, for two reasons: first, courtesy to the Crown, and, second, as an indication of the approval of the representatives of the people of the government of the day. That is the position he took, and I repeat that he always refused to accede to any request of the kind. Perhaps this precedent, to which some members of the government object very strongly, may be looked forward to in the future as a guide to what we should have, or what we may demand before we proceed with the consideration of the speech from the Throne. Let me again ask the leader of the House, why, if it were deemed advisable and expedient to postpone the consideration of the address from Thursday until the following Monday, in order that this correspondence should be placed in the hands of the members of the House of Commons, that that same courtesy has not been extended to us. If that correspondence was necessary to debate the address and consider it intelligently, in the House of Commons, is it not equally important that it should be supplied to this House in order that we might know how to discuss a matter involving such momentous consequences? It may possibly be that the government think that the Senate is not of sufficient importance, or even that it is not an integral part of the government of this country. They may be of the same impression as the Minister of Public Works, who said, in a speech recently delivered in Montreal, that while there are very able and talented men in the House of Commons, a large proportion of the senators are not worth the rope that would be sufficient to hang them. Or they may think that we are in the position in which Sir Richard Cartwright, the Minister of Trade and Commerce, placed us in his speech in the city of Toronto: When asked the question, 'What about the Senate'? he said, 'We will leave the Senate to Providence to get rid of that incubus.' My hon. friend beside me (Hon. Mr. Ferguson) suggests that even that is better than the hangman. However, judging from the youthful appearance of some of those who have been admitted to seats in the Senate to-day, I am of the impression that it will be a long time before Providence removes them from the Upper Chamber. To withhold necessary information is an indignity to this House. We should have been treated as the House of Commons has been treated, and if we should be led astray in debating the question, the error may be attributed to the fact that we have not been supplied with necessary information. I leave it to the senators to judge whether the demand which I have made is relevant or improper under the circumstances. The hon. gentleman who moved the address spoke in eloquent terms of the loyalty of the people of Canada to the Crown, and of the progress which the country is making. He informed us of the great benefits which the farmers had derived from the information furnished them by the Minister of Agriculture, which he considered a means of opening up the markets of Europe for the products of our farms. Well, I am not prepared to say that the advance in our trade with the mother country has not been the result of that policy, but it is amusing to those who know something of the past to hear hon. gentlemen attribute all that benefit to the action of the present Minister of Agriculture. He has not taken one single step which was not first inaugurated by the late government. I commend him for the course that he has pursued. The policy which was laid down for cold storage, the opening up of the markets of Europe and furnishing information which would help the people of this country, has been followed up by the present government, but it was inaugurated and was being carried out to its fullest extent by the late government. In that particular to the trade of this country, I say absolutely and de facto that they did not depart and have not yet deviated to any great extent from the policy of the late government as regards the protection given the country, by Sir Leonard Tilley as long ago as 1869, up to the present time. My hon. friend opposite spoke about preferential trade and said that under it trade has increased. So it has, but the trade of the country under the policy that has been adopted, which is termed preferential trade, has increased to a much larger extent between the United States and this country than between England and Canada. And more than that, when hon. gentlemen speak of the reduction

of the tariff, if hon. gentlemen look at the tariff as it stands to-day and compare it with the tariff as it existed prior to their advent to office, and make the calculation, after the reduction in the tariff including the free and dutiable goods, with all the preferential tariffs given to free trade countries, you will find that it amounts to the enormous sum of about one seventieth of one hundred per cent. You may go further: instead of being a free trade policy, which my venerable friend in front of me was always very fond of, hon. gentlemen will find that some of the articles even under the preferential tariff are higher to-day than they were under the old protective tariff. Hon. gentlemen may say that that is a bold statement, but I ask them to take the tariff of twenty-five per cent under the old Act, and add the ten per cent, which they did prior to the reduction of twenty-five per cent, and they will find that we have a twenty-six and a quarter per cent tariff, or 1¼ per cent more under the preferential clause and ten per cent more under the general clause of the new tariff than under the old arrangement. Is it any wonder, under such circumstances, that our various manufactures are increasing and are prosperous to-day? I venture the assertion, and I say it with full deliberation, that if the pledges made by the members of the present government to the people of this country had been carried out in their entirety, the same prosperous conditions would not exist to-day. I see before me two or three hon. friends from the North-west and Manitoba who complained of the ruinous protection given to the manufacturers of agricultural implements, which they contended was weighing down the energies of the farmer. Did the present government take off any duties which would affect the manufacturing interest that existed in this country upon these particular articles? It is true that they reduced some specific duties and made them ad valorem. It is quite true also that they reduced the duties upon some of the minor articles, such as spades and that kind of thing, but they did not reduce the duties upon those articles which cost the most and which was represented to the farmers as being ruinous to them—I mean the duty upon reapers, treshing machines, &c. Take the agricultural implements manufactured to-day, threshers and reapers; they were twenty per cent under the reduction which was made by the late government. That duty has not been lowered. I will tell hon. gentlemen what they did, as every hon. gentleman who is listening to me knows. They gave a stronger grade of protection to the manufacturer by leaving the duty as it was and reducing the duty upon the raw material out of which an article was made. They encouraged the manufacturer by increasing the protection, so that if he was a robber before he must be a superlative robber now. He is taking more out of the farmers of the North-west at the present time than was taken out of them by that protective tariff, when Sir Richard Cartwright said that the manufacturers were 'robbers great and robbers small.' My hon. friend suggests that there are some articles which they did put upon the free list. They put barbed wire on the free list; it is dearer to-day than when it had the duty on. They put binder twine on the free list; and by the manipulations of the government with their friends the contractors, when they sold the binder twine to them at about four and a half cents, I think it was, or at any rate at a very small rate per pound, and refused to let the country know, when they were asked in this House and in the House of Commons the rate at which they had disposed of it to these favoured contractors. They refused to give it the information, and why? Because they said it would interfere with their trade and their selling it to the farmers at such a remunerative rate as they were entitled to under the circumstances. That was the reason given. They sold to the farmers in the North-west at a price ranging from ten to thirteen cents per pound. That is one of the effects of free trade.

Hon. Mr. PERLEY—Seventeen cents now.

Hon. Sir MACKENZIE BOWELL—There may be a reson for that. The reason given by the hon. Minister of Justice in this House may have some force, but it had no force then. When I pointed out that fact to the Senate last session, I was told the increased price had been caused by the war in the Philippine Islands, that the manila which was imported from that part of the world and out of which the binder twine was

made, had risen so enormously that these people had to sell at a higher rate. That story and that explanation might do for those who knew no better. We all know that the manila out of which the binder twine was manufactured was imported into Canada before the war in the Philippine Islands took place, and could not by any means have affected the price of the raw material out of which the binder twine was made. Since that time there has been a war, and the industry of that country has fallen off to a very great extent, and there may be a reason this year why it is higher than it was last year, but that reason did not exist at the time this explanation was given, and consequently the government enabled the favoured contractors to put a large amount of money—from sixty to a hundred thousands dollars of actual profit it is said—in their own pockets at the expense of those down-trodden farmers of whom we heard so much before these gentlemen came into power. I must admit, and I congratulate my hon. friend opposite on the fact, that the roasting, if I may use that expression, which the leader of the government got last year for the manner in which they disposed of binder twine manufactured in the penitentiary, has led him to adopt another plan this year, namely, advertising throughout the whole country for applications to be made for the purchase of the output of the penitentiary. That is the course that should be pursued upon all occasions, and when the twine is sold there is no reason why this country should not know the price obtained for it. This is a question which I might continue to discuss and elaborate for hours, but I shall confine myself more particularly to some other portions of the address which is before me. I must express my great gratification at the ultimate decision come to by the government in reference to the Transvaal difficulty, but if any precedent for the course that has been pursued can be found in history, I should be very glad to have this Senate informed of it by the hon. gentleman who leads this House, the hon. Minister of Justice, who is a recognized authority on historical questions. In the first place when hostilities broke out, the leader of the opposition in the Commons addressed the Prime Minister of this country and pledged his party to support the government if they would take steps to render assistance to the mother country. Instead of meeting that offer in a proper spirit, the proposition having been made by the leader of the opposition in a patriotic manner, in a manner that should receive the commendation of every loyal subject in this country, he was snubbed, and I do think that I am not using too strong language when I say that the Premier's reply to him was not of that dignified character which should characterize the utterances of the Prime Minister of this country. Without telling him what he thought he could not do, he volunteered the expression that he was not to be expected to be more loyal than the Queen herself. I cannot possibly conceive why an answer of that kind should have been given. Then we find, immediately afterwards, the Premier, we have reason to believe, seeking an interview with the reporter of a leading ministerial journal giving his views as to why he should not act upon the suggestion which had been made by Sir Charles Tupper, and he tells him that he had studied the militia law—he had looked through its provisions, and that they had no power whatever to send people out of the country, and that they had no authority other than that which could be given by parliament to expend money for any such purpose. The constitutional point raised by the Premier at the time no one would dispute in theory, but there are periods in the history of all countries when the government, and particularly a responsible government, take upon themselves the responsibility of acting, trusting to the good sense and loyalty of the people's representatives in the parliament to pass either an Act of Indemnity or to sustain the government in the course which they had taken. Then we find them some little time afterwards, after a despatch had been received from the Imperial government, authorizing the enrolment of 1,000 volunteers. Upon that, one of his most intimate friends, personally and politically, resigned his position in the House of Commons in condemnation of the course which the Liberal government had pursued. We find another gentleman, the representative of Laprairie (Mr. Monet) declaring that he was opposed to the enrol-

ment. I have an extract from his speech under my hand—that he was opposed to the enrolment of any volunteers. He was opposed to the expenditure of one cent in aid of England in her difficulty, or to cement—I think that is the word he used—the union which exists between the two countries. Then we find, in addition to that, the Minister of Public Works taking strong objection to the sending of this contingent and boasting upon the platform at public meetings that he had taken good care it should not be made a precedent in the future. Whether the first contingent is to be considered a precedent, followed by the other two, I must leave to others better acquainted with the English language than I am to decide. Then we had that unique exhibition the other day in the House of Commons of seeing a gentleman introduced after his election to a seat in the House of Commons between the Minister of Public Works and a gentleman who had declared his opposition to the expenditure of one dollar to aid England in her difficulties. Why the gentleman resigned his position in the House of Commons in condemnation of the course which the government had pursued, for which the Minister of Public Works was just as responsible under our system as the Premier himself, introduced into the House of Commons by that gentleman and another gentleman who threatened to resign, and declared in the strongest possible language his condemnation of the course which the government had pursued? Yet he takes this gentleman by the arm and walks with him into the House of Commons and introduces him, which implies that he was in accord with their sentiment and their policy. It was an exhibition of gross hypocrisy which I trust will never be repeated in this country. Now, what is our position at this moment? I have outlined the course which has been pursued by the government of the day. Does Canada stand to-day in an enviable position as compared with the other colonies? Is it not a humiliating fact that no step was taken by the first colony of Great Britain in the direction of aiding the mother country in the present difficulty until all the other colonies had telegraphed to the Home government their wilingness to render assistance. Although the government did not deem the Senate of sufficient importance to lay the correspondence before us, treating us in this manner as in others, with disrespect, there is an Imperial document which was printed and laid before the Imperial parliament which I hold in my hands, and which gives us the information which gentlemen opposite took precious good care to withhold from us.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. Minister of Justice says hear, hear. Has he laid it before us, or does he deem it unnecessary that the House should have it when they deem necessary to adjourn the other House for two or three days, contrary to all precedent and usage, in order that the gentlemen who had been protesting against their actions might have those documents in their hands. That may be their idea of right and wrong. It is not my idea of what this House deserves at their hands or at the hands of any government. I find on referring to these documents correspondence relating to the sending of the contingent to South Africa, printed by command and laid on the table of the House of Commons in England, the following facts: Queensland made its first offer on July 11, 1899. Victoria followed on July 12. Even the little Malay States offered a certain contingent on July 17. Lagos made its offer by telegraph on July 18, New South Wales made its offer on July 21. Hong Kong—not a large contingent, I admit, but for the size of the island it was important, offered 300 equipped men for service in the Transvaal. That was on September 21. New Zealand followed in the same line on the 22nd. West Australia's offer was made on October 5. Tasmania's offer was on October 9. South Australia's offer was on October 13 and this Canada of ours came in afterwards on October 14; not, mark you, until the document which I am about to read was received by the government of this country. So you can easily understand the declarations at different public meetings by the Minister of Public Works, that they had made no offer to send any men from this country, and I ask the Senate, those who have not had the privilege of reading this paper to mark well the language which is used by Mr. Chamberlain. The Hon.

Mr. Chamberlain wrote to the Governor General, the Earl of Minto, and it was sent at 5.15 p.m., October 3, 1899, this telegram—bear in mind—bears date October 3, and also bear in mind, when I am reading it, the reference that I made to the interview with the *Globe* which was on October 4, the day after the telegram was despatched from England to Lord Minto. The Colonial Secretary telegraphs as follows:

Secretary of State for War and Commander-in-Chief desire to express high appreciation of signal exhibition of patriotic spirit of people of Canada shown by offers to serve in South Africa, and to furnish following information to assist organization of force offered into units suitable for military requirements. Firstly, units should consist of about 125 men ; secondly, may be infantry, mounted infantry, or cavalry ; in view of numbers already available infantry most, cavalry least serviceable ; thirdly, all should be armed with ·303 rifles or carbines, which can be supplied by Imperial government if necessary ; fourthly, all must provide own equipment, and mounted troops own horses ; fifthly, not more than one captain and three subalterns each unit. Whole force may be commanded by officer not higher than major. In considering numbers which can be employed, Secretary of State for War guided by nature of offers, by desire that each colony should be fairly represented, and limits necessary if force is to be fully utilized by available staff as integral portion of Imperial forces; would gladly accept four units. Conditions as follows :—Troops to be disembarked at port of landing, South Africa, fully equipped at cost of Colonial government or volunteers. From date of embarkation Imperial government will provide pay at Imperial rates, supplies, and ammunition, and will defray expenses of transport back to Canada, and pay wound pensions and compassionate allowances at Imperial rates. Troops to embark not later than 31st October, proceeding direct to Cape Town for orders. Inform accordingly all who have offered to raise volunteers.

Now, that despatch shows this, in as clear language as it is possible to be, that the government of Canada never made any offer to the Imperial authorities to assist them in the present war, because the Colonial Secretary asks the Governor General to express high appreciation of the signal exhibition of patriotic spirit of the people of Canada shown by offers to serve in South Africa, and to furnish the following information to assist the organization of the forces offered into units suitable for military requirements. Now, that was sent on October 3. The Premier gave expression to his own view that there was no law, or authority to enable the government to do it, on the 4th of the same month; but after the indignation which had been exhibited from one end of the Dominion to the other at the inaction of the government of the day in not following the example set them by the different colonies all over the empire, they attempted to act, and, as Sir Wilfrid Laurier said in his speech at Sherbrooke the other day—I am not using the exact words—the feeling of the country was such that they yielded to it, and they permitted the enrolling and organization of 1,000 men to assist in the defence of their own country, because Canada is an integral part of the British empire and a blow struck at the Crown or institutions of England is a blow at Canada just as much as it is at England, Ireland or Scotland. I was delighted to hear the expressions of opinion from the hon. gentleman who moved this address, showing that he holds the same view that I express on this question, and that he could speak for his own people, those with whom he is best acquainted, that they hold similar views. I believe the sentiments expressed by Mr. Préfontaine, the mayor of Montreal, is the view of his countrymen of all classes, that they enjoy in Canada to-day greater liberties in religion and institutions than they would if they had remained under the French crown. That is the spirit which I hope to see prevail in this country. It has been in the past a common thing to say that Canada has no history. But the history of the empire is the history of Canada, and the man who is born in the motherland, whether in England, Ireland or Scotland, coming to this country, is only moving from one part of that great empire to another. He does not surrender one iota of the rights and privileges he enjoyed at home. I am English-born. My father brought me to this country, but he never surrendered one title of the rights he enjoyed in England, when he came to this country, and my son, although born of a Canadian mother, and born in Canada, has all the rights and privileges of a British subject that I have, though I happened to be born in England, and that is the spirit, I hold, which should actuate every Canadian, whether of French, English, or any other extraction. I regretted to see the expression made use of by the Premier of this country, in one of his speeches, that he could not expect the French Canadians to hold the same sentimental ideas that Eng-

glishmen held. Why not? Is not my hon. friend who spoke to-day, as much of a British subject as my son, who happens to be of English and Dutch extraction? You may as well say that if England was in difficulty with Denmark, that I who sprung from the Danes when they invaded Britain, should not be interested! Suppose difficulties should arise between Britain and Denmark, why should I say my sympathies are not with my native country because I am descended from the Danes? It is not the spirit which should actuate any man, and more particularly a public man who controls the destinies of the country at a serious period in our history. It will be interesting to read his order in council which was passed, and of which, no doubt, my hon. friend opposite could let us know the secret history—but he cannot do that because of the oath of office he has taken—but I should have liked very much to have been behind the scenes and heard the discussions between the different ministers and the Minister of Public Works on this question of precedent and what should be done. Take this order in council which was passed on the report of the Prime Minister, and you will come to the conclusion that, like some other portions of the address now before us, would lead one to suppose that there is a good deal of truth in what Talleyrand said, that language is given to hide men's thoughts. Here is this order in council.

The Committee of the Privy Council have under consideration a despatch dated 3rd October, 1899, from the Right Hon. Mr. Chamberlain.

That is the despatch which I read a few moments ago, giving information to those who had volunteered to serve in South Africa. The order in council continues:

The Right Hon. Sir Wilfrid Laurier, to whom the said despatch was referred, observes that the Colonial Secretary, in answer to the offers which have been sent to him from different parts of Canada expressing the willingness and anxiety of Canadians to serve Her Majesty's government in the war which for a long time has been threatening with the Transvaal Republic and which, unfortunately, has actually commenced, enunciates the conditions under which such offers may be accepted by the Imperial authorities. Those conditions may be practically summed up in the statement that a certain number of volunteers by units of 125 men, with a few officers, will be accepted to serve in the British army now operating in South Africa, the moment they reach the coast, provided the expenses of their equipment and transportation to South Africa, are defrayed either by themselves or by the colonial government.

The Prime Minister, in view of the well-known desire of a great many Canadians, who are ready to take service under such conditions, is of opinion that the moderate expenditure which would thus be involved for the equipment and transportation of such volunteers may readily be undertaken by the government of Canada without summoning parliament, especially as such an expenditure under such circumstances cannot be regarded as a departure from the well-known principles of constitutional government and colonial practice, nor construed as a precedent for future action.

Already, under similar conditions, New Zealand has sent two companies, Queensland is about to send 250 men, and West Australia and Tasmania are sending 125 men each.

The Prime Minister, therefore, recommends that out of the stores now available in the Militia Department, the government undertake to equip a certain number of volunteers, not to exceed 1,000 men, and to provide for their transportation from this country to South Africa, and that the Minister of Militia make all necessary arrangements to the above effect.

The committee advise that Your Excellency be moved to forward a certified copy of this minute to the Right Hon. the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

Hon. Mr. FERGUSON—What is the date of that?

Hon. Mr. MILLS—October 5.

Hon. Sir MACKENZIE BOWELL—No, October 14, some eleven or twelve days after the receipt of the despatch. Now, compare that language with the language of the Prime Minister which is quoted by Mr. Bourassa in his letter to the Prime Minister, and see how the one contradicts the other. On October 4, the day after the receipt of the Colonial Secretary's despatch the right hon. Premier of this country had an interview with the *Globe* reporter, and this is the language which he used:

There exists a great deal of misconception in the country regarding the powers of the government in the present case, said Sir Wilfrid Laurier, as I understand the Militia Act, and I may say that I have given it some study of late—our volunteers are enrolled to be used in the defence of the Dominion. They are Canadian troops to be used to fight for Canada's defence. Perhaps the most widespread misapprehension is that they cannot be sent out of Canada. To my mind it is clear that cases might arise when they might be sent to a foreign land to fight. Spain has or had a navy and that navy might be got ready to assail Canada as part of the empire. Sometimes the best methods of defending one's self is to attack, and in that case Canadian soldiers might certainly be sent to Spain, and it is quite certain that they might be so despatched to the Iberian Peninsula. The case of the South African Republic is not analogous.

That is because the South African Republic has no navy. It will puzzle, I think, some of us to understand this reasoning and this kind of logic. He proceeds :

There is no menace to Canada, and although we may be willing to contribute troops, I do not see how we can do so. Then, again, how could we do so, without parliament granting us the money. We simply could not do anything. In other words, we should have to summon parliament. The government of Canada is restricted in its power. It is responsible to parliament, and it can do very little without the permission of parliament. There is no doubt as to the attitude of the government on all questions that mean menace to British interests, but in this present case, our limitations are very clearly defined, and so it is that we have not offered a Canadian contingent to the home authorities. The Militia Department duly transmitted individual offers to the Imperial government and the reply from the war office, as published in Saturday's 'Globe,' shows their attitude on the question. As to Canada furnishing a contingent the Government has not discussed the question.

Hon. gentlemen will remember precisely what I said, that this interview was after the receipt of that despatch from the Colonial Office.

Hon. Mr. MILLS—By His Excellency. As I understand that interview which my hon. friend had, professed to be on the 4th. The despatch was at five o'clock on the 3rd.

Hon. Sir MACKENZIE BOWELL—Precisely what I said.

Hon. Mr. MILLS—My hon. friend goes further and says what he does not know, that the despatch was in the hands of the Prime Minister.

Hon. Sir MACKENZIE BOWELL—I do not say that, as I do not know whether it was or not.

Hon. Mr. MILLS—I understood the hon. gentleman to say so.

Hon. Sir MACKENZIE BOWELL—I said his interview was on the 4th and the despatch was sent on the 3rd, and I say further without any reflection upon the Governor General, that when I was in the government, an important despatch of that kind being received by the Governor General would have been immediately sent to the Prime Minister of the country, and I cannot conceive it possible that any head of the government of this country would withhold from the Prime Minister a despatch of that importance, and I draw the inference from that, that the Premier must have known the contents of that despatch, because he says it was published, and therefore he must have known it. He says distinctly 'As conveyed in the despatch which has been published;' which is clear evidence that he knew what he was talking about. I will not say that it is a quibble on the part of my hon. friend, because I do not think it would be courteous to say so; but I say it is an endeavour to evade the real point at issue, and which I do not think at all necessary under the circumstances. He says further :

As to Canada furnishing a contingent, the government has not discussed the question for the reasons I have stated, reasons which I think must be easily understood by every one who understands the constitution and laws on the question. The statement of the 'Military Gazette' published this morning——

What statement was that, I should like to know other than that to which I have referred, the official telegram which I have read, which was sent to Lord Minto.

Far from possessing any foundation in fact, it is wholly original.

Then we find the hon. gentleman after making that positive declaration as to the constitutional practice and the powers which he possesed in this report to the council on October 14, stating that it is a case in which the government might encroach on the constitutional practice and usage. With that I am fully in accord. It is very often the case that under constitutional government these things must occur, and they would be justified, because he was told by the leader of the opposition in the House of Commons that he would receive no condemnation, but on the contrary would receive the support of every one who was following him in any course that he might pursue in reason. Then the next statement is pertinent to the point I am now discussing. He says :

A Bill will be submitted for your approval, making provision for the cost of equipping and paying the Canadian contingent.

What does that mean ? Does it mean the transport to South Africa alone, or does it mean that the government are prepared to introduce a Bill to pay the whole expenditure of that contingent ? Let me express the hope that the latter interpretation is the one which should be given to it.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Perhaps the Minister of Justice or the hon. Secretary of State will give that information when he rises to reply. I can assure the House from my knowledge of the feeling of the people in this country that they occupy a position to-day such as they did not occupy twenty or thirty years ago. They consider themselves as much a part of the British Empire as the men who live in Great Britain itself, and having received the protection of that empire since our existence they are prepared to put their hands in their pockets and pay the full expenditure attending that contingent, and I only hope that the government may change their minds and that they may set a precedent and ask parliament to pay every cent in connection with that contingent and their maintenance during the war.

Hon. Mr. MILLS—And the proportion of the arms, equipment and expenses attending the campaign?

Hon. Sir MACKENZIE BOWELL—Everything attending it. I go the full length, I put myself in the position of a son defending his own father's fireside, and that son is not worthy of the parent if he is not prepared at any moment to assist in defending his father not only with physical force, but with every means at his disposal. I went as far as I deemed it advisable when I seconded the motion at the last session of parliament moved by the hon. Minister of Justice, in which this House unanimously expressed its approval of the policy of Great Britain in protecting the civil and religious rights of British subjects and foreigners in the Transvaal. At that time I used this language:

> While it is not our province in this Chamber to even suggest an appropriation of money or the raising of money to assist in carrying on a war, should a war unfortunately occur, we can at least say that any appropriation that will be asked for by the Commons, no matter who might be in power at the time, would be readily voted by the Senate for that purpose.

I am still of that opinion, and I hope that as the government changed its opinion in reference to sending the contingent, that they may also change their opinion upon this question of expenditure. I know that it has been said by the Minister of Public Works in defence of the course which he has pursued, that Sir John Macdonald never offered to send any contingent to assist Great Britain in her difficulties. My answer to that is that no necessity existed in the past similar to the one that exists to-day.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. ALLAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend the Minister of Justice says 'Hear, hear!' Is there any comparison between the position Canada occupies towards the British Crown at the present time and the position it occupied at the time of confederation? At that time we were looked upon as mere colonists and treated as such. We had not the status, which we have to-day in the British Empire. And even, had it been required at that time it would have been given just as readily as at present. The Minister of Public Works went further, and stated that Sir John Macdonald always looked with suspicion on the question of Imperial federation because it might involve Canada in the wars which might take place between England and some foreign power. Let me read one little extract from Sir John Macdonald's speech in the confederation debates, and it will show that he saw in the future what was coming, and that he prophesied exactly what has taken place to-day, and instead of holding the opinion that the Minister of Public Works has attributed to him, he held precisely the contrary view. Speaking of the growth and strength to the empire by the federation of the different provinces that then existed, Sir John Macdonald pointed out that through the influences of the provinces we would become one of the strong arms of the empire. He said:

> It will be year by year less a case of dependence on our part and of overruling protection on the part of the mother country, and more a case of healthy and cordial alliance. Instead of looking on as a merely dependent colony, England will have in us a friendly nation to stand by her in North America in peace as in war. The people of Australia will be such another nation, and England will have this advantage if her colonies progress under the new colonial system, as I believe they will, that though at war with all the rest of the world, she will be able to look to the nations in alliance with her and owing allegiance to the same sovereign who will assist in enabling her again to meet the whole world in arms as she has done before.

Does that sound like the utterance of a statesman who was opposed to rendering aid to the mother country in her difficul-

ties ? He realized what might take place. The cementing together of the different colonies was to form the strong arm of the empire in a time of need, and he goes so far as to say that when the empire is at war with all the other nations, Canada, Australia, and the confederated provinces in different parts of the world, which owed their allegiance to the Crown, would be ready to assist the mother country in any difficulty in which she might be found. I have read that to the House in order that it may be brought again to the minds of the senators, and in reply to the charge which has been made against that hon. gentleman. I could go on to show that the present Premier in the debates which took place not many years ago, when the late D'Alton McCarthy was advocating the principle of Imperial federation, that Sir Wilfrid Laurier, then in opposition, denounced the theory of Imperial federation, and gave as a reason why he was opposed to it, that the time might come when Canada would be called upon to enter into the wars in which England was constantly engaged. Do we see that unity of action—not only unity of action but that unity of sentiment and of opinion prevailing in the present government to which I referred a moment ago as to the sending of contingents that should exist ? The Minister of Public Works, upon a number of occasions—and only the other day in Toronto, declared strongly in favour of Imperial federation—that he hoped the time would come when Canadian representatives would be found sitting at Westminster, and that they would then have something to say in the management of Imperial affairs. The Premier said, and I have not heard or read an utterance from him in which he has departed from that sentiment, that he is totally opposed to Imperial federation for the reason which I have given. This question is one on which I have occupied a considerable time, but there is much more I could say on the subject but defer it. There are one or two other things in this address which require consideration. Those who have had something to do with, and have some little recollection of the votes of the past are not a little surprised at the statements which have been made in reference to the carrying trade of this country. Let any one read the speeches made by the premier and those who form his government—I except my hon. friend opposite (Hon. Mr. Mills) because I have not seen any utterance of his of the character to which I have referred—and one would readily think that this government had inaugurated and carried out the canal system of the country, and this address indicates the very same idea, because it goes on to point out what 'my' government (of course the Governor did not write this) has done in opening up waterways to develop the trade of the Great West. And Sir Wilfrid, a short time ago in Toronto, spoke of the immense amount of money that had been expended by the government. My government has done this, and my government has done that in order to develop the great resources of this country, is the contant cry. A reference to the Public Accounts will show that before these gentlemen had the responsibility of office upon their shoulders, and before they arrogated to themselves the formation of this contingent as well as the canals and waterways, you will find that the late government—that is the government of Sir John Macdonald, immediately after confederation, the government which followed it under the Hon. Alex. Mackenzie, and for 17 years afterwards, had very nearly completed these canals, when the present government took charge of them. They now claim for themselves the credit of all that was done by their predecessors. The Sault Ste. Marie Canal was suggested and carried out and completed and paid for to the extent of $3,448,961 before the advent of these gentlemen to office. It is true they spent $222,056 afterwards in order to round it up and to thoroughly complete it. It is not necessary I should inform this House why that expenditure was made. Up to 1896 the government had expended on the Welland Canal $24,158,786. The present government have expended in the completion of the Welland Canal system $59,368 and for which they claim the credit of making the canal fourteen feet deep. The Murray Canal had cost $1,278,700, and that was completed before these gentlemen came into office. The Cornwall Canal had had $6,037,936 expended on it up to 1896, and the present government in order to complete it, up to the time these figures could be reached had spent half a million dollars.

On the Williamsburg Canal there had been expended up to 1896 $4,257,911 before these gentlemen came into office. The Soulanges Canal was begun in 1892, yet the credit for it was taken by my hon. friend for this government. The change was made from Beauharnois to the north side and the Soulanges Canal was commenced, contracts were let and it was under construction and had over two and a quarter millions of money spent on it before these gentlemen came into power; but because they completed the work which had been commenced before they came into office they claim all the credit for it. The Lachine Canal is in the same position. On that canal up to 1896 there had been expended $10,361,271 before these gentlemen came into power. So with the harbour of Montreal, the late government assumed the debt of that harbour; that is, the portion below the harbour proper. The Harbour Commissioners were relieved of the expenditure. We have also in the speech a congratulation on the administration of the Post Office Department. Look at the Public Accounts. They say that the government have reduced the postage and have carried on the service satisfactorily. They took the total receipts and expenditures as an evidence of that fact. You will find that the expenditure in the Post Office Department is greater now than it was under the late government, but the receipts have run up owing to the influx of people into the country and the increased amount of correspondence. They claim credit for the reduction of the deficit as a magnificent example of their administrative policy. Had the receipts continued as they were, the deficit caused by increased expenditure would have been greater than it was under the late government. As to the increase of settlers I shall leave that for the gentlemen from the West to discuss. Whether the settlers they have received there, to a great extent a pauper element, is the character of immigration that country requires—whether it is advisable that such an element should be brought into this country at the public expense, is for the people to consider. I know when I was in the late government we had constant complaints—condemnation after condemnation from all the industrial associations

of the country—from the opposition in particular against the introduction of what was termed 'pauper immigrants' into this country. This government has brought in thousands of them and to that is attributable greatly the increase of population in the North-west. I congratulate the country on the prevailing prosperity, but I deny that it is the policy of this government that has produced it. It is the policy that was in force before they came into power and which is continued to-day that is the cause of that prosperity, and I repeat what I stated at the beginning of my remarks, that had the government carried out their promises as indicated in their pre-election campaign, this country instead of being prosperous to-day would be worse off than it ever was. In the latter clause of this address we have an intimation that:

> Measures will be introduced to renew and amend the existing banking laws, to regulate the rate of interest payable upon judgments recovered in courts of law, etc.

These are points on which honourable gentlemen know it is absolutely necessary that legislation should take place, because the charters of all the banks expire this year. What the law is to be to regulate the rate of interest payable to creditors, I do not know nor did the mover or seconder of the address inform the House whether we are to have another usury law or not we are left in the dark. If it is simply to be a measure to regulate the rate of interest to be paid after judgment, it will be no improvement on what exists at the present. If one obtains a judgment at present, it bears 6 per cent interest if I am correctly informed. Any lawyer in the Senate will know whether that statement is correct or not. We are also promised a law to provide for the taking of the next decennial census and also for the better arrangement of the electoral districts. That is, next year we are to have the census taken upon which, under the constitution, the government of the day will be obliged to readjust the representation of the provinces; but these gentlemen propose, in the face of the taking of the census, within a few months—it cannot be a great while for it must be done next year—to readjust the constituencies, in order, I suppose, to affect the elections which must take place prior to the readjustment of the representation. Whether parliament will

pass a law of that kind will be known in the future. This is a point to which I shall call the attention of the House at a very early date and will ask for the papers submitted to these eminent lawyers in England when the question was asked as to the power of the Senate to deal with a question of this kind. We have the reports from the London papers stating what did take place. When I asked the question last year, my hon. friend opposite was unable to tell me because he said he did not know. It did not pass through his department. Whether he has allowed himself to be again treated in that cavalier way by a non-member of the government, the Solicitor General, since that period I am not in a position to state. That rests with himself, but I do say this, that if a case was submitted to any lawyer, eminent or not, particularly in Great Britain, it should have emanated from the office of the Minister of Justice in this country, and I am quite satisfied that the Minister of Justice would to save his own reputation, have put the question fairly and properly before these gentlemen when asking their opinion. If the opinion was asked as is indicated by the telegrams which have been sent from England to this country, then the question submitted to the eminent legal authorities to whom I have referred—I say it advisedly—is not in accordance with the facts, and consequently the opinion given under such circumstances is of no value and should have no force in this country. However, that is a point I shall refer to in the future, when I ask for the papers, and I have no doubt my hon. friend will be then in a position to tell us what was done in the matter and to give us a copy of the question asked of Mr. Blake and Mr. Russell and other gentlemen whose opinions were read in this House during the last session. I repeat, before I sit down, my congratulations to the government for having changed their opinions on the matter of the contingents, on the question of setting a precedent. Just as much and as freely and as honestly do I congratulate them on having changed their opinion, or if they have not changed their opinion, on having acted in direct contravention to the promises they made the electors in 1896, by continuing the policy of the late government almost in its entirety, under which this country has prospered and is prospering. Unless they do what they have promised to do, cut down the protective policy that prosperity will continue. Let them go on in the footsteps of their predecessors and the country will prosper, but I am not prepared to admit as Mr. Paterson, the Minister of Customs, claimed in Winnipeg a short time ago, that if they are carrying out the policy of the late government so far as protection is concerned why not leave them to do it. Men who profess one thing, and do the opposite in order to retain office, are not fit to govern. Those who inaugurated the policy should take charge of it and administer the affairs of the country in the manner in which it was administered for 18 years, and prosperity will continue.

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

Hon. Mr. SCOTT—I should like to make an explanation to my hon. friend opposite with reference to the papers which were not laid on the table. My hon. friend has a considerable advantage over us. We did not have them. I only saw them on Saturday, and they were at once sent to the printing bureau, and the printer promised faithfully to have them in time for the sitting to-day. When the hon. gentleman made reference to it I went out and telephoned to ascertain why they had not been on the table. It appears they were sent to the Privy Council for the proofs to be corrected and were detained there, to my great annoyance. Otherwise hon. members would have had the papers on the table of the House this afternoon. They were ordered to be printed the moment they got them.

Hon. Mr. McCALLUM—Will they be on the table to-morrow ?

Hon. Mr. SCOTT—Yes. They were promised faithfully to be here at five o'clock to-day.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend refer to the document I have been quoting from ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—This has been in the Library for a long time. I sent to the Library and inquired for it.

Hon. Mr. SCOTT—These documents come to the Library; they do not come to us. The moment I saw this document I ordered five hundred copies to be printed, and we shall have them on the table to-morrow.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, Feb. 6, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE BUBONIC PLAGUE.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Call the attention of the Government to the immediate necessity for steps being taken to ascertain whether it is necessary for the preservation of health, that persons of Japanese birth, and the products of Japan, should be excluded from the Dominion of Canada, until such time as the infected ports of Japan shall be declared free of the bubonic plague.

He said: I have to ask the House to accept this short notice on account of the importance of the question to which the motion refers. It is quite possible the government have already taken steps in this very important matter. We know that in India for a long time this bubonic plague has been raging and has been spreading to Japan and the Sandwich Islands. With these countries we have communication continually. There are about four steamers of different lines coming into British Columbia ports, one steamer, or perhaps two steamers, arriving each week. These steamers carry products with them such as silks, cotton and fabrics of that kind, and fruit, and no one can tell how these products are put up, or whether they are put up by infected persons or in infected houses. Take oranges: how are they to be disinfected at the quarantine station? It is an impossibility. These oranges are eaten largely by the people of this country, and the skins of the oranges might contain the germs of the plague; and so with silks and other fabrics. I thought it my duty to call the attention of the government to this very serious matter. If that plague once found its way into this country, we would probably never get rid of it again. It would be a very drastic measure, of course, to stop the importation of all kinds of products from Japan and to stop immigration; but it would be far better to do that and to take every precaution than to have the plague coming into the country. I think that the government should at once, if they have not done so already, get their most expert quarantine men to look into this matter and see what can be done. I am of the opinion that silks and fabrics of that kind, and fruit cannot be properly disinfected.

Hon. Mr. MILLS—My attention has not been called to this matter except by the paragraphs in the newspapers. I did not receive the impression that the bubonic plague prevailed in Japan to any extent. It has been, of course, a prevalent disease in India for the last two or three years, but I have not learned that it existed in Japan. I will make inquiries. This matter, of course, is under the jurisdiction of the Minister of Agriculture and he, no doubt, would direct his attention to it if he became aware that it prevailed in that country. I will make inquiry of him and let my hon. friend know whether any action will be taken, or whether, in fact, the plague prevails to such an extent as to warrant the government taking action.

THE ADDRESS.

DEBATE CONTINUED.

The order of the day being called—

Resuming the debate on the consideration of His Excellency the Governor General's Speech on the opening of the Fifth Session of the Eighth Parliament.

Hon. Mr. MILLS said: It is my duty, in the first instance, to congratulate the mover and seconder of the Address in reply to the Speech from the Throne on their very interesting and instructive speeches. It is my duty also to congratulate my hon. friend who made this motion on the patriotic and eloquent remarks which he addressed to the House upon the subject of the war in South Africa. My hon. friend by his speech has done not a little to show that although there may be different nationalities in Canada, there is but one sentiment

with regard to the integrity of the Empire. I might say that, in my opinion, the present occasion is, in many respects, a great occasion. There are periods in our history in which the public sentiment of the country undergoes a sudden transformation. It moves on for a series of years in conformity with the new departure until some further step in national progress becomes necessary and forces itself upon the attention of the community. There can be little doubt in the minds of thoughtful Canadians that since the year of the diamond jubilee, since a large number of persons from all parts of the empire were congregated together in London, the empire has taken a new departure—that old things are passing away and that a new phase of Imperial life is presenting itself to the community for its consideration. The times, under these circumstances, demand from the people a feeling of patriotic devotion, and it seems to me, hon. gentlemen, that my hon. friend opposite in criticising the policy of the administration and the conduct of the government in respect to some important matters to which I shall refer later, did not fully appreciate the present position of affairs. Instead of taking a broad and patriotic view of the situation, my hon. friend took a very strong party view and one which seemed to me, however suitable it might have been a few years ago, was out of keeping with the present condition of affairs. My hon. friend also complained of want of courtesy to this House in the conduct of the administration, not specially with reference to anything that had been done generally, but with respect to some incidents or events that transpired in the other House of which we are not supposed to take cognizance here. My hon. friend said that a motion had been made for papers in the House of Commons before the reply to the Speech from the Throne had been adopted. He also questioned the right of the hon. member to make the motion. He said that the adjournment had been promised in the midst of a debate which, in his opinion, was irregular, and the remark was that it had been done before the speech was answered. Now let me call the attention of the House to the rule in this matter. In the first place, upon the assembling of parliament in any session, a report of the judges, if there have been controverted elections, is presented usually before the speech from the Throne is answered. If the Clerk of the Crown in Chancery has received reports of returns of elections that have transpired since the close of the previous session, it is his duty to submit them to parliament, and they are presented before the speech from the Throne is answered. Then it is the invariable practice in both Houses to introduce a bill and move that it be read the first time, and that is done for the purpose of vindicating the right of each House to independent authority in respect to all business that comes before them. There is seldom more than one bill presented pro forma, but when hon. gentlemen consider the reason for taking that step they will see that the assertion of a right, which is intended by the submission of a bill of that kind, is one without limitation, and it would be in the power of the House to take into consideration any matter which was urgent—any matter which was important, even though the speech from the Throne had not been answered. Now, let me call the attention of hon. gentlemen to the practice in England in this regard. It is sometimes the practice in England to put questions before there is an answer to the speech from the Throne, and these questions are answered by the member of the government having charge of the matter to which the question relates. It is the practice sometimes to move an address for papers precisely as was done in the case of which the hon. gentleman complains, and very often motions are made for papers, and those papers are sometimes brought down before the answer to the speech is concluded. When the debate is prolonged upon the speech from the Throne, public bills have been introduced and discussed on a motion for leave before the address has been agreed to. Hon. gentlemen will remember that in the session of 1882, there was a discussion on Mr. Bradlaugh's taking of the oath at the bar of the House. That discussion was interrupted. The proceedings on the debate in answer to the speech from the Throne were suspended, and a division took place. There was a division upon the motion made in that case, although the debate on the address had not

been concluded. Mr. Gladstone, also, on that occasion presented resolutions to the House before the speech had been answered. There was further, a discussion on the arrest of Mr. Parnell and others The correspondence on the subject of that arrest was produced, and there was also a motion and discussion on Mr. Errington's mission to the Vatican. Now, all these proceedings in a single session show that the hon. gentleman opposite was entirely mistaken when he made the statements that he did in respect to the motion of the hon. member in the other House for certain papers. Then, my hon. friend in discussing that subject complained that the motion was irregular. The proceeding, if I correctly remember what he said, was unprecedented. and yet, my hon. friend said that the government were guilty of discourtesy because we did not bring down those papers which were called for in the other House, which my hon. friend said ought not to have been moved for. If he was correct in his first position, then it would have been improper to have brought down those papers or laid them on the table until the speech from the Throne was answered. But my hon. friend beside me told the hon. leader of the opposition why these papers were not submitted, not because we agreed with his view that the submission of these documents before the speech from the Throne had been answered would have been irregular, but because they had not been printed with the expedition that we desired. My hon. friend complained that a member of the House of Commons, a supporter of the administration, had resigned because a contingent had been sent to Africa, and that he had been again elected and was still a supporter of the administration. I need not here enter into a discussion of what the views of that hon. gentleman are. I may call the attention of the House to that later on in this discussion. I may say this, however, that many members no doubt are of opinion that before we assume the responsibilities of contributing in a military way towards the maintenance of the empire, the relation between Canada and the mother country in this regard ought to be settled—that our rights in that regard ought to be known, and these may have been the views of the hon. member to whom my hon. friend referred. I might say this, however, that this in my opinion is an academic view. I think the course taken was the right, proper and constitutional course, and I shall not say anything further on that subject at this moment. Then my hon. friend referred to the progress of agriculture. He admitted that the country had progressed. that the farmers were more prosperous than they had been a few years ago, but the hon. gentleman says that this is not due to the government. There may be a difference of opinion on that subject. It may not be wholly due to the government. The government do not bring the rain or cultivate the soil, but if the government furnish the facilities for transportation— if they open up wider markets than previously existed, they hold out a motive for greater industry—they create stronger hopes, and the products of industry are increased in proportion. But, I remember the time when my hon. friend maintained that everything was due to the administration. My hon. friend was on this side of the House ; he was then a member of the administration and although for a number of years the hon. leader of the Opposition claimed that great progress had been made in the country,—that the industrial resources had been rapidly developed—that all those improvements that had taken place were due to the wisdom and statesmanship of the administration, yet my hon. friend after a time found that the country was stationary. There was no increase in the population. The natural increase was neutralized by expatriations from the country. And that census showed a diminution in the value of real estate in every portion of the country. Let me say that there has been a change. My hon. friend does not deny that there is a change, that that change is for the better, that the people are more hopeful, that the immigration into the country is very much larger than formerly, and that property, instead of diminishing, is increasing in value. Then my hon. friend referred to the manufacture of binder-twine. I may say to the hon. gentleman that I am not going to detain the House by a discussion of the subject, as a more fitting opportunity will occur hereafter. The hon. gentleman said that I was roasted last year on the subject, and that the roasting I got had induced me to

adopt a different policy this year, one more in conformity with the public interest. I do not think that in this House, it was a subject of discussion. It was a subject of discussion in the Commons.

Hon. Sir MACKENZIE BOWELL—Oh !

Hon. Mr. MILLS—At all events not in my presence. Let me say further that the government had not granted favours. We advertised for tenders. Our advertisements were circulated in every part of the country. We accepted the highest tender, and when hon. gentlemen compare those prices and the names of the firms which sold in different parts of the country, it will be found that we obtained a fair price. We do not go into the manufacture of this twine for the purpose of underselling other manufactures. We do not go into the manufacture for the purpose of ruining or bankrupting those who are engaged in similar pursuits. We engage in the business for the purpose of giving employment to the convicts we find in our penitentiaries, and to enable us to sustain them there with as little burden to the public as possible. We seek to make the convict population, as far as possible, self-sustaining, and when we manufacture only about one-seventh of the binder-twine that is consumed in Canada, it is easy to see that we could not undertake to sell at extremely low or unprofitable rates, without doing very serious injury to the manufacturers of the other six-sevenths of the twine consumed by the farming population. My hon. friend said he did not know what was meant by that paragraph in the speech relating to interest on judgments. Let me say that the rate of interest has fallen very greatly within the last ten or fifteen years. Six per cent is a very high rate now. It is beyond the market value of money, and it is not unreasonable to fix on judgments obtained in courts of justice a somewhat more moderate rate than was a fair rate some years ago. Further than that, the Crown at the present time, except in certain special cases, is not called upon to pay interest upon its judgments, and there are in my opinion, good reasons for putting judgments obtained against the Crown in this regard upon the same footing as judgments obtained against private parties. My hon. friend opposite has spoken about pauper immigration, I may say to the hon. gentleman that I do not know of any pauper immigration. I do not know of any immigration into this country that is a burden upon the great mass of the people of Canada. We have not invited people to come into Canada with a view of making them a charge upon the industry and property of other portions of the community. What people have been invited to come here for is to take possession of the waste lands, the unoccupied territories of the country, which are out of all proportion greater than the territories that are occupied, in order that they may establish for themselves comfortable homes, in order that they may become useful citizens, and may contribute to the commerce and to the revenue of the country. That object is being accomplished. My hon. friend, in using the words 'pauper immigration,' has used two words that will wound a great many thousand people settled in Canada. During the past year we have had an immigration into Manitoba and the North-west Territories alone of about 50,000 people. Those people are not paupers. They may have had but little wealth, but they are industrious. I do not know how the farming population of the North-west would have succeeded in properly caring for their harvests without their aid. They have been contributors to the construction of the railways that are at present in process of being built. They are found to be industrious people, ready to work, and they obtain by their work in the harvest season among the farmers and on the railways the means of supporting their families during the winter season without charge upon any portion of the population. They will be able to begin the next year under favourable circumstances. They are anxious to become Canadians. They have no literature, no devotion to a nationality attaching them elsewhere. They have no disposition to perpetuate the story or history of the country of their origin. Their inclination is to become Canadians as soon as possible. I observed that many of their children, some of whom have not been six months in the country, were able to speak the English language sufficiently well to make themselves intelligible. Can any one doubt that they will, in a remarkably short time, become Canadians,

that they will speak English or French, or whatever language may be spoken in the part of the country in which they settle? English, no doubt, will be the language in the North-west Territories, for it is the language of the population, and their children will have the same interest in the country as those who are of Canadian birth. I say that the settlement of these people in the country is of immense consequence to us. I saw it stated in the papers of the North-west Territories,—and I have no doubt that it is a correct statement—that during the past autumn there have been 400,000 more acres turned over with the plough than in the previous year. That will represent this year a yield of 12,000,000 bushels of grain in addition to the crop of last year, if it should be an average yield. Does any man doubt that it is of immense consequence to those farmers who are engaged in this work to have aid of the population coming into the country? They can mutually benefit each other. It will contribute to the commerce of the country. It contributes to make the railways a profitable investment to those who have put their moneys into them, and it will contribute to the revenues of the country, and I say that it is of very great importance to the country that this immigration should not be impeded, hindered or discouraged. There were a few men in the North-west Territories who for a time spoke against the immigration of the Galicians, the Doukhobors and others. What was their business? They were ranchers. They did not want the country occupied near them. It interfered with their ranching operations. It was their interest that the country should remain unsettled, as it was unsettled under the jurisdiction of the Hudson's Bay Company before we went there at all. But that is not our interest, and I say it is of immense consequence to us, now that our opportunity has come for filling up the country, that we should, in every possible way, encourage its settlement. The United States, between the years 1830 and 1860 had an immense immigration from the continent of Europe and from the British islands of persons who were poor, many of them absolutely penniless, who had nothing except their inclination to labour to bring to the country, and they became a prosperous people. Their descendants to-

day are as thoroughly American as any other portion of the population. They are devoted to the cultivation of the soil, and numerous states in the valley of the Mississippi became settled and occupied during those thirty years that have enormously contributed to the prosperity of the republic. Now, our opportunity has come, we have such a territory now for settlement for an agricultural population as they had during the period that I have mentioned, and it would be indeed a great misfortune, a calamity to this country, if we did anything to turn away that tide of immigration, to misrepresent the population and discourage men who are industrious and anxious to work and to acquire a knowledge of our language and to become like ourselves. To discourage those people by describing them as paupers, or using any other phrase that is calculated to turn away the tide of immigration from us to the neighbouring republic would indeed be a very great misfortune to this country. Canada has been some time spoken of a species of fishing rod. The provinces are joined to each other by the ends, and they are stretched across the continent, having immense length but little depth. That might fairly represent Canada as it was thirty years ago. That does not represent Canada as it is becoming. Take our territories : begin at the 49th parallel, at the United States boundary, and you will find the settlement extending northward now for several hundred miles. This is no doubt as it should be. That will give us a sufficient depth to make this country perfectly capable of defending itself against any who might be disposed to adopt an aggressive policy towards us. What does our recent investigation show ? That when you cross the height of land north of the lakes and north of the Ottawa and the Saint Lawrence, you get into a fertile region again. We have, it is said by our geologists, both in Ontario and in Quebec, 30,000 square miles in each capable of being settled by an agricultural population. In fact the two provinces may be occupied and settled all the way northward to James Bay. That being so, it is of immense consequence, not merely that steps should be taken to secure a settlement of the North-west Territories, our prairie lands, but even where we have amongst our agricultural

population people without a very great deal of means beyond the farms which they occupy, capable by their industry of living in comparative comfort, we have an opportunity for expansion by giving them lands in the newer districts of the two provinces which I have mentioned, which will enable those provinces to very largely increase their population, increase it perhaps within a comparatively early period to twice their present number of inhabitants. I might refer to the maritime provinces. Take Nova Scotia. That province to-day is having millions of dollars invested in its rich mines. The province of Nova Scotia is taking a new departure for the first time in its history since it entered confederation. There is every prospect that those who have gone abroad for the purpose of obtaining employment from that province during the past quarter of a century will find their way back to Nova Scotia again. The hopes of the people have been awakened. They have confidence in their own future which they did not possess to anything like the same extent a few years ago, and that being so, I say that everywhere the outlook of Canada is better than it has been at any time since confederation, and that the progress which has been made during the past three or four years is greater than it made during four or five times the same number of years previously. I shall not undertake to-day the discussion of the canal improvements to which my hon. friend has referred, and to say to what government belongs most credit for their construction. That is not necessary, more especially as there will be ample opportunities for considering that subject again; but I wish to refer to another subject which is uppermost in the public mind to-day, and that is the support which the government and people of Canada have given to the Imperial authorities in the war that is at present being waged in the Transvaal. I need not remind hon. gentlemen of the discussion which we had on this subject last session. The views which I entertained as to the merits of that question I expressed to the House then. I am not going to repeat them to-day. I think that the British government were entirely in the right, and without the abdication of their position as an empire in South Africa, it was utterly impossible for them to have avoided the conflict which exists. My hon. friend complained that the government was dilatory—that they did not send troops as soon as they ought to have done so—that they did not make the offer to the Imperial government at as early a period as they should have done, and my hon. friend read a despatch of October 13, as if it were of October 14, stating the day on which that despatch was received in London at 8.20 in the morning, and as the corresponding hour here would have been 3 o'clock in the morning, my hon. friend knew right well that the despatch was not sent on the 14th.

Hon. Sir MACKENZIE BOWELL.—What I said was the despatch which was sent to Lord Minto was dated the 3rd of the month at 5.30 p.m., and according to the time which I did not mention at the time, but will now, if it had been sent immediately it would have been here at one o'clock in the afternoon. That is what I said.

Hon. Mr. MILLS—That is what the hon. gentleman said of the despatch of the third, but I am speaking of what the hon. gentleman said of the despatch of the 13th. He read the date of the reception, the 14th. It was sent on the 13th and the receipt was on the 14th, and it was on the 14th at 8.20 in the morning. It is the proposal of the government here to give aid to the British government.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must have misunderstood what I said with reference to the dates. I read the communication from the Colonial Secretary to the Governor General of Canada, and the order in council passed by the Canadian government.

Hon. Mr. MILLS—The hon. gentleman referred to the despatch, and let me refer to the communication on page 19, in which he says:

> Her Majesty the Queen desires to thank the people of her Dominion of Canada for their striking manifestation of loyalty and patriotism in their voluntary offer to send troops to co-operate with Her Majesty's Imperial Forces in maintaining her position and the rights of British subjects in South Africa. She wishes the troops God-speed and a safe return.

Hon. Sir MACKENZIE BOWELL—What date was that?

Hon. Mr. MILLS.—October 24.

Hon. Sir MACKENZIE BOWELL—I have not that. I have the Imperial return here.

Hon. Mr. MILLS—Hon. gentlemen know right well that the expenditure for military, as for other purposes, is under the control of parliament, not under the control of the administration. There were two things that presented themselves to the minds of the administration at the time. One was to call parliament together and obtain its sanction for a proposition to send troops to South Africa. The other was to await such a development of public opinion as would justify them in undertaking to send the contingent, and to send a second contingent, which we did as soon as public opinion was sufficiently expressed. I say we required one or the other as our justification—either the approval of parliament or the general sanction of the political sovereignty of this country from which parliament derives its existence. Now, there was such an expression of opinion in this country as to justify the government in the course which they took. We knew well that the government had no legal authority to propose to send a contingent or propose meeting the expenses of the contingent otherwise than it felt sure that by a bill of indemnity parliament would hold it harmless from all expenditure which might be so incurred, and so we adopted a rule, which had been adopted in emergencies in England, and that is the constitutional rule of seeking the support of public opinion in anticipation of the approval which will be subsequently given by parliament. Now, the hon. gentleman complained that the government of Canada was the eleventh colonial government to agree to send a contingent to South Africa. Look at the facts. In every one of the Australian Colonies, as I remember, the legislature was in session at the time. Their governments had no difficulty. They obtained the sanction of the legislatures, although in one case, I forget at this moment which colony it was, there was a majority of only one in the legislature in favour of sending a contingent at all. The hon. gentleman speaks on this matter as though we had been guilty of something little less than treason because we did not act sooner than public opinion showed that it was ready to sustain us in what we were desirous of doing. Now, let me call the attention of the House to another case—because this is not the first opportunity on which the people and the parliament of Canada have had a chance of going to the assistance of the empire—let me call the attention of the House to what transpired in 1884-5. There were colonies then in Australia offering contingents to the support of the mother country. There were men in Canada, notably General Laurie and Colonel Williams, since deceased, that were ready to undertake to raise regiments for the purpose of giving support to the mother country. What was the position of the prime minister on that occasion ? The hon. gentleman has quoted the opinion of Sir John Macdonald as spoken academically—spoken some years earlier than the period to which I refer. But here was an opportunity to do something of a practical nature. The British government required assistance. They had the active opposition of France in the valley of the Nile. They had the opposition of Russia on the border, in Abyssinia. Some Australian colonies did what they have done now—sent a contingent and the contingent was accepted. What did the hon. gentleman's leader do on that occasion? Sir John Macdonald held to the doctrines that Canada's legislative power extended only to her borders, to the extent of a marine league from the shore—that she had no legal authority to send a soldier out of the country—that that was an Imperial act over which Canada had no jurisdiction, and that while the government were ready to permit the Imperial government to enlist in Canada if it saw proper to do so, the government of Canada were not prepared to expend a dollar on the enterprise. Let me read here a few of the telegrams that passed on that occasion and they will show that the patriotism of the hon. gentleman at that time, when he was in power, and when he had an opportunity of acting was a different type of patriotism from that with which he glows on the present occasion. Let me read a few of these. Lord Derby was the Colonial Secretary at the time, and he says in a communication to Lord Lansdowne :

Downing Street, January 1, 1885.

My Lord,—I communicated to the Secretary of State for War a copy of your despatch of the 25th of November last, with the letter which accompanied it from Major-General Laurie addressed to your Lordship, expressing his desire for military employment in connection with any Canadian force which might be organized for

Imperial service, and I transmit to you herewith a copy of a letter which has been received from the War Office in regard to this application.

I have, &c.,
(Signed) DERBY.

The Marquis of Lansdowne.

And the war office answered that they might avail themselves hereafter of the liberty given them by the Canadian government to enlist troops if it were necessary. Now, the privilege to enlist was as far as the government of Canada at that time went. The War Office addressed the following letter to the Colonial Office :

Central Department,
War Office, February 14, 1885.

Sir,—In reply to your letter of the 13th instant, relative to the offer of the government of New South Wales of two batteries of field artillery and a battalion of infantry for service in the Soudan, I am directed to acquaint you that the Marquis of Hartington considers that this offer should be accepted with much satisfaction, but that it should be understood that the force must be placed absolutely under the orders of the General Officer Commanding as to the duties on which it will be employed.

Now, there was a statement of the acceptance of the offer of New South Wales. Why ? Because New South Wales equipped the men and sent them forward at their own expense to the point of destination, while the Canadian government offered the Imperial government the privilege of enlisting men in Canada. Let me read how the War Office replied, because it is very frank, and it shows the difference in their estimate of the two offers :

War Office, February 16, 1885.

Sir,—I have laid before the Secretary of State for War your letters of the 9th and 13th instant, and in reply I am directed by the Marquis of Hartington to inform you that he highly appreciates the feeling which has prompted the government of the Dominion of Canada to offer facilities for raising a force for Imperial service at this juncture of affairs, but that the time which must necessarily elapse before such a force could be raised, organized and equipped, renders it undesirable to take advantage of the offer at the present time.

The offer of the government of New South Wales, which has been accepted by Her Majesty's government, was to provide an organized force fully equipped and ready for immediate service, and the government of the Dominion will, no doubt, fully appreciate the difference between the two offers as regards the use which could be made of them by Her Majesty's government, and will not, Lord Hartington feels sure, consider that in declining their patriotic offer for the present, any undue preference has been given to the colony of New South Wales.

The colony of New South Wales made an offer such as we have made recently, and it was accepted, and the hon. gentlemen who sit opposite were members of the government which offered to the Imperial government the privilege of enlisting men in Canada for service in South Africa, and that offer was declined. There is a change in the political situation. There is a change in the view which the people of the empire take, and in so far as that change of public sentiment has occurred, I recognize the difference, but, I say to the hon. gentleman that it was as open to him then to undertake the work as it has been open to us now, and it would have been accepted by the Imperial government if the offer had been in proper form then, as is shown by the fact that they accepted the offer of the government of New South Wales. I say, then, it does not rest with my hon. friend opposite to charge the government with dilatoriness or want of patriotism. The hon. gentleman is himself open to that charge in the course which the government of which he was a member pursued ; and what Sir Wilfrid Laurier said in the interview which my hon. friend read yesterday to this House, was said by Sir John Macdonald himself and his colleagues when this very subject was under discussion. Having said this much, I need not pursue the subject further. In my opinion we are having gradually—maybe unsystematically—but we are gradually having developed within the British Empire an Imperial constitution. The British government has not governed the United Kingdom as a domestic parliament, as we govern Canada, and it has in addition to that the power of an Imperial government and an Imperial assembly. That is gradually undergoing a change. Everybody sees that. In 1887, when the Imperial government asked the government of Canada to name a commissioner to settle the difficulties between Canada and the United States, they were giving this country a position in an Imperial commission and an office in the settlement of an Imperial question, and so, recently, when there was an attempt made to settle the difficulties between this country and the United States, the Imperial government named four Canadian commissioners and one nobleman from the United Kingdom, an eminent jurist, to sit as a commission representing Great Britain—no, not Great Britain only, but the British Empire, and so we had a voice in determining a question which

might be one of peace or war. No man in his senses would undertake to frame for the British Empire a constitution and say it should be governed by one or two legislative bodies, or a political body, or what its powers should be. It is only by the voluntary action and good sense and co-operation of the government of the United Kingdom and the governments of the different dependencies that you can gradually develop an Imperial constitution suited to the requirements of an empire such as ours. The Imperial government trust us in these questions, and they trust us for the purpose of settling difficulties of an international character, and we can trust her in determining what is just and fair and right between the British people of South Africa and the people of the Transvaal. She trusted us, we trust her, and this empire is an empire governed by mutual trust and confidence of the people who inhabit its different portions. No doubt, in time, an Imperial constitution will grow up just as the constitution of Great Britain has grown up out of the exigencies of the people and the requirements of the Imperial service, and I have no fault to find with men who perhaps have not reached or do not occupy the same standpoint as we do. My hon. friend ten years ago, or a little more than ten years ago, was not willing to spend a dollar on a matter of this sort. He said you can go up the Nile, but you go voluntarily.

Hon. Mr. McCALLUM—Ten years ago ?

Hon. Mr. MILLS—Fifteen years ago. I am finding no fault, but I am teaching him and his friends a lesson of charity, and I say if there are men in Canada who think that we ought to have an understanding with the Imperial government and ought to have a sort of Imperial constitution, in skeleton form at the outset, I do not quarrel with them. I differ from them. My opinion is that it is not in that way an Imperial constitution will grow up. I think it will be formed out of the exigencies of the situation and the demands of the public interests of the nation. However that may be, this much is perfectly clear, that my hon. friends opposite did not have their patriotism oozing out at their fingers' ends on that occasion as the patriotism seemed to ooze out of my hon. friend here yesterday when he was discussing this subject. I shall not trespass further on the indulgence of the House in reference to this matter. I have brought under the attention of hon. gentlemen the situation. The government are supporting the Imperial government by the contingents that have been sent. The government are anxious to see the Imperial arms—and I am not saying merely those of the United Kingdom, but the arms of the British Empire—triumphant in this contest. We believe that justice will be done and that the people will be treated fairly. We know this, that the Boers in 1881 and the English people who were settled in that country were upon a footing of political equality. We know that every Englishman settling there had a right to vote. We know that that was the condition upon which local self-government was conferred upon them and we know that after the convention of 1884, when they thought they could do so without risk, the Boers disqualified every Englishman in the country who was not there prior to 1881, depriving them of all political rights and putting them in a position of distinct political inferiority. The men so treated were called out to do the fighting ; they were called on to pay the bill ; they were denied the use of their own language in the schools, they were compelled to pay heavy taxes. They were not allowed the ordinary municipal rights which we in many places confer upon men who have not taken the oath of allegiance, and it was impossible that the condition of things that they established could continue without the British government assuming a position of distinct inferiority throughout the whole of South Africa, a position that I apprehend no one desires to see them take. Having said this much, I regret exceedingly that my hon. friend did not take a broader, fairer view of the situation when it was perfectly obvious to my mind that the great mass of the people of Canada are united upon this question. My hon. friend wished to characterize the government as indifferent. If parliament had been in session there would have been a chance for immediate action. When parliament was not in session, then we had a right to expect, and we did not look in vain for such a demand on the part of the people of this country as would justify us in acting out of parliament.

Hon. Mr. FERGUSON—Before proceeding to discuss the questions opened up in the speech from the Throne, allow me to congratulate the new members of this House who have been entrusted with the somewhat delicate task of presenting the programme of the government to this honourable House, on the manner in which the task has been performed. Although the mover of the address spoke in a language with which I am not familiar, yet it was evident that he has a graceful command of his mother tongue; and unless I am much mistaken I predict that the hon. gentleman will, as time passes, give undoubted evidence of his ability to participate in our discussions in the English language. In the case of the seconder, it was to be expected that his long experience in public life would enable him to import much wisdom into the discussion of the questions of the day. In view of the large number of vacancies which have recently occurred in this House, there is much consolation in the reflection that a very considerable voice in the choice of new members must necessarily rest with the hon. Minister of Justice, who is well known to have long established and definite views regarding the qualifications requisite to merit a call to the Senate. Turning to the Commons *Hansard* of 1875, page 405, I find the hon. gentleman using the following words:

> Who are you likely to find composing the second Chamber? Is it the artisan: the agriculturist: the lawyer of good standing? No: You get none of these. You find a few wealthy merchants and retired bankers and defeated politicians and when you go beyond this list you get nothing.

I have not the pleasure of personal acquaintance with any of the gentlemen recently called to this honourable House, but appreciating the scientific loyalty to principle which guides the action of the hon. minister, we may take it for granted that no wealthy merchant, no retired banker, and no defeated politician is found amongst them, and that they are all eminent agriculturists or artisans or lawyers of good standing. I am far from expressing opinions adversely to the fitness for seats in this House of wealthy merchants, retired bankers and defeated politicians. On the other hand, I acknowledge a fellow feeling for a defeated politician, having gone through the mill myself. I merely desire to point out to hon. members the great advantage of having a minister who, we are sure, is guided by so high a standard in choosing members of the Senate. There is another point in which the Minister of Justice has had very well defined views. In 1875, the hon. gentleman said:

> It was said by a gentleman who when appointed to the Senate found himself among gentlemen very much his senior in years, that he expected to be with those who lived two or three generations ago, but to his surprise he found himself with Abraham, Isaac and Jacob when he took his seat in that Chamber.

In view, therefore, of the well known consistency of the Minister of Justice, I hope that when the mover of the address, makes a reconnaissance of the House he will not be guilty of the unpardonable indiscretion of classifying such blooming youngsters as the hon. Minister of Justice and the seconder of the address as representatives, in this House, of the patriarchal dispensation. The same consideration will, I trust, enable the whole of us to divest ourselves of the idea that the voice of the hon. gentleman from Sunbury (Mr. Burpee) has reached us from the place of spirits of departed politicians.

In considering the address with which this session has been opened, for the convenience of discussion it might not be amiss to group these various sections in such a way as would prevent many repetitions, and I find therefore that the first, sixth, seventh, eleventh and thirteenth sections of this speech from the Throne may be described as the prosperity clauses. Papers supporting the government, when speaking of this subject, talk of the Laurier prosperity. I have no doubt that there is a good deal of prosperity within the ranks of the Cabinet, but it is going a little too far to attribute whatever degree there is of prosperity in the country to the premier and name it after the premier of the country. The first of the clauses refers to the remarkable increase of the volume of trade, and the exports and imports. This is a point which has been dwelt on by my hon. friend who seconded the address at some considerable length, and he presented some figures to the House which are certainly a subject of congratulation to the whole of us. There is no question about it that we are in the midst of a season of very general and widespread prosperity, but we are

not going to take the view that a countryman of my own did when his potatoes were destroyed with the ravages of disease. He lamented his losses, but he thanked God that his neighbour's losses were as heavy as his own. So that we are not going to shut of view in connection with this subject the fact that Great Britain and other countries situated as we are at the present moment are also enjoying a season of great prosperity. I might say in passing, that I have myself very strong convictions that the trade of the country has been greatly facilitated from the fact that gentlemen on the other side of the House paid so little attention to their pre-election pledges, and that they allowed wise measures that were instituted by their predecessors to continue in operation and did little to prevent the prosperity of the country under the operation of the National Policy and other measures that were inaugurated by the late government. Then a reference is made to the improvement in ocean transportation. I have no particular fault to find with that, because in the wording of that clause no direct claim is made for the work by the present government. It refers to the improvement in ocean transportation, which assists and facilitates the development of the trade of our country at the present time, and it is followed by the suggestion that a measure with regard to the inspection of products going out of our country will be submitted to parliament during the present session. Then there is another clause that refers to the post offices, and here again the government is in a prophetic mood. The speech assures us that in a very short time the revenues of the post office will show such an ample increase as will make up for any present losses occasioned by the diminished rate of postage. On that subject it may be that the increased prosperity of the country will help the post office, and that these predictions will be fulfilled, but unfortunately we are not in a position to take the assurances of the government, even when they put these assurances in a speech from the Throne, as being something that we can absolutely rely upon, for we remember very well that last year a statement was placed in the mouth of His Excellency to the effect that the exodus of the people of Canada going to the United States had been entirely stopped, that it had ceased, and there is a reference in the same direction even in the present speech. We knew at that time, and every person knew, that there was no foundation of truth in the statement put in the mouth of His Excellency, and it may possibly be that this assurance with regard to the returns from the post office may also be found to be unworthy of very great credence. We must bear in mind that we have had assurances of the same kind with regard to the earnings of the Intercolonial Railway. My hon. friend, the Secretary of State, when we were discussing questions in connection with that railway last year, speaking from his place across the floor of this House, said that there was to be net receipts on the Intercolonial, for the year that was then almost drawing to a close, greater than all the net receipts on the Intercolonial during all the preceding years of its history. I find that the Minister of Agriculture, in speaking on this subject during the recent campaign in Sherbrooke, said that a very good result had been obtained, that the net receipts were between five and six thousand dollars. I have inquired, and I find that the report of the Minister of Railways has not yet been submitted to the public and we are not quite sure even about five or six thousand dollars, notwithstanding the high promises and assurances that were given to this House last year by my hon. friend the Secretary of State, and notwithstanding this election speech of the Minister of Agriculture during the campaign in Sherbrooke. Gentlemen in the government are referring with a good deal of satisfaction to the increased settlement in the North-west. There is no doubt that there is a very considerable accession in numbers, and whether the quality of the incomers as settlers and citizens of this country is of the first order or not, I am not going to discuss very closely. There are serious doubts upon that point—doubts that are specially entertained by the old settlers in the North-west Territories, who my hon. friend the Minister of Justice has said profited by this immigration in the labour that was brought into the country. Nevertheless I know that there is a great deal of dissatisfaction with the class of immigration brought into that country, and as to the

extent of that settlement and the qualification for citizenship in this country possessed by those who are coming, we will leave the future to decide. I am by no means certain that the progress which has been made there will be as advantageous to the country in the end as the accession of other classes of population would be even in less numbers. The speech contains a paragraph with reference to the canals upon which I do not find it necessary to say more than two or three words. It is the self-glorification of this government with regard to the deepening and widening of the great canals. As my hon. friend the leader of the opposition pointed out to the House by the clearest array of figures, against which nothing can be said, which cannot be gainsaid, a vast proportion of that work was done by the late administration, and that the present administration had done very little more than to see after the completion of contracts which were let before they came into office, and at best was merely putting, as it were, the last touch upon plans upon which their predecessors had long and faithfully worked out.

There are three or four sections, as hon. gentlemen will have noticed, in this speech that relate entirely to the war in South Africa. Let me remark, in the first place, that hon. gentlemen in the government appear to have been under a somewhat mistaken impression. They say that during the recess hostilities have unfortunately broken out between Great Britain and the South African Republic. In my innocence I thought that Great Britain was in a state of war with the Orange Free State as well, but Her Majesty's government in Canada appear to realize only the fact that we are at war with the Transvaal alone. I suppose it is possible we have all been in error on this subject, and that the government are right. With regard to that war and the causes which led up to the conflict, it is not necessary that we should discuss them very much on the present occasion. It is enough, as has been stated by some leading public men of Canada, to know that the British Empire is engaged in a very severe struggle in which its prestige is at peril, and that being so, it is our duty to hasten to the defence of the empire; but as intelligent citizens, it is important that we should not allow our people for a moment to lose sight of the great and important fact that this war has not in any respect whatever been forced on the republics of South Africa by the British government. A careful perusal of the documents that have been issued on this question will convince every person that this is not a war that Great Britain has sought, that, on the contrary, every possible care was taken by the government of Great Britain to prevent any legitimate or reasonable cause for war. To my mind, this great struggle—all this expenditure and this loss of blood and whatever humiliation is involved in recent British disasters, and whatever risk or danger there may be at this moment to British prestige—I have no hesitation in saying that all this is due to the surrender in 1881 by Gladstone's government, when they withdrew from their occupation of the Transvaal. They created a deplorable impression in the minds of the Boers that they were able to defeat the British, to such an extent that from that day forward there has been a growing idea in the minds of the Dutch population of South Africa in the direction of overthrowing British power in that part of the world. I have not the slightest doubt that that is the case, and although it may be enough for us to know that our cause is right in this matter and that our country is in peril and without inquiring too much into the cause we know very well the truth that lies in the words of our greatest poet, that he is 'thrice armed who hath his quarrel just.' We know that our quarrel with the South African republic is right, and that fact strengthens the arms of our soldiers and the councils of our country, and will ultimately help to bring victory to the British arms. In 1877, the British government, I think I am right in saying, on the invitation of the people of the Transvaal, sent Sir Theophilus Shepstone into that country. At all events, it was no invasion of that country. He had less than a score of a staff with him on that occasion, and the people received him with acclaim—at all events without any strong expression of dissent. They allowed British arms to be used to protect them against the natives, with whom they were waging an ineffective war. They accepted salaries from the British government, amongst the salaried officers being Kruger himself, and after all this,

when the natives had been subjugated, and when the country was recovering from the condition in which it was found when Sir Theophilus Shepstone entered it, the Boers treacherously, and with the greatest ingratitude, shot down the British soldiers without warning, and when they could not be prepared to properly defend themselves The act was one of the basest ingratitude, and there should have been no retrocession until victory was achieved, and had the protests of Sir Evelyn Wood been acceded to at that time no convention would have been signed until some distinct advantage had been gained by the British arms. I have no hesitation in saying, from an examination of the public documents bearing on this question, that during the whole period from that time down to the present moment, there has been no act of wrong or harshness on the part of the British government. I will even go so far—although my views may not be entirely concurred in—as to say that the Jamieson raid itself, unauthorized as it was by the British government, clumsily executed as it was, was not without justification, for at that time the government of the Transvaal had entered into contracts, and were making arrangements for placing guns on the hills looking down on the town of Johannesburg, which was an act of hostility, and was, in a great measure, the cause which led to the conspiracy, or whatever you may call it, of the Uitlanders, and of the organization of the Jamieson raid. The very fact that the British government found itself, in the month of September last, when that audacious ultimatum was presented to them, in a state of utter unpreparedness for war, will be the answer which history will make to the charge that the British provoked a war in South Africa. All through the correspondence it will be found that Sir Alfred Milner and all others engaged on the British side were intent upon a peaceful solution of the difficulty. They appreciated the fact that the British government could not possibly turn a deaf ear to the petition of 21,000 British inhabitants of the Transvaal, who complained that both in their persons and their property they had been injured and were being wronged. It was possible that the British government could turn a deaf ear to such complaints from their citizens, and they pressed, as the correspondence will show, in a reasonable and amicable way through all the days that were occupied in the Bloemfontein conference, and also in all the correspondence between the two governments, for a peaceful solution of the difficulty between the British government and the South African republic. It is a matter of pleasure and pride to every British subject to know, notwithstanding that the British arms have suffered some deplorable reverses in the field, yet the military traditions of the country, coming down through generations, and the reputation that history has given the British soldier for bravery and endurance in the field, have been honorably maintained. Nothing has occurred to tarnish the glorious reputation of the British soldier in the battles which have already take place, and notwithstanding errors, as we think, on the part of those who are leading them, and on which we have no right just now to express an opinion of condemnation—notwithstanding all this, nothing has transpired to tarnish the glorious reputation that British soldiers and generals enjoy, and we have no doubt that these noble qualities are maintained by them at this time, and will triumph over their opponents in the end. It is a source of great pleasure and pride to the whole of us that the United Kingdom, as well as the colonies, have made a display of power and developed a possession of resources for military operations during this war which, at this moment, is astonishing the world, and that notwithstanding these checks and these disasters that the British forces have met in South Africa there is but one determination in the British Empire, at home and in all the colonies, animating the breasts, I believe, of all of Her Majesty's subjects in every part of the world, that this war should be pressed to a conclusion satisfactory to the British people. While this is the feeling, and while we all—I think I may say all—have the same feeling, or should have the same feeling with regard to loyalty to the Empire, and an earnest desire to assist, I cannot help saying that I think it is a matter of regret that the government of Canada did not move with greater cordiality and alacrity to offer assistance of the British government at this crisis. My hon. friend, the Minister of Justice drew a distinction between our case and that of the Australian colonies—

that at the time the measure of urgency appeared to be required to be taken the parliaments of the Australian colonies were in session. If my observations as to the date is of any value, our parliament was also in session at the time the parliaments of some of the Australian colonies passed those resolutions. It is a fact that the parliament of Canada did not prorogue until August 10, while the action on the part of some of the colonies whose parliaments were then in session was taken before that time. Therefore, this point which the Minister of Justice has raised does not help in the slightest degree the position of the Canadian government in respect to this matter.

Hon. Mr. POWER—I suppose the hon. gentleman called the attention of the government last session to the omission in not making that provision ?

Hon. Mr. FERGUSON—Perhaps my hon. friend thinks I ought to feel about myself as he probably feels about himself, that no attention was called to it because he did not do it. My hon. friend the leader of the opposition called the attention of the government to it, and pointed out, as he read to the House yesterday, the action which he would recommend in the matter, which was to offer assistance.

Hon. Sir MACKENZIE BOWELL—And pay for it.

Hon. Mr. FERGUSON—The government were not without receiving the suggestion. I do my share of talking here, and it is not necessary that the senior member for Halifax or myself should say anything in order to admit that it was said. It stands fully recorded in the blue-books that have been brought down, that are now in our possession, that during all these months, when these difficulties in South Africa were becoming more and more sharp—I speak now for the month of September and up to the early part of October—when almost every other colony in the empire, self-governing as well as crown colonies, had made propositions of assistance—the government of Canada did not move, and I think that the government of Canada was in an excellent position to move—a better position to move than some of the Australian colonies were, because, as my hon. friend has pointed out to this House, in some of the Australian colonies the motion to assist was only carried by very small majorities—in one instance, by a majority of only one, whereas in the Dominion of Canada an expression of sympathy with the Outlanders and support to the government of Great Britain in wrestling with the South African question was unanimously passed by both Houses of Parliament. Notwithstanding all that, one after another of the colonies proffered their assistance. On July 11 Queensland made its offer. On the 26th, New Zealand's and other offers followed.

Hon. Mr. MILLS—There were no hostilities at that time.

Hon. Mr. FERGUSON—Hostilities had not broken out in July, at the date of some of these offers, but there was talk then of hostilities breaking out, and the government of Canada, all this time, did not move, but whatever the government did in the way of putting inself on record was decidedly unfavourable to any action by the government of Canada. My hon. friend shakes his head. I am quite sure he gave no expression himself to weaken the position of Canada in the empire, but his leader did, and a very influential member of the administration, the Minister of Public Works, was going up and down the country giving utterance to the very strongest possible objections and opposition to any assistance being offered by Canada; and in the paper which he publishes, the objections and opposition were being incessantly put forward. I do not suppose it is necessary that I should refer very much in detail to the utterances of these gentlemen, but one utterance of the Premier, and that is the famous interview with the Toronto *Globe*, must certainly not be allowed to pass without some attention. That interview took place on the afternoon of October 3, and appears in the *Globe* on the following day. It was stated in the *Globe* at the time that the correspondent had waited on the premier the afternoon of October 3, and my hon. friend rather insisted, when the leader of the opposition here was speaking, that the premier of the country was not aware at the time he gave that interview to the *Globe* correspondent, of the contents, or had not received the de-

spatch from the British government of the date of October 3, laying down certain rules upon which volunteers would be accepted from Canada. It is possible that this despatch had not reached the premier at the time he made this statement when he was interviewed by the Toronto *Globe*, but the Minister of Public Works addressed a meeting in Toronto only three or four days ago, when he made the announcement that he had seen this despatch cabled in the English papers before it had been received in Canada by the government officially, and he made it a complaint and a point of etiquette between the government of Canada and Mr. Chamberlain that this despatch had been published in the British papers, and had been cabled and brought under the eye of members of the government of Canada in that way before they had received it officially from the British government. It was, therefore, evident, if Mr. Tarte is to be believed—and I suppose we have to believe him, for he is an hon. gentleman—that he, at least, knew of the contents of this despatch of Mr. Joseph Chamberlain before the time the premier gave this interview in the Toronto *Globe*.

Hon. Mr. MILLS—He could not.

Hon. Mr. FERGUSON—Mr. Tarte says he did. This is certain that the premier, if he did not know it in the afternoon of October 3, must have known it not many hours later, for it was transmitted after five o'clock from London, and making allowance for the difference in time, it was in Ottawa early in the afternoon of October 3, and we are very sure the Governor General would be reached by an important despatch of that nature, no matter where he was, as fast as a telegram could be sent to him, and we all know too much about the care and exactness with which British statesmen do their work to believe that he kept that despatch back one moment longer than necessary from his prime minister. Therefore, it is very hard to understand that the prime minister did not have this despatch in his possession when he gave this interview to the Toronto *Globe*. He had a good means of knowing what was in the cable from the newspapers as the Minister of Public Works had. It does not say much for the solidarity of the government that one member of the cabinet would have information of that character which he would keep for a moment from his premier. It is evident that some members of the government, at all events, knew of this despatch before the interview was given to the Toronto *Globe*. It is certain one member of the government knew it, and it is likely it was known to other members of the administration, and yet in the face of that the premier says :

There exists a great deal of misconception in the country regarding the powers of the government in the present case,' said Sir Wilfrid. As I understand the Militia Act, and I may say that I have given it some study of late, our volunteers are enrolled to be used in the defense of the Dominion. They are Canadian troops to be used to fight for Canada's defense. Perhaps the most widespread misapprehension is that they cannot be sent out of Canada. To my mind it is clear that cases might arise when they might be sent to a foreign land to fight. To postulate a case :—Suppose that Spain should declare war upon Great Britain. Spain has, or had, a navy, and that navy might be got ready to assail Canada as part of the empire. Sometimes the best method of defending oneself is to attack, and in that case Canadian soldiers might certainly be sent to Spain, and it is quite certain that they legally might be so dispatched to the Iberian Peninsula. The case of the South African Republic is not analogous. There is no menace to Canada, and, although we may be willing to contribute troops, I do not see how we can do so. Then again, how could we do so, without parliament granting us money ? We simply could not do anything. In other words we should have to summon parliament. The government of Canada is restricted in its powers. It is responsible to parliament and it can do very little without the permision of parliament. There is no doubt as to the attitude of the government on all questions that mean menace to British interests, but in this present case our limitations are very clearly defined. And so it is that we have not offered a Canadian contingent to the Home authorities. The Militia Department duly transmitted individual offers to the Imperial government, and the reply from the War Office as published in Saturday's 'Globe' shows their attiude on the question. As to Canada furnishing a contingent, the government has not discussed the question, for the reasons which I have stated—reasons which I think must be easily understood by every one who understands the constitutional law on the question. The statement in the 'Military Gazette', published this morning, is a pure invention. Far from possessing any foundation, in fact it is wholly imaginative.

Then Mr. Tarte, at St. Vincent de Paul, puts himself on record as follows:—

But in the order in council, which I hold in my hand, and which will be published one of these days, it is said that what we have just done shall not be a precedent.

What I objected to—and I say it again, and I cannot say it often enough—is the creation of a precedent which would have permitted the Secretary of State for the Colonies to-morrow, the day after to-morrow, in a year, two years, to send us a message saying 'I should like some troops.'

But I do not wish that the operation be repeated on the next occasion.

Here was the premier declaring on October 3, that the war was not one in which Canada could be said to be interested—that it might be interested if it were at war with Spain, which had a navy, but as the South African republic had no navy, there appeared to be no cause for our engaging in this war. That was the view taken at that moment. The government also take another view. They say, 'We were not quite sure what public opinion would warrant at that time; we waited until we were sure that public opinion would warrant such a strong step as that involved.' That was the premier's defence, in another place speaking not long since. He said, 'we waited until we could discover what public opinion was, and we would not be justified in acting in advance of what was clearly the public opinion of Canada.' All hon. gentlemen in the government take this ground, but if the premier had waited and had not put himself on record and some of his colleagues had not put themselves on record in a very opposite direction, trying to make public opinion in that direction, there might be something in their contention that the government were waiting for the development of public opinion, but having tried to mould public opinion in the very opposite direction, they are not in a position to set up that defence. ,The action of the premier of Canada reminds me a little of a western orator of whom I have read, who, seeking a public position, undertook to place his views very fully before the parties who had votes in the election forthcoming. After descanting very fully on all the great public questions of the time he said, 'these are my sentiments, I hold them very strongly. They are very dear to me, but if you do not approve of them, I am ready to change them at any time and take up any other set of opinions that you prefer.' Now, that was the position of the premier and some of his colleagues with regard to sending troops to South Africa.

Another minister of the government was still more open mouthed at that moment in exhibiting his hostility and objections to assisting the mother country at that juncture. I refer to the Commissioner of Public Works. I am not going to refer just now to any of the speeches or writings of the hon. gentleman, except the one read. Hon. gentlemen are familiar with them. After the action was taken—and taken as far as some gentlemen were concerned with a very bad grace—the Minister of Public Works went to a meeting at Saint Vincent de Paul and claiming to hold a document in his hand, which at that time as a privy councillor he had no right to take out of the records of the privy council office, and shaking it before the meeting he said: 'It is true we have agreed to send a contingent; we have sent that contingent and we have carefully guarded ourselves so that it shall not be taken as a precedent. It shall not involve this country in any future struggle of this kind. It is finally and carefully guarded in the document itself that it is not to be regarded as a precedent.' The Minister of Public Works evidently thought that he was playing a trump card about this precedent business, but I do not think—even at that time—and certainly not at this moment—that very much importance was attached to his declarations with regard to the precedent matter. And if a full and complete answer to the Minister of Public Works was required, we have it from the Minister of Justice across the floor of the House in the address which he has delivered to-day. He spoke of the way the British constitution had grown, and he said it would be madness for any person to profess to form a constitution for the British Empire on paper and lay it down by rule; that the relation of the colonies to the empire must grow out of cases just like this one with which we have been dealing. That was the view of the Minister of Justice and I agree with him, but if the view propounded by the Minister of Public Works is a correct one, this, the most important incident in the history of this empire, one of the most important incidents in the history, I might say, of the world, the colonies stepping to the front, and offering assistance and taking part in the wars of the empire is to have no significance. I entirely and completely agree with the view presented by the hon. Minister of Justice to this House. It is a most important turning point in the affairs of this empire of ours. Some years ago I was appealed to by some gentlemen in Montreal to take an interest in organizing a branch of the Imperial Federation league in my own province. Although in full sympathy always with the

closer bringing together of the colonies with the empire, for reasons which I then stated I declined to take the initiative in promoting such an organization. One of the reasons was that I was at that time too actively engaged in politics to be the medium of bringing the best men of both sides together for united action on a question of that kind, which ought to be the result of combined action of men of both political parties. I gave another reason, and I remember my words very well—I had thought them over very carefully—and that was that it would be difficult to make great progress with the question of Imperial Federation in a time of peace. But I said in my letter to Mr. McGoun at that time that the first gun that was fired in a great war by Britain would bring the colonies together like the leaves of a closed book. The views I then expressed have been amply verified by what has happened in this present war. There has been a great deal of discussion which I think would have been infinitely better left out, with regard to the attitude of races and so forth towards the empire during this war. I lay the blame for all this discussion at the door of the Minister of Public Works, and to some extent to the Premier of Canada.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. FERGUSON—I say they are entirely to blame for all this unseemly discussion. I believe that when a great question arises affecting the welfare and prestige of this empire of ours, under which we all enjoy equal and glorious liberties, the great heart of the people of Canada, irrespective of race or descent, whether of Norman, Saxon, Celtic, or, like my hon. friend the leader of the opposition, of Scandinavian origin, is of one mind. I believe that is the case, and notwithstanding appearances of differences which have been given to the discussion, it will be found in the end that we are almost entierly of one heart and mind on this question. Speaking of the French Canadian people, who form so very large a part of the population, I know a little of them in my own native province, and I have no hesitation in saying that a more loyal, devoted and true hearted people to the empire under which we live than the French Canadians of Prince Edward Island we do not possess.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. FERGUSON—And when the call was made by the British government for assistance in South Africa, our Acadian friends contributed their quota. There was no question about it, and they sent their full proportion of the men from our province, and I rejoice to know that it is not only in my own province that such a state of feeling exists. I recognize it in the fact that the dear son of the head of this House has gone forward to fight in battle. That is the best recognition of it. We have also an additional evidence of the loyalty and of the enthusiasm of the French race in Canada to the British Crown in addition to all that we have had, and history had given it to us in the past, in the valuable services rendered to the British government in the Soudan, and we have evidence of it again in the departure for South Africa of the son of a distinguished citizen of Montreal. And to the bottom of my heart I deprecate the discussion of this question from the standpoint of race or creed. There are a few general provisions in the address, but on an occasion of this kind, when the mind of almost everybody is fixed upon some one great central question, which dominates our feelings we are apt almost for the time to lose sight of subjects which ordinarily are regarded as of considerable importance. We notice that there is a paragraph in this speech which calls attention to negotiations which are going on with our sister colonies in the West Indies for the enlargement of trade in that direction, and it is also added that some hopes are entertained of the same advantages in the way of enlargement of the trade being obtained with some of the countries of South America. It certainly is a little remarkable in connection with this subject, the mention of negotiations for reciprocal trade or enlarged trade with the West Indies and with South America, that not a word is said about enlarged trade with 'the continent to which we belong' about which we used to hear so much, not a word about reciprocity, not a word about negotiations with the United States about bringing about more full trade relations, which gentlemen opposite regarded as the apple of

their eye in days not long gone by. There are some other sections of the Speech which refer to legislation of last year, and labour troubles and railway commissions which we will discuss when the papers come down. There is no urgency on these subjects. We may also deal with the banking law and rate of interest in the same way. We are promised a measure for taking the census, and almost in the same sentence a measure is promised for the better arrangement of the electoral districts. As the leader of the opposition remarked, it is certainly a most amusing thing to find a government proposing these measures to the same parliament at the same time. They are proposing to pass a law for taking a census next year which involves a readjustment of representation in all the provinces probably. We will certainly have, under the constitution, to take up the question a little more than a year from the present time, and yet they propose to go on and deal with it now in perfect ignorance of what the census may reveal, or without knowledge of the circumstances under which that redistribution will have to be made. It is a ridiculous proposition to propose a general measure—for I presume that is what is meant—for the rearrangement of the constituencies when we are just proceeding to the act of taking a census which calls for a redistribution immediately afterwards. We are also promised a measure on the criminal code. I hope that my hon. friend the Minister of Justice, who bestowed a great deal of labour on this question during the last session of parliament, and who received all the assistance that this House was able to give him in order to make good and satisfactory amendments to the criminal code, will be a little more successful this year, either that he will be a little more active himself and bring the bill down earlier to this House and have it sent to the other House in good time to secure its passage, or that he will have a little more influence with his colleagues in the other branch of parliament so that we will reach the conclusion of the measure and see it passed into law, and that it will not pass away in the slaughter of the innocents as it did last year at the close of the session. While, however, there are a great many subjects referred to in the Address, there are old acquaintances that we miss a reference to. There is no statement about that famous Yukon Railway.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. FERGUSON—That great tramway from Telegraph Creek to Teslin Lake, that great measure in which the destinies of the country hung in suspense two years ago, such an important measure that the government hastened to bring it down—in fact it was brought down—in the other House before we had completed the debate on the address in this Chamber, and it was regarded as of great importance to be carried into law and it was a measure in reference to which the vials of wrath had been poured on this House for not having faithfully carried out the will of the government in regard to it. It is strange that the government have not seen fit to reintroduce it in some shape since that time. We must regard it as an old acquaintance that will return no more. Then there is no allusion in the Speech from the Throne to a measure that was regarded as of very great importance, but which only took the position of the famous sword over the head of Damocles but which did not come down—I refer to the measure of Senate Reform. There is no reference to that unless it is proposed to include it among some other measures that are referred to in a general way. Then there is another very important measure that we have not heard about recently which seems somewhat remarkable. It was introduced in the parliament of 1896 by a very important member of the present administration, I refer to the Postmaster General. We have all heard about Mr. Mulock's bill for the better preservation of the independence of parliament, a bill by which it was proposed to provide that no member of parliament should accept any office of emolument until he had ceased being a member of parliament for twelve months. I have before me a report of the speech made on that occasion by the Postmaster General, which I think should not be lost sight of, and I will read an extract from it to show the great importance he attached to the subject on that occasion. He said:

If the government of the day can dangle public offices before their followers and induce a few and perhaps an increasing number——

He was a bit of a prophet at that time.

—to aspire to those positions they become mere parasites on the administration.....

not only to do that, sir, but moving among their colleagues they become as it were corrupting agencies amongst their own ranks. And so a small percentage of persons in that position are likely to impair the independence of the whole body. So it has become more in my opinion a very crying abuse, and parliament is cast down from its high position and not only is the will of the people interfered with but all through the country the electorate, noticing these things, are coming to the conclusion that the highest aim a man can have in seeking public life is that he may, through parliament, find his way into a comfortable position for life.

This was the view of the Postmaster General when that bill was introduced, and it is worthy of remark, too, that a gentleman then a member of parliament, Mr. Lister, rose in his place very seriously, after Mr. Mulock had made the speech, and said that it was a very great and crying evil and that some measure should be passed to remedy it. It has happened that this same gentleman has fallen a victim to this very evil that he so greatly deplored at that time, and not only he, but twelve or thirteen of his colleagues in this parliament have accepted offices of emolument from the government of the day and from the hands of the Postmaster General, as a member of that government, who regarded these transactions as such very great abominations. It is certainly a matter of surprise that the members of this government, knowing as they do that this evil exists, and, as Mr. Mulock prophesied in 1896, that it is increasing—it is rather remarkable that no promise is made in the Speech from the Throne that the government will bring down a bill in reference to it. As this is the latter end of the administration it would be timely to do so. Day by day they are losing hope, I believe, of coming back again as a government, and if they were not able to correct the transgressions of their own friends, they might have the satisfaction of curing in advance acts of this kind on the part of their successors. Then there is no mention in the Speech from the Throne of commercial union. Who would have thought in the years 1887 and 1888, that it would ever happen that a Liberal government would be in power and bring down a Speech from the Throne and not propose a policy of commercial union with the United States? Then there is nothing about reciprocity. Those of us who were in the contest of 1891 recollect how strongly they regarded that subject. It has not been obtained yet, and is not mentioned in the Speech. There is no reference to free trade in any form or, as they have it in England. It is true my hon. friend the seconder of the address made some references to free trade, but when I heard my hon. friend refer to that subject in this House I was reminded of the story of the Seven Sleepers of Ephesus who had wandered into an unknown and desolate cave not far from the city and after partaking of some curious liquors had fallen asleep in the cave and had not wakened up till a new king had arisen in Ephesus. When I heard the hon. gentleman from Sunbury refer to free trade I thought he was one of the Seven Sleepers. He had come up here with the solemn consciousness that he was still a Liberal of the old school, and being a Liberal of that school, that he was talking of something which was appropriate to the Liberals of the country. All that is past and gone. The name of free trade, like that of the old King of Ephesus, is only appropriate on a tombstone. But apart from all these subjects in this very long Speech, there is one thing to which no reference has been made and it is very hard to understand why it has been omitted. I refer to the Alaskan Boundary. A very great friend of mine, the Minister of Marine and Fisheries, has been engaged nearly all the period since parliament rose in aiding by-elections, in which he was not eminently successful, in Prince Edward Island and in the other provinces as well; besides what little time he could spare from the management and conduct of provincial elections he has been giving very faithful attention to this question of the Alaskan Boundary. It is certainly a remarkable thing that no reference has been made to the result of all these great efforts on the part of the Minister of Marine and Fisheries. I have gone over some subjects in the speech and some not in it, but which certainly the House will be entitled to some explanation on, if not now, later on, as to why they are not mentioned.

Hon. Mr. PERLEY—I notice in the Speech from the Throne a paragraph with reference to immigration into the North-west Territories, a question that concerns the people of that part of the country to some considerable extent, and I may say that I am not prepared to find fault with the policy of the govern-

ment in bringing emigrants into the country. The North-west is dependent on immigration to fill it up and to make settlement and bring prosperity, and we are prepared to accept almost any class of immigrants that the government in their wisdom may think it advisable to send us. There has been considerable fault found by some portions of the community with the class of immigrants brought in. This has not originated recently, because years ago, when the conservative party was in power, resolutions were passed at Fort Qu'Appelle complaining of the class of immigrants being brought into the country, people who had not their pockets full of money and a bank account besides. They were classed as paupers who should not be brought into the country. My impression is that a good class of labouring population is one of the best that could be brought in, especially in the west where we till the soil and engage mainly in agriculture. But the government have brought in a considerable number of immigrants the last two years many of whom are said to be men without means. I do not find fault with that class of people. Of course any government could bring in population if they helped them when they come into the country ; but I am under the impression that the Doukhobors represent a good, industrious class of people and perhaps being vegetarians they will be able to live at less expense and get on better than those who require a more expensive bill of fare. The point I want to raise is this, that we in the Territories have no means of raising a revenue to carry on the government of our country. We are dependent entirely on the grants we receive from time to time from the federal government, and I may say from the very earliest history of the country—I speak of the time I was a member of the North-west Council—the Dominion government has given us large sums of money, quite sufficient to meet the requirements of the people to educate their children and build roads and bridges for the convenience of the settlers. We required to have roads and bridges built to enable the farmers to haul their produce to the market. We must have good roads and bridges, because where produce is hauled a considerable distance, large loads cannot be taken if the roads are not good. From the early history of the country the government at Ottawa has been called on to contribute considerable sums of money to enable us to keep up an efficient school system, and I say with some considerable pride that, thanks to the federal government, both parties up to the present time have made liberal grants so that we have been able to maintain in the North-west Territories a class of schools which will compare favourably with those in any part of Canada. The government has been liberal in the administration of that particular fund. Then our roads and bridges have been kept in a very fair state of repair. The Doukhobors and Galicians have settled in a far off corner of the north-eastern part of Assiniboia. There is a district which requires more money to keep the roads and bridges in an efficient condition than the very southern portion, which is a prairie section. In this northern part of the country there is more water and creeks are more numerous, and it is more difficult to make roads there than further south where there are fewer natural obstructions in the way of bluffs, sloughs, &c. Our Prime Minister, Mr. Haultain, came down here last year, and Mr. Ross also, one a conservative and the other a reformer, and you would think they would be able to reach both parties. They came and could get no increased grant. Premier Haultain said in two speeches which were reported in propounding his new policy that they had reached the end of their tether, the jumping-off point—that they could get no more money from the government at Ottawa and had to resort to direct taxation or do with less funds for schools and roads and bridges. Under our system of government we have received from time to time increased power, so that to-day we have all the powers of a province proper with the exception of being able to issue debentures, charter railways or raise money. We have power to establish municipal organizations and other requirements in that country, but we have not the power to get money. We have not the lands, the timber, or the mineral resources—in fact, we have no resources from which we can get a dollar of money except that raised from licenses for hotels and billiard tables and other petty sources of revenue. The balance of the funds to meet our requirements has to come from the Federal government, who control all the resources of that western country. What I am

stating now is with a view to giving this government some information as to the requirements of the west. Premier Haultain delivered a speech at Yorkton in the early part of the present session, in which he said we are going to hold an election after the present session and will provide a policy to go to the country on, and that policy is the organization of provincial government. He said that course was forced upon him by the fact that the government at Ottawa had refused to give him any more money—that he had to get to the end of his tether, the jumping-off point, and must either have more money from Ottawa, or increased powers by which we can tax people or curtail our grants to the schools and stop building roads and bridges. This is the statement of the Prime Minister in a set speech at Yorkton, and in another speech at Oxbow. That is a deplorable state of affairs. In a short time we will have a general election, and it might be my best policy, as a Conservative, not to mention these things because it would help us to defeat the government. It would be a most deplorable thing for this government to have it said throughout the North-west that they had all the resources of the country, that they will not give us money to carry on our local affairs ; that they settle immigrants in places where we have to build roads and bridges and maintain schools for them, and yet refuse to provide the money. I am a patriot first, a party man second. My advice to the government is to save us from that position, because the majority of us do not want to be obliged to take on the full responsibility of self-government and be liable to direct taxation, as propounded by Mr. Haultain. The farmers do not wish it, and what I think they will do—because I have always given this government credit that if a matter is properly represented to them they will do what is fair—is to come to the rescue and give the North-west government a sufficient sum of money for their local purposes, especially as it will benefit the new settlers that are going in there. You are bringing in a class of immigrants who are reported to have little money but are said to be industrious and in that way an acquisition to the country. It is the man who can labour and toil who will develop the resources of the country. These men consume the goods manufactured in the east and we have to buy from eastern Canada as well as import goods, and consequently have to pay a larger share of the customs duties than any other portion of Canada in proportion to our population, and it would be a very wise policy on the part of the Federal government to see that the North-west government are prevented from going to the country on a question such as they have suggested, because it will redound to the discredit of the Ottawa government and they will not get a man in that part of the country to support them. These remarks are full of meaning if the hon. gentlemen will only be guided by them. It should be the first consideration of the government, even from a party standpoint, to listen to what I have said. We do not want anything that is unjust or unfair. We want a fair proportion of the revenue of the country, to which we are entitled, to maintain public roads and bridges and schools that are necessary for the rapidly increasing population. We do not want to be in a position to mortgage our country and put ourselves in debt as some of the other provinces are.

Hon. Mr. McCALLUM moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

SENATE.

Ottawa, Wednesday, Feb. 7, 1900.

The Speaker took the Chair at 3 o'clock.

PRAYERS.

NEW SENATOR.

Hon. JOSEPH SHEHYN, of the city of Quebec, representing the Division of Laurentides, vice Hon. E. J. Price, deceased, was introduced and took his seat.

SENATE REFORM.

INQUIRY.

Hon. Mr. POIRIER—The Ottawa *Citizen* of Saturday, 23rd instant, has the following passage as part of its editorial :

He (the Hon. Mr. Tarte) has just told the people of Toronto that the reason why Mr. Chapleau has been chosen (to the Clerkship of the

Senate) is because the government has made up its mind to reform the Senate.

I desire to ask the leader of the government in this House if the Minister of Public Works has made this official declaration ?

Hon. Mr. MILLS—I had not noticed the inquiry of the hon. senator on the motion paper. I do not know what the hon. Minister of Public Works said at Toronto, but I desire the hon. gentleman to bear in mind that he has stated as a fact here what an hon. member of the government is reported to have said elsewhere, which I am inclined to dispute, and therefore I think, Mr. Speaker, that this is not a proper question to place on the order paper, and not one on which the hon. gentleman can call for an answer.

Hon. Mr. POIRIER—The hon. gentleman will take notice that I have declared no positive fact whatever ; I am simply citing what the Ottawa *Citizen* said in its editorial, and I ask whether that is a fact or not.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POIRIER—The hon. gentleman is free not to answer if he wishes, or if he thinks the answer might commit himself or some member of the government. The question is fairly put. I state no fact, but simply quote from a newspaper, and ask if such statement, made publicly in a speech at Toronto, is true.

Hon. Mr. MILLS—I do not know that any such statement was made in Toronto. I was not present at the meeting. But I say that an appointment has been made in this House that the public opinion of the country will approve of. That is my opinion, and as a member of this administration I am prepared to assume the full responsibility for that appointment, believing the gentleman who has been appointed to the position of chief clerk of this Senate is thoroughly competent to discharge the duties of the office, and will discharge them in a manner which will be satisfactory to the House.

Hon. Mr. LANDRY—That is not the question.

Hon. Mr. POIRIER—I call the hon. gentleman's attention to the fact that the answer he has just given is beside the question altogether. I do not question the propriety of the appointment, or whether the reasons for appointing Mr. Chapleau to this House were good or bad. I believe he is competent to fill the position as well, possibly, as Mr. Langevin. But that is not the question. I simply asked whether it is true that the Hon. Mr. Tarte, who has used his own paper for months and months to deliberately insult this House, has gone to the province of Ontario, and made a statement that is not worthy of a member of this government or of any other government. I would add more, if it was parliamentary for me to use the expression that I have on the tip of my tongue, but I will ask the hon. leader of the government, if he takes the trouble to rise again, to consider the question and not depart from the meaning of the inquiry and from the meaning which I had in my mind when I placed the notice on the order paper, and not to question the competence or ability of our clerk. I simply draw the attention of the government to this—I was going to say flippant, but I will not use the word because it is unparliamentary—to this declaration made by a colleague of the hon. leader of this House in Toronto.

THE ADDRESS.

THE DEBATE CONTINUED.

The Orders of the Day having been called—

Resuming the adjourned debate on the consideration of His Excellency the Governor General's Speech on the opening of the Fifth Session of the Eighth Parliament.

Hon. Mr. McCALLUM—In the few remarks I shall address to this House, I do not intend to make what my hon. friend from Richmond calls a scrap book speech. I have been a good deal in parliament and I think I know the promises and the performances of the present government, and to that subject I propose to address myself. We are congratulated on the prosperity of the country. We are all glad to know that the country is prosperous, but it naturally occurs to me to ask what has this government done to promote that prosperity ? Has it done anything ? Hon. gentlemen used to say, before they attained power, that they would get reciprocity with the United States for the Dominion, and secure markets for the farmers of Canada where

they could sell their products advantageously. They even went so far as to propose commercial union with the United States. We do not hear anything about commercial union or unrestricted reciprocity now. It is very desirable, in the interests of the people of this country, that our export trade should increase. Now, what has this government done to help to give markets to the farmers of Canada ? Their promises have been loud ; their performances have been nil, as far as my observation goes. We had the promise of a fast Atlantic service, to facilitate the transport of agricultural products to the European markets. Have they done anything in that direction ? I believe we have the model of a bottle-necked ship, and that is about as far as the government have gone. They told the people of this country, when they were in opposition, that if they turned out the men in power—turned out these rascally Tories—they would obtain for the country reciprocity with the United States. Do we hear anything about it now ? Have they carried out any promise that they made to the people of this country ? Not one. A paragraph in the Speech refers to the war in South Africa. My hon. friend the Minister of Justice, did not tell us yesterday how much of the expenditure of the expedition was going to be paid by the government. I consider that the action of the government has belittled this country in the eyes of the world. They have sent men to South Africa—delivered them there, leaving the British government to feed them—sent them there C. O. D. We ought to be ashamed of ourselves to ask the spinners and weavers of Great Britain to assume an expense which we should pay ourselves. We have had the advantage all our lives of being British subjects. Do we appreciate what we enjoy ? If we sail from sea to sea, from clime to clime, we have the protection of the mother country and the British flag—a flag which, wherever it floats, is the symbol of freedom to the slave and honour to the brave. Yet we are led to believe that the government will not pay our men after they land them in South Africa. They blame a certain member of the government for this. I contend they are all equally to blame. If the cabinet permit themselves to be bullied by one member, they are unfit for their position. They are all as responsible as the Minister of Public Works for the position he has taken. The paragraph in the speech is very ambiguous. The government do not say if they are going to pay the whole expense of our own forces, or how much of it. The people of Canada look for information on the subject, and the government misrepresent the feeling of Canadians if they expect the British government to pay our men who have volunteered to serve in South Africa. We are told that the sending of these troops is not to be considered as a precedent. The government was not to send more than the first contingent ; but they had to change their mind—the people of the country forced them to send a second, and the government deserve no credit for what they have done. If they had not sent more troops they would have forfeited their positions as representatives of the people. They had to be driven to do what was right and honest in the interest of the empire. While gentlemen on the other side were in opposition they promised us preferential trade within the empire. I believe we could have got it had we looked for it and made a proper effort to secure it. I know that a speech delivered by the premier in 1896, in London, Ontario, was in favour of preferential trade. He was then as much in favour of it as even Sir Charles Tupper was. He said what a benefit it would have been to the farmers of Canada if they only had a preference in the British market, but when he went to England what did he say ? Did he say he wanted preferential trade ? On the contrary, he said no, that free trade was a better policy for England and better for Canada also, and he came back to Canada wearing the Cobden medal. The people of Canada have not forgotten that, and will not forget it, but will take the first opportunity to express their condemnation of the course that the hon. gentleman pursued. This trade question is a very important one. The government tell us they are constructing canals and one would suppose from the language in the speech that they had made all these improvements. They have merely finished up the work that the former government commenced and carried on for years. The government claim that recent immigration into the Northwest is desirable. I take their word for it,

though I have my doubts as to the characters of a portion of the immigration that has gone in there of late years. However, if the policy that the members of the present government advocated when they were in opposition had been carried out, there would be no settlement there at all. If the people in the North-west are prosperous no thanks to the government. I remember when the Liberal party said that the Canadian Pacific Railway, if built, would not earn enough to pay for the grease to lubricate the axles of their trains. One would think, to hear these hon. gentlemen speak now, that all the prosperity of the North-west was due to their policy, whereas the fact is prosperity has come in spite of them. Now, let us look at their blunders. Vessels engaged in trade in the inland waters of this country could not get freight enough to load from one Canadian port to another, yet what did this government do? They allowed United States vessels to participate in the coasting trade of Canada. They soon found they had made a blunder and cancelled the arrangement. But they are always blundering, and I hope they will soon come to their end, because the government made blunders or worse in their manner of sending troops to South Africa. It may come all right. As far as the Minister of Public Works is concerned, his opposition was a benefit to the country. Conan Doyle says we ought to erect a monument as high as Saint Paul's to Kruger because he has done more than any one else to unite the empire. Mr. Tarte has done the same for Canada—he has united the people of the Dominion. I believe that our people are loyal to British institutions.

Hon. Mr. McDONALD (C.B.)—Except Mr. Tarte.

Hon. Mr. McCALLUM—Yes, I will except him, because he has not acted as he should have done. He misrepresents the feelings of the French Canadian people. From all I have seen, and from what I know of their history, the French Canadians are loyal to the British Crown and to the institutions that give freedom to everybody, no matter what his creed, nationality or colour. I am satisfied that the mass of the French Canadians are loyal to the British Crown. Mr. Tarte's action has been dictated by political exigencies. He thinks he can hold the French Canadians together in that way. If he wishes to raise a race cry, he is welcome, but I have no feeling but one of kindness in my heart for the French Canadians. They are kindly and courteous as a race, and bear their share of the burdens of the country, and I believe they are ready to shoulder their rifles and fight for the honour of the empire, when necessity calls for it, but not to show their interest, as my hon. friend the Prime Minister did, when he told the House of Commons that if he were on the banks of the Saskatchewan, he would shoulder his musket and shoot down the Queen's friends. The government are one day advocating one thing and the next day another. What had they done for this country in the way of obtaining reciprocity with the United States? The first thing they did was to take the duty off corn, the very thing they could use more than anything else to obtain an advantage for this country. The Minister of Justice says it is a grand stroke of business, that by allowing free corn to come in, Canadian farmers could buy it at 12½ cents a bushel. They took the duty off binder-twine and they manufactured it in the penitentiaries. What is manufactured in penitentiaries they sell to their friends, who combine and sell to the farmers at a high price. The Minister of Justice said the object was to give employment to the prisoners in the penitentiaries. I believe he is desirous that they should be employed, but the government should see that we obtain a fair price for the products.

Hon. Mr. MILLS—Hear, hear; we do.

Hon. Mr. McCALLUM—The government obtain 3½ cents for it, and their friends sell it to the farmers for 10 and 12 cents. Is that a fair price? It is a strange thing, in reference to the sending of this contingent to South Africa, that the Prime Minister and his government changed their minds about it. In the first place, they said not a man, not a dollar. But how they have changed. The people drove them to do something, but they have not told us exactly what they are going to do yet. We know, however, that the Prime Minister, in an interview with the Toronto *Globe*, said:

As I understand the Militia Act—and I may say that I have given it some study of late—our Canadian volunteers are enrolled to be used

in the defence of this Dominion. They are Canadian troops, to be used to fight for Canada's defence.

That is a nice thing, if that is all they are for. We are to have all the benefit of the protection of the mother country, and all we have to do is to defend ourselves. My hon. friend the Minister of Justice said yesterday that our Dominion was growing wider, and he told us last session that we had more country and wanted more ministers of the Crown to govern the country. That is the excuse for having so many ministers. They say now that the country is getting so large that they require seventeen ministers, not to govern this country, but to play at government. The Premier further says :

The case of the South African Republic is not analogous. There is no menace to Canada, and although we may be willing to contribute, I do not see how we can do so. Then, again, how could we do it without parliament granting us the money ? We simply could do nothing.

I do not think the government should wait for legislation. Men do not wait for legislation when their houses are on fire. They put out the fire first and consider the cost afterwards. The government knew well enough that parliament would indemnify them. If the government run short of money at any time, they issue a warrant and raise the money, and parliament always sanctions their action. They might feel sure that the country would indemnify them against any expenditure in reason to assist the mother country in South Africa. The Premier then said :

In this present instance our limitations are clearly defined, and so it is that we have not offered a Canadian contingent to the home authorities.

This was the premier's opinion at the outset. But the government to-day are divided ; they are not a unit on this question. Perhaps I have no right to refer to the conduct of a member of the other House, but I am a British Canadian, and I think that I have a right to speak of what took place in my country and condemn what I do not believe in, and to applaud what I think is right. We know that a member of the Commons resigned his position on account of the action of the government in sending troops to South Africa and paying them, but he returns to parliament, and although he resigned intending to oppose the government, he proceeds to the Chamber linking arms with a minister of the Crown. That is not the only instance. There are other instances of that kind to-day. I am not a prophet nor the son of a prophet, but I can foresee that the people of this country will not endorse such conduct. We have thirteen ministers of the Crown. Our Saviour had twelve disciples, but one of them turned out very bad. It is a strange thing now that this one minister should bully the other members of the cabinet and have his own way. I hope that Mr. Tarte will forgive me for naming him, but what was the duty of the government when they found that Mr. Tarte controlled the ministry? Here are the ministers, my hon. friend the Secretary of State, the Minister of Justice, the Postmaster General, the Minister of Trade and Commerce, the Minister of Customs and a number of others sitting at the board with Mr. Tarte dictating to them and controlling them. He was well named the controller of the administration, or the boss, as they call it, of the administration. They sat at the board with him, and are all equally guilty with Mr. Tarte. Why did they not say to the Premier : 'If you want to support the Minister of Public Works in this matter, you can run your own show'? I speak as an individual, and I say that I believe Canada has not yet done her duty. She will not do her duty until she pays these two contingents. That is not all. We should drill men in this country and be prepared for war. There are a number of young and able men, and many of them well drilled, who are ready and anxious to go to South Africa. I receive letters from day to day from men who desire to go and fight the battles of the empire. But the government is the clog on the wheel. We are not doing our duty. Out of this trouble, when the war is over, will come preferential trade within the empire. It is bound to come. It cannot be kept back now. It is an important point, as I look at it, in the history of this country, and we should do what is right and proper in supporting the mother country in South Africa. We have lots of material and it would not cost us very much. Even now subscriptions are being raised throughout the country for the benefit of our soldiers. People put their hands in their pockets quite freely, and the government should come down quite handsomely in this

matter. Even supposing we had to borrow a little money to support our soldiers in South Africa, what of it? We think nothing of spending millions here and there to carry out the idea of the Minister of Public Works in some frog-pond, but supposing we borrow a certain amount of money now and have the payments extended over a length of time, we will not feel it. Let us do our duty by the mother country. She has done more than her duty for us all, and is doing her duty to-day. I know that during the Fenian raid some of the British army were out here. Did the Imperial government ask us to pay their expenses? No. I was at Fort Erie at the time, and I know the morning that the battery arrived we were all very glad. I tell the government that if they fall short of doing their duty on this question—which is the question of all questions just now—the people of this country will never forgive them. Of course, in the matter of the tariff they stole our clothes. But I forgive them many of these blunders—and they are many—if they will only act properly and rightly in the interests of the soldiers sent out to South Africa, and prepare to send others in case they are required. We are not obliged to send them, and if they are gotten ready, the money is not lost.

Hon. Mr. POWER—There is generally no difficulty at all in knowing where the hon. gentleman from Monck stands. He speaks distinctly and expresses his views clearly. He has been, perhaps, rather more vigorous than usual to-day. But I was very much pleased, indeed, to hear the sentiment with which he closed his speech. There was a good deal of the old pre-christian spirit in the early part of the speech, but he wound up by promising to forgive the government their sins if they did their duty to the empire.

Hon. Mr. McCALLUM—Many of their sins—not all of them.

Hon. Mr. POWER—I am sorry that my hon. friend is not as forgiving as I thought he was. I shall try, in the course of my observations, to answer some of the points made by the hon. gentleman from Monck, but I shall not follow him immediately. The better way is to take up the speech with which His Excellency opened parliament, and consider it clause by clause. It is hardly necessary to add my congratulations to those of hon. gentlemen who have preceded me to the gentlemen who moved and seconded the address, on the speeches they made. The hon. gentleman who moved the address in reply to the speech, made an admirable and patriotic speech, one which was a fine specimen of the oratory for which his countrymen are famous. I regret in a way that that speech should have been delivered in a language with which a great many members of this House are not familiar. I can only say the hon. gentleman will fill quite worthily, or more than worthily, the place of the hon. gentleman who represented the district of Delanaudière in this House for so many years, and who was, during all those years, a prominent and much respected member of the Senate. The speech of the hon. gentleman from Sunbury was characterized by that sound common sense which we all know him to possess; and his long experience in public life will be, no doubt, of great value to the House. The first paragraph of the speech congratulates parliament on the continued prosperity of the Dominion, and on the remarkable increase in the general volume of trade reflected in the exports and imports of the country. My hon. friend from Monck (Mr. McCallum) seems to think that almost improper—that the government were claiming credit for that prosperity—but the speech does not say so; it simply congratulates the members of the House, and, through them, the country, on the fact that Canada is prosperous. Does the hon. gentleman from Monck deny that the country is prosperous? The speech does not say that the prosperity is due to the government. There is no question about the prosperity. From Cape Breton to British Columbia the country is experiencing an unusual degree of prosperity, and the statement with respect to the general volume of revenue, and the imports and exports of the country, is more than fully borne out by the figures. In 1896, the last year before this administration came in, the total volume of trade was a fraction over $239,000,000. Last year, three years later, that volume of trade had increased to over $306,000,000, an increase of some $67,000,000, and the figures for the last half year show that this increase continues. It is a gratifying circumstance,

apart altogether from the fact that it is a good thing for the country to be prosperous, that that prosperity continues, that the revenue has been increasing and trade has been increasing during the last three years. Hon. gentlemen will remember that for a long time it was apparently supposed that there was some sort of secret understanding between Providence and the leaders of the Conservative party ; that it was only when the Conservatives were in power that the sun shone and the rain fell at the proper seasons. It is a comfort to think that now, while the Conservatives have been out of power for nearly four years, the sun shines and the rain falls as effectively as during any previous years. It is one of those myths that it is well to get rid of. The fact is we see now that the crops have been abundant for several years ; business of every kind has been prosperous ; the manufacturers have prospered ; the markets for our products are good, and generally there has been a greater degree of prosperity during the Liberal administration than at any time before in the history of the country. I do not claim all the credit of that for the Liberal government, but I say it is satisfactory to feel that no one party has a monopoly of the blessings of Providence. As to the tariff, I do not think that the imposition of duties has as much effect in the way of improving the condition of the country as some hon. gentlemen suppose. The imposition of high duties may interfere with and prevent the development of the prosperity of the country, but cannot improve it. It will be remembered that this country prospered under the old revenue tariff. That tariff was in operation from 1867 to 1879. During one portion of that period the country was exceedingly prosperous. In the year 1873 the country had reached a high state of prosperity. The trade of the country for that year was substantially as large as it was for any subsequent year until the Liberal government came into power in 1896. The tariff remained the same, but the country grew more prosperous, and then afterwards the country grew less prosperous. The fact is that Providence and the conditions which exist in other countries have a great deal more to do with prosperity than anything in the way of the imposition of duties. There was, I say, between 1867 and 1879 a change, more than one change, in the times, without a change of tariff. The National Policy so-called, which was adopted in 1879, has been credited with a great deal of the prosperity for which it deserved no credit at all. All the prosperity would have come, as the hard times came, and from reasons of a similar character, if the tariff had not been changed at all ; and the only effect of the increase of the duties, or the principal effect, was to prevent natural causes from operating as fully as they might. Under the tariff which was adopted in 1897, a tariff which is less protective than the one which immediately preceded it, the country has prospered. Trade has developed to a wonderful extent, as shown by the figures which I quoted at the beginning ; and as I said the figures for the last half year show that that improvement continues. I do not say that the tariff of the present day is perfect. I think it would bear considerable reduction yet before it would be quite perfect ; but as far as the changes have gone, they have been chiefly in the right direction. The hon. leader of the opposition stated in his speech the other day that the tariff of to-day is the tariff of the Conservative régime. I do not wish to say anything discourteous of him ; but my impression is that he made that statement because the country was prosperous. If the country had not been prosperous—if times were much worse than they were four years ago, the hon. gentleman would have attributed the bad condition of affairs to the mutilation of the tariff by the blundering Grits. Of course, my hon. friend from Monck would have applauded that sentiment to the echo.

Hon. Mr. McCALLUM—The hon. gentleman is guessing now.

Hon. Mr. POWER—There has been a good deal of guessing done. The hon. gentleman guessed a great deal as to what was done in the cabinet, and all the guessing should not be on the one side. The statements of the hon. leader of the opposition in this House to-day do not agree with the statements made by his leaders in another place. In the discussion on the tariff in 1897, if any hon. gentleman will look at the speeches delivered by the hon. gentleman who was formerly Minister of Finance and the hon. leader of the opposition, they will see that

they prophesied the direst results from the mutilation of the tariff, but those results have not come. Hon. gentlemen will find by referring to columns 1214 and 1291 of the Commons *Hansard* of 1897, the opinions expressed by the representatives of the Conservative party on financial questions. If prosperity had not come, the hon. leader of the opposition would have blamed the change on the tariff, and as it has come he does not give the tariff any credit. It is a sort of heads I win, tails you lose, policy.

The second clause of the speech, which deals with the difficulty in South Africa, has received more attention than any other. I think it is very much to be regretted that on a question of this kind, where the sentiment of this country is practically unanimous, so much party feeling should have been introduced. It is a fact that Canadians are all practically agreed on the matter. Substantially, Canadians all approve of the action taken by the government. Let us consider the facts solely. I do not think it is dignified or right for us here, in our places in the Senate, to frame pictures of scenes which might have taken place in the executive council of the country, or of things which might have taken place in the editorial rooms of newspapers—or things of that kind. We have to look at the facts—what we know to be facts; and we are not justified in speculating as to what the opinions of different people may have been. Let us look at the facts, hon. gentlemen. In August last a resolution was adopted by both Houses of parliament, adopted without any division in this House, and I think without any division in the other House. I may say that there were two or three hon. gentlemen in this House who did not altogether approve of the resolutions, but they did not put themselves on record as voting against them, and those hon. gentlemen were not members of the Liberal party. We then expressed our sympathy with the mother country in her difficulty with the Transvaal Republic, and intimated our readiness to support her. I do not understand that at that time any hon. gentleman claimed that we should do more, and I ventured to ask the hon. gentleman from Marshfield (Hon. Mr. Ferguson) why he had not suggested getting up a contingent at that time. I am sorry that I should have addressed the hon. gentleman directly. When I said 'Why didn't you do so?' I did not refer to the hon. gentleman individually so much as to that side of the House, because my remembrance was that the hon. gentleman had not spoken in the discussion, as I believe he had not. Then the hon. gentleman told me that the government ought to get up a contingent. I did not remember that the hon. leader of the opposition had said anything of that kind. I have since read the speech of the hon. leader of the opposition delivered in this House on the resolution moved by the hon. Minister of Justice and seconded by the hon. leader of the opposition. I shall read what the hon. leader of the opposition said on this subject. At page 1010 of the Senate *Debates* of last year I find this language:

> While it is not our province, in this Chamber, to even suggest an appropriation of money, or the raising of money, to assist in carrying on a war, should a war unfortunately occur, we can at least say that any appropriation that will be asked for by the Commons, no matter who might be in power at the time, would readily be voted by the Senate for that purpose.

Now, that did not mean that the government would be justified in the recess of parliament in taking a large sum of money for the purpose of assisting in this war. It simply said that 'if a war should unfortunately occur,' and the hon. gentleman did not expect it any more than most of us expected that war would occur—and all he said was that if war should occur any appropriation made by the House of Commons would be concurred in here. It will be seen that the hon. gentleman from Marshfield, who is generally fairly accurate, was accurate in this case. Whilst speaking of the hon. gentleman from Marshfield, I may say that he made some reference to what was in my mind. I know that the hon. gentleman is a very industrious and accomplished gentleman—a gentleman who knows a great many things, but I did not know that in addition to his other qualifications, he possessed the faculty of mind-reading. What was the position? We took this action in August. It was not generally expected at that time that there would be a war. Then the next step was a despatch from the Colonial Secretary dated October 3. At that time war was certain. The hon. gentleman from Marshfield stated that. He stated, what we all know, that England refrained from sending troops to South Africa simply because she did not wish to

provoke war. If England did not send troops to South Africa herself, why should we have sent them? Why should we have raised a contingent then, when nobody knew whether war was to break out or not, and when the mother country herself had not ventured to send troops to South Africa for fear of provoking war.

Hon. Mr. MACDONALD—No one expected anything of the kind then.

Hon. Mr. POWER—But the hon. leader of the opposition blamed the government for not having acted immediately on receipt of Mr. Chamberlain's despatch.

Hon. Mr. MACDONALD—No.

Hon. Mr. POWER—I beg the hon. gentleman's pardon. That is the fact. Supposing the government had acted, as the opposition leader thinks they should have acted, on October 3 or 4—supposing they had set machinery in motion to collect a large body of troops at Ottawa or Quebec, to send to South Africa, and suppose war had not broken out, what would hon. gentlemen opposite have said to the government under such circumstances? They would have denounced them for having needlessly squandered the public money and for having leaped before coming to the stile. Hon. gentlemen in this House should be a little moderate and reasonable and look at the facts. It may be said, and the hon. gentleman who leads the opposition in this House said so, that Sir Charles Tupper had guaranteed to the leader of the government the support of the opposition. That is the fact, although there were some rather peculiar circumstances about the offer. It is a rather singular thing that the despatch which the hon. leader of the opposition sent from Nova Scotia to the premier was published in the Montreal *Star* some days before the premier received it. That is not the way in which gentlemen usually deal with each other either in public or private life; and it is quite clear the object of the leader of the opposition was rather to gain credit for himself and to damage the government than to assure the government of his support.

Hon. Mr. CLEMOW—Was not that caused by a fault of the telegraph company?

Hon. Mr. POWER—I do not know, but there is the fact that the hon. leader of the opposition did not send his despatch to the premier first.

Hon. Mr. FERGUSON—He did.

Hon. Mr. POWER—Excuse me. I understand that it is alleged that the despatches were sent simultaneously; one reached the Montreal *Star*, and the other did not reach the Premier. The leader of the opposition might have sent his telegram to the Premier first and afterwards informed the *Star*.

Hon. Mr. PRIMROSE—Where was the Premier at the time?

Hon. Mr. SCOTT—In Ottawa, I believe.

Hon. Mr. FERGUSON—The leader of the opposition made a public statement at a public meeting at Yarmouth and the reporters sent it to the Montreal *Star*.

Hon. Mr. POWER—It was addressed to the Montreal *Star* by the hon. leader of the opposition. I know whereof I speak.

Hon. Mr. CLEMOW—I do not understand it that way.

Hon. Mr. POWER—This is a matter to which, perhaps, I should not have referred, but it is one of the things which indicate the spirit in which the offer was made; but the same leader of the same opposition had pledged his support and the support of the Conservative party to the measure which this government proposed to introduce for the construction of a railway from Teslin Lake to the Stikeen River, and he was not able to implement the promise. When parliament met, the hon. gentleman was not only not able to induce his followers to make good his pledge, but he did not carry it out himself, and he opposed the scheme which he had promised to support. One could readily understand that the Premier would not feel himself justified in trusting to the pledge of one who occupied such a position—who did not appear to command the obedience of his followers.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman allow me to give the reasons for the change of view?

Hon. Mr. POWER—No. Is the hon. gentleman a mind reader also, like the hon. gentleman from Marshfield? If the hon. gentleman knows the reasons which influence the present leader of the opposition in

his actions, he is a wiser man than I take him to be.

Hon. Mr. MACDONALD (B.C.)—I know one.

Hon. Mr. POWER—The action of the Premier in connection with this matter, as set out in the correspondence submitted to parliament, was just the proper attitude; as I shall try to show. What was the attitude taken by the Premier? The despatch of the Colonial Secretary was the first step in the history of this contingent question. The next is an extract from the report of the Committee of the Privy Council approved by His Excellency on October 14, 1899, which is to be found in the correspondence laid before the House. It will be observed that this report followed almost immediately on the declaration of war by the Transvaal. That declaration of war was on October 11 or 12, and this report was adopted on the 14th, about the day on which the Boers crossed the border. The first paragraph of this report of the Premier's simply refers to the way in which the Colonial Secretary thought the troops should be sent, if sent at all. The report goes on:

> The prime minister, in view of the well known desire of a great many Canadians who are ready to take service under such conditions, is of opinion that the moderate expenditure which would thus be involved for the equipment and transportation of such volunteers may readily be undertaken by the government of Canada without summoning Parliament, especially as such an expenditure, under such circumstances, cannot be regarded as a departure from the well known principles of constitutional government and colonial practice, nor construed as a precedent for future action.

It has been stated that the Premier should have taken much stronger ground than that, and should have professed himself willing to spend a great deal of money and send existing military units out to South Africa. I think the Premier was very well advised in the action he took. The next paragraph is one which refers to the Australian colonies:

> Already, under similar conditions, New Zealand has sent two companies, Queensland is about to send 250 men, and West Australia and Tasmania are sending 125 men each.
>
> The prime minister therefore recommends that out of the stores now available in the Militia Department, the government undertake to equip a certain number of volunteers, not to exceed 1,000 men, and to provide for their transportation from this country to South Africa, and that the Minister of Militia make all necessary arrangements to the above effect.

It will be observed that the Prime Minister speaks of volunteers, and I think that in that he was very wise. It would never have done, without the authority of parliament, to have taken any of the existing military units and sent them out. What the government did was to allow any citizen of Canada who was anxious to serve the mother country in South Africa to go, and the government would furnish him with uniform and equipment and transportation to South Africa.

Hon. Mr. MACDONALD (B.C.)—Without the sanction of parliament?

Hon. Mr. POWER—Yet, it was not a very serious matter. The expense was not very great. It did not infringe on the militia law. It might have been an infringement of the militia law to have sent one of the existing units, but this plan was not, and it met the views of the Imperial authorities. It has been stated that we did not act as the Australasian colonies did. I have taken the trouble to go over the despatches which are contained in this pamphlet, and I find that in every one of the Australian colonies, in the whole six, the consent of parliament was obtained for the action taken.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—The legislature of every colony appears to have been in session when the difficulty arose, except that of New South Wales, and the legislature of New South Wales met later; and I wish to direct attention to the fact that the governor of New South Wales, Earl Beauchamp, said that what was done was subject to the approval of the legislature when it met, and that no final action could be taken until the meeting of the people's representatives. So that our brothers in the Australian colonies felt that they would not be justified in sending troops to South Africa without the consent of parliament.

Hon. Mr. PRIMROSE—That is an inference.

Hon. Mr. POWER—It is a fact. The legislature was sitting in every colony except New South Wales, and the Governor of New South Wales said that what his colony did was to be subject to the approval of parliament, which was afterwards obtained.

Hon. Mr. PRIMROSE—I should like to put a question to the hon. gentleman. Had the circumstances in these colonies which he has cited been the same as they are in Canada when these circumstances occurred, does he suppose that the action of the Australian colonies would have been different from what it has been because of the mere fact that the legislature was in session ?

Hon. Mr. POWER—That hon. gentleman knows as much about that as I do. That is a conundrum. Perhaps it may be as well to read the despatches. Here is despatch No. 24, Governor Earl Beauchamp to Mr. Chamberlain :

Referring to your telegram of October 3, government New South Wales approve of Lancers, Aldershot, volunteering for service in South Africa, but matter subject to approval of parliament, which meets on October 17; definite instructions will wait them on arrival at the Cape.

Further on there is another despatch, No. 39, on page 12 : Governor Earl Beauchamp to Mr. Chamberlain, October 13 :

New South Wales offers, subject to approval of parliament, Army Medical Staff Corps unit, half bearer company, and one field hospital fifty beds on war establishment; civilian personnel, ambulance horses, ambulance wagons, and cart transport, eighty-seven of all ranks, forty horses, five ambulance wagons, six carts, two water carts; would start ten days if accepted.

The conclusion which I draw is that if the legislatures had not been in session in those colonies the governments would not have undertaken to send the troops.

Hon. Mr. MACDONALD (B.C.)—That is only surmise.

Hon. Mr. POWER—Under these circumstances the premier of this country was quite right in not taking any more decided action than he did on October 14, and in waiting until he saw that the sentiment of the country was such that it would approve of the action which the government might take. That was common sense and common prudence.

Hon. Mr. CLEMOW—Hear, hear.

Hon. Mr. POWER—The hon. gentleman from Rideau division seems not to concur altogether. Compare the action of the premier of the day with the action of the premier in 1885, as set out in the English blue book, cited by the hon. Minister of Justice yesterday. That was when England was rather in a tight place too, when, in the language of Rudyard Kipling, "Fussy-wuzzy broke a bloomin' British square," and England seemingly needed troops more than she did in South Africa on October 14 last. It appears at least to me to be so, and you will find that the British government refused the offers of batteries and troops from more than one colony about the last mentioned date. The right hon. gentleman, who was looked upon as a model of loyalty, and who is now looked up to as a sort of saint by the Conservative party, Sir John A. Macdonald, did not send any troops, and yet the hon. gentleman from Monck denounces the present government for their meanness in connection with these contingents, the meanness of this county in not paying the whole expense of the troops while in South Africa. It will be remembered that at that time, in addition to giving permission to the Imperial government to enlist troops for their own regiments in Canada, they were allowed to take some voyageurs to the Nile, but those voyageurs did not go at the expense of Canada. They were paid by the Imperial government. I think when the hon. gentleman denounce the present government they should remember the kind of things that have happened in the past. The conduct of the present government compares most favourably with the conduct of the government in 1885, when the Conservative party ruled this country, led by the man whom they are all proud to claim as their leader. It is greatly to be regretted that this question has been made a party question. When the government of Canada determined to act, they acted promptly. They determined to act on October 14, and on October 30, a thousand and fifteen men sailed from Quebec. Although Canada did not make her offer as early as the other colonies did, the Canadian troops sailed from Quebec on the same day on which the troops sailed from Australia. Some of the troops sailed from Australia on the 30th, and the Queensland troops did not leave until November 2. Some of the troops left Sydney, I think on October 28, but they had to go round to Western Australia, so that they did not leave Australia till November 30. Our troops were in South Africa immediately after the Australian troops, and our govern-

ment did the work in a little more than a fortnight. As a Canadian, I feel proud of the way in which the Department of Militia did its work. I have not heard a single complimentary word with reference to the Minister of Militia for the manner in which he despatched the contingent. Considering that we are not a people who have engaged in wars, and have never had to send troops abroad, I think that it is a remarkable thing.

Hon. Mr. MACDONALD (B.C.)—Highly recommendable.

Hon. Mr. POWER—It is a remarkable thing that the troops should have been sent away in such a short time.

Hon. Mr. ALLAN—We agree with the hon. gentleman.

Hon. Mr. POWER—And there has not been a single word of generous praise to the Minister of Militia for the work that he did, or to the department. I do not think it is a credit to us that that should be so. If hon. gentlemen will look at the correspondence they will see what was thought in England of the action of our government. Here is a despatch from Mr. Chamberlain to the Governor General, dated October 30. Lord Minto had announced to him that the contingent would sail that day. The despatch reads :

> Referring to your telegram of October 29, Her Majesty's government offer hearty congratulations to Canadian government and military authorities on rapid organization and embarkation of contingent. Enthusiasm displayed by people of Dominion source of much gratification here.

We have not heard from a single member of the opposition anything so strong as that. When they are so ready to condemn, they should give a little praise where it is deserved.

Hon. Mr. MACDONALD (B.C.)—There is time enough yet for that.

Hon. Mr. POWER—I was going to say something with respect to the hon. leader of the opposition, but in his absence perhaps I had better not. It was simply that the hon. leader of the opposition has been a member of an administration himself ; he was Minister of Militia for some time, and there was no one in this House who was in a better position to know how creditable an achievement it was, the getting away of that contingent in such a short time, and I was surprised that nothing fell from him to indicate that he realized that. Hon. gentleman have talked about what the people think, but the impression which I get is that the people of this country as a rule, are satisfied that those Canadian contingents were got off in a very satisfactory way and that the government did their duty in getting them off. Of course we are all satisfied that in the places where they are and where they are going they will do credit to the country that sent them. Then there is another circumstance. I feel, and I think the course that has been adopted since the beginning of September, has shown that the leader of the opposition in the House of Commons had one object in view and he kept that steadily in view. He thought that out of this trouble in South Africa might come an opportunity to oust the present government from their position.

Hon. Mr. PROWSE—The hon. gentleman is a mind-reader.

Hon. Mr. POWER—No, but I take the circumstances.

Hon. Mr. MACDONALD (B.C.)—That is not worthy of the hon. gentleman.

Hon. Mr. POWER—In my opinion, South Africa and the empire were no more to the hon. leader than Hecuba was to the player in Hamlet. I do not profess to be in the secrets of the opposition, but the hon. gentleman who leads the opposition, in the other House is supposed to be the leader of that party. He may or may not be, but it is supposed that he is. That is the general impression. It is a somewhat singular circumstance that just at the time when that hon. gentleman began to make trouble over the contingent, the press which supports that hon. gentleman, from the *Mail and Empire* of Toronto down to the *Mail and Herald* of Halifax, began to discover that the French population of this country were a bad lot.

Hon. Mr. ALMON—No, no.

Hon. Mr. FERGUSON—No.

Hon. Mr. ALMON—The *Herald and Mail* never did anything of the kind. It is now the word of the junior member from Hali-

fax against the word of the senior. I am willing to be tried with him on that issue.

Hon. Mr. POWER—I read it in the Halifax *Evening Mail.*

Hon. Mr. PROWSE—Read it now.

Hon. Mr. POWER—I do not carry conservative papers with me. I have something else to do besides carrying conservative papers. Hon. gentlemen know that what I am stating is correct. Hon. gentlemen from Ontario know that the *Mail and Empire* started in on an anti-French crusade.

Hon. Mr. ALLAN—I do not think the hon. gentleman is stating the facts correctly. I do not approve at all, never did and never shall, of efforts to create race hatred in our country. But while I am bound to say that there may have been articles in the *Mail and Empire* of which I would not approve, the articles were directed against publications in French papers, such as *La Patrie* and others, commenting upon their utterances, and I think several articles will be found in the *Mail and Empire* in which they express their regret that there should be any such feeling.

Hon. Mr. MACDONALD (B.C.)—I read the Halifax *Herald*, and I may say that it pursued a similar course to that of the Toronto *Mail and Empire.* Never in the course of my reading of that paper for years has it sanctioned or endorsed race prejudice in this country.

Hon. Mr. POWER—Each hon. gentleman must judge for himself. I am in the judgment of the House and the public outside. Perhaps it is not to my credit, but I may say that I read the evening edition of the Halifax *Herald* when I am at home, and I saw certainly not less than two or three articles at a certain juncture which pointed in that direction which clearly indicated that that was the policy which they were about to adopt. There was a sudden change of face. It was found that that policy was not going to work and it was abandoned.

Hon. Mr. FERGUSON—The hon. gentleman said that these papers had concurred in saying that the French in Canada were a bad lot.

Hon. Mr. POWER—Well, substantially that. There was an indication that the French people were not as loyal as they ought to be.

Hon. Mr. FERGUSON—I have no doubt that they said Mr. Tarte was not loyal.

Hon. Mr. POWER—With reference to the Minister of Public Works, it has been stated by hon. gentlemen here that he had given utterance to disloyal sentiments. No hon. gentleman has produced any such utterance, and no hon. gentleman can produce it. The hon. Minister of Public Works declared that he was opposed to sending a contingent without the authority of parliament. That is a very different thing. There are a great many loyal men in England who disapprove of the war altogether. I am satisfied that the gentlemen who pretend to almost a monopoly of the patriotism, although their pretensions are not as strong that way as they were some years ago, were prepared if they thought the action would have the effect of bringing them back to power, to light the fires of race hatred in this country, to set three millions of English speaking people against two millions of French speaking people. and it was only when they found that the majority of the people would not endorse them that they stopped.

Hon. Mr. ALMON—No, no.

Hon. Mr. DEVER—I may inform the House that the other day in a public train there was an attack made on the French people in their presence, which the French people should resist if they were in a position to do so. People have no business to mix language and religion in politics.

Hon. Mr. POWER—I have the floor.

Several hon. MEMBERS—Order, order.

Hon. Mr. DEVER—No man, I do not care who he is, should utter such sentiments. We are looking for immigrants all over the world.

Hon. Mr. LANDRY—Order, order, order.

Hon. Mr. DEVER—I call the hon. gentleman himself to order. These people are not going to take charge of this country. Loyalty comes by conviction not by coercion, and we are going to have loyalty in

this country, and I want hon. gentlemen to understand that.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. POWER—With respect to the loyalty of the French Canadians, it is not necessary to say much. A few weeks ago it might have been necessary, but it is not necessary now. The hon. gentleman who moved the address in reply to His Excellency's speech referred to that matter in a most effective way. He told us what was perfectly true, that if the French Canadians had not been loyal to Great Britain at the time of the Revolutionary War of 1775, and the following years, Canada would have been lost to British Empire. He spoke of the action of the French contingent at Chateauguay, probably the most remarkable victory which was gained in Canada during the war of 1812 and the hon. gentleman referred to the fact that the son of our Speaker was proving his loyalty in South Africa; and I may add that the son of the hon. gentleman from the Gulf division is also serving his country in South Africa. Another circumstance to which attention has not been directed is that during the North-west Rebellion of 1885, two French battalions went out, the 65th and 9th, I think, and served their country as well as any other battalion, although the people of their own blood and language. After that, any man who undertakes to question the loyalty of a French Canadian does so without any justification. I think it was Lord Dufferin who said that the last shot that should be fired—

Some hon. MEMBERS—No, Taché.

Hon. Mr. POWER—I thought it was Lord Dufferin. It is a fact, however, that there are no people more true to the British Crown than French Canadians.

Hon. Mr. PROWSE—Tell us about the musket and Saskatchewan Valley.

Hon. Mr. POWER—There is just one other point to which I desire to direct attention before I leave this question. I know I am devoting an unconscionable time to this matter, but this is a subject to which almost the whole attention of this House, and of the other House also, has been directed and it is an important subject. I would call the attention of hon. gentlemen to a despatch which appears in this pamphlet. I am surprised, however, that I have not heard any Conservative gentlemen call attention to it, though I understand them to say they are willing to give the government credit for anything they have done. No. 83, from Lord Minto to Mr. Chamberlain, is as follows:

> Deep emotion has been caused in Canada by reports of reverses in South Africa, but a strong hope is felt everywhere that no cause exists for alarm. My Ministers are, however, prepared to act on your previous despatch, and send another contingent at once, if Her Majesty's government deem it advisable.

It is a singular thing that no reference has been made to the fact that when it appeared that the trouble was serious the government here offered to send a second contigent. There was no pressure brought to bear on them to do it; they did it voluntarily. If one can rely on reports which appear in the newspapers, the Minister of Public Works stated in Toronto that he was in favour of sending the second contingent. I think it is very much to the credit of Canada that, when it looked as if it was not going to be a picnic in South Africa, a great many more men offered their services to go on the second contingent than offered to go on the first. They are not holiday soldiers. I am not going to ask hon. gentlemen to compare what has happened now with what happened in 1885, during the Egyptian campaign, but I say that the record of the government in this matter—the things that they have done are creditable to Canada, and that they are so regarded in Canada, and in England, and all over the British empire, and it is only in this country that we hear the miserable fault finding and attempts to pick flaws in their conduct which we have heard. Having said so much on this warlike subject I pass on. There is a well-deserved compliment in the Speech to the high commissioner for his generous act. In offering to furnish a contingent at his own expense, Lord Strathcona has done more than any private individual in the whole empire, and though we cannot claim Lord Strathcona as a native Canadian, he has lived here all his life and represents Canada at home, and there is no doubt that his conduct reflects credit on himself and on the Dom-

inion which he represents. His Excellency says:

I have been instructed to convey to you Her Majesty's high appreciation of the loyalty and patriotism thus displayed.

It appears that everywhere, except on the opposition side of parliament the action of the government of the country is appreciated. The fifth paragraph says:

A Bill will be submitted for your approval making provision for the cost of equipping and paying the Canadian contingents.

There has been a good deal said about this matter and the hon. gentleman from Monck made some reference to it. He spoke of the niggardliness of the government in allowing this contingent to be paid for, while on active service in South Africa, by the mother country; but the hon. gentleman apparently had not read this correspondence, or if he had read it he would have found that when one of the colonies, New Zealand, expressed a desire to pay for her troops while on service, the Imperial government declined the offer, stating that all the colonies should be put on the same footing, and that the Imperial government would pay the troops while on service. The hon. gentleman said that we expected the spinners and weavers of England to pay our men while they are in South Africa. The hon. gentleman cannot be familiar with the system of taxation which exists in England, or he would know that practically the spinners and weavers do not pay any taxes at all, and that England, the wealthiest country in the world, does not mind paying the money but that she is anxious to have the men. Hon. gentlemen should bear this in mind. I have no official information, but I understand that the hon. gentleman who seconded the Address in the House of Commons stated that it was the intenton of the government, while allowing the Imperial government to have their way in the matter, to contribute enough to bring the pay of the men on service in South Africa up to the regular pay of the members of the permanent force in Canada, 50 cents a day —that that money was to be paid to their families if here, or if they had no families, to be paid to the men on their return. I think that is a reasonable and satisfactory proposition. Although Canada is prosperous to-day, we may not always be as rich as we are now, and we are making a precedent. The probabilities are that hereafter, whenever England becomes involved in any serious war, Canada will be expected to contribute, and will contribute soldiers to help the mother country, and we shoud not be carried away by anything in the nature of hysterical enthusiasm. England has the money and wants the men, and we have not the money in very great abundance. I think that the arrangement proposed by the government is a very equitable and satisfactory one. The sixth paragraph of he speech is one to which a good deal of attention was devoted by the hon. leader of the opposition:

The measures which have been taken from time to time to facilitate the safe transportation of food stuffs to European markets have resulted in a large increase in the exportation of several important articles of produce.

It will be observed that the Speech does not say that these measures were taken exclusively by the present government—in fact it does not say by whom they were taken. It says the measures which have been taken from time to time. The hon. leader of the opposition uses language—I did not take it down in shorthand, but what he said was substantially this: not a single step has been taken by the present Minister of Agriculture which had not been taken by the late government. I wish to call attention to certain facts in connection with this matter which do not bear out the hon. gentleman. In 1895, Prof. Robertson, a government officer who served well and faithfully under the previous administration as well as under the present government, asked for some money to put in a cold storage plant. He was given a small amount, twenty thousand dollars, and with part of that amount he fitted out two or three steamers with insulated chambers to be cooled by ice. This was found unsatisfactory, although it was better than nothing. The next year he asked for more money, but was not given any more. That was the last year of the late administration. At that time and before, the Australasians and the Americans had been using a thorough equipment of mechanical cold storage. As a result of this Australasian

equipment, Australasian butter was outselling Canadian butter in the English market by from 10 to 12 shillings per hundred; and our butter did not then make any appreciable advance on the Australasian.

Hon. Mr. FERGUSON—Does the hon. gentleman say that the late government, in 1896, refused money for cold storage?

Hon. Mr. POWER—No, I did not say that.

Hon. Mr. FERGUSON—What did the hon. gentleman say?

Hon. Mr. POWER—They allowed the amount to remain the same. They did not increase it.

Hon. Mr. FERGUSON—My hon. friend is entirely wrong.

Hon. Mr. POWER—Will the hon. gentleman furnish evidence that I am wrong?

Hon. Mr. FERGUSON—The estimates were not put through the House in 1896, for reasons which I need not explain here, but I know that much larger sums were contemplated in 1896.

Hon. Mr. POWER—There was a good deal of difference of opinion about those estimates. I know that the hon. gentleman who was Minister of Finance in the late administration repudiated some of those estimates.

Hon. Mr. FERGUSON—The hon. member can have no possible authority for saying that the government, in 1896, refused to increase that amount beyond $5,000.

Hon. Mr. POWER—The money was not given, I know. Then there was a change of government in 1896, and a different sort of equipment was put into operation. Prof. Robertson's original proposition had been only for insulated chambers on a few ships and some refrigerator cars on some railroad lines. The new Minister of Agriculture put mechanical cold storage of the most approved class, which has not yet been improved upon, anywhere, into seventeen steamers the first year, now increased to twenty-five or twenty-six; induced the putting of refrigerator cars of an improved class on all the railroad lines converging to the ports; offered a bonus to refrigerator companies at the points of shipment to Europe; and by a system of bonuses brought about the establishment of refrigerator chambers at the creameries. By this system our butter was kept cool from the moment it was made until it reached the English retailers; and the result was an immediate advance in the reputation and price of our butter, starting in 1897 and continuing still more in 1898 and 1899; the result being that the last season our butter averaged fully eight shillings a hundred more than the Australasian butter in the same market, while the price to the Canadian producer at the creamery here has this last year been fully 2 cents a pound more than it has been in twenty years; and we have sent $4,000,000 worth of butter to Great Britain in the year 1899. The difference between the last government's dealing with this matter and ours is that they worked it on a very timid and small scale, not giving the necessary funds to the department to carry it out successfully. The present minister boldly asked his colleagues to give him $100,000 a year for three years, and got it from them, with the result that the farmers of the country have been millions of dollars in pocket. This shows that the hon. leader of the opposition was not fully informed about the steps taken by the present government. I shall not confine myself to a statement of that kind without authority, but one can go to the blue books. Taking the quantity and value of butter and cheese exported from Canada during the years ending June 30, 1894 to 1899, the following statement will prove interesting:

STATEMENT of the Quantity and Value of Butter and Cheese (Domestic Produce) Exported from Canada during the Years ended June 30, 1894-9.

YEARS.	BUTTER.		CHEESE.	
	Quantity.	Value.	Quantity.	Value.
	Lbs.	$	Lbs.	$
1894	5,534,621	1,095,588	154,977,480	15,488,191
1895	3,650,258	697,476	146,004,650	14,255,002
1896	5,889,241	1,052,089	164,689,123	13,956,571
1897	11,453,351	2,089,173	164,220,699	14,676,239
1898	11,253,787	2,046,686	196,703,323	17,572,763
1899	20,139,195	3,700,873	189,827,839	16,776,765

At the same time the export of cheese and the value of cheese exported increased, although not in the same ratio. Canadian cheese had made a reputation before, but butter has the same high standing now.

Hon. Mr. FERGUSON—Do I understand the hon. gentleman to say that cheese showed a larger exportation in 1899 than in 1896 and 1897 ?

Hon. Mr. POWER—I have the figures from 1894 to 1899. The value of the cheese exported in 1898 was $17,572,000.

Hon. Mr. FERGUSON—What about 1899 ?

Hon. Mr. POWER—The quantity is 189,827,000 pounds, and the value was $16,776,765.

Hon. Mr. FERGUSON—A decrease of over $1,000,000.

Hon. Mr. POWER—About three-quarters of a million. Prices will go up and down. They do not go up steadily to the extent I have indicated, but I wish to draw the attention of the hon. gentleman from Marshfield to the fact that in the two last years of the late government in 1895 and 1896, the export of cheese was considerably less than in 1894. In 1894 the quantity was 154,977,000 pounds, and the value was $15,488,000. In 1895 it was 146,000,000 pounds, and the value $14,253,000. The next year the value was still less. I think that the hon. leader of the opposition was in error when he stated that not a single step had been taken which was not taken by the late government.

Hon. Mr. FERGUSON—It was simply carrying out what the late government inaugurated.

Hon. Mr. POWER—Carrying out what they had intended to do. Intentions are very good things, but they do not, as a rule, count for much in this wicked world .

Hon. Mr. FERGUSON—You followed in the footsteps of your illustrious predecessors.

Hon. Mr. POWER—I had some statistics here to show how Canadian has advanced in value upon Danish butter. Canadian butter has gained within the last three years, ten shillings on the Danish. It was very much more behind Danish than it is now. We do not attribute all the prosperity to the government, but the government can help it along. We find that in February, 1897, as a result of a visit made by the Minister of Agriculture to Washington, the embargo was taken off Canadian cattle in the United States, and the figures are somewhat interesting. Take the three years 1890, 1891 and 1892, the number of cattle exported to the United States was 11,154, worth $152,925. In February, 1893, the United States set up a quarantine against Canadian cattle, and during the four years and a half before the end of the official year in 1896, the total number of Canadian cattle exported to the United States was 3,762, value at $52,600. In the two years and six months after the quarantine was taken off, as the result of the efforts of the Minister of Agriculture, the exports of Canadian cattle amounted to 213,735, valued at $3,012,000. I think the Minister of Agriculture, at any rate, can claim that he has done something for the Canadian farmer.

Hon. Mr. FERGUSON—In removing that quarantine.

Hon. Mr. POWER—Yes.

Hon Mr. FERGUSON—Does not the hon. gentleman know the history of that quarantine?

Hon. Mr. POWER—No. I have no doubt the hon. gentleman could present a history of the quarantine which would take away all credit from the Minister of Agriculture.

Hon. Mr. FERGUSON—If the hon. gentleman does not know, every farmer in this country knows that the quarantine was made at the instance of the British government to remove what was a still greater consideration to us, the embargo of our cattle in the British market.

Hon. Mr. POWER—I am stating the facts. I trust something may come of the negotiations with the West Indies. Naturally there should be a good deal of trade with them, and I trust that some substantial result may come of the negotiations. Referring to the last paragraph of the speech it says :

Measures will be introduced to renew and amend the existing banking laws, to regulate the rate of interest payable upon judgments recovered in courts of law, to provide for the taking of the next decennial census, for the better arrangement of the electoral districts, to amend the Criminal Code and the laws relating to other important subjects.

May I venture to hope that when these banking laws have been amended the amendments will not be radical, because we have now the best existing banking law. I am not questioning the right of the Dominion parliament to legislate as to the rate of interest payable upon judgments recovered in courts of law, but I wish to say this that in the provinces—speaking for my own province—the question of interest on a judgment is dealt with as being incidental to the judgment itself, and the provincial legislature has said that judgment shall carry, as a necessary consequence, interest at what they mention as the legal rate. It is doubtful perhaps whether a province has a right to legislate that way, but it would be well if the Dominion legislated so as to remove the doubt. I do not mean to say that the Dominion parliament would not be right in legislating, but I only call attention to a fact which has to be considered. With respect to the amendment to the criminal code, I may express the hope that this year something definite will be done in connection with that measure. I quite agree with the hon. gentleman from Marshfield. We passed a bill to amend the criminal code in 1897 ; we passed a similar one last session, and I think it is now time the lower House passed it and sent it up to this House.

Hon. Mr. MACDONALD (B.C.)—I am sure the House will deprecate very much the allusion made in this House by the hon. gentleman for Halifax to loyalty or disloyalty. None of the members who have spoken on this side have accused any one of disloyalty, and that an hon. member should bring up scraps of newspapers to disturb the harmony of this House is much to be deprecated. We have one gentleman almost going mad on this subject, and he deserves the censure of the House for the way he has disturbed the harmony of this Chamber. It is well known that the best feeling prevails between all classes in this country, and there has been no accusation of disloyalty even against the Minister of Public Works or against the premier, although they have been tardy in moving in the matter of sending a contingent to assist the British troops in South Africa. That is all we say, and I am sorry that my hon. friend, who has made a very good speech, especially the first part of it, should have brought up that question at all. For my own part, I have never, for a moment thought any section of the people of this country were disloyal. The hon. gentleman asked my hon. friend (for Marshfield) why did not he propose last session to raise a contingent. That is an absurd question. No one dreamed of war then, and even when the war commenced at the end of October—every body thought, the people of England and the people of this country—that the British forces would sweep the Boers off in two or three weeks, and the war would be over and there would be no occasion for this country or any other colony to go to the help of the mother country. The hon. gentleman alluded to what Sir John Macdonald said in 1885. But the conditions have entirely changed since then. At that time England was at war with an unwarlike, poor people in Egypt, and was not in need of men from any quarter. She ended that war, without a single reverse, in a short time. At that time we had on our hands the rebellion in the North-west and

we had all we could do at home. Then the hon. gentleman alluded to Sir Charles Tupper's action on the Teslin and Stikine Railway question. That hon. gentleman and others, myself amongst the number, were strongly in favour of the Stikine and Teslin Railway, until we saw the price to be given for it. The day I arrived here from British Columbia, when that measure was before us, I went to Sir Charles Tupper and asked his opinion about the government proposal. I said I am opposed to it: I can never agree to give nearly 4,000,000 acres of land for the road and he said: 'I fully agree with you.' He did not change his mind, but was not willing to give that enormous price for it. The first paragraph in the Speech from the Throne calls for no difference of opinion, for we are all pleased to agree, and think that our country is prosperous. That the progressive measures, and above all a tariff adapted to different branches of industry and the establishment of confidence conducive to the safe, and remunerative investment of capital have continued from 1878 to the present day. Here I approve the action of the government for continuing the Conservative policy the Liberal leaders and Liberal press and party so strongly condemned for eighteen years. They have acted wisely in letting well alone, and adhering to the successful trade policy established by their predecessors. This, together with the latent wealth in the bowels of the earth now being developed, and the increased foreign demand for products of the country, such as breadstuffs, timber, coal, fish and precious metals, has made the prosperity of the country what it is. The construction of the Canadian Pacific Railway, the facilities given by it and other lines of communication have conduced greatly to the prosperity of the country. Passengers and freight between Europe, China and Japan now pass as freely over our railways and steamships, as they do within the Dominion. All of which conduces to the prosperity of the country. The second paragraph refers to the unfortunate war in South Africa, in connection with the part the colonies of the empire should take in support of the mother country. The government of this colony cuts a sorry and humiliating figure. No lead taken, no spontaneity, no enthusiastic patriotic action. No responsibility taken; on the contrary an unwillingness, a holding back, an indifference, and lack of grasp of the situation—so different from the colonies of Australia, and New Zealand, which offered their quota of troops early, and spontaneously. They did not hesitate, or wait to be pushed into action. Supposing the country to be in danger of attack or invasion by any other power, to whom would Canada look for aid and protection from the invader? What could those who have been so tardy and unwilling to aid the empire do? What could the Minister of Public Works, and the member for Labelle, and those who think with them do? Simply nothing—unless to whine and cry for British protection.

In such a case, to Great Britain alone could we look for aid, and what do we find now? We find her soldiers and her ships on the east, and west shores of our Dominion ready to protect and assist us free of charge. And, in the face of this knowledge, and experience, some members of the government, hesitate to offer aid until forced to act by public opinion.

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD—It is evident if the Premier and Minister of Public Works had their way that not a man would have been sent to the Transvaal. It is only the overwhelming loyal, and patriotic sentiment of the country which spurred the government to action. The Premier in his speech, two nights ago, admitted that he did not move until he had the strong feeling of the country at his back. In previous interviews and speeches he gave as his reason for not taking action, the unconstitutionality of acting, without the sanction of parliament. If that was a good reason then, it still is, and the voice of the country, however patriotic and loyal, did not make unconstitutional acts constitutional—the House will see the weakness of the reasons for not acting promptly.

Having said this much on the tardiness of the government, I have much pleasure in commending the excellent manner in which the Minister of Militia, and his department, after authority was given, have conducted the enrolment, mobilization, equipment and transportation for South Africa. I am sure all of us hope for a glorious victory for the

empire, an early end of the war, and the complete obliteration of the Transvaal and Orange Free Republics as independent States, and that the British flag may before long float triumphantly from Khartoum to Cape Town. The whole Dominion turns with pride to the munificent offer of Lord Strathcona, which should be emphasized, and heralded from Cape Town to Vancouver Island. Although this is not a convivial meeting, I think the House might adjourn for five minutes in order that we may wish Lord Strathcona long life, happiness and prosperity with three British cheers. There is an important question not alluded to in the speech from the Throne—that is the condition, and administration of the Yukon country. I am fully convinced that the country is immensely rich, and will prove to be so for many years to come, and it deserves at the hands of the government every care and encouragement for its development. I was informed by an American lady, who had resided at Dawson for a year, that we had no conception of the country we possessed and its resources. Very good vegetables were now being raised, land was being cleared, and this branch of agricultural industry would be a great boom to the miners and pay handsomely. But the administration of the district was not what it should be, and should be subjected to a searching investigation. This is not a party question in any degree, and the government should, for its own sake, and for the good name of the Dominion take steps to ascertain if the officials are doing their duty honestly, free from all pernicious influence. I believe men who have grievances will not testify in an open tribunal, afraid of the displeasure of officials. A trustworthy detective service would no doubt ferret out crooked work, if there is any, and put the government in possession of information it should have.

Hon. Mr. ALMON—I have only a few words to say, and nothing in regard to the Speech from the Throne. That has already been threshed out. I am not in the habit of shooting the dead Indian. But I wish to refer to a portion of the speech from the senior member for Halifax—that firebrand which he threw on the floor of the House. He accused the Conservatives of his native country of endeavouring to incite racial feelings against the French, and said that the *Mail* and *Herald* had articles inducing that, and those are the organs of the Conservatives in Halifax. I will not use any language to characterize that statement, but if the Hon. Wm. McDougall's word is good for anything, his statement is not correct. There was another thing that offended me, but I cannot say that I was astonished at it. I refer to the language used with regard to Sir Charles Tupper. He stated that he had acted in a way no gentleman could act. He said he had written a telegram to the premier and published it in a paper. I do not like to hear one hon. gentleman speak of another as 'no gentleman' when he is not present—to tell him behind his back that he is no gentleman. I do not like to hear that statement made among friends of Sir Charles Tupper, when we know that it is not correct. It reminds me of the fable of the viper and the file. A viper, surcharged with venom, enter a carpenter's shop, and, seizing the first thing that came in his way, commenced to gnaw it with his venomous fangs. The carpenter, hearing a noise among his tools, rushed in, but when he saw the reptile was knawing a well-seasoned file, he smiled contemptuously and said: 'Go ahead, viper; do what you can; you are knawing a file.' The ineffectual attempt of the hon. senior member for Halifax to injure the character of Sir Charles Tupper as a gentleman and politician, brought this fable of the viper into my mind.

Hon. Mr. BERNIER—The circumstances under which we have this year assembled are such as to fill the heart of every British subject with anxiety and his mind with a feeling of responsibility that can hardly be expressed. It is only two years that we were in this House rejoicing at the number of years that Providence has been so good as to give to Her Majesty and at the prosperity and peace that had adorned the long reign of our Gracious Sovereign. To-day, however, instead of that peace, England and her colonies are entangled in a war, the first result of which has been full of surprise and sorrow. It is some consolation, however, to be able to refer with pride to the gallantry of our troops. Errors may have been committed. As to that, however, we should be very reticent, because we are not in a position to pass any judgment. What we see clearly is the bravery and gal-

lantry of every man bearing the uniform of Her Majesty's soldiers. In his remarks with regard to the subject, the mover of the address has referred to the loyalty of that group of the nation to which we both belong. No doubt he had in his mind some outside utterances which have been, to say the least, very ungenerous. I must join with the hon. gentleman to vindicate the loyalty of the French Canadians. Indeed, to say the least, it is very annoying to have, after a century and a half of conspicuous loyalty and of good services to the Crown, to undertake a demonstration of our loyalty. Why, hon. gentlemen, few years had hardly elapsed after the surrender of Canada to England when we showed our loyalty. At the time of the American rebellion, who were the disloyal people, French Canada or the English colonies south of us? Then there was a noble generation still living which had seen the French flag floating over the Quebec citadel. Many hearts were still bleeding at the remembrance of the disaster which had brought the change. At that time also appeals were made to them. Those appeals sounded like the trumpet of liberty, and liberty from men having the same blood running into their veins. For it is well known that Lafayette and Rochambeau themselves sent invitations to the French Canadians to join the battle of the thirteen colonies. Nevertheless on that occasion as on subsequent occasions, our people remained loyal to the British flag—our militia went to the front and secured thereby Canada to England. For it cannot be denied that if French Canadians had cast their lot with the Americans, Canada was lost to England. England could not have then saved Canada more than she has saved the other thirteen colonies. And since then nothing has taken place to impair the situation in that respect. To-day, if a plebiscite was to be held to ascertain whether any desire for a return to French allegiance exists amongst us, so general would be the negative answer that we may say that the whole population would vote for the statu quo.

There are reasons for that which I need not refer to at present. I may mention, however, the fact that notwithstanding any friction that may from time to time arise here and there, we have been enjoying for a long time such an amount of liberty under the British flag that there is everywhere a general satisfaction as to the lot that good Providence has bestowed upon us. We are enjoying to a full extent the advantages of a self-governing people, and we hope that nothing in the future will happen to alter that position.

I have just made an allusion to some friction which arises some times amongst ourselves. Everybody must have understood that I was referring to the position in which the minority of Manitoba has been placed.

The hon. Minister of Justice in giving some of the reasons which seem to him to be a justification of the present war, has pointed out the fact that the Uitlanders were denied the privilege of teaching their own language in the schools; yet these Uitlanders had no positive right to that privilege under the Transvaal constitution. They could only claim that privilege by virtue of the polity of nations.

But nearer home there is a small group of population the ancestors of which have been the pioneers of the country. There is a minority which has positive rights under the constitution of their country, yet the privilege which is claimed for the Uitlanders, and which is held so important as to be made a reason for going to war, that same privilege is denied to the minority in Manitoba. Does it not strike everybody that if we are going to redress the grievances that our fellow subjects may have in the various parts of the world, that we should begin at home? This brings me to the school question. The government has refrained systematically to make any reference to these matters in the Speech from the Throne for the last two or three years. It is sought to submerge that question in the ocean of oblivion, in dungeons of death. But, let nobody be deceived. That question is not settled nor dead. The minority will make it an issue at every favourable occasion, and until it is fairly settled, the people of Canada will hear of it. Although the circumstances seem at present to be unfavourable to the claims of the minority, there is sufficient vitality left into that minority to have its privileges upheld wherever and whenever required. It is well to explain what is the present situation. I maintain that parliament has still jurisdic-

tion in this matter, and have the duty of interfering, unless the province itself goes to work and does what is right. The jurisdiction of parliament remains until the province has complied the remedial order of 1895. On the other hand, as parliament has not yet taken action, the province can also of its own motion take action in the matter. As the matter stands, its jurisdiction still lies, by the fact that parliament has not taken action. There has been of late quite an exhibition of loyalty. I am sorry to say that in so far as this question is concerned we find our province and the Dominion in a condition which savours a good deal like disloyalty. What is the refusal of Canada to obey the command of Her Majesty and the decisions of her tribunals, if not disloyalty in disguise? Surely the time must be near when all this should be righted, and then contentment to its full extent will reign again over all the Dominion, bringing with it new expression of devotion to our political institutions, to the British rule, and to the empire.

The Speech from the Throne makes reference, and very properly so, to the action of Lord Strathcona coming forward and undertaking to send at his own expense, a large contingent of troops to the Transvaal. Everybody will join with the government in this matter of regret that no reference had been made to our soldiers. Surely the generosity of Lord Strathcona is commendable. But the man who leaves his country, goes valiantly to the front, and offers his life for the sake of his country is worthy of recognition from his government and from the nation.

We have here in this Senate fellow members whose hearts are beating with pride and with fear on account of the dangers that are now in store for their sons on that distant battlefield. Let us express to them our sympathies. Let us say to them : 'May God spare the lives of your beloved sons and thereby spare to yourselves all the anxieties consequent on such sacrifice.'

I desire to give some consideration to a remark which has fallen from the hon. Minister of Justice, and which must have been of great interest to every member of this House. The hon. Minister of Justice said, in speaking of the Imperialist movement, that it must be evident to everybody that the elaboration of a new constitution—he called it an Imperial constitution—was going on. Truly we are in the presence of much that is unusual. There is much which seems to be agreeable to many; there is much which gives alarms to others. An imperial constitution, what is that? Nobody as yet has perhaps a clear idea of this new-born project. It may be that improvements may be made in our relations with the mother country, and if any real improvements are adopted, nobody will be more satisfied than I. But hon. gentlemen, we must remember that the time is not distant when we were engaged in a very hard struggle to get self-government. Now we have it. Shall we be persuaded that self-government is no more the political ideal that we thought it to be? If we cast our eyes elsewhere, if we study the history of other nations having colonies, or having had colonies, what do we find? No one has been so successful in the administration of their colonies as Great Britain. Most of them have either failed to give satisfaction to their colonial settlers, to get from them what they expected, or have lost their colonies, while England has seen her colonies growing yearly in population, in prosperity, in devotion to the empire. Why is that? Because England has been wise enough to concede to her colonies self-government, and because the colonies have found full liberty under their own political institutions. Canada has been a wonder to all foreigners and to all students of national or social evolutions. The colonial system of England is a wonder to everybody and a pride both for the mother country and for the colonies themselves. Let us indeed find some improvement to that condition, if there is any to be found, but at the same time let us not forget that self-government has been the object of our struggles in the past and must be retained by all means, with all its privileges.

Hon. Mr. PRIMROSE moved the adjournment of the debate.

The motion was agreed to.

THE STANDING COMMITTEES MOTION.

Hon. Mr. MILLS—With the consent of the House I beg to move that, pursuant to

rule 79, the following senators be appointed a committee of selection to nominate the senators to serve on the different committees:—Hon. Messrs. Scott, Sir Mackenzie Bowell, Bolduc, Lougheed, Miller, Macdonald (B.C.), King, Power, and the mover, and to report with all convenient speed the names of senators so nominated. The committee is precisely the same as last year with the exception of the substitution of Mr. Bolduc for Mr. De Boncherville, which was done at his request.

Hon. Mr. PROWSE—I wish to call the attention of the mover of the resolution to the omission of any representative from Prince Edward Island on that committee. I have had to refer to this matter on several precious occasions. It is an invidious distinction and an unfair exclusion that the province of Prince Edward Island should not be represented on that committee; the result in former years has been that Prince Edward Island has never been represented on certains committees at all, while on other committees two or three members out of the four have served, and if there had been a member of the Island on this committee such an anomoly would not have occurred. I am not disposed to offer any amendment, but I merely suggest the propriety of adding one name to that committee, and I would mention that of the hon. gentleman from Marshfield.

Hon. Mr. MILLS—I should be pleased to meet the wish of the hon. gentleman if it could be conveniently done. I took the same committee that was appointed last year, and as the number is limited to nine under the rule we would have to remove some name that is now on the list; and if we adopted the rule of having every province represented, we would have to make an appointment for Manitoba, because there is no member from Manitoba on the committee.

Hon. Mr. BERNIER—There used to be one.

Hon. Mr. LANDRY—There are three from Ontario.

Hon. Mr. MILLS—Yes, Mr. Scott, Sir Mackenzie Bowell and myself. It is the usual practise in this House, as well as the other House, to select the leader of the opposition. I do not very well see how we can alter it. Our duties are to appoint the committees, and we are then functis officio, and I think every member will feel disposed to see that ample justice is done to Prince Edward Island and Manitoba, which are not represented on the committee.

Hon. Mr. FERGUSON—I do not think there could be any change made just now. The committee is the same as last year, but I really think it would be well to amend the rule so that Manitoba and Prince Edward Island could be represented on the committee.

Hon. Mr. MILLS— I do not object to that at all.

The motion was agreed to.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I desire to ask the leader of the House—I think it was on him the matter devolved last year—if certain returns which I moved for somewhat early last session relating to the supply of oil to the Intercolonial Railway will be furnished immediately, or at an early day?

Hon. Mr. MILLS—I will make inquiry. My impression was that the returns were brought down to meet the hon. gentleman's wishes in respect to the motion, but I will make inquiries.

Hon. Mr. FERGUSON—I made certain inquiries to which answers were furnished, but it was pointed out by my hon. friend that some of these inquiries would require a motion for elaborate returns, which I made immediately. These are the returns which I am anxious to have brought down.

Hon. Mr. LANDRY— I should like to inquire from the Minister of Justice or the hon. Secretary of State, if it is the intention to bring down an answer to a return passed about two years ago.

Hon. Mr. MILLS—The statue of limitations might apply.

Hon. Mr. LANDRY—I do not know whether the war has caused them to forget this matter, but it was in relation to the expenses of ministers going abroad. I have not yet received the return.

Hon. Mr. MILLS—I will make inquiries.

Hon. Mr. LANDRY—Perhaps, if it is a matter of fact, I will not receive an answer.

The Senate adjourned.

SENATE.

Ottawa, February 8, 1900.

The Speaker took the Chair at 3 o'clock.

Prayers and Routine Proceedings.

THE STANDING COMMITTEES.

REPORT ADOPTED.

Hon. Mr. MILLS, from the Committee of Selection appointed to nominate the Standing Committees of the Senate, presented their report. He said: With the permission of the Senate I beg to move the adoption of this report. I do so in order that the various committees might meet to-morrow and appoint their chairmen. If that is done I think I might very well give notice this afternoon that when we adjourn to-morrow evening we stand adjourned until two weeks from Tuesday next, to meet at 8 o'clock in the evening.

Hon. Mr. MILLER—I do not know why this disregard of the usages and rules of the House should necessarily take place in regard to this report. The whole proceeding in connection with the striking of these committees, if not irregular, is something approaching very near to irregularity. Yesterday, the motion was carried without any notice, and it was by accident that I received my notice to attend the committee this morning. Having appointments outside, however, I was not able to be present, and therefore did not know, until just immediately preceding the meeting of the House, what changes had been made on the various committees. I see no necessity for haste in connection with this business, and I think there is another objection to it. It is true it may not be unparliamentary to make this motion and strike the committees at the present time, but it is well understood that it is a matter of courtesy to the Governor General that no business should be transacted in the House until the address in reply to the speech from the Throne has been passed. I say that it is not, strictly speaking, an irregular course to transact this or any other business before the address is passed, because we have a right to do any business, and we assert that right on the opening of parliament by the introduction of a Bill pro forma, which is laid on the table, and never goes further than the first reading. Except in cases of emergency it is considered disrespectful to the Crown to do any business of any kind—and this is very important business—before the speech from the Throne has been replied to. I did intend to prevent this report from being read to-day, but as the hon. Secretary of State had the courtesy to send me a copy of the changes made in the various committees, I do not intend to do so, but if I had not been informed before the House met of the changes in the committees, I certainly should have not have allowed the report to be read to-day. This haste, I understand, is due to the fact that there is to be an adjournment. It is quite apparent that the government is very anxious to have an adjournment, and it is equally apparent that there is no work ready for parliament, and an adjournment would be a convenient thing for the government just now, but I should like to ask why there is no business ready for submission to the House immediately. For instance, there is the Criminal Code—business connected with the department of the Minister of Justice—which might be very well considered now. The subject is a very important one, requiring a great deal of patience and attention from the House, and no better time for the transaction of that business could possibly be selected than the first few weeks after the opening of the session. Then there is another important question which must come before us this session, the Banking Bill, and although the Minister of Finance and the Minister of Trade and Commerce are not members of this House, it is peculiarly a measure which should be considered in the Senate before going to the House of Commons. In fact, I see a great many advantages in introducing the Bill here. We have more time to discuss it and better opportunities to consult with persons who are interested in banking from outside. These are two important measures which should be introduced at the present time, and I can only express my regret that the Minister of Justice is not prepared to introduce them instead of asking the House for an adjournment. I do not intend to oppose the motion, but I do not think the minister can have any justification what-

ever for not being prepared to introduce the Criminal Code immediately for the consideration of the House.

Hon. Sir MACKENZIE BOWELL—As far as irregularity is concerned, I concur in the remarks of the hon. gentleman from Richmond, but there is a mode of getting over that difficulty by declaring that it shall not be a 'precedent.' The hon. gentleman elucidated very strongly the objection that I took to the course pursued in the other House. I make the suggestion, in order that it may go on record, that hereafter it is to be understood by this House that this is not to be considered a 'precedent' for future action. I concur also in the suggestion which the hon. gentleman made about introducing measures here. I had a short conversation with the Minister of Justice, upon, not only the propriety of introducing the Criminal Code Bill into this House at a very early date, but if it were possible, that he should have it printed as soon as possible, and have it sent to each member during the vacation in order that a Bill of so much importance may be thoroughly considered—particularly the new provisions it is proposed to make. The minister very courteously said he was making some changes as to which it was necessary to consult some persons interested in certain clauses, but that he would have it printed and circulated at the earliest possible moment. I shall be very glad, for one, if it can be distributed among all the members, because if we have it at home during the vacation, there are persons, such as magistrates, whose duty it is to administer the laws, with whom one might have a consultation as to the result of the proposed amendments. That is the suggestion I made to the hon. gentleman, and he very courteously said he would do so at the earliest possible moment.

Hon. Mr. MILLS—I do not quite agree with what my hon. friend opposite says as to the irregularity of the proceedings. I have already stated my view of that question to the House. The very object of introducing a Bill in each House at the beginning of the session is for the purpose of asserting our rights to proceed with public business irrespective of the speech altogether. Otherwise it might be assumed that the House was called to deal only with the subjects mentioned in the speech from the Throne. That is not the rule of practise with regard to the power of either branch of parliament. I have pointed out that in England, very often, where the debate on the address is not concluded on the same day that it was begun, the ordinary business of the country is proceeded with, and I gave instances of various sorts being submitted in the British House of Commons in 1882 before the address was adopted, so it is hardly accurate to speak of the proceeding being irregular.

Hon. Mr. MILLER—I did not call it irregular.

Hon. Mr. MILLS—The hon. gentleman says he did not call it irregular. I think the expression was used by my hon. friend opposite. My hon. friend having spoken before me, I was replying to what he said as well as to the observations addressed to the House by the hon. member for Richmond, who is very confident of his views of the rules and proceedings of the House, but not always accurate, in my opinion, and upon that question of course we will differ. When my hon. friend opposite says that this shall not be drawn into a precedent, I suppose he means this early adjournment. I thought in proposing an early adjournment——

Hon. Sir MACKENZIE BOWELL—I did not mean anything of the kind. I meant the point to which my hon. friend from Richmond took objection. I did not say anything about the adjournment.

Hon. Mr. MILLS—Because I was going to say in either case after the committees have been constituted, I believe in this House there has been an adjournment of a longer or shorter period of time. Last session our adjournment was for a very short period of time, and then we had a further adjournment; and it seems to me that after the expression of the opinion of this House at the last session it would be better if we had an adjournment for a fortnight, when the legislative business from the other House would be before us in addition to the business we would be prepared to deal with ourselves. It would be more convenient than to proceed directly until the close of the session with the business before this House. The Criminal Code Bill is no doubt

a very important matter, but that subject has been discussed on a number of occasions in this House without any action having been taken in the House of Commons. There are perhaps a few changes, not any that are at all important, to be made in the Bill as it was submitted last year. The Bill is at the present time in the printer's hands. When it is received from the printer, I intend to discuss it with my colleagues who are members of the legal profession, with a view to revision, and then submit it to this House as revised. I do not apprehend it would lead to a great deal of discussion, because it has already been discussed in this House. We gave it very careful consideration last year, and I do not apprehend that members will dissent very much from the opinions that we then expressed, and it did seem to me to bring that Bill down, as we might do in a day or two, would hardly justify us detaining this House for any considerable period when perhaps the consideration of the Bill would occupy but a very short period. We would not be facilitating public business, and we might be inconveniencing members by keeping them here from day to day without having, in the first instance, very much business before them to be transacted. It was with a view of meeting the convenience of members and anticipating their wishes that I suggested, when the committees were struck, this House might adjourn for a fortnight from Tuesday to next week.

Hon. Mr. ALLAN—I think the reasons given by my hon. friend the Minister of Justice for pressing this motion, are to me satisfactory—namely, appointing the committees and organizing them before the House adjourns—but I may add, as a sort of contribution to the discussion, following up what the hon. gentleman opposite said on the subject, I think it will be found in the reports of the Senate, that upon one occasion, when Sir John Abbott was leader of the House, and he had been so for a very short time, he introduced some Bill before the address was disposed of, objection was taken to it. I do not know whether, it went so far as to say it was irregular, but it was stated that it was contrary to the customs of this House, and Sir John Abbott withdrew the measure.

Hon. Mr. MILLS—I have looked at the discussion, and my impression is that the English practice had not been brought under the attention of the House at that time, or in all probability that rule would not have been adopted.

Hon. Sir MACKENZIE BOWELL—I have no desire to continue the discussion further than to take exception, as I should have done yesterday, to what my hon. friend calls precedents. The hon. gentleman referred to the same thing again to-day. He did not draw the distinction between the position that I took yesterday and that which he himself elucidated. My objection was as to the practice, that no business was transacted in the lower House before the address was adopted. My hon. friend's precedents showed that motions were made. You can put as many motions as you please, but no business should be transacted. The precedents which the hon. gentleman gave yesterday, were, a good many of them, not relevant to the question, because some of them related to privileges of the House. If there were a member of this House who had done something that rendered him unfit to associate with gentlemen, and it was thought that he should be expelled, it is the prerogative of any member at any moment to rise and call the attention of the Speaker to the fact that there is an unworthy member in the House ; that is a question of privilege, which takes precedence of everything. That is the distinction which I draw. I take advantage of this opportunity to direct the attention of the Senate to the fact, that the precedents which the hon. gentleman gave were not all relevant to the position and objection which I took.

Hon. Mr. LOUGHEED—I do not wish to prolong the discussion upon this, what I may term academic question, but I do not wish to seem to subscribe to some views which have been expressed with reference to the alleged irregularity of the proceedings taken yesterday in reference to the nomination of members to act upon the selection committee. I therefore would make sufficiently free with the House to read, perhaps at a little length, Bourinot upon this particular question, and I fancy it will disabuse all our minds of any difference of opinion which we may hold in reference to

this particular point which, if my recollection serves me right, has arisen session after session and yet appears cloudy. I refer to page 281 of Bourinot, where there is a short resume of the authorities upon this particular subject as follows :—

When the speech has been ordered to be taken into consideration on a future day, it is the practice to move the formal resolution providing for the appointment of the Select Standing Committees of the House, and to lay before the House the report of the librarian and other papers.

I might say to hon. gentleman that this was what was done yesterday, and in pursuance of that motion the committee of selection met this morning and have submitted their report which we are now considering. I would not wish the House to infer that the hon. gentleman from Richmond has taken an opposite view, as I understand he has not. But the other view has been rather concurred in by my hon. friend from Hastings, who seems to be of the opinion that it was absolutely irregular. Bourinot proceeds :

It has not been deemed courteous to the Crown in the Canadian Houses to discuss any matters of public policy before considering the speech.

Hon. gentleman will observe that there is a limitation placed upon the consideration of a subject involving the discussion of public policy. I do not think any hon. gentleman present will say that the appointment of the selection committee involves any discussion of that nature.

In 1878 Mr. Barthe introduced a Bill with reference to insolvency, but withdrew it in deference to the wishes of the House, until the address was adopted. Of course, circumstances may arise when the House may consider it necessary to act otherwise. It is not an unusual practice in the English Commons to ask questions, to move addresses for papers, and to present petitions while the address is under consideration, and in a session when the debate has been prolonged, public Bills have been introduced and discussed on the motion for leave before the address has been agreed to.

And with reference to the matter alluded to by the hon. gentleman from Toronto, I might say in a note upon page 282 of Bourinot, it seems the Hon. Mr. Abbott, in 1889, before the address was passed, introduced no less than three government Bills. They were not withdrawn by the hon. gentleman on that occasion, but were placed upon the order paper for consideration subsequent to the address. I do not think that under the circumstances, any great violence has been done to parliamentary procedure, and I fancy after this little ventilation which the point has received, there may be found to be no very great difference after all amongst us.

The motion was agreed to.

Hon. Mr. PROWSE—The report has not been read in full and I think that should be done.

Hon. Mr. MILLS—The clerk of the House started to read the report, and hon. gentlemen said 'dispense,' and that was the reason it was not read.

Hon. Mr. PROWSE—I did not understand it that way. I understood the question was raised by the hon. gentleman from Richmond to dispense with the reading because it was not the time for reading it, and there was no necessity for it, because no motion had been made for the suspension of the rule. I understood that the motion was that the rule be suspended so that the report might be read at the table. I do not think the hon. gentleman from Richmond intended that the reading of the report should be dispensed with entirely until a motion was made to make it regular.

Hon. Mr. MILLER—The Minister of Justice refers to me when he says that some hon. gentleman said 'dispense.' I admit he is correct but it was under these circumstances : the motion went up to the chair, apparently, and the chair was going to read it, and I reminded the House that the report should be presented at the table and if read at all should be read by the clerk, but having raised the objection, and necessitating the reading of the report by the clerk, I was willing to dispense with the further reading, because a copy had been sent to me of the alterations made in the various committees, and I was quite satisfied, as far as I was personally concerned, with this alteration. I gave that information distinctly to the House, and it was therefor for any other hon. member who did not have the same opportunity that I had, and who wish to know what changes were made, to insist upon the reading of the report, as he would have right to do. Had any other hon. gentleman insisted upon the full reading of the report, of course it would have been read at

the table. I did not require that, and I did not as far as I was personally concerned, wish to put the clerk to the trouble of reading it. It just shows how unfair this proceeding is, as far as the bulk of the House is concerned. The great majority of the House does not know what changes have been made in the various committees, and we are asked to take them on faith. The usual course would be to have the report presented and laid on the table, and it would appear in the minutes to-morrow, so that every member could see the changes. The trouble all results from the irregularity in the first instance.

Hon. Sir MACKENZIE BOWELL—The practice in the past has been to read the names of the members of each committee to the House and the chairman moved the adoption. Then objection could be taken as each committee was being considered. I think we should adhere to that practice.

Hon. Mr. MILLS—I expected that would be so when I heard that cry 'dispense,' and I did not press the reading of the report.

Hon. Mr. MILLER—Even if the report had been read at the table, without any opportunity of examination and comparison with last year's report, hon. gentlemen would have no opportunity of judging of the changes.

Hon. Mr. ALLAN—And the report of the library committee has been read and passed by the House. Would it not shorten the matter if the Speaker read the names on each committee to the House ?

Hon. Mr. MILLS—Yes.

The Speaker read the names of the members selected for the different committees, and the report was adopted by the House without change.

DISALLOWANCE OF PROVINCIAL ACTS.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL gave notice—

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all orders in council disallowing Acts which had been passed by any of the legislatures of the provinces of the Dominion, or by the legislative assembly of the North-west Territory, since the first day of August, 1896, together with all correspondence in relation thereto ; also, copies of any and all correspondence between the federal and any of the provincial governments relating to any suggestions of changes or amendments to any local Act which may have been passed by such local legislature, and the action taken thereon.

He said : It very often occurs that there are objectionable features in local Bills that have been passed, but they are not considered of sufficient importance to justify the disallowance of the Act, and suggestions are made by the Minister of Justice to the local authorities asking them to change them. That is why I put in the latter portion.

Hon. Mr. MILLS—How far back does the motion cover ?

Hon. Sir MACKENZIE BOWELL—I did not go beyond the first of August, 1896, because returns have been laid before the House previous to that, but if my hon. friend thinks we should take an early period, I am willing.

Hon. Mr. MILLS—I do not think so at all. The returns will be very voluminous. I have no objection to the notice.

Hon. Sir MACKENZIE BOWELL—I am glad to hear it, because I did not think the government which owed its existence to a cry against the disallowance of provincial Acts, could possibly have a voluminous return in a matter of this kind.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being called—

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

Hon. Mr. PRIMROSE—The hon. senior member for Halifax, in the course of his remarks in regard to the speech from the Throne, in reference to the first clause of the speech, said that the government did not claim any credit for the prosperity which Canada is at present enjoying. That is absolutely true. No one can controvert the statement of the hon. gentleman, but it is equally true that from far Vancouver to Cape Breton the press of the Liberal party

has under double-leaded head-lines, flying flags and crowing roosters, claimed all the credit of that prosperity.

The claim is so absolutely absurd that it cannot be entertained by any gentlemen who claim an average share of intelligence in Canada. The real fact is simply this, that it is a time of prosperity amongst all nations the world over. We who have attained to years of maturity, and perhaps a little more, know perfectly well that there seems to be a system of cycles of prosperity and of depression, which return at well recognized intervals, and it is my opinion that we are at present within the scope of one of these cycles of prosperity. In regard to the second clause, the hon. gentleman asks what he evidently thinks to be a very pertinent and unanswerable question: what would the Conservatives say had the government sent a contingent and no war had occurred? In reply to that, I would simply say that no man, claiming any degree of foresight or of prescience as a statesman, in Canada or elsewhere, could fail to see that the prospect of war was so imminent that it was a wise thing in Canada and in the mother country to be prepared for the ultimate issue that has come upon us, and I, for one, can assure the hon. gentleman that I think I know the feeling of the Liberal Conservative party well enough to say that not a man of us would raise his voice against Canada taking a most active part under the circumstances. What was the actual state of matters in regard to the government's disposition to send a contingent? It seems to me that they did not even, so to speak, tighten the traces of the government go-cart until the sharp goad of an incensed public opinion pierced between the interstices of a rather thick cuticle and compelled them to realize, as did a very misguided man in days of old, that it was hard for them to kick against the pricks, and so they woke up. They woke up a little too late, it is true, in the order of time, and they hastened to retrieve the mistake, but only in time to place Canada, the first-born, the brightest gem in the British Crown, not where she ought to be, at the head of all the other colonies, but away down at the bottom. What a fall was there! By the action of the government she forfeited her place of honour at the front. The hon. gentleman laid great stress on the fact that the legislatures of almost all the other colonies were in session at the critical time, and that therefore they were in a position to receive at once the authorization of their different legislatures. The hon. gentleman must think we have very short memories in this Chamber. It is not so very long ago that the government of this country at a period antecedent only by some five days or something of that kind to the meeting of parliament, made an appropriation of the wealth and assets of Canada under an Order in Council for a sum, which I think I am justified in saying would far exceed the expense of the contingent we are sending to the war—for what? For the construction of a tramway from nowhere to nowhere in the Yukon Territory, and which would certainly have been carried out had it not been for the intervention of this House. No, the reluctance of the government to send a contingent to the assistance of the mother country must be looked for in other quarters, and other reasons must be assigned for it—reasons which now are perfectly well known to every Canadian, and which I do not say anything more about. It is far more attributable to that than to the want of sanction of the parliament of Canada. Now I come to another matter, and if I speak in somewhat stronger terms than might perhaps be deemed, I shall say proper, you will have to excuse me. I shall try and not commit any breach of the rules of the House in what I have to say. The hon. gentleman took occasion, in the course of his speech of yesterday, to indulge in a piece of most uncalled for and unjustifiable invective against the leader of the opposition. Well, I have had the pleasure and the privilege—I esteem it both a pleasure and a privilege, in the highest sense of these terms, to have known that hon. gentleman intimately since 1843, and when Sir Charles Tupper, then simply Charles Tupper, M.D., had just completed his curriculum as a medical student. All through the intervening years I have had most intimate associations with that gentleman, and I claim to be here and now in a better position by far than ever was or ever will be the hon. senior member for Halifax to know something of the motives which actuate that gentleman in his course through life. I do not know what prompted the hon. gentleman to make the unwarranted attack

of yesterday unless it be indeed that, being in some sort somewhat of a classic, he did not forget the old Roman adage, 'he that would shoot high must aim at the sun,' and so, from his low level, so much below the level of the high mark at which he aimed, he twanged his little bow and sped his vemon pointed shaft at his noble quarry, a man whose fame as a statesman is world-wide, and who among Canadian statesmen, how eminent soe'er they may be, is easily 'the noblest Roman of them all.' He towers so far in mental equipment, statesmanship and valuable services to Canada during the course of a long public life above the mediocrities on the government benches, that it is little wonder that the lesser lights in the Liberal firmament have to resort to the ignoble course of baseless defamation and calumnious criticism adopted by the senior member for Halifax. The hon. gentleman had two principal counts in his bill of indictment: first, that Sir Charles Tupper's action in reference to urging the sending of a contingent to South Africa was prompted by a desire to make party capital, and, secondly, that Sir Charles Tupper was and always had been an abettor and promoter of racial and religious animosity.

Hon. Mr. POWER—No, I did not say that.

Hon. Mr. PRIMROSE—Yes, very much that. I am in the sense of the House.

Hon. Mr. POWER—I did not say anything of that kind. I said that in the present instance, in connection with these contingents, he had been, but I did not say always.

Hon. Mr. PRIMROSE—I accept the explanation willingly. In that case I must say that I misunderstood the hon. gentleman. How utterly baseless and base as they are baseless these allegations are I shall try to show. In support of his first allegation he cited the instance of the sending of Sir Charles Tupper's telegram to the Montreal *Star*. In regard to that matter he said, and he iterated and re-iterated the statement, 'I know all about this telegram.' Well there are two of us. I know all about this telegram. Perhaps I know more than the hon. member from Halifax does, because I have the facts from the gentleman who sent the telegram. The telegram was sent by Sir Charles Tupper on the 5th October last. It reached the hands of the Premier on the 12th of October. In the interim between these two dates, Sir Charles Tupper saw in an issue of the *Globe*, the date of which I do not recollect at the moment, that the Premier of the country had come to a decision not to send a contingent. Then and not until then did Sir Charles Tupper make his telegram public. I quote now from an item in the Ottawa *Citizen* of this morning, purporting to give a report of the speech of the hon. senior member for Halifax.

Hon. Mr. POWER—Yes, a nice report. I hope the hon. gentleman will not consider that a report of my speech.

Hon. Mr. PRIMROSE—Will the hon. gentleman raise his objections to it as I go along.

He charged Sir Charles Tupper with having sent his despatch offering to support the government to the Montreal 'Star' before it reached the Premier.

Is that incorrect?

Hon. Mr. POWER—I said that.

Hon. Mr. PRIMROSE—I shall place before the House circumstances as they occurred, as given to me not many hours ago by Sir Charles Tupper himself, and the House will decide which is the best authority. The hon. gentleman from Halifax said in his remarks that this was 'not the way gentlemen did.' There are other cases in which gentlemen do not act exactly as gentlemen should act, and perhaps it would be well for the hon. gentleman to take that to heart. The report continues:

On its being pointed out that the delay was due to the telegraph company, Mr. Power said he knew what he was talking about, and that the despatches were handed in together.

Here comes the question, now did the hon. gentleman from Halifax obtain that information? I make no charge. I desire to make no imputation of any kind, but it is clear to an outsider conversant with business methods, that it could only be through an operator in the Halifax office. I wish to say in the first instance the Premier got this message on the 12th, and on inquiry within an hour afterwards, the message was handed to him, and an expla-

nation was made that some mistake had occurred in the Halifax office. Again I refer to the question—how did the hon. senior member from Halifax get his information ? To an outsider, and at the same time a man who knows something of business principles, it would seem that there could be but one source, that is the operator at Halifax, and the hon. gentleman got this information there, that operator was violating the oath he took when he gave that information.

Hon. Mr. POWER—I think it only fair to the operator to say that I did not get the information from him.

Hon. Mr. PRIMROSE—I suppose the hon. gentleman will not be so candid as to tell us where he did get it ?

Hon. Mr. POWER—No.

Hon. Mr. PRIMROSE—That would be too much to expect. We have two representatives from Halifax in parliament, the senior representative from Halifax a Liberal in this House and the senior representative from Halifax, a Liberal, in the Lower House. I hold in my hand a report of what was said by the Liberal representative from Halifax in the other House and I shall read it, and hon. gentlemen can make their selection between Dr. Russell and Senator Power. It is a case of Halifax versus Halifax. The Doctor, at a very large meeting in Halifax—I rather think it was in connection with the Provincial Exhibition, but I am not sure—about the 16th or 17th of January last, expressed himself in this way :

He personally had taken the stand, in private conversation nearly a year ago at Ottawa, when the idea of parliament adopting a resolution upholding the claims of the Uitlanders for redress of their grievances that any expression of opinion of this kind by Canada should be backed up by a subsidy or a contingent.

It was not thought then that Kruger would actually go to war, but the unexpected happened, and the crisis was upon us. He was glad Canada was unanimous in backing up her loyalty in a substantial manner. It was the opportunity and the privilege of the leader of the opposition——

Not the leader of the government whose duty it was.

I would to God it had been the privilege of the leader of the government. Now, coming to the second count in the hon. gentleman's indictment the racial and religious cry, how utterly unwarranted such a charge is ! I am amazed that the hon. the senior member from Halifax, a citizen of the capital of the province from which he comes, should have the temerity to make such a charge, being cognizant as he must have been of events which transpired in Halifax somewhere about 1857, when the government of the province took the stand that Roman Catholics were to be excluded from positions in the government. Sir Charles Tupper was the man who set his face like a flint against any such proposition as that. He was the man who set his foot down and said this shall not be. He was the man that with giant strokes smote the panels and burst in the lock of the door of exclusion, so that it has never swung upon its hinges since, and there is now ready access to any position, however high, for Roman Catholic and Protestant alike. To-day, we have an example of what I mean, an eminent and shining example of the result of the action of Sir Charles Tupper in those days, in the able, the eminently able and cultured gentleman who graces the gubernatorial chair of Nova Scotia to-day, Sir Malachi Daly, a Roman Catholic. The *Morning Chronicle*, the beloved of the senior member for Halifax, took the ground from 1857 to 1859 inclusive, that no Roman Catholic should have a seat in the government. Sir Charles intervened, and then, as I say, by his intervention and as a result of that manly intervention, the way was opened for Roman Catholics and Protestants alike to the highest offices in the gift of the government to which their abilities would entitle them. This is the man who to-day is said to be a bigotted abettor of religious and race prejudice. Another charge was made against the Conservative press by the hon. gentleman, which I repudiate in toto, that they in their articles have persistently and constantly advocated the keeping up of racial and religious animosity in this Canada of ours. If the hon. gentleman wants any samples of that I would direct him to *La Patrie, La Semaine Religieuse, Le Soleil* and other Liberal papers. He will find in these no scarcity of material on which to vent his pent up wrath. In clause No. 3 of the speech we find the following reference to the offer of Lord Strathcona :

In this connection, it is a matter of pride and gratification to the people of this Dominion that, in addition to the contingents sent by the government, another Canadian force is being organized and despatched at the personal expense of the High Commissioner of Canada. This generous and patriotic action upon the part of Lord Strathcona reflects high honour on him and on the Dominion he represents.

All honour to him for his large hearted and princely munificence and liberality, which is only giving us some little idea of the extent of his patriotism. The next paragraph in the speech says :

I have been instructed to convey to you Her Majesty's high appreciation of the loyalty and patriotism thus displayed, which, following the preference granted under the present tariff to articles of British manufacture, has had the happiest effect in cementing and intensifying the cordial relations subsisting between Canada and the mother country.

What a collection—what a juxtaposition! What under heaven has the tariff to do with the loyalty and patriotism displayed by Lord Strathcona? What under heaven had they to do one with the other? Nothing in the world ; but I have this to say about this preference for which so much is claimed, that it undoubtedly is, and is recognized to be a tariff much more in the interests of the United States than it is of Great Britain, as is abundantly and incontrovertibly proved by the fact that the trade between the United States and Canada is immensely greater than that between Great Britain and Canada. I admit that the trade between Great Britain and Canada has increased to some extent, but nothing like in the same ratio as the trade between the United States and Canada, showing that the tariff gives a very decided advantage to the United States. Next comes a Delphian oracle sentence—

A Bill will be submitted for your approval making provision for the cost of equipping and paying the Canadian contingents.

What would any hon. gentleman infer from that? Would you not infer that the total expense of the contingent was to be borne by this Canada of ours ? Ninety-nine Canadians out of a hundred would take that impression from it. The proposition, as I understand it, is that the government is prepared to make up the difference as between the Imperial pay and what our troops have been accustomed to get, and so our poor boys, after all, go out to this war in which they may lose their lives or be maimed for life, under a C.O.D. stamp—mercenaries, after all. The speech continues:

The measures which have been taken from time to time to facilitate the safe transportation of food stuffs to European markets have resulted in a large increase in the exportation of several important articles of produce, and it may become necessary in the interest of this very important branch of industry to require a more careful inspection than has been customary for the purpose of maintaining that high standard of excellence heretofore secured and which is absolutely indispensable if the people of Canada are to increase their large and profitable trade with other countries in these commodities.

Who initiated that ? This government ? Echo answers who ? No, they did not. It was initiated and well under way before this government came into power at all, and they have only been following the lines laid down in regard to this matter, as in many other matters, by the previous government. The next paragraph refers to the post office:

I am glad to observe that the returns from the Post Office Department afford good ground for believing that the temporary loss of revenue caused by the great reduction recently made in letter postage, will speedily be made good by the increased correspondence consequent thereon.

I should hope so too, but there has been a reduction in the revenue of the post office, that I do not think is very creditable to the members of this cabinet. I am informed that the Minister of Agriculture in the recent election campaign in Sherbrooke, sent free through the mails, under the imprimatur of his stamp as Minister of Agriculture, quite a cart load of brochures of campaign literature to promote the interests of the Liberal party in that contest, and again, on a certain occasion when Sir Richard Cartwright made what he considered a very admirable speech, I suppose, in Massey Hall, Toronto, he had his speech by the thousand scattered throughout the country, and poor Canadians have to bear the cost of it. That is a way of decreasing the revenue of the post office that I do not think is very commendable.

Negotiations are now in progress with several of our sister colonies in the West Indies which it is hoped may result in increasing and developing our trade with those islands, and possibly with certain portions of the adjacent continent of South America.

It seems to me that I hear an echo from a far distance, years behind us, when in

another House action was taken by the Conservative government to make this business connection with the West Indies, when it was pronounced by the Liberals to be perfectly ridiculous to look for such distant connections as that. Canada, we were told, would never benefit by it. Why not cultivate and coddle the market of 50,000,000 to the south of us. Now, here are the same gentlemen claiming as a great piece of merit that they are cultivating trade with the West Indies.

I am happy to observe that the number of settlers who have taken up lands in Manitoba and in the North-west Territories is larger than in any previous year, and affords conclusive evidence of the success which has attended the efforts of my government to promote immigration.

I do not think so at all. I do not think there is any reason to conclude that this immigration is satisfactory to Canada at large, and it is less so in the immediate neighbourhood where these people have settled than in parts of Canada more distant. There is one thing against which I think we ought specially to guard in connection with this matter of immigration, and that is that we do not fall in to the same cardinal mistake and error that the United States government have fallen into, in promoting in their country the immigration of an uneducated and a poor class of immigrants, who at no time and under no circumstances can be of great advantage to the country in which they settle.

I am pleased to say that our canal system, connecting the great lakes with the Atlantic seaboard, has been completed so as to allow vessels having a draft of fourteen feet to pass from the head of Lake Superior to the sea. The vigorous and successful prosecution of these works by my government has already attracted the attention of those interested in western transportation, and there are good grounds for the hope that, when the necessary facilities for the quick and inexpensive handling of ocean traffic are provided, and which are now in progress, Canadian ports will control a much larger share of the traffic of the west.

We have struck something new, it would appear. One would imagine, to read that clause, that we had stumbled upon some new enterprise, whereas we are well aware that this matter was under the management of the previous government, and was well under way, and that the present government have merely followed in their footsteps in completing the work their predecessors had begun.

Then, we come to the last paragraph, the allusion to the taking of the next decennial census, and in conjunction with that, the better arrangement of the electoral districts I hardly know what it means, or what it implies, but it seems to me a curious conjunction of two ideas—that taking of the next decennial census and a measure for the better arrangement of the electoral districts almost immediately before the census is taken I do not see why there is any necessity for rearranging the constituencies, when the next general census is so very near at hand. The subject to which all others in the speech are subordinate, and justly so, is that of the war in Africa, a war forced upon Great Britain by the circumstances, a war to do away with and abolish the wretchedly cruel slavery of the native races at the hands of the Boers, a war to place British subjects on a footing of equality with others, not in the condition in which they were when this war was initiated, deprived of the rights and privileges of free men, denied representation and taxed for the principal part of the revenues of the country. We all know that the Uitlanders are very much more numerous than are the Boers. We all know that the contributions of the Boers have been infinitesimal in comparison with the contributions of the Uitlanders to the revenue, and yet they, being British subjects, have been deprived of representation. The absolute necessity that was laid upon Great Britain to enter upon this war strictly in her own interest must be evident, I think, to every one. I say it was an absolute necessity that Great Britain should hold South Africa, in the light of the position which South Africa occupies, being a half-way house between Great Britain and her Indian possessions; so that, in that light, it would never have done to have allowed the Boers to control the affairs of that country. In time, let us hope for the establishment of a government modelled upon the plan of the British government, under whose benign sway every man can sit under his own vine and fig-tree, none daring to make him afraid, where every citizen will enjoy all the privileges and immunities possessed by the residents of the British Islands themselves; and, after a few years' experience of that position, I

am sanguine enough to hope that even the Boers themselves will after realizing what it is to enjoy the privileges of British citizens, be even willing to risk life and limb in the defence of that glorious flag which has done so much for the world in the days that are gone, which, in whatever part of the world the breezes of Heaven kiss its glorious folds, is the emblem and the forerunner of Christianity, civilization and commerce.

Hon. Mr. MILLER—I seldom take part in the debate on the address in reply to the speech from the Throne, and although on the present occasion subjects of an exceptional character claim the attention of the parliament of Canada, I would follow my usual course, and await the submission to the Senate of the subjects referred to in His Excellency's speech to express my opinion regarding them, were it not for the attack of the hon. member from Halifax on the distinguished leader of the opposition, an attack, as my hon. friend from Pictou has said, alike bitter, uncalled for, and devoid of truth. But as the hon. gentleman has brought me to my feet I feel inclined to contribute some general remarks to the discussion.

The year that has just closed has witnessed a new departure—a new era in the history of this Dominion, which, whatever may be their serious aspects, must be viewed with feelings of gratification and pride by every loyal and right-thinking Canadian. We have seen our country assume the position of an ally of the motherland on the battle field—realizing the vision of the fathers of confederation of a united empire in war as well as in peace, and presenting to the world an object-lesson, which has been contemplated, even by the enemies of Britain, with surprise and admiration. Whatever, I repeat, may be the sad features of the bloody struggle in South Africa, no one can doubt that it has proved the most potent factor of modern times in promoting the unity and future federation of the British Empire. There could be no better proof of the justice, freedom and happiness of British rule, wherever its enlightened methods prevail, than the spontaneous offers of assistance to the empire, in the hour of need and peril—as exemplified in the wave of loyalty and patriotism that has swept the outlying portions of the empire—notably, India, Australasia and Canada. Let its enemies predict as they please, the decadence and fall of the British Empire, never in its history did it present to the world so grand a spectacle of Imperial unity and strength, on land and sea, as it does at the present hour. The best and noblest blood of the nation is being freely spilled in the cause of liberty and civilization in a war forced upon it by injustice, tyranny and barbarism. It must not be forgotten, that England is not the aggressor in this wicked war, but that she has been insultingly challenged to the conflict, and that her power and prestige are involved in the issue. Jealous of her proud position, it cannot be denied that many of the nations of Europe, whose liberties she has so often fought for and preserved, are exulting to-day over any reverse she suffers, in war or in diplomacy, throughout her world-wide dominions. There, therefore, never was a time when it more behooved the great colonies she has planted in both hemispheres, and nurtured and protected in their infancy to show their gratitude for past care and kindness, as well as their appreciation of the free institutions bestowed upon them, without distinction of race or creed or colour under the glorious folds of the British flag—the symbol, as has been truly said, of justice and liberty in every quarter of the globe in which it flutters to the breeze. This spirit of Imperial justice and liberty has nowhere been more conspicuous than in this Great Dominion, where we enjoy the most absolute self-government consistent with our allegiance to the Crown; and we all felt proud of the prominent position of Canada in the celebration of the Queen's Jubilee as the premier dependency of the empire in all the elements of colonial strength and greatness. However much we may and do deplore the reverses so far sustained by the British forces in South Africa, the blood of the heroes who have met an untimely grave in the cause of the empire will only stimulate the courage of the nation to pursue undaunted the bitter struggle to a successful termination. But one feeling must animate Britons in every quarter of the empire, and Canada will do its duty and vindicate its affection and loyalty in this great emergency, however hampered she may be by sinister and unpatriotic influences where they should least be expected

to exist. The patriotic ardour of our people cannot be trammelled by the half-hearted language of 'permission' to our volunteers to enlist as soldiers of our gracious Queen, in the defence of the honour and integrity of the empire.

Under all the circumstances—to use the mildest language—it was very regrettable—it was even very exasperating, that when the occasion presented itself of proving by our acts our loyalty to the motherland, Canada did not take the lead, which was her place in the hour of danger as it was in the procession of honour, and set an example to the other colonies by offering all the assistance, both in men and money, that her means and resources would justify. But if this was not done—and we know it was not done—it was not the fault of the people of Canada. The loyalty of the people of Canada was unmistakably exhibited from the beginning of the Transvaal difficulty; it had found emphatic expression in both Houses of parliament, and Canadians every where were clamouring to go to the assistance of the empire in South Africa. Whose then was the fault—whose the delinquency, at that critical moment? Chiefly—I am sorry to say—but the facts are undeniable—they are matters of record that can not be blotted out—the fault—the delinquency—the recreancy to his high trust and duty, rested on the Prime Minister of Canada—overloaded though he was with the honours of his Sovereign, through the accident of office dishonestly obtained; drilled or inspired—if he needed any drilling or inspiration in that direction, which I doubt—by the distinguished statesman, who is so well known as the Tory master of a Liberal administration—a gentleman who I perceive has lately become almost as exhuberant in his professions of loyalty as he was very recently in his tirades of disaffection and hostility, in the vain endeavour, as at Toronto, to allay public indignation at his previous unpatriotic, if not seditious utterances.

The refusal of the premier in the beginning to respond to the wishes of the people—his evident intention not to send any assistance to the Imperial forces in South Africa, on the pretext that Canada had no quarrel with the Boers; that he had no legal authority to do so; that he could not, and would not, take a dollar from the public treasury for such a purpose, supplemented by the hostile stand taken by the Minister of Public Works, with the object of exciting racial antagonism, aroused all loyal Canadians, and both these high functionaries saw the wisdom of averting the gathering storm that threatened to sweep them to their doom. In thorough harmony with their inconsistency on nearly all grave questions of public policy, they changed their tactics, and called for volunteers for the Transvaal—or, in Sir Wilfrid Laurier's own words, they 'permitted' volunteers for enlistment in the British army in South Africa. But Mr. Tarte boasted that the Order in Council calling for volunteers contained a declaration that the action of the cabinet was not to be taken as a precedent, and that not one dollar of Canadian money was to be spent in maintaining them at the seat of war.

We must all blush to think that such an Order in Council will remain forever among the archives of the Dominion—an indelible disgrace to Canada.

The government and its friends talk as if the attitude of the Prime Minister and the Minister of Public Works was due to their apprehension of constitutional difficulties that stood in their way, and not to any hostility to the patriotic wave that was passing over every part of the Queen's dominions, and which frightened them into a sense of their duty. The excuse of being unable to use the public funds without the sanction of parliament has well been called a quibble, for the same men did not hesitate, as one of their first acts as a government, to draw large sums from the treasury, with only questionable justification of their action. If ever there was an unforseen emergency—when they could rely on the approval of parliament for putting their hands as deeply as they pleased into the pockets of the people—an emergency clearly within the scope and meaning of our constitutional practice—this was certainly such an unforseen emergency, in which our honour, and loyalty, and patriotism were all involved. They had nothing to fear, and they knew it, from the people of Canada to prevent them from doing their simple and manifest duty. Their unpardonable hesitation and their worthless excuses at the critical moment spoke stronger than words that the pulse of the government did not beat in unison with the great part of the people, and the thought of their delinquency—their evi-

dent design to check popular enthusiasm, is now the night-mare of the Liberal party.

We must all be proud that when the loyal people of the Dominion were 'permitted' by their rulers to volunteer for service under the flag of the empire in South Africa, more brave Canadians than could be accepted readily offered their services, and if a dozen contingents had been asked for, instead of one or two, the patriotism of our people, it was clear, would prove equal to the demand. That the sturdy men we have sent to the seat of war will do honour to themselves and their country, we all have the most unbounded confidence.

Although events in South Africa have not, so far, afforded us much reason for rejoicing—but indeed quite contrary—there can be no doubt that a change will in due course of time take place for the better; and that victory in the end will perch on the banners of the empire, we all firmly believe. England's struggle is in a just cause; she is fighting—in a fight, it must never be forgotten—for equal rights to all, against a cruel and barbarous tyranny, which should not be allowed any longer to retard the civilization and enlightenment of some of the most valuable regions of the dark continent —where white men and black men are now alike victims of Boer oppression and cruelty.

I do not think it necessary to go further into details or quote dates and public papers in order to substantiate my assertions, because I know these figures and documents are as familiar to hon. gentlemen as they are to myself, and I do not wish to weary the House by reading them.

I said in my opening remarks that I would have followed my usual course, and not have spoken in this debate, as I consider it more in accordance with British practice that the various subjects in the speech from the Throne should be discussed as they are presented to the Senate, with full information, during the session of parliament. I admit there are times when a contrary course is quite justifiable.

Had it not been for the unwarranted attack of the hon. member from Halifax yesterday on the distinguished leader of the great Conservative party in this country, I would have maintained my customary silence. I am, I regret to say, an older man than the hon. senior member from Halifax, and have from experience a more full and accurate recollection of the stirring scenes and incidents of political life in my native province during the last half century than he perhaps can personally remember, although, as a diligent student of history, I am aware he is very well informed.

With regard to any charges of racial or religious bigotry or intolerance, wherever made against Sir Charles Tupper, I am in a position to say that such charges are destitute of the slightest foundation in truth. No public man in this country to-day has a prouder record for liberality and broadmindedness, no man who has figured in the public life of Canada during the last half century has been less open to the charge of religious bigotry or racial prejudice than the venerable leader of the opposition. His voice has always been for equal rights to all classes and creeds, and favouritism to none, and if there is a phase of his political career to which he can look back with unalloyed pride and pleasure, this is that feature of it. Sir Charles Tupper entered public life in Nova Scotia about the year 1854. In 1857 a dispute arose which separated the Roman Catholics of that province from the Liberal party and drove them into the ranks of the Conservative opposition. Immediately a cry of proscription was started against them by the Liberal party and their organs. That unscrupulous organ of the Liberal party today in Nova Scotia, the Halifax *Chronicle*, then edited and owned by Mr. William Annand, a thoroughpaced bigot and proscriptionist, teemed with the vilest abuse of Roman Catholics and their religion. A 'no popery' howl was started throughout the province, which raged for years. That foul cry brought the Liberal party back to power in 1859, with a very slim majority. The Liberal organ declared that it would be a long day before any Roman Catholic would again occupy a seat in the government of Nova Scotia. I myself, then a law student, was present in one of the outlying districts of Halifax County at the departmental election of Annand as Financial Secretary, and I heard him on that occasion, before a purely Protestant audience chiefly composed of illiterate farmers, declare that he hoped never again to see a Papist pollute a seat at the council board of Nova Scotia.

These were the sentiments of the Liberal party at that time shortly after Sir Charles Tupper appeared in the political arena, and

with a courage, ability, eloquence and energy that have always distinguished him, battled against those principles of proscription; he crushed the head of the viper of religious bigotry and intolerance under his feet, and carried the elections of 1863 with an immense majority. It was due to the herculean efforts of the young, able and brilliant politician at that memorable period that religious proscription received its deathblow in Nova Scotia forever. Up to that time, the respected father of the member from Halifax, whom I well knew, and of whom I would only speak with sentiments of the highest esteem for his memory, was a staunch and influential supporter of the Liberal party, but he then forsook his political associates and became a supporter of Dr. Tupper, whom he followed for the next ten years when the question of confederation in 1865 broke up all the old party affiliations in that province. During the period of the 'no popery' howl the Halifax *Chronicle* teemed with the foulest abuse of the clergy and the rites of the Church of Rome, and everything that its adherents held dear. I say, and I know whereof I speak, it was the ability of Sir Charles Tupper, who was usually then alluded to in the *Chronicle* as the hero of the 'red stockings' government, in insulting connection with the footgear of certain dignitaries of the Roman Catholic Church, that frustrated the Liberal campaign of religious intolerance and sectarian strife, and the effect of it is visible to this day.

But beyond all this, the public career of Sir Charles Tupper is full of incidents of liberality and justice towards Roman Catholics. Perhaps there was no man in Canada, when we omit the names of Sir John Macdonald and Sir George Cartier, who was better entitled to a seat in the first cabinet of the Dominion than Sir Charles Tupper. Why was he not there? He was not there because of racial troubles and difficulties, for which he was not responsible, but to appease which he voluntarily sacrificed his great claims. In order to overcome this racial and religious difficulty, he, one of the most prominent men in Canada in connection with the passage of confederation, sacrificed himself that an Irishman and a Catholic, as representative of the Irish race and Catholic body, should get a seat in the first cabinet of the Dominion. It was an instance of the greatest magnanimity, when it is remembered that the gentleman for whom he gave way had personally no great claim to the position to which he was appointed, but was simply a very respectable Irish Roman Catholic—the late Sir Edward Kenny. I repeat, that if there is a man in this country whose record will bear inspection in connection with racial and religious questions that person is Sir Charles Tupper, and it is only fair and manly that this record should stand him in good stead when he is slandered and misrepresented by his opponents at the present time. But the last man in Canada to trump up against him a charge of religious bigotry or racial prejudice should be an Irish Roman Catholic, or the son of an Irish Roman Catholic.

What has been the history of Sir Charles Tupper as an influential Conservative statesman since confederation, as well as the history of the Liberal-Conservative party in Canada, in regard to racial and religious questions in this Dominion? Need I remind hon. gentlemen that the Liberal-Conservative party, all the time they held power in this country, with the consent and approval, and often at the instance of the present leader of the opposition, gave due representation to the Roman Catholic minority in the maritime provinces in the Dominion cabinet. The Hon. Hugh Macdonald followed Sir Edward Kenny, and the Hon. John Costigan and Sir John Thompson followed Mr. Macdonald, recognizing that that minority was entitled to representation in the government of Canada. What has been the conduct of the Liberal party at any time they have held power during the last thirty years? When the Hon. Mr. Mackenzie formed his cabinet, in 1874, he gave five seats to the maritime provinces, but no Roman Catholic occupied one of them. When the Hon. Mr. Laurier came to power, he gave four portfolios to the Atlantic provinces, but no thought had he of giving representation to the powerful Roman Catholic minority—fully one-third of the population of these provinces, nor has he done so to this day. The Protestant minority of Quebec is relatively to numbers much less entitled to representation in the cabinet, but what Prime Minister would think of ignoring it in the formation of an administration? Let us sup-

pose that the Protestant minority of Quebec was fully one-third of the population of that province, and any party had attempted to form a government without giving it representation, how long would any such government exist?

More than all this, no Roman Catholic ever sat on the judicial bench in the maritime provinces, until the Liberal-Conservative party, then largely guided by Sir Charles Tupper, placed the lamented Judge McDonald on the Supreme Court bench of Nova Scotia. Subsequently the Conservative party placed Sir John Thompson and Judge Meagher on the same bench. In Prince Edward Island, never did a Roman Catholic sit on the Supreme Court Bench until the present able and accomplished Chief Justice was elevated to that position by a Conservative government. In New Brunswick, no Roman Catholic occupied a seat on the Supreme Court Bench until the worthy Judge Landry—a French Acadian—was elevated to that position by a Conservative administration. There was no more potent factor in securing these acts of justice than Sir Charles Tupper. He led the way and showed what ought to be done in Nova Scotia and the provinces of New Brunswick and Prince Edward Island followed suit. During the Mackenzie regime, seven county court judges had to be appointed in the province of Nova Scotia; there was not a Catholic among them, and not until a vacancy occurred in the Antigonish district, was a Roman Catholic appointed to a county court judgeship—and then by a Conservative government. It is true, the position was offered to one or two men whom they had no reason to suppose would accept it, but there were plenty of others to whom they could have given the coveted office, if they had been actuated by motives of justice and gratitude to their party followers.

With regard to the cabinet, I do not know whether the hon. member from Halifax is satisfied with the want of representation of his co-religionists since the advent to power of Sir Wilfrid Laurier, but I have reason to think that he is anything but happy or contented. Is it, then, due to want of cabinet timber among the minority in the lower provinces that it has no representative in the Laurier cabinet? Surely, that cannot be truthfully affirmed. There is my hon. friend from Halifax—a man of undoubted ability, experience and services to his party. There are, besides, two able professional men from the two great Catholic counties of Antigonish and Inverness—Mr. McIsaac and Dr. McLellan—who, in respect to ability and education, are as well fitted for cabinet rank as some who hold seats in the government of to-day. If the same sense of justice and liberality animated Sir Wilfrid Laurier as actuated Sir Charles Tupper, when he was in power, some one of the gentlemen I have named would now hold a seat in the government of Canada.

I do not stand here as the champion of Roman Catholic rights in the provinces of the east. I make no pretensions to such a position—in fact, it is proper, perhaps, that I should disclaim any such pretensions to-day—but I am giving utterance now only to sentiments that might be freely expressed by any liberal-minded Protestant. It is perhaps unfortunate that racial, religious or sectional distinctions have to be taken into consideration in the formation of governments in this country, but until we have outgrown our present prejudices and the narrow ideas of our national infancy, this must be done. It is the condition of our term of tutelage as a nation that we cannot ignore just yet these distinctions; but I trust the day is approaching when we will be able to do so, without destroying the harmony that should prevail among all classes and all sections.

I did not intend to occupy the time of the House as long as I have done. I do not purpose to go over the different subjects in the speech, which have already been so ably discussed from the opposition benches by the hon. senators who have preceded me. The prosperity of the country is admitted; it is a source of pleasure to every one of us. We know the cause of it, at least in a great degree, is that the hon. gentlemen who now hold the reins of power did not fulfil the pledges they made to the people by abolishing the protective policy of their predecessors, and that, with a few trifling amendments, they have left the tariff of the Conservative party nearly as they found it when Sir Charles Tupper went out of power in 1896. During the period of the Mackenzie regime the present Minister of Trade

and Commerce used to freely say that governments could do nothing to promote the prosperity of the people—that the then government was nothing more than 'a fly on the wheel' in that connection, and this is pretty much what the Liberal government is to-day, only a worse sort of fly. I think it can be safely said, however, that there never was in any British colony with representative institutions a government that made such pledges on all questions, and afterwards proved themselves so faithless in the performance of their promises, as the party now in power in this Dominion. And they also have done so many things that they promised they would not do. What could be a more striking instance in point than that referred to by my hon. friend from Marsfield with regard to the appointment to office of members of the House of Commons? What could be more indecent than the inconsistency of the government on that question? It has simply been a scandal, the scramble for office in the popular branch since the present government came into power. Rest assured, the electors of this country have taken stock of all these things. I could keep the Senate in session till midnight, if I could depend on its patience, enumerating the promises the government have made and broken, as well as the general inconsistencies and tergiversations that have marked their advent to power. I have reason to believe that the government intended to go to the country in January, but they realized that if they did so, they would be swept from power. They know that the electorate is simply waiting—that the people of Canada are impatiently waiting—for the opportunity to say to the government, as Cromwell said to the Long Parliament: 'Get you gone; give place to better men; the Lord has done with you.'

Hon. Mr. DEVER—After the oratory to which we have listened it may be regarded as presumption on my part to make a few remarks. But before doing so I wish the Senate to understand that I stand here as a friend of the Hon. Sir Charles Tupper, and I look on Sir Charles Tupper as my friend, an old acquaintance who did many things for me and some of my family that bind me to him for perhaps the balance of his life. That is as a social citizen of Canada, but when I come to speak of Sir Charles Tupper in the position he has held since he assumed the leadership of the Conservative party, then I take issue with him as a politician and statesman. I have no intention to say that Sir Charles Tupper is a bigot; on the contrary, I believe he is a liberal-minded man. He is a gentleman, and a gentleman you will never find to be a religious bigot. I was much pleased with the speech of the gentleman who moved and seconded this address. They spoke in the most kindly spirit without accusing any one of disloyalty. Such accusations are, in my opinion, very harsh and uncalled for in this Canada of ours, because all classes are loyal in Canada. My experience leads me to believe that there is not enough disloyalty in Canada to kill a mouse. All parties have a voice in the government of the country and they have an interest in the government of the country, and why should they be disloyal? The thing is so absurd that I am surprised that men who profess to be statesmen should undertake to raise such an issue.

Hon. Mr. MACDONALD (B.C.)—Who has raised it?

Hon. Mr. DEVER—The Conservative party has raised it. I ask this House and this country if they can find a single word in the Liberal newspapers of Canada that is calculated to excite bigotry or racial feeling. Is it so with the Conservative press? Is there a Conservative paper that is not issuing forth in the most unblushing manner almost every day something offensive and intended to excite race bigotry? I do not wish to say anything that might attach it to Sir Charles Tupper. I believe anything that has been imputed to him by those papers as emanating from him, has been in mistake, because those who know him best will not accuse him of religious bigotry. It is well-known that loyalty is like religion, it comes by conviction, not by coercion. Why should parties in this country be coerced to speak and act as certain classes speak and act? Under the British system of government it is well-known that freedom of speech and freedom of discussion are looked on as almost a religious duty. I am very much displeased to see a certain class of men strain every nerve for poli-

tical purposes, to brand their opponents with disloyalty and other crimes in this Dominion at present. This may succeed for a time, but it is poor statesmanship in a country like ours where we desire our people to remain and encourage others to come amongst us. There is another consideration it is well to bear in mind, and that is, that under British law, where freedom of speech and discussion is authorized, certain men claim all this freedom for themselves and attempt to dictate to others what they shall say and think in discussing public questions. Is this not true? Do we not find that certain parties in the present cabinet are assailed and pronounced disloyal because they happen to have individual opinions upon political questions? Why should not men have that liberty in this country that the British government give to all their subjects, freedom of opinion and the right to public discussion? We may differ in opinion on details and still unite on one grand object, and in this case it is to support the mother country in her difficulties. It has been claimed by some that the government did not act promptly in offering assistance in sending a contingent. In St. John I think we were to the front as soon as there was a declaration of war against Britain. Our mayor called a meeting of citizens at which all rallied and a contribution was made and a guarantee given to our first contingent, that for six months—because at that time we thought the war was going to be a picnic, and that no serious fighting would take place and that our men would be back in six months—we guaranteed that each one of them should receive fifty cents a day. That is what we did as citizens. I mention this to show that there is loyalty everywhere in this country. All our people are loyal. I do not think it is fair to accuse any one of disloyalty. It is comtemptible to raise such a cry against an opponent that you are unfit to meet in any other way, thus forgetting what a gerat authority once said of such cheap loyalty. 'Loyalty! loyalty!' he said, 'the last refuge of political scoundrels.' Try those men and where is their loyalty. I know many of them have been running round the country with this loyalty cry in their mouths, but they would not enlist to go to the front. Their loyalty consists in their loud talk. I do not hope that we debate our subjects for the benefit of the country and do to others as we would have others do to us. This calling of hard names generates hatred that true patriots shudder at, because they believe that a house, or a country divided against itself will come to grief. We want no hatred in this Dominion. We want to be a united people, to feel that we are all Canadians, true to our flag and true to our country, and whilst those hatreds are fostered for political purposes we will never have that true loyalty and confidence in our future that people in this new country should have and will have if we are only guided by such statesmen as will put their foot down on such meanness—because, after all, if there is anything mean it is exciting religious bigotry. Gentlemen who are educated never think of exciting bigotry; it is only a class of men whom I might call an inferior class —men who pander to societies and little cliques. Our present government is a different class of men. I say that a certain gentleman laboured to make it appear that Catholics are not represented. I do not claim to be a religious man, and do not speak for any church or denomination, but I know that if the Catholics felt aggrieved, I would have heard it. I never heard a complaining voice. I believe, on the contrary, the Catholics are well pleased. They are not unreasonable. It does not follow that because a few demagogues who want positions are dissatisfied, that the rest of the Catholics are.

Hon. Mr. LANDRY—Does the hon. gentleman refer to himself?

Hon. Mr. DEVER—I do not want a position in the cabinet. If I had desired such a position, I could have gone into my hon. friend's cabinet. Let us put down bigotry and all these petty means of obtaining notoriety among classes, and let us pull together. There is plenty of room in Canada for everybody, except for the disturbers of the peace, and these are not wanted in Canada, nor in any other country, in the light of our present civilization. With reference to the trade and business of the country, it is hard to please some gentlemen who seem to think that they ought to own the country and drive everybody else out of it,

only their puppets and those who think and speak as they think and speak. These gentlemen declare that all prosperity was created by them.

Hon. Mr. LANDRY—By whom ?

Hon. Mr. DEVER—By the hon. gentleman's party and their policy ; and yet they were always floundering in deficits when they were in office.

Hon. Mr. LANDRY—To whom does the hon. gentleman refer ?

Hon. Mr. DEVER—The hon. gentleman and his associates. They were always floundering in deficits of three or four millions, and now their cry is that the duties are higher, although the government has largely taken off the duty on raw material. They say the manufacturers are the only persons who receive the benefit, and that prices are higher, instead of lower, after the duty is taken off the raw material. That is not very logical. They conceal the fact that prices of goods have advanced from 10 to 40 per cent in England and the United States, especially cordage, iron, &c., whilst business of all descriptions is booming in Canada. May I not say, with a large measure of gratitude, that much of the latter is caused by our wise government, which is looked upon by the people as being anxious for the peace and prosperity of all classes in Canada ? I make this statement in contrast with the declarations I have heard so often, that this government have done nothing since they came into power. I answer : Have they not finished the canals ? Have they not extended the Intercolonial Railway into Montreal ? Have they not built elevators for grain at Halifax ?

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. DEVER—And at St. John ? And have they not built public improvements, and have they not placed Montreal to-day on the highway of becoming a great competitor with New York ?

Hon. Mr. CASGRAIN (de Lanaudière) —Hear, hear.

Hon. Mr. DEVER—That is a bitter pill for some hon. gentlemen. The fact is that the government have done everything that men could do, and have placed Canada, in the estimation of the world, as a rising nation, not a petty province, such as it had been under a form of government which recognized no higher policy than that of putting people against each other in every section of the country.

Hon. Mr. LANDRY—Does the hon. gentleman refer to the Mackenzie government ?

Hon. Mr. DEVER—We have the hon. gentlemen in the right place now, and we will keep them there.

Hon. Mr. LANDRY—The hon. gentleman's place would be better on the other side.

Hon. Mr. DEVER—Another hon. gentleman had the audacity to say that the government were very slow in sending the contingent. I say that good statesmen should proceed cautiously in such a matter. The people can see plainly that, instead of being a despotic government, taking the people by the throat and compelling them to do things without due consideration, they did as statesmen should do, and waited until they saw that the country was ripe for the sending of a contingent to South Africa. They also waited with patience, notwithstanding the taunts, and I might say, impertinence, of their enemies, until they were apprised by the mother country of the proper time and condition under which that contingent should be sent, and when they did act, they had a full knowledge of all the surrounding circumstances, and they had the country at their back, there being a general feeling of loyalty all over this country, so that they had the country to sustain them in this action, which they had not a legal right to take, from the best information I can get. They felt they had the confidence of the country, and, as statesmen, they carried the will of the people into execution. This is the trouble now with hon. gentlemen on the other side of the House. They are sorry that the government did not make a great mistake, and sorry that they did not act as despots, and take the people by the throat, doing whatever they elected to do because they felt that they were a government and that nobody dare oppose them afterwards. The fact is that they did the right thing, and sent the contingent at the proper time. It

is my opinion that the country is satisfied, and my hon. friends know it. They may hark, and bark, and talk, but the fact now is that they are left behind.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DEVER—We have had several declarations in this House. Some hon. gentlemen took the trouble of speaking very smoothly and kindly, apparently, suggesting that they were the last people in the world to have the slightest racial feeling. As a senator, I must accept that statement. I am sorry to see this, though; notwithstanding that declaration in this House, they have not shut down their newspapers. We know very well that the newspapers would not continue to publish such rubbish if they had not an audience that were satisfied with their editorials. They are not at all disposed to avail themselves of religious or sectional feeling, which seems very fair, but it would be only reasonable to expect that they should let their leaders know this. It is well known that two members of the government are being assailed almost daily. And for what reason? Would they dare attack other members of the government? Mr. Tarte is made the scapegoat.

Hon. Mr. LANDRY—And what about Mr. Fitzpatrick?

Hon. Mr. DEVER—Mr. Tarte is attacked because he is a Frenchman.

Hon. Mr. MACDONALD (B.C.)—No, but because he was unwilling and very slow in acting. That is the reason.

Hon. Mr. DEVER—What else should he be but a Frenchman? Could he call himself a Scotchman?

Hon. Mr. MACDONALD (B.C.)—I hope not.

Hon. Mr. DEVER—We have two or three Scotchmen, but we have no cause to look upon them as disloyal, because they class themselves as Scotchmen. Mr. Tarte is not a Dutchman. It would be a falsehood for him to state that he was an Englishman. The whole British element is composed of aggregations of nationalities. We have Irish, Scotch and English. We have India now, and we are going to have South Africa. But that does not disqualify these different nationalities from being loyal men. Why should it disqualify Mr. Tarte?

Hon. Mr. LANDRY—He is not disqualified.

Hon. Mr. DEVER—It is all very well to talk, but I do not think there is any particular hatred of Mr. Tarte. They think Mr. Tarte is unpopular, and that by assailing him they are going to injure this government. They can not do that. This government stands too well with the people of this country.

Hon. Mr. LANDRY—The injury is made by Mr. Tarte himself.

Hon. Mr. DEVER—They say that Mr. Tarte is not all that Canada might expect. For my part, I do not know much about Mr. Tarte.

Hon. Mr. LANDRY—We can see that.

Hon. Mr. MACDONALD (B.C.)—Better leave him alone.

Hon. Mr. DEVER—It is no sign that he is not an honourable man, because the hon. gentleman from Montmagny is opposed to him, and even if all that is said against Mr. Tarte is correct, does anybody think that Sir Richard Cartwright, the Minister of Finance, the Postmaster General, our leaders in this House and the Hon. Mr. Blair would sit in a cabinet with a man notoriously disloyal, a man who was bulldozing other members of the cabinet into his views and methods?

Hon. Mr. McMILLAN—He is a Scotchman.

Hon. Mr. DEVER—I have no objection to Scotchmen. I look upon these attacks as an effort to injure the cabinet—a cabinet which has the confidence of the country, because the country believes they are honest men, anxious to promote the well-being of people of all classes, without distinction of creed. Therefore, I think it behooves every man who looks upon our ministers as men of that class, not to allow false accusations to go abroad, but to put their veto on them, and to denounce the men who are making the accusations. I felt it was my duty to express my views on this occasion. I am aware that senators have probably made up their minds, and what I have said

may not amount to much, but it is better that we should let the country know that certain parties who raise these racial feelings are not liked, and are not going to run this country.

Hon. Mr. KERR moved the adjournment of the debate.

The motion was agreed to and the Senate adjourned.

THE SENATE.

Ottawa, February 9, 1900.

The Speaker took the Chair at Three o'clock.

PRAYERS.

BILL INTRODUCED.

Bill (A) 'An Act for the relief of Edwin James Cox.'—(Mr. Lougheed).

AN ADJOURNMENT.

MOTION POSTPONED.

Hon. Mr. MILLS moved :

That when the Senate adjourns to-day, it do stand adjourned until the 27th instant at eight o'clock in the evening.

He said : It did not occur to me that the Wednesday following the day on which we would meet after this adjournment is Ash Wednesday, and therefore a legal holiday. With the consent of the House I would ask to be permitted to substitute Thursday the first day of March for the date mentioned in my motion and we could meet at three o'clock. The only time we will lose will be Tuesday evening after eight o'clock.

Hon. Mr. PROWSE—It appears to me that it is premature to pass a resolution on this question before the reply to the speech from the Throne is disposed of, and the government are taking upon themselves rather an arbitrary proceeding in dictating to the House how long the debate shall continue.

Hon. Mr. MILLS—Of course there would not be an adjournment until the debate was concluded.

Hon. Mr. PROWSE—According to this motion the Senate must adjourn, if the motion is carried, to meet in three weeks time, and that in my opinion is dictating to this House that we shall not proceed with the discussion of the speech from the Throne later than to-day. We have only had some four or five speeches made on the address. I have no intention to speak myself, but the government assume too much when they say that sixty or seventy members of this House must confine their observations to a short space of time to-day.

Hon. Mr. MILLS—I ask leave to have the motion stand until the debate on the address is concluded.

The motion was allowed to stand.

A QUESTION OF PRIVILEGE.

Hon. Mr. POWER—Before the orders of the day are called, I ask permission to make a personal explanation. On looking at the report of the speech which I made in the House the other day, I find that I used the following language :

It is a rather singular thing that the despatch which the hon. leader of the opposition sent from Nova Scotia to the Premier was published in the Montreal 'Star' some days before the Premier received it. That is not the way in which gentlemen deal with each other either in public or in private life.

Then in reply to another hon. gentleman I said :

Excuse me, I understand that the despatches were sent simultaneously. One reached the Montreal 'Star' and the other did not reach the Premier. The leader of the opposition might have sent the telegram to the Premier first and afterwards informed the Montreal 'Star.'

And then in reply to the hon. gentleman from Marshfield I said :

It was addressed to the Montreal 'Star' by the hon. leader of the opposition. I know whereof I speak.

Now, hon. gentlemen if I had not used these last words I should not trouble the House with this explanation. It appears that I did not know exactly the whole whereof I spoke, although I thought I did, and for that reason I ask to be allowed to explain and correct. The hon. leader of the opposition made a speech in Yarmouth, N.S., in which he used this language :

I am going to tell you a secret, that is except that it is known to the telegraph operator: I to-day took the responsibility, with full knowledge of what that responsibility means, of telegraphing to the Premier of Canada the hope that he would offer to send to South Africa a body

of volunteers, and assuring him that such a project would not only have my support, but I believed that of the people of all parts of Canada.

I read from the Montreal *Star* of the 6th of October. It became known shortly afterwards that this despatch had not reached the Premier of Canada, and some people in Halifax were uncharitable enough to say that such a despatch had not been sent to the Premier. I met a gentleman who gave me to understand that he knew from the best authority—he did not give me the authority, but I gathered from the way he spoke that he had it from some one about the telegraph office—that Sir Charles Tupper had sent a despatch to the Premier at the same time that he sent the despatch to the *Star*; and he spoke, not in an unfriendly spirit to Sir Charles Tupper, but to show that the feeling which existed amongst certain persons in Halifax, that no despatch had been sent to Sir Wilfrid Laurier was not well founded; and consequently he was speaking rather as a friend of Sir Charles Tupper. I gave the statement as it was made to me by that gentleman. I have every reason to believe that he spoke with authority. Consequently, I spoke in that sense. Now I find that the despatch does not appear in so many words in the *Star*, but appears in a report of the speech; and I think that it is only right that I should make this explanation. Of course my reflection 'that is not the way in which gentlemen deal with each other either in public or private life,' would not apply if the despatch was sent by the correspondent of the *Star*, as it would now appear. I think it only right that having found that I had made a mistake I should correct that mistake. It is not a matter of very much consequence. I think that those members of the House who have known me for many years feel that I would not knowingly and wilfully misrepresent the most bitter political opponent I might have; and I make this explanation, partly for the benefit of hon. gentlemen who have not been long in the Senate, and partly in order to put the facts before the public.

Hon. Mr. FERGUSON—I may say that was the view I tried to put before the House when the hon. gentleman was speaking. I was in Nova Scotia at the time.

ADMINISTRATION OF JUSTICE IN THE NORTH-WEST TERRITORIES.

Hon. Mr. PERLEY—I have a matter which I wish to bring to the notice of the Senate before proceeding with the order of the day. It is now a well-known fact that the Senate is likely to adjourn for several days, and I may not be able to bring up the matter before the estimates are brought down in the House of Commons. I therefore bring the matter of the administration of justice in the North-west Territories before the notice of the government as represented in the Senate. I do not desire any particular notoriety about this matter, and therefore I have not put any notice upon the order paper; but I desire to call attention to the facts as they exist and bring them to the notice of the government. It is a well-known fact that Eastern Assiniboia is a very important district. It extends about 120 miles east and west along the line of the Canadian Pacific Railway and from the international boundary to Saskatchewan. This district is settled almost all over, and in every section of it there are settlements of farmers or ranchers. It is one of the most important agricultural districts represented in parliament. It is a district that has some large rivers in it. There is the Souris River and Moose Mountain Creek in the south. It is also difficult to build bridges across these streams. Then we have Qu'Appelle River, White Sand River, together with many tributaries of these important streams all requiring some considerable expenditure on roads and bridges. The statement I am going to make is one which will startle members, and even the ministers themselves, and that is, that the gentleman who has represented that district in the House of Commons during the past four sessions who has had that distinguished honour, has never obtained from the government, has not seen fit to give him one single dollar for his district—I might go further to say not one dime has be received in aid of a public work in that whole district. The district would be as well off without any representative whatever. I am sure if the government knew the conditions existing there, they would not treat us in that way. Apart from the moneys which he should have obtained for important bridges and roads, it is a large judicial district, and there are only two court-houses in the whole of it,—one at Moosomin and

the other at Wolseley. In North Eastern Assiniboia, Yorkton is the terminus of the Manitoba and North-western Railway. I do not hesitate to say that it is one of the most important towns in the North-west Territories. It is one of the finest grazing districts and the largest number of cattle are shipped from that district with the exception of Calgary.

Hon. Mr. MILLS—Six thousand head last year.

Hon. Mr. PERLEY—I am glad that the hon. Minister of Justice realizes the fact that it is a very large cattle-exporting district. The people in that district having become satisfied that the country is going to be a success, are investing their money in solid structures. We have fine stores and hotels constructed of brick, finished with all the modern improvements necessary to carry on the affairs of the town and district, but we have no place to hold court. The surroundings of the court and the manner of administering justice have much to do with the respect that is entertained for the law. We have to hold court as circumstances permit. It is very desirable that there should be a court-house and jail built at that place. We have in Wolseley a court-house with two cells where prisoners are locked up. Before we had it, we did not realize the importance of it, because prisoners were sent to Regina. Except in Wolseley and Moosomin, when a person is drunk and disorderly, the question is what are we to do with him? Such offenders have often to be let go, whereas if there was a jail or place to confine them in, they would be punished. When a crime of a serious character is committed, the offender is taken to Regina. To bring a prisoner from Yorkton round by railway to Regina and back again to Yorkton to be tried, is very expensive; therefore I hope that when the estimates come down, the hon. minister will see that there is a sufficient sum provided to build a good court-house at Yorkton. The town is becoming a very important centre. Then again, take the southern portion of East Assiniboia, where there are half a dozen very important towns. The court is now held at Oxbow. It has to be held in the school-house or a public hall, and the same difficulty occurs in the prosecution of criminals there. An offender has to be taken to Regina and kept there until the court meets, when he is brought back to Oxbow. Therefore, it is equally important that a court-house should be built in the southern section. I do not say where, but in one of the principal towns would be a proper point. Then, we have Whitewood, halfway between Wolseley and Moosomin. It is a very important part of the western country. A large section is tributary to Whitewood. Cases are tried there, but there is no place to hold court but the school-house. A court-house should have been built years ago. Then, we have the two Qu'Appelle's and Indian Head, at one of which places a court-house should be provided. I say that it is, to my mind, a gross injustice to the member representing the district that such a state of things should exist, because he has been a faithful supporter of the government, and I do not think the government have treated him as he deserved. They have not given him a farthing towards any public building or to assist the people in any way whatever. There was a little revote of money that had been voted in the last parliament for the repairing of the court-house in Moosomin, but what was revoted during the first session of the present parliament. That is all the money that has been expended in that district. I hope, before parliament meets again, there will be a sufficient sum in the estimates to provide the conveniences I have described; if not, it will militate against the government very much indeed. I do not desire to make any political capital out of this. If I did, I would have put a notice on the paper, but I thought it my duty to call the attention of the government to it in this way, because I believe they have a desire to do fairly to all districts, when matters are brought properly to their attention.

Hon. Mr. MILLS—The question of establishing further court-houses in the North-west Territories has not escaped my attention, nor of many parties in the North-west Territories, for they bring the matter under my notice. With regard to the court-house at Yorkton, I think that the settlement of the country has made such progress as to indicate that point in all probability as the preferable location for a court-house in that section of the country, and I think there is

no longer room to doubt that the progress of the settlement of the country round Edmonton warrants improvements in that direction as well as at Yorkton, and so in the direction of Fort Macleod. One of the difficulties with regard to the territory is that it is very extensive and the settlement somewhat sparse, and to avoid mistakes we have to wait such progress and settlement in the country, as to know which of the village communities which have sprung up is likely to prove the centre of a very considerable population, and, as fast as the progress of settlement indicates that, I have no doubt that the requirements of the public will be met. Of course, it is not usual, nor can I now indicate what may be done, in anticipation of what may appear in the estimates, but I am not indifferent, as being connected with the administration of justice, to some extent, in the Territories, to the convenience of the population and the public requirements in that direction.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of my hon. friend to returns which were promised early in the session of last year; particularly to the one referring to the sale of school lands in the province of Manitoba and in the North-west Territories. A partial return was brought down, and I asked to have it completed to the latest possible period, which was promised at that time, but it has not yet been brought down.

Hon. Mr. MILLS—Does the hon. gentleman remember the exact date when the motion was carried?

Hon. Sir MACKENZIE BOWELL—The motion was made early in the session and a very voluminous return was brought down, and I called the attention of the hon. member to the fact that there was a great deal of extraneous matter in it, and that if he would complete the return which gave the sales of lands, the amounts collected and the amounts due in interest up to a certain period, it would be all that I required. My hon. friend will understand I am anxious to have that return for the reason that the question may possibly come up again this session. I do not know what the intention of the government is, of course, but I judge from what I have been reading in the Manitoba newspapers and the position taken by the public men in that province during the last election. Then there was another return which was brought down and I called attention to the fact that is was a very unsatisfactory return. The Secretary of State admitted the reasonableness of my objections, and took it back, as I understood, and referred it to the Department of Railways and Canals, in reference to dismissals. My hon. friend will remember that the return covered a number of pages and simply said that the men were dismissed, and my motion was to get the reason for the dismissals. The last time I called the attention of the Secretary of State to this return, he informed me that I should have it before the next election. Whether the government intend to have another session or not, I do not know, but so long as the return is furnished during the present session I should be satisfied. I should like to have it at the earliest possible moment, so that it can be filed with the other documents. My hon. friend from Marshfield calls my attention to the fact that there were three or four departments from which there were no return. I should like to have them complete, and as they were promised, I presume they will be brought down some time or other.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to direct the attention of the hon. leader of the House again to this question of returns called for last year with regard to the supply of oil for the Intercolonial. On July 12 last, I made certain inquiries of the government with regard to this oil question, and my hon. friend gave certain answers. To three of the most important of those inquiries, he gave us an answer that they were too voluminous, and could not be brought down without a motion for a return. Acting on that suggestion, I moved somewhat later, for all these papers, and although I made several applications during the remainder of the session for these papers, and pressed the government all I could to have them brought down, they were not forthcoming. I called my hon. friend's attention to it

the other day, and knowing the urgency with which I regarded this matter during the last session, I am rather surprised that we have not the papers by this time.

Hon. Mr. MILLS—I will make inquiries. As I understand, my hon. friend the leader of the opposition wants the return as to the sale of the school lands and the amounts due, and the dismissals on the Intercolonial Railway, and the reasons therefore, and the hon. gentleman from Marshfield desires a return as to the oil supplied to the Intercolonial Railway, with regard to its cost and so on, of which he gave notice.

Hon. Sir MACKENZIE BOWELL—Not exclusively on the Intercolonial Railway, but all the departments. It was the Intercolonial Railway return that was incomplete, but there were no returns from some of the others.

THE ADDRESS.

DEBATE CONCLUDED.

The order of the day being called—

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the fifth session of the eighth parliament.

Hon. Mr. KERR—Having participated to a limited extent in the consideration and discussion of His Excellency's speech at the opening of the last parliament, it was not my intention to occupy the time and attention of this House with any remarks upon the similar motion now before the House, and I should have adhered to that resolution and perhaps the dictates of prudence would have caused me to do so were it not for the fact that during the course of the debate upon this address I have felt it my duty to refer to a few matters which seemed to me might profitably be presented for the consideration of the House before this debate closes. I should like the privilege of following those hon. senators who have congratulated the mover and the seconder of the motion for an address in reply to His Excellency's gracious speech, and to say that I very sincerely regret—it is one of the regrets of my life—that I was not able to follow the eloquent mover of the address, the language not being so familiar to me as my own vernacular. If there is anything I feel the lack of more than another it is that I have not the good fortune, to be able to speak or to have as good a knowledge of the French language as I would like. However, I have tried, in some measure, to remedy that deficiency by affording as much opportunity as possible for members of my own family, to acquire a knowledge of that language, and I am very proud that they are able not only to understand it but, in some instances, to speak it with some accuracy and fluency. The hon. mover of this address bears an honoured name in his own province. We had heard of him before he came here. He comes to this House adding additional lustre to an honourable namesake in this House, and I might say it gives me the very greatest possible pleasure to meet in this chamber, a friend of earlier days in the other House, the hon. seconder of the address. He, too, bears an honoured name in the great province of New Brunswick, and I trust that he will be spared for many years to give this chamber the benefit of his counsel and advice in all matters of state. The speech of His Excellency bristles with important subjects, any one of which should occupy, to do it anything like justice, the limits accorded to a speech of moderate length. I have been spared the necessity of attempting anything of that kind by the speeches of the mover and seconder of the address, followed by the able speeches of the leader of the opposition and the leader of the Senate, the hon. Minister of Justice, who, in discussing this address, has, as I think every hon. gentleman on both sides of the House will admit, discussed it in an able, fair and very wise manner. I have listened with great interest to other speeches that have followed, and I need hardly say, hon. gentlemen, that personally, I, as a rule, take more interest in a speech of an hon. senator whose sentiments and thoughts upon public questions are not entirely in accord with my own, because, I like to examine them. I like, in the words of scripture, to prove all things and to hold fast that which is good. What prompted me more particularly to say a few words and to ask your indulgence for a short time this afternoon was caused by some remarks of the hon. senator from Monck. I do not see him present. He is an old and warm personal friend of mine. Hon. gentlemen will recollect his speech on this address. What I say is said in all kindness, and it is

because he is an honourable man and I highly respect him, that I feel called upon to give as much attention to his remarks, as I shall crave the privilege of doing this afternoon. That hon. senator, on rising, asked the question—I think he repeated it twice or thrice—what has the present government done for this country ? That question is a very serious one. But without giving the opportunity to some one who supposed the government had done something for this country, he assumed the responsibility of answering it himself. And what was his reply ? 'Nothing—absolutely nothing.' That is a pretty serious position for any hon. senator to take, but the seriousness of that answer did not rest with the hon. senator who gave it. I was particular to observe that his answer seemed to meet with the sympathy and approbation of a large number in this House. It occurred to me, therefore, that I might probably spend a few minutes, and I shall perhaps occupy that time in trying to answer that question. I am doing so upon my own responsibility, and of my own motion, because if the answer which he gave to his own question be true, I do not want to stay here another hour. No government has a right to hold power in this country which does nothing for the country. My position is that while it was the hon. gentlemen's privilege and the gates were his to open, they are not his to close, and I do not propose to allow the hon. gentleman to ask the question and answer it himself. I shall, in a feeble way, endeavour to give an answer to that question. I had supposed—and notwithstanding the speech of the hon. senator, I still suppose and believe—that this government has done a great deal for this country, and I shall be surprised if the majority of senators are not of that opinion. I am speaking now not as a supporter of the government, which I am proud to say I am, so far as my duties as an individual member in this Chamber will allow me, but I am speaking as a Canadian who tries to take an intelligent interest in public affairs. May I ask hon. gentlemen to follow me for a few minutes, and I will mention a few of the things that I think will be considered something which has been done for this country. I have merely jotted down the points that I wished to consider, not in any particular order, but as they occurred to me while the hon. gentleman was speaking and giving his negative answer. This government has given this country a great boon in preferential trade. The consequences of that preference will tell on this Dominion as long as the Dominion lasts, and I fear that we have not yet fully estimated the great boon that that will eventually—has already been and will be to this country. Not merely a boon in direct dollars and cents. We have got the attention, the sympathy and the good will, in a larger degree than we ever had before, of the British government and the British people. That is one of my answers to my hon. friend. I have heard it charged this session, and I heard it last session, that the government had not redeemed their pledges in the matter of protection. I wish to state here—and I do not do it solely on my own responsibility, but upon inquiry from bankers, from monetary institutions, from wholesale importers and from manufacturers—that on every hand they tell me that the tariff works better, and with fewer inequalities and more steadily than it did before it was readjusted by the present government.

Hon. Mr. FERGUSON—And nearly as protective.

Hon. Mr. KERR—I am not myself a high protectionist. I will admit, for the sake of argument, that protection may be a good thing, to a limited extent, but I rather subscribe to the doctrine that the fewer artificial barriers that are placed in the way of trade the better for the people of any country. But the present government found a protective tariff, and if they have not repealed it, it shows their prudence, their caution, and their wisdom in not wishing to destroy vested rights and vested interests. Why blame them for it ?

Hon. Mr. FERGUSON—It is for their broken promises we blame them.

Hon. Mr. KERR—I never knew that the present government promised to ruin anybody. They have not done it at any rate. I am looking at the consequences of what they have done. I do not pretend to know all their promises. So far as my memory serves me, they have substantially redeem-

ed the pledges which they gave to the people of this country at the polls, and on which the people endorsed them and sent them into power. Now, there is first the preferential tariff; second there is the readjustment of the tariff relieving the burden where the gall of high protection made the shoulder sore, and mitigated any severities which might have existed. All honour to them for that. Another point to which I shall invite the attention of the House is the great reduction which was made in the letter postage between this country and the mother country and in our own Dominion. That has been attended with the very best results, and the government, particularly the Postmaster General, are entitled to the thanks of the people, and are receiving the thanks of the British public for that wise and judicious step. Is not that something? In regard to all these things I am told sometimes that that is nothing—that they could be easily done. Yes, they could be easily done, but they never were done until the present administration did them. A great many thought it was a very easy thing to discover America, and it was simple, because Columbus discovered it first. There are a great many of that kind of people in this honourable Senate. Following the preferential tariff, and almost next in order, this government sent their talented Prime Minister as the head of a delegation from this great colony to Her Majesty's jubilee, and I think it is universally conceded that he acquitted himself well upon that occasion, and that every Canadian was proud of the noble and dignified and able manner in which he upheld the dignity and name of this Dominion. I do not think it is disparaging any one in public life to-day to say that no other man in this Dominion could have attracted the British public and done so much for this colony in Great Britain as was done by that delegation, led by the hon. Sir Wilfrid Laurier. I have mentioned four things this government have done. My belief is that by these three things alone the preferential tariff, the reduction in letter postage, and the sending of our Premier on that occasion to the jubilee, considering the results that followed, have done more to bring this Dominion before the British public than all that was done by all the governments in the last twenty-five years. I do not wish to make an extravagant statement, but I believe that that is a fact. If it is not a fact, I do not wish it to be recorded as a statement of fact.

Hon. Mr. PERLEY—Have it withdrawn.

Hon. Mr. KERR—No, I shall not withdraw it. I have mentioned four things. Then I think the government are entitled to the thanks of the people of this country for substantially settling the Manitoba school question which was distracting the minds of the people of this country and was an irritating subject calculated to work irreparable mischief as it was being dealt with before it was taken up by the present government.

Hon. Mr. BERNIER—It is not a settlement; it is a surrender.

Hon. Mr. KERR—The hon. gentleman will remember I used the expression 'substantial settlement.' I do not suppose there ever was a question yet—I do not suppose there ever will be in your day or in mine any question on which there are opposing opinions settled to the perfect satisfaction of both sides. There cannot be. It is not in the nature of things. Both sides must concede a little for the public good, and that is what has been done in the settlement of this Manitoba school question. That is the fifth answer to my hon. friend.

Hon. Mr. BERNIER—There is no settlement at all.

Hon. Mr. KERR—I know the hon. gentleman says so. Another question to which I shall invite attention, and for which I claim credit for the present government, is that they have, during their tenure of office, brought about a better state of feeling between all the provinces of this Dominion. Will hon. gentlemen think that over? I claim that for them—that they have, by the course which they have pursued, been instrumental in bringing about a better state of things between the different provinces of this Dominion, and if they have, they are entitled to great credit for it, and I believe a large majority of the people of this Dominion think as I do on this question. I know this at any rate, that if I had thought that that was not one of their aims, they would not have had my support, for if I have any mission in this world, it is to

teach the doctrine that man is man's brother. I was early taught a creed which has been a blessing to me through life; in the first place to love God, and I say it with the profoundest veneration and respect, to honour my Queen and to love my neighbour, and that is the course that I want the present government to pursue and the course which I think they have substantially pursued. But the wave of good will which they have largely been instrumental in setting in motion has not embraced the several provinces only—I claim that by the course they have pursued, the present government have given substantial aid to the British government and the British people in bringing about a more friendly sentiment between Canada and Great Britain and the United States. The government is taunted with not getting reciprocity with the United States, and that much abused word is spoken of as though it were a disgrace to use it. Why hon. gentlemen I am a thorough believer in reciprocity.

Hon. Mr. POWER—And prohibition too.

Hon. Mr. KERR—Yes, at the proper time. I am a thorough believer in reciprocity and this country never was so prosperous, except to-day, as when we had reciprocity, but I would not have reciprocity at the expense of any compromise of principle or interest which we hold, and we all know that the reason why that question was not settled was that other and more important questions which the commission or delegates properly considered the first question to be settled—that is the Alaskan boundary, and that that was a question which must be first settled as a condition precedent to taking up the other questions, and on that I think the Canadian people endorse their action. Not only has the circle of that wave widened and taken in the whole of our provinces and the United States, but it has also widened and taken in the British Empire itself, so that in that regard the government is entitled to the gratitude of this House, and these are some of my answers to the questions propounded and answered by my hon. friend, who does not happen to be present. There is another point on which I claim credit for the present administration. They have given us what we have not always had—I emphasize it—in my opinion four years of wise, honest, and salutary administration of public affairs.

Hon. Mr. PROWSE—Honest!

Hon. Mr. KERR—Yes, honest; I repeat it, honest administration of our affairs. Now that is a very important matter. Hon. gentlemen may think that these are only the views of a tryo in this House, I admit the charge, but I will yield to no man in this House, or out of it, in my devotion to the best interests of this Dominion and my attention to public affairs. Whether a Conservative or Liberal administration is in power, that is what we want, a practical, honest and wise administration, and I claim that for the last four years we have had that. These are only a few of many answers that I might give to my hon. friend's question. I ask him in all fairness, in fairness to his own intelligence, in fairness to the government, in fairness to the country, to consider these things, and pronounce an unbiassed judgment upon them. I want to call the attention of this Senate, with emphasis if I can, to the fact that at no period in the history of Canada was there a greater degree of happiness and prosperity than at the present moment. But you say the present government is not entitled to a particle of credit for that. I do not know whether they are or not. If they have acted honestly and done their business well, that is all anybody can do; but if you will not give them credit for the good times, I will ask you, if the times should become bad, not to charge it to them. I never took any stock in that silly way of talking, giving the Conservatives or Liberal administration credit for making good times or making bad times; but I will go this far that any government, whether Liberal or Conservative, can by wise legislation and wise administration do a great deal to help good times or to hinder them, and that is what I claim for the present government. What is the state of our country to-day? Ask any man who is in business,—do not confine yourself to a man of one particular stripe of politics. I have asked men on both sides, being a professional man and not understanding the laws and operation of trade, and I have yet during the last three

years to find one man who seems to be dissatisfied with the present state of things. Prosperity prevails everywhere except in the imagination of some of my hon. friends here. This country has, so to speak, reached clearly the high-water mark of prosperity, and I trust we are all sufficiently grateful for it, because my theory is that while puny men can do a little, it is only an overruling and a wise Providence that can send us, in all its fulness, the great blessings of a bountiful harvest, and of the financial results that flow from it. Why, hon. gentlemen, what is the state of things at present? At this moment, while we are assembled in this chamber, there swells from the broad bosom of this Dominion an epic more sublime than Odyssey of Homer and sweeter than the Æneid of Virgil, set to the sweet music of happiness and peace, it is sung by the busy hum of the Atlantic cities, it is chanted by the loud whistle of the proud iron horse and the gay boat song of the St. Lawrence, it is caught up in volume and in glory by that province which is growing up to the west of Ontario, and which is ultimately destined to be, in my view, the central province of this Dominion, and it is re-echoed over beyond the Rocky Mountains by the colony that is growing up upon the shores of the broad Pacific. That is what I think of Canada to-day. The words come to me just at the moment, can I not truthfully say with the poet that:

Every prospect pleases and only man is vile.

Hon. Mr. PRIMROSE—Liberal man or Conservative man?

Hon. Mr. KERR—Both. And everybody seems to be contented except the hon. gentlemen opposite. I do not like to call any hon. gentleman in opposition. I would like to have you all on one side. I am of a kindly, sensitive and sympathetic nature, and the object of my speech will be obtained if I can get you all to think as I do, but I am confronted by that other thing that 'a man convinced against his will is of the same opinion still.' I have no doubt that will be verified in what will result after I have resumed my seat. My friends of the opposition, I am sorry for you if you will not be happy. Everybody else is happy.

Hon. Mr. KERR.

Hon. Mr. PERLEY—The next election will change your feelings.

Hon. Mr. KERR—Some of my friends in the opposition remind me of Rachael weeping for her children and refusing to be comforted. Although you have in a sense lost your children for a time, you have lost office, and you have lost offices, I almost feel good natured enough, not quite, to come to your rescue, but I could not give you back office, or offices, if I would. I do not know, but I rather think not if I could, at present.

Hon. Sir MACKENZIE BOWELL—Or any other time.

Hon. Mr. KERR—Your case is one that I have at heart, and I am sure I wish you all well. There is one thing about it, you will have to make up your minds to I am afraid: you will have to act upon that text of scripture which has been of comfort to many a wayfaring man and weary soul on his journey forward—learn in whatever state you are therewith to be content. I would commend that as a good sentiment—a sentiment that I know has been practised by the Liberal party for eighteen years. I commend that sweet poem to you 'The Psalm of Life.' It is beautiful reading too, and that sentiment seems to fit exactly your case. You would get a great deal of comfort from it. I know for the last eighteen years it was a great comfort to me to learn to labour and to wait. I should expect that if the present government continued to, as the farmer said about his sons, behave as well in future as they have in the past, that they will have a pretty long lease of power. I think we had better all make up our minds to that. I should be glad if I could hold out a ray of hope, but I am sorry to say that I cannot hold out one ray, so that after all it just comes back to this, you will have therewith to be content. Your time will come. All things come to those who wait, if they wait long enough. I now come to the overshadowing part of the speech from the Throne. I will be brief upon that point, because the leaders in this House, and others have made very able speeches upon it, and I could not hope to add anything that would interest or be of profit to you, except one thing, the great credit that I am going to give now, the overshadowing credit to this government that they have been instrumental in

sending two noble contingents to the aid of the mother country when she is in a mighty struggle with her enemy in South Africa. And they are giving their sympathy and active aid and support to the raising and sending of a third contingent, and I would just like to say in regard to that third contingent, raised and equipped and the expense borne by a private individual is greater than I can really estimate. I do not know—some hon. gentleman may know, but I know nothing in ancient or modern history that will compare with the action of Lord Strathcona in that matter.

Hon. Mr. ALMON—Was he appointed by the Conservatives or by the Liberals as High Commissioner ?

Hon. Mr. KERR—I come now to the crucial point of the case. I am told, suppose the government had done fairly well up to the present, their conduct in regard to the sending of the Canadian contingents is censurable. By their laches and delays and want of alacrity they have not shown themselves the right men in the right place.

Hon. Mr. PRIMROSE—That is where the Liberals have learned to labour and to wait.

Hon. Mr. KERR—I was struck with the boldness of the utterance of my very esteemed friend the senator from Victoria, an hon. gentleman whom I highly esteem, an hon. senator with whom I have had the privilege of being acquainted for a great number of years. There is one thing about the opposition in this House, they certainly are pretty bold in their statements, and my hon. friend from Victoria was no exception to that. He made this broad, sweeping statement, that he did not believe the Premier or Mr. Tarte would have sent these contingents unless they were forced by public opinion.

Hon. Mr. PROWSE—Do you think they would?

Hon. Mr. KERR—My answer to that is this : they had no right to send a contingent until public opinion was sufficiently developed to take the place of the authority of parliament.

Hon. Mr. MACDONALD (B.C.)—We are agreed on that point.

Hon. Mr. KERR—Then, I will not argue any more, if we are agreed. I do not know —perhaps it would not be proper—the leader of the opposition will tell me whether it is proper, and if I follow his example, I would not be censurable, but there is no part of the administration that I would be more happy to defend before the electorate of this country than their course in this matter. I am not as old a parliamentarian as some hon. gentlemen, but I claim that I am a deligent student of constitutional and monarchical institutions, the best in my opinion, that the human mind has been able to evolve from the wisdom of ages, and I read that no government is authorized to take such an important step. the expenditure of so large an amount of money, without the authority of parliament, or the authority of the people clearly and unmistakably put forth, and I contend that. as soon as that was given, they acted, and if they had acted one minute before they were satisfied on the point, they would have acted prematurely. I am satisfied that if Sir John Macdonald, of whom I was a lifelong admirer, though differing from him in his political views, had been the leader of the government at that time, that he would not have acted earlier than the present government did. I believe, if my hon. friend, who has led the government of this country, and who, for ought I know, may lead it again, had been at the head of that government, knowing his prudence, knowing his caution, he would have taken care not to have acted hastily ; he would have acted on the advice given by that great English commoner who said that any statesman, any man having the responsibilities of office upon his shoulders, must think wisely and well, must think not only for the present, but for the years that are to come. I contend that that is the course the present government has taken. I wish to repeat, that if the Right Hon. Sir John Macdonald, who perhaps, taken all in all, was the greatest Canadian of his day, were at the head of the government, he would not have acted otherwise. I venture to say that if the hon. gentlemen on the other side of the House were in power at the time, they would not have acted otherwise than the present government did in the way of moving cautiously and slowly, and in accordance with the opinions of the British government, which they are bound to consult. It appears that the opposition in

this House and a few people in the country seem to take a different view, but I am glad to know that in my part of the country the great bulk of the people, not only Liberals, but Conservatives, think that the government acted as soon as public opinion was sufficiently developed to entitle them to act, and they need have no fear of that nightmare of which my hon. friend spoke so eloquently yesterday. I am a member of the Liberal party. That nightmare has not visited me yet. A great deal is endeavoured to be made out of these despatches. I never in a court of law, or this higher court of parliament, shall waste my time and energies, so to speak, in tweedle-de-dum or tweedle-de-dee. I shall take the situation substantially and deal with it. Perhaps the order of these despatches is very important, perhaps it is vital to the proper decision of the question. I do not know whether it is or not. I have had them on my desk, but I have not felt that that was a crucial point. The crucial point is, did the government honestly wait for the development of public opinion? We have no reason to think that they did not. They have acted and shown that in regard to the militia of this great Dominion, they were in a state of preparedness that astonished the people of Great Britain? In many respects they were ahead of Great Britain itself. But I want to bring this matter to the attention of the Senate. The British people, having the weighty responsibility of this war on their hands, are thoroughly satisfied, not only with the loyalty of Canada, about which there can be no question, and their responding with alacrity to the call, but they are satisfied with the conduct of the government in this whole matter, and have said so through their Colonial Secretary. However much I might desire to have some hon. gentlemen in this Chamber satisfied, they will not think me unkind or uncharitable or invidious, if I say that I would prefer to have the British government and the British people satisfied with what the administration of this Dominion have done in this matter, than to have the endorsation and approval of some of my hon. friends. I think it is more important and the best endorsement they can have. The British Empire is at war with the Boer republics in South Africa. We had this matter before us last session, I think in the early part of August or the latter part of July, but I do not suppose any hon. senator thought then of anything but a happy and peaceful solution of the trouble. They declared their sympathy with the British government, but still hoped for a peaceful solution. If there is one person upon the face of the globe whom I would have liked to have seen spared this war, it is Her Majesty Queen Victoria, in the sixty-third year of her reign, a reign the like of which has never blessed the world and a reign the equal of which we can scarcely ever hope for again. This parliament was prorogued on August 12, and in about two months and a half from that date the government had a contingent ploughing the waters of the Atlantic going to the assistance of the British flag. I should have liked—and I am sure the omission was not intentional—to have heard the hon. leader of the opposition—because no one could have done it with better grace and more propriety than he in his admirable speech, give the Minister of Militia (Dr. Borden) even a faint expression of praise, commendation and admiration for what he has done. In my opinion, he deserves all the praise that can be given. He has shown that he can rise superior to party politics, because I am advised—and I believe the information is correct—that of the officers selected, there was only one qualification that guided him, and that was fitness for the position, quite regardless of what their political views were. I say in that matter that the Minister of Militia has raised a monument to himself which will last long after this war is over. I am not blaming the leader of the opposition for not having referred to the matter, but it would have been a graceful thing if he had done so. Great Britain is at war. Whether any hon. gentleman had doubts as to the merits of that war in August last, I do not know, but subsequent developments have removed entirely such doubts, if any existed. My own impression, after reading carefully the history of the course of events, is that no terms would have satisfied the Transvaal Republic except the entire withdrawal of British authority from that part of the country. As was eloquently said in the House of Commons the other night, there is something worse than war, and it would have been a greater calamity to Great Britain than this

terrible war, if they had taken one step backward. I am slow to believe that there is anything that will justify war, but I consider this war to be a justifiable and a righteous war, and a war that will result in a blessing to mankind, improving the unfortunate Boers themselves. When that shot was fired, so to speak, at the British flag, what did it mean? It meant not only a shot at the British flag to menace it, but it meant a shot at Canada. It meant a shot at every colony of Britain. It meant a shot against liberty and equality among mankind. It is too late in the Christian era for slaves or even serfs to exist in any part of the British empire. I believe that even that dark continent will yet be made the home of teeming happy millions, as the result of this war. I deplore the state of affairs. I have, however, never had the slightest doubt as to the result of this war. It has been said by the great Napoleon that Providence is on the side of the heaviest battalion. Probably that will be so in this case, but I believe also that Providence is on the side of right, and on the side of justice and freedom, though we near-sighted mortals may not see it, and I believe that out of this great calamity will come peace, happiness and prosperity to that dark continent, and that it will yet be made to bloom and blossom as the rose, where every man, no matter what his creed or colour may be, will be able to worship his Maker under his own vine and fig-tree, and have his equal liberties, none daring to make him afraid. Although even at this hour the state of matters looks gloomy, I do not feel depressed in the slightest degree. I deplore, as any right-thinking Canadian must deplore, the fact that so many of our noble sons have gone on to that field, some of them never to return, but their blood will cement the fabric of the British Empire, so that it will stand against the assaults of all the ages. This war touches us very nearly. We find the son, and an only son, of the hon. gentleman who presides over this House with so much dignity and ability, is in distant Africa defending the mother country. We find perhaps others in this House who have sons there, and we know some members of the government have sons in South Africa. My prayer is that a kind angel may spread its wings over them, and, if it be the will of Providence, bring them back in safety to their parents. They have done as the Spartan mother said to her son when he was starting to war, 'Bear this shield back or be borne back upon it.' That seems to be the spirit in which our young men have gone to war. Their faith has been equal in some instances to that of Abraham, who was prepared to sacrifice his only son, so great was his faith. I think I see in the near future an early and a glorious termination of that war, and that Great Britain will conquer, and that the blessings of British institutions will be early planted in that country. I think that the poor Boer rifleman feels it already—that the beginning of the end is coming. His song is :

But now from snow-swept Canada, from India's torrid plains,
From lone Australian outposts hither led,
Obeying their commando, as they heard the bugle's strains,
The men in brown have joined the men in red.

They come to find the colours at Majuba left and lost,
They come to pay us back the debt they owed;
And I hear new voices lifted, and I see strange colours tossed,
'Mid the rooi-baatje (red coats) singing on the road.

The poor, unfortunate Boer meets the victorious march of the British and Canadian heroes, and he says :

The old, old faiths must falter, the old, old creeds must fail—
I hear it in that distant murmur low—
The old, old order changes and 'tis vain for us to rail.
The great world does not want us—we must go.

And veldt, and spruit, and kopje to the stranger will belong,
No more to trek before him we shall load.
Too well, too well I know it, for I hear it in the song
Of the rooi-baatje singing on the road.

I was to-day very seriously impressed by the question : Will other nations interfere in this great struggle before it closes? I pray not. I hope not, but should that come, and may a wise Providence avert it, I should like those who may be in the slightest degree instrumental in producing that terrible state of things of other nations interfering—I should like to remind them of Great Britain's sea-power :

In the world there be many nations, and there gathers round every throne
The strength of earth-born armies, but the Sea is England's own.

As she ruled, she still shall rule, from Plymouth
to Esquimalt;
As long as the winds are tameless—as long as
the waves are salt.
This may be our Armageddon—seas may purple
with blood and flame,
As we go to our rest forever, leaving the world
a name.
What matter? there have been none like us, nor
any to tame our pride.
If we fall, we shall fall as they fell, die as our
fathers died.
What better? The seas that bred us shall rock
us to rest at last,
If we sink with the Jack still floating, nailed to
the nation's mast.

Hon. gentlemen, thanking you for your kind attention, and with these few observations, I have very great pleasure in supporting the address in reply to the gracious speech with which His Excellency was pleased to open the fifth session of the eighth parliament of the Dominion of Canada.

Hon. Mr. SCOTT—Before the debate closes I should like to make some observations on a subject which has been very prominent in this debate, and to correct misstatements that have been made by honourable gentlemen who have spoken on that subject, misstatements which, I am quite sure, have been made inadvertently without proper inquiry into the facts, and they have formed a basis for a very unfair and unjustifiable charge against the administration. It is alleged that the administration has not responded to the public sentiment of Canada with the alacrity which the loyalty of the people of Canada fairly demanded. My hon. friend from Richmond (Mr. Miller) spoke very strongly in denunciation of the administration. In the early part of his speech I listened with very great pleasure, as I am sure every hon. gentleman did, to his eloquent dissertation on the great advantage of Imperial unity. Instead of giving any credit to the administration for having favoured that sentiment, the hon. gentleman, on the contrary, found fault with the course they had taken and with, I may say, every act of the present administration. Now, I claim that this government is largely entitled to credit for the sentiment of Imperial unity. Imperial federation was started about fifteen years ago in Canada and in England by a few enthusiastic men on both sides of the Atlantic. Mr. McNeill, in the other House, was one of the prominent figures in Canada, with the late D'Alton McCarthy and others, and they usually had a banquet once a year in which they exchanged compliments with their friends on the other side of the Atlantic, but nothing whatever came of it. It died of inanition about three or four years ago, before the change of government took place. The stimulus which created new life in the Imperial unity sentiment occurred in the month of June, 1897, when the Premier of this country appeared in the Queen's procession on the occasion of her jubilee. The presence there of the French Canadian Premier gratified the pride of the British people. They regarded it with intense gratification that a French Canadian should be the Premier of so important an appendage of the British Crown as the Dominion of Canada. Another advance was made in Imperial unity when the present government passed the law giving a preference of 25 per cent to all importations of British goods. I am quite aware that it is the policy of the opposition to belittle that offer, but the British public do not so regard it. They consider it as the only substantial evidence that has ever been given by any part of the empire in the direction of Imperial unity. That preference stands, and is there to stay. If a change of government took place to-morrow, it would not be removed. The only changes that ever will be made in it will be to increase it from time to time until free trade within the empire is reached. That may be a distant day. It is not for me to foreshadow or name the time. It depends entirely on circumstances that I need not now discuss, but no one who is conversant with the British public sentiment, can question the fact that a very great stimulus has been given to the cause of Imperial unity. Then, I maintain that Canada's attitude in sending 2,000 men to assist the empire in South Africa has further aided in the development of the feeling in favour of Imperial unity, and so far from Canada having been backward in raising and sending out a contingent, I say that the Dominion took an advance step, far beyond any other part of the empire. Canada is the only part of the British Empire that has taken the responsibility, through its government, of sending a force there without the authority of parliament. Even in Great Britain, although the British government are to-day very strong, commanding a very

large majority of the House of Commons, and although there was a strong British sentiment when it was felt that the war was really going to be a very serious one, yet Lord Salisbury did not undertake to increase the British forces or take money from the public treasury to largely increase the Imperial army without the authority of parliament, and so parliament was called on October 17, to obtain the sanction of the representatives of the people for the prosecution of the war. Before that date, as hon. gentlemen who have read the newspapers and followed the course of events will remember, it was not believed that the war would last many months. It was supposed that President Kruger would have given way to the reasonable request for an enlargement of the franchise.

It was generally thought by those persons who closely followed the correspondence during the months of July, August and September, that some settlement would have been reached, and hon. gentlemen are aware that there was a division of opinion in an important element of the British people who differed from the policy adopted in forcing the President of the Transvaal to agree to the demands made at that time. That element embraced public men who on other questions held widely different views; several of them were Privy Councillors, among those who criticised and dissented from the action taken by Lord Salisbury's government were Right Hon. Mr. Bryce, Mr. Leonard Courtney, a Liberal-Unionist; Sir Edward Clarke, a leading Conservative; Sir William Harcourt, and while I do not agree with the sentiments expressed by those gentlemen, believing as I do that it was only a matter of time when the crisis had to come, and the sooner the better, yet when such distinguished members of the British House of Commons opposed the war should not those of us who boast of our Anglo-Saxon or Celtic origin be more tolerant and considerate in our judgment of the opinions of Mr. Bourassa and others who think that the authority of parliament should have been obtained before raising troops for service abroad?

Reference has been made to the papers to which I have called the attention of this House. They will show that the British government never dreamed, even ten days before the war began, that it was likely to culminate in the manner it did, nor did they in any way appreciate the magnitude and strength of the Boer position. When Sir Alfred Milner, a month or two before, asked for additional troops, the British government sent 2,000 men, and when a further appeal for more troops was made in September, they ordered 5,000 men to be sent from India, showing an absolute want of appreciation of the condition of things in South Africa, and when the circulars of October 3 and 5 were sent to the colonies, what did they suggest—only that each colony should be fairly represented, 'but if the force is to be fully utilized it must be limited to units which were to form part of Imperial forces. The apportionment was as follows:

From Queensland	250
From New Zealand	200
From New South Wales	250
From Victoria	250
From South Australia	125
From Canada	500
	1,575

Those units were to be absorbed into British regiments on arrival at the Cape. The British government said in their despatches that 'infantry will be accepted,' ignoring the greater suitability of cavalry and artillery. The proposal to receive a certain proportion of volunteers from the different colonies was limited to a comparatively small force. Canada's limit was 500 men, the largest of any of the colonies. What was our reply to the suggestion for four units of 125 men each? We said: No, we decline to send units; we will send a regiment. We will double the number. Instead of 500 men we offered 1,000, and as we wanted to preserve the identity of Canada in the force sent over we insisted on furnishing a Canadian regiment. Finally the British government agreed, and we sent a regiment—not as originally intended, but with the usual staff officers. At first it was stipulated that only a major was to be sent. We insisted on having a commanding officer, having surgeons, nurses and chaplains, and equipping our contingent as a regiment of the line. In none of the other colonies was that done. In view of those facts, how little justification there is in the charges made for political purposes by the Tory press that the government acted in a half-

hearted way in responding to the circular despatch of October 4. In no other part of the empire was equal earnestness shown in promptly sending forward substantial aid to the British forces in South Africa, and our action has been warmly appreciated by Her Majesty and the Imperial cabinet.

The other colonies sent their volunteers on the terms of the circular despatch which has been in the hands of hon. gentlemen. They sent units to be absorbed into the British regiments at the Cape. They were in a very different position from Canada. Not only was it necessary to call the British parliament together in order to secure the authority to send additional troops to Africa and to draw on the public treasury, but in all the Australasian colonies they did not dare to move until they got the opinion of the people through their representatives. Canada was the only part of the empire that acted through its government without parliamentary sanction. My hon. friend opposite, the leader of the opposition, read from the despatches and took the first offer on the list, the offer from Queensland. It reads : ' Should hostilities against the Transvaal break out, Queensland offers 250 mounted infantry with machine guns.' The reply of the War Office was : 'Referring to your telegram, Her Majesty highly appreciates your offer, but hopes the occasion will not arise.' If hon. gentlemen will trace the history of Queensland's offer they will find that public opinion at once arose in Queensland and condemned the administration for having made that offer without the authority of parliament, and we find nothing more was done in Queensland for some time. The offer was made in July by the government. The next step was an inquiry made by Queensland on October 10. All that period went by, and not a step was taken towards raising a volunteer force or equipping it or making any preparation. On October 10 they sent an inquiry to know whether machine guns would be accepted. (See No. 27 in correspondence relating to contingents.) The answer on October 12 was that they would be accepted, on condition that the personnel of each unit did not exceed the number fixed. (See No. 33 of correspondence.) The Queensland parliament met on October 14. They sent a communication to the British government, No. 42 in this return, as follows :

Referring to your telegram of October 12 and our telegram of same date, motion for parliamentary sanction has been anticipated by proposed vote of censure, which will probably be disposed of on Tuesday.

That was the position in Queensland, which the hon. gentleman commends as having made a generous offer, and which it was said was prepared to send a contingent at once to the front. What do we find ? A vote came up. I do not know how long the debate lasted, but it ended on October 19, and the motion was only carried by a majority of 9. The vote stood : yeas, 38 ; nays, 29. (See No. 56 in correspondence.) That is what Queensland did. That government was obliged to get the approval of parliament before they undertook any expenditure of that kind, even for the small force they proposed to send. That contingent only sailed on November 2, when our contingent was well under way. Then, take the case of New South Wales. The offers were made on July 21, not by the government of New South Wales, but just in the same way that the offers of Canada were made, by individuals ; but it so happened that in New South Wales the offers were made through the government, and so they appear in the blue-book. It is well known that offers were made from Canada in August and September—probably early in July. These offers were answered with a polite acknowledgment, stating that they were not required, but if they should be required, they would be notified. The Colonial Office had a very vivid recollection of a former occasion when volunteers were invited from the colonies, at the time of the Soudan trouble, and they did not propose to be placed in the position that they were then by practically getting a snub from the government of Canada, and so they were exceedingly cautious in answering those offers from Canada. For the information of honourable gentlemen who are criticising the conduct of the present government, I will quote Canada's offer :

Governor General the Most Hon. the Marquis of Lansdowne, G.C.M.G., to the Right Hon. the Earl of Derby, K.G.

(Received .)

Telegraphic.

February 12, 1885.—Government ready to sanction recruiting by Canada for service in Egypt or elsewhere. Force should be specially enrolled from different parts of local battalions under Imperial Army Discipline Act. Laurie

preferable to Williams. I would suggest brigade of three battalions (five hundred), each from marine provinces, Old Canada and North-west. Laurie might command brigade and Williams one battalion. Melgund would like to serve as brigade-major; entire cost would fall on Imperial Exchequer.

And what was the courteous reply of the War Office:

The offer of the government of New South Wales, which has been accepted by Her Majesty's government, was to provide an organized force fully equipped and ready for immediate service, and the government of the Dominion will, no doubt, fully appreciate the difference between the two offers as regards the use which could be made of them by Her Majesty's government, and will not, Lord Hartington feels sure, consider that in declining their patriotic offer for the present, any undue preference has been given to the colony of New South Wales.

The contrast between our action in October and the action of the very loyal Tory government on a former, but similar occasion, is too marked to need comment.

One of the offers for service in South Africa was from Col. Hughes; it was sent to the War Office through His Excellency the Governor General; no offers went through the government. A number of offers went from the different provinces from individuals, and they all got the same answer that their services were not required, because up to the month of October the British government did not propose to accept any of the offers, not considering such aid was at all necessary. In the first place, they underestimated the strength of the Boer position, and, in the second place, there was a further strong opinion that there would be no war. Taking New South Wales, as I have said, offers from individuals were made in July. They were simply placed on record. It may be remembered that there was at Aldershot a small detachment, some 25 men, Lancers belonging to New South Wales. On October 7, they offered their services to the British government as volunteers to join one of the British cavalry regiments to go to South Africa. The premier of New South Wales was communicated with, and what was his answer? He would be very glad, but he could not give his consent for the volunteers then in England without getting the approval of parliament. I refer hon. gentlemen to despatch No. 24, dated October 7. Then, on October 11, before they got the authority, they said they thought they could offer a battery if they got consent, but the British government refused it. See Nos. 29 and 50 of the correspondence. The government so little appreciated the magnitude of the war, even at that late day they said they wanted infantry only. Of course, a few days after that they discovered that cavalry or mounted infantry was of the most value to the army, one to be on the same place as the Boers in order that they might move about as rapidly as the Boers did. In New South Wales, before they could do anything, they had to get a vote of parliament, and the vote was carried by 78 to 10.

I am quite sure, if this question had come before the Canadian parliament, it would have been a unanimous vote—there would not have been a single man in either House who would have hesitated for a moment to support it, and that is the record of Canada as compared with the Australasian colonies, which have been quoted as showing a much more loyal spirit than Canada manifested, and whose governments have been lauded to the skies for their action as in marked contrast to the course taken by the government of Canada. In Queensland, before it was carried even by 38 to 29, they had a three days' debate over it, so you can scarcely say that the feeling in that colony, at all events, was anything like the feeling that prevailed in Canada. The New South Wales contingent were to leave on October 30—I do not know whether they got away on that date. In New Zealand the House was in session on September 28, and they sent a proposal to forward a unit. On October 3 they got the same circular which Canada got, and accepted it. There was, I believe, some debate in the House—I do not know whether there was a division—and the contingent sailed nine days before the Canadian contingent got off. The Canadian contingent was the second to go, New Zealand's being the first. Hon. gentlemen will find in No. 60 the date of the sailing. Now, coming to Western Australia, parliament was in session there in October, and on October 5 they passed a resolution expressive of loyalty and devotion, and sent the resolution to the Imperial government. A reply was received on October 6, saying they would accept a unit. However, there was another body which was to be consulted—the other Chamber, and

that Chamber, I do not know for what cause, did not pass the resolution until October 17, although it had passed the Lower House on October 15. It passed, however, finally on the 17th, and their contingent embarked on November 5, just six days after the Canadian contingent. Tasmania offered on October 9 ; the offer was accepted on the 10th, and the contingent sailed on November 5. Victoria's offers were from volunteers in the first instance, just as Col. Hughes and other Canadian officers volunteered. The answer was in the usual formal way, that, if required, their services would be availed of. On July 9, public meetings were held in Victoria, and resolutions were adopted, much in the same spirit as the resolutions which were offered in other colonies, expressing loyalty to the empire, but without making any specific offer. On October 11, a resolution was carried in both Houses to agree to the terms suggested in the circular despatch and send a contingent, and a contingent sailed on November 5. The Victoria, Tasmania, New South Wales and West Australia contingents all sailed on November 5. In South Australia the proposal was only approved in the House on October 13, the same day that Canada sent its announcement that we would forward a contingent. The vote in the legislative assembly stood 18 to 9 ; in the legislative council it was a tie, and was only carried in South Australia by the casting vote of the president. That contingent sailed on November 5. I think hon. gentlemen who have made the statement that Canada has disgraced itself, or that the government of this country has not creditably performed its duty, ought to withdraw the charge, because the Australasian governments were taken as the standard of loyalty and patriotism in their offers to aid the empire. Now, what are the facts in reference to this despatch? Some hon. gentlemen more than hinted that Sir Wilfrid Laurier, when he gave that interview to the *Globe*, was aware of the despatch to which I have referred. I have the original despatch here myself, which any hon. gentleman can see. It is addressed to the Administrator. His Excellency the Governor General had left for New York on the 30th, having accepted an invitation from Sir Thomas Lipton to attend the races there, and he had one or two other invitations, I believe, from the governor of the state of New York. He left here on the 30th. He did not return until Sunday, the 8th of the following month, so he could not be seen until Monday, November 9. In the meantime, under the regulations, Lord Seymour would be the Administrator. Perhaps hon. gentlemen are aware that very often, when the Governor is to be absent for only a few days, the Administrator does not come to Ottawa to be sworn in, but remains in Halifax. In this case he came to Quebec, and Mr. McGee was sent down to swear him, after which the Administrator returned to Halifax ; so that practically all that week there was an interregnum. Hon. gentlemen may also remember that Sir Wilfrid Laurier had been invited to attend a great banquet at Chicago to meet President McKinley. There was to be some celebration there, the opening of some public building, and he had accepted an invitation to be there on the Sunday and the Monday—that would be the 8th, 9th and 10th—in Chicago, where he delivered a very eloquent speech, as he always does. That despatch was not seen by any minister, at all events, before the 5th. My hon. friend the Minister of Justice was in British Columbia. The Minister of Militia was also absent, I think in the lower provinces. Sir Richard Cartwright was not here. It is usual, being senior privy councillor, that the duties, under such circumstances, devolve on me. I did not see the despatch before the 5th. It is marked from the Governor General's Office, addressed to the Administrator, telegram, October 4, and was marked 'Sent to the Minister of Militia.' I do not know when it was sent to the Minister of Militia.

Hon. Sir MACKENZIE BOWELL—The Imperial despatch says it is dated 3rd.

Hon. Mr. SCOTT—I find it is dated 5.30 p. m.

Hon. Sir MACKENZIE BOWELL—Yes, on the 3rd of the month.

Hon. Mr. SCOTT—I suppose it went to the Administrator ; it was directed to him—at all events, there was some considerable delay. It was perhaps a little unfortunate that the members of the government and His Excellency should have been absent at that particular time.

Hon. Sir MACKENZIE BOWELL—This would imply that it was received and sent to the Minister of Militia.

Hon. Mr. SCOTT—The Minister of Militia was not in town and the Major-General was away also.

Hon. Sir MACKENZIE BOWELL—It is a copy, and I should judge that this copy was made on the fourth, the original having been received on the third, I do not think it makes much difference. If the explanation of the hon. gentleman be correct, and I have no right to dispute it, it would relieve the Premier of the responsibility which I had attached to him.

Hon. Mr. SCOTT—There is no doubt, the Premier had no knowledge of the despatch at the interview referred to.

Hon. Sir MACKENZIE BOWELL—The only thing is the ministers were all out of town at a very important time.

Hon. Mr. SCOTT—We had no reason to suppose it was an important time.

Hon. Mr. MILLS—Ministers ought to be here on matters important to this country, but nobody would suppose they were responsible for Imperial matters.

Hon. Mr. SCOTT—Even as late as the end of September the official reports will show that the British government did not themselves appreciate the importance of the position, and that despatch is the first intimation they gave anybody outside that they were prepared to receive aid or assistance, and then it was to be more a sentimental affair, as you can see, this asking only for units to be absorbed in British regiments. I found that one of the despatches was not printed in that English return. I do not know why it was omitted, but as soon as I found its absence I sent my hon. friend two copies of it. The despatch was published at the time in the newspapers. It is dated at the War Office, October 2. In it, Lord Lansdowne submits for transmission, through the Colonial Secretary, instructions to be given to those colonies that desired to send volunteers. He says:

> The governments of two colonies, Queensland and New Zealand, have offered respectively, &c.

They were the only two that up to that date had offered through their governments to furnish any contingent. I have given you the history of Queensland, and how they carried out their offer. Lord Lansdowne says: 'So far there have been no offers from the governments of any of the other colonies' That was sent with the despatch dated October 5.

Hon. Mr. FERGUSON—There seems to be some distinction there between the Crown and the self-governing colonies.

Hon. Mr. SCOTT—They did not accept aid from Crown colonies.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will bear in mind I was quoting from the document laid before the Imperial parliament. We had nothing before us that was received by this government. That return shows just the contrary.

Hon. Mr. SCOTT—I gave my hon. friend two copies of it. The day he was absent I inclosed them in an envelope.

Hon. Sir MACKENZIE BOWELL—That was after I had spoken.

Hon. Mr. SCOTT—I had not discovered them before. I supposed that return was complete or else I could have had them printed. This was published at the time in the newspapers. All the British government would accept were from Queensland 250, New Zealand 200, New South Wales 250, Victoria 250, South Australia 125 and Canada 500 men. All the others except Canada conformed to the proposal and accepted the conditions. New Zealand offered to pay the men. The Imperial government said 'No, we think that all should be on the same plane.' We knew the terms on which the contingent would be accepted, and it seemed rather a singular position if we had said to the Imperial government: 'We insist upon the men getting double the pay of all the other men who are serving under the British flag in South Africa.' Here was an army of 145,000 men; 143,000 were being paid on one basis and 2,000 men on another basis. 'We insist upon our men getting double pay.' That, of course, would have destroyed the esprit de corps which ought to exist in an army. It would have created a spirit of jealousy. It would have been productive of anything but satisfactory good feeling between all parts of the army, and therefore what we said was, 'We will make it up when the men come back.' They go in as

part of the British army. We do not desire that there should be any distinction while they are serving there, but we will increase the pay to the level of the Canadian rates paid to the mounted police and the cavalry regiments and the artillery, which is double the pay of the Imperial corps. We thought that was the fairest and most reasonable view to take of it, and was most satisfactory to the Imperial government. When the agitation was got up in Canada that we were doing the shabby thing in not paying, we telegraphed over to know if any of the colonies were departing from the rule laid down by the War Office as to the pay, and we were advised that they were not. They were all on the same plane. It would seem rather bumptious on our part to say, 'Oh, well, we will not allow our men to go there on a shilling a day. We are not satisfied with English pay and will give Canadian pay.' It seemed destructive of the good feeling that ought to prevail in the army there. We propose to make up to the men, or to their families in this country, the additional amount to make their pay equal to the Canadian pay. I think I have shown pretty clearly that Canada does not occupy the position in which some hon. gentlemen have been disposed to place her in order to have a shot at the present government, but we have acted really more promptly than any other part of the empire. Canada is the only part of the empire where the government have felt that they were justified in acting on public opinion. I have shown how the government of one of the colonies that I have mentioned made the offer, based on public opinion, and the opposition in the legislature said they had no right to make the offer, and it had to be debated from day to day, and they had to send the humiliating answer that they could not give the Imperial government a reply at once.

Hon. Mr. FERGUSON—That is in striking contrast to the conduct of the opposition in Canada.

Hon. Sir MACKENZIE BOWELL—It is the best compliment the hon. gentleman could pay us.

Hon. Mr. SCOTT—I said from the beginning that I was sure there was not a man in either House who would object. The feeling in Canada is loyal. Canada recognizes the high position she holds, and is not going to do anything to demean it. If hon. gentlemen will look at the thanks sent by the Imperial government and published in the state papers, they will see that the language used to Canada is very different from that used to other colonies. It is much more heartfelt and earnest. There are several messages from Mr. Chamberlain, messages from the government and from the Queen herself. There is an air of sincerity in all the messages of thanks that have been cabled to Canada, showing that Canada occupies an exceptionally good position. Canada's action was prompt. Hon. gentlemen say that we hesitated. Surely men ought to be judged by what they did and not by what was said about them.

Hon. Mr. PROWSE—Or what they say themselves.

Hon. Mr. SCOTT—Probably some hon. gentlemen, under irritation, or when they are prodded, will say things that ought not fairly to be charged against them.

Hon. Mr. PROWSE—Did not the hon. Premier say to the *Globe* correspondent?

Hon. Mr. SCOTT—I betray no secrets of council, but I say there was not a man in the council who did not approve of everything that was done, and after the first contingent was sent I had a conversation with Mr. Tarte, and of his own mere motion he said: 'Why should we not send another contingent?' and we offered our second contingent before the first contingent had left Halifax. That offer first came from Mr. Tarte. He said: 'Why should we not send a second contingent? The war is beginning to look serious.' In the early part of October it did not look serious. Nobody dreamed that Great Britain would have the severe task she has had. With the modern system of gunnery and fortifications a very small number of men are able to keep a large army at bay, as we have seen illustrated at Ladysmith, Mafeking and Kimberley. The Boers have been unable to take those citadels. It was the same way with Spion Kop. Part of General Buller's army made a grand dash at the Boer's guns, but

the difficulty was that they could not get men enough in the narrow gorge to meet the array of rifles facing them, and they were shot down, and I fear that many more will be shot down before we can accomplish very much. The first line will be decimated, the second line will be broken, and the third line will lose to a large extent. That is the condition resulting from the use of modern inventions. If, at the time of the Crimean War, Sebastopol had been guarded as the trenches are being guarded in South Africa now, does anybody suppose that the French and British could have taken it? It would have been impracticable. At the present time we have the deadly implements, the lyddite shells. and the guns that will drop a shell five miles off, and smokeless powder. In the early days you could have some notion where the fire came from, but to-day, with the smokeless powder, it is all a clear sky and therefore we must not be surprised at the difficulty in overcoming the Boers. I think that a very great change will be made in the system that will prevail hereafter. It may have the effect of preserving to a great extent the peace of the world where earth fortifications, such as engineers can build to-day, are protected by modern guns, making these fortifications impregnable. I do not see the hon. gentleman from Monck, and I will not trouble the House with answering his statements. I feel that I am obliged to cut my observations short and leave unsaid a great deal that I should like to have communicated to the House, as I think it is the desire of members not to return to-night.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Northumberland is here.

Hon. Mr. SCOTT—The hon. gentleman from Monck charged the government with suspending the coasting laws and doing a great deal of harm to shipping. In the month of October, the grain men of Winnipeg sent in an application to the government to allow United States vessels to take the wheat from Fort William. It was alleged that Canadian bottoms were short and the rates were rising, and the grain would have to go into the United States unless some change took place. The Corn Exchange of Montreal also sent a remonstrance. They had sent one last year and the year before complaining that the grain of Manitoba was being diverted in consequence of a scarcity of vessels to ship it, and an Order in Council was passed in October allowing United States vessels to carry the grain between Canadian ports. The object was to divert it from Buffalo to Owen Sound or Parry Sound.

Hon. Sir MACKENZIE BOWELL—Which Order in Council was in direct opposition to the law of the land. The government had no authority or power to do it.

Hon. Mr. SCOTT—I am quite aware of that, but there are times when representations of that sort are made, and they have to be considered. It was important that the Canadian grain, which was said to be superior to the United States grain, should not be all diverted to the south, and there mixed with the inferior grain and the standard destroyed. However, the evidence was given, and I have it here under my hand if it is questioned, that in the month of October the Canadian shippers, feeling that they had a good thing, doubled their rates. The rates in October, 1899, were more than double those of 1898, and I heard, as an actual fact, that one vessel had paid her whole capital account that year.

Hon. Sir MACKENZIE BOWELL—I am glad of it, but that was no justification for the government violating the law.

Hon. Mr. SCOTT—When I think good can be accomplished, I do not hesitate to break the law; I do not stick at things of that kind. The grain men of Winnipeg and the grain men of Montreal were complaining that the grain was being diverted to foreign ports.

Hon. Sir MACKENZIE BOWELL—That has been the complaint for the last ten years.

Hon. Mr. SCOTT—I dare say this year it will stimulate the shippers. It was only for about six weeks, and it was under great pressure that it was done, and it is asserted that only two United States vessels——

Hon. Mr. CLEMOW—Only one.

Hon. Mr. SCOTT—That only one carried any grain.

Hon. Sir MACKENZIE BOWELL—And that shows that the representations which were made were improper, because there were sufficient British bottoms to do the work.

Hon. Mr. SCOTT—No, but the United States carrying trade was not equal to what was offered. The demand for iron ore was so great that vessels refused to take the grain. They refused to take a return cargo of coal in order to save a few hours and get back for another load of iron ore, which paid them more than double, and the reason of it was the great demand for iron in the States.

Hon. Sir MACKENZIE BOWELL—We will forgive the hon. gentleman because the Premier apologized.

Hon. Mr. SCOTT—I probably was the sinner, because I made a report in favour of it.

Hon. Sir MACKENZIE BOWELL—During the long period I had charge of the Customs Department, there never was a year that the same applications were not made, and we always refused, because it was not legal.

Hon. Mr. SCOTT—The hon. gentleman may have been right, but I think the pressure was greater this year, and it did not hurt anybody, because only one vessel load was taken. Some hon. member has stated that we deserved no credit for having forced the canals through. I think we deserved credit for that. For many years the Conservative party had been allowing the contracts to be carried on as if they never intended to finish the canals.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—I sent over to the Department of Railways and Canals to know when the contracts were given out for the increased depth of the Welland Canal. I find the increased depth to 13 feet was given out when Alex. Mackenzie was Minister of Public Works.

Hon. Sir MACKENZIE BOWELL—There were contracts given before Sir Alexander Mackenzie came into power, and he cancelled them and advertised for others.

Hon. Mr. SCOTT—The contracts for the cutting of the Welland Canal to the depth of 13 feet ran from April 6 to August 31, 1874. To the late Mr. Mackenzie is due the credit of increasing the depth of the canal system to 14 feet. The contracts for deepening the Welland Canal to 14 feet were given out between September 25 and October 29, 1877. What was the use of deepening the Welland Canal unless we had a corresponding deepening of the St. Lawrence canals? The first contract on the St. Lawrence canals was on September 24, 1892. That was fifteen years after. All that time the Welland Canal was useful only to the United States vessels. They could go through with 14 feet draught, but few Canadian vessels went through, because they could not get to Montreal. The contracts for the Soulanges Canal were given out from September, 1891, to May, 1892. When the change of government took place it was found that more than half the sections on the Soulanges Canal were at a standstill, and the government had to take out of the hands of the contractors about six or seven sections. Two of those sections belonged to Mr. Stewart. He maintained that the government did not want to go on. The time had passed for the completion, and it was argued that in consequence of some case decided in court that the contractors were not bound to finish them except at their leisure, and if I am not mistaken Stewart stated, either in evidence or in giving an explanation of why he had no rushed the work, that the Minister of Railways and Canals was not anxious to push it.

Hon. Sir MACKENZIE BOWELL—In answer to that, I can say—and I say it from my own personal knowledge—that the instructions given by the government of the day, before I left the government, was for the completion of those canals, at as rapid a rate as possible. I know those were the instructions given by Mr. Haggart. What took place afterwards I do not know.

Hon. Mr. SCOTT—We had to cancel the contracts on seven sections.

Hon. Mr. MILLS—Mr. Osler put the question to Mr. Haggart, 'Well, how did you put it to him?' and the answer was 'I told him that if it was any advantage to him to go slowly that he could do so.'

Hon. Mr. SCOTT—Here is the best evidence. I find in the years 1894-5-6 the government expenditure was $7,738,000, and in the years 1897-8-9 the expenditure was $9,455,000, nearly two millions more, expended in the way of forcing the completion of the canals in those years. As it is six o'clock I will have to bring my observations to a close. After the explanation I have given I hope that the government will be relieved at least of the charge of showing any disloyalty to the empire. I think that we deserve special credit, and had we not been making preparations in advance of the time that circular letter was received, it would have been absolutely impossible to have got together the thousand men. There is no parallel to it in any of the colonies. We did it quickly, because we knew the people of Canada were behind us ; all political parties approve of it. I think with that acknowledgment the opposition ought to be reasonably fair and not seek to deprecate our action. We claim no credit ; we merely discharged a duty, but we ought not to be accused of disloyalty because we did what we thought was our duty and did it as rapidly as possible.

Hon. Sir MACKENZIE BOWELL—Who charged the government with disloyalty?

Hon. Mr. SCOTT—I will not go into the newspaper articles. I do not keep a scrap book.

Hon. Sir MACKENZIE BOWELL—I have extracts from a great many newspapers upon that question, and I deny that charge altogether.

It being six o'clock, the Senate rose for recess.

AFTER RECESS.

Hon. Mr. CLEMOW—I regret exceedingly if I have been the instrument by which our hon. Speaker has been prevented from leaving the city this evening. Had I known he desired to leave, I should not have attempted to interpose to prevent him. With reference to the speech from the Throne, so much has already been said upon this subject that little remains for me upon this occasion. I take exception to some paragraphs of the speech, but as a whole, and upon very many points, I certainly concur with the sentiments therein expressed. With respect to the prosperity of the country, we all know that the Dominion is prosperous and has been prosperous. We have been preaching that doctrine for a great many years, and I am glad to find the Liberal party at last concurring in that opinion. The revenue of the country has increased also proportionately with the business, a very natural result, and I only hope that the large expansion of revenue may go to decrease our national debt. That would be a source of satisfaction to the citizens of this country. Hitherto, unfortunately, we have not had an opportunity of reducing that debt to any appreciable extent, but now, with a large excess of revenue over expenditure, it is nothing but right to expect that there shall be a similar reduction in the aggregate amount of the public debt, unless the extravagance of the government during the past year has more than offset the increased revenue. The balance sheet at the end of the financial year will show all these facts, and we will be able to discover whether the amount received over and above the expenditure has been properly applied to reducing the general debt of the country. With reference to the prevailing prosperity, these gentlemen seem to take credit for everything that has occurred, but in my opinion facts wil prove that a great deal of it is due to the National Policy which they have been obliged to continue, knowing it is the only policy under which the prosperity of the country could be continued. Therefore, they ought to divide the credit between the Conservative and the Liberal parties. My hon. friend, the member for Cobourg (Hon. Mr. Kerr) to-day, as is his custom, seemed to think that everything was due to the rule of the present government. He is entitled, of course, to his opinion upon that point, but he ought to have some consideration for the opinions of other gentlemen who may differ from him very materially in respect to this matter. He thinks, and very properly, from his standpoint, that this is the best government that ever ruled the destinies of Canada. That may or may not be, but in a very short time the electorate will have an opportunity of deciding that question, and I mistake very much the sentiment of the country if they do not disapprove of very many acts of the pres-

ent government during their four years tenure of office. However, that remains to be seen. Coming in contact, as I do, with a great many of the people of this country, I find there is a wide feeling of dissatisfaction which certainly will nullify the opinion of the gentlemen on the goverment benches that we, on this side, are to remain in the cold shades of opposition for the next eighteen years. It makes very little difference to me whether one party or another is in power as long as they administer the affairs of the country in a manner that will conduce to the best interests of the country, and therefore, in my humble judgment, the Dominion will be better governed, and has been better governed by the Conservative party than it possibly can be by the Liberal party. It is true the Reform government can expend money to any extent; that has been their stock-in-trade, which may possibly enable them to carry a certain number of constituencies in the future; but the great mass of the people of this country have been crying out against the extravagant expenditures of the present government. The day of reckoning will shortly come, and my predictions will be verified. The government also take credit for the construction and completion of the canals. That is an absurd proposition. The canals were constructed a great many years ago, and the work on the enlargement of the canals which has been in progress for years, has been completed this year. This government did not initiate that policy. The work on the canals was well advanced when the change of government took place, and this government had to complete the canals when they came into office, to make them of any use to the country. With 14 feet of navigation in St. Lawrence canals, I hope there will be a large increase of trade. The people of the United States are alarmed at what we are doing in this country in improving our waterways. They fear that we will necessarily absorb a large portion of the transport trade which formerly went through United States channels. Practically that will be the result of these improvements. The country has expended a large amount in the deepening of the canals, and it ought to be a source of congratulation to the people of this Dominion to know whether it has been a wise expenditure, and that the deeper waterway is sufficient to suit the demands of trade. I am sorry the government did not think it necessary or obligatory to take into consideration the great project which has been before this country for several years—I allude to the Ottawa and Georgian Bay Canal. In my humble judgment, this canal would do more for the future general prosperity of the country than any undertaking of any kind that has been accomplished in the past—I will not except even the Canadian Pacific Railway, although we all know that the Canadian Pacific Railway has been the means of making this country what it is. I believe, however, that the Georgian Bay Canal, with all the advantages which it possesses will be of the greatest utility and benefit to the country. The whole community, with few exceptions, is in favour of it, and I did hope that the government would have made some allusion to this project in the speech from the Throne.

The promoters of the project, or some of them, are in the city, and I believe they intend to have a conference with the government to ascertain if they will give them aid to carry out the work. It is going to shorten the distance between the upper lakes and the seaboard very much, and with the increasing breadth of cultivated land in the North-west, we will require all the facilities we can obtain for the purpose of exporting the great products of the country. I do not dissent from the plan of the government in encouraging immigration. I think it is desirable, and I hope they will carry it out so that it will be a material benefit to that section of the country. We all know the vast extent of the North-west. With the land unsettled it is perfectly useless, and the sooner the government bring in settlers to make that land what it ought to be, the better it will be for the country. Whether the immigrants who have recently been brought into the country are the proper class or not, it is not for me to say. I have heard them favourably spoken of, and I hope they will turn out to be the proper class of people. We cannot expect any great increase in the immigration from the British Isles, and we must look to foreign countries for population. The government are entitled to great credit for encouraging increased settlement in Canada, and I hope they will continue with their system of immigration on a large scale. I have touched on the principal

points in the speech which require our consideration. With respect to the preferential tariff, it is rather unfortunate that during this last year, notwithstanding the preference to British goods, our imports from the United States have been largely in excess of those from the British Islands. I did think that this preferential tariff would have had the effect of increasing the trade with Great Britain and decreasing the trade with the United States. It may have this effect in future years. Our trade with the West Indies should be encouraged as much as possible. The only other subject which has been agitating the public mind for some time is in reference to the war in South Africa. In my opinion, the government have not acted in this matter in the manner which the importance of the subject demands. They certainly did not act as speedily as the circumstances would seem to require. They have tried very vigorously to defend their course. The Minister of Justice and the Secretary of State have tried to make us believe that Canada did more than any other colony in the empire. It seems extraordinary that one solitary hour should be lost in finding out whether any constitutional difficulty could arise in the matter. It seems to me very extraordinary that the organ of the Minister of Public Works declared in his paper in Montreal at that time that not a dollar and not a man should be sent to South Africa. How do they reconcile that with what the Minister of Justice has stated? By his special pleading he seemed to indicate that there was this difficulty, and it required some time to consider it, shielding himself under the supposition that in 1885 Sir John Macdonald found the same trouble in regard to the war on the Nile, and could not approve of sending a contingent to assist in that war. The circumstances are not analogous. The Minister of Justice last session delivered a masterly speech in reference to the difficulties in South Africa. He convinced me at that time that war was inevitable. Knowing as he must have known, that it was sure to take place, should he not have made the necessary alterations in the Militia Act, if it required any alterations, to meet the emergency? That has not been explained. The Minister of Public Works had determined, as far as he could, to throw some discredit upon the loyal men of this country, according to my view. Whether it was done in a moment of weakness or not, I am not prepared to say. We know that the Minister of Public Works has a hostile feeling towards a class of this community who have been known as men loyal to the backbone, and he thought, if he could do any injury to that class of people, he was doing credit to his own countrymen, whereas the contrary was the fact, because his own people will repudiate any feeling that might have existed in reference to their position as men loyal to the empire. Therefore, I think he has counted without his host, and that the people of this country will never forget the desire of that hon. gentleman to make political capital for the purpose of injuring the class of men for whom he had an utter detestation for many years. I attribute it to that cause and that alone. I may be wrong, but it all points in that direction. I am told that in the council it was necessary, before they arrived at a conclusion, to visit Rideau Hall. Whether that is a fact or not, I do not know.

Hon. Mr. SCOTT—No.

Hon. Mr. CLEMOW—That was currently reported in the city.

Hon. Mr. SCOTT—It is absolutely untrue.

Hon. Mr. CLEMOW—I think the Minister of Justice will corroborate what I say, that there was a very strong feeling of mistrust in the minds of the people, when that attitude was taken.

Hon. Mr. MILLS—I was on the Pacific coast at the time, and the whole matter was arranged before I returned.

Hon. Mr. CLEMOW—I want to avoid any personality in this matter, I do not want to say that any man was guilty. But I believe the Minister of Public Works was the cause of the trouble. I have a very strong opinion on the matter, and nothing will eradicate from my mind the impression that he has caused all the trouble. I do not wish to detract from the Premier, remembering the position he took at the Queen's Jubilee. I think he discharged his duty in an admirable manner, and I give him credit for what he did on that occasion to vindicate the honour of Canada. He did what any man would do in performing his duties in a dignified and satisfactory manner, and therefore it would be wrong to impute wrong motives to him.

Something was said as to no allusion being made to the exertions of the Militia Department in sending the contingents. That may be true, but there is one general feeling in this country that the Minister of Militia and his department did all they could do for the purpose of accelerating the departure of the volunteers. But at the same time, while we must give Dr. Borden every possible praise, we are also under a deep debt of gratitude to those men who came forward voluntarily and offered themselves, leaving their homes and firesides for the purpose of serving their Queen and their country. Could anything be more patriotic, could anything be more in unison with the feelings of the people of this country to show that we are loyal, and that it is a libel of the worst kind to try by any side wind to throw discredit on the people of this country ? I do not think it lies in the mouth of any man to say that these men do not deserve the greatest praise from us. Nearly three thousand men have been enrolled, but I believe if it were necessary we could enrol 20,000 men in this country to serve in any emergency in which Great Britain might be involved. We are part and parcel of the empire, and it is our duty to assist in every possible way in maintaining the integrity of the empire. On many occasions Britain has rendered aid to us. They never hesitated about sending troops to this country when they were needed. They never asked whether this country would pay for them, or whether the country was prepared to receive them, but acted voluntarily and promptly. I believe that the people of the country will concur with me in saying that in return we are willing to assist them in any measure to maintain their rights. We regret the necessity for this war. We all regret the loss of life and the enormous expenditure, but principally the loss of life. It has cut off the flower of England, but we may depend upon it that although it may be disastrous at the present time, the result will be useful in the future. It will show Great Britain that it is necessary to maintain a sufficient force to repel any action that may be taken against them. Heretofore that fad of peace at any price has been acted upon, but it will no longer continue in the minds of the British people. They should keep on hand a force of men sufficient to meet any emergency that may arise, and I hope it will have an effect in this country that we are necessarily required to maintain a force sufficient to meet any difficulty that might occur. It has been rumoured that there would be an attempted Fenian invasion, taking advantage of the difficulties in the Transvaal. I do not know whether it is true or not, but the government should take the matter into their serious consideration, and make arrangements to garrison some of our principal cities and towns. There is another matter of very great importance in connection with this subject. There is a question as to whether these men should be recompensed in a fair, honest and generous manner. My opinion is that they ought to be liberally recompensed. I do not know that we can do too much to show our appreciation of the course they have pursued. We ought to act promptly in this matter ; we should not be parsimonious or seek to restrict them to the pittance allowed by the Imperial government. Every man should be placed in a position equal to that which he occupied before he left. I believe that the commercial community generally have guaranteed that upon the return of these men from the Transvaal they shall occupy the positions they had when they left. That is a fair offer, and I hope that the government will act in the same way. Speaking of the munificent offer of Lord Strathcona, I think it deserves every commendation. Not only should there be a vote of this House and three cheers, as proposed by the hon. gentleman from Victoria, but there should be some public substantial recognition of this generous and noble action of Lord Strathcona. I hope that the government will do something to immortalize the memory of this man for all time to come. I do not know how that could be done, whether it would be by a life-sized oil painting of that distinguished gentleman, to be placed in every public building in the country and in the halls of the various local legislatures. I do not know the views of the government on this question, but if it were put to a vote, I do not think there would be one dissentient voice in the whole Dominion of Canada in the carrying out of a scheme of this kind for the purpose I have mentioned.

I merely throw out the suggestion, not knowing whether it will meet with favour or not. I rose this afternoon for the purpose of showing my dissent from the course pursued by the government in reference to the organization of the contingent. I do this as a loyal British subject and as a Canadian. I do not want my loyalty to be impugned. It is the worst stigma a man can have against his character that he is disloyal to Queen and country. Thank God we have heard enough to know that all men in this Dominion, with very few exceptions, are loyal. The speeches we have heard show me that the French Canadians, some of whom have been spoken of as being disloyal, have proved themselves to be, as I have always believed them to be, as loyal as any other people in this country. I am pleased that on second thoughts the ministers came to the conclusion that it was necessary to provide a second contingent, and that there was some mode by which they could act promptly. Certainly it was a somersault of a very agreeable kind to me, and was approved of throughout the country. If anything should be required in the future of the same kind, I do not think they ought to feel themselves under the necessity of applying to parliament. They may rest assured that the loyal people of this country will readily approve of any measure that might be undertaken by the government for the purpose of assisting the British government in such an emergency as they are involved in at the present time. I thought it was my duty, as a representative of this part of the country, to show our great appreciation of the efforts made by the people to render the assistance so greatly needed at the present time by the British government in South Africa. If they should be successful, as I have no doubt they will be, the effect will be that South Africa, under British rule, will become a prosperous country. It seems to me, as a citizen, to be a most extraordinary thing that all these preparations were going on from year to year in the Transvaal without England being aware of it. I do not wish to criticise the acts of British statesmen. It would be impertinence on my part to do so, but I cannot help feeling that it was a very strange thing that preparations on a scale of such magnitude could be made without the knowledge of the British government. However, we should do all we can to assist Great Britain in any difficulty that may arise as long as we are part and parcel of the empire, as I hope we shall be for all time to come. I hope to die a British subject, true and loyal to British connection. I hope the government will pay the men who have volunteered for service in South Africa fairly and liberally, and do all they can to show their approval of the course they have pursued in offering to fight for the empire. Some of these men may never return, but thanks to some private parties in this country, provision has been made in the way of insurance on their lives which will be some little compensation to the friends of any who may be killed in action. The country ought to provide insurance for every man who has gone to fight for this country. I do not think any man would dissent from it, and all would unite in supporting any such measure that may be introduced by the government. If any man comes forward and tries to persuade the people that our country is doing wrong in assisting the empire in this struggle, that man ought to be served as they served an agitator in Winnipeg the other day, when they pelted him with rotten eggs. I do not wish to impute any improper motives, but the government made a terrible mistake to have delayed one single moment in offering assistance to the home government. They claim that they required to know the opinion of the country. They could have obtained that opinion in three days. They had it last session when a resolution was passed in this parliament, and they could not have gone astray in any action they could have taken to render assistance in such an emergency. The government on several occasions tried to make it appear that there was no difference of opinion amongst us—that they were unanimous. That may be, but the evidence, to my mind, is contrary to that. The evidence was that there was a feeling by some parties that they would not be justified in making this expenditure without the approval of parliament. That may be all very well as a rule, but in a case of this extraordinary character, an extraordinary remedy was needed, and the people would have jus-

tified the government in doing what was simply their solemn duty in defence of the empire.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. MILLS moved that when the Senate adjourns to-day it do stand adjourned until the 1st day of March at 3 o'clock.

Hon. Sir MACKENZIE BOWELL—I should like to ask the leader of the government if copies of government bills, to be introduced in this Senate, particularly of the Criminal Code, will be circulated to the members in advance. I have already stated the reasons why I think we should have it done, and I must express some little surprise that the minister, knowing that the law had not been passed last session and that it was the intention of the government to introduce it again, did not have it printed and laid before this House immediately after we assembled. Of course we know it has been the practice in past years, to attribute to the opposition, not so much in this House as in the other, factious opposition to measures of the government. There they were held responsible for the delays which had taken place in the transaction of business. Now, we have been here nine days. No business has been laid before this House, nor, as far as I know, has any measure been introduced in the other House, and for that reason I presume the Minister of Justice thought he was justified in asking the Senate to adjourn for some twenty days. I hope in future, whatever measures are intended to be introduced in the Senate for our consideration, that we may have them at the earliest possible moment and then, while political questions are being discussed in the other House, we can be considering the practical work of the session here. My experience is, and I am sure my hon. friend's experience must have been also, that measures of importance affecting either the Criminal Code or the commercial policy of the country, after having been duly weighed and considered by the Senate, have passed the lower House in a much shorter period than those which were introduced and considered first in the Commons. I say that, because my experience has taught me that that is not only in the interests of the country, but equally important that we should have Bills before us when we meet that they may be thoroughly considered before sending them to the other House.

Hon. Mr. MILLS—I am quite ready to admit that if we were to do as my hon. friend suggests, it would be a new departure, and I am very far from saying it would not be an improvement, but the speech which my hon. friend addressed to us now, he addressed last year, and I can remember when my hon. friend sat on this side of the House, a similar speech used to be addressed to him by my hon. friend the Secretary of State.

Hon. Sir MACKENZIE BOWELL—My hon. friend was not here, and does not know.

Hon. Mr. MILLS—My hon. friend is mistaken in supposing that it is necessary to be a member of this House to know what transpires here. If my hon. friend is under any such opinion as that, it is a delusion.

Hon. Sir MACKENZIE BOWELL—It is not a snare.

Hon. Mr. MILLS—I am quite ready to admit that, but it is the other thing which I have mentioned. With regard to the Criminal Code Bill, I have stated already that the measure has to be considered by myself and some of my colleagues. A measure of this sort, no matter how carefully you have considered it, will, during a period of twelve months, have some changes proposed by prosecuting attorneys, judges and other parties who are experienced in its administration. The measure was very carefully considered in this House last year—the subject of the Criminal Code. There may not be any changes of great importance, so far as I am able to state at this moment, made in the Bill as it will be submitted to this House again. If I had brought it down, it would be the only measure that would be brought down at the present moment. There are one or two other measures that I purpose bringing before this House, but they are very short. Last year I introduced the parole system as applied to certain convicts in penitentiaries. We found, when

we came to work it out, that it would be very desirable to extend that power to persons confined in the Central Prison and in the jails as well, because at the present time the only way we can let a young man out of jail is by granting him a pardon, whereas it would be most desirable to exercise a surveillance over him by granting to him a reprieve by ticket-of-leave. Sometimes this has occurred during the past six months, since we have been operating the law. A number of young men become lawless, and they continue their lawlessness until they commit some criminal offence and are tried and convicted. One amongst them is a leader in the wrong-doing, and he gets three years in the penitentiary. The others, that are supposed to be led by him in the mischief, are sent to the Central Prison. Now, they are all offenders. There is a want of control over them, and they are not naturally of the criminal class. With a little care and some supervision they may form perhaps members of a law-abiding community and become industrious persons, that has occasionally occurred. We can grant parole to the one who has been sent to the penitentiary, but we cannot deal with the others, except, it may be, by pardon, and yet we do not feel altogether like pardoning, and the one who is in the penitentiary is let out on parole, and the others feel it a great hardship that he should be at large while they are in prison. So I propose to amend the law by two or three sentences extending that principle to these cases. My hon. friend will see that that will not require fifteen minutes' consideration, and so it seemed to me, looking at the fact that this House has nothing to do with the consideration of the estimates, and therefore requires less time for discharge of the duties devolving upon it than does the other Chamber, that I would be sufficiently meeting the wishes of the members of this House by submitting the measures proposed to be introduced. Now, so far as the criminal code is concerned, I purpose discussing that with my colleagues. My hon. friend can well understand that after the assembling of the government at the close of the summer vacation, a very considerable time is required for dealing with the special estimates of the departments, and on the present occasion we have had considerable addition to the work that devolves upon us in council, by the subject of these contingents. My hon. friend, having been for a great many years a member of the government, can understand that, but I promise him that if I can succeed in getting a Bill which is at present in the printer's hands reconsidered and reprinted before the House meets again, I shall be most happy to act upon the suggestion he makes, and put it in the hands of members of this House, and of the other House, and of a large number of the profession who are interested in it.

The motion was agreed to.

LIEUT.-COL. HUGHES' SERVICES.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 upon the Table of the Senate, copies of all communications which have passed between the government of Canada and the British government in reference to the offer of Lieutenant-Colonel Samuel Hughes, M.P., to raise in Canada a military corps for service in South Africa. Also, copies of all communications, telegrams and letters which have passed between the Dominion government, the Major General, or any officer or official in the public service, and Lieutenant-Colonel Samuel Hughes, in reference to the proposal of the latter to raise a corps in Canada for service in South Africa, or in connection with the appointment of Lieutenant-Colonel Hughes as an officer of the first, second or other special service battalion; together with a statement of the action taken thereon by the government or by the Major-General.

He said: My principal reason for moving this resolution is in order that the people of Canada may know really what the difficulties are that have existed between these two officers. A good deal of interest has been taken in the matter, and every one knows that Colonel Hughes is a very enthusiastic volunteer, and that he was one of the first who offered to raise a regiment to aid the Imperial forces in the war in South Africa. The interview between the Major-General and a newspaper reporter has intensified the feeling in the country as to the treatment which Colonel Hughes received. I do not desire to be understood as finding fault with either one or the other. I know the enthusiasm of the one, and I have the highest regard and respect for the Major-General as a soldier, but I think in matters of this kind, where a man has erred through enthusiasm on behalf of his country, even a little breach

of military discipline might, if not overlooked, be treated less harshly probably than it has been treated in this instance. Of course I cannot give a positive opinion on that question, not knowing the facts, but having had a little difficulty on one occasion with the former Major-General, in which I was placed under the ban, I have some little sympathy for Colonel Hughes under the circumstances. Whether I transgressed to the extent that he did, I am not prepared to say just now, nor to defend my own conduct at the time, or his at the present time.

The motion was agreed to.

THE CONSTITUTIONALITY OF THE REDISTRIBUTION BILL.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before the Senate :—

1. A copy of the statement of the case submitted to English counsel for their opinion as to the competency of the Canadian parliament to alter, by legislation, the electoral divisions of the Dominion, except upon the recurring occasions of the decennial proportionate readjustment of the representation provided for by the British North America Act, 1867, after the taking of each census.

2. A copy of the opinion so given by such counsel.

3. A statement of the fees or emoluments paid or granted to such counsel for such opinion.

4. Copies of all correspondence by the government, or any member of the government, or any person on behalf of the government or any member thereof, with said counsel or either of them with reference to such statement of case, or the opinion founded thereon ; with copies of all messages, memoranda or documents made, had, submitted or taken with reference to said statement of case and said opinion.

5. The names of the counsel to whom application was made for such opinion, the date of such application, and the names of the parties by whom the application was made.

He said : I remember calling the attention of the hon. Minister of Justice to this subject during the last session of parliament, and he at the time told us that he had no knowledge of any opinion having been asked from eminent counsel in England, and consequently he was not in a position to give the information which I now ask for in this motion. I have here an extract from an English paper purporting to give the case which was submitted to counsel in England. It is as follows :

The annexed Bill for altering some of the electoral divisions for the House of Commons for Canada, leaving unchanged the numbers of the members representing each province, was passed by the House of Commons of Canada in the session of 1899. It has been rejected by the Senate on the ground that it is not within the constitutional competence of the parliament of Canada to legislate altering the electoral divisions, save on the occasion of the decennial proportionate readjustment of the representation obligatory under the British North America Act, 1867, after each census.

Your opinion is asked whether it is competent to the Canadian parliament to legislate as proposed and independently of the decennial readjustment.

The counsel to whom the case was submitted were the Hon. Edward Blake, Q.C., M.P., Mr. R. B. Haldane, Q.C., M.P., Mr. H. H. Asquith, Q.C., M.P., Mr. Edward Carson, Q.C., M.P., and Lord Robert Cecil, and their opinion was in the affirmative.

As we have another Bill changing the electoral division promised in the speech from the Throne, and I see by the paper to-night, was to have been introduced to-day, and I believe of the exact character of the Bill of last year, it is well that we should have this information in our possession before we deal with the subject again.

Hon. Mr. MILLS—My hon. friend has it now.

Hon. Sir MACKENZIE BOWELL—What I want is the official statement. I am reading this as the basis on which I make the motion. I am not in a position to say that that is a correct version of what was submitted to counsel. If I were to say that and point out that it is not in accordance with the fact, my hon. friend would say that he is not responsible for a newspaper report. Hence I should like to have the exact wording of the submission which was made to these counsel. There can be no possible objection to that. We are entitled to it, for I presume these gentlemen did not give their opinion on so important a question without being paid for it, and we are entitled to know who submitted the question, and under what form it was submitted. What I want is the official document, the submission and the answer, and then we will know better how to deal with the question when it is brought before us.

Hon. Mr. MILLS—I have not officially submitted any such question for an opinion. I never had the slightest doubt in my own mind as to what our legal and constitutional rights were. If any of my other colleagues have, I will make inquiries, and if we have any such opinion from the parties I shall be

ready to bring it down. I suppose the value of the opinion will depend upon the eminence of the counsel, and nobody denies that these are men standing in the very first rank of lawyers in the United Kingdom, and their opinion will be, if they have given an opinion, one the importance of which depends upon their rank, and not upon the party who may have made the inquiry. I suppose it will have just as much value if obtained by a private party as though obtained through an official channel in Canada.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has put the case very fairly as far as he went, but it will not depend so much upon the eminence of the counsel who gave the opinion as on the submission made to them. If the submission was a false one, and they gave an opinion, then the opinion would be valueless. If the case given to these gentlemen were strictly in accordance with the facts, then the opinion would have been valuable otherwise it would not. If this extract which I have read gives the submission, then it is not correct.

Hon. Mr. FERGUSON—Further, I think legal gentlemen are agreed that an opinion that is not reasoned is not as valuable as one that has been reasoned.

Hon. Mr. MILLS—The hon. gentleman states the fact that a reasoned opinion is more valuable than one that is not reasoned to the party who receives it, and who wants to form a judgment on the propriety of the opinion. I do not suppose my hon. friend will undertake to sit in judgment upon the opinion given by Mr. Asquith, or Mr. Blake, or Mr. Haldane, and if they give an opinion without the reasoning, it is not less authoritative than if it were accompanied by the reasons. If my hon. friend wanted, as a lawyer, to judge as to whether the opinion was a proper one or not, then he would undertake to examine into the reasons and try to ascertain whether he could answer it satisfactorily to himself or not. If not, he might acquiesce in it. It might convert him to their way of thinking, but the value of the opinion does not depend upon its being reasoned.

Hon. Mr. FERGUSON—It depends upon it just so far as those who received the opinion will have evidence that these gentlemen went carefully into it; otherwise they might have gone off at half cock, as professional men are very apt to do, to my knowledge.

The motion was agreed to.

HILLSBORO RIVER RAILWAY AND TRAFFIC BRIDGE.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a copy of an agreement between the government of Canada and the provincial government of Prince Edward Island in terms of the Acts of the Parliament of Canada, 62-63 Victoria, Chapter 4; and also, copies of all correspondence between the government of Canada, or any member or official thereof, and the provincial govenment of Prince Edward Island regarding the construction of a railway and general traffic bridge over the Hillsborough River at or near Charlottetown, P.E.I.

The motion was agreed to.

DREDGING OF NEW LONDON HARBOUR.

INQUIRY.

Hon Mr. FERGUSON rose to

Inquire if it is the intention of the government to dredge the harbour of New London, P.E.I., during the coming summer?

Hon. Mr. MILLS—My hon. friend will see that the answer to this will depend upon the return to the last motion.

Hon. Mr. FERGUSON—That is all the answer I may expect to get?

Hon. Mr. MILLS—That is all I can give until the evidence comes down.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 1, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (B) 'An Act to amend the Act to provide for the conditional liberation of penitentiary convicts.'—(Hon. Mr. Mills).

Bill (C) 'An Act respecting the Supreme Court of the North-west Territories.'—(Hon. Mr. Mills.)

DISALLOWANCE OF PROVINCIAL ACTS.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all Orders in Council disallowing Acts which had been passed by any of the legislatures of the provinces of the Dominion, or by the legislative assembly of the North-west Territory, since the first day of August, 1896, together with all correspondence in relation thereto ; also, copies of any and all correspondence between the federal and any of the provincial governments relating to any suggestions of changes or amendments to any local Act which may have been passed by such local legislature, and the action taken thereon.

He said : My reason for making this motion is because so much discussion has taken place on the subject of disallowance that I think that it is but right to make public the reasons why any of the Acts of the provincial legislatures have been disallowed, or, if any suggestions have been made by the Minister of Justice, or by any other member of the government as to the amending of provincial Acts which may be considered to be in contravention of the provisions of a federal Act or an encroachment on the rights of the Dominion parliament, the reasons for disallowance should be laid before the House in order that the public may know what has been done, and the reasons for disallowing Acts, or asking for amendments if anything of the kind has taken place.

Hon. Mr. MILLS—I have no objection whatever to the motion of my hon. friend opposite. It has been the practise every few years to publish the reports of the Minister of Justice on the subject of disallowance. Of course, the duty devolves upon the Minister of Justice, in this country, as it does upon the Colonial Secretary, upon the advice of the Law Officers in England, to deal with the subject of provincial legislation within the Dominion, and where a local legislature has exceeded its powers there are three courses that are adopted. One is the disallowance of the Act ; another is the amendment of the Act in the particulars in which it is objectionable; and, third, the Act is allowed to go into operation notwithstanding its objectionable features, leaving the law courts to determine the question of 'ultra vires.' I do not think there has been a case since I have been in the Department of Justice, nor do I think there was for several years before, in which the Minister of Justice advised disallowance without reference to the local authorities. Where there is time, the attention of the local authorities is always called to the objectionable features of the legislation, and they are asked to amend the Act, and where they consent to amend it within a period of twelve months, the power of disallowance is not exercised. That course has been always the policy of the department, and it is, of course, still adhered to. I have no objection to bring before the House the information which my hon. friend seeks by this motion.

Hon. Sir MACKENZIE BOWELL—Of course my hon. friend will understand that if the correspondence and Orders in Council are published in his report there is no necessity for bringing them down on this motion.

Hon. Mr. MILLS—They are not published in the report. They are published in a volume, but they are not published annually. I shall bring down what my hon. friend asks for within the period of time he mentions.

The motion was agreed to.

A VICTIM OF A JUDICIAL ERROR.

INQUIRY.

Hon. Mr. LANDRY rose to—

Draw the attention of the government to the following extract published in the daily newspapers of the capital :

AN INNOCENT MAN.

For three years he was imprisoned in the St. Vincent de Paul. The Minister of Justice has ordered the liberation from St. Vincent de Paul Penitentiary of a Greek named Vandel, who was sentenced three years ago on a charge of rape. It has been found that Vandel is innocent, and was the victim of a judicial error.

And inquired of the government :—

1. Are the facts mentioned hereinabove true ?
2. And if the answer is in the affirmative, what compensation does the government propose to offer to this victim of a judicial error ?

Hon. Mr. MILLS—We, of course, deprecate the discussion of the exercise of the power of pardon. I think the practise in

England is, where there is any specific charge in any 'prima facie' case made out against the advice given, to bring the matter under the attention of parliament, and the Home Secretary has an opportunity of then vindicating his action; but it would lead to very great embarrassment in the administration of justice and in the exercise of the power of pardon if the subject was made on every occasion, or indeed, frequently made, the subject of parliamentary discussion or inquiry. It is a matter within the executive discretion and is only a proper subject for parliamentary inquiry where there has been a great error of judgment on the part of the minister advising the Crown, or where the facts given to the public are 'prima facie' evidence of such a case. In this instance no statement is made that there was wrong done in setting at large a guilty man, but that an innocent man has been discharged, and so this matter would not come within the rule of inquiry which is well settled in the mother country, and which my hon. friend puts here. But, I will say this with regard to the case of Vandel—the facts are not as stated in the question. The prisoner was found guilty of a charge of rape in March, 1897. The verdict was in accordance with the evidence given at the time, and was believed by the jury. The prisoner was sentenced to ten years in prison for the offence. It was subsequently established that the woman who laid the charge against Vandel had been previously unchaste—in fact, a notoriously loose character, and that she had since that, as before, upon the report of competent officers, been leading a very immoral life. These facts and the report of these officers were laid before the judge who tried the case, who made a report to the department. Those reports are always strictly confidential, as my hon. friend knows, and it would, in fact, lead to great hesitation on the part of a judge to make a full and frank report of his views, if those opinions were to be made public, and so, in England—and the rule has been followed here—the report of the judge has been always treated as strictly confidential; therefore, I am not at liberty to state what report the judge made, but upon the papers that were laid before me, upon information submitted by the police officers, and upon the report of the judge, I formed an opinion, and that opinion is that there might be great wrong done if this party was longer kept in the penitentiary, and so upon the information placed before me, I thought it my duty to recommend a pardon. Now, with regard to the second part of the hon. gentleman's question, there is no obligation, moral or otherwise, devolving upon the Dominion government to give compensation to a party who has been convicted, even though wrongly convicted. The court gives judgment in accordance with the evidence submitted. The party has a fair trial. The trial does not become unfair because the testimony submitted is perjured. There is no disposition on the part of the jury to go wrong. They must act upon the best evidence submitted, and then form an honest judgment or conclusion. If, unfortunately, there have been persons guilty of perjury, that does not entitle the accused to compensation, and that rule has been recognized again and again in the mother country.

Hon. Mr. POIRIER—It is another Dreyfus affair, or like it.

THE PACIFIC CABLE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved—

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence not already brought down, that has taken place between the Imperial government and Canada, or between the High Commissioner for Canada in London and the government of Canada, relating to the proceedings of commissioners appointed to consider and proceed with the construction of the Pacific cable between Canada and the Australasian Colonies; together with any correspondence that may have taken place relating to concessions asked for by the Eastern Extension Telegraph Company from the Australian governments in re telegraphic extension.

He said: I notice that almost a similar motion has been made in the lower House, and if the papers are brought down there it will not be necessary to make a special return here, further than to let us have a copy of them. I simply make this motion: any remarks I may have to offer on the subject of the Pacific cable communication between Canada and Australia, I shall reserve for the next motion in my name on the paper.

The motion was agreed to.

THE WAR IN SOUTH AFRICA.

Hon. Mr. MILLS—Before the Orders of the Day are called, I wish to allude to a matter which is one of very great interest, I am sure, to every hon. gentleman present, and to the whole population of this country. When we adjourned early in February, not to meet again until to-day, there was a very great deal of anxiety felt at the prospect of British arms in South Africa at that time. There was an organization in South Africa —a military government pursuing a policy of aggression upon the British possessions in the southern portion of the African Continent. Every one believed that the contest would be one which ultimately could only result in one way, but we all felt that a courageous and active enemy, pursuing a policy that was defensive in its character, had the opportunity of inflicting very serious injury upon the British forces in South Africa. The British authorities have, I am pleased to say, risen equal to the occasion. I am sure, no one in this House, and no one in this country expected anything else. If we have met with reverses, they have afforded us an experience by which we may profit, and which only increase our determination, and the determination of the people of the United Kingdom, to put forth still more vigorous efforts to secure that triumph which at one time we supposed could be secured without so large an expenditure of money and of life. To-day, the prospect is indeed very much brighter. We know that General Cronje and his army have surrendered. We know that within the past few days Kimberley has been relieved. The siege to which it was long subjected has been raised, and the pleasing news has reached us within the past few hours that Ladysmith is also relieved. (Cheers.) And the force of General White, which has been shut up there for some months, is now at liberty to join with other portions of the British army to hasten the triumph which British arms are certain to secure. I am pleased to say that the people of Canada have taken a deep interest in this contest. We all know, who have given any attention to the matter, that the British government have exercised a very great deal of forbearance towards the Boer population of the Transvaal and of the Orange Free State. In no other place in the history of our country have the British people been subjected to such ignominy, such injustice as they have been called on to endure at the hands of the Boer government of the Transvaal. That endurance, in the estimation of a great many, was carried further even than it ought to have been, and before the contest was begun by the Boers it ought to have been begun by the British authorities on behalf of those who suffered such wrongs and such injustice at the hands of the Boer population. However, that may be, we know that the forbearance has only tended to bring into clearer light the wrong and injustice that was being done, and the disabilities that demanded remedy. When the call to arms was made, every portion of the British Empire responded. It was not merely the soldiers in the regular forces that marched at the call of the British government to put an end to the wrong that was inflicted upon the British people in South Africa. The Canadian people also responded. They took a deep interest in the conflict, not a greater interest than their interest in the United Kingdom and the empire rendered necessary; but I believe this, that the result of the conflict will be to establish an additional bond of unity between the United Kingdom and the dependencies of the empire. (Cheers.) I believe that the result of this conflict has tended to make the bonds of union immeasureably stronger than at any previous period in our history. (Hear, hear.) We feel that the responsibility of empire to some extent rests upon us, and I have no hesitation in saying that the expenditure which will be made by Canada on behalf of the empire is as profitable an investment as this country has ever made at any period of its existence. (Cheers.) I am pleased to see the Canadian people responding with so much promptness to the call of duty in this matter. I am pleased at the bravery which they have exhibited in the battle field. (Cheers.) And although some of them have lost their lives and will be seen on this side of the Atlantic no more, the influence which their sacrifice will exert on the history of this country will be of no little importance. I regretted to see that the son of our honoured Speaker was wounded in that contest, but, I may rejoice with him that his life was at all events spared. (Cheers.) And I am sure that we may all join with our honoured Speaker in

hoping that Providence will spare him to return again to this country and receive from the people of this Dominion that mark of admiration and gratitude which such loyal and patriotic services entitled him to. (Cheers.) I thought that, when the current was running so strongly in our favour, I would not be doing my duty to this House if I failed to call its attention to the satisfactory progress attending British arms in Africa, and to give to our friends on both sides an opportunity of expressing their admiration and approval of the policy that is being pursued in that country, and I trust, as I am sure every hon. gentleman here does, that there will be no settlement which will recognize hereafter a menace to the paramount authority of British dominion in South Africa. (Cheers.)

Hon. Sir MACKENZIE BOWELL—I need scarcely say that I rejoice, as I am sure most Canadians will, at the position which the hon. gentleman has taken to-day, and they will re-echo the sentiments which he has uttered with regard, not only to the difficulties which have occurred, but the causes which led to the war which unfortunately has been in progress for several months past. I rejoice more particularly in the victories which have taken place from the fact that those who represent this portion of the British Empire have played so important a part in accomplishing that for which they have been fighting so long—the surrender of a portion at least of the Boer forces. When the news was flashed across the ocean that 'the dashing rush of the Canadians brought about the final result,' the surrender of Cronje, it was a matter of deep congratulation and rejoicing for every man who loves his country in this whole Dominion. When the results which ought to follow are considered, I am quite sure that none of us will regret the part that Canada has taken in maintaining the suzerainty of Great Britain in South Africa. The amount of money which has been spent is but a very small consideration, even were we to quadruple it, but, while that is true, we cannot but mourn the loss of some of our bravest sons and at the same time, regret that many of them are now in hospital with the wounds which they have received. I sincerely hope with my hon. friend that those of the Canadians who have been wounded may recover, and if it is not their good luck, for such I deem it to be, to take part in the continuance of the war, that they may at least return to their native country covered with honours. I deeply sympathize with his Honour the Speaker. When matters of this kind are brought home to one they are felt more keenly. When, I read that one of the lads who belonged to the battalion in which I served when the Fenian Raids occurred, was wounded, it made me feel that this war was coming home to all of us, and I can only hope that our men will return to Canada in good health and that the result of this war may be such as the leader of the government has predicted—that there will be no settlement on the part of England with a race of people who know not what liberty is when they have the power to oppress foreigners, until they surrender unconditionally. While we mourn the loss of many of our brave Canadian boys, and regret that so many of them have been wounded, we rejoice that in laying down their lives in defence of the empire, they have shed a glorious lustre upon this northern part of the British Empire which history will never efface. In the language of a French Canadian journal, *La Presse*, published in Montreal in commenting on the surrender of Cronje, and the loss of life which had occurred among the Canadians in their dashing rush, 'let that confraternity of the last slumber in a distant land be a guarantee of joint existence on Canadian soil without the odious suspicions and reservations of yesterday.' Of course we can all understand what that means. That is a sentiment with which every Canadian, no matter what his race or creed, should re-echo, in sincerity and truth. I believe, with the hon. gentleman who has spoken, that the part which Canada has played in this unfortunate war will do much to cement British subjects of all classes and creeds in every part of the empire, and that we shall learn in future to consider ourselves as an integral part, and not as an offshoot and hanger on of that empire—that we are one and indivisible, and that we shall in the future, as at present, be ready on all occasions with all the men and money within our reach to aid in maintaining the dignity and power of Great Britain throughout the world. I say so because I believe that the maintenance of British power in the world

is the maintenance of religious and civil freedom wherever the British flag floats. (Cheers.) I cordially reciprocate what has been said by my hon. friend and repeat that I deeply sympathize with those of my fellow citizens whose sons have fallen in this war, and I unite with the leader of the government in expressing the sincere hope that those who have been wounded may be spared to return to their families in health and with well merited honours. (Cheers.)

Hon. Mr. MACDONALD (B.C.)—I am sure that the sympathy we may have felt for His Honour the Speaker a while ago we can turn to hearty congratulation, first of all that his son has escaped with a slight wound, and that he his likely to return to Canada in good health. We congratulate him on the bravery shown by his son, fighting in the front for the glory of the empire. He, in common with his Canadian comrades, fought bravely and well. They won the admiration of their general, and of the whole British Empire, and I offer the Speaker my heartiest congratulations that things are as they are, which might have been otherwise. A short time ago the condition of affairs in South Africa looked rather dark for the empire. Of course we had no fear of the result, but we thought it would take a long time and involve great waste of blood and treasure; but to-day we rejoice in the glorious victories of the last few hours—the wonderful movement of Lord Roberts, who has shown great skill in forcing the surrender of that brave man Cronje, the Boer general, whose dauntless courage, we cannot help but admire. We all in this country must rejoice, at what has been achieved lately by Lord Roberts, and at the heroic defence of Ladysmith and Kimberley. We hope that the backbone of the war is broken, and that victory will be followed by victory until we triumph in the end. We, of course, feel extremely proud of our Canadian soldiers. To them is credited largely the surrender of Cronje at the last. Their gallant charge won the admiration of the whole empire.

Hon. Mr. ALLAN—It would seem hardly necessary to add anything to what has been said by the hon. gentlemen who have preceded me, still the leader of the House held out an invitation to all of us to express the pride and gratification which we all feel as British subjects at the glorious news which has reached us within the last few days, and to that invitation I willingly respond. I would desire in the first place, however, to express my sympathy with His Honour the Speaker, whose son was wounded, and my gratification to hear that the wound may not be serious. We all I am sure join in the hope that he may live to win for himself public distinction as a brave and gallant soldier and that he may return here in safety to rejoice the hearts of those to whom he is dear and to receive the hearty and cordial welcome which I am sure will be accorded to him by his Canadian fellow subjects. There is no doubt that since the war in South Africa commenced that for a long time past there has been a feeling of great depression and anxiety prevailing, not only in England, but throughout the whole British Empire, and in no part of the empire to a greater degree than in Canada. The difficulties which the British troops met with arose from the peculiar nature of the country, treachery on the part of guides, and the spies by whom they were surrounded, who very often revealed the movements to the enemy while they were in progress. All these and other difficulties they had to contend with, and to fight repeatedly at great disadvantage before they won the brilliant successes of which we now so greatly rejoice. For although it has been said, that a great empire was fighting a comparatively small population, yet the Boers occupied such favourable positions for defending their lines, and the obstacles which the peculiar nature of the country interposed to the attacks of our forces were so great, that we can only rejoice that while we had to mourn the loss of so many brave men there was not a greater loss of life on the part of our troops. But while we all felt anxious, our hearts were warmed again and again by the accounts received of the splendid gallantry and self devotion of the troops in the various actions which took place. They were ready to follow their officers anywhere, and showed that the morale of British soldiers at all events had not degenerated, and it is a proud thing for us Canadians to feel that we can rejoice at our own men showing the same gallantry and the same pluck. While I am a Canadian, and yield to no one in my attachment to my own country, I have always felt that

the very proudest heritage one could have was to be, not only a Canadian, but a British Canadian, and that all the glorious traditions of the British Empire were as much ours and belonged as much to us as to those born in the British Isles. We have this additional source of pride now, that we inherit not merely the traditions of the past in which Canadians have hitherto had the little share, but that henceforth Canada can look back with pride and satisfaction to the noble part which her sons have borne in fighting the battles of the empire. I am sure we all rejoice to know that these services have been so graciously appreciated by Her Majesty, by Lord Roberts, and also, I notice with great pleasure, by one who honoured Canada by her presence some years ago, Princess Louise. I heartily join in the congratulations to which we have listened, and hope that we are only at the commencement of still greater and more glorious successes. (Cheers.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 2, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine of proceedings.

BILL INTRODUCED.

Bill (D) 'An Act respecting the Royal Trust Company.'—(Mr. Macdonald, B.C.)

GRAIN AND CATTLE SHIPMENTS FROM ST. JOHN, N.B.

INQUIRY.

The notice of inquiry being read :—

By the Hon. Mr. PERLEY :

That he will ask the government how many train-loads of cattle has been shipped from Montreal via the Drummond County Railway and the Intercolonial Railway, to St. John, N.B. Also, how many bushels of wheat have been shipped over the Drummond County Railway from Montreal, via Intercolonial Railway, to St. John, N.B.? Also, how many vessels have loaded cattle and grain at the government terminus of the Intercolonial Railway at St. John, N.B.? And also, how many bushels of grain is in the elevator for shipment at the terminus of the Intercolonial Railway ? And if any, where did it come from ?

He said : It will be remembered by hon. gentlemen that this is a notice I placed on the paper before the adjournment, and I had not the information which I now possess. During the adjournment I visited New Brunswick and the city of St. John, where I took the opportunity of examining the grain elevator and the wharfs and other accommodation there, and I dare say I am in quite as good a position to answer these questions as any member of the government would be. I might say that I did desire to drop this question, but the hon. senior member for Halifax (Mr. Power) is very anxious that I should ask it for the purpose of exposing the wasteful expenditure of public money on buildings, wharfs and elevators in St. John, N.B. ; and I might say that, after having examined the situation, I am of the opinion that the government have made a very great mistake in building the elevator where it has been erected and going to the expense of constructing the wharfs and all business in connection with the same, that they had a very much better property at Reid's Point, or down near the exhibition grounds, where they had been exporting large quantities of hay for the Transvaal. It is a very nice harbour and there is a large area of wharfage, several acres almost entirely unoccupied, on which the elevator could have been built, and they would have room for cattle sheds and the various other warehouses incidental to the trade that might be carried on in that way. To my mind it is a wasteful and extravagant expenditure of money, and one which will never redound to the credit of Canada or benefit the treasury in the slightest degree. There is not sufficient room for cattle sheds. At the Canadian Pacific Railway terminus at Carleton they have large elevators and commodious warehouses for the accommodation of trade, where freight can be loaded in ships. I saw magnificent vessels floating in the harbour being loaded with cattle and cheese and various articles of produce going to the old country, and I am sure if the government had taken the same interest in expanding the facilities there for loading ships and carrying on the trade of the country, a very much greater benefit would have been done to St. John than that which is done by building the

wharfs and elevator in the present locality. I am not disposed to say anything further in reference to this motion, and would have dropped it altogether had it not been for the desire of the hon. senior member for Halifax to have the matter ventilated.

Hon. Mr. DEVER—I know it is out of order for me to say anything on this question, but the hon. gentleman who has just spoken evidently is not familiar with the subject. He says the government ought to have taken some other site for the elevator than the present one. Why, the former government bought that site and paid several prices too much for it. That is why the present government took hold of it and tried to make something out of a very bad bargain that was entered into by the friends of the hon. gentleman. They have built an elevator on it which is a credit, not only to St. John, but to the Dominion, and they have built it at a very reasonable price, and why he should, coming fresh from St. John, talk as he has, I cannot understand. He must be actuated by some small feeling, because the people of St. John almost universally, in fact, I might say universally, are in favour of the construction of that elevator where it is to-day. As for the wharfs, they are at present being constructed, and no one who knows anything about the question can expect grain to be placed in the elevator yet. It will take at least nine or twelve months longer to make the position for ships sufficiently deep, so that the largest vessels that trade between Canada and England, can find accommodation there.

Hon. Mr. PERLEY—That is exactly what I am showing.

Hon. Mr. DEVER—The hon. gentleman took advantage of the situation, thinking he was speaking in the presence of people who did not know anything about it. The city of St. John, not the Dominion government, spent nearly a million dollars in building wharfs, &c., on city property, and the government of Canada has nothing to do with them. They are on the Carleton side of the harbour. The present Dominion government has undertaken to do for St. John that which should have been done for the city twelve or fifteen years ago. I am surprised that the hon. gentleman, who is a native of New Brunswick, should be the first to belittle the improvement projected in that province, and which were due to that province from former governments, for the last fifteen years, though they did not seem to think it worth while to make them, notwithstanding the fact that they had advanced our tariff in many cases two or three hundred per cent higher than it was before the province came into the union. It is very strange that the hon. gentleman should speak as he has done. The people of St. John are not behind the age. If the hon. gentleman's information was correct the people would petition and set forth their grievance, but I am not aware of any merchant or number of merchants of any consequence in St. John who are not in full unison with the work which the present government are doing at the Port of St. John.

Hon. Mr. WOOD—I do not rise to discuss this question, but I must take exception to the last remark which the hon. gentleman from St. John has made, that there is entire unanimity of opinion with regard to the usefulness of the work which has been referred to by my hon. friend from Assiniboia. I have heard very great difference of opinion expressed with regard to the value of this work, and so far as my own opinion goes, I concur with a great deal that has been said by the hon. member from Assiniboia. The government have in the city of St. John a large and valuable wharf property; they have large wharf accommodation, ample for the shipment of all the products of the maritime provinces.

Hon. Mr. DEVER—It is not half sufficient; the hon. gentleman is entirely mistaken.

Hon. Mr. WOOD—Its capacity has never been overtaxed yet. There has always been ample room there for all the vessels that could find business there. The export trade from the west, as the hon. gentleman from Assiniboia (Hon. Mr. Perley) has said, is done on the opposite side of the harbour, at Carleton. I venture to express the opinion, as I have already expressed it—I expressed it last session and the session before—that it would be found impracticable for the Intercolonial Railway to compete for this trade, and that the building of the elevator on the other side of the harbour, and the

spending of some hundreds of thousands of dollars in the purchase and improvement of the property there will be found to be useless for that purpose. I think a fair statement of the case is this: that the accommodations there at the present time are sufficient for the local trade—that the export of grain cannot be done by the I.C.R. in the way in which it is proposed, and therefore any expenditure for that purpose will be found to be practically useless.

Hon. Mr. DEVER—That is child's talk.

Hon. Mr. MILLS—I am not prepared to discuss the merits of this question to-day. I supposed that my hon. friend, in giving notice of inquiry, wanted information. I had that information before the House rose in my desk here, but the hon. gentleman was not present to ask the question, and it was allowed to stand over. I did not wish to submit the answers to these questions in absence of the hon. member, and he has brought it forward to-day. It seems to me the more proper course in this matter would have been to have allowed his question to be put and if he entertained the views which he has expressed, to have put to the House a resolution affirming what his views were with regard to the propriety of this expenditure, and then we could have discussed it. He would have had an opportunity of getting information from the Minister of Railways and Canals, who is largely responsible, primarily, for this expenditure, and I do not know why the hon. minister should desire to waste public money at the harbour of St. John. I understand that the harbour is not as deep as is required to accommodate seagoing vessels that might come there for the purpose of obtaining cargo, and that improvement in the harbour was required, and is to some extent at all events made. Now, this property, if I understand it rightly, was purchased from Mr. Justice McLeod.

Hon. Mr. DEVER—It is known as the Harris job.

Hon. Mr. PERLEY—No, it was bought from McLeod.

Hon. Mr. DEVER—It is on the Harris property.

Hon. Mr. MILLS—It was purchased by our predecessors in office.

Hon. Mr. PERLEY—Only part of it.

Hon. Mr. MILLS—The portion obtained from Judge McLeod and others was acquired since the present government came into office, but it was acquired, not from political friends, but from political opponents—men who could do the government no good, and to whom the government was under no obligation, and certainly if there was an error at all it was an error of judgment. I am not prepared to accept the statement of the hon. member from Assiniboia (Hon. Mr. Perley) with regard to the propriety of the work which has been undertaken. I have more confidence in the judgment of the minister who is responsible for this construction, who is interested in the progress of his province, which my hon. friend is not any longer, and certainly not to the same extent, even though he were a resident, and who no doubt is most anxious to undertake those public works which will contribute most largely to the commercial prosperity of the province in which he lives, and in which, as every hon. gentleman knows, he has a large influence and enjoys, perhaps to a greater extent than any gentleman who ever represented any portion of that province in parliament, the confidence of the entire population. That being so, I am not prepared to accept the statement of my hon. friend from Assiniboia (Hon. Mr. Perley), even though it be supported by the hon. member from Westmoreland (Hon. Mr. Wood) who has the Hibernian quality of always being against the present administration.

Hon. Mr. WOOD—That is hardly fair.

Hon. Mr. MILLS—It would not be fair to say anything else.

Hon. Mr. WOOD—I think if you will look back you will find I have supported you where you were right.

Hon. Mr. MILLS—I remember my hon. friend's position on the Drummond County Railway and on a number of other matters, and it did not seem to me, even when cogent arguments were presented to him, that he was prepared in any degree to modify his view as to the impropriety of the course that the government had taken, and so if my hon. friend would mention a single instance in which he has coincided with the govern-

ment in any public work or undertaking, I would be prepared to modify the general statement which I have made. As my hon. friend (Hon. Mr. Perley) says that he has the information and no longer requires it, I do not know that it is necessary to say anything further on that subject, but if my friend really desires it, I shall read the answers which have been placed in my hand to these questions. They are all of a negative character, and I do not know that they will afford the hon. gentleman a great deal of information. They are as follows :

No train-loads of cattle were shipped from Montreal to St. John, N.B., via Drummond and Intercolonial Railways from June 30, 1898, up to the present time.

No wheat has been shipped from Montreal via the Intercolonial Railway over the Drummond County Railway to St. John, N.B., from June 30, 1898, up to the present time.

No vessels have loaded cattle or grain at the government terminus of the Intercolonial Railway at St. John, N.B., from June 30, 1898, up to the present time.

The terminus is not yet ready for business; there is no grain in the elevator.

Hon. Sir MACKENZIE BOWELL—That information is certainly of the character which the hon. gentleman described it—negative in every particular, but that is not what I desire to discuss. I must confess that I was a little amused at the castigation that the hon. gentleman gave my hon. friend from Westmoreland (Mr. Wood) for what he termed his partisanship. I was reminded of the old adage that people very often judge others by themselves. Remembering the last nearly thirty years that the hon. Minister of Justice and I have been sitting opposite each other, I think he has described his own political character as well as anybody could. That is, he has always been against the government whenever a question arose affecting the government. I remember on one or two occasions when the hon. gentleman made a very constitutional and argumentative speech on a question with respect to which he approved of the action of the government, but just before he closed, like the balky cow, he kicked over the pail of milk, and declared that we were all wrong. However, it would be just as well in future for the hon. gentleman not to take any one to task for partisan observations. If it pleases him I do not think it hurts my hon. friend. I think there is a little confusion in this matter, and perhaps the hon. Secretary of State might give us some information. I should like to know when this property was purchased. I am under the impression that my hon. friend is not altogether correct in the statement he has made in reference to the purchase of the Harris property. I had something to do with that. I am not going to discuss the question as to whether it was a job, or whether we paid too much or too little, or what circumstances may have led to the purchase. I can tell my hon. friend that in that purchase we purchased no wharf property, neither did the property which was purchased extend to the harbour at any point. What has been acquired since that time was for the purpose of building these wharfs, and they had to make an additional purchase in order to reach the harbour. I am sure my hon. friend will remember that, if he will only tax his memory for a moment. It may be an extension of the Harris property for aught I know. If my memory serves me rightly—and I speak subject to correction because I did not impress it on my mind at the time—it was a purchase of a property extending to the wharf and a part of the fore shore, and I am not sure that Mr. McLeod and Mr. Pugsly may not have been interested, and one or two others. The whole question at issue is not so much who purchased the property, as whether the expenditure of money in the manner in which it has been expended will be of any benefit even to the city of St. John. I take exception to the statements made by the hon. gentleman who has just spoken in reference to what has been done for St. John by previous governments. That is a question upon which one might speak for some time. I know that St. John, like very many seaports, has made great claims. I know what was done when I was in the government towards improving the trade of St. John. The present Minister of Railways complimented me upon it, adding that it would redound to the credit of the government of which I was a member at the time, and that they would always be thankful for it. That gentleman has, it is said, much influence in that province and stands well with his fellow-citizens. We know he is hovering around at the present moment to try to get a seat at the next election, fearing to go

back to his present constituency. Whether he occupies that prominent position in the minds of the people of his province, as indicated by the Minister of Justice, I am not going to dispute. That will be better told when they have another appeal to the people. We will then have a reply to the statement made by the hon. gentleman from Assiniboia (Hon. Mr. Perley) as to whether the expenditure of that money has been in the interest of the country and whether it will ever pay even a moiety of the interest which will be required to be paid on the debt incurred, but we cannot answer that at the present moment. I can understand very well the statement of my hon. friend that it is not reasonable to suppose that you can have grain in an elevator until the elevator is prepared to receive it. Not until then will we be able to tell. There is plenty of water in St. John harbour if you go to the proper places. There may not be water enough where this elevator is located.

Hon. Mr. MILLS—The government of which the hon. gentleman was a member certainly purchased the Harris property for some purpose or other.

Hon. Sir MACKENZIE BOWELL—Certainly.

Hon. Mr. MILLS—And the otner property was purchased for a similar purpose, and both governments must have thought it was useful for the purpose for which it was purchased.

Hon. Sir MACKENZIE BOWELL—The late government purchased it for a specific purpose, to enlarge the station accommodation in the city of St. John. Anybody who has visited St. John knows very well that right alongside of the station buildings on the Harris property were wooden buildings, right alongside of the valuable property of the Intercolonial Railway. It was cramped for room and the danger was that if ever a fire took place in the foundry or works of the Harris property, it would destroy the Intercolonial Railway building. I visited St. John long before I had anything to do with the Railways and Canals Department, and when I came home I told my colleagues that the position of the station of St. John was very dangerous, because of being so close to these wooden buildings, and that if the trade of the Intercolonial Railway increased they would require more room, but it does not follow because more room was required for the accommodation of the station in St. John, that therefore you should have bought more property in order to build wharfs. The two things are totally distinct. It may have been, in the opinion of the Minister of Railways, necessary to purchase the property, but the one had nothing to do with the other because the object for which the late government purchased the Harris property had been accomplished.

Hon. Mr. DEVER—No.

Hon. Sir MACKENZIE BOWELL—In what way ?

Hon. Mr. DEVER—They purchased to widen the track, but the great bulk of the property is the property the elevator is now on.

Hon. Sir MACKENZIE BOWELL—But that is not on the harbour.

Hon. Mr. DEVER—I beg pardon it is.

Hon. Sir MACKENZIE BOWELL—I have not been there since it was built. I learn now, for the first time, that the elevator has been built upon the property purchased by the late government. I admit there was more property purchased at that time than was then actually required. It was purchased simply because it lay in a block and it would be useless for anything else and might be of use to the government for warehouses or anything of that kind. But that is not on the seaboard at all, nor on the shores of the harbour. It is some distance from it. Have you not now to build some tramway or railway from the elevator to the wharfs in order to carry the grain ?

Hon. Mr. DEVER—A sluice overhead.

Hon. Sir MACKENZIE BOWELL—I am not going to argue the question. All I desired to set right was that the late government did not purchase that property to which my hon. friend is referring for the building of the wharf, because we did not go to the shore at all, and it was an additional purchase made for the purposes which have been indicated. Whether it is to be a benefit or not, time alone will tell.

Hon. Mr. DEVER—I am out of order, as are all hon. gentlemen who have spoken on this question, but I claim I have a right to give an explanation to this House, because I have great respect for the hon. gentleman who has just spoken, and naturally people will conceive that his statement is correct, and when it is in opposition to mine, I feel that I am justified in perhaps contradicting him, because evidently he is not as familiar with the circumstances as I am. He started off by saying that this was not the property purchased by the former government. I beg to say that it is.

Hon. Sir MACKENZIE BOWELL—Where the wharf is ?

Hon. Mr. DEVER—The wharf is a circumstance of the purchase of the other property, which has been well known from that time until now as the 'Harris job property' for which two members of parliament representing St. John never could get their election since, from the fact that it was known that they had allowed about three prices too much for it. I was asked how much it was worth. I said if you had come to me before it was purchased I would have stated the value, but I did not propose to give an estimate then. I knew what I would give for it, and I think I am just as good a judge of property in the city of St. John as any one else. They paid some sixty or eighty thousand dollars for it, and it was not worth thirty. The railroad passes on through towards the harbour, and thus it would appear, after consideration by the present government, they came to the conclusion that, having paid so much for the property, they had better utilize it, and extend the conveyance of the grain from the elevator to the wharf. To obtain wharfage accommodation in connection with this elevator they had to engage with certain friends of a former government, who by some means or other anticipated that government would certainly require these lots——

Hon. Mr. PERLEY—Give us the names.

Hon. Mr. DEVER—They are friends of mine and I do not want to say anything about it. It is not necessary to name them. Some of them are judges in the Supreme Court, but they supported the government and would again if they had a chance. They paid a certain amount for this property. I was about to purchase it myself, and I know what it was worth to a dollar. At all events, they got possession of it, and spent money on it, and when the present government wanted to get connections with the wharf, these men asked a certain price, a very large price, but the government said: 'We cannot give you the price; we will have to expropriate and arbitrate,' which they did.

Hon. Mr. PERLEY—And the arbitrators awarded more than the parties asked for it?

Hon. Mr. DEVER—Yes, but the government was not bound to give that to them, owing to a condition. The other is a piece of railway which was debated in this House last session, which took a certain direction to come into the St. John depot, and was rather in the way of connections with the elevator and wharf, and the consequence was they had to remove this railway in another direction at the expense of the government. The wharf property was simply taken at what the arbitrators said it was worth and the government are now improving it by proper engineering skill. It is on the eastern side of the harbour, a shipping facility for the eastern portion of the city of St. John, and it has no connection with the western side, or the side which is occupied by the Canadian Pacific Railway.

Hon. Mr. POIRIER—Will ships be able to come alongside ?

Hon. Mr. PERLEY—No, only half way.

Hon. Mr. DEVER—With reference to the harbour of St. John, I wish people who know nothing about it would keep quiet. It is one of the first harbours on the coast of North America. There is nothing to compete with it, only the harbour of Portland in the state of Maine.

An hon. MEMBER—What about Halifax ?

Hon. Mr. DEVER—I am not going to say anything about Halifax. St. John is a harbour that is open the year round. That is well known to everybody who will tell the simple truth about it. As to the improvements that are going on at St. John, anybody that would visit them and state the

facts founded on good judgment would say that there is not one dollar being laid out there which is not being spent most cautiously, and after due and proper consideration by the best authorities we have on wharf and elevator construction. In fact, there is no complaint of jobbery and no honest man can make such a complaint. These things are well known to the people of St. John, who, if they saw anything going on which was wrong, we would soon hear from them. There is no opposition in St. John to anything that has been done for the last two or three years. What has been done has been a necessity to make the Intercolonial Railway what it was intended to be, a road for the benefit of Canada, and in its former position it was simply a road from Halifax terminating in the woods. It did not carry out the idea we had at confederation, which was that it should be a commercial road, and how could it be a commercial road until it got into a commercial city like Montreal? I am sure we should be all proud to think we have gentlemen with such clear insight that when they got into power they went immediately to work to have that road placed in a position that it will bring shipments to our Atlantic seaports, and will, in my opinion, yet be extended to Winnipeg and become a national road. That is what we should expect, and I hope people will not be so narrow minded and prejudiced against gentlemen who happen to be capable of looking at this thing in an expansive and commercial light, but that they will appreciate what is being done for Canada. The Intercolonial Railway is being made a paying work, and Canada in future will not be losing 75 or 100 thousand dollars a year as she has been in the past. If the government had not made improvements it would be a losing game for all time to come, and as soon as the improvements can be utilized, it is my opinion and the opinion of clever men in this country, that the Intercolonial will not only be paying its working expenses, but will be paying a handsome margin, and that is the reason we are so anxious in St. John that these improvements should be completed, and why we are so grateful that we had a government which, instead of allowing that public work which cost fifty millions, to be worthless to this Canada of ours, are making it self-sustaining.

THE CONSTITUTIONALITY OF THE REDISTRIBUTION BILL.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns I should like to call the attention of the Minister of Justice to a return laid before the House yesterday, in answer to a motion of mine, with regard to the submission to eminent counsel in England of the question as to the powers of the parliament to deal with the Redistribution Bill. I notice that there are two defects in this return. First, there is no answer to the question as to the amount of fees or emoluments granted to the counsel for their opinion. Of course, if it was paid for by the Solicitor General himself, I would not press it, because I would consider it a private matter. Then, it seems to me, the Solicitor General has gone out of his way, in answering the question put to him by the Minister of Justice, to comment upon the arguments made by my hon. friend from Marshfield. If this came from any other one than a high dignitary like the Solicitor General, I should be inclined to use strong language. He says:

> I have seen it stated that the opinion is not reasoned, and is not as valuable as one that has been reasoned.

Then he comments upon that as follows:

> Those who think that counsel of such eminence as Blake, Haldane, Asquith, Carson and Robert Cecil give lightly opinions on an important question such as that involved in the case submitted to them, know little of the ethics of the English Bar.

When this question comes up for discussion I think that evidence can be produced to show that my hon. friend from Marshfield (Hon. Mr. Ferguson) was correct in the statement that he made, and the evidence will be produced of some of the parties from whom he asked this opinion. Why the Solicitor General should take upon himself to inform this House that the gentlemen who made a statement of that kind in this House know very little of the ethics of the English Bar, I cannot very well understand. If he had made that statement to the Minister of Justice himself, that would be a matter between themselves, but for the Solicitor General, a member of the other House, to take us to task and tell us we

know nothing about that of which we speak, is going just a little beyond his province. In future if they would answer the questions asked without throwing out insinuations as to the ignorance of those who ask them, it would be more in consonance with the dignity of this House and the position of the Solicitor General. I mention this for the purpose of calling attention to the fact that that remark of the Solicitor General has nothing whatever to do with the question I put on the paper, and that the portion of the answer which is important, at least from my standpoint, on which the country should be informed, more particularly as the question asked of English counsel, was asked without the consent or knowledge of the Minister of Justice.

Hon. Mr. MILLS—I may say to hon. gentleman that the Solicitor General had a perfect right to ask for the opinion of anybody he thought proper upon that question, and he did ask it on his own responsibility as an eminent lawyer, as he is himself, of men of eminence at the English Bar. I agree with the view expressed by the Solicitor General with regard to the character of the opinion. I am perfectly sure of this, that no one of eminence at any bar would state the law inaccurately in an unreasoned opinion which he would state correctly on a reasoned opinion. The object of getting the reasoning is to satisfy the mind of the person to whom it is addressed that the opinion is sound. A man who expects a reasoned opinion is one who wants to judge of the soundness in point of law of the opinion which he seeks, but so far as the statement of the law is concerned, whether it is stated in a reasoned opinion or stated badly, I do not for a moment suppose that any gentleman of eminence at the English Bar would give a different opinion in the one case from that which he would express in the other. In both cases he states the law as he understands it. Now, when an important question was referred to the law officers of the Crown in England from the government of this country, that is the one relating to the Jesuits' Estates Act. I remember saying to the Prime Minister myself on that occasion, (because he consulted me with regard to it) that the opinion would be far more satisfactorily given by the law officers of the Crown if it were a reasoned opinion—that is, more satisfactory, I mean, to the public at large—who would see the process by which the law officers of the Crown arrived at the conclusions which they expressed, but they did not give a reasoned opinion. They gave just the bald statement of their conclusions in law, and yet I do not think that any member of that government thought that he received an opinion from the law officers of the Crown of a different character from what it would have been if it had been a reasoned opinion. I think my hon. friend will not question that, and so whatever he may think of the manner in which the opinion is expressed, I think that the Solicitor General is accurate in saying that the ethical considerations which govern gentlemen of the Bar on the other side of the Atlantic are of such a character that they would not give a legal opinion which is not a reasoned one differing wholly in point of conclusion from that which would be expressed in a reasoned opinion.

Hon. Sir MACKENZIE BOWELL—About the expense ?

Hon. Mr. MILLS—This opinion was sought by the Solicitor General for his own satisfaction, and whatever expense was incurred was incurred by him. There was no bill submitted by him to the government for counsel's fees in the case.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman is not aware whether it is to be paid for or not.

Hon. Mr. MILLS—I am not aware. My impression—I will not say that I am accurate—is the Solicitor General said to me that he paid for the opinion himself, but I am not sure.

Hon. Sir MACKENZIE BOWELL—I am quite in accord with my hon. friend in the way he has put the question. The point is this : was the case submitted to the judges accurately stated upon the facts and upon the law. The question submitted by the Solicitor General is not in accordance with the facts as they exist, nor is it in accordance with the sentiments expressed by myself and others who supported that resolution, nor is the question put to these eminent counsel true in so far as it relates to the resolution which was passed by this House. Had there been any person there to point

out to these gentlemen that the manner in which the case was placed before them was not accurate, they might have given a different opinion. I do not say that the opinion is incorrect, because the opinion is in accord with the resolution which was passed. There is nothing in that resolution that declares that the parliament of Canada have not the power, under the constitution, to legislate; on the contrary, that is the point on which I think we have reason to complain of the Solicitor General who submitted it to the law officers of the Crown.

Hon. Mr. MILLS—The position which the hon. gentleman took himself (although I think he went very close to the line) and which some other hon. gentlemen took, was the census not having been taken since the last readjustment took place, there ought not to be a readjustment. That is not a legal question at all; that is a question of policy.

Hon. Sir MACKENZIE BOWELL—That is the position I took.

Hon. Mr. MILLS—But there were gentlemen in this House who argued that we had not the power to readjust the seats of members of the House of Commons, except after the census, and that the readjustment being once done, it was final for a period of ten years. I did not agree with that view, and that I think is the legal question.

Hon. Sir MACKENZIE BOWELL—That is the legal question, but he has attributed to the Senate that which they did not do. That is what I contend.

Hon. Mr. MILLS—It does not matter whether it is attributed to the Senate or to a man outside. Is the legal proposition correctly stated, and if it is, then the answer to that proposition is a pertinent answer.

Hon. Mr. BERNIER—The intention in asking this question of the eminent lawyers in London was to obtain a condemnation of the Senate's action. That is plain. There is no use trying to quibble about it. That was the intention. I do not remember if any hon. gentleman took the position that it was beyond the power of parliament to legislate in the way it was intended; but the position taken by the Senate as a body was not that parliament had not the power to legislate, but that it was not in accordance with the spirit of our institutions to do it at that time. I personally took the ground that parliament had the power, and I distinctly stated it, and the hon. leader of the opposition took the same position, and more particularly referred to the statement I had made, thereby making it clear that the Senate did take the position that parliament had the power to legislate in the matter, but that it was not a proper policy to do it at that time, and when this question was put to counsel in England in the way it had been put, it was with the intention of misleading the people of Canada.

Hon. Sir MACKENZIE BOWELL—The statement made by my hon. friend I think was strongly contended for by my hon. friend from Marshfield. He took a more extreme view than I did upon this question of power, and he fortified that by opinions which he had received from eminent lawyers. Those opinions he had on his desk, and I read them with a great deal of care; though being a layman they did not change my opinion. My hon. friend from Manitoba has put it plainly. He says that it is a question of law, and had the question been put—has the parliament of Canada power to alter, change and amend the different constituencies, and they had said yes, then it would have been right; but that is not what the Solicitor General stated. What he said was this: The Bill has been rejected by the Senate on the ground that it is not within the constitutional competency of the parliament of Canada to legislate to alter the electoral divisions, save on the occasion of the decennial census. Now, that is not a correct statement of facts, as my hon. friend will see on reading the resolution which I moved, and the remarks which I made. The resolution was in fact voted for by a number of gentlemen in this House for the reason it was so guarded—because they would not commit themselves to the statement that parliament has not the power—my hon. friend from de Boucherville voted against it, because he thought it inferentially implied that; my hon. friend beside me voted for it because he thought it was sufficiently guarded, and other hon. gentlemen voted for it on the same ground. The Solicitor General did not submit a correct statement of the position of the Senate, and that is what I object to.

Hon. Mr. MILLS—I understand the hon. gentleman's position now. Of course I can express no opinion on that at present, because I laid the papers on the Table without having read them; but that does not alter in the slightest degree the legal features of the case. It does not matter whether the view of the Senate was accurately or inaccurately represented. The question is this: has the Parliament of Canada power, except immediately after the decennial census, to legislate on the redistribution of seats. The opinion there expressed is that the Parliament of Canada has such power. It does not matter who may have stated it, or who may not have stated it. The Solicitor General may have been mistaken as to the position which the Senate took. It is an accurate representation of the position taken by some members of the Senate, but it is a matter of no consequence as to what position this or that senator took. The important thing is, has the Parliament of Canada the power to reconsider the question of the redistribution of seats except immediately after the census, and does that Act tie the hands of parliament until the census is taken again?

Hon. Sir MACKENZIE BOWELL—There is no dispute on that point either in the other House or in this. What necessity is there for asking it except for the purpose of deceiving the people?

Hon. Mr. MILLS—It certainly was not asked for the purpose of deceiving. It was asked because some hon. gentlemen in this House questioned the power of parliament to pass the Bill. The hon. gentleman admits himself that the hon. gentleman from Marshfield (Hon. Mr. Ferguson) took that position, if I remember correctly the hon. gentleman from Calgary took that position, and other hon. gentlemen also, and I think they were all wrong.

Hon. Sir MACKENZIE BOWELL—The Senate did not do it.

Hon. Mr. MILLS—It does not matter to me whether John Thompson or Joe Smith or any one else took the position. The question is a question of law, and the answer is a legal answer, and the opinion of these eminent counsel is that the parliament of Canada has the power, and it would be monstrous, in my opinion, if it had not. It would be an extraordinary position of things. Take for instance a condition of affairs which might exist in the province of Quebec. You might have a few members given to the entire French population, and two-thirds of the representation of the province of Quebec given to the English. Does any member of the Senate say that if such a measure existed it would not be the duty of this parliament to remedy the wrong and correct the injustice? I have no doubt on the matter, and the position taken by the hon. gentlemen who are on this side of the House, and who represent the Liberal party in the other House, is that a great wrong was done when the boundaries of counties were obliterated and the gerrymander Bill was carried, and that is a wrong that ought to be remedied and that a full and fair representation cannot be had in the House of Commons until that is remedied, and that the remedy ought to take place at the earliest possible period without any reference to the question of taking the census. That is, and always has been, our position and that position is upheld by the opinion which my hon. friend has in his hands.

Hon. Mr. ALLAN—Was not this opinion asked for and retained apparently on the ground that the Senate, as a body, had resisted that position?

Hon. Mr. MILLS—Yes.

Hon. Mr. ALLAN—And objected to the measure on that ground solely? Because if the Senate as a body did not do so, surely the opinions of individual members would not be a justification for this submission.

Hon. Mr. MILLS—My hon. friend would be perfectly right if there was an attempt to fasten that opinion on the Senate.

Hon. Sir MACKENZIE BOWELL—It does so.

Hon. Mr. MILLS—If it did, it was a mistaken view, but let me say this—it does not matter whether that opinion was attributed to the Senate or somebody else, so far as the merit of the answer is concerned.

Hon. Sir MACKENZIE BOWELL—No one says that. Supposing I were to put to a lawyer or to a police magistrate this question: my hon. friend the Minister of

Justice stole a horse, did he break the law? That would imply that he had stolen a horse?

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—If I were to put the question this way: Would it be a contravention of the criminal law to steal a horse? it would be right enough.

Hon. Mr. MILLS—If my hon. friend will look at the speech he made last year, he will see that he came as near saying the Senate had not the power——

Hon. Sir MACKENZIE BOWELL—I did not say anything of the kind.

Hon. Mr. MILLS—The hon. gentleman did not go so far: he looked in the ditch, but he would not jump.

Hon. Sir MACKENZIE BOWELL—There never was a question that I brought before the House that I considered more carefully than that. I did not take that position.

Hon. Mr. MILLS—My hon. friend agrees with us as to the law, but he complains that the Solicitor General was in error as to what he considered the opinion of the Senate was.

Hon. Sir MACKENZIE BOWELL—He stated a positive untruth; that is what I complain of.

Hon. Mr. POWER—This discussion has been very interesting although slightly out of order. I could understand if the Minister of Justice, or any responsible member of the government had asked for this opinion, his action would be a fair subject of criticism; but what appears to have taken place is this: The Solicitor General happened to be in England about the time this resolution was adopted here, and asked for an opinion, and if the country is not asked to pay for the opinion, I do not see what objection could be raised.

Hon. Mr. ALLAN—He had no right to attribute a wrong position to the Senate.

Hon. Mr. MILLS—The Solicitor General had left this country before the matter was discussed in the Senate. My hon. friend will remember that not merely the papers in England, but the vast majority of the newspaper press in this country assumed that the Senate had rejected the measure on the ground that the statement was on that question, and what is more, there is no doubt whatever the Solicitor General took the question as being in accordance with what was represented in the telegrams from this side of the Atlantic as the views of the Senate.

Hon. Mr. ALLAN—We will give the hon. gentleman the benefit of the doubt.

Hon. Sir MACKENZIE BOWELL—I would make a suggestion that, as head of the Department of Justice, the hon. gentleman should instruct his subordinates not to put statements before eminent counsel without knowing the facts. Then the government will not be held responsible for them.

Hon. Mr. MILLS—The government cannot be held responsible; there were no instructions.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman repudiates the action of the Solicitor General, I have nothing more to say.

Hon. Mr. MILLS—The Solicitor General had the right to act on his own behalf, as any hon. gentleman here might.

Hon. Sir MACKENZIE BOWELL—Certainly, if he paid for the opinion himself.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 5, 1900.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

JAPANESE IMMIGRATION TO CANADA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Call the attention of the government to the question of Asiatic immigration to the Dominion of Canada and more particularly to that portion of it from Japan; and inquire if the government, when considering the subject of imposing an additional tax on Chinese, will at the same time give consideration to the question of taxing Japanese coming to Canada in a similar manner?

He said: This being a question only, it is not my intention to make any lengthy remarks. Some hon. gentlemen may remember

that a poll tax was placed by parliament some years ago on Chinamen entering the Dominion—out of deference to the wishes of the workingman. At the time this was done the labouring class of Japan had not commenced to come to the Dominion, and in no way entered into competition with white labour, but in the last seven years that condition of things has changed. As many Japanese as Chinamen come into the country. In my opinion, and from my own observation, the Japanese are fully as objectionable as the Chinese are, and constitute a very undesirable class of immigrant, who ought to be subject to the same restrictions as the Chinese are. Being Asiatics as much as Chinamen are, but having shown pugnacity, and superior fighting qualities to the Chinese, the one country being weak and badly governed, and the other stronger, and better governed, is no valid reason for discrimination in taxation, which would display a certain amount of cowardice in oppressing the weak, who cannot retaliate, and favouring the strong, who could retaliate in certain ways. The Prime Minister of the Dominion has, I believe, informed the government of British Columbia that some legislation on the Chinese question will be introduced this session. If this is the case, the advisability of taxing Japanese the same as Chinamen will, I hope, be considered by the government. At the same time I would not approve of increasing the tax on Chinese. The present tax exercises a moderate, but sufficient restriction on that class. I wish merely to ask the government whether they will consider the question of taxing Japanese coming into Canada in the same way as Chinese are taxed.

Hon. Mr. ALMON—Has the hon. gentleman any objection to including Galicians and Doukhobors with the Chinese and Japanese? We are paying an immense sum of money to import those two races into this country, and I think they are just as bad immigrants as the Chinese or the Japanese. I would much rather have a couple of hundred Chinese or Japanese as washermen. They never get drunk and never interfere in politics in any way. It is true they do not stay in the country. The reason is you do not let them bring their wives with them. A man has to pay the same tax on his wife as on himself to get her into the country, and he has not the money to do that. I do not know that I have much influence with the present government, but I hope they will not adopt the policy that the hon. gentleman from Victoria has requested them to pursue. He is very well versed with the scriptures and should know that the second prophecy, made in the time of Noah, was that the children of Japhet should dwell together in the tents of Shem. I understand Japhet to be the ancestor of the Caucasian race and Shem of the Chinese and Japanese, and the hon. gentleman is proceeding against common sense and the Scriptures.

Hon. Mr. MILLS—I confess to some surprise at the question put by my hon. friend from British Columbia. I supposed that my hon. friend was greatly in favour of British connection and unity of the empire. Now, on this question, as to the relation of other nations to Canada, we are under obligations, unless we claim the right to set the Imperial authority at defiance, to conform ourselves to the treaty obligations of the mother country, and whatever my hon. friend may think, and whatever others on the Pacific coast may think, it would not be in the interests of this country to adopt hostile legislation towards the Japanese. Their trade and commerce are of very considerable importance to us. They come here and enter into active competition with white labour. There can be no doubt about that. In some cases they engage in labour that it is very difficult to get white men to perform. But whatever may be the evil arising from that, to make Japan an enemy of England instead of her ally, and to make her hostile to this country in respect of commerce would, in my opinion, not be good policy. I think that is the general feeling of the vast majority of the people of this country on both sides of politics, so that I can hardly think my hon. friend is serious in asking us whether we are going to legislate in such a way as to exclude the Japanese from this country. A Chinaman is in a somewhat different position. My hon. friends opposite, when in power, legislated in the direction of imposing a tax on Chinamen coming into the country to the extent of fifty dollars per head. I understand that most Chinamen who come to this side of the Pacific do not pay that tax directly themselves, but the

parties who import them charge it against their wages. So far the tax has not been a deterrent. The subject, I may say, is under the attention of the government at the present time. About two thousand Chinamen, sometimes two or three hundred more, sometimes one hundred or two hundred less, come across the Pacific and land at Victoria or Vancouver every year. Those Chinamen, to a very large extent, remain in this country. I suppose some of these in British Columbia leave and some of those who come in take their places, but I apprehend that the Chinese population of Canada will be found to-day very nearly what it was ten or twelve years ago. Most of them find their way eastward, and seek an opportunity of crossing the border. They are contraband goods landed in Canada that is capable of ambulating across our border into the United States. That I think has been the condition of things almost since the time when Chinamen first began to come to this country. I do not suppose that if we were to succeed in excluding them we would produce any appreciable difference in the commerce of this country at the moment. It is said by some, and my hon. friend perhaps will know what foundation there is for the statement that the Chinamen who have come to this side of the Pacific to some extent become habituated to the use of wheat and wheat flour instead of rice and rice flour, and that when they go back to China they consume wheat, especially the softer varieties that are grown on this side of the ocean, and that if there were less restriction in the way of immigration there would be gradually a large increase in the consumption of North American wheat and wheat flour in China. I believe the Canadian Pacific Railway steamers carry a good deal of flour to China now, for consumption in that country. What the actual amount is each year I have not looked up and cannot say, but I was told by a gentleman of prominence connected with the Canadian Pacific Railway that there is a growing consumption of wheat in China, largely the result of Chinamen having been on this side of the Pacific. Then there is a further consideration. I believe that the amount contributed by Chinamen as passengers to the Canadian Pacific Railway steamers is between one-fourth and half a million of dollars a year, and I suppose if we could, by our legislation, successfully prevent Chinamen from crossing the Pacific Ocean and landing at Vancouver, we would make an appreciable difference in the revenues of the Canadian Pacific Railway steamers. All these are matters that require serious consideration both by the government and by the two Houses of parliament when we deal with this question. I know how strong the feeling is in British Columbia against Chinamen, and it may be very important that legislation should be had ; but I at the same time cannot close my eyes to the fact that that legislation may not be wholly advantageous. There may be disadvantages connected with it as well.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is quite right in two matters he has mentioned—that the Chinese have not increased in the country during the last ten or twelve years. They keep coming and going, as the hon. gentleman says. With regard to the consumption of wheat and flour, I believe the Chinese do use wheat flour to some extent, and there is a large trade between this country and Japan—larger than that with China—in wheat. The Japanese, with their usual energy and thrift, are now importing wheat and grinding their own flour so as to have the profit of manufacturing flour amongst themselves. With regard to Chinamen coming in whose tax is paid by their masters, that makes no difference whatever ; the deduction is made from their wages. The danger is that Japanese come in free, paying nothing to the revenue, and cause the same difficulty and compete with white labour as the Chinese do, and I thought it my duty to bring the matter before the government knowing what I do about the Japanese coming in and seeing how they conduct themselves, because they drink a good deal and gamble, and are not at all desirable immigrants.

THE LATE CLERK OF THE SENATE.

MOTION.

Hon. Mr. MILLS—Before the Orders of the Day are called I wish to make a motion which I think will meet with the general approbation of the House. I move, seconded by my hon. friend the leader of the opposition :

That in view of the long and faithful services of Mr. Edouard J. Langevin, the late Clerk of

the Senate, he be continued an honorary officer of this House, and allowed the entrée of the Senate and a seat at the Table on occasions of ceremony.

This motion is exactly the same as that adopted some years ago upon the retirement of Mr. Langevin's predecessor.

Hon. Sir MACKENZIE BOWELL—I second the motion with a great deal of pleasure, and I do so because of the long services of Mr. Langevin, not only in this Chamber, but as Under Secretary of State and other capacities during the last 35 or 40 years. Everybody who knows that gentleman knows that he has been most conscientious in the performance of his duties : whether he has met with the approval of all is entirely outside the question and could not be expected. Those with whom he has been associated in the department of the Secretary of State, as well as those of us in this Chamber, know that he has been most conscientious and faithful in the performance of the duties which have fallen to his lot so far as in him lies, and in following the precedent set in 1884 in the retirement of Mr. Lemoine, I think we are only taking a step which is due to an old and faithful officer.

The motion was agreed to.

TICKET OF LEAVE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (B) 'An Act to amend an Act to provide for the conditional liberation of penitentiary convicts.'

He said : A Bill to provide for the conditional liberation of penitentiary convicts was introduced by me in this House last year. It was carried through parliament and is now acted upon in the administration of our penitentiaries. Under it those who have committed offences for the first time, after being confined for a portion of the time for which they are sentenced, and having been industrious and having conducted themselves properly, and being so reported by the officers of the penitentiary, we have granted tickets of leave, or license of parole, to such convicts and permitted them to go at large under a certain degree of surveillance. A good many during the past four or five months have been discharged from the penitentiary and are engaged in the ordinary pursuits of labour in different parts of the country. So far as I know at the present time there is but one of those who have been discharged who has shown a disposition to return to criminal pursuits. That party has been arrested and will be tried for the offence, and if convicted will be obliged to serve the time for which he is sentenced in the penitentiary, together with that portion of his prior term that has not expired. On the whole, I think the measure is working very satisfactorily here, as it is in the United Kingdom and in most of the states of the American Union where it has been tried. There are a good many young men who are sentenced for crime to the penitentiaries who are not naturally of the criminal class, men who have gone astray perhaps from the want of proper control or proper training, from bad association, and who continue in their lives or pursuits of lawlessness until they are brought up before some judge or administrator of justice and sentenced to imprisonment in the jails, the central prison, or the penitentiary, or some reformatory. Last year the Bill which I introduced to this House provided for the discharge on parole of convicts confined in the penitentiary. It did not extend to the jails, and it was not extended to the central prison, and so at the present time we can only shorten the sentence of those confined in the jails or central prison by an absolute pardon. Sometimes we find this to be the case : two or three young men commit some theft or other depredation. They may be mere boys. The leader amongst them is sentenced for over two years and therefore goes to the penitentiary. The others are sentenced for a shorter period of time and are sent to the central prison or to the common jail. Sometimes, upon representations being made and full inquiry had into the cases from the police in the district, or from the judge who tried the case, or both, we find it necessary, after the party has been in the penitentiary for a time, to grant him a parole. He is the chief offender. We think it is in his interest that he should be let out under the surveillance that is exercised over him, but we have no power under the law to release the less serious offender who is confined in the central prison or in the jail, and the only way that we can discharge him is by

an absolute pardon, and so we lose all control over him. There is a great advantage in the surveillance that is exercised. It has a deterring influence. It prevents a young man going back to his old haunts and associating with his old companions. He has got into difficulty before and appreciates his liberty, and therefore he avoids associating with them lest he should again get into trouble. When he has been for the balance of his term of sentence, whatever it may be, enjoying his liberty under surveillance, new habits may be formed and the risk of reverting again to criminal pursuits may be gone altogether. Men are in a very large degree the creatures of habit. I remember reading an account of a man who lived in Edinburgh who had adopted the practice of touching every verandah post along the street as he passed, and it became so confirmed a habit with him that if he missed one he turned about and went back to touch it before he went on with his journey, even though he might be in a hurry. In the same way boys, who get in the habit of doing wrong and associating together, are influenced by that association, and the result of the action of each is the combined result of the disposition to do wrong of all put together, and in that respect our experience corresponds with the experience of other countries, that the discharge under surveillance has a good effect upon those who are enjoying their liberty upon condition. In order to carry out this policy fairly, if we find it safe to discharge on parole the more serious offenders, I think we shall find it equally safe to discharge upon parole those who are less serious offenders who have not been sent to the penitentiary, but have been confined for a time in the jail or sent to the central prison. And this is my object in introducing this very short measure. It practically consists of one section, which will read as a part of the Act and so we simply carry out the principle of the law adopted last year and which so far has worked very satisfactorily.

Hon. Mr. CLEMOW—In my opinion there is altogether too much sympathy extended towards the criminals of this country. The percentage of criminals in Canada is very small as compared to the entire population, and while we may be desirous of doing some good to the criminal class, we at the same time should take care that we do not disregard the rights and privileges of the great masses of the community. I can very easily understand that if this Bill is carried out in its present form it will result in almost a complete exodus from the different jails and reformatories of this country, and in a very short time we will have the country deluged with ticket of leave men. It will require a very great deal of consideration on the part of the Minister of Justice to maintain a proper regard to the feelings I have indicated, and to show at any rate that whatever is done will be done in the best interests of the country, and upon the best evidence that can be produced. I can very easily understand that from a humane sentiment the Minister of Justice wishes to procure this legislation, but I think we should go a little further and ascertain whether it is likely to have the desired effect. In my opinion, if we send a criminal to a jail or reformatory for a limited time without giving him a sufficient opportunity for reform, when he comes out the last state of that man will be worse than the first. We know from experience that hardened criminals generally look to the consequence of their acts. If they find that they can get relief through the aid of their friends, by petitions or otherwise, the result will be that a great many people will be turned loose upon society. If you merely confine a young man to a jail or prison for a limited time, he will return to his old haunts and the probability is that he will resume his former career. If the evidence is sufficient to justify the decision of the judge, let the decision be such that it is impossible to modify it except for very cogent reasons, but in this case the Minister of Justice will be encircled, to a very great extent, by people who are desirous of getting parties liberated from jail after a very few months' incarceration. I do not believe in that policy at all. When criminals know that excessive punishment will be inflicted for crime they will be less likely to commit crime.

Now, for instance, garotting was a very prevalent crime here some time ago; the very moment the law was changed and the lash was substituted for imprisonment as a punishment, that crime ceased. In cases where capital punishment has been done away with, crime has increased considerably. An

these matters ought to be taken into consideration before coming to a decision to make a wholesale change of this nature. It is desirable that the facts should be looked into. The sending of a criminal to jail should be looked upon as a punishment, as a severe punishment, not merely as a temporary residence in a certain place. It should be continuous for the term of the sentence. I am brought to this conclusion by a most remarkable circumstance that took place in this city recently. A young man in the employ of the city council was tried and convicted on the charge of stealing money from his employers. Application was made to the Minister of Justice for the release of this young man. The Minister of Justice, under the circumstances, acting upon what he considered, I suppose, was right, was induced to liberate the prisoner. I shall read the report that has been circulated respecting this case. It will give a pretty good insight into what may be done if the Minister of Justice will listen to the seductive applications made for one purpose or another. I shall state the case as it was reported in the papers a few days ago. It is very pertinent to this bill and shows that a great deal of good judgment and discrimination will be required in carrying out this law in the future should it be placed on the statute book. I take the opportunity of saying that I acquit the Minister of Justice of consciously doing a wrong act. He has been sadly imposed on by a member of this community whose character is anything but what it ought to be. If the Minister had taken the trouble to look into the matter he would not have acted upon this man's representations without corroborative evidence. No credence should be placed on the allegations of this man who has been the cause of trouble in this city for some considerable time. I am very sorry that I am obliged to bring up a local matter in this way. I would not have thought of doing it but for the fact that this bill is now before us and this case furnishes an illustration of what may occur in the future if proper safeguards are not provided :

The case of Ollie Mann, the civic clerk convicted of embezzlement, sent to penitentiary, and soon pardoned by the Minister of Justice, has assumed a remarkable aspect, or rather series of aspects.

The first surprise the public received was the pardon.

The second surprise was the publication of a letter given by the Minister of Justice to Mann or his relatives stating why the pardon was granted. This letter Ald. W. D. Morris produced in the city council.

The third surprise was a statement from the Minister of Justice that his letter to Mann had been given on the understanding that it was not to be made public, nor used except to aid Mann to get a situation here or elsewhere.

The fourth surprise is the discovery just made that the pardon of Mann was due to the action of Ald. W. D. Morris, who had written a private letter to the Minister of Justice, signed 'Chairman of the (civic) Investigation Committee,' making certain statements.

The letter which the Minister of Justice gave to Mann reciting reasons for the pardon seemed peculiar enough. In effect it said that the Minister had looked into the evidence and found Mann to be little worse than some other people; also that the civic administration was unwarrantably loose; so the Department of Justice decided to let Mann off. It was a bit hard to understand the logic of this letter of the minister. Imagine a citizen murdered by a gang of roughs; one thug caught, convicted and sentenced to be hanged; then the Minister of Justice pardoning the murderer on the ground that the murderer was not much worse than others of the gang who had not been convicted. Most of us would fancy that a ruling of that kind by the Department of Justice tended to put our throats to undesirable risk. It would look as if a cut-throat, to practise his art with considerable margin of safety, would only have to secure a sufficient number of associates to render it likely that some would escape the police. If himself caught, he might hope to be pardoned because not much worse than his chums who got away, or because the administration of law was not strict enough to prevent them committing murder.

Or, taking the exact offence which Mann committed, any clerk in any business house in this city might hope to be pretty safe in stealing money if he could persuade all the other clerks in the place to steal too. With a sufficient number, some would be likely to escape prosecution or conviction: then the others might be pardoned because they were possibly not much worse, and because the business firm's administration must have been loose when so many clerks were able to steal.

The above seems somewhat of a parallel to the minister's view of the Mann case. The 'Journal' nevertheless did not comment on the pardon, supposing it to be granted for adequate legal reasons. Even after the letter came out, given by the Minister of Justice to Mann, it seemed best to make no comment. In the letter, the minister said that he had looked into the evidence on which Mann was convicted, the supposition was natural that he meant merely the evidence given in court, upon which the minister was much more likely to place a correct legal interpretation than a newspaper could.

But the revelation now that Ald. Morris had written privately to the Minister of Justice, and the nature of Ald. Morris' communication, which has just come to light, seem to have a very material bearing on the position. The nature and contents of the Morris communication, to be plain, raise a suspicion that the Minister of Justice acted wholly or chiefly upon 'evidence' of another kind than that given in court. It gives to the matter an aspect which justifies criticism.

Ald. Morris, it appears, sent to the Minister of Justice, in support of his claim for the pardon

of Mann, simply a copy of Auditor Neff's report on civic finances, accompanied by a number of Ald. Morris' own views of what the report meant. No court testimony was quoted or inclosed by Ald. Morris. Is it possible that the Minister of Justice swallowed the private letter of Ald. Morris, without reference to other quarters? Is it possible Mann's pardon was based chiefly by the minister upon the opinions of Ald. Morris? It looks like it, from the fact that the minister's letter to Mann regarding the pardon embodies in part much the same words as Ald. Morris' prior letter to the minister. The suspicion is decidedly unpleasant that action by the Department of Justice in Canada can be influenced in this one-sided and secret way.

Of course, there is this to be said, that Ald. Morris signed the letter as chairman of the civic investigation committee. The minister had perhaps a right to assume that Ald. Morris spoke for the city council of Ottawa. Inasmuch as the council and investigation committee had no knowledge of Ald. Morris' action, it is difficult to see a justification for the signature the alderman used. As he was asking the pardon of a criminal who had stolen civic money, he should either have acted with the knowledge of the council, or should have been careful to specify to the minister that he did so purely as a private individual—particularly as he called in question the characters of other persons.

Really is not the whole business something quite out of the ordinary? And very different from what the public has a right to expect from either the Department of Justice or any self-respecting public representative.

This is, I believe, the whole truth, or pretty nearly so, as contained in the letter of Alderman Morris written on his own responsibility, without the consent of the city council. I look upon it as obtaining a letter on false pretenses, and I think this man ought to be indicted for such an action. If the Criminal Code does not provide a punishment for it, provision should be made to meet such cases. He had no more right to send that letter as emanating from the city council, whose servant he was, than I had. Therefore, it was reprehensible on the part of Alderman Morris and misleading to the Minister of Justice. I believe if the minister had known him, as I know him, he would never have granted this pardon or accepted the statements of Alderman Morris without having them supported. A great wrong has been done. What was the result of this? Immediately after the return of Mann to the city, the first thing he did was to combine with this man Morris for the purpose of trying to convict other men who had been employed with him in the city service. He did not show any contrition for his offence but actually went to work deliberately with this man Morris for the purpose of doing further evil to the people for whom he certainly should have had a different feeling. It is reprehensible on the part of Alderman Morris, and it shows how difficult it will be to carry out these pardons unless all the points of evidence are so studied as to be beyond all contradiction. I believe this man has been for some time trying his best to malign respectable citizens of Ottawa to an extent unequalled in the annals of any country. He adopted this step, not that he cared whether the prisoner was released or not, but that Mann would be an instrument to enable him to accomplish an object he had in view for a long time. As far as the young man is concerned, he very naturally told the Minister that he was anxious to get employment—that he did not want to remain here, and that he wanted some kind of certificate to show that, as far as the Minister was concerned, he had no objection. The Minister very kindly gave it to him. He indited the letter in this way I believe "To whom it may concern." It was taking advantage of the Minister's kindness, and they have done a great wrong. It is only right that this subject should come up in the Senate at this time, particularly when this measure is before us, because if it becomes law there will be many persons appealing to the Minister for the clemency that may be extended to them by this Act, and the Minister of Justice will have a great deal of trouble to discover in the future whether advantage has been taken of his good nature. It is essential, when these men are liberated for sufficient cause, that the sentence should be a deterrent to them and to all similar cases in the future. Criminals take every care to inquire into the character of the punishment to be inflicted on them should they be convicted, and in my judgment it should be perfectly understood that there will be no mitigation of the punishment except for good and sufficient cause. I am very sorry that it is necessary to bring this matter up, but it may have a bearing on the discussion of the measure before us. I have no desire to interfere with the Minister of Justice. He knows and has opportunities of knowing, better than I have, what has been the effect of these liberations in other countries, and probably he will give us statistics to show that this legislation is desirable. Another fact is worthy of attention, and that is these prisoners are sent to the reformatories and

penitentiaries at great cost to the country. The majority of the convicts are better cared for and better fed at the expense of the country than in their own homes. It costs more, I believe, to support such men in the penitentiaries than most working men have to pay for the support of themselves and families. That is decidedly wrong. They should, of course, be properly fed and taken care of, but when we find that in many jails of this country the prisoners are provided for at the cost of six or eight cents a day, and the cost of maintaining convicts is far above this figure, I do not see any justification for it. There must be extravagance somewhere, or they are better taken care of than they should be. I know that the cost of supporting a man in a shanty, with all the expense of transportation, is fifteen cents to eighteen cents per day. If that is the case, why should it cost so much money to maintain these prisoners in the way they are maintained? I wish someone had taken up this matter who is better qualified to discuss it than I am. I simply state my views and it is for the House to decide, because it is a very important question. If we pass this bill as it is now, in a very short time jails will be emptied, and criminals will return to their old haunts, and instead of its being a benefit, it may be the reverse to the community generally. I acquit the Minister of Justice of any conscious wrong-doing in the case of Mann. He was imposed upon by parties who were interested in getting this prisoner released. I have nothing to say about the young man. He committed a grave crime, for which he was punished. He should have been allowed to remain in the penitentiary for a sufficient time to reform, so that when he came out he would be a better citizen and better able to do his duty here or elseewhere.

Hon. Mr. SCOTT—The arguments and illustrations that my hon. friend from Ottawa has brought against this Bill have really no applicability. The hon. gentleman has introduced into the discussion a matter that has been a source of agitation between members of the city council, rather from personal motives than anything else. I do not propose to go into a discussion of the question whether Mann was properly released or not. It has no applicability to this Bill. He was not released on ticket of leave, but was pardoned, and I believe there were sufficient reasons for his pardon. The reports were all favourable and the grounds upon which he was enlarged, although not made public, are, I believe, sufficient to justify the course of the Minister of Justice. My hon. friend is very much disturbed lest this country should be inundated with convicts under the present system of enlarging. Up to the present time, I think I am quite within the record when I say that of all the criminals of the whole Dominion—and they must number in the penitentiaries between two and three thousand—the number at present enlarged under license would not be more, probably, than forty or fifty. That average would be greater than the average that would extend over the whole year, for the reason that those whose cases might fairly be thought worthy of favourable consideration were considered when the Act came in force. The convicts in the penitentiaries that would probably be enlarged under this Bill would not probably exceed five of six per cent of the whole number, a very small fraction. This Bill simply extends to those who are confined in jails and special prisons—I believe there is only one special prison in the country,—the Central prison.

Hon. Sir MACKENZIE BOWELL—And the Reformatory at Penetanguishene.

Hon. Mr. SCOTT—The Bill is simply enlarging a principle which has already been acquiesced in by the House, and which has been found to work satisfactorily wherever tried in the United States, England and Germany. As a rule, the parties who have been enlarged by these tickets of leave have reformed. They have come under happier auspices; they have repented of their offences and have become good members of society. It is very much better that that encouragement should be given to them—that a stimulus to better behaviour should be offered, and the experience of all countries is that the system has worked well, and therefore it is one that ought to be extended to Canada. But the proportion of those who can avail themselves of this privilege is very limited. It is only when the authorities are amply satisfied that it is in the best interests, not only of the culprit, but of society, from the evidence they have given during the term of their imprison-

ment that they have reformed their lives, that confidence may be reposed in allowing them to be at large. Mr. Mann's case, as I have said, is not one that is relevant to the question, and it is exceedingly unfortunate that it has been introduced in this debate. The prominence it has received is due entirely to the bickering of certain members of the city council. Mr. Mann, no doubt, has behaved very badly indeed in giving up this letter of the Minister of Justice to Ald. Morris to be used as a mode of stabbing at somebody else in the city council. The letter was given because it was supposed that Mann was going to seek employment elsewhere. It was a general letter, not addressed to any one in particular, indicating that his conduct was such as to create the belief that hereafter he would be worthy the confidence of those by whom he might be employed.

Hon. Mr. CLEMOW—I said so.

Hon. Mr. SCOTT—The hon. gentleman knows that it was very improperly used by Mr. Morris. Mann acted very improperly in giving it up. It was never intended for any such purpose, but the feeling in the city council was so strong that Mr. Morris was able to get it for Mann for the purpose of making an attack on certain other persons employed in the office of the City Treasurer. The whole thing is exceedingly discreditable to those who have made an improper use of this letter, but it has no possible bearing on this case. Mann was pardoned on grounds that were considered amply sufficient to justify the action taken by the Minister of Justice.

Hon. Sir MACKENZIE BOWELL—I am not opposed to the principle of this Bill, so far as it relates to the extension. If there is any class of prisoners to whom it should apply, it is to those who have committed minor crimes. The objection would be to apply it to cases where criminals have been incarcerated for greater and more serious crimes ; hence I think that the position taken by the Minister of Justice in extending it to the ordinary jails and reformatories and Central prison is not objectionable, because the character of prisoners in these institutions is very often of that kind that has been graphically described by the minister himself, who have been led into crime without being really hardened criminals. The hardened criminals are generally those who go through two or three prisons. My hon. friend says the case cited by the hon. gentleman from Rideau Division is not applicable, because in that case an absolute pardon was granted and not a ticket of leave. So far, logically, the hon. gentleman is correct, but I do not think it was at all out of place that my hon. friend from Rideau (Hon. Mr. Clemow) should call attention to so grave a charge as is made in the article he has just read. Unless the Minister of Justice was imposed upon in this case, it is difficult to understand how he gave a letter of recommendation to the prisoner, which, as the paper says, was for the purpose of enabling him to get a situation with other people. Unless the minister from the evidence, was convinced that there was no criminal act on the part of Mann, I might humbly express the opinion that the letter ought not to have been given, and while I agree with the hon. Secretary of State that in the divulging of that letter by Ald. Morris he may have committed a gross breach of confidence. the great error to my mind was in the Minister of Justice giving such a letter—that is if the letter is of the character indicated in that published article, which of course I cannot vouch for, because I have not seen it. It must present itself to the mind of every one that when a criminal has been convicted by the courts and sent to jail, there must have been good evidence that he had transgressed the laws of the country and in this case I believe it was one of flagrant embezzlement of city funds. The clerk who embezzles his master's money cannot be held less guilty, it strikes me, than those who may have induced him to do it, and this article says that he was pardoned by the Minister of Justice for the reason that he was no worse than others, which seems to me scarcely a good reason for granting a pardon.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I can scarcely conceive it possible that the Minister of Justice would write such a letter, or grant a pardon for such a reason, but if he did grant a pardon for the reasons indicated in the article read by the hon. Senator from Rideau (Hon. Mr. Clemow), then I hesitate not to say that, in my opinion, the Minister of Justice did positively wrong. I

do think that it is within the province of any one sitting in this House or the other House, to call the attention of the public to the reasons which may have been given by a Minister of Justice for granting a pardon or a ticket of leave. It is well that the public should know, if that power which is placed in the hands of the minister be abused, in order that there may be publicity of an act of that kind. It would do much to deter him from repeating the mistake. To say abuse would simply that that would be an intentional act on the part of the minister, but if it is done through error and by the misrepresentation of those with whom he has been in communication, why then the crime, if such I may term it, or the wrong done by the Minister of Justice is not as great if it were done designedly. So that any publicity that is given to a case of that kind, or any comment that may be made upon it, is quite within the province of any member of parliament, as it gives the minister an opportunity of making such explanations as may satisfy the public. That article must lead any one reading it, knowing nothing of the facts, to but one conclusion, namely that the minister had been imposed upon, and consequently that he had given a letter recommending a man who had been convicted of a crime, to enable him to go away and get a situation with others where he might repeat the crime. I must express the opinion again that I can scarcely think it possible that the hon. gentleman gave such an opinion. I think the hon. Minister of Justice, who has been attacked, ought to be thankful to the hon. gentleman from Rideau (Mr. Clemow) for bringing the matter before this body, in order that he can set himself right and disabuse the minds of the people who have read it.

Hon. Mr. MILLS—I do not know that I can agree with everything which my hon. friend the leader of the opposition has said respecting this matter. It is most undesirable that the perogative of the Crown that is exercised in respect to pardon should be made a matter of parliamentary discussion if it can be avoided. It is perhaps of all the duties that a minister has to discharge the most delicate, and that being so, the fact of constant parliamentary discussion of the exercise of the power of prerogative must lead to the practice of abstaining from advising its exercise altogether. For if a public man is to run the gauntlet of constant criticism and misrepresentation on the part of the press for the advice he gives His Excellency with regard to a matter of this sort, I think the effect would be that he would say that the responsibility rested with the judge who sentenced the party to the jail for a limited period of time, and that he declined to advise any interference on behalf of the Sovereign. The practise in England, as I mentioned here the other day, is that unless there is something coming to the knowledge of the minister in connection with the matter, in which he thinks there was an error of judgment or a failure of justice, that subject is not made a matter of parliamentary discussion, but is left entirely with the Secretary of State or the home department. In this matter, in order that the House might form a judgment with regard to the propriety of advising the pardon of Mann or not, let me say that it would be necessary to have all the papers before each member of the House that was before me when I was called upon to discharge that duty. There is, for instance, the report of the judge, to which my hon. friend did not refer, but to which very great importance is always attached. And yet that is not a communication that I can bring down to parliament, because it is always confidential, as the report of my deputy is which I am called upon to present to His Excellency, and if we were to permit the report of the judges to be brought down to parliament and made the subject of adverse criticism, as they would be if they were made the subject of critisism at all, the deterring effect upon the judge would be like the deterring effect that would practically reach the minister : the judge would give you the baldest possible report and abstain from anything which would expose him to adverse criticism in either House of parliament. Then there is another consideration. Sometimes prisoners have their sentences commuted simply because the surgeon of the institution says that some great critical calamity will overtake them if they are kept there, that a man is in danger of dying unless he is discharged. My hon. friend will remember a case in the city of Quebec where the Minister of Justice discharged a party and pardoned him, not because he merited pardon himself, but simply because practi-

cally the sentence pronounced upon him and the punishment would become the punishment of death, instead of being a confinement for a certain period of time, and in all these cases the minister, upon such a report being made, has to assume the responsibility of giving advice. There was such a report in this case, as my hon. friend would have seen if he had called upon me, as I would have shown him the papers. With regard to the letter I gave Mr. Mann, and which was most improperly used, I may say, in the first place, that the letter was asked by the young man's mother from me because she said her son was discontented here, felt that he ought to go away, and he wanted to join Lord Strathcona's Horse. He had gone to Colonel Steele and told him that he wished to join the force. I believe he was rather an efficient member of the force here, had had a good deal of drill, was a good horseman, and Colonel Steele was disposed to accept his offer, but he said to Colonel Steele, 'I cannot join the force without telling you that I was a convict sentenced to the penitentiary and have been released.' Colonel Steele wanted to know something about the circumstances. I do not know Colonel Steele personally. I had never met him and had no acquaintance with him, and I said to Mrs. Mann, 'I will write a letter to your son and he can call for it at five o'clock in the afternoon.' I dictated the letter to my secretary after he came there, and it was handed to him. It was addressed 'To whom it may concern,' simply because I did not know Colonel Steele. It was not intended to reach any other party, and that was thoroughly understood by the young man's mother when I told her I would give her that communication. It was to be used for one purpose, namely to obtain employment. It was to enable him to join the force, where he might be efficient, and to go to another country where, if he desired to remain, he would have an opportunity of beginning life again. Those are the circumstances. There may have been an error of judgment, but I did not think so, and I do not think so yet. I wished to give him an opportunity in life, if he desired it, without doing anybody wrong and without concealing anything, I didn't go into a discussion of the case. I did not say how far the report of the surgeon had influenced me in the conclusions I had reached. I did not say how far the communication of the judge had influenced me. I assumed the responsibility of these matters, but I did state that the business of the office of the treasurer had been very loosely conducted, that it had been open to a number of persons, as well as to this young man, to take money from the till, that the practice had been to put in their I O U's for the money taken out, but whether the I O U's correctly represented that sum or not was not known, and there was a great deal connected with the case, without saying whether any one intended to be dishonest or not, which showed a very great deal of looseness. My hon. friend from Rideau (Hon. Mr. Clemow) thinks that everybody ought to be in the penitentiary who has been sentenced to go there. I do not take that view. There are some young men who are a good deal better out, as long as they are under surveillance, because they are removed from the most hardened class, the wicked and lawless class of people, the old offenders in the penitentiary. One man wrote to me a few days ago, and I have his letter in my possession at present, in which he says 'I was discharged from the penitentiary. I have been four times employed since my discharge. I have been four times dismissed from the service of those in whose employment I was, not because I did any wrong, but simply because it was known that I had been in the penitentiary.'

Hon. Sir MACKENZIE BOWELL—Is that the Holden case ?

Hon. Mr. MILLS—No, it is another case, which occurred very recently. This man wrote to me asking if it was possible that some employment could be found for him—could I find some one who would give him employment, knowing the fact that he had been in the penitentiary, because he said the moment it became known it seemed to be a barrier against his obtaining employment or the opportunity of earning an honest living. I dare say that there is a good deal of that feeling. It is natural that it should be so, because men do not know how far they may trust one who has been a violator of the law.

Hon. Mr. POWER—It does not strike me that the hon. gentleman from Rideau (Hon. Mr. Clemow) is deserving of censure for having called attention to Mann's case, because attention had already been directed

to the case in the press, and it was desirable that the minister should have an opportunity of making the explanation which he has made. There were some things which the hon. gentleman from Rideau said which I agreed with, and I think that his observations deserve the consideration of the Minister of Justice and of all those who are engaged in the work of administering justice in this country. One point the hon. gentleman made was that criminals were too well treated, and I think there is a good deal of force in that. In some places—I do not speak of the penitentiaries—in the jails and other local prisons the prisoners are too well treated. They have nothing to do, and they are well fed and lodged, and better off than honest men who earn their living outside. I know that in Halifax it was rather a common thing for a man who had been doing odd jobs during the summer, earning enough money to get liquor and enjoy himself, when the weather began to get cold to commit some offence which would send him to the city prison for ninety days. He boarded there for ninety days, until the weather became suitable, and then went out. But, fortunately, a new governor was appointed, prisoners had to work harder, and since the change boarding at Rockhead prison has not been as comfortable nor as fashionable as before. I think they should get enough food, but it should be very plain, and they should be made to work. I have often thought that the prisoners in jails and lock-ups might be utilized to improve the condition of the roads and streets in their vicinity, and further, that would exhibit them to the public, which would have a deterrent effect. There were one or two points in the Bill to which I thought it desirable to direct the attention of the Minister of Justice. The first clause reads :

> The provisions of chapter 49 of the statutes of 1899, intituled 'An Act to provide for the conditional liberation of Penitentiary Convicts,' shall apply to all persons convicted of any offence and being under sentence of imprisonment in any jail or other public or reformatory prison.

I agree with the hon. leader of the opposition that if this ticket of leave system is to apply to grave offenders who are confined in the penitentiary, the reason for applying it to persons guilty of trivial offences is still greater ; but I have some doubts—and I trust the minister will consider the point—as to the speedy release of the lad who is confined in a reformatory. A boy is sent to a reformatory for the purpose of being reformed rather than being punished, and if he is let out after a very short time, the reforming process is cut short, and I trust that even though the Minister of Justice may have the power to release a lad from a reformatory, that that power shall be rarely exercised. The better way is for the lad to stay in the reformatory a sufficient time to enable them to accomplish something in the way of reforming him. I should be glad to see the word "reformatory" struck out of the clause. The power to let boys out of reformatories is a power which should be used with great caution. As to the form of the Bill, it should state that the form of the ticket of leave which is embodied in the original statute should be modified so as to include the other prisons. The form in the statute applies only to the penitentiaries. I do not know that it is absolutely necessary, but it is perhaps better on the whole that this Bill should state that the form be altered to meet that.

Hon. Mr. ALLAN—The hon. gentleman's objection to including reformatories does not appear to me to have force, because any case of that kind would be dealt with on its merits, in the same way as the case of a convict in a penitentiary. The Minister of Justice would not think of allowing a lad to go if the circumstances of the case were such that it appeared to him, in his judgment, it was better for the lad to remain where he was.

Hon. Mr. MILLS—We would not let him out except on the advice of the officer in charge of the institution.

Hon. Mr. ALLAN—This Bill is framed by those who have taken great interest in prisons, and the treatment of crime ; and I think the retention of this power with regard to those confined in other places besides the penitentiaries, if properly exercised, will be of great benefit, and it ought not to be stricken from the Bill.

Hon. Mr. KERR—I should like to make a few observations upon this Bill. I have listened with very much interest and profit to the discussion. I am thoroughly satisfied that the Bill which passed into law last session was legislation in the right direction. I am equally satisfied in my own mind that the proposed legislation now be-

fore this House is also a further step in the right direction, and I can only say that I am entirely in accord with the hon. gentleman from York (Hon. Mr. Allan) that if this conditional release can be applied to convicts in the penitentiary, much more should it be applicable to persons incarcerated in jails, central prisons and reformatories for minor offences. Until the Act of last session, there was this state of things existing. An application would be made for executive clemency, and the Minister of Justice, in many cases, while he felt, I have no doubt, that he could not advise executive clemency which meant unconditional pardon, would like to have some compromise between these two. I have had an experience of prosecuting criminals for many years, and I know from conversations with judges presiding at trials, and with others competent to pronounce an opinion, that they entirely approve of the legislation enacted last session, and the extension that is now proposed by this Bill. Many judges, especially in cases of minor offences and minor offenders, think it better where in the exercise of a wise and sound discretion they can do so, to allow a person charged with and even convicted of an offence, to go upon suspended sentence. The effect of that is more salutary, in the opinion of the judge who so disposes of the case, than imprisonment. The very consciousness of the sentence hanging over a prisoner has a very salutary effect upon his future conduct. Now, I suppose the object of all punishment is to deter others from committing offences, and what I consider even more important than that, the reformation of the party immediately concerned. The penitentiary, no doubt, is a very good place to punish a convict, but I question whether too long an imprisonment is the best way to reform a criminal. It is said that evil communications corrupt good manners. I think evil communications may make bad manners even worse, and I have always felt that it would be well if, after imprisonment for a time, convicts should be allowed to go at large conditionally, knowing that they are not pardoned, knowing that they are still liable to be rearrested and imprisoned. I believe a consciousness of that will be very salutary upon the walk and conversation of the person so conditionally liberated. I am glad that there seems to be such unanimity of sentiment in favour of the legislation now proposed, and I have no doubt that the operation of this Act in the future will be such as its most sanguine supporters expect of it. I am sure that whoever happens to be the Minister of Justice for the time being will exercise a wise and sound discretion. It is not a fair argument against the principle of any measure to argue from a case that has been a partial failure or mistake, but only from a number of cases in which the law has had a beneficial operation. I shall have the greatest satisfaction in supporting the Bill. I am sure that it will meet with the hearty concurrence of the public. I have been prosecutor in many cases in which prisoners are now undergoing sentence in the penitentiary, and while I could not recommend, or the presiding judge could not see his way clear, in his report to the Minister of Justice, to recommend unconditional pardon, I have no doubt that in a great many cases they would be very glad of the opportunity to recommend that a conditional pardon be granted, such as will be effected by the license proposed with the conditions endorsed. I think it is better to err on the side of mercy than on the side of vengeance. 'To err is human, to forgive divine,' and at any rate we will show by the course we are taking that we still have some hope for the reformation of offenders, and that we desire to give them an opportunity to show that they can work out their future course and live down the disgrace under which they must be for a length of time. I therefore cordially support the Bill.

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

SUPREME COURT OF THE NORTH-WEST TERITORIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (C) 'An Act respecting the Supreme Court of the North-west Territories.' He said: At the present time there is no Chief Justice of the Supreme Court of the North-west Territories.

Hon. Sir MACKENZIE BOWELL—Do you call it 'Supreme Court'?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. MILLS—That is the title. My hon. friend called it that.

Hon. Mr. MACDONALD (B.C)—It is the same in British Columbia.

Hon. Mr. MILLS—It is merely for the purpose of enabling us to name one of the judges as Chief Justice. At the present time there is no such party, and there are five judges now; but except as to difference of seniority, they are all on a footing of equality. They are puisne judges. When we go into committee on the Bill I shall make some small verbal alterations. From the representations that have been made to me, and the rapid growth of settlements in the country. I think that we ought to have the power of appointing one more judge, if necessary. There are now five judges, and if we make one of them Chief Justice there will be four puisne judges. What I propose to say is this : The Supreme Court shall consist of the Chief Justice and not more than five puisne judges, so that we need not appoint the five judges unless experience shows that it is necessary.

Hon. Mr. LOUGHEED—I should like to express my satisfaction with the proposed amendment of the North-west Territories Act. There has been for some years an expression in this direction on behalf of the bar of the Territories as well as the same feeling on behalf of the judges. I might also say that the benchers of the North-west Territories have recently taken some action in memorializing the government to create the office of Chief Justice. In the appointment of Chief Justice, I hope the government will see their way to appoint the present Senior Judge of the Territories, the Hon. Justice Richardson, who has ably presided for many years as senior judge of the North-west Territories, in fact since the organization of the present court. I may say there are no two opinions in the Territories in regard to the advisability of appointing that judge to the position which it is now proposed to create. With reference to the appointment of an additional judge to the Territories, I may say I am at variance with the hon. Minister of Justice ? Five justices are quite sufficient for the volume of business that is now being transacted throughout the Territories, and while I am aware of the fact that there has been some opinion expressed in various quarters in the Territories that they should have a resident judge, and with that I do not disagree, yet the volume of litigation throughout the Territories at the present time can easily, in my judgment, be performed by the present number of judges. With the Bill as at present drafted, I most heartily concur, and am very pleased to give my support to it. With reference, however, to the other suggestion, I am at variance with the Minister of Justice on that question.

Hon. Mr. MILLS—I did not say that we ought to have an additional judge, but I propose to amend the Bill in this way, that the Supreme Court shall consist of the Chief Justice and not more than five puisne judges, so that the court will be properly constituted with even a smaller number than four judges. My hon. friend knows that the present number of five judges has existed in the Territories for fourteen years, and that the Territories have perhaps trebled in population since that time, and whether the present judges can do all the business, I am not prepared to say. All I can say is that I have no inclination to appoint any more than are required.

Hon. Sir MACKENZIE BOWELL—Will it not be time enough, when the Minister of Justice is convinced that it is necessary, to take the power to do it ?

Hon. Mr. MILLS—That is all I am doing. My hon. friend will see that if it were found necessary to reorganize the districts with regard to the Territories, we would be obliged to ask for further legislation. We could not appoint five judges without the authority of parliament.

Hon. Mr. LOUGHEED—I should like to point out that if you now pass legislation providing that the court shall consist of six judges, instead of five as at present, it is needless to say how at once the greatest amount of importunity will be brought to bear on the government to appoint the sixth judge, and I might say that legislation in the direction indicated would be equivalent, in fact, to the appointment of an additional judge. Although the population has very considerably increased since the organization of the court in 1886, yet, as a member of the legal profession, I am compelled

to say that the volume of litigation has fallen off very considerably.

Hon. Sir MACKENZIE BOWELL—A good job for the country.

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

THE POLITICAL CRISIS IN BRITISH COLUMBIA.

Hon. Mr. MACDONALD (B.C)—Before the House adjourns, I wish to say a few words to the members of the government about the condition of affairs in British Columbia. It is a most unfortunate condition. The Lieutenant Governor seems to be going from bad to worse. Hon. gentlemen know how a year ago he dismissed his government before the elections were over, and now he has dismissed another government. The Premier assured him that he could form a government with five majority, but was not listened to. The Lieutenant Governor has called on another man to form a government and no member of the legislature will have anything to do with him, and the new Premier is calling in outside parties. The legislature is at a deadlock. I think the Lieutenant Governor should be recalled. I should be sorry to say anything against him personally, having known him for many years, and having been associated with him a long time in this House, but the public interest demands that something should be done. I find in the *Free Press* to-day the following :

> Ex-Premier Semlin and other members of the British Columbia legislature claim to have assurance from Ottawa that Governor McInnes will be recalled in consequence of his mistake in making Joseph Martin premier.

Perhaps that would not be a good cause, but taking the whole thing in connection with that, whether there is any truth in this I do not know, but I do hope the government will either recall him or point out what he should do, because evidently public affairs are in a very bad condition in the province at present. No money has been voted. If Mr. Martin and his colleagues can sit and draw their salaries for four or five months, they will not call the House together at all. This is a very bad condition of things.

Hon. Mr. MILLS—My hon. friend knows that we have, under the British North America Act, in all provinces, or are supposed to have, parliamentary government.

Hon. Sir MACKENZIE BOWELL—It is a supposition out there.

Hon. Mr. MILLS—It has been a supposition in many cases. Whether the Governor has done rightly or not, I am expressing no opinion at the present time, because, having parliamentary government, he is at present forming a cabinet that must, if it continues to carry on the government of the country, enjoy the confidence of a majority of the electorate. They must have a majority of the electorate behind them, or else as a government they cannot exist. In the province of Quebec, not long since, there was a government dismissed, there was a dissolution of parliament, there was a new government formed, and that administration was allowed—and I think my hon. friend was in office then—to carry on the government for several months without a legislature at all. The legislature was dissolved and no appeal was made to the country. That was a most extraordinary course to adopt, and I do not know that the government of British Columbia has any intention of taking any course so unusual as was adopted at that time; but in my opinion, and I am expressing it here as my individual opinion—

Hon. Mr. LANDRY—What case was that —in Quebec?

Hon. Mr. MILLS—Lieutenant Governor Angers dismissed the government of Mr. Mercier, at the same time dissolving the legislature of Quebec, but did not go to the country for four months afterwards, wholly contrary to anything known in British history. It is an instance standing by itself. There is no doubt of this, that the Governor who dismisses his ministers and appeals to the country takes his life in his hands. The responsibility is with him. The result will be determined by the people of the province.

Hon. Mr. LANDRY—I am happy that the minister has limited the time to four months. That is receding from the first position the hon. gentleman has taken.

Hon. Mr. MILLS—I said four months.

Hon. Mr. LANDRY—The minister said four months when he saw he was going to be committed.

Hon. Mr. MILLS—I said it at first.

Hon Mr. LANDRY—The facts in the Quebec case are these : The Mercier government was under an inquiry—does the hon. minister deny that ? When the inquiry was over, the ministry was turned out, having lost the confidence of the Lieutenant Governor. A new ministry was called in, and the first act of the new ministry was an appeal to the people. I defy the hon. minister to prove the contrary.

Hon. Mr. MILLS—I state the facts as they are. It is true that Governor Angers issued a commission, but in issuing that commission he assumed the functions of the power that had the appropriation of money, and so far his act was unconstitutional. He dismissed a government, which he had a right to do, but took his ife in his hands when he did so, but he did it on the eve of the period of time within which the British North America Act says that pariament shall be called. The parliament of every province shall be called within twelve months from the close of the previous session. Before the twelve months had quite expired he dissolved the legislature and made it impossible for him to call the legislature within twelve months, as the constitution required. Then, instead of, under these circumstances, making the proclamation of dissolution and the proclamation calling a new legislature, one instrument, as is always done elsewhere, he dissolved the legislature and waited four months without a parliament at all, so that these men who carried on the government for these four months—and they could have carried it on for twelve months under the same theory—were not represented in the constituencies, were not members of any house, had no legislature or parliament behind them, and might have been defaulters and retired from the country and there would have been no control over them. My hon. friend had better not undertake to defend the indefensible, and I point out that instance as one that Governors in other provinces had better not make a precedent of.

Hon. Mr. LANDRY—I think my hon. friend had better not persist in his statement. He ought to know one thing, which he seems to forget entirely, that a royal commission had been appointed, and that the Governor at the time could not deal with the case of Mr. Mercier before the judgment of the royal commission was given. The judgment of the royal commission was only given on the eve of the expiration of the twelve months alluded to by the hon. minister. No use trying to put the fault on the shoulders of the Lieutenant Governor of the province at the time. He was bound by the constitution and by common sense to wait for the result of that royal commission, and that the royal commission took so long to render its decision was the fault of one of the judges, who is one of the honourable minister's own friends.

Hon. Mr. MACDONALD (B.C.)—I think the hon. gentleman will agree to this, if this chaos is to last much longer it will be an injury to the province, and should be put an end to. No one can recall the Lieutenant Governor but his masters, the government here. The matter should be taken hold of by the government here and not allowed to run for any length of time.

Hon. Mr. POWER—I wish to ask the hon. gentleman from Stadacona (Mr. Landry) if the Lieutenant Governor of Quebec immediately issued the writs for a new election on the presentation of the report of the royal commission?

Hon. Mr. LANDRY—That was the first thing that was done when the new ministry was called. They dissolved parliament immediately.

Hon. Mr. POWER—My question is a very simple one, and the hon. gentleman is a pretty clear headed man. The question I asked was this: The hon. gentleman said that the Governor could not act until the royal commission reported. The royal commission reported, and on that report the Governor, as I understand the hon. gentleman, dissolved the legislature. The question which I asked was, did the Governor at the same time issue the writs for the new election ?

Hon. Mr. LANDRY—As soon as the Lieutenant-Governor dismissed Mercier's government he called in a new administration, and that new administration dissolved parliament and the writs were immediately issued.

Hon. Mr. MILLS—No. My hon. friend is mistaken.

Hon. Mr. LANDRY—That is a matter of history.

Hon. Mr. MILLS—I remember the fact very well.

Hon. Mr. LANDRY—The parliament was dissolved immediately and new writs were issued.

Hon. Mr. MILLS—My hon. friend is mistaken. Four months elapsed between the formation of that government and their election, and what is more, and my hon. friend ignores this important fact, Governor Angers had a legal adviser. Mr. Mercier was his adviser. He appointed a royal commission—at whose instance and on whose advice—a commission to inquire into the conduct of those who advised him? Besides it is wholly unknown to our parliamentary system that, if the moneys appropriated by the legislature are misused, the government should appoint a commission to inquire into what has been done with the money instead of leaving that to the House that deals with such matters.

Hon. Mr. LANDRY—To show how little the honourable minister is acquainted with the facts let me tell him that Mercier at the time accepted the commission, and it was Mercier himself who appointed it.

The Senate adjourned.

THE SENATE.

Ottawa, March 6, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (E) 'An Act for the relief of Katherine Cecilia Lyons.'—(Hon. Mr. Clemow.)

THE DISMISSAL OF MERCIER'S MINISTRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I desire to direct the attention of this House to something which occurred yesterday on a question brought up relating to the governorship of British Columbia. In the discussion which took place at the time, allusion was made to the facts that occurred in the province of Quebec when Governor Angers dismissed his ministers. I asserted then that the statement made by the hon. Minister of Justice was not in accordance with the facts, and the hon. gentleman reaffirmed his assertions, and gave this House the impression that Governor Angers in dismissing his cabinet had acted against the constitution in two ways: firstly, in appointing a commission against his own advisers, and secondly in not issuing the writs for the new legislature when the new government was formed. I denied those affirmations, but the hon. minister reiterated them. In answer to a question put by the hon. gentleman from Halifax, I had stated that as soon as the Governor had dismissed the old government he called in a new administration, and that this new administration dissolved the legislature and that the writs were immediately issued. Then the following discussion took place:

Hon. Mr. MILLS—No. My hon. friend is mistaken.

Hon. Mr. LANDRY—That is a matter of history.

Hon. Mr. MILLS—I remember the fact very well.

Hon. Mr. LANDRY—The parliament was dissolved immediately and new writs were issued.

Hon. Mr. MILLS—My hon. friend is mistaken. Four months elapsed between the formation of that government and their election, and what is more, and my hon. friend ignores this important fact, Governor Angers had a legal adviser. Mr. Mercier was his adviser. He appointed a royal commission—at whose instance and on whose advice?—a commission to inquire into the conduct of those who advised him? Besides it is wholly unknown to our parliamentary system that, if the moneys appropriated by the legislature are misused by the government, the government should appoint a commission to inquire into what has been done with the money instead of leaving that to the House that deals with such matters.

I am but a humble member of this House and I have not the constitutional reputation of the hon. minister who is leading this House. Therefore my denial could not be of great weight against his assertion, but as I said history is there and the facts sustain my affirmation. If my hon. friend will look at the *Official Gazette* published at the time he will find that what I said was perfectly true. The commission named by Go-

vernor Angers was appointed by his constitutional advisers themselves, by a proclamation dated Sept. 22, 1891. The proclamation reads as follows :—

Victoria by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To all to whom these presents shall come or whom the same may concern—greeting.

A Proclamation.

J. E. Robidoux, Attorney General.

Whereas, by report of the hon. Prime Minister, on a report of the hon. Executive Council for our province of Quebec, and by an order of our LieutenantGovernor in Council, it is declared that it is advisable, in the interest of the public, that a royal commission be issued to inquire into and report on the facts and circumstances which preceded, accompanied, caused and followed the transaction made under the Act 54 Vic., chap. 88, in so far as they relate to the Bay de Chaleurs Railway Company.

And whereas, we have deemed it advisable, in the interest of the good government of our said province that such inquiry be made.

Now know ye, that by the advice of the Executive Council of our province of Quebec, and under the authority of article 596 and following of the Revised Statutes of our said province on the subject of inquiries concerning public matters, we do constitute and appoint the Hon. Louis A. Jetté, judge of our Superior Court ; the Hon. Louis François George Baby, judge of the Court of Queen's Bench; and the Hon. Charles Peers Davidson, judge of our Superior Court, all three of the city of Montreal, commissioners to make an inquiry into and report on the facts and circumstances which preceded, accompanied, caused and followed the transactions made under the Act 54 Vic., chap. 88, in so far as they relate to the Baie des Chaleurs Railway Company, and we do constitute the said Hon. Louis A. Jetté president of the said commissioners.

And for that purpose, under the authority of the said articles 596 and following of the Revised Statutes of our province of Quebec, we do give to the said commissioners all the powers granted in and by the said articles, and particularly the power of summoning before them any witnesses, and of requiring them to give evidence on oath orally or in writing, and to produce such documents and things as they may deem requisite to the full investigation of the matters into which they are appointed to examine, and we do authorize the said commissiones to employ a clerk, stenographers and other officers who may be required and to cause the minutes of their proceedings, the proof and their report to be printed.

And we do order that the sittings of the said commission be held in the city of Quebec or elsewhere in our said province, if the ends of justice require it.

Of all of which our loving subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these our letters to be made patent and the great seal of our said province of Quebec to be hereunto affixed. Witness our trusty and well beloved the **Hon. Auguste Real Angers, Lieutenant-Governor of our said province of Quebec.**

At our Government House, in our city of Quebec, in our said province of Quebec, this 21st day of September, in the year of Our Lord one thousand eight hundred and ninety-one, and in the fifty-fifth year of our reign.

By command,

CHAS. LANGELIER,
Secretary.

The contention of the hon. Minister of Justice was that the Lieutenant-Governor of the province of Quebec had acted without the responsibility of his legal advisers. That I deny on the authority of the proclamation itself, published in the *Official Gazette* of Quebec under the authority of the Executive Council, the Prime Minister and the Attorney General of the province of Quebec. In the face of that proof, the hon. Minister of Justice, I think, will admit that he was not aware, at all events, of the facts of the case. Now, the second accusation brought by the hon. Minister of Justice against Lieutenant-Governor Angers is this:

Then, instead of, under these circumstances, making the proclamation of dissolution and the proclamation calling a new legislature one instrument, as is always done elsewhere, he dissolved the legislature and waited four months without a parliament at all.

Hon. Mr. MILLS—Hear, hear,

Hon. Mr. LANDRY—The hon. gentleman says 'hear, hear.' He stands by what he said yesterday. So much the worse for him, because he will then be twice convicted of ignoring the facts. I continue the quotation :

—so that these men who carried on the government for these four months—and they could have carried it on for twelve months under the same theory—were not represented in the constituencies, were not members of any House, had no legislature of parliament behind them, and might have been defaulters and retired from the country, and there would have been no control over them. My hon. friend had better not undertake to defend the indefensible, and I point out that instance as one that Governors in other provinces had better not make a precedent of.

In answer to that charge I will give the hon. Minister of Justice the advantage of bringing to his notice the following extracts from different proclamations which were issued at the time. On the 22nd day of December in the year of Our Lord 1891, the following proclamation was issued :

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.,

To our beloved and faithful the Legislative Councillors of the province of Quebec, and the citizens and burgesses elected to serve in the Legislative Assembly of our said province, and to all to whom it may concern—

Greeting :

Whereas, on the Thirteenth day of November, it has pleased us to prorogue the Legislature of

our province of Quebec, and to convoke it for the Twenty-ninth day of the month of December, one thousand eight hundred and ninety-one.

And whereas, we have thought fit by and with the advice and consent of our Executive Council of our said province of Quebec, to dissolve the Legislative Assembly of our said province ;

Now know ye, that, by this our royal proclamation, we dissolve the said Legislative Assembly ; accordingly we exempt the Legislative Councillors and citizens and burgesses of the Legislative Assembly from the obligation of meeting and attendance on the Twenty-ninth day of December, one thousand eight hundred and ninety-one.

In testimony whereof, we have caused these our letters to be made patent and the great seal of our said province of Quebec, to be hereunto affixed : Witness, our trusty and well beloved the Hon. Auguste Real Angers, Lieutenant Governor of the province of Quebec.

At our Government House, in our city of Quebec, in our said province of Quebec, this twenty-second day of December, in the year of Our Lord one thousand eight hundred and ninety-one, and in the fifty-fifth year of our reign.

By command,

L. DELORME,
Clerk of the Crown in Chancery,
Quebec.

That is the proclamation dissolving the legislature, and was given on the 22nd day of December. On the same day, the following proclamation was issued :—

Whereas, we are desirous and resolved, as soon as may be, to meet our people of our province of Quebec, and to have their advice in parliament.

Now know ye we do make known our royal will and pleasure to call the legislature of our said province, and do further declare that by and with the advice of the Executive Council of our said province of Quebec, we have this day given orders for issuing our writs in due form for calling the Legislative Assembly of our said province, which writs are to bear date of this 23rd day of December inst., and to be returnable on the 15th day of March next. The nomination of the candidates at the different elections in all the electoral districts of the province shall take place and be held the first day of March next, except, however, our writs for the electoral district of Gaspé and for the electoral districts of Chicoutimi and of Lake St. John, which writs will be returnable on the 15th day of March next.

In testimony whereof we have caused these our letters to be made patent and the great seal of our said province of Quebec to be hereunto affixed. Witness, our trusty and well-beloved, the Hon. August Real Angers, Lieutenant-Governor of the said province of Quebec.

At our Government House, in the city of Quebec, in our said province of Quebec, this 22nd day of December, in the year of our Lord, one thousand eight hundred and ninety-one, and in the fifty-fifth year of our reign.

By command,

L. DELORME,
Clerk of the Crown in Chancery,
Quebec.

This proves that the proclamation issuing the writs was published on the same day as the proclamation for the dissolving of parliament and this undeniable proof meets and does away with that most singular assertion of the Minister that Governor Angers, after dissolving the legislature, waited four months before issuing the writs. But the hon. minister goes further in saying, and this is another ground of complaint :

Instead of, under these circumstances, making the proclamation of dissolution and the proclamation calling a new legislature, one instrument, as is always done elsewhere.

Let us see what the hon. gentleman did himself when he was in power in 1873 and 1878. In November, 1873, he came into power. On the second day of January, 1874, there was a dissolution of parliament. Two proclamations were issued on the second day of January, one to dissolve parliament, as was done in the legislature of Quebec, just in the same terms, telling the faithful senators of the Dominion of Canada and the members elected to serve in the House of Commons that they were not obliged to meet at the House on the 26th January, as they had been invited to do in a previous proclamation, but that parliament was dissolved, and that they were dispensed from their meeting and attendance on that date. Then after that proclamation, in a distinct and different instrument, the hon. Minister of Justice being a party to it, the government of the day issued the writs and made them returnable for the 12th day of March next. That was done in 1874. This shows that at that time the Minister of Justice had not the views and had not the constitutional learning that he has acquired since. Then came the year 1878. The hon. Minister of Justice was then, I think, Minister of the Interior. At all events, he formed part of the government of the day, and the government of which he was a member dissolved parliament on the 26th July, 1878. How did they proceed? Did they make the proclamation of dissolution and the proclamation issuing the writs one instrument, 'as is always done'? No, they made two instruments, one to dissolve parliament and another to issue the writs. If the ground taken by the hon. minister in this instance is correct, if it is unconstitutional to do in two instruments what he pretends must be done in one, 'as is always done,' then in 1874 and 1879 he acted in a very unconstitutional manner, and those two

precedents must bear greatly upon the decision taken afterwards by the different provinces and especially by the province of Quebec. We see by those two examples that what I said yesterday was in accordance with the facts of the case, and that the hon. Minister of Justice had no right to dispute my assertions, and to say that the Lieutenant-Governor of the province of Quebec had acted unconstitutionally. He did, on the contrary, what was perfectly correct. He did what the hon. gentleman himself did on different occasions, and the reproach which he cast upon the Lieutenant Governor of the province of Quebec was unmerited. If the hon. gentleman would not rely so much upon his constitutional reputation and would look a little more into the facts, it would prevent such mistakes and would not leave the House under the impression that the precedent that he quoted yesterday was a precedent which could not be followed.

Hon. Mr. MILLS—My hon. friend opposite will find that my statement was accurate and that he has not improved the position of his friend by the observations which he has addressed to the House. If I remember rightly the hon. senator defended the conduct of the government here in dismissing the Lieutenant-Governor of Quebec, Mr. Letellier. What did Mr. Letellier do ? He dismissed the government. He was within his constitutional powers to say the least. His act was strictly legal whether it was in accordance with the usual constitutional practice or not. The result of that act of itself would depend upon what followed. He dismissed his administration for cause, and that cause was that the administration undertook to decide their policy and to decide what measures they would introduce into parliament without taking counsel with him, and contrary to the views that had been expressed over and over again in the district of Montreal, if I remember rightly. A new government was formed and that government went to the country and was sustained, and so far as that was concerned, that was an end to any jeopardy to which he could be constitutionally subjected. Nevertheless, when he was dismissed and it was said that his usefulness was gone, I think the hon. gentleman who has now spoken in defence of the unconstitutional and arbitrary conduct of Lieutenant-Governor Angers, undertook to find a sufficient justification for the dismissal of Mr. Letellier. In the case of Mr. Mercier there were certain charges made against him in connection with a certain letter. Those charges related to the expenditure of public money. If there be any point well settled in our constitutional system more marked than another, it is that the expenditure of public money is exclusively under the control of the representatives of the people, and that if a government misuses public money, that government is responsible to the representatives of the people in parliament or in the legislature elected by the people in their province. What is the first step in connection with this commission to which the hon. gentleman has referred ? The first step is that this commission is a commission issued mainly for the purpose of inquiring into the conduct of those who are accused, and he says upon their advice and my hon. friend argued that the proceeding was strictly constitutional because the ordinary advisers of the Governor advised that course to be taken. As I understand it, they advised no such thing. The Governor gave them the choice between tendering their resignations or submitting to a commission. My individual opinion is that they erred under those circumstances in not tendering their resignations.

Hon. Mr. LANDRY—They took the responsibility.

Hon. Mr. MILLS—The hon. gentleman is mistaken. There are some things the responsibility of which no pretended assumption or real assumption on their part can make them solely responsible. The Governor himself on that occasion conspired against the rights and liberties of the people who elected that legislature. It was that legislature's right to inquire into the conduct of the ministry and to ascertain whether those ministers had misused the public money or not. The Governor undertook to take that matter out of the hands of the legislature, and supposing he had made the appointment upon the advice of his ministers, that appointment was to do what ? To inquire into the conduct of those ministers. They did not require the information. They knew what their conduct was. Were they to ad-

vise him upon the report, and to tell him what their conduct was upon this inquiry? It was an inquiry which they did not need, but which the representatives of the people did need, if there was any proper ground for the accusation. He was either a conspirator against the rights of the legislature, or a conspirator for or against his advisers. That was his position, and it is preposterous to talk about a position so assumed to be a constitutional one. But that is not all. Look at the condition of things. When that administration was dismissed, they were within a few days of the expiration of the twelve months within which the constitution says what? 'There shall be a session of the legislature of Ontario and of Quebec once at least in every year; so that twelve months shall not intervene between the last sitting of the legislature in each province in one session and its first sitting in the next session.' Did he obey the constitution?

Hon. Mr. LANDRY—Yes, he did.

Hon. Mr. MILLS—How could he obey the constitution when he dissolved parliament?

Hon. Mr. LANDRY—Because it says twelve months shall not intervene between the end of one session and the beginning of another, of the same legislature.

Hon. Mr. MILLS—No, not the same legislature. No government in any province is at liberty to permit twelve months to elapse between the end of one session and the beginning of another, whether it is the same parliament or another parliament. That is the provision of the constitution. That is the protection that the constitution intended to give to the representatives of the people in parliament. They had a duty to discharge. There had been accusations made against ministers. They were entitled to inquire whether that was so or not, and the governor undertook to put it out of their power by dissolving the legislature and preventing a meeting altogether. Then what did he do? Did he immediately call another? Magna Charta says that not more than forty days must elapse between the dissolution of one House and the election of another. The governor permitted more than three months to elapse before the legislature—three months, within a few days, between the dissolution of one House and the election of another. Was that calling the legislature together within the provision of the constitution? Was it calling the legislature together within the provision of Magna Charta? Not at all. Why did the Lieutenant-Governor, when he dissolved parliament, permit three months to elapse before another was returned? If he could legally and constitutionally permit three months to elapse, he could permit twelve. There would be no limitation. But there is a reason, and the reason that he himself assigned was that he believed if he had gone to the country at once, Mercier would have been sustained, and so it was necessary that time should elapse and time be given to canvass the province of Quebec against him. That was the position, and that is the position taken by a man representing the Crown, whose duty it is to be perfectly neutral between political parties. I need not go into a discussion of that matter further. I mentioned it incidentally yesterday, and for this reason, because I think it is important that the Lieutenant-Governors should respect these constitutional usages and privileges which are of the first consequence if parliamentary government is to be upheld. Every one who undertakes to disregard those usages that are recognized in England, and have been there so long established, must be looked upon as an enemy to our constitutional system. We are beside a great and powerful republic, which exercises a certain amount of influence over our institutions. That is the result of a powerful and numerous nation living alongside one not so numerous or powerful. Look at the various organizations that have from time to time found a footing in Canada. A recent institution that became a political factor here of no little consequence was based on principles thoroughly consistent with the political system of the United States, but thoroughly outside of the principle of the constitution we have adopted here—I refer to the Patron organization. That organization was based upon republican ideas, democratic views, views which would take the executive or administrative power out of the hands of responsible ministers of the Crown and put it directly into the hands of the electorate, a system utterly at variance with ours. Some may regard it as better than ours. I do not. I believe it to be calculated to exercise a

mischievous influence over our institutions. If there be a country in any portion of the British Empire in which it is important that constitutional usages should be respected, and constitutional usages should be respected by those who claim to represent and do represent the Crown, it is in every part of this country, and therefore I thought it necessary incidentally yesterday, in speaking of another matter, in referring to what I regarded as a very grave breach of constitutional right and duty in the province of Quebec. My hon. friend opposite could direct his ingenuity and industry to a better purpose than to undertake the defence of conduct such as that which he has undertaken to defend yesterday and again to-day.

Hon. Mr. LANDRY—If the House will permit me I shall say just a few words in reply, as there has been new matter brought in—the Magna Charta. I should like to know if the hon. member had the Magna Charta in mind in 1874 and 1878? The dissolution that took place in 1874, was announced by proclamation on the 2nd of January, and the writs were made returnable on the 12th of March, 1874, an interval of 69 days, and in 1878 the dissolution was on August 7, and the writs were returnable on the 21st of November following, an interval of 106 days. Where was the Magna Charta then?

Hon. Mr. POWER—The elections were held on the 17th September, 1878.

Hon. Mr. LANDRY—Where is the Magna Charta there?

Hon. Mr. MILLS—The dissolution was in August, and the elections took place in September.

Hon. Mr. LANDRY—How does the hon. gentleman reconcile his actions and his declarations? And what about that formal affirmation of the minister that the dissolution of the House and the issuing of the writs should be made by only one instrument 'as always is done?' How did he act himself in 1874 and 1878? How can he answer that? He never tried to give the slightest explanation, but here comes a new theory, for it is a new theory which the minister has brought up to-day. In vain will a ministry take the responsibility of an act of the Lieutenant-Governor, the minister contends that it is not the ministry that is responsible but the Governor himself. Where is the Magna Charta? Does Magna Charta or the constitution say that? I was always led to believe that every act of the Lieutenant-Governor or the Governor must be on the advice of the ministers, that they must take the responsibility of the Governor or of the Queen's action. That was my belief, but here is new light on constitutional law. It brings to our knowledge a new theory, it is not the ministry that is responsible. In the present instant the ministry issued a proclamation naming a royal commission. It might have been contrary to the usages or privileges of parliament, but who took the responsibility of it? It was the ministers themselves. The hon. minister cannot deny that, unless Magna Charta comes in and contains something that might apply to that, but if it applies to that the same as to the Dominion parliament in 1874 and 1878, I understand why Magna Charta is so well forgotten now. The hon. minister has not answered the objections I raised yesterday. He comes in with new theories that might bring up a new answer, but as he has not answered one word of what I said, and now he is sticking again to his assertion that four months intervened between the dissolution of the legislature and the elections. How does he find it four months? Is there something in Magna Charta to say that from the 22nd of December to the first of March is four months?

Hon. Mr. MILLS—It is three months. The legislature which by law should have met in December did not meet till April.

Hon. Mr. LANDRY—If the hon. member will count from the 23rd of December to the 1st of March, he will find that it is not three months. The minister said four yesterday—he said four to-day, but it is not even three months, and he must not forget that these elections took place in the province of Quebec in winter time, and where they were obliged to go down as far as the Magdalen Islands and along the Labrador coast with the writs, he will find it was not too much. This only took eighty-two days altogether from the issuing up to the return of the writs, while the hon. gentleman's government took 106 days in 1878.

Hon. Mr. SCOTT—I think the point that was urged by the Minister of Justice yesterday is absolutely clear. He had the theory

and the facts absolutely beyond contradiction. I shall read the rule again :

There shall be a session of the legislature in Ontario and Quebec at least once every year, so that twelve months shall not intervene between the last sitting of the legislature of such province in the one session and the first session of the next.

Now, I hold the journals of the province of Quebec for 1890 in my hand. The legislature was prorogued on the 30th of December. During the whole year 1891 there was no session. There was no session held in the province of Quebec until the 26th of April, 1892. There is the fact. There were nearly four months, within a few days of four months, intervening between the antecedent session and the new session. That is the whole point of the case. It was a direct breach of the constitution.

Hon. Mr. LANDRY—I do not call that a frontal attack. I think the hon. minister is attempting a flanking movement. That does not alter the position I took. The dissolution of parliament was an act of the ministry of the day, and of the Lieutenant-Governor. In dissolving parliament the De-Boucherville government at the time took the responsibility of that act. They went before the people with that responsibility and the question was discussed before the people, and the people by an overwhelming majority sustained the act of that government. They had 37 or 39 of a majority in that House. The hon. minister said : 'How could he appoint a commission to judge his own advisers ?' The hon. gentleman knows better than that. Some of the members of the government were implicated it is true, but quite a number of the members of the legislature were also implicated, and if the virtue of the Minister of Justice can be outraged at the idea of two or three ministers being brought before a royal commission of their own, how could this same virtue allow a legislature to be its own judge, when the majority of its members were accused of corruption? There are, moreover, precedents for royal commissions, and how does my hon. friend forget that an accusation brought by the late Speaker of the House of Commons against one of the ministers in the late cabinet was dealt with by a royal commission. Did Magna Charta say something about that ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—No. Well who was going beyond Magna Charta there, as he is to-day.

Hon. Mr. MILLS—He asked for a committee of the House.

Hon. Mr. LANDRY—It was not a committee of the House, it was a royal commission which acted upon this case. The hon. gentleman ought to know better. The hon. Secretary of State may read as much as he likes that paragraph of the constitution which relates to the obligation of holding sessions in due time. I know that paragraph, and I accept it, but I say it was not an unconstitutional thing on the part of the Lieutenant-Governor of the province of Quebec to yield to the advice of his ministers and dissolve parliament. The dissolution of parliament is one of the prerogatives of the Crown, and when it is advised by the ministry, I think they are better judges of the opportunity to act in that way, and it would certainly have been more unconstitutional to keep a parliament like the one that existed at that time, corrupt as it was and proved to be, than to go to the people and ask for a renewal of their confidence, and come up with a new and clean parliament.

BUSINESS IN THE SENATE.

Hon. Mr. ALMON—I should like to ask the hon. leader of this House why it is we have no business before us when we are meeting here day after day ? We had a long adjourment of four weeks asked for, not by members of the Senate generally, but by the leader of the government. He named the date we were to adjourn, and the time at which we were to resume. All the members of this House understood that that adjournment was to enable the government to bring business before us. It is said that there is an important Bill in the other House which is expected to come up soon, but we had that Bill before us last year and rejected it. That is the only business within view. The House of Commons is very much pressed with business. There is a very important matter before them which they have not had time to touch. The leader of the government is anxious that it should be gone into, and Mr. Borden also is anxious. Of course you all know the matter to which

I refer—the case of alleged ballot stuffing. The Conservative members are also anxious to have the matter gone into, but the Premier says it must wait until other measures are disposed of. Mr. Borden says if you wait for that we cannot get it through. Think of the misery inflicted on the Premier. There are two men in the House of Commons that Mr. Borden says have no right to sit there. These men are anxious that their skirts should be cleared of the calumny which is put on them. Then there is a man named Preston said to be implicated, and he has vanished from the country. No doubt he is anxious to have the matter settled, in order that he may be relieved from the misery he suffers. His only connection he now has with the country is his salary which, I understand, he draws quarterly. I would suggest that the hon. leader of this House should speak to his colleagues in the House of Commons and tell them that we have plenty of time here and are ready and willing to examine into the matter. We all remember the Baie des Chaleurs case. The Minister of Justice deprecated the way that this House took it up, but the other House failed to find the corruption which we discovered when we investigated it here. It passed through the House of Commons and they had not discovered the corruption there, and were surprised when it was brought out in the Senate. It was brought out in this House chiefly through the instrumentality of the hon. gentleman from Richmond, the Hon. Mr. Miller. I have no doubt that when the ballot stuffing charges are brought before us, we will be able to unravel the matter, and perhaps discover the machine for which they have been hunting a long time, or we will perhaps prove that the whole thing has been a Tory lie and that there has been no machine at all. I therefore suggest that the hon. minister might tell us that there is nothing in Magna Charta to prevent that matter being transferred from the House of Commons to this Chamber, because if that is not done we shall have nothing to do.

The Senate adjourned.

Hon. Mr. ALMON.

THE SENATE.

Ottawa, March 7, 1900.

The Speaker took the Chair at three o'clock.

Prayers and Routine Proceedings.

THE PACIFIC CABLE.

MOTION POSTPONED.

The Order of the Day being called.

1. That the establishment of a telegraph cable across the Pacific to connect Canada with the Australasian colonies has long been regarded as of high importance to the empire, it having been recognized to be of Imperial importance at the Colonial Conferences of 1887 and 1894, affirmed by an agreement between the home government and the government of Canada, New South Wales, Victoria, Queensland and New Zealand, and ratified by the Canadian parliament last session; this House therefore regrets that serious delays have occurred in the prosecution of the undertaking, manifestly through the hostility of the Eastern Extension Telegraph Company, which company is now demanding concessions from the Australiasian colonies, which, if granted, will imperil the success of the Pacific cable.

2. That this House is of opinion that any further delay in proceeding with the actual construction of the undertaking would be inimical to the interests of the empire, and strongly deprecates granting any further concessions to the Eastern Extension or any other company.

3. That it is expedient in granting permission hereafter to private companies to lay cables between British possessions, it be on the express condition that the state may assume ownership whenever in the general public interest it is advisable to do so.

Hon. Sir MACKENZIE BOWELL said: Might I ask my hon. friend, the leader of the House, when I may expect the papers in connection with this subject for which I moved some time ago? I understood the return was to be laid before the Commons to-day. Of course if that return were brought down, it would answer my purpose. I should like to see some of the papers before proceeding with the motion.

Hon. Mr. MILLS—I will have to ask my hon. friend to postpone the motion. I have been anxious to get the papers down, and I am unable to say why they have not been forwarded to me to be laid on the table. This motion has been standing for some time, and if the papers are brought down in the other Chamber I suppose that will serve my hon. friend's purpose?

Hon. Sir MACKENZIE BOWELL—Yes. I merely wished to look at them.

Hon. Mr. MILLS—It is a reasonable request and I trust my hon. friend will allow

the motion to stand until we are able to submit the papers for his consideration.

The motion was allowed to stand.

TICKET-OF-LEAVE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (B) 'An Act to amend the Act to provide for the conditional liberation of penitentiary convicts.'

(In the Committee.)

On the first clause.

Hon. Mr. SCOTT—For the information of hon. gentlemen who feared that the country was going to be flooded with convicts, I had an account made of the number of licenses which have been issued since last year, which would apply to between two and three thousand prisoners, and I find that only 27 licenses on parole have been issued up to the present time.

Hon. Sir MACKENZIE BOWELL—That is on ticket of leave ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That is enough for one year.

Hon. Mr. SCOTT—There would be more the first year, of course, than afterwards.

The clause was adopted.

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

SUPREME COURT OF THE NORTH-WEST TERRITORIES' BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (C) 'An Act respecting the Supreme Court of the North-west Territories.'

(In the Committee.)

Hon. Mr. MILLS—I move the adoption of the first clause as it stands. The clause provides that the Supreme Court shall consist of a Chief Justice and four puisne judges. I mentioned at the second reading that I proposed to change this clause. The amendment I suggested to make was that the court should consist of the Chief Justice and not more than five puisne judges. As my hon. friend has stated his views so strongly in opposition to this suggestion, and he is a member of the bar of that section of the country, I think that if it is found that the court as now constituted is not adequate, we can easily provide for the appointment of another judge: I therefore move the adoption of the clause as it stands. It makes no difference in the Act except that one of the five puisne judges, is to be designated as the Chief Justice.

The clause was adopted.

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

COX RELIEF BILL.

SECOND REPORT OF THE COMMITTEE ADOPTED

Hon. Mr. PERLEY (in the absence of Hon. Mr. Kirchhoffer), moved the adoption of the second report of the Standing Committee on Divorce in *re* Cox Relief Bill.

Hon. Mr. McMILLAN—I do not wish to allow this report to be adopted without a few remarks. While the constitution of our country permits the dissolution of marriage, before taking cognizance of the proceedings in the committee, this House ought to be very strict in adhering to its rules. I see in this case the committee report that personal service cannot be made on the respondent. The report does not give us the reasons why. She may be away out of the country. My objection to the report is that the committee state that the service ought to be considered sufficient if made upon the half-sister of the respondent who lives in Guelph, another half-sister who lives at Lachine, another half-sister who lives in Montreal, another half-sister who lives in Westmount, and a half-brother who lives in Westmount, and Mr. Leet, lately solicitor for the respondent. If we are going to allow divorce cases to pass through this House under such circumstances the fact should be known. I do not say that the report should not be adopted, but I bring the matter before the House and the House can act as they think proper. I consider it a very loose way of doing business. We should have at least sufficient reasons adduced to the House why the respondent cannot be served.

Hon. Sir MACKENZIE BOWELL—The objection taken by the hon. gentleman is a good one, although I suppose I look on questions of this kind from a different standpoint from his. If the Chairman of the committee were here he could give us information; but as divorce cases are important in their character, I agree with the hon. gentleman that when the necessary papers cannot be served on the respondent the reasons should be given. I would suggest that the motion should be allowed to stand until the Chairman is present, and probably he can give satisfactory information.

Hon. Mr. McMILLAN—I might add that I am perfectly confident that the people connected with the respondent do not wish to have their names connected with the respondent in such a manner as to consider the service on them would be sufficient.

Hon. Mr. CLEMOW—This is merely preliminary to the report to be brought down. It is simply substitutional service because they find it utterly impossible to serve the respondent herself. I do not intend to move the second reading of the Bill to-day, but that it should be read the second time on the fourteenth instant, so as to give an opportunity to the committee to show why the service is not made in the proper manner.

Hon. Mr. PROWSE—The objection taken is a very proper one. We cannot be too careful in passing a Bill of this kind and adopting these reports. I am a little surprised that the Chairman of the committee is not present to give the necessary explanation. I am even more surprised that we have had no explanation from other members of the committee who are present and who ought to be able to give us the information in the absence of the chairman. They ought to know just as well as the chairman the reasons why personal service could not be made, and an explanation from them would be just as effectual as from the chairman himself.

Hon. Mr. POWER—I notice that there is a slight error in the minutes to-day. The hon. gentleman from Sarnia has called my attention to it. The item on the Order paper is the consideration of the 2nd report of the Standing Committee on Divorce in re Cox Relief Bill. At page 80 of our Minutes the report we are considering is described as the third report. It is not a very important matter, but still our Minutes should be accurate. I concur with the hon. gentlemen who have spoken on this matter; and I think the hon. gentleman from Glengarry (Mr. McMillan) deserves the thanks of the House for bringing the matter before us. It has been stated by the hon. gentleman from Rideau that when the bill comes to be read the second time we shall get all the information, but it seems to me that when we are asked to accept a report which provides for substitutional service, that report should set out the reasons why the substitutional service is asked for, and this report does not do that, but simply says that the committee having considered the circumstances recommend as follows. The opinions of members of the Senate would probably be influenced a good deal by the reasons, if they were given.

Hon. Mr. KIRCHHOFFER—I regret I was not in the House when the motion was made, because I would have given the explanation which I am about to make now. When the case came before the Committee, evidence was brought before us that attempts has been made to serve the respondent personally, but she was unable to be found, and an effort then had been made to ascertain the residence of the party by communicating with a number of sisters, and other relatives who live in Montreal and other places in Canada. Not having been able to ascertain from them the whereabouts of the party, the Committee, having heard the evidence and gone into it thoroughly, decided that they would make an order to have all the parties, whose names were mentioned as being relatives or connected with this person, served, so as to bring notice, if possible, before the relatives and others who might communicate with her if they found they could at any time discover the locus in quo. It was the means the Committee thought was best calculated to discover where the party was residing and to bring the notice to her if it could be done in any way. Of course we could have advertised. We could have made an order to have substitutional service, or an advertisement, but it was thought it was more reasonable to give all the parties who are connected with the respondent notice.

Hon. Mr. LOUGHEED—This is a case which demonstrates very clearly the inconsistency sometimes of hon. gentlemen when they desire to analyze too closely, if I might so use the expression, a case of this kind, and particularly one in which their conscience may protest against accepting the report of the Committee. This honourable House on the 9th day of February adopted a report in this particular case of a similar character to the one now before the House, and if hon. gentlemen will refer to page 48 of the Minutes they will find that in this same Cox Divorce Bill they adopted a report accepting the service of papers upon persons other than the respondent as a substitutional service of the notice there dealt with. The report which is at present before the House, is, I may say, of precisely of the same character as the one dealt with on page 48 of the Minutes. As far as the objection raised by the hon. gentleman from Halifax is concerned, this is not the third report of the Committee with reference to this particular case. It is simply the third report of the Divorce Committee to this House at the present session of parliament. If hon. gentlemen will look at page 80 of the Minutes they will find that made quite clear, that the Committee were simply presenting their third report, and it deals with this particular case. I quite concur with what hon. gentlemen have said in reference to the desirability and necessity of effecting personal service in such important matters as bills of divorce, but there are times when it is a physical impossibility to effect that service and there is no better established practise in the courts of law of our country, and elaborate provision is made for the purpose of effecting substitutional service upon parties who cannot be served personally. It is not necessary for me to point out to hon. gentlemen that when a party becomes either defendant in a suit, or respondent in a Divorce Bill, the disposition is to either evade service of the process of the court, or of this chamber, as the case may be, and in most instances if hon. gentlemen will study the facts attendant upon proceedings of that nature, they will satisfy themselves readily that many persons concerned in difficulties of this kind are not to be found. I do not think it is an exaggerated statement for me to say that a very large percentage of the writs which are served upon defendants in our courts of law are not served upon them personally, as well as many of the notices which are served in connection with the Divorce Bills are likewise not served personally upon the party concerned, but substitutionally. Our rules make provision for that. The Committee have made careful inquiry as to the possibility of effecting service on those concerned and have convinced themselves that it is impossible do to so. I would furthermore say that, owing to the temporary absence of the hon. gentleman from Brandon, the hon. Minister of Justice presided over the proceedings of the Committee. He is also a member of the Committee, and he it was who presided over the Committee when the matter was dealt with, and I am satisfied that hon. gentlemen of this House will have every confidence in the ability of that hon. gentleman to consider fully and weigh well the facts, particularly in a case of this kind, that may be submitted to the Committee, so as to see that justice be done between all parties. Consequently, this decision was come to under the presidency of the Minister of Justice, and there was no division of opinion in the Committee as to all necessary steps having been taken to effect personal service. I might further say, for the satisfaction of hon. gentlemen and the vindication of the Committee, that there was a mass of documents read and submitted to the Committee in which were set out all the facts in reference to the steps which had been taken to effect service upon the respondent. The Committee did not deem it prudent—and I think this House would not approve of it—that there should be embodied in the report of the Committee all the facts contained in the affidavits which, if I mistake not, numbered four or five documents at least. Therefore under these circumstances, after the explanations which have been made and with the knowledge that the matter had been gone into fully under the presidency of the hon. Minister of Justice in the Committee, this House should be satisfied with the report and should adopt it?

Hon. Mr. VIDAL—Where is the second report of the Committee to be found in the Minutes ?

Hon. Mr. LOUGHEED—The first report is on page 48, and the third report on page 80.

Hon. Mr. POWER—I wish to call the attention of the hon. gentleman from Calgary to the fact that my technical objection was well founded. At the bottom of page 80 we find :

> The standing committee on divorce beg leave to make their second report as follows :

and farther upon the same page we find the third report of the Committee which is the one we are now dealing with. So that my criticism is right.

Hon. Mr. LOUGHEED—On page 48 we find the first report of the Divorce Committee and at the bottom of page 80 we have the second report of the Committee, and in the middle of page 80 will be found the third, and the third report deals with this case.

Hon. Mr. POWER—I do not propose to enter into a discussion with the hon. gentleman from Calgary, but it has come out already in the little discussion which has taken place in the House that none of the half-sisters of the respondent know anything about her. Probably she is not looked upon as a reputable member of the family, and they do not know anything of her whereabouts, and we are asked to accept service upon these people, who do not know anything about her, as equivalent to service upon her. It would occur to an ordinary observer that the best chance there would be of having these proceedings brought to the notice of the respondent would be by advertising in the newspapers which are supposed to circulate in her locality.

Hon. Mr. MILLS—My hon. friend is somewhat hypercritical. These persons who are reported to be half-sisters of the respondent, are the only persons, so far as the solicitor of the applicant for divorce could ascertain, that could be served, because the whereabouts of the respondent is not known. She left the country in company with another party, and it is impossible to serve her. The party who undertook service made affidavit that he had made diligent search for her and was unable to ascertain her whereabouts. Communication had been made, so far as I recollect, with these half-sisters and the half-brother mentioned, without success ; but the committee, for the purpose of removing all doubt in the matter, recommended the proceeding that has taken place here for the very purpose of avoiding anything like proceedings for divorce without an honest and earnest effort being made to ascertain the whereabouts of the party. It may be, and that was the impression on the minds of the committee, that some of her relatives know where she is and might not be willing to communicate that information to the complainant in this case, and so, with this communication made to them, if they do know where she is—I do not know that they do—there might be a mode of communicating to her the fact, that divorce proceedings were being had, but from the report on her conduct, which has not yet been inquired into by the committee, the evidence not yet having been taken, if the representations made are sustained, it is not at all improbable that she does not care about having her whereabouts made known, nor is she anxious to resist the proceedings that are being taken.

Hon. Mr. LANDRY—What would happen if the party had no half-sisters ?

Hon. Mr. MILLS—They might apply to my hon. friend.

Hon. Mr. LANDRY—I want a serious answer. What would happen if that party had no half-sisters ? What would be the procedure ?

Hon. Mr. MILLS—My hon. friend can apply to a solicitor in the ordinary way.

Hon. Mr. WOOD—The question that has been brought up in the House was the subject of some discussion in the committee, and was carefully considered there. The view was presented that the mere service of notice upon these not very near relatives of this woman, and the statement of the petitioner that they do not know the whereabouts of the woman, might not be considered sufficient effort on the part of the petitioner to ascertain the whereabouts of the respondent, and to make personal service upon her ; and the view was presented that it might be more satisfactory for some of these persons, either the half-brother or some of the half-sisters, who are all residents of Montreal, to have been brought here and examined upon oath as to their

knowledge of the whereabouts of the respondent. The matter, however, was discussed at some length, and the majority of the committee decided that the service which had been made was sufficient to meet the requirements of the rules of this House. I am not sorry that this question has been raised. It is in my opinion one of some importance, and I quite agree with the remark of the hon. gentleman who raised the objection, and those who followed him, that we should be as strict as possible in requiring the very best evidence obtainable in our proceedings in cases of this kind.

The motion was agreed to on a division.

The Senate adjourned.

THE SENATE.

Ottawa, March 8, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LEVELS OF THE GREAT LAKES.

MOTION.

Hon. Mr. O'DONOHOE moved

That an humble address be presented to His Excellency the Governor, praying that His Excellency will cause to be laid before the Senate a copy of the supplementary report of J. L. P. O'Hanly, C.E., on the effect of the Chicago drainage canal on the levels of the great lakes.

Hon. Mr. MILLS—There is no objection to the motion.

The motion was agreed to.

THIRD READINGS.

Bill (B) 'An Act to amend an Act to provide for the Conditional Liberation of Penitentiary Convicts.'—(Hon. Mr. Mills.)

Bill (C) 'An Act respecting the Supreme Court of the North-west Territories.'—(Hon. Mr. Mills.)

ROYAL TRUST CO. BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (D) 'An Act respecting the Royal Trust Co.' He said: This Company was incorporated by the legislature of Quebec in 1892 for the purpose of executing trusts and administering estates and as a safe and deposit company, and for general financial purposes. The work of the company is confined to Quebec, and now they seek to be incorporated as a Dominion company to enable them to carry on their operations in all parts of the Dominion.

Hon. Mr. MILLS—Before the motion is carried, I ask my hon. friend from British Columbia whether this is not a corporation under a provincial statute?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Mr. MILLS—And my hon. friend now proposes to make it a corporation under the statutes of the Dominion of Canada?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Mr. MILLS—Are there any clauses in it that are to continue in operation—any provisions or franchises under the law of Quebec which are to be continued under this bill?

Hon. Mr. MACDONALD (B.C.)—I believe all the powers given by Quebec are to be applied to the Dominion. There are no fresh powers at all.

Hon. Mr. MILLS—It will be necessary, then, to constantly refer to the Quebec Statutes to know what the powers and franchises are and it will be very much better to re-enact the provisions of the law altogether.

Hon. Mr. MACDONALD (B.C.)—That will be all explained in the Committee on Banking and Commerce to whom I shall refer the bill.

Hon. Mr. POWER—There is a great deal of force in what the Minister says, and hon. gentlemen remember that last year the House, on a recommendation of the Committee on Railways, Telegraphs and Harbours, adopted a resolution to the effect that in future, when the corporate capacity of a provincial company was being extended to the remainder of the Dominion, the provincial Act which gave it its corporate life should appear by way of schedule, or otherwise, in the bill presented to the House. I think this is peculiarly a case where it is desirable that that information should be before the members of the House; and I am rather surprised that a bill prepared in this

House should be printed without having the Quebec Act annexed as a schedule.

Hon. Mr. MACDONALD (B.C.)—I think these points will all be gone into by the Committee on Banking and Commerce, and if they require those provincial Acts to be embodied in the Bill, that can be done as a matter of course.

Hon. Mr. POWER—I only call attention to it.

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

THE PACIFIC CABLE.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns I should like to ask when I may expect the return relating to the Pacific Cable which I was under the impression was to be laid before the House of Commons yesterday. I cannot ascertain if the papers were submitted, although a very important statement was made by the Postmaster General in reference to the Pacific Cable.

Hon. Mr. SCOTT—The papers were to be laid on the table to-day. The hon. the Postmaster General promised after they were laid on the table in the House of Commons, that they should be sent over here in order that the hon. gentleman might have an opportunity of seeing them.

Hon. Sir MACKENZIE BOWELL—Then I shall postpone the motion until Monday.

ELECTION IRREGULARITIES.

Hon. Mr. PERLEY—The hon. junior member for Halifax (Hon. Mr. Almon), yesterday, asked the leader of the government a question in respect to the investigation of election irregularities by a committee of this House. I do not think the hon. gentleman has been treated with that courtesy that he is entitled to, because no notice was taken of the question. I should like to ask the leader of the House if the government has taken the matter into consideration.

Hon. Mr. SCOTT—I was sorry my hon. friend could not be heard yesterday, owing to the noise in the Chamber. The proposition he made, of course, could not be carried out unless we had first the authority of an Act of parliament which we have not at present on our statute book.

Hon. Mr. POWER.

Hon. Sir MACKENZIE BOWELL—What business are we likely to have for to-morrow? We have been in session a month and eight days and the business done here consists of two government Bills, one of fourteen lines and the other of six. We were promised some important Bills which were to be laid before the Senate early in the session in order to give us something to do. It has been suggested by my hon. friend on my right that they have done very little more in the other House; but that is no reason why we should be lacking business here.

Hon. Mr. ALMON—I am not at all satisfied with the answer of the hon. Secretary of State to my question. I think it would be quite within the power of the House of Commons to appoint a commission, and that that commission should be a committee of the Senate, to investigate the charges which have been made of election irregularities. The hon. minister should be very anxious to answer my question in the affirmative. He believes, as we all do, in Sir Wilfrid Laurier's professed desire to have these elections investigated. I stated yesterday that the two members in the other House who occupy seats, the legality of their election to which is under question, are anxious to have their right to retain those seats established. They have not said so, but I know I would feel that way, and I am sure that no member of this House would like to occupy a seat which he had any doubt he was entitled to. I am sure that Mr. Borden is in ernest in his desire to have the matters investigated. Any one who has followed the proceedings in the House of Commons would know that the investigation has been delayed and is not likely to take place, although, if the allegations are true, the people of two constituencies have been cheated out of their representation. The Secretary of State knows that the House of Commons has power to transfer that question to us, just as it has to appoint ad hoc judges to investigate such matters. The Premier demands this investigation and the public generally require it. Sir Wilfrid Laurier stated (metaphorically speaking) with tears in his eyes, that it was impossible to remove the obstacles which prevented the investigation in the House of Commons. I think the hon. gentleman is mistaken in

saying that it will require an Act of parliament to enable the matter to be investigated by the Senate.

Hon. Mr. MILLS—My hon. friend is anxious to exercise a superintending care over the House of Commons.

Hon. Mr. ALMON—Certainly.

Hon. Mr. MILLS—I suppose my hon. friend regards this as the superior chamber; nevertheless, I am inclined to think that the House of Commons would be disposed to resent any supervision on the part of this House in respect to the House of Commons. There is also a well recognized provision of the law and custom of parliament that stands in our way. That provision is that each House is the judge of the qualifications and regularity of the sitting of each member. The House of Commons has never yet, during the 30 odd years of its existence, undertaken to appoint a committee to ascertain whether any member of this House was not qualified to sit here, or had reached this House by any improper means, and I think there would be a like objection on the part of the House of Commons if we were to undertake any such inquiry as my hon. friend has suggested. That being so, I do not think that the suggestion of my hon. friend, which is somewhat revolutionary in its character, can be seriously entertained.

Hon. Mr. ALMON—Your friends would like it all the better for that.

Hon. Mr. MILLS—I do not know that my hon. friend is serious in the proposition he makes.

Hon. Mr. ALMON—I think the hon. gentleman misunderstood me. I suggested that the House of Commons should appoint us as a committee. I wish he had a good deal more influence with the first minister than he has. I suggested that the Senate might be appointed a commission by the House of Commons. If there is any law against that I should like to know it.

Hon. Mr. MILLS—My hon. friend knows that the House of Commons is not overburdened with excessive confidence in the second chamber. They submitted to the second chamber measures which they regarded as very important in the public interest, and the judgment of the Senate was not in conformity with that of the House of Commons, and I suppose the rule that they are not disposed to trust the Greeks would apply in the matter in this House. In reply to my hon. friend opposite, with regard to the public business, I may say that we seem to be making about as much progress as they are in the other chamber, and my hon. friend will also see that, although the Bills we have carried through this House are not measures that occupied a very great deal of space, they are nevertheless important measures, of intrinsic value in themselves. I may say, also, that when the House rose my hon. friend asked me to submit, even before there was a meeting again, amendments which it was proposed to make to the Criminal Code, printed in galley form, and still stand in that form. The reason for not bringing the measure forward was the same as often happens: a very large number of suggestions, in addition to the suggestions made last year, were made immediately after the adjournment by various parties who ought to have had a good deal of experience in connection with the administration of the criminal law, and those have been printed, and have been under the consideration of the Solicitor General and myself, as we have had opportunities. I hope we have gone through pretty nearly the whole of those suggestions, and that the measure will be before the House at the beginning of next week, and then I judge that we will have the Redistribution Bill immediately.

Hon. Mr. ALMON—It has been stated by what is called the 'reptile press'—a name used as a matter of vituperation when people have no argument—that petitions will flow into this chamber in favour of this Redistribution Bill, and if that is the reason the business is delayed I can certainly understand it.

Hon. Mr. MILLS—My hon. friend is in an excited mood. I had not quite finished my observations when he interrupted me. I may say that I expect that Bill will be brought up almost immediately, that we will have an opportunity of discussing it, and that the Criminal Code Amendment Bill will be introduced at the beginning of next week. These, together with other business, will occupy our attention for some time to come. I do not see anything on the order paper for to-morrow, and if there is no ob-

jection, I would suggest that when the Senate adjourn this afternoon it do stand adjourned until three o'clock on Monday. I have not given notice of this motion, and if there is no objection it may be adopted.

Hon. Sir John CARLING—I think it would suit the convenience of the members from Western Ontario if we were to meet on Tuesday instead of Monday.

Hon. Mr. PROWSE—I have a word to say.

Hon. Mr. POWER—If the hon. gentleman objects that is an end of it.

Hon. Mr. PROWSE—I suppose I may be allowed to say a word besides objecting. I do object to this system of repeated adjournments, and I wish to say that I hold the government responsible for it. There is an old saying that whom the gods wish to destroy they first make mad, and it appears to me the gods of the government are disposed to make the Senate mad by adjourning every second day so that they will soon be destroyed, but I hope the Senate is not going to be destroyed in that way. The matter brought to the notice of the Senate by the hon. junior member for Halifax is a serious one and deserves more careful consideration than has been given to it by the government. We know very well that there is, to a wide extent, a great deal of corruption practised in Canada during elections, and I take it that the government is bound to keep up the standard of political morality to the very highest pitch possible, It is their duty, in my opinion, to throw no obstacles in the way of an investigation into the charges of corruption, but to use every possible means to bring guilty parties to justice, I am sorry to have to say it, but it appears to me that political morality in Canada is to-day at a very low ebb, and it is becoming lower and lower every year. I cannot but contrast it with the high moral tone of the politics in the old country. In England a public man would sacrifice his life before he would sacrifice his honour. He regards his reputation and the reputation of his family, and his own public record as far in advance of money consideration, and the public men of England will not stoop to corrupt practices as public men in Canada are doing to day, I take it that it is the duty of the government more particularly than any other class, but it is also the duty of every public man, I do not care what position he occupies, to put down his foot and say that this thing must come to an end, to say that this corruption must not continue any longer, and that the representative men on both sides of politics should insist upon their political battles being carried on in an honest, straightforword and honourable way. If the present practice is allowed to continue where is it going to end ? We know what the consequences will be. It simply means breeding a civil war. No people in the world are going to submit to a machine controlling the public affairs of the country, and I say it is the duty of the government to investigate this matter. They should throw no obstacle in the way of an investigation of charges of corruption, so that the guilty parties may be brought to justice and punished. Let us all endeavour to elevate the standard of public morality in this Canada of ours.

Hon. Mr. LOUGHEED—Referring to the intimation of the hon. leader of the House as to the introduction of the Criminal Code into this Chamber next week, I would like to point out the very cold comfort there is in the preparation of such a bill of fare as that indicated. For several sessions past, in fact I think for three sessions past, this House has laboured industriously in amending the Criminal Code, and has given no little attention to it.

Hon. Mr. POWER—Two sessions.

Hon. Mr. LOUGHEED—I do not remember any amendment we made in this House the last three years that passed the House of Commons. In fact, these amendments were introduced in the House of Commons at the eleventh hour and permitted to stand over. So that I have a very serious suspicion in my own mind that this Criminal Code is intended to do duty for some sessions to come in keeping the Senate marking time in the absence of anything more important. I do not mean by that that the leader of this chamber is in any way to blame for not having business before us. It, however, affords one the opportunity to make this remark that in the early part of the session it is impossible for this Senate to have as much work before it as would demand its serious attention and necessitate its constant attendance and it seems to

me that while session after session we discuss this phase of the subject, both sides of this House might possibly get together and discuss the desirability of a long adjournment in the beginning of each session. It seems to me that would be a desirable move. It would reflect more credit on the Senate than constantly attending day after day and simply opening with devotions, which may be very desirable, but for which we are not here entirely. It therefore seems to me that the subject should command the attention of some of the older members of the Senate and the question might be discussed with propriety as to our adopting some established practice by which we might have a longer adjournment with the assurance that when we returned here there would be such a volume of business before us as would command our attention.

Hon. Mr. MILLS—My hon. friend opposite objects to the adjournment?

Hon. Mr. PROWSE—No, I withdraw my objection.

Hon. Mr. McCALLUM—An adjournment till Monday would be long enough I think.

Hon. Sir JOHN CARLING—As there does not appear to be any business in the Order paper for to-morrow or Monday, and it is more convenient for many of us to return to Ottawa on Tuesday, I think we might have the adjournment till Tuesday.

Hon. Mr. MILLS—I suggested that we should adjourn till Monday at three o'clock but if it is the general wish of the House that the adjournment be made till Tuesday I have no objection, but I understand there is a feeling against it.

Some hon. MEMBERS—Tuesday, Tuesday!

Hon. Mr. MILLS—Then I move that when the Senate adjourns to-day, it stand adjourned till Tuesday at three o'clock in the afternoon.

The motion was agreed to.

The Senate adjourned at four o'clock.

THE SENATE.

Ottawa, March 13, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THE PACIFIC CABLE.

RESOLUTION POSTPONED.

The notice of motion being called:

By the Hon. Sir Mackenzie Bowell, K.C.M.G.:

1. That the establishment of a telegraph cable across the Pacific to connect Canada with the Australasian colonies has long been recognized as of high importance to the empire; it having been recognized to be of Imperial importance at the Colonial Conferences of 1887 and 1894, affirmed by an agreement between the Home government and the governments of Canada, New South Wales, Victoria, Queensland and New Zealand, and ratified by the Canadian parliament last session; this House therefore regrets that serious delays have occurred in the prosecution of the undertaking, manifestly through the hostility of the Eastern Extension Telegraph Company, which company is now demanding concessions from the Australasian colonies which, if granted, will imperil the success of the Pacific cable.

2. That this House is of opinion that any further delay in proceeding with the actual construction of the undertaking would be inimical to the interests of the empire, and strongly deprecates granting any further concessions to the Eastern Extension or any other company.

3. That it is expedient in granting permission hereafter to private companies to lay cables between British possessions, it be on the express condition that the state may assume ownership whenever in the general public interest it is advisable to do so.

Hon. Sir MACKENZIE BOWELL said: There are other papers, I understand, to be laid upon the table in order to complete the correspondence in connection with this subject, and, under the circumstances, I think it would be advisable that I should not make this motion, although it has been upon the order paper for some little time, until all the papers are before the Senate. They will enable us to deal with the question more intelligently than we could at present. I shall, therefore, let the notice stand until the papers are brought down.

Hon. Mr. SCOTT—I think they will be on the table this afternoon.

The notice of motion was allowed to stand.

PROTECTION WORKS ON THE RIVER DU SUD.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

What was the total cost of the works performed for the protection of the Rivière du Sud, in the parish of St. Thomas, county of Montmagny ?

Hon. Mr. MILLS—I have not the information which the hon. gentleman asks for, but I shall make inquiries and endeavour to obtain it for him if he will permit the question to stand.

The notice of inquiry was allowed to stand.

COST OF POST OFFICE AT MONTMAGNY.

INQUIRY POSTPONED.

The notice of inquiry being called :

What was the total cost of the post office at Montmagny, the cost of the ground and of the buildings thereon, and the extra works required for the adaptation of those buildings to the purposes for which they were bought?

Hon. Mr. MILLS said : I have not had the information transmitted to me by the Post Office Department, and so I am unable to give him the information which he asks.

Hon. Mr. LANDRY--That is very satisfactory !

The notice of inquiry was allowed to stand.

MURRAY HARBOUR BRANCH OF PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. Whether a contract for grading a section of the railway from Charlottetown to Murray Harbour, P.E.I., for which tenders were called in November last, has been awarded?
2. If so, to whom, what is the mileage of the said section, and the contract price per mile?
3. When is the work to be commenced, and when completed?

Hon. Mr. MILLS—A contract for a section of the railway from Charlottetown to Murray Harbour, P.E.I., for which tenders were invited last November, was awarded to J. W. McManus. The length of the section is eleven and a half miles. The contract is not per mile, but a schedule price contract. The work was to be commenced at once, and by the terms of the contract, is to be completed by the first August, 1900.

Hon. Mr. FERGUSON—My object is to get at the cost, the amount of expenditure involved. Could not my hon. friend give that as a total ?

Hon. Mr. MILLS—I have not been furnished with any such information, and I do not know, if the contract is by schedule price, whether there has been such a survey that the quantities can be ascertained or not. I can make inquiry on that subject.

Hon. Sir MACKENZIE BOWELL—Of course that could only be approximate.

Hon. Mr. MILLS—Quite so, and unless there has been a careful survey, not even that, because sometimes these tenders are let according to quantity without the quantity having been ascertained at all.

Hon. Sir MACKENZIE BOWELL—Not without a survey.

SUPPLIES OF OIL FOR THE INTERCOLONIAL RAILWAY.

MOTION POSTPONED.

The notice of motion being read :

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate copies of all notices issued by the Intercolonial Railway since May, 1896, calling for tenders for the supply of oil for the said railway, and also copies of all tenders received in reply to said advertisement and contracts entered into as a result of such call for tenders.

2. A return showing the car mileage on the Intercolonial Railway for the year ended October 31, 1899.

3. Also, a return showing the total amount paid for oils for the Intercolonial Railway for the year ended October 31, 1899, giving the names of the parties to whom such payments were made.

Hon. Mr. FERGUSON said : I do not propose to proceed with this motion for an address to-day. I merely rise to ask my hon. friend, the leader of the government, whether he is prepared to submit a return, which I asked for last session, on this subject. This address proposes to bring the information on the subject up to date ; but early last session, as my hon. friend may remember, I made some inquiries on this subject, and received some answers, but my hon. friend pointed out to me that some of the inquiries could only be answered by a return. I proceeded then to move for a return which I did at quite an early period last session. I was anxious to get it before the close of

last session. I made repeated inquiries for it last year, and I do not wish to go on with this motion until that return is brought down.

Hon. Mr. MILLS—I can only tell my hon. friend that the matter has been brought under the notice of the Minister of Railways, and as soon as the return comes from the Minister of Railways, I shall be prepared with pleasure to present it to the House, but I cannot say at this moment when the return will be ready. I have not that information.

Hon. Mr. FERGUSON—My hon. friend may remember that the Minister of Railways put a statement in his hand, which he read to the House, saying, with regard to the points that could not be answered by a question, that the papers were being sent for to Moncton, and would be brought down when they come. That is a long time ago, and I have made many applications for them. I hope my hon. friend will go further than he has gone, and will remind his colleague earnestly on the matter and see that the information is brought down.

CLAIMS FOR REFUND OF DUTY ON FISH.

INQUIRY.

Hon. Mr. PROWSE inquired :

If the government, or any member thereof have received a petition from Mr. C. C. Carlton, of Souris, P.E.I., praying for the payment to him of the sum of $208.50, to reimburse him for certain money paid by him to the United States Customs Department, as duty on fish exported on or about the year 1872, as set forth in his said petition? If so, is it the intention of the government to pay the said claim, as was done last year in settlement of a similar claim made by Messrs. Mayrick & Co. ?

He said : I wish to make a remark or two on this question. It may be remembered that about the year 1871, the British government requested the Dominion government, and also the government of Prince Edward Island—that province at that time not being part of the confederacy—that they would allow United States fishermen to fish in the waters round the British possessions in North America as had been done under the previous treaty, upon the understanding that the fish caught and fish oil produced by British subjects would be admitted into the United States free of duty. The government of Prince Edward Island acceded to that request of the British government, and made no objections to United States fishermen fishing in Canadian waters ; but the Dominion government did not pass such an order in council, or law, in reference to that matter, and in consequence the promise that was obtained from the United States to admit our fish and fish oil into the republic duty free was not granted on the ground that Canada had not acceded to the request of the British government. The people in Prince Edward Island, dealing in fish, had exported, during 1871 and 1872 a large quantity of fish and fish oil, with the expectation that the duties they were paying on these exports were to be refunded them by the United States government. They were in that regard disappointed, and afterwards they made application to the Dominion government to reimburse them for the loss they had sustained. In 1885, I think, the Dominion government appointed a commission to investigate these claims of the people of the island, and the commission reported favourably upon certain claims of British subjects, and also submitted a report on claims made by United States subjects doing business in Prince Edward Island. The claims of the British subjects were conceded and paid, but the claims of the United States subjects were not paid. There was nothing further heard about this matter until last session, when one of the claims was again revived, and a vote was passed through the parliament of Canada, granting to one of these United States firms doing business in Prince Edward Island the sum of $15,000 in settlement of their claim. Mr. Carlton, the gentleman I have referred to in this question, made application to the Minister of Marine and Fisheries since last session for information as to how he would proceed to collect his claim. He got no satisfactory answer from the minister, and I ask now that Mr. Carlton be placed in the same position as the other gentleman whose claim was paid last year. In doing so, I do not commit myself to the opinion that either claim should be paid, but certainly if it was a right and proper thing to pay fifteen thousand dollars to one individual, surely two hundred dollars ought to be paid to the other, who is in exactly the same position. They are both United States citizens, doing business in Prince Edward Island for the

last forty years, and I see no reason why one should not be placed in the same position as the other.

Hon. Mr. SCOTT—A petition was received from Mr. Carlton a few days ago—I think on the sixth of March—and was referred in the ordinary way for report to council, and from council to the Minister of Marine and Fisheries, to inquire into the facts, and until those have been ascertained, I am not in a position to say what the government would do. It would depend, of course, altogether on the statement of facts.

THE LATE SENATORS LEWIN AND BELLEROSE.

Hon. Mr. SCOTT—I desire to recall to the minds of hon. gentlemen that since we separated last Thursday, an hon. member of this House has been called away by death. The Hon. Mr. Lewin was an old member of this House, having been called to this Chamber, I think, in 1876, and during the earlier portion of the time he was rather a constant attendant. Of recent years he has not been here very regularly. Of a very quiet and retiring disposition, Senator Lewin soon won the respect and esteem of every gentleman in the chamber. He rarely addressed this House in debate, although when matters pertaining to the subject with which he was thoroughly familiar, that is, banking and financial matters, he always took an active part. The hon. gentleman has gone to his long rest, highly esteemed and respected by the whole community who knew him. He was blessed with a very long life, having been born in 1812, and had been president of the Bank of New Brunswick for a period of over forty years—a period that is rather unexampled in the history of Canada. I am quite sure every member of this House fels that the Senate has lost a very kind and valuable member in the late Senator Lewin.

Hon Sir MACKENZIE BOWELL—I take the opportunity of re-echoing the sentiments which have been uttered by the Secretary of State in reference to the late Senator Lewin. His death, I know, was a shock to every one who had the pleasure of knowing him. Although not politically allied to that gentleman, still during the short period of time I have sat with him in this House, I formed a very high estimate of his character. I do not know that I can say more than the hon. Secretary of State has said, and to express the deep regret which, I am sure, every member of the Senate feels at his sudden demise—sudden I call it, though he was well advanced in years. I met the hon. gentleman not many weeks ago in the city of Montreal, and he then told me that he had not felt in better health for years, and I looked forward, as many did when they saw him here, to years being added to his life. The only thing that he really felt was the failure of his eye-sight; beyond that he assured me over and over again that he had not felt physically better for many years past. I must say it was a very great shock to me when I read of his sudden—for such I look upon it,—death the other day. While repeating almost the words that have been uttered by the hon. Secretary of State, I may also call the attention of the House to another death, although it did not occur during our present sitting. Since the prorogation of the last parliament the hon. member from De Lanaudière (Mr. Bellerose) was taken from us. He was a gentleman known to all of us, and he had been in parliament since confederation, and I believe in the old parliament of Canada prior to that. He was a man of strong will, and held strong opinions upon almost every question presented for our consideration. I do not, however, consider that any detriment to a man's political or private character, because it is well that all men, no matter in what position in life they may be placed, should have strong, honest convictions upon questions with which they have to deal, and I am sure that we all respected that hon. gentleman, although we did not always agree with him. I felt his death personally, having known him for the last thirty years, and having sat with him at one time in the House of Commons. Although he and I very often were on opposite sides on different questions, he was a member whom I learned to respect, and in his latter days I think we were more intimately associated than during the previous part of our political career. Death has been making great inroads upon the members of the Senate, but when we consider the ages of a number of us, we may look for these changes. All I can hope is that those who succeed our

departed brothers will be as worthy of the positions they are all called to occupy.

Hon. Mr. MILLS—It seemed to me that it was more appropriate that my hon. friend, the Secretary of State, should allude to the death of Senator Lewin than myself, because he sat in this chamber with him since 1876, when he was appointed, a period of twenty-four years, while I, a comparatively new member of this House, had not the same intimate relations with him as my hon. colleague. I agree with all that my hon. friend, the Secretary of State, has said with regard to Senator Lewin, his high character, his modesty, his attainments, and his thorough acquaintance with the business of banking which made him a valuable member of this House. I may say. also, with regard to the late Senator Bellerose, that I knew him as a member of the House of Commons, like my hon. friend opposite. I knew that he was a man of very strong convictions, of great force of character, and of more than ordinary ability, and I am sure that those who sat with him in the House of Commons, as well as hon. gentlemen in this House, who knew him in his later years here, must all recognize the ability, the energy and the industry which he brought to the discharge of his public duties, and while we regret the loss of those hon. gentlemen, who were ornaments of this House, as well as representatives of the people for a time in the House of Commons, when we see the great age that they attained, we must realize that they could not, at best, have had many years further before them. We trust that those who succeed them in this House will bring the same industry and the same ability to the discharge of their duties that they exhibited while they were members of this chamber.

Hon. Mr. POIRIER—Whether it is they who go away or we that remain who deserve compassion and tears, we all regret the departure from among us of the honoured and highly esteemed colleague who has just passed from this life to his rest in the grave and beyond the grave. As his countryman, as his colleague here, and as his next desk neighbour, I had sufficient intercourse with him to know him well. I always found him, as indeed we all found him, a kind and good man ; indeed kindness and goodness were characteristic traits in him, so much so that they had become depicted in his features. After many years of the performance of good works, the souls of virtuous men become transparent, impressed, or, as it were, photographed in their whole appearance, and especially in their smile. Such was particularly the case with our departed friend. He has gone ; he has been gathered in the granary where Providence will gather us all, those of the other House as well as the Senate, and that at the bidding of no mortal man. The departure of Senator Lewin will cause deep regret in the community, and especially in New Brunswick, where he was better loved, because he was better known. We are losing in him a cherished colleague, a true Canadian, a great Christian and a good man.

Hon. Mr. DEVER—After the kindly, truthful and appropriate remarks of the leader of the government, and the leader of the opposition in this House, it is quite unnecessary for me to say a word, because I think those two hon. gentlemen express clearly the character of the hon. gentleman who has been taken from amongst us. But coming from the city of St. John, and knowing that gentleman for the last fifty years, I felt that I had a right to say a word or two. I knew the hon. gentleman when he was favoured by the British government with a prominent position under that government, and sent out here by them some fifty years ago. He held that office, and it was a very delicate office. It was a position in the Customs Department, where he was most likely to give offence to a great number of people in those days. Notwithstanding the position he held, I always found that he acquitted himself without giving unnecessary offence to any one. He was considered an honourable and fair-minded man even in that office. I have known him since he became president of the Bank of New Brunswick, and perhaps in this Dominion there is not a more successful institution than that bank became under his presidency. It is paying its original stockholders twelve per cent per annum, and is readily selling at over $300 per original share of $100, and its transactions have been carried on in a most satisfactory way under the administration of Mr. Lewin. His name was

looked upon as a household word throughout that province. I might say that every word uttered by the leader of the government and the leader of the opposition in this House as to the character of that hon. gentleman was literally true; he was extremely retiring and modest in his nature and thoroughly honourable in his transactions. It is true he was not what might be considered a troublesome man in politics, but notwithstanding that he was most anxious for the well-being of his adopted country. His native country was Great Britain, and he was an Englishman to the core. He loved his country well, and sustained it in every public measure where he had a right to do so. I do not know a man in my experience who bore a more honourable character than the late Mr. Lewin. After the many kind expressions uttered by hon. gentlemen who have spoken to-day, I do not see that it is necessary to say anything further. I consider we have lost a model Christian, a good man, a citizen of St. John, who will be remembered for a very long period, and in my opinion it will be difficult to get his equal. I am much pleased to be able to say this from an acquaintance of fifty years with that hon. gentleman.

BILLS INTRODUCED.

Bill (F) 'An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.'—(Hon. Mr. Clemow.)

Bill (13) 'An Act respecting representation in the House of Commons.'—(Hon. Mr. Mills.)

Bill (46) 'An Act respecting the Canada and Michigan Bridge and Tunnel Company.' (Hon. Mr. McCallum.)

Bill (21) 'An Act respecting the Hereford Railway Company.'—(Hon. Mr. Perley.)

Bill (22) 'An Act respecting the Niagara Grand Island Bridge Company.'—Hon. Mr. MacInnes.)

Bill (44) 'An Act respecting the Canada Southern Bridge Company.'—Hon. Mr. Kirchhoffer.)

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I would like to ask my hon. friend, the leader of the government, if there is any probability of our getting the papers for which I moved on the 9th February, in reference to the correspondence between the late Major-General and Col. Hughes. The motion was passed on the 9th February, and we have not yet heard anything about it. If we had those papers before us they might aid materially in the discussion which is likely to follow the motion which I have already placed on the notice paper. While I am on my feet, I desire to ask the hon. Secretary of State whether there is any probability of our ever getting that return for which I moved early last session in reference to the dismissals in the different departments, some of which were laid before the House, but there were other departments which did not send any returns to us, particularly the Department of Railways and Canals, from which department was sent a very curt reply to the questions asked; I acquit the hon. Secretary of State of any blame in the matter, because I know his desire to have the papers laid before the Senate when they are ordered, but it does seem to me that some of the departments have made up their minds to treat the requests of the Senate with contempt, particularly the Department of Railways and Canals, for, ever since the present government has been in power, when a question has been asked here, and motions have been passed by this House relative to public matters, for information which we are entitled to get, scarcely ever has the information been furnished. I do not desire to cast any reflection on any department, but I think the dignity of the House demands that there should be either a distinct refusal to bring down the information, a defeat of the motion when it is made, or that the information should be furnished us within a reasonable time. Some departments give us the information and others do not. If it is not in the interests of the country that these facts should be laid before us, all the government has to do is to say so, and I do not know that we would particularly object. If it is not in the interests of the country that certain papers should be brought down, those at least who have had some experience in governing the country, would acquiesce at once, but when motions are regularly and freely accepted, and then session after ses-

sion passes without the returns being brought down, I think my hon. friend who leads the government in the Senate will agree with me that it is not treating this House with the respect to which it is entitled.

Hon. Mr. MILLS—I do not know any reason—there may be reasons—why the papers that were moved for some time ago have not been brought down. With regard to these that the hon. gentleman has moved for, the Hughes-Hutton correspondence, I may say I know the Department of Militia and Defence has been so occupied of late that it would be very difficult indeed to take up anything but what is absolutely necessary, and pressing on their attention. I shall, however, call the attention of the Minister of Militia and Defence to my hon. friend's motion, and trust that the papers may be brought down before he discusses the letter which he has read here to-day, and upon which he purposes inviting a discussion in this House. With regard to the other return, I shall invite the attention of the Minister of Railways to the motion of my hon. friend, and the delay that has occurred.

Hon. Mr. FERGUSON—There are many other departments as well as the Department of Railways that are behind with the information.

Hon. Mr. MILLS—I understood there were one or two parts of it which my hon. friend the Secretary of State brought down some time ago.

Hon. Sir MACKENZIE BOWELL—Some of it, but not all.

Hon. Mr. FERGUSON—The Railway Department brought down a return which was not acceptable, but some departments did not bring down any at all.

Hon. Sir MACKENZIE BOWELL—Particularly that return with regard to the receipts from the sale of school lands in Manitoba. I did not ask for any elaborate return. All I asked for was that a return, which had been made up to a certain date, should be continued up to the present time. There cannot be much work involved in that.

Hon. Mr. MILLS—My hon. friend refers to the school lands return now?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. LANDRY—I would suggest to my hon. friend also, so that he may not knock at the wrong door, not to ask the Postmaster General for the information I was seeking for to-day, but to address himself directly to the Department of Public Works.

Hon. Mr. MILLS—I noticed my hon. friend's question.

The Senate adjourned.

THE SENATE.

Ottawa, March 14, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (G) 'An Act to incorporate the Canadian Steel Company.'—(Hon. Mr. Clemow.)

COX DIVORCE BILL.

Hon. Mr. KIRCHHOFFER, from the Standing Committee on Divorce, presented their fourth report. He said: This is the report made by the committee on having submitted to them the evidence showing that service had been made on all the parties as ordered by the last report on this case which we discussed last week. I may say, for the benefit of those hon. gentlemen who seemed to think that the committee had been lax in its directions, or remiss in its efforts to obtain personal service upon the respondent in this case, that at the time that the former report was made the committee instructed the petitioner to produce service upon the respondent in this case, that at the time that the former report was made the committee instructed the petitioner to produce additional evidence showing the efforts that he had made to serve the respondent personally, and that evidence was produced to-day, and as the affidavit is short, I will ask the liberty of the House to read it. The affidavit is as follows:

I, Edwin James Cox, of the city and district of Montreal, the said petitioner, do solemnly declare:

1. That down to the present time I have been unable to obtain any information as to where the said respondent is or has been during the last three or four years.

2. That I have not seen or had any information as to where she is since shortly after the judgment in review, in the action in separation, a copy of which judgment has already been filed with this petition.

3. That shortly after said judgment the said respondent seems to have disappeared from Montreal, and all inquiries, including the efforts made by the detective, John A. Grose, whose declaration is also filed herein, concerning her, have failed to obtain any information as to her whereabouts.

4. That from time to time I have made inquiries of all the persons mentioned in my last declaration as being related or allied to her, and on whom copies of the present Bill and Notice have been personally served in accordance with the order of the Senate, as appears by the returns herewith, with the result, as before stated, that I have been totally unable to obtain any information as to where she is which would enable me to serve or have her served with a copy of the said Bill and notice.

And I make this solemn declaration, conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act, 1893.

ED. J. COX.

Declared before me at the city of Montreal, in the county of Hochelaga, in the province of Quebec, this twelfth day of March, A.D. 1900.

HURLOW H. HUTCHINS.

As I said before, when we were discussing this subject, we might have ordered publication, or might have had an advertisement and made the service by publication, but I think the House will agree with me that under the circumstances, we did everything we could to bring the notice before the parties. I move that this report be taken into consideration to-morrow.

The motion was agreed to.

PROTECTION OF RIVER DU SUD.

INQUIRY.

Hon. Mr. LANDRY inquired:

What was the total cost of the works performed for the protection of the Rivière du Sud, in the parish of St. Thomas, county of Montmagny?

Hon. Mr. MILLS—I cannot give the hon. gentleman the information. As soon as I receive it I shall bring it down to the House without delay. I have already asked that the matter be expedited.

Hon. Mr. LANDRY—I suppose the same applies to the other question of which I have given notice:

What was the total cost of the post office at Montmagny, the cost of the ground and of the buildings thereon, and the extra works required for the adaptation of those buildings to the purposes for which they were bought?

Hon. Mr. MILLS—The same answer applies.

Hon. Mr. LANDRY—And to every question we may ask this session. It would not take half an hour to get that information if the hon. minister was willing to get it.

SUPPLY OF OIL FOR THE INTERCOLONIAL.

MOTION DROPPED.

The notice of motion being read:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate copies of all notices issued by the Intercolonial Railway since May, 1896, calling for tenders for the supply of oil for the said railway, and also, copies of all tenders received in reply to said advertisement and contracts entered into as a result of such call for tenders.

2. Return showing the car mileage on the Intercolonial Railway for the year ended October 31, 1899.

3. Also, return showing the total amount paid for oils for the Intercolonial Railway for the year ended October 31, 1899, giving the names of the parties to whom such payments were made.

Hon. Mr. FERGUSON said: The papers have already been brought down, I believe, and I ask that the order be discharged.

The order was discharged.

MILITARY CHURCH PARADES.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, I should like to direct the attention of the government to a couple of articles which have appeared in recent issues of the Ottawa *Citizen* and other papers. The paper which I hold in my hand is the *Citizen* of last Monday, and the article to which I refer, reads as follows:

Dr. Rose Complains

That There was no Parade of Methodist Members of Strathcona's.

Rev. Dr. Rose, in the course of his sermon in Dominion Methodist church yesterday morning, drew attention to the fact that none of the officers or men of Strathcona's Horse who were in the church parade, were in attendance at the service, although provision had been made for the Anglicans, Roman Catholics and Presbyterians, who were told to attend service at Christ Church Cathedral, St. Patrick's Church and St. Andrew's Church. Hence the Methodist pastor regretted that no provision had been made to enable the Methodists to attend their own church. He regretted it all the more, he said, from the fact that on Thursday last he had written Col.

Steele stating that his officers and men would be made welcome at Dominion Methodist Church whether they came singly or in a body. He could not think that Col. Steele would ignore his invitation, as such a proceeding would constitute a serious breach of military etiquette.

Col. Steele, when spoken to on the matter later in the day, stated that he regretted to have to say that Rev. Dr. Rose's kind invitation had not been brought to his notice. Had he received it he certainly would have acknowledged the courtesy of the pastor of Dominion Methodist Church.

All arrangements for the church parade, Col. Steele stated, were left in the hands of Col. Cotton, district commanding officer.

And in to-day's *Citizen* I find the following, among other things :

The following telegram has been received by Dr. Rose from Col. Steele:

'Your statement in the pulpit that I repudiated your invitation is incorrect. The very day received, it was referred to the officer commanding the Ottawa brigade.'

It will be seen from the above that Col. Steele has been misled as to what Dr. Rose really said. The latter did not even suggest a repudiation of the invitation, but simply stated the facts of the case without any comment in order that the members of his congregation might know that the omission of the Methodist parade was not due to their pastor's negligence.

In directing the attention of the government to this incident, I might say that had Col. Steele not authorized an officer outside of the Strathcona Horse to look after this parade, probably the government could take no cognizance of the incident which unfortunately occurred. But inasmuch as Col. Steele handed over the arrangement for the parade to an officer under the authority of the Militia Department, and who presumably is acting in whatever he does under the authority of that department, it is but right, in justice to the Methodists of the Dominion, that the attention of the government should be directed to the act of discourtesy which is complained of, because I might say that any official of the government being guilty of an act of discourtesy to Dr. Rose, in his capacity as pastor of the Dominion Methodist Church here, is likewise guilty of an insult to the whole Methodist body throughout the Dominion. Knowing Col. Steele as I do, I would not for a moment accuse him of discourtesy or incivility. In fact, the North-west public have the fullest confidence in Col. Steele's courtesy and recognition of the rights of the men under him. His reputation is of such a character that nobody would think for a moment of holding him in any sense responsible for this act of discourtesy of which I complain. I might say that I would not direct the attention of the government to this incident had not the frequency of these incidents been thrust upon the public from time to time in connection with the Militia Department. It was only a few weeks ago, in connection with the second contingent at Halifax, that the intervention of the minister was required to prevent military discipline from being exercised upon some members of that force, because they refused to carry out the instructions of an officer to attend some church other than the Methodist Church, and I notice by the public press that it required the intervention of the Minister of Militia to do justice in the matter. I might say that the Methodist body has not been supersensitive in directing public attention to this, I might say constant, or frequent, ignoring of the rights to which they are entitled as well as the other religious bodies throughout the Dominion. It is not necessary for me to say that the Methodist body is the largest Protestant body in the Dominion, that the last statistics established the fact that they are the owners of one-third of the churches throughout Canada, that their churches, their benevolent institutions, their universities and schools cover this broad Dominion, but, notwithstanding this fact, what they cherish more than those forces to which I have referred is the fact that in this Dominion of Canada civil and religious institutions are enjoying a freedom not exceeded in any other country within the empire. Hence, they naturally resent any act of discourtesy from officials who may be of an irresponsible character, as in this case. While I direct the attention of the government to this fact, I might say also that the same thing repeats itself in state functions throughout the Dominion. As I said a few moments ago, the Methodists are not a hypercritical body in regard to special, or exceptional, or even a general recognition of their rights, but we find that in the state precedence which obtains in this Dominion, there has never been any recognition of that body to the same extent as some of the other bodies in the Dominion. In fact, my attention was directed to the regrettable fact that, while at the opening of this House special provision was made for the reception on the floor of the House of the representatives of other religious bodies,

there was an absolute ignoring of the representatives of that great religious body, and it required the intervention of certain members of this House before the official charged with the administration of etiquette at those functions recognized for a moment that the representatives of that body had the same right as those representing other religious bodies to sit upon the floor of this chamber in the opening of parliament. I might say that the Methodist body is not seeking any special rights. They are not seeking for political favours. All that they seek, and all that they require from the government, is that there should be impressed upon its officials the necessity of extending courtesy and civility to that body the same as extended to any other religious body throughout the whole Dominion, and if a general order has not been passed so as to compel military officials to pay respect to the various religious bodies throughout the Dominion, and recognize the equality of all religious bodies—because it is not by reason of one being a more influential body than the other that this preference is shown—then such an order should be promulgated so that there should not be that offensive conduct in the matter of drawing invidious distinctions which so oftentimes is obtruded upon the public notice and particularly upon those religious bodies which have been so ignored. I am satisfied that all I have to do in the matter is to direct the attention of the government to this unfortunate incident and there will not be a repetition of it in the future. My hon. friend the leader of the opposition directs my attention to an article in another paper which I had not seen before, and possibly my hon. friend will read it.

Hon. Sir MACKENZIE BOWELL—The correspondence to which I refer is that of the Toronto *Mail and Empire*, in which attention is called to the circumstances of which the hon. gentleman from Calgary has spoken. The correspondent says that he called Col. Steele's attention to the remarks made by the Rev. Dr. Rose, and that the answer of Col. Steele was as follows :

The commanding officer informed me that he had no recollection of having received any letter from Dr. Rose, as stated, although it might possibly be among a stack of correspondence which he had not time to look at. It was the last thought in his mind to slight any church or any person. If he had received one, he had received fifty personal invitations for the regiment to attend church to-day, but in every case the same answer was given——

This is the point to which I desire to call attention :

—namely, that the Militia Department was making all the arrangements. So ignorant was he of the matter that when he left the grounds this morning, he had no idea where the churches were to which his men were going.

The only point in that article which justifies any reference to it, is the fact of Col. Steele's statement as to the Militia Department making the arrangements, and it appears that it was confined simply to the three churches. I might mention, also, that this is not the first time that I, individually, have had to complain of the want of that courtesy which I think should be extended to all churches. When I came here to attend the opening of the Senate, I had received a letter from Senator Cox, from Toronto, asking me to see that the president of the Methodist body, the Rev. Dr. Carman, had a proper seat allotted to him. Every one knows what position the Rev. Dr Carman occupies as the head of the largest Protestant body in the Dominion of Canada. When I went to Black Rod, who has this matter in charge, and asked him whether a ticket had been sent to the Rev. Dr. Carman as the head of the Methodist body, I was informed that no ticket had been sent. I then looked at the list and found that there was not a single Methodist clergyman in the city of Ottawa who had been allotted a seat in the place set apart for the clergy and different dignitaries in the city, and no tickets had been sent. I was informed by the Usher of the Black Rod that if a ticket had been sent to Dr. Carman it was done without his knowledge, and that he had nothing to do with it. I do not know whose duty it is to look after it, but I think it is high time that a denomination so important as the Methodist body should have the same attention paid to them as is paid to the others ; and upon my suggestion a ticket was sent to the Rev. Dr. Rose, and a place allotted to those two gentlemen on the floor of the Senate. The ticket of invitation to the Rev. Dr. Carman had been sent by the Premier individually, without the knowledge, so far as I could ascertain, of any one connected with the Senate. Of course, I make no complaint of

that, but I think the least that could have been done would have been to inform the Senate authorities who had the allotting of seats to these gentlemen, so that they would know who was coming, and even if that had not been the case, if the Premier had not sent this ticket, none would have been sent to that body at all. It is not necessary for me to enlarge upon this subject. It is unfortunate that it has occurred. My hon. friend the Secretary of State knows the difficulties which have presented themselves to all governments upon this unfortunate question of precedence, but I will say, without violating any secret of either government, that when I was in London three years ago, I had an interview with the Colonial Secretary, Mr. Chamberlain, upon this very question, and he frankly stated that anything that Canada wanted in reason in reference to the changing of the order of precedence, the Colonial Department would not object to. Then, he pointed out that some little difficulty had arisen in the correspondence that had taken place. I went to the Under Secretary, and saw him in reference to that question, and simply pointed out to him the fact that there is no state church of Canada.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Everyone is upon a footing of equality, and all that we ask is that the Methodists, the Baptists, or any other body that has an organization, should be treated upon a basis of equality. No one denies that the older churches should take precedence—at least I do not, and I do not know that anybody does. The question has been one of the difficult matters with which we have had to deal for the last ten or fifteen years, but like many other questions in which the Colonial Secretary and the home government acquiesce in the demands which have been made upon them by the government of Canada, it stops there. You cannot get them any further, and I think I will show that plainly when I come to deal with the question of the Pacific cable. This is another instance of it, and the sooner it is put a stop to in a country like this, where all religious bodies stand on an equal footing the better. I am quite willing to give precedence to the older churches, but let all have a place allotted to them so that they will know where they stand.

Hon. Mr. MILLS—When my hon. friend speaks about the older churches, I think he might have a very fierce controversy upon that subject, for there is not likely to be an agreement upon that point. I may say that I entirely agree with the view expressed by the hon. gentleman, that in the opening of parliament and our state functions, we ought not to discriminate between the religious bodies of the country, that we have no state church here, and we will presume that in that respect they all stand upon a footing of equality; that we are not here an ecclesiastical council to decide who is right and who is wrong, and that being so, we cannot distinguish between them. My hon. friend speaks about a matter that I have heard. I remember reading in the newspapers a paragraph relating to the fact that the Rev. Dr. Carman and the Rev. Dr. Rose, had not been invited to a seat on the floor of this House as representative men of the Methodist body. Whether anybody should be represented here is a question which might perhaps be considered in the face of these controversies that have arisen, but I may say that I have no doubt whatever that the Minister of Militia has not undertaken to discriminate between the different religious bodies of the country with regard to military affairs. I am perfectly sure that he has not undertaken to discriminate against the Methodist body. How the difficulty has arisen to which the hon. gentleman from Calgary has referred, it is impossible for me to say, because I have heard of it here from him for the first time. The articles which he has read had escaped my attention, and with regard to the course pursued by my hon. friend opposite in this House, I do not think we have made any alterations or changes in the conditions of things which exist at present of which he complains. I think those conditions have continued to exist since confederation.

Hon. Sir MACKENZIE BOWELL—So far as the order of precedence is concerned, that is so, because that was adopted by the Colonial Office, but there are the other difficulties.

Hon. Mr. MILLS—As to the other matter, I knew nothing about it. It was not brought

to my attention, and my hon. friend admits that Senator Cox, a prominent Methodist, communicated with him. He did not communicate with me, and so far as I am concerned, I knew nothing of these matters. I supposed that they had all been settled at a very early period of confederation, so far as their rights to a seat on the floor of this Chamber were concerned.

Hon. Mr. MILLER—Only two bodies.

Hon. Mr. MILLS—If that be so, if there be the difficulties which my hon. friend has mentioned, that may be the reason why the matter should be taken up and the various religious bodies of the country put upon a footing of equality in the opening and closing of parliament, and at other state functions. I think that in a country where you have no established church that would be very desirable, and that the very weakest body in the country in that regard—because it is a personal and individual matter—should not be put in the position of inferiority, even to one that is very numerous and very powerful.

THE BUBONIC PLAGUE.

Hon. Mr. MACDONALD (B.C.)—Before the Orders of the Day are called, I wish to remind members of the government and of this House of the fact that very early this session I called attention to the necessity of taking measures to prevent the bubonic plague coming into Canada. I have read in a paper to-day that a ship arrived from Japan, one of the Japanese line, probably officered and commanded by Japanese officers, with a great many coolies on board, and they were all huddled down in the hold in the greatest dirt and filth imaginable. The ship had to be torn to pieces, so as to cleanse it. The worst feature of it is that within fifty miles of Canadian territory the bubonic plague has been landed, on the shore opposite Victoria. I hope the government will take every possible means to prevent this plague from coming in. The Japs who have the plague may at any time escape into the Dominion, and if the disease finds lodgment in the country, there is no saying how far it may go. The government should at once communicate with the quarantine officers and leave nothing undone that can be done to prevent the plague from coming into the Dominion.

Hon. Mr. MILLS—My hon. friend gave notice of this inquiry at a very early period of the session, and I received at the time, and had in my desk for several weeks here, a report from the quarantine officer, Dr. Montizambert, and perhaps in reply to my hon. friend, I had better read it :

Ottawa, February 9th, 1900.

With regard to the presence of bubonic plague in Japan, it will be within your recollection that special precautions have been carried out at the quarantine station in British Columbia for the last three years, owing to the presence of bubonic plague in the Orient. These precautions include the bathing of the persons of all Chinese and Japanese steerage passengers arriving at William Head, and the disinfection of their clothing.

Since the outbreak of bubonic plague at Kobe, I have communicated with the superintendent of the steamship lines of the Canadian Pacific Railway Company, and have an assurance from him that up to the latest advices to date of 6th January, their vessels are not carrying steerage passengers from that port.

There have been, by your authority, very stringent special regulations issued for the protection of Canada from the threatening invasion of this disease.

With regard to the question of the possibility of the bringing in of the disease by the importation of silks, and fabrics of that kind, and fruit, and the question as to whether it might be necessary to stop the importation of all kinds of products from Japan, and to stop immigration, I may say :

1st. With regard to immigration, that we have protection from the facts partially recited above ; from the fact that the steamship companies, as a rule, for their own sakes, cease to bring immigrants from a port which has been declared infected ; that immigrants taken at any port in the Orient, are subjected to medical inspection, before being allowed to go on board ; that the length of the voyage is greater than the period of incubation of the disease, so that when a vessel arrives at William Head without any cases of plague having occurred on board, the danger of any of the passengers declaring it afterwards may be safely considered as past, after our special quarantine inspection.

2nd. With regard to the question of cargoes, in view of the facts that the possibility of the conveying of plague by merchandise is still unproven ; that the experience of the harmless importation of cargoes to this country, to the United States, and to Great Briain, for years past, from countries where plague has been present, would seem against the theory of its possible importation by such means ; that such knowledge as we have of the life history of the bacillus of this disease confirms us in this belief, I have not considered myself justified in recommending you to cause any restriction to the free acceptance of merchandise arriving by healthy vessels.

With regard, however, to cargoes that may arrive in vessels on board of which actual cases of the disease have occurred, the special regulations which you have issued to your officers, provide for the most stringent and complete disinfection of the cargo as well as of other parts of the vessel.

F. MONTIZAMBERT, M.D., Edin., F.R.C.S.
Director General of Public Health.

I think my hon. friend will see that proper precautions have been taken to prevent the introduction of the plague into this country.

Hon. Mr. MACDONALD (B.C.)—I am sure the House will feel gratified to hear that very full and comprehensive report. The urgency now is much more pressing. Fortunately the ship lies some fifty miles from Victoria. I shall communicate, myself, with Dr. Montizambert, and give him this paper with the report to show him how close the plague is now to our shores.

BILLS INTRODUCED.

Bill 41) 'An Act respecting the River St. Clair Railway Bridge and Tunnel Company.'—(Hon. Mr. Kirchhoffer.)

Bill (48) 'An Act respecting the Montreal and Ottawa Railway Company.'—(Hon. Mr. MacInnes.)

Bill (33) 'An Act respecting the British Columbia Southern Railway Company.'—(Hon. Mr. MacInnes.)

Bill (26) 'An Act respecting the Kaslo & Lardo-Duncan Railway Company.'—(Hon. Mr. Macdonald, B.C.)

The Senate adjourned.

THE SENATE.

Ottawa, March 15, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THE PACIFIC CABLE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

1. That the establishment of a telegraph cable across the Pacific to connect Canada with the Australasian colonies has long been regarded as of high importance to the empire ; it having been recognized to be of Imperial importance at the Colonial Conferences of 1887 and 1894, affirmed by an agreement between the home government and the governments of Canada, New South Wales, Victoria, Queensland, and New Zealand, and ratified by the Canadian parliament last session ; this House therefore regrets that serious delays have occurred in the prosecution of the undertaking, manifestly through the hostility of the Eastern Extension Telegraph Company, which company is now demanding concessions from the Australasian colonies which, if granted, will imperil the success of the Pacific cable.

2. That this House is of opinion that any further delay in proceeding with the actual construction of the undertaking would be inimical to the interests of the empire, and strongly deprecates granting any further concessions to the Eastern Extension, or any other company.

3. That it is expedient in granting permission hereafter to private companies to lay cables between British possessions, it be on the express condition that the State may assume ownership whenever in the general public interest it is advisable to do so.

He said : This motion, which has been standing on the paper for some little time, is one of very great importance, not only to Canada as a portion of the empire, but to the empire itself. Since the motion was placed uopn the paper, the question has been so thoroughly discussed in the House of Commons, and also before the Confederation League that met a few days ago, that I am relieved of the responsibility and labour, to a very great extent, of dealing with the subject from what might be considered a colonial or imperial standpoint. The imperial character of the enterprise is so thoroughly understood, and so completely appreciated by the whole of the British Empire, outside of the Eastern Extension Telegraph Company, who are directly and pecuniarily interested, that to spend time in elaborating the subject would be altogether unnecessary. I have deemed it expedient, therefore, to confine myself, as near as possible, to a discussion of the enterprise from the time that the first resolutions were passed, in 1887, at the conference which was held in London. My reason for doing that is to point out to this House and to the country the dilatoriness with which the project has been treated from the time I have mentioned, and to try to point out why delay has taken place from 1887 until the present period. A study of the subject will convince any one that that delay has been brought about by an undue influence on the part of that great cable monopoly that exists in London at the present day, and that in exposing that we shall accomplish, I hope, the end we have in view, which is the breaking up of that monopoly and the establishment of telegraphic communication around the whole world touching no other portion of the earth except that which is under the British flag. In 1887, a conference was held in England to consider trade relations between Great Britain and her colonies. At that time the question of a Pacific cable between the Dominion of Canada and the

Australasian colonies, connecting with the lines already existing, was brought under the consideration of that conference, and it is somewhat gratifying to know that the resolution, passed at that time, was proposed by a Canadian.

Sir Alexander Campbell and Mr. Sandford Fleming were the delegates representing Canada at that conference. At that time the Hon. Mr. Campbell, P.M.G., moved a resolution affirming the necessity of the Pacific cable, which we are now considering. That resolution was passed unanimously. It was then urged upon the Home government the necessity of having a hydrographic survey of the Pacific Ocean made in order to ascertain whether, in view of the distance between this continent and the first point at which the cable would touch some island in the Pacific, and thence on to Australia, the project was at all feasible. At that period of our history, it was also thought that the depth of the ocean would militate against an enterprise of this kind. However, experience has taught us that the depth of the ocean is no barrier—on the contrary, that when a cable is sunk sufficiently deep, it is safer and lasts longer, is less subject to friction from the waves than it is in shallow water. The British government sent a vessel to make a survey of the ocean. However, it had not been long at work until it was withdrawn, and, strange to say, no one knew what the result of that survey was—what the report of the officers was—until as late as 1894. Then a report was made, but that report was not laid before the public so as to show the exact position in which the question then stood as to the feasibility of this scheme. The matter then remained in abeyance until 1893. Previous to that, however, Canada had subsidized a line of steamers to run between the Dominion and the Australasian colonies. That line of steamers had not been at work very long until it was found that, in order to make it a success, it was necessary to have telegraphic communications between Canada and Australia across the Pacific. There are many reasons which I could give why that view was taken, but it is unnecessary, I think, at the present day to recite them, because the question has been so thoroughly discussed that there are few who have paid any attention to the subject that do not realize the fact that trade in these days can only be carried on successfully by means of cable communication between different parts of the world. In order to impress that idea on the people of Australia, the Dominion government decided to send a delegate to those colonies for the purpose of bringing under the notice of the different Australasian governments the importance of trade between these two portions of Her Majesty's dominions, and also to bring under the notice of these governments the necessity for cable communication in order to facilitate and build up that trade between the colonies that we hoped, and still hope, will increase and multiply in volume. The Minister of Trade and Commerce was selected to proceed to Australia, and was accompanied by the then Mr. Sandford Fleming, as his adviser. I may add this to the credit of Mr. Fleming, that his mission and all the work that he performed in connection with this enterprise, and his journey from Canada to Australia, and from Australia to England, where we desired to bring under the notice of the Imperial government the very important questions to which I shall allude before I sit down, was all at his own expense. He paid his own passage and his own travelling expenses throughout. I pay this tribute to that gentleman because many thought at the time, when he was taking so much interest in the project, that he was being paid for the work he was doing, while, on the contrary, he was paying for it out of his own pocket. After the Canadian government had decided to send their Minister of Trade and Commerce and Mr. Fleming, the Colonial Office was notified of the object which the Canadian government had in view in sending a deputation to Australia, and notice was cabled to the Colonial Office on the 11th of September, 1893, asking that department to render such assistance as was within their power, to accomplish the object which the Canadian government had in view—that is, the construction of the cable and the increase of trade between the two countries. The deputation sailed on September 17, only a few days after the Colonial Office had been notified of the intention and the action of the Canadian government. When I point out to you, as I shall shortly, what occurred, it will not only surprise every member of the Senate, but, I think, will surprise every one who has not studied the question; in-

stead of sending documents to the different colonial governments in Australia, asking them to assist the Canadian delegation, all the letters and despatches which were sent had but one object, namely, to frustrate anything they might attempt to do. En route to Australia, Mr. Fleming and myself stopped at Honolulu, the capital of the Hawaiian Islands, and, while there, we took the trouble to investigate, as far as we could, all the documents and papers which were within reach, and also the Admiralty charts, to ascertain if there was not some island in the Pacific Ocean which could be utilized for the purpose of a landing spot, so as to break the great distance that must necessarily occur, if the cable was laid from this continent to Fanning island, the first British possession we could reach in that locality. We found that there was an island called Necker Island upon which the flag of no nation had been raised. We then took steps to bring the existence of this island under the notice of the Imperial government. I merely mention that 'en passant,' but shall refer to it more fully hereafter. On arriving in Sydney we at once sought interviews with the different governments of Australasia. We had an interview with the New South Wales government on the 11th October; with the Queensland government on the 20th October; with the Victoria government on the 30th October, and with the government of South Australia on the 2nd November. At each of these meetings, the first thing that met us was a despatch from the Colonial Office containing a letter dated the 15th September, 1893, written four days after the notification of the Canadian government to the Colonial Office of the fact that a deputation was to be sent to Australia, and that despatch contained also letters from the General Post Office of the 5th July, 1893, and the report of the hydrographer, of February 28th, 1887, all of which were adverse to the laying of that cable. Now, the question arises, when the Colonial Office was asked to assist, why were these adverse reports sent immediately to Australia in time to reach there before the Canadian delegation, and to place the Post Office Department in each of the different colonies in possession of reports which threw cold water on the project and which declared, in some of them, the impracticability of laying the cable.

There was also a letter from the late Sir John Pender, who was president of the Eastern Extension Telegraph Co., as you all know, he being strongly opposed in every respect to the construction of this cable. In addition to that, while we were engaged in these negotiations in Australia, strange to say a positive agreement was entered into between the Colonial Office and the Eastern Extension Co., giving a monopoly to the company of landing privileges in Hong Kong until 1918, or 20 years, and a special provision is in that agreement, as against Canada, but the Imperial government, reserve to themselves the right to purchase all the interests that the Eastern Extension Company had in that telegraph plant. But what I desire more particularly to point out to the Senate is the extraordinary fact, that while the Colonial Office was in possession of the fact that Canada had subsidized a line of steamers to cultivate trade between those two portions of Her Majesty's dominions, and had sent a delegation to Australia for the purpose of assisting in developing trade and for the purpose of having cable communication laid across the ocean between the two continents, that they should have sent, at that very time, reports adverse to the whole scheme, and, in addition to that, entered into another agreement with that great monopoly, the Eastern Extension Company, by which Canada was specially precluded from landing a cable of any kind in Hong Kong. We can draw just what inference we please from that fact. Having got through that portion of our duties we brought the attention of the Australian governments to the necessity of securing possession, if possible, of Necker Island, and I may say the Australian governments fully concurred in everything we did in that particular. We at once drafted a despatch, not only to our own government, but also to the Imperial government, urging upon them the necessity of securing the sending a war ship and raising the British flag on the island. That is fully brought out in the paper that has just been laid before the Senate, and in reading a couple of paragraphs from that paper the Senate will get a better idea, and in a more succinct form, of the matter than I could

give, of what we did at that period. The writer goes on to say :

Every inquiry at Honolulu, during the minister's visit in 1893, having satisfied him and the resident British Commissioner that Necker Island was unclaimed by Hawaii or by any power, a memorandum was sent to the British government pointing out its singularly commanding geographical position for telegraphic purposes, and as possibly it was of vital importance to secure it as a landing station for the Pacific cable, it was strongly recommended that it be immediately taken possession of in the name of Her Majesty. The circumstances respecting the availability of Necker Island were, without loss of time, made known by the Minister of Trade and Commerce to the governments of Canada, New South Wales, Victoria and Queensland. Each of these governments was convinced of its great utility, and in October, 1893, sent instructions to their respective High Commissioners or Agents General in London to urge upon the home government the advisability of immediate action being taken in securing possession of this unclaimed islet, for the purpose of making it a landing station for the Pacific cable. The Australian governments as well as the Canadian Minister of Trade and Commerce, having read the despatches above mentioned, recently transmitted by the Colonial Office, were impressed with the alleged impracticability of the Fanning Island group, and looked upon the possession of Necker Island as vital. It was accordingly arranged that I should proceed from Australia to London with the special object of leaving nothing undone to secure its possession.

It is Mr. Fleming who wrote this despatch. Mr. Fleming left Australia while I was in the colony, and proceeded to England and laid this important question fully before the Imperial government. The result was that a gentleman was sent—it is not necessary for me to mention names—from England to the Hawaiian Islands for the purpose of investigating this subject, and I may add that the Canadian government sent Mr. Fleming to accompany him, meeting him in San Francisco, but, unfortunately for this country, some people could not hold their tongues, and there were people in Honolulu who let the cat out of the bag. The moment the president of the then Republic of Hawaii heard of it, he at once despatched a warship of their own to Necker Island and hoisted the Hawaiian flag. Delay and talk caused the loss of that island to Great Britain, and for the reasons which I have pointed out, I have no doubt at all but what, by some means or other the Pender monopoly obtained the information, which they should not have had, and probably the same influence which induced the Colonial Office to put the Australian government in possession of information which would lead to the destruction of the whole enterprise, if acted upon, obtained that information through the same source, and communicated it to the authorities in Honolulu. However, I have given the House these historical facts, which may be new even to many people who take an interest in this project. The matter ended there and the question then arose as to whether a cable could be laid between British colonies and Fanning Island, and successfully worked. I may state, as a piece of information, that that objection was met when Mr. Fleming and I were in London in 1896, when we took means, through the kindness of Mr. Hosmer to have that matter decided, tested the question by maintaining a direct connection between London and the terminus of their Atlantic cable on this continent, and returned back to London without a break. That established beyond a doubt or peradventure that there was no difficulty whatever in laying a cable from British Columbia to Fanning Island, and having it successfully worked, notwithstanding its distance. So that in that respect we were enabled to meet the objection, which I am glad to know has been verified since the time that we were in England.

The next step taken in this connection was at the Colonial Conference held in Ottawa in 1894. That conference was composed, as hon. gentlemen know, of representatives from all the principal colonies, and further, by a representative from England herself. That was the first time, in the history of our country, that a colonial government suggested a conference to consider the question of trade between the different parts of the British Empire, and the construction of a Pacific cable, and in addition to that to invite the Imperial authorities to send a delegate to take part in its deliberations. I look upon that as an event worthy of mention, and one that will be considered many years hence as an important incident in the history of our country. The Canadian government inaugurated that conference of 1894. They invited the Imperial government to assist them in coming to conclusions as to the best mode of cementing the different portions of the empire together, and establishing trade relations that did not then exist ; and at that meeting a resolution was unanimously passed, affirming the importance and the necessity of this cable. They went further : they authorized by resolution the Canadian government to

advertise for tenders—they did not say to advertise, but to ascertain by every means possible, the cost of construction and laying of a cable of that kind, and its feasibility, and whether it was probable that science had sufficiently advanced to overcome the many difficulties which had existed years ago. The Minister of Trade and Commerce at once advertised in the English papers for tenders for the laying of a cable between Canada, Fanning Island, and New Zealand, and the other Australasian colonies, asking for tenders via Necker Island, and via Honolulu, and by Fanning Island. The result was that the very best cable manufacturers in the world sent in tenders, offering to construct and lay the cable for nearly half a million of money less than it had been contemplated a cable of the kind could by any possibility be laid, and with a guarantee for two years of its successful working. Nothing further could be done by the Canadian government. Unfortunately there the matter remained in abeyance until 1896, nor did the Colonial Office take any active steps to accomplish the object which the passing of these resolutions had in view. I attribute that, in a great measure, to the same influence to which I have already alluded—back door influence, where information was furnished when it should not have been given. In 1896 the government of Sir Charles Tupper, after he had formed his administration, asked me to proceed to England with Mr. Fleming as expert adviser, in connection with Sir Donald Smith—now Lord Strathcona—to meet representatives from the colonies to consider this question. After our arrival in England the Colonial Secretary appointed Sir Donald Smith and myself and a representative from each of the different Australasian colonies to meet in conference and discuss this question. We met, but, as in other cases, nothing was done. Unfortunately, it was at a period when the Imperial parliament was in session. A conference had been arranged to consider a telegraphic code, which was to meet at Buda Pesth, and our Australasian delegates, instead of remaining in London to consider this great question which affected them infinitely more than it does Canada, when we consider the pecuniary interest they had involved, went off to Buda Pesth and left Mr. Fleming and myself in London for three or four weeks doing nothing. As soon as they returned a meeting was held. Lord Selborne, the Under Secretary of the Colonies, was appointed chairman.

Hon. Mr. POWER—I did not catch the name of the hon. gentlemen who went away.

Hon. Sir MACKENZIE BOWELL—The Australasian delegates were Sir Saul Samuel, of New South Wales, and Mr. Gillies, of Victoria. The agent general for South Australia did not take part in the conference for the reasons that South Australia is largely interested, having invested a large amount of money in the construction of land lines in connection with the Eastern Extension Company cable, and therefore the construction of any other line would be competition with their line and would deprive them of certain revenues. South Australia never gave any encouragement to the construction of this line. On the contrary, the Premier, Mr. Kingston, pointed out to me very frankly: 'If we assist you in constructing this line, we deprive our own line of business and deprive ourselves of revenue from the working of our line.' The holidays were about coming on then, and any one who knows anything about English people knows that they must not be deprived of their holidays. It was suggested that our conference should adjourn until some time in the fall. It was adjourned and we returned home. During my absence the government changed. I thought that the government of the day would much prefer having some gentleman to represent them on that commission than myself. I was not aware of what their feelings were upon this subject. I had no knowledge at that time of what their policy would be, and for that reason I sent in my resignation to Lord Selborne, and acquainted the Premier of Canada that I had done so, giving my reasons. The Hon. Albert Jones, of Halifax, was appointed in my place. He and Sir Donald Smith were the representatives from Canada, assisted, as was the case while I was there, by Mr. Fleming. That meeting resulted very much in the same way as the conference with which I had been connected. They did, however, come to a decision upon this important question as to state ownership, and the construction of this line, but strange to say, though this was in 1896, the report of what they did and the decision to

which they came was never known to the world until 1899. Here was another delay of about three years. It was not long after that meeting, as early as May, 1899, that the Colonial Office desired a change in the agreement to which they had come as to state ownership, and desired to place themselves in the position of an endorser to the extent of five-eighteenths of all possible loss that might occur from the working of the cable, thereby divesting itself of any ownership directly or indirectly of the cable itself, so that if there was a loss in the working the British government was to be responsible for five-eighteenths of that loss, only, the colonies were to assume the balance, and the colonies would thereby own the cable instead of its being a joint ownership by Britain and her colonies. The Canadian government, I am glad to say, protested most vigorously against any such departure from the terms of the agreement entered into in 1896. After the protest by the Canadian government and by the British press against any departure from that agreement, the Colonial Office asked for another conference, and the Hon. Mr. Tarte, who was then proceeding to England, was appointed by his government to associate himself with Lord Strathcona, and he was accompanied by Mr. Fleming as expert adviser, to again meet the delegates of the different colonies and the Colonial Office, for the purpose of protesting against any change in the arrangement. Now, strange to say, that meeting of delegates was held on the fourth of July ; the Hon. Mr. Tarte and Mr. Fleming did not arrive in London until the fifth of July, so that the delegation which had been asked for, and sent by the Canadian government, had nothing to say or to do with any new arrangement that might be come to. Lord Strathcona, of course, was present, and I suppose they did not deem it advisable to delay any further, as the Colonial Office had receded from the position which they had last taken and had consented to carry out the original agreement, that is of joint ownership. Those who have considered the question will agree, I think, with the position assumed by the Canadian delegates on behalf of the Canadian government from its inception up to the present time, as to the advisability and necessity of having the cable owned by the joint ownership of Britain and her colonies. We all know that in enterprises of that kind there are large expenditures in connection with what is called promotion. There would be large loss in the issuing of bonds. No company can come on the British market and put its bonds to the amount of ten millions of dollars without having to submit to a very great loss in the sale of the bonds. It is very questionable whether the money could be raised at less than five or six per cent when we consider all the circumstances connected with the issue of the bonds. Every one knows that debentures or bonds, issued for a long period of time, guaranteed by the Imperial government, the Australasian governments and the Canadian government, money can be obtained at from two or three per cent at most, and then the necessity for placing such charges upon the messages sent from this country to Australia and vice versa would not necessarily have to be so large as to pay a dividend to stockholders. All that the country could desire would be that the charge would be sufficiently high to meet interest upon the investments which had been made, and the commercial world would, under the circumstances, have received the benefits arising from cheap telegraphy, instead of having high rates placed upon it as is at present by the Eastern Extension Company in order to make large dividends for the stockholders. We all know if any one of us had a hundred pounds stock in any cable company we would want some return from it ; we know if the country had a hundred pounds of stock, all it would require would be to have sufficient revenue to pay the interest of the investment. I am glad to know that at this last meeting the conference did come to a decision. A board of control was appointed, composed of the Earl of Selborne, Under Secretary of State for the Colonies, Sir Francis Mowatt, Permanent Secretary to the Treasury, Sir Geo. Herbert Murray, Secretary to the Post Office, Lord Aberdeen, Lord Strathcona, Sir Julian Salomans, Agent General for New South Wales, Hon. W. P. Reeves, Agent General for New Zealand, and Sir Andrew Clarke, agent General for Victoria, being eight in all. If I might be permitted to express an opinion, I think it was a great error having so large a board of control. I think one from each of the colonies would have been quite

sufficient, I go further and say, in the appointment to this board they should have had some expert, some scientific man, who knew exactly what was required in order to push the enterprise to completion. The first meeting of that board of control was not held until December last. The work done is not yet known. The board is to meet once a month. The country does not know what has been done or what they intend to do in future, or when they intend to put this work under contract. I do not hesitate to say that if the action of the Canadian government had been followed up vigorously in 1896, we would have had that cable laid long ere this, and at a saving in price of material in 1896, compared with present prices, of half a million dollars. But the dillydallying that has taken place—the difficulties which have been thrown in the way of the construction of this line by the influence to which I have already called attention, has been such as to almost destroy the enterprise. In what position does it now stand? We find that while this board of control has been sitting we know not what the results have been, but we know that the Eastern Extension Company has had sufficient time given it to begin its operations again in Australia in order to prevent the success of the laying of this line.

Hon. Mr. MILLS—It has always been operating.

Hon. Sir MACKENZIE BOWELL—I was speaking of the Eastern Extension Company asking for favours and concessions from the Australian colonies, which, if given, would destroy to a very great extent the success of the cable between Canada and Australasia. They have asked for concessions which, if granted, would place them in possession and control of almost all the telegraphic facilities that now exist in Australia. It must be remembered the Australian colonies own and work the telegraphic system in these colonies, as a government work, and if they become a partner in this great enterprise which we are endeavouring to carry out, their interst would be to throw all the trade and traffic over the Pacific cable line, being interested pecuniarily in that line, and more particularly in its guarantee that the charges for telegraphic messages would be reduced from about four and six to two and six at the outside from one of the colonies to another. Speaking of this incidentally, Mr. Fleming paid while in Australia for a cable of two words from Sydney, New South Wales, to Canada, two pounds eleven shillings and sixpence, of which ten shillings was for the privilege of registering his name in a book so as to let the Telegraph Company know, when they received a cable from Canada, where to find him. All that was necessary to register was 'Sandford Fleming, Australian Hotel,' but they would not register it until he paid ten shillings for the privilege. I may add, the Canadian government protested most vigorously against any change being made in the terms of joint ownership and against any concession being made to the Eastern Extension Telegraph Company. This phase of the subject has been so ably commented upon by an English paper, the *Mail*, that I take the liberty of reading one or two extracts from it. The London *Mail* says:

> The government of New South Wales has written to the Colonial Office asking permission to grant to the Eastern Telegraph Company a concession which, in the opinion of some of the distinguished promoters, threatens the whole project with something very like extinction!
>
> England, Canada, New South Wales, and the other Australian colonies concerned were so many partners in the all-British Cable Scheme, and one of the cardinal and elementary conditions of partnership must be that all important transactions shall be carried out before the eyes and with the acquiescence of all the partners. The action of New South Wales, therefore, is sufficiently surprising, but there is something else to tell that is more surprising still. It is that the Colonial Office has granted the request!

I believe that that later statement has not yet been verified. It was supposed at the time there was a despatch from some of the parties connected with the Colonial Office saying that they saw no objection to it. But the protest of the English press, and the protest of the Canadian government was such as to compel them to recede from that position. The *Mail* continues:

> Readers will call to mind the opposition which was raised by the Eastern Telegraph Company when there was brought forward the idea of linking together the great sea-sundered portions of the empire by an all-British cable—a telegraphic system which would assist inter-colonial or inter-British, commerce in transacting its business unhampered by private company monopoly and high cable rates, and would ensure freedom for ever from the disadvantages

incidental to the fact of portions of a route being in foreign territory. The promoters felt that this system would constitute another Imperial link binding what Mr. Kipling calls the "stalwart sons" to the mother country.

But such a scheme, though good for the empire, was against the private interests of the huge monopoly known as the Eastern Telegraph Company, and they—no blame, of course, to them—went against it with all the subtle wisdom and widespread power of a great corporation defending its sources of profit.

Now, the land telegraph lines in Australia are government lines belonging to the colonial governments, and there are no private companies lines inland. So when a merchant or banker or private citizen in Australia wants to telegraph to England or elsewhere he hands in his message to the government telegraphists, who send it over the state wires to the coast station of the Eastern Telegraph Company, where it is passed on to them. The concession which that shrewd corporation asked for was the right to have land line trade, so as to be in a position to transmit the cable all the way through themselves. This looks very innocent in itself. But the serious part of it is that the Eastern Telegraph Company would then be able to go to the bankers, the institutes, the large merchants, and so on, and say, 'Now we can take your cables direct, and will do it at a cheap rate—say half-a-crown a word—for the next ten years, and are willing to make a contract with you on these terms.'

This would, of course, be perfectly honest procedure on the part of the Eastern Telegraph Company, and would be 'very fine business,' too, no doubt; but those who have the all-British Cable Scheme at heart have heard of this move, and are up in arms against it.

Lord Strathcona, High Commissioner for Canada, has sent a message across to his government urging them to protest against any such concession being granted, and some of the other colonial representatives in London have acted similarly in their own spheres. For they believe it would cut the ground from under the Imperial project.

When parliament opens, the Colonial Office will, perhaps, be called upon to explain why it gave permission for the carrying out of a movement which men like Lord Strathcona believe might deal a death-blow to a great Imperial project.

In that extract the House can see what the effect would be of making the conclusion to which I have alluded to the Eastern Extension Company. I find in the *Hansard* report of March 1st, 1900, a question was put by Mr. Casey in the House of Commons to this effect:

Do the government know whether Sir Robert G. W. Herbert is acting under Secretary of Colonial Office? If so, how long has he so acted? Do they know whether he has acted in any other official capacity? If so, what and when? Do they know whether he is the same Sir R. G. W. Herbert who appears, by the directory of directors, to be a director of the Eastern and Southern African Telegraph Company and chairman of the Telegraphic Construction and Maintenance Company.

The Prime Minister, Sir Wilfrid Laurier, replied:

The government have no official knowledge upon this question, but I understand that Sir R. G. W. Herbert has been superannuated, but he was recalled a few days ago to take the place of some gentleman who is ill. I am informed that he is the same gentleman who appeared as a director of the Eastern and Southern Telegraph Company.

Now, Sir Robert G. W. Herbert is chairman, and has been chairman of the Cable Construction Company and a director of the Eastern and Southern African Telegraph Company. You all know what a construction company means. It is a company usually composed of the directors of an enterprise. The directors contracting with the company, which is themselves, for the laying of the cable or the construction of any work. So that when a cable is laid by the company, they receive all the benefits and profits from the construction of it, paid for out of the funds of the company of which they are directors. Is it unfair to draw the inference that this gentleman, holding that important position, has been throwing—and perhaps this is a serious charge to make—difficulties in the way of accomplishing that which the colonies, and apparently the Colonial Office, have had in view? The *Outlook*, a very important paper published in London, does not hesitate to say distinctly and positively that that is the case, and from what came under my own observation, I think it is just as well to speak plainly upon this question.

Hon. Mr SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—From what came under my own observation, I am strongly impressed with the conviction that the difficulties have arisen from the pecuniary loss which these gentlemen, who are large stockholders, would suffer if this line was constructed, and therefore they have thrown, directly and indirectly, as many obstacles as possible in the way of its construction. The *Outlook* does not hesitate to express that opinion, and very freely. It is a short extract and it is worth putting upon record. The *Outlook* says:

It is matter of universal consent that, for all our superb fleet and strong places at home and abroad, the defence of the empire is insecure for lack of an all-British system of cables linking the Mother Country and her dependencies each to all. We need nothing more urgently than a system of sub-marine cables, as inaccessible to the enemy as the deep sea and protected stations on British soil, served exclusively by British subjects, can make them. The chief reasons why, in face of awakened

public opinion, such a manifest need has not been provided for is because of the opposition of the Pender Cable Trust, who, for the defence of their monopoly, have enlisted—and this is the point—the services as Directors of those of Her Majesty's servants—some pensioned and some on the active list—who have knowledge of, and influence in, the administrative departments of the government. It is idle to deny that in this fact we make a close approach to what is most pernicious in the methods of the American trusts.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is plain language, and it is not plainer, I think, than the parties who have taken so active a part in endeavouring to frustrate our enterprise deserved. This idea that I have been endeavouring to impress upon the House is strongly brought out in the report made by the Postmaster General, who has control of the coast telegraphic department at Brisbane, in Queensland. On the 1st of February he made this report to his government, a short extract from which I will read, bearing particularly upon the point which I have been endeavouring to elucidate. The Postmaster General of Queensland says :

It is to be regretted that the vexatious delays which have taken place have afforded the company so many opportunities for the exercise of its insidious influence upon the government, the press and the public. Early in 1895, and soon after the Ottawa Conference, Queensland was urged to undertake the laying of the cable upon her own responsibility. Had she done so, the work could have been carried out at little more than half the estimated cost of the cable now, and most of the difficulties which have taken place would have been solved.

That section of the report of the Postmaster General of Queensland bears out to the letter the point I have been endeavouring to make of the undue influence which has been brought to bear by interested parties against the construction of this cable.

Hon. Mr. MILLS—I think my hon. friend will see that Mr. Herbert's return to the Colonial Office, has been very recent indeed, and since the illness of Mr. Wyndham. Is it not a fact that these difficulties arose before his return, which would indicate that there must have been influence from some other parties as well ?

Hon. Sir MACKENZIE BOWELL—I thank the hon. minister for calling attention to that fact. Robert Herbert was an employee, a very important one, in the Colonial Office before he was pensioned. I speak under correction now, but my impression is that he was at the head of that department in 1893, when I was in Australia, but whether that be true or not, if he were there, and considering the interest he has in the Construction Company and in the Extension Company, I could then understand how it is that the Australian government were furnished with reports and letters adverse to the whole scheme. If he were not there, some other influence was brought to bear, but during the sickness of the Under Secretary, the gentleman to whom the Minister of Justice refers, was called back, and is at the head of that department now, and has been for some time, certainly during the difficulties which I have pointed out that have arisen in connection with the carrying out of the scheme and since the present government have been in power. I have pointed out the different stages in connection with this enterprise, and the delays which have occurred. I am glad to know, however, that the Imperial government have become alive to the necessity of having an all-British communication around the whole world, and since the House assembled to-day, I have had put in my possession another document which I have not been able to peruse as carefully as I should like, but I am gratified to find that Lord Selborne, the chairman of the different conferences which were held in London when I was there in 1896, and also in the later conferences after my resignation, has not only become convinced, but in his report to his chief, Mr. Chamberlain, has stated, the absolute necessity of setting at defiance, even at this late date, that baneful influence by which they have been surrounded, of the Eastern Extension Company.

Hon. Mr. SCOTT—Canada's loyalty forced them.

Hon. Sir MACKENZIE BOWELL—I think there is a great deal in what my hon. friend says. The steps which have been taken by Canada in assisting to maintain the sovereignty and power of Great Britain in other parts of the world, has led the Imperial government to the conclusion that if they desire to retain the affection of her people outside of England, and in the Colonies, she has got to accede to some of the requests which they make, particularly when these requests are in the interests of the empire herself.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—It has been said that this cable would not pay. It has been stated that the Canadian people have taken the position they have assumed on account of the profits they expect to derive from the project. That is but one of the objects which British subjects in this country have had in view in dealing with this question. They have had also the greater and more important object in view, namely the cementing and unification of the empire to the greatest possible extent, and they came to the conclusion years ago, and feel more strongly than ever to-day, that the best way to accomplish that object is to unite them by the electric spark, so that we can communicate with every part of the empire, when it is necessary to maintain the power and influence of Great Britain over the world. I have been able to read but a few paragraphs of this reply of Earl Selborne's to the Eastern Extension Co.'s demand for delay in the construction of this line, I will read two paragraphs. I frankly confess I have not read the whole of it, but one or two paragraphs struck me so forcibly that I thought, in the discussion of this question, more particularly as I intended to take strong grounds against what I conceive to be the undue influence that has been at work, to place on record at the same time the admirable language and unanswerable position assumed by Lord Selborne at this moment, owing to the stand Canada has been taken in this hour of trial in the mother country. The paragraph I am about to read is in answer to the charge that Canada was advocating this scheme exclusively in her commercial interests. Lord Selborne says:

> Mr. Chamberlain is not aware that it has been stated by any responsible person in the colonies, and it has certainly not been urged by Her Majesty's government, that the cable is primarily required to facilitate telegraphic communication between Canada and Australia.

That is admirably put, because it places Canada and the Australasian Colonies in the position of true patriots desiring to accomplish a great object at their own expense and risk, independent of the commercial advantages which we derive therefrom, believing it to be in the interests of the empire. Paragraph 9 reads:

> It will certainly have that effect, and on that account alone, as a measure tending to bring these parts of Her Majesty's dominions into closer touch and more intimate relations with each other it would deserve the sympathy of Her Majesty's government. The smallness of the number of messages passing between Australia and Canada instead of being an argument against the project is in fact strong reason why Her Majesty's government should do what is in their power to facilitate and stimulate its growth. With a tariff as high as 6s. to 6s. 3 d. a word, the small amount of the present traffic can occasion no surprise, and, in view of the rapid development which is taking place in Western Canada a large immediate increase may confidently be anticipated as soon as messages can be sent at the much lower rate which the Pacific cable will render possible, and, of course, a similar development of the traffic with the United States may be looked for.

And the 10th paragraph which says:

> Though the establishment of the proposed cable will have the effect of bringing Canada and Australia nearer together, it is primarily as supplying a link in a telegraphic system connecting this country with its possessions in Australia that the project must be judged, and as providing an alternative route wholly under British control to those possessions, and also, in case of emergency to the East.

There are many other paragraphs in this connection which I might read, but with which I will not trouble the House. I throw out the suggestion that in the publication of the document which has been laid before parliament, this and one or two other dispatches which this book contains should be published with them, in order that we may know that the British government, through its Colonial Secretary and through Lord Selborne, the chairman of these different conferences, have at last some to the conclusion that it is absolutely necessary, not not only in the interests of Canada, but in the interests of the empire itself, that they should act in accord with the outlying portions of the empire, making them an indivisible portion of the empire itself, and that they shall no longer be looked upon as children under age, or as colonies. I have occupied more time than I intended to occupy in dealing with this matter, but it is a subject which I have deeply at heart. I repeat the language of the Postmaster General at the League yesterday. At first when I took up this question I looked upon it as a dream, a fancy, but the more you consider it, the more you admire the empire to which you belong, the more strongly you will be convinced of the necessity of something which will link together every portion of the British Empire, not only for defensive purposes, but for the commercial prosperity of the country. We have learned that

trade does not, in these days, follows the flag —that while the flag, wherever it floats, reaches a portion of the world where trade may be carried on, you require the electric telegraph in order to take advantage of the markets from time to time, that is if you desire to build up trade between any portions of the empire. I hope no delay will occur in carrying out this project. It will cost more now than it would have cost five or six years ago but with the Board of Control in England, with the feeling which now prevails in the empire, in the Colonial Office and the Colonies, the work should be put under construction at once and pushed to completion. It is all very well for the Australian people to say now, after having entered into that compact, the Eastern Extension Co. have offered a reduction of rates; but there is this provision in the contract, they are to be reduced in proportion to the increase of trade. That was in the old contract, but as soon as they found they could not give a sufficient dividend to the stockholders, they ceased to give the advantages unless other concessions were made, and so it will be in this case if the Australian colonies are foolish enough to grant them these concessions. There is just one other point. The marvel to me has been, and it must be to every one who has considered the question that colonies like those of Australasia, which have been suffering so severely under the charges made by the existing telegraph company, should hesitate one moment to push forward an enterprise which would save them millions of pounds in a very few years. There must have been some influence brought to bear which should not have existed, and which the people of Australia should have resented the moment they found these obstructions thrown in the way of this cable project. I must say this in defence of the Australasian governments, speaking from experience with them, that whenever we pointed out the evil and oppressive influences of the Eastern Extension Cable Co. and the necessity for having a competing line via the American Continent, they acquiesced at once, and in no case, except South Australia, to which I have already called attention, is there any other feeling than an earnest desire to have this line constructed; but for some reason or other, as soon as you are beyond the influences which are brought to bear, something stood in the way and matters have remained as I have pointed out since 1887, and everything has been kept in abeyance. Let us hope that that is ended. I notice by a cable just received from England that they are acting energetically in this matter now. If there ever was a question in which all parties, Liberal and Conservatives, have united completely it is this question of the maintenance of British supremacy throughout the whole world, and more particularly uniting the different colonies and outlying portions of the empire with the mother country. Let us hope that that feeling will continue. We may thank to a great extent—I only repeat what was said here a few days ago—President Kruger for the present condition of affairs in this country. I am glad to know that the advance of the British arms at this moment has raised the flag in the capital of the Orange Free State, and we may reasonably hope that it will soon float over Pretoria; and that the tyrant Kruger will soon be placed in the position which men who trample on the liberties of the people should occupy.

Hon. Mr. POWER: It is a very hard thing to venture to differ from the sentiments expressed by the hon. leader of the opposition. I cannot say that I differ from the sentiments altogether, but I do say that I cannot follow his resolution. The resolution which the hon. gentleman has submitted for the approval of the House is contained in three paragraphs. They are:

1. That the establishment of a telegraph cable across the Pacific to connect Canada with the Australasian Colonies has long been regarded as of high importance to the empire; this House therefore regrets, that serious delays have occurred in the prosecution of the undertaking, manifestly through the hostility of the Eastern Extension Telegraph Company, which Company is now demanding concession from the Australasian Colonies which, if granted, will imperil the success of the Pacific Cable.

2. That this House is of opinion that any further delay in proceeding with the actual construction of the undertaking would be inimical to the interests of the empire, and strongly deprecates granting any further concessions to the Eastern Extension, or any other company.

3. That it is expedient in granting permission hereafter to private companies to lay cables between British possessions, it be on the express condition that the State may assume ownership whenever in the general public interest it is advisable to do so.

In that third paragraph I most cordially concur. That provision has been inserted in the case of the Singapore and Hong-Kong Cable, and I think it is most desirable that the Imperial government, in dealing with any company, should insert a provision of that sort in the contract. As to the other two paragraphs, there may be some difference of opinion. Let us see what we have done. This parliament passed last year an Act, chapter three of the Acts of 1899, undertaking to bear a certain proportion of the cost of this Pacific Cable. The third section of the Act of last year says:

> The Governor in Council is hereby authorized on behalf of Canada to guarantee payment of five-eighteenths of the said total principal of the said debentures, limited as aforesaid, and of interest as aforesaid on the five-eighteenths.

Hon. gentlemen will observe that Canada does not simply guarantee payment of five-eighteenths of the interest, but guarantees the payment of five-eighteenths of the principal as well. That is a provision which we do not find in Acts relating to any private undertaking. It will be remembered this Act was passed in this House last year with very little discussion. The Secretary of State introduced the measure, and it was supported by the hon. leader of the opposition, I did not at that time sympathize with the measure, and I took the liberty of expressing a certain measure of dissent. I find that I used this language:

> The measure before the House is an indication of the strength of the Imperialistic idea at the present time. I do not think that any one will pretend that Canada is directly and materially interested in this cable scheme to the extent of the interest which she has undertaken to pay. The general feeling throughout the country has been, and the feeling is well founded, that while Australasia and England are very greatly interested, the interest of Canada is a comparatively subsidiary one.

At the close I spoke of the policy of this Act and said:

> It may or may not be wise, but it shows how strong the feeling in favour of imperial unity is in Canada, and goes far to remove any reproach that may have been attempted to be cast on this country for her action in connection with Imperial defence and other questions.

The position of affairs has somewhat changed since last year. There had been a disposition in Canada, as well as elsewhere, to belittle the interest which the Dominion had manifested in Imperial affairs, but since we parted here last year, that reproach, if it had any foundation (which I do not think it had) has been entirely removed, and we stand in a somewhat different position from what we did then. The entire scheme, is practically not only a scheme for a cable from Canada to Australia, but for an all-British cable around the world starting from Vancouver, going to Australia, from Australia to Natal, and then coming across the Atlantic again to Canada and Bermuda. That is a very captivating scheme. There is a fine Imperialistic air about it which is calculated to take the fancy of any loyal subject, and I might say that I should very much like to see that system of cables completed. As far as Canada is concerned, undoubtedly a great deal of the credit of having got things to the position in which they are is due to the hon. gentleman who has just addressed the House. That hon. gentleman went into the advocacy of this scheme with an energy and perseverance which he always shows in any undertaking into which he goes, provided he thinks the undertaking is a good one. I trust he does not go into any undertaking which he does not think is good. Although the hon. gentleman took hold of this scheme and fought in its favour to the best of his ability, I think the gentleman to whom we are really indebted for the scheme is Sir Sandford Fleming.

Hon. Sir MACKENZIE BOWELL—Hear, hear; I readily admit that.

Hon. Mr. POWER—Sir Sandford Fleming deserves a great deal of praise for his efforts in connection with this scheme. His idea is that there should be this system of all-British cables around the world, and he has given, without money and without price, a great deal of his time and labour to bring forward the project and have it accepted by the Canadian government and by the Imperial government. Considering all the circumstances, his example conveys a very important lesson to other people who have wealth, leisure and ability.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—The usual course in the case of gentlemen of Sir Sandford's position is that he should retire from Canada and go and live on an estate in Scotland, or somewhere else, and not bother his head materially about Canada afterwards; but he has acted differently. This is not the only

important Canadian enterprise with which he has been connected. We should, however, look at the proposition itself, and should not be too much influenced by the person with whom the plan originates, or those who favour it. I was at the meeting of the British Empire League as a spectator,—the meeting to which the hon. leader of the opposition has referred—and I found there that the leader of the opposition in the other House, and the Postmaster General were equally vigorous and emphatic in their support of this scheme; and consequently it requires a good deal of audacity—I may use almost as strong language as that—for a private member of the House to rise and say he ventures to differ from leaders on both sides of politics. It would be easier and pleasanter to go with the tide, but I feel that a member of this House, or of the House of Commons, has a duty to look at the measures which come before parliament from a different standpoint. He should look at them from the point of view of a member of parliament; and a member of parliament is, I take it, in a certain sense a trustee for the people, and it is his duty when any scheme which involves a heavy expenditure is before parliament, to consider whether the country is likely to get reasonable value for the expenditure. Parliament is not a philanthropic institution. It is not altogether a patriotic institution: it is not an eleemosynary institution. It is a patriotic institution in the best sense, but it is a business institution also; and I have never been able to see, for my part, where Canada was to get value for the expenditure involved by this scheme. We commit ourselves to an expenditure in round figures of two millions three hundred and sixty thousand dollars.

Hon. Sir MACKENZIE BOWELL—That is all.

Hon. Mr. POWER—That is a good deal for what we are getting. We are asked, as I say, to guarantee the payment of the principal sum of $2,360,000 and the interest, and the probabilities are, the conclusion which I draw from a perusal of the correspondence before parliament is that we shall have to pay the money, as in most cases where governments guarantee they have to pay. The first question that presents itself is this: Is Canada interested in this matter to such an extent as to justify her in assuming the liability for this large expenditure? While we should all like to see a system of all-British cables, I do not think it is the duty of the Canadian parliament to look after Imperial interests in places outside the limits of Canada. It is the duty of the Canadian parliament, I think, to help to govern this Dominion of Canada under the British North America Act to the best of our knowledge and ability. It is not our duty to protect the interests of the empire in Australasia, in Africa and in other places. Of course, when the empire is attacked, then we are all part of the same empire, it is our duty to help to defend it; but in a matter of business like this, such a matter as an ocean cable, I do not think it is our duty, unless very grave reasons are shown for our doing so, to undertake responsibilities outside of our own country. As to Canadian business, to be served by the Pacific cable there does not seem to be, on the face of it, very much. I have been fortunate enough to get a copy of the correspondence which the hon. gentleman has read from, and I find this statement, which is not contradicted anywhere. It came out in an examination before a committee which met in London.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—It has not been contradicted by anybody. It will be found on page seven:

> The all-British Pacific cable is stated to be required, primarily, to facilitate telegraphic communication between Australia and Canada, and, secondarily, the Australian government expects indirectly, to obtain by it a reduction of the cable charges.
>
> The total Australasian cable traffic was reported by the committee to be about 1,860,000 words per annum.
>
> Now, the only evidence laid before the Committee with regard to the cable traffic between Canada and Australia was that in September, 1896, the number of messages exchanged between the two countries was thirty-five. This, at an average of thirteen words to a message, would represent 5,460 words per annum, which, at the present tariff of about 6s 3d. per word, would amount to 1,706 pounds per annum. For this trifling traffic it is proposed that the Imperial government should give a guarantee of 20,000 pounds a year, and the Canadian government even urges the Imperial government to provide a capital sum of roundly, 500,000 pounds and proposes itself to expend a similar amount.

That is the amount of the business.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman kindly inform the Senate who the writer of that is ?

Hon. Mr. POWER—It comes from the Eastern Extension Company.

Hon. Mr. McCALLUM—Oh !

Hon. Sir MACKENZIE BOWELL—That is answered by paragraph eight of Earl Selborne's despatch.

Hon. Mr. POWER—I shall be very glad to read that paragraph of Lord Selborne's despatch. The hon. gentleman quoted a paraaph from Lord Selborne's letter to the Eastern Extension Telegraph Company, with respect to that particular point, and the ground taken by Lord Selborne was that the fact that so little cable business had been done between Canada and Australia was a ground for supposing that there was a great necessity for the cable. It does not strike me that way ; but I shall read to you what Lord Tweeddale, the chairman of the Eastern Extension Company said in reply to that. I direct the hon. gentleman's attention to paragraph 8 :

It certainly had not occurred to me until I read the ninth paragraph of Your Lordship's letter that the smallness of the number of messages passing between Canada and Australasia could be used by any one as an argument in favour of incurring large capital outlay upon a Pacific cable. If this were so, it would logically follow that if there were no traffic the necessity for such a cable would be still greater.

And that is what I think would strike any ordinary observer. We know that while there is a certain amount of business between Canada and Australia, the amount is not large ; and although it may increase gradually, it is not likely at any early date to become very great. On page 7, from which I quoted before, this letter goes on to say :

The Australasian traffic with the United States, according to the same evidence may amount to about 100,000 words per annum: but even this, which is only about 5 per cent of the Australasian traffic, is in itself wholly inadequate to justify the laying of a Pacific cable.

I think, as a matter of business, that is correct. Our business does not require that we should expend so very large a sum of money for the purpose of having this cable. But, then it has been urged by the hon. gentlemen opposite, and I have heard it urged by other people and I have seen it urged in the press, and I think it is referred to in the correspondence, that the cable would be a very important thing in case of war. It is very easy to over-estimate the value of a Pacific cable in case of war. If we could take the whole of the British Navy and use it to police that Pacific cable, then it might be a very important thing. But everybody knows how, during the recent war between the United States and Spain, cables were cut with very little difficulty, and unless a very large proportion of the British Navy was employed in policing that Pacific cable, it would be cut within a very short time after war had begun, if a war took place with Russia, or Germany, or France, or the United States. Of course if we had a war with a country like the Transvaal Republic, which has no navy, then the cable could not be meddled with, but that is an improbable case. What is happening now is not likely to happen again. I may mention that that despatch of Lord Selborne's was dated 10th of July, 1899. We have later correspondence than that, to which I think it well to direct the attention of the House, and I find it amongst the correspondence recently laid on the table. On the 26th of February, 1900, the Premier of Canada cables to Lord Strathcona, the Dominion Agent General, that the Premier of New Zealand has cabled that the government of New South Wales has definitely decided to accede to the Eastern Extension Company's terms, and he adds ' Please communicate to Colonial Secretary.' Sir Wilfrid Laurier cables to the Premier of Victoria objecting to this arrangement being made. In fact, Sir Wilfrid Laurier telegraphed to all the Australian governments urging them not to come into this arrangement, and I shall read one despatch which was sent on the 20th of February :

Canadian government consider granting terminal facilities to Eastern Extension, even when Pacific cable laid will seriously prejudice financial prospects and impair usefulness of Pacific cable scheme. Proposed concession material alteration of conditions under which government formed Pacific cable partnership and may endanger scheme. Hope no change without consent of every partner.

And Sir Wilfrid telegraphed in the same way to the Premier of New South Wales. The premier of Victoria telegraphed to the effect that Victoria proposed to give terminal facilities only when the Pacific cable was completed. Sir Wilfrid Laurier had suggest-

ed that the company be not allowed to lay a cable which would compete with the Pacific cable, and the Premier of Victoria said in reply to that :

Suggested monopoly for Pacific cable both novel and untenable.

I trust that the House will permit me to read another despatch. These despatches, I may mention, are not arranged exactly in chronological order. The last of these despatches is one from the Premier of New South Wales dated Sydney, 2nd of March.

Eastern Extension proposals seems some misapprehension. We are ready and anxious to carry out our undertaking regarding Pacific cable ; admitted all sides this cannot be completed for three years, probably more. Meantime Eastern Extension offer immediate reduction our rates to four shillings or about 16 per cent, and by sliding scale coming three years to two shillings and 6 pence as business increases: also lay cable Cape, at Adelaide and then reduce present excessive cape rates from 7 shillings and 3 pence to two shillings and 6 pence word. No concession asked for or given until Pacific cable completed: they want direct offices so as to compete on equal terms, and in meantime any reduction whatever to remain until Pacific cable laid. Our present agreement terminates April 30, and if no fresh one made, company can instead of reducing rates, increase them up to 8 shillings a word.

That is the position, hon. gentlemen, as far as we can ascertain. New South Wales and Victoria, as well as Southern and Western Australia, have agreed to the terms proposed—at least they have come to terms with the Eastern Extension Telegraph Company under which the company is to lay a cable from South Africa, I think by the Mauritius to Western Australia, where it is to connect with the land lines owned by the governments of the Australian colonies. The rates are to be reduced immediately from four shillings and nine pence a word to four shillings a word, and ultimately to two shillings and sixpence a word.

Sir MACKENZIE BOWELL. And other reductions in proportion to the increase of trade. Give them credit for all of it.

Hon. Mr. POWER. Yes. It appears, hon. gentlemen, that nearly all the Australian colonies, the colonies who are most directly interested in the matter, are satisfied with the terms offered by the Eastern Extension Company ; and I really do not see why Canada, which has very slight direct business interest in the matter, should undertake to dictate to these other colonies how they are to manage their own business. That is the way the thing strikes me. If they find it suits them better to make these terms and come to these arrangements, why should we interfere ? As intimated last year, Canada has almost no interest—I mean no practical business interest, in this scheme for a Pacific cable ; and she is just the only country which has been urging the scheme all along. In the first place, England was indifferent. The correspondence shows that at the beginning the English government did not care about it at all, and in some of the recent despatches, Mr. Chamberlain says there is no hurry. The Australasian Colonies, which one would suppose would be most vitally interested, have not been very active. It is Canada, which has no special direct interest in the matter, which has been urging it, and which has been pushing and urging the governments of the other countries into action. One of the arugments which was used before this, not so much just now, but which is still used in favour of our going into this scheme was the desirability of an all-British cable to Australia, but the correspondence shows that that object has been attained. The Eastern Extension Company are contracting with the governments of Victoria, New South Wales, Western Australia and Southern Australia to lay a cable which shall be all-British, from Durban to Western Australia, so that one of the objects which we had in view has been attained without our spending any money. The other argument in favour of this scheme was based on the excessive rates which were charged on despatches to and from Australia. Those rates have been reduced somewhat already, and under the agreement being made between the Eastern Extension Company and the Australian governments, they would be still further reduced. Looking at the very small interest which Canada has in the mater, I think that we should be satisfied if the colonies which are largely interested are satisfied. The correspondence which is before us shows that both arguments which were used on behalf of this scheme, some months ago, are now non-existent. As I intimated, this matter, in my humble judgment, does not come properly within the purview of the Dominion parliament at all. It is not our business to undertake to control the destinies

of the whole empire. We have a sufficiently large territory.

Hon. Sir MACKENZIE BOWELL—We are a big people.

Hon. Mr. POWER—Yes we are. We have a sufficiently large territory and sufficiently large interests committed to our care without any mistake or peradventure, and these I think will give us occupation enough, and if we have money that we wish to spend, we can certainly find many deserving objects in our own country. There are a great many matters which come under the jurisdiction of this parliament and of the government of this country, for which the funds do not seem to be forthcoming. If application is made to the government or to parliament, for funds, we are given to understand that they are not forthcoming. I do not propose to speak of my own province, but we could spend that $2,360,000 down there to great advantage if the government could only see their way clear to allowing us to do it. We have railways to build and public buildings to erect, and numerous other things to do. But, without going to Nova Scotia, there are a number of things which apparently cannot be done as it is, and to which a portion at any rate of this large sum might be more profitably devoted than to the unnecessary Pacific cable. In the first place, there is needed here in Ottawa, in this Washington of the North, a suitable building to accommodate our very valuable geological collection, a collection which is now in a place where it is very liable to be destroyed by fire, and a collection which, if once destroyed, can never be replaced.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. POWER—If we have money to spare for purposes outside the country, we ought to be able to erect a suitable building to contain this very valuable collection. The library of parliament is in need of additional accommodation.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. POWER—Books have to be stowed in all sorts of out-of-the way places. In my humble judgment, there is need of an appropriation for a revision of the statutes. These statutes have not been revised now for fourteen years, and the general impression amongst professional men is, that they should be revised every ten years. I know before hon. gentlemen opposite went out of power they had made arrangements to have them revised. I regret that the finances of the country are not able to stand that strain—that is, we want to spend this money on cables and we have not got it to spend for our own wants. The better way would be to let the cable slide and spend the money at home. It occurs to me that if there is money for these purposes I should like, as one humble member of this House, to see the statutory increases paid to all the civil servants who deserve them. I do not know how many do not deserve them, but I observe that the increases are not going to all. I am narrow minded and low toned enough to prefer to see these men get the statutory increases rather than to see the money paid for a Pacific cable. I do not say that the money should be spent for all these objects. I am not committing myself to that, but I say that these objects come properly within the purview of this parliament. They are, I think, meritorious objects, and if the government feel they have not money for these objects, they ought also to feel that they have not money for the Pacific cable. I disapprove of this expenditure because it is going outside of our proper sphere, to begin with, and under the recent offers made by the Eastern Extension Company to the Australian governments, the thing is not necessary. We will have the all-British cable to Australia without spending all this money in the Pacific Ocean, and then we would get no adequate return for the money that we spent. It was felt a year ago that the expenditure was necessary to show some imperial spirit. I think hon. gentlemen that we have shown the Imperial spirit since in the very best and most admirable way, and it is not necessary for that purpose. I am aware that I have taken what is here and now a rather unpopular line; but I have acted according to the dictates of my own judgment and conscience.

Hon. Mr. McCALLUM—It is not a common thing for the hon. senior member for Halifax to favour a monopoly. It is the first time that I have ever heard him express himself in favour of a big monopoly. It is not pretended that there is any immediate benefit to come to this country in the shape of direct cash. It will not pay at the start;

I know that many hon. gentlemen were opposed to the building of the Canadian Pacific Railway. They said it would not pay; that it was against the interests of the Dominion. They said it would not pay enough to buy the oil to lubricate the wheels, but to-day the stock is at par, and I have no doubt that Pacific cable in the course of time will turn out the same way.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McCALLUM—Supposing we are out of pocket at the start, it will eventually bring us a return, if not in direct cash, it will be a benefit in some other way. It is desirable that we should have communication with all parts of the British empire. My hon. friend says that the cable will be cut in time of war, but if they cut it we will repair it. My hon. friend spoke of the water being very deep on the route that the cable would take. So much the better; it will be harder to cut. They cannot get at the cable if it is in very deep water. I am surprised at my hon. friend, the senior member for Halifax, because it is the first time since I have been in parliament that I have heard that hon. gentleman favouring anything like a monopoly.

Hon. Mr. POWER—I am not advocating a monopoly.

Hon. Mr. McCALLUM—The Eastern Extension Cable Company are a monopoly and they are using their influence to try and kill this undertaking, and certainly they want a monopoly. Of course the hon. gentleman has a right to say what he thinks and advocate whatever he pleases. I cannot find fault with that, but I have a right to criticise his actions and say what I think of them. I have read all the correspondence that has taken place from the time that this was first proposed to this day, and I have always been in favour of it, not because I considered it would pay us in gold, but because we would derive benefits in other ways.

Hon. Mr. PERLEY—I do not intend to make a speech on this question. We have heard two very able arguments, and also an explanation of the matter by the hon. gentleman who proposed the motion, and the hon. gentleman who has answered his remarks, but I desire to call the attention of the government to an article which appeared in the *Globe* a few days ago and which was recopied in the Calgary *Herald*, respecting the Doukhobors who were said to be in a starving condition in the North-west. This is not a laughing matter and it is my duty to bring it before the government.

Hon. Mr. MILLS—My hon. friend is importing this matter into the middle of a discussion.

Hon. Mr. PERLEY—But I want the money spent in supporting these people, and not in laying the Pacific cable just now. Whether I am out of order or not, this is an important matter and I am going to call the attention of the government to it, and ask the leader of the government here to call the attention of the Minister of the Interior to the matter and ascertain if the paragraph is true. It is quoted as coming from the *Globe*, and probably there may be some truth in it, because they would not receive a report of men starving to death unless there was some foundation for it.

Hon. Mr. MILLS—What is the date?

Hon. Mr. PERLEY—The Calgary *Herald* of the 10th March, but it is copied from the Toronto *Globe*.

Hon. Mr. MILLS—Then the article in the *Globe* would be very much earlier.

Hon. Mr. ALMON—I am sure that hon. members of this House will be very much astonished, and I am also astonished when I say that I agree with a great deal that has been said by my hon. colleague the senior member for Halifax. I could not believe it when I heard the statement made by the hon. Knight from Belleville that a Colonial Secretary, an important person in the Colonial Office, could influence a man like Mr. Chamberlain. That, to my mind, is an impossibility. I think if he influenced him, that Mr. Chamberlain must have had the opinion before the Secretary endeavoured to impress it upon his mind. What the hon. senior member for Halifax said about the usefulness of a cable in case of war is quite apparent. I do not think that the British could protect the cable in the Pacific Ocean from Vancouver to Australia.

We all know how the cables are cut in war time. The hon. member pointed out what revenue may be effected by taking the re-

venues already derived by established companies. Lord Selborne's argument was that if the revenue was small, it was all the more necessary that a cable should be laid. It puts me in mind of a story about the Duke of Buckingham in the time of Charles II. in one of Dryden's plays. He says: 'My want is great, it is so small.' The Duke of Buckingham said then 'it should be greater were there none at all.' Mr. Fleming deserves great credit for the trouble he has taken about this, at his own expense and without reward of any kind political or otherwise. Other persons interested in this enterprise have not worked at their own expense. As I said before, I do not think the cable will pay, because the Eastern Extension Company will now take our messages to Australia, and I do not think there is any advantage to be derived from the sum of money which will be invested in this cable. There is not a fact laid before this House to show that the project will pay. We know those companies never do pay, and therefore I think it will entail a great loss to this country. If we want cables there is one needed to connect Sable Island with the mainland. Wrecks often occur there, and in the absence of cable communication great loss may occur. When I had the honour of being a member of the House of Commons, I brought up the necessity of such a cable. Then, again, we want a large sum of money for other purposes. When we have no cable to Sable Island I do not think we should go to this expense for a cable across the Pacific. We are told that this mysterious Eastern Extension Company is supposed to influence the British government, but I do not believe they can. I must apologize to my hon. friends, from many of whom, no doubt, I differ, and while I do not often agree with the senior member for Halifax, I feel it is my duty to act in concert with him in this instance.

Hon. Mr. SCOTT—I am rather surprised at the turn the debate has taken, after the unanimity that prevailed throughout the press and among the public men of Canada on this subject of the Pacific cable. The Act of last session did not really receive any material opposition in either branch of parliament. I do not propose to dwell on the reasons why we should sustain and maintain the position we have already taken in reference to the Pacific cable. There were two reasons why Canada entered on the project. One was the commercial one. We were developing trade with Australia. We had subsidized a line of steamers there. We were developing a trade with China and Japan. That trade, as every one knows who has followed the question, is increasing year by year. No one can possibly doubt that the construction of a cable to Australia, and the extension to Hong Kong and up to the coast cities of China and Japan, would have enormously increased that trade.

Hon. Mr. POWER. The Eastern Extension Company have a monopoly at Hong Kong.

Hon. Mr. SCOTT—I think we can get power enough to break up the monopoly if we have this cable laid.

Hon. Mr. ALMON—Japan is not yet under the British government.

Hon. Mr. SCOTT—There is a clause in the contract by which the Eastern Extension monopoly can be ended. At all events, our messages would not be discriminated against, and so it cannot be called an impediment in the development of the trade which Canada can seize by having cable communication with Australia and the east; but the real moving impulse that Canada had in furthering the construction of the Pacific cable was the national one, in order that all parts of the empire might be united by a cable. That is of the first importance. We all know very well that if England became entangled with any country in Europe in war, how easy it would be to cut off her connection with India, Australia and all her eastern possessions, making it absolutely impossible to have any communication.

Hon. Mr. POWER—Would it not be just as easy in the case of this cable?

Hon. Mr. SCOTT—No, because the cable I have spoken of passes through the Mediterranean and the Red Sea and, in many places, can be easily broken in a night. It is different where it is carried over our own territory, and at all events, as observed by the hon. leader of the opposition, once it gets into the deep waters of the Pacific it is perfectly safe. We always have a fleet along our coast in the Pacific, and Australia

herself has a fleet on her own coast, so that the Pacific cable would be safer than in any other part of the globe, and certainly no more glorious heritage could be given to those who come after us than to have a cable connecting all those big red patches on the world. There is going to be a large section of South Africa which will be British when the Orange Free State and the Transvaal are really self-governing colonies, with the liberties and possibilities that we in Canada enjoy, when the Boers will rejoice over the Union Jack, far more than they have rejoiced over their own standard. I desire to express my approval of the attitude taken by my hon. friend opposite in the sharp criticism he has felt proper to express in reference to the obstacles that have intervened in the construction of this work. He has given us a very interesting history of it. In 1887 it was first conceived. That is 13 years ago now. It got, however, its greatest stimulus when the meeting of delegates took place in this Chamber in 1894. It is Canada's duty now to take a prominent position in reference to this whole cable controversy, because it was delegated to Canada at the meeting of all the representatives from the Australian colonies, England being represented by a distinguished nobleman, here in this Chamber. It was delegated to Canada to take the leading part in the cable agitation. Hon. gentlemen may have forgotten it, but a resolution was passed which crystallized that idea into form. It was a legacy left to us by all parts of the empire that we were to take the foremost part in this agitation and carry it out. The next important step was the meeting that took place in London in the latter part of 1896, under the presidency of Lord Selborne, and the report on which appears in one of the blue books, dated January, 1897. That report dealt with the practical side of the question. It gave the cost of the cable, the receipts and expenses, and practically defined what each section of the empire would have to pay. It was a regular business prospectus which was issued. Now, unfortunately, that report signed by Lord Selborne and by the Canadian and Australian delegates, was pigeon-holed in the Colonial Office. It was put in what is called the confidential file, and was not allowed to see the light of day for two years, and that is where the Pacific cable was first maimed—where the first attempt was made to strangle it, in the concealment of a report which has not a line which should not have been made public the very day after it was signed. It is found at page 32 of the blue book. It is a practical review of the whole subject, the route and the cost, based on actual tenders. Parties were willing to build the cable for the sums mentioned. There are calculations of the number of words per day that were expected and what each section of the empire was to bear. If my hon. friend for Halifax had only examined that report, he would have seen that the burden on Canada would be infinitesimal. Being a state owned cable, the cost would be reduced by the issue of bonds which at that time would not have borne more than between two and three quarters per cent, and three per cent at the outside; certainly some business would accrue from it. Then, the Australian business would be an enormous item, so large that we find the Eastern Extension Company willing to lay a cable without any subsidy, if they are permitted to connect their submarine cable with the local land line. They regarded it as so valuable a franchise that they were willing to lay the cable, without subsidy, from Natal to Australia and connect with all the land lines of Victoria and New South Wales, giving the very best possible proof that it was a paying project, so that the cost need not be urged as an argument against the construction of the cable. The suppression of that report is really what embarrassed the whole situation, because during those two years the Eastern Extension was quietly occupying the ground which belonged to the Canadian Pacific cable, and were making terms with the Australian colonies. They were offering them, I will not say bribes, but such advantageous proposals that it became almost impossible to resist. Had this report been made public at the time and acted upon, as no doubt it would, had it been given to the public, the Eastern Extension Company would not have had the opportunity of making the proposition it did to New South Wales and Victoria. That is exactly what we have to meet now. Until within the last three months the Colonial Office did not really rise to the importance of this cable connec-

tion. Influences were at work. We know very well that the under-secretaries in the various departments of Great Britain are men who hold distinguished positions and have very great influence—positions which give them very great power, and there has been a very great sense of delicacy in the last six months in the men of Canada criticising the source from which this opposition has come. I have felt, myself, for a long time that it was due to ourselves that we should expose the various sources from which all this opposition has arisen. I do not hesitate to say my hon. friend opposite accurately places it; the facts are so strong that there is no evading the conclusion that it is all due to one individual. I have taken a great deal of interest in this question for a number of years. I have been sorry to see it balked from time to time, and I have taken occasion to know where the balking came from, and it is only since Canada has taken such a prominent position in the war in South Africa that the British public are beginning to trace out the causes which have led to this postponement of the cable project. Already, as hon. gentlemen will see, gentlemen in the British House of Commons have been following up this inquiry, and have, within the last two weeks put questions on the paper occasionally, asking Mr. Chamberlain the cause of the delay. The facts will come out that have been suppressed too long. It would have been much better had they been exposed six months ago. Sir Edward Sassoon took up this question in an address delivered before the Liverpool Chamber of Commerce three or four months ago. He went fully into the whole question and brought forth the important fact that before Great Britain purchased the telegraph lines within the United Kingdom the British people were paying a very much larger sum than they are paying now. To-day the rate throughout the whole United Kingdom is a cent a word. For ten cents you can send a message to any part of it. That is in consequence of the state having acquired the telegraph system, and no doubt it is a mere matter of time when the telegraph systems throughout the world will be owned by the different countries. Canada has been taking the lead in reference to ocean cables, and we all must regret very much indeed that the opposition to which I have referred, for a time defeated the project. The last communications received over the wire have been that New South Wales and Victoria have been requested to stand by the agreement that they made with Canada and Queensland and the other parts of the empire. No doubt, to them now it would be a very great sacrifice, because they were offered free communication. They are now called upon to set aside terms that were immensely valuable to them, because they were offered a reduction of rates to satisfy them, and all that the Eastern Extension Company desired in return was to be permitted to make connection with the state-owned lines in Australia. And they agreed upon a reduction of rates. Now, in consequence of the position that the enterprise has got into, it becomes necessary to ask them to make that sacrifice. I have no doubt they will. I have no doubt the present has been an opportune period to bring out that Imperial feeling both in New South Wales and Victoria that will rise to the importance of this subject. The financial loss will be only for a time, because I have no doubt whatever that in the near future the Pacific cable will be a paying enterprise. It is rather unfortunate, however, that it is being delayed, because the cost of material has immensely increased—probably a third, or perhaps nearly half, more than it was. That, coupled with the fact that we lost the opportunity of securing Neckar Island, which also was due, no doubt, to underhand influences, will tend to increase the cost.

Hon. Mr. POWER—Open-mouth influence.

Hon. Mr. SCOTT—My hon. friend opposite explained that no one knows exactly how it arose. It was one of those questions that ought to have been covered by confidential letters, but it was made public in some way or other, and our action was anticipated. I hope the time is coming when this long-talked-of project will have overcome all the difficulties which have intervened, and I am sure that no proposition has been made in recent years that will bind the empire more closely together than a state-owned cable round the world, touching all parts of the empire.

The motion was agreed to, on a division.

PROTECTION OF RIVIERE DU SUD.

INQUIRY.

Hon. Mr. LANDRY inquired :

What was the total cost of the works performed for the protection of the Rivière du Sud, in the parish of St. Thomas, county of Montmagny ?

Hon. Mr. MILLS—I have received some replies to the questions which the hon. gentleman has put on the paper, since I came to the House, but this is not among them. I shall have to ask him to let this one stand.

THE MONTMAGNY POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

What was the total cost of the post office at Montmagny, the cost of the ground and of the buildings thereon, and the extra works required for the adaptation of those buildings to the purposes for which they were bought ?

Hon. Mr. MILLS—I shall have to give the hon. gentleman the same answer to that as to the other. I might say to my hon. friend, the answers which have been sent are in reply to other questions, and I shall have to ask him to let this question stand.

PENITENTIARY BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY inquired of the government :

About how many pounds of binder twine will be manufactured under the government management in the Kingston penitentiary, or at other points, and if any for sale this year ? Also, how the government propose to dispose of the said twine ?

Hon. Mr. MILLS—The amount that will be manufactured between this and August 1, the period for which tenders will be sought, will be about 350 tons.

Hon. Mr. PERLEY—I understood there was a notice, the other day, that the government would dispose of this twine at wholesale rates to farmers who might wish to purchase.

Hon. Mr. MILLS—Up to March 20.

Hon. Mr. PERLEY—Will the hon. gentleman explain how that is to be done? I might apply for some.

Hon. Mr. MILLS—I have not the value that is put on the twine. We sell twine under car-load lots at one rate. We sell it in car-load lots at a rate of a half a cent a pound lower, and at 50-ton lots, half a cent lower than that.. The smaller lots, of course, give a little more work, and we charge what is sufficient to enable us to meet the wishes of those who desire to buy in small quantities.

THE CASE OF LIEUT.-COL. WHITE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to

Call the attention of the government to the following letter which has been published in different newspapers of the Dominion, and will inquire whether the statements therein made are true and correctly stated —

Department of Militia and Defence,
Ottawa, February 1, 1900.

Sir,—In reply to your letter of the 20th ult., I am directed by the Major General Commanding to inform you that your name was removed from the list of officers to undergo the staff course at the Royal Military College, Kingston, by the honourable minister, on the ground that you have of late taken some active part in politics on behaf of the opposition.

I have the honour to be,
Your obedient servant,
H. FOSTER, Colonel,
Chief Staff Officer.

To Lieut.-Col. White,
Guelph, Ont.

Hon. Mr. SCOTT—The answer is a bald negative. The minister never knew the letter was written.

BINDER TWINE AND BARBED WIRE COMBINE.

INQUIRY.

Hon. Mr. PERLEY inquired :

If the government are going to take any steps towards breaking up the combine on binder twine and barbed wire in Canada, by putting a protective duty on them, or otherwise ?

Hon. Mr. MILLS—I am not aware that there is any intention of puting a duty on either binder twine or barbed wire with a view to breaking up a monopoly. So far as binder twine is concerned, we do not admit there is a monopoly. In my opinion there is not. In answer to the various representations that have been made, in the communication that I submitted to the House a few days ago, I have made it perfectly clear that there is no monopoly with regard to binder twine. I have received the prices at which binder twine is sold by all the wholesale dealers in the country, the

Deering Co., the Plymouth Co., the Brantford Co., and by ourselves, and it will be found that the prices at which that twine was disposed of last year varied from five and a half to seven and a half cents, and that the avearge price of the binder twine in all the departments from which details were sent to me, showed the average price was six and a half cents a pound. It is perfectly clear there is no such thing as a combine in that matter. The retail dealers buy the twine with the expectation of selling at some profit. It happened last year that after the sales had been made by wholesale men, the price of raw material nearly doubled—I do not know but it actually doubled—in value, and the retailers who had purchased twine and were obliged to hold it for some time before the consumers called for it, asked an increased price and did precisely what others do in business—they got as much as they could for the article in which they traded. My hon. friend will see we have always sold after August 10 to persons who might desire it. After that, however, very few people required it, except those who have to bind corn stalks and for some very late crops which they wish to tie up, and also those who are engaged in manufacturing lath and articles of that sort, who buy the twine for the purpose of binding it. Except this, there is not much sold until very much later in the season. I have made some inquiry with regard to sales in United States institutions as well as our own, and the experience there has been that there is no such thing as a sale to the farmers direct. For instance, the Minnesota Prison Manufacturing Company produces about five times what we do —about 2,500 tons a year.

Hon. Sir MACKENZIE BOWELL—Is that a company ?

Hon. Mr. MILLS—It is by a board that is appointed for the purpose. They manufacture about 2,500 tons. They have been in the practice of reserving about 175 tons for sale to farmers direct, except last year, when it was supposed there was going to be a shortage, and there was a very great deal of excitement in the country, and they have never been able to sell 75 tons out of the 2,500 to farmers who had ordered through the institution, and so their policy has been to deal with retail men. I have discussed the whole subject in the communication which I have submitted to the House, and my hon. friend will find information on that subject which will, I think, show conclusively that there is no such thing as a combination. The truth is that the wholesale dealers part with the article at a very moderate figure, but those who hold it, of course, get what they can for it, and if they are obliged to carry a certain quantity of it over, and take that risk, it deteriorates in value. The oil dries out, and it runs very badly off the reel, and it is not passed easily through the needle, and has less value. It is one of the articles you must deal in while it is new and fresh if you expect to give satisfaction.

Hon. Mr. PERLEY—What can I buy a ton of it for now at the Kingston Penitentiary ? It is open for sale up to March 20th, I understand ?

Hon. Mr. MILLS—That depends upon the quality.

Hon. Mr. PERLEY—The best they have got ?

Hon. Mr. MILLS—If it is in small quantities it will be fourteen cents. The raw material costs us nearly that. The price is eight and a half to fourteen cents. We have sold as small a quantity as fifteen pounds.

Hon. Mr. FERGUSON—That would be delivered at the Penitentiary ?

Hon. Mr. MILLS—Yes.

SALARY OF HARBOUR-MASTER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the name of the present harbour-master of the harbour of Montmagny ? What is his salary ?

Hon. Mr. MILLS—Louis D. Dion is harbour-master. He is allowed $200 per annum of fees during the calendar year. The collections for the season ending Dec. 31 amounted to $71.

SALARY OF WHARFINGER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the name of the present wharfinger at Montmagny ? What is his salary ? What has been the amount collected, and how much has been paid into the government for rates collected for the use of the wharf from April to December, 1898 ? How much collected and how much paid in to the government for the corresponding period in 1899 ?

Hon. Mr. MILLS—The present wharfinger at Montmagny is Louis Dion. His salary is twenty-five per cent of his collections. Then as to the question what have been his collections and how much has been paid to the government for the rates collected, the answer is, nothing. As to the further question, how much collected and how much paid in to the government during the corresponding period in 1899, the answer is, 'Amount collected, $6.72 ; amount paid to the department, $5.04.'

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell me when this system of paying officers 25 per cent was adopted ?

Hon. Mr. MILLS—I cannot tell my hon. friend.

BILL INTRODUCED.

Bill (No. 18) 'An Act to amend the Dominion Lands Act.'—(Hon. Mr. Mills.)

THE CASE OF LIEUT.-COL. WHITE.

Hon. Sir MACKENZIE BOWELL—In view of the remark made by the hon. Secretary of State just now in reference to my query, or in reference to the notice which I intended to call the attention of the government to, I shall ask him to-morrow what action has been taken towards bringing Mr. Foster, Colonel, Colonial Chief Staff Officer, to account for telling what my hon. friend says is a falsehood. The hon. gentleman can inquire in the meantime.

Hon. Mr. SCOTT—Let it stand till Monday, as Dr. Borden is out of town at present.

Hon. Sir MACKENZIE BOWELL—Very well.

The Senate adjourned.

THE SENATE.

Ottawa, March 16, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

GRANT IN AID OF AGRICULTURE IN NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY inquired :

If there is a probability of there being any increase in the supplementary estimates to the grant in aid of agriculture in the North-west Territories?

Hon. Mr. MILLS—I am unable to answer my hon. friend's question at the present time. The hon. gentleman knows it is a well-established rule that where a matter has not been stated in the estimates brought down to parliament, it is not given to either House in advance, and I may say that I cannot give my hon. friend the information he wishes on that subject until the question of the supplementary estimates comes to be considered.

RAILWAY SUBSIDIES.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government if they assume to have any power or right of influence in respect to the section of country a railroad shall be built which they subsidize by land grant or otherwise?

Hon. Mr. MILLS—I do not know that I precisely apprehend the question.

Hon. Mr. PERLEY—I will explain it. Supposing that the government grant a subsidy to a company to build a railroad from one end of this building to the other, would they have power to direct whether it should come round by this side of the House or the other side ?

Hon. Mr. MILLS—If the government make it a condition of granting a charter that the road shall be located as it is directed in the terms of the charter, the company would undoubtedly be bound by it.

ROYAL COMMISSION ON THE GRAIN TRADE.

INQUIRY.

Hon. Mr. PERLEY inquired :

How many persons constitute the royal commission to inquire into the grain trade of Mani-

toba and the North-west Territories and the mode of shipment of grain through flat warehouses and elevators? Also, who they are and where they reside when at home? How much salary per day do they receive each, and the date on which they commenced to draw salary? How many days' service have they been paid for up to date? Also, how many clerks have they assisting them, and what remuneration do they individually receive, and who are they? Also, do the commission and staff get hotel and travelling expenses in addition to salary?

Hon. Mr. MILLS—The answers to the six inquiries of the hon. gentleman are as follows: 1. Four commissioners. 2. The late Judge Senkler, of St. Catharines, who was succeeded as chairman of the commission by Justice Richards, of Winnipeg; W. F. Sirett, of Glendale, Manitoba; William Lothian, of Pipestone, Manitoba; and Charles C. Castle, of Foxton, Manitoba. 3. The chairman is paid $25 a day; and the other commissioners $10 a day. The practice is to pay commissioners from the date on which they leave their ordinary avocations to perform their duties as commissioners; and as only in the case of the late Judge Senkler has an account been rendered, it is impossible to state the date from which the other commissioners will commence to draw pay. Judge Senkler's services commenced on the 12th October, 1899. 4. No payments have yet been made. 5. Mr. Charles N. Bell, of Winnipeg, was appointed secretary to the commission at a salary of $10 a day. Members of the *Hansard* staff reported the evidence. The government is not at present aware as to whether further clerical assistance was secured by the commissioners. 6. The commissioners and staff received hotel and travelling expenses, in accordance with the practice which has always obtained.

MILEAGE OF SENATORS.

A QUESTION OF PRIVILEGE.

Hon. Mr. MacKEEN—Before the Orders of the Day are called, I desire to direct the attention of hon. gentlemen to a question that has appeared on the Order paper of the House of Commons, which, I presume, is intended more or less to reflect discredit on some hon. members of this House. The notice is given by Mr. Dechene, and reads as follows:

1. Is the government aware that the late Hon. Senator Temple, of Fredericton, N.B., a Conservative, drew for mileage $162.40, whereas Hon. Senator David Wark, also of Fredericton, but a Liberal, draws but $116?

2. That the Hon. Senator David MacKeen, of Halifax, a Conservative, draws for mileage $192.60, and that Hon. Senator Almon, Conservative, draws for mileage $192.60, whereas the Liberal member for Halifax, Dr. Russell, draws but $175, as shown by the Auditor General's Report, 1897-8?

3. What explanation can the government give?

As I said before, the object of these questions is apparent to everybody. For myself, I may say that I am almost ignorant of the regulation regarding the way in which mileage fees are paid. I have been here three or four years, and I think when I came first the question was put to me by which route I came, and I remember answering. As a rule I have always come around by Boston. I remember last year and the year before I said to the gentleman who acts as paymaster, that I had come by Boston. He told me he did not think I could be paid on the basis of that route. I said 'certainly not—I do not expect it, neither so I wish it.' The mileage, whatever it amounted to, was regulated by him, and I am safe to assert that last year I said nothing to him about it. This year I came by way of Boston. I have said nothing to him so far, neither do I intend to. I suppose I shall take whatever he gives me without question. So far I have had no money whatever from him. The amount here involved is $17.60, but the notice of inquiry about the alleged irregularity is intended, no doubt, to make a point against a political opponent. That is very clear, but if this gentleman, in his zeal for the public service, would inquire a little further and examine the Auditor General's Report, perhaps he would find there were payments made to gentlemen not Liberal-Conservatives, which might reflect against them the same as this is intended to reflect against me and others. If there is any irregularity in the payment to me, I am ready to make it good. I have no need, and no intention of asking for anything beyond what is my right. I should be very sorry to do so. It is unnecessary—it is too small a sum. Were it larger, there might be some use in it, but it is rather insulting to be accused of trying to fleece the government out of $17. It is unfortunate that there should be a regulation which is liable to misunderstanding. That, however, is none of my business; I do not know what the regulations are. So far as I am concerned, I took no

more and no less than what was offered me by the paymaster.

SECOND READINGS.

Bill (46) 'An Act respecting the Canada and Michigan Bridge and Tunnel Company.'—(Hon. Mr. McCallum.)

Bill (22) 'An Act respecting the Niagara Grand Island Bridge Company.'—(Hon. Mr. MacInnes.)

Bill (44) 'An Act respecting the Canada Southern Bridge Company.'—(Hon. Mr. Kirchhoffer.)

Bill (F) 'An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.'—(Hon. Mr. Clemow.)

Bill (41) 'An Act respecting the River St. Clair Railway Bridge and Tunnel Company.'—(Hon. Mr. Kirchhoffer.)

Bill (48) 'An Act respecting the Montreal and Ottawa Railway Company.'—(Hon. Mr. MacInnes.)

Bill (33) 'An Act respecting the British Columbia Southern Railway Company.'—(Hon. Mr. MacInnes.)

The Senate adjourned.

THE SENATE.

Ottawa, March 19, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

PROTECTION OF RIVIERE DU SUD.

INQUIRY.

Hon. Mr. LANDRY inquired:

What was the total cost of the works performed for the protection of the Rivière du Sud, in the parish of St. Thomas, county of Montmagny?

Hon. Mr. MILLS—I may say to the hon. gentleman that the total cost to the 30th June, 1899, was $12,086.76.

COST OF POST OFFICE AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What was the total cost of the post office at Montmagny, the cost of the ground and of the buildings thereon, and the extra works required for the adaptation of those buildings to the purpose for which they were bought?

Hon. Mr. MILLS—The cost of the land and buildings was $5,000. The cost of the alterations, fittings and furniture was $2,494.75.

PURCHASE OF TOWN HALL AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What amount of money was paid by the government for the purchase of the town hall of Montmagny? To whom was this amount paid? Is there a deed of sale, and who are the contracting parties? By whom and on what date was this deed passed?

Hon. Mr. MILLS—I may say that there are practically four questions embraced in the one. The first question is what amount of money was paid by the government for the purchase of the town hall of Montmagny? The answer is $5,000. The second question is, to whom was the amount paid? The answer is, to the Seminary of Quebec. The third question is, is there a deed of sale, and who are the contracting parties? The answer is, yes, there is a deed of sale, the parties being the government and the Seminary of Quebec. The fourth question is, by whom and on what date was the deed passed? The answer is that it was passed before M. P. Cirouille, a notary, on the 17th June, 1898.

TAKING OF DECENNIAL CENSUS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired:

Should a redistribution of seats be made during the present year affecting representation in the House of Commons, will the decennial census be taken in 1901 according to the provisions of section 51 of the British North America Act, and will another redistribution be made after the completion of the census, if taken?

He said: The question I have put on the paper would no doubt come up to-morrow, but it would be convenient to know now what the intention of the government is in the event of the Bill for redistribution, as promised, becoming law. That is, if there is to be a redistribution this year, will there be another redistribution after the census is taken next year?

Hon. Mr. MILLS—The British North America Act provides for a redistribution after every census if the redistribution is necessary. If the result of the census is

such as to show that the population of the different provinces is the same as it was before the census was taken, there would be no object in making a redistribution of seats.

Hon. Mr. MACDONALD (B.C.)—I believe the Act does not say, 'If necessary.' It says there shall be a redistribution.

Hon. Sir MACKENZIE BOWELL—A re-adjustment.

Hon. Mr. MILLS—But my hon. friend will see that that is upon the assumption that the census discloses a difference. If there is no disclosure of a difference there is no re-adjustment of seats.

Hon. Mr. PERLEY—What about the Bill which is to be brought up to-morrow ?

THE COX DIVORCE BILL.

SECOND READING.

Hon. Mr. CLEMOW—I wish to ask the indulgence of the House to amend the resolution carried on Friday with reference to the Cox Divorce Bill. I moved that the Bill be read a second time at a future date, under a misapprehension. I did not know at the time that the fourteen days' notice required by the Act had expired. I should have moved the second reading then. I therefore move that the said resolution be now rescinded, and that the Bill be read the second time presently.

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

BILLS INTRODUCED.

Bill (H) 'An Act respecting the Great Eastern Railway Company.'—(Hon. Mr. Owens.)

Bill (I) 'An Act respecting the Montreal Bridge Company.'—(Hon. Mr. Owens.)

Bill (J) 'An Act respecting the Atlantic and Lake Superior Railway Company.'—(Hon. Mr. Owens.)

CANADIAN TRADE AT CAPE NOME.

Hon. Mr. MACDONALD (B.C.)—Before the Orders of the Day are called, I wish to ask if the government have heard anything regarding the action of the United States government respecting the trade at Cape Nome. I understand the intention is not to make it a port of entry, so that vessels going to that point will have to land 150 miles below Port Nome. A number of Canadian vessels have contracted to take goods there, and they will not be allowed now to land at Cape Nome. I hope the attention of the government will be called to the matter so that they may take action to protect Canadian interests. It is so important to the trade of the Dominion that I call the attention of the government to the fact.

Hon. Mr. MILLS—I am unable to give the hon. gentleman any answer to the inquiry he makes. It is the first time that the matter has been brought to my notice, and I am not aware that there are any restrictions upon Canadian ships at Cape Nome more than at any other United States port. However, I shall make inquiry.

Hon. Mr. MACDONALD (B.C.)—I saw a letter from the Secretary of the Treasurer of the United States, published in a western newspaper, saying they would not make Cape Nome a port of entry.

KASLO AND LARDO-DUNCAN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (26) 'An Act respecting the Kaslo and Lardo-Duncan Railway Company.' He said: This is a Bill to change the name of the company, and asking power to divide up the road into sections for the purpose of construction, and for the extension of the time for its completion.

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

CANADIAN STEEL COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (G) 'An Act to incorporate the Canadian Steel Company.' He said: This is a Bill asked for by several capitalists in the United States, for the purpose of establishing iron works in this country. I believe the intention is to establish works in the county of Lincoln, and they have also bought large mining properties. They pro-

pose to extend their works to the county of Ottawa, where there are large iron deposits. The enterprise will be of very great benefit to this country.

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

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (18) 'An Act to amend the Dominion Lands Act.' He said: The first clause provides for an amendment to meet the case of parties who have earned their patent, but have died, and whose heirs or representatives belong to a foreign country. Where that is the case, the provisions of chap. 54, section 38, are applied. The section to which I refer provides in case a settler obtains a right to a patent and dies, that if his legal representatives are citizens of a foreign country, it shall be an exception to the provision in section 38 as it stands in the original law. With regard to clause 2, it provides that subsection 2 of the 38th section shall be amended by adding thereto the following paragraph:

(b.) If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of this Act as to residence may be satisfied by residence upon the said land.

Hon. Mr. LOUGHEED—What interpretation will we put on that word 'vicinity?'

Hon. Mr. MILLS—Vicinage or neighbourhood. If he resides within a reasonable distance—where a man is carrying on the cultivation of the land himself.

Hon. Mr. LOUGHEED—Who shall decide that?

Hon. Mr. MILLS—He reports it to the land agent. The intention is to make the law a little broader than it is at the present time, and it enables a man to homestead land while he is actually living on other land.

Hon. Mr. LOUGHEED—It seems to me there is a possibility of injustice being done by the use of a term so broad as that, except some regulation is passed so that equal justice may be dealt to all parties alike. One agent may construe the meaning of the word one way, another agent may construe it another way. It seems to me, before this Bill goes to committee, the government should think out some way of placing a uniform definition of interpretation upon that term.

Hon. Mr. MILLS—My hon. friend knows we use the term in legal phraseology as equivalent to residence within the township, or in the neighbourhood or district.

Hon. Mr. LOUGHEED—I am not objecting to the principle of it. I think it is a wise provision.

Hon. Mr. MILLS—Yes, it is a necessary provision, and what my hon. friend says is perfectly just. It would be a monstrous thing if the government were to give a more liberal interpretation to this clause in the case of one settler than they would give in the case of another. But I apprehend, when the clause comes to be worked out, there will be no difficulty in that respect. It is the same as many other provisions of the law are in departments administrative, so that you cannot perhaps restrict it just with the same provision that you would the ordinary provision of law that was not intended to serve that purpose.

Hon. Sir MACKENZIE BOWELL—I do not think the trouble would be so much with the government. The difficulty would arise with some of the agents, who would perhaps be not so particular. Another point in connection with this clause is that it enables a settler to homestead who has already purchased land—that is, a man who owns property living upon it can homestead the adjacent 160 acres. The object of giving the homestead, as I have always understood it, is to induce settlers to come in there. If my interpretation of this is correct, a man who is living there, having purchased land, could take an additional 160 acres.

Hon. Mr. MILLS—Not necessarily. The words are 'in the vicinity of his homestead.' It assumes a condition to exist at the present time. A man may have homesteaded one piece of land and may have bought another, and may have found that, for certain reasons, spring water or a better building site, or some other reasons, he prefers to erect his residence and to actually reside upon the lot which he has pur-

chased rather than on the one which he has homesteaded. Under this provision he will not lose his right of homestead from the fact that he did not reside upon the lot, and if it is in the vicinity of the lot upon which he resides, he has an opportunity of actually cultivating it precisely the same as he would if he had resided upon it, and I apprehend the intention is, not to provide for a man who resides far away from his homestead, but who resides in the vicinity, who perhaps may have bought the adjoining quarter section, and who has in that way an opportunity of residing upon the land he has purchased, simply because it may be better suited for building purposes.

Hon. Sir MACKENZIE BOWELL—I quite understand that, but it does not reach the point I raise. Supposing a man has not homesteaded, but has gone and settled the land, and there is a government lot next to him, can he, after he has been a settler there two or three years, go and homestead the adjacent property, if he has not already homesteaded it ?

Hon. Mr. MILLS—I do not see why he should not. I do not see why he should be put in a worse position, because, after all, my hon. friend knows that our area of unoccupied land in the North-west is very great, and that if a man obtains an additional lot after having bought one, he can do so by homesteading it. If he has already homesteaded it, he cannot homestead again. You give him an opportunity of bringing a larger area under cultivation, and under the existing circumstances I do not think that that is a disadvantage in any way. Section 44 of the Act reads as follows :

If such settler has not performed the conditions of settlement required to entitle him to a patent for such homestead within the time and in the manner provided by this Act, and has thereby forfeited his right to obtain a patent, the holder of the charge created thereon may apply to the minister for a patent of such homestead, and upon establishing the facts to the satisfaction of the minister, shall receive a patent in his name therefor ; and such patentee shall be bound to place a bona fide settler on such homestead by the sale thereof to such settler, or otherwise, within two years from the date of such patent, and in default of so doing within the said period shall be bound to and obliged, on demand, to sell the said homestead to any person willing to become a bona fide settler thereon, for such sum of money as is sufficient to pay the amount of such charge and interest, and the expense incurred by the patentee in obtaining such patent.

Clause three of this Bill reads :

Subclause 5 of clause 44 of the said Act is amended by adding at the end thereof the words, 'in which case the patent may issue in the name of the settler even if he is not a British subject.'

That is to enable him to acquire the legal right that he would have in other cases, in order that he may deal with the property in accordance with the provisions of this section. He has to put a settler upon it within a reasonable time, or sell it to one who is ready to occupy it. There are cases where a provision of that sort seems necessary in order to do justice to the parties.

Hon. Sir MACKENZIE BOWELL—To show how much more liberal we are than they are in the United States.

Hon. Mr. MILLS—Clause 4 provides for the renting of the residence of the volunteer on active service. His time counts while he is on active service, and the following clause provides that if he is disabled and so unable to cultivate the land or improve it as required, he shall be protected in his rights. Clause 6 provides for the recounting residence in the case of certain losses. It reads :

If at any time after a settler obtains his entry for a homestead and before he completes the conditions of such entry, he suffers such loss, by the destruction, by fire or other cause, of his dwelling-house, out-buildings, farming machinery, farming implements, horses or cattle, as in the opinion of the minister forces such settler to leave his homestead to earn money to erect buildings in the place of those destroyed, or to purchase other necessary farming machinery, farming implements, horses or cattle, the period during which such settler is so forced to be absent from his homestead, not exceeding, however, six months at any one time, may be counted as residence upon his homestead within the said Act or of any Act amending it.

Hon. Mr. LOUGHEED—That is not in the Bill which is distributed.

Hon. Sir MACKENZIE BOWELL—That is not in the Bill we have before us. The Bill introduced in the Commons has evidently been amended, and that clause has been struck out.

Hon. Mr. ALLAN—In clause 4 does the word 'contingent' cover those who are out on foreign service ?

Hon. Mr. MILLS—It is intended to cover it.

Hon. Mr. ALLAN—It says, 'The defence of Canada or any part of Canada, or the defence of Canada against any foreign power.'

Hon. Mr. MILLS—We will make that clear when in committee.

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

The Senate adjourned.

THE SENATE.

Ottawa, March 20, 1900.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE CASE OF LIEUT-COL. WHITE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to

Call the attention of the government to the following letter which has been published in different newspapers of the Dominion, and will inquire whether the statements therein made are true and correctly stated:

Department of Militia and Defence,
Ottawa, February 1, 1900.

Sir,—In reply to your letter of the 20th ult., I am directed by the Major General Commanding to inform you that your name was removed from the list of officers to undergo the staff course at the Royal Military College, Kingston, by the hon. minister on the ground that you have of late taken some active part in politics on behalf of the opposition.

I have the honour to be,
Your obedient servant,
H. FOSTER, Colonel,
Chief Staff Officer.

To Lieut.-Col. White,
Guelph, Ont.

He said: I merely put the question now in order to hear what explanation will be made reserving to myself the right of commenting on the answer, if necessary.

Hon. Mr. SCOTT—I was under the impression that the question had been put, and I answered it the other day as far as my information went.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said it was not true.

Hon. Mr. SCOTT—I have received the reply of Mr. Borden, Minister of Militia, to the question. It is dated to-day, and is as follows:—

I return herewith Sir Mackenzie Bowell's question about Col. White. The answer is, first, that the reason given in Col. Foster's letter for the removal of Col. White's name from the list of officers for the staff course was not the true one, and, secondly, was not the reason given by me; thirdly, no one was authorized to make any such statement as that made in Col. Foster's letter, namely, that Col. White's name was removed from the list because he had 'of late taken some active part in politics on behalf of the opposition.'

Hon. Sir MACKENZIE BOWELL—I stated to the hon. gentleman, when he made a positive denial just before adjournment, that I should ask in addition what means had been taken to punish the gentleman who undertook to make such statements, if no authority had been given. The hon. gentleman has not answered that, but he has given a positive denial to a statement made by the chief staff officer of the Militia Department. I do not know what action the Minister of Militia will take under such circumstances. If an officer of the department had put language of that kind into my mouth, when I had the honour of being Minister of Militia, I would have brought him to task instantly. I never would have allowed him to remain in the position he occupies if he was capable of writing a letter of that kind without having positive authority. Those who know Col. Foster, know that he has been an officer of the British army, and I presume cares very little about the politics of Canada, and how it is possible that a gentleman of that character occupying the prominent position that he does, could write such a letter of that kind without authority, is altogether beyond my comprehension. I think that when this matter is fully investigated, the public will be able to judge more correctly as to where the fault lies and who tells the untruth. It is not my province to say that the Minister of Militia has stated what is incorrect. I should be equally sorry to say that a gentleman of Col. Foster's position in the army, and occupying an important office in this country, would deliberately concoct what the Secretary of State calls a deliberate falsehood, which, if he knew anything about politics, would bring his minister into disrepute if it ever became public. That this letter was writ-

ten is beyond peradventure, because Col. White was written to and asked to consider that this letter had never been written. Who instructed Col. Foster to ask Col. White to consider that this letter had never been written? When we look at the actions of some ministers of the present day, and the length to which they have carried the principle of cutting off the heads of officials, one would not be surprised that the Minister of Militia, or many others, would give such instructions. In my old constituency of North Hastings, the reason given by the Postmaster General for removing a country postmaster who perhaps got twenty dollars a year for his services, furnishing his own house for the office, was that he had had the audacity to allow some one to put up a cartoon in the building which was used as a post office—a cartoon reflecting, I suppose, on some of the ministers. I hope that neither of my hon. friends will come into my room, No. 3, for fear of the consequences which might follow, because I frankly tell them I have cut out a number of cartoons that I can look at, and laugh at, and ask my friends to do the same. Fancy the Postmaster General giving as a reason for dismissing a country postmaster, that he reflected on my hon. friend opposite? Whether it was one of the By-Town Coon cartoons or something of that character, I do not know, but I cannot believe for a moment that the leader of this House, or the hon. Secretary of State, would be a party to so paltry, so contemptible an act as that. It is true they added that this man had played the partisan while acting as a returning officer at a local election. Supposing he did, what had the Postmaster General to do with how that man acted at the poli in a local election? The charges made relating to him were positively denied by him. He denies that he ever did what is charged against him—that is showing partisanship while acting as a returning officer. But supposing he had acted in a partisan way, could not the Ontario government have taken care of him without calling to their aid the Postmaster General of Canada to punish this unfortunate man for not having opinions in accord with their own? But the Postmaster General thought that a cartoon, probably cut from the *Star*, was so offensive to the people who came for their mail that the postmaster had to be deprived of the office, and of the two penny-halfpenny remuneration he received. If a man is to be deprived of an office like that because he dares to hang up a cartoon in his office, or if a man is to be prevented from preparing himself for the service of his country because he has taken the part of the opposition against the government, the sooner the world knows it the better. It would be much better that we should know it, and then we can come to this conclusion, to leave the defence of the country in the hands of the gentlemen who think as the hon. gentlemen opposite do and belong to their party. My attention was called to this matter by a colonel of a battalion who has been a liberal all his life, and he expressed such disgust at a statement like this, coming from a high official, and as having emanated from the minister, or from the Major General, that it is questionable in my mind whether, having a proper regard for the rights of the people of this country, he will longer remain with the party he has been connected with all his life. He has too much respect for the liberty of the people, too much respect for the officers of his battalion, who are composed of both parties, to approve of such discrimination, hence the sooner it is understood in this country that we know no party or politics when it comes to the defence of the country, the better. I can say for myself, that while I occupied the responsible position of Minister of Militia, I ignored politics in toto, as I believe every man should; otherwise he would be unworthy of occupying any prominent position. I go further, he would be unworthy to enjoy the liberty which all British subjects fancy they enjoy in this country. If such a policy is to be pursued, we had better ask Kruger, if he ever gets into power again, to pass a resolution of sympathy with us, and ask the world to assist us in securing our liberties. How much better off are we, if this gentleman state the truth, than the Uitlanders in the Transvaal. If Col. Foster does not tell the truth, the Minister of Militia should dispense with his services without a moment's consideration. I should call him to account at once. I should say 'You have made an untrue statement, on what authority did you make it?' In the letter he says he is instructed by the Major General commanding to inform Col. White that his name has been removed from the lists

of officers 'by the hon. Minister of Militia.' There are two or three people who have, to use a plain Anglo Saxon word, told a lie. Mr. Foster says he is directed by the Major General Commanding to inform him that he was instructed by the Minister of Militia to tell Lieut. Col. White that his name was removed because he had taken some active part in politics on behalf of the opposition. There is the statement between the three. Col. Foster says distinctly—I have it on the best authority and I state it publicly in order that the Minister of Militia may take such steps as he deems proper to bring this gentleman to a proper sense of his duty—that he did receive that order directly, and that the commander of the forces, Major General Hutton was not in the city when the letter was written. I can easily understand why Major General Hutton, at the banquet given him, in this city, spoke as if he was living in an atmosphere of political influences, when he said :

I should feel more hopeful of the future of Canada if the government had ever shown an active interest in our recent efforts for a higher efficiency, or indicated their approval of the principle upon which our efforts are based.

That is a very serious charge for a gentleman occupying his position to make against the minister under whose directions he was acting, and whose approval he should have upon all and every step that he took in connection with the militia. It may be true that the Major General may have endeavoured to carry out the strict, rigid rules of the Imperial service, and it may also be true that he may not have understood the genius of our people to such an extent as to modify the views of the Imperial regulations to meet the requirements of the force. He may have been a little too rigid in that matter, but in everthing he did, I venture the assertion that he believed he was acting in the best interests of this country and of the militia force in particular. I had the honour of meeting that gentleman while in Australia. I saw the efforts he was making to put the volunteer force of that country in an efficient state, and the results were such that any one who had paid any attention to military matters would come to the conclusion that he was one of the best officers that could possibly be placed in the position he occupied. There may be other causes of friction to which I will not allude, but I confess as an old volunteer, having been in the force for a long time, associated with Liberals in the ranks and at the mess table, and knowing as I do that one of the best officers that we have now in our own county is a Liberal, a colonel of a battalion, I, with him, felt that there had been a blow struck at the volunteer force of this country which it would be difficult in the future to eradicate from the minds of those desiring in future to serve upon the force. I speak strongly upon this point, because I feel what I say. If this is not true, Mr. Foster should be sent home at once. No man, whether he be an Imperial officer or a Canadian officer, should be permitted to make a statement of that kind as coming from a Minister of the Crown unless he had authority to do it, and I hold that it is the duty of the minister, and the duty of the gentlemen opposite me, who are responsible just as much as the Minister of Militia himself for the proper maintenance of the regulations affecting the service, to take action to sustain the minister if this statement of the minister be correct, and have the officer dismissed ; or if the officer is right and the minister has made such a statement as that attributed to him he ought to be hurled from office within ten minutes of the time it is made known that it is true.

Hon. Mr. MILLS—I am rather surprised at the very violent speech made by my hon. friend opposite, the insinuations in which he has indulged and the attack upon the Minister of Militia without any evidence to sustain the charges and the insinuations which he has made. The hon. gentleman has made a violent speech against the Minister of Militia. What has he submitted to this House, what facts has he brought before us to warrant the attack which he has made upon the minister ? The hon. gentleman says that the subject of politics ought not to be introduced into the force. I agree with him, but the subject of politics has been introduced into the force for the last twenty years. The hon. gentleman knows that quite well.

Hon. Sir MACKENZIE BOWELL—No, I do not know anything of the kind.

Hon. Mr. MILLS—Then the hon. gentleman is ignorant of what everybody else knows.

Hon. Sir MACKENZIE BOWELL—Give us evidence of that. The hon. gentleman's statement is not sufficient.

Hon. Mr. MILLS—I am going to give the evidence of what I say. I know, myself, before the hon. gentleman came into the government, that the militia force of this country was reorganized, and I know that every officer who was in the force at the time that that Bill was introduced into parliament, was legislated out, and those that were of the Liberal party were left out at that time. In my own constituency there was not one restored to the force that had been in the force before.

Hon. Sir MACKENZIE BOWELL—When was that ?

Hon. Mr. MILLS—1868 or 1869. The hon. gentleman is quite astonished that it is a good while ago, but was it not a principle then as much as it is a principle to-day ? I say this in defence of the Minister of Militia, that three-fourths of the officers who have gone on the two contingents to the continent of Africa to uphold the unity of the empire are politically opposed to us, and does the hon. gentleman pretend to say that if you appoint a Liberal to an office in that force that the government are to be censured for it, and that because a man is a Liberal he ought to be disqualified from holding office.

Hon. Sir MACKENZIE BOWELL—Did I say so ?

Hon. Mr. MILLS—No, but the hon. gentleman has attacked the government on the ground that they have acted the part of political partisans in the constitution of the militia force, and he quotes this letter of Col. Foster's for the purpose of sustaining that charge. Let me call the attention of the House to this letter. Col. Foster does not pretend to say anything of his own knowledge. Col. Foster says :

> Sir,—In reply to your letter of the 20th ult., I am directed by the Major General Commanding to inform you that your name was removed from the list of officers to undergo the staff course at the Royal Military College, Kingston, by the hon. minister.

Hon. Sir MACKENZIE BOWELL—Go on.

Hon. Mr. MILLS—Let the hon. gentleman be patient and seek to preserve the dignity of the House. Hon. gentlemen should be moderate and should desire to be regarded as fair, and I ask them at least to have the appearance of seeming fairness if they do not feel disposed to be fair. What does he say ? He says : 'By the minister on the ground that you have of late taken some active part in politics on behalf of the opposition.' I have the most unqualified denial of the minister to that statement ; more than that, I say that if the minister had made that statement it was a most improper thing for General Hutton to put into a communication to the party. He says : 'I am directed by the Major General Commanding to inform you'—what is he directed to inform him ? 'That your name was removed from the list of officers to undergo the staff course at the Royal Military College, Kingston, by the hon. minister on the ground that you have of late taken some active part in politics on behalf of the opposition.' I venture to say that the hon. minister made no such statement, I venture to say that no minister is so imprudent as to make a statement of that sort, and I venture to say that if a man were not hostile and malignant in his feelings against the minister, even if he had said it, he would not have put such words into a communication to a party to be removed. What are the facts ? This man to whom this letter is addressed, Lieutenant Colonel White, of Guelph, is to be sent to Kingston to take the staff course there. He is a retired officer. He is over sixty years of age, and he is a cripple. He was doubly disqualified, and it was on the ground that he was so disqualified that Mr. Borden, the Minister of Militia, told the gentleman that he could not be taken upon the staff, and yet, instead of assigning the reason given by the minister to the Lieut. Col., the Major General assigns a reason of his own. Now, I say that is what has been done. I venture to assert that Colonel Foster will not say, if he is asked, that he had had any communication whatever with the minister upon the subject. He was not directed by the minister. He received his instructions from the Major General. It was the Major General who professed to have had this communication with the minister, and the Major General put these words into Colonel Foster's mouth for the purpose of communicating them to Mr. White. The Major General has gone out of this country ; I am making no attack on him. I am not going

to discuss on this occasion whether he was the best officer, or a proper officer, or not, but I would just say this, there have been major generals in this country before him, and if there is any one of them with whom the hon. gentleman and his colleagues agreed let the hon. gentleman name him.

Hon. Mr. POWER—Major General Selby Smith, for instance.

Hon. Mr. MILLS—Selby Smith was out of the country before the hon. gentleman came into office, but the hon. gentleman and his colleagues have not got on more smoothly with the officers that the British government have lent to this country than the present government did with Major General Hutton. There can be no doubt on that score. These gentlemen, I know right well from discussions which have taken place before, seem to be of the opinion that because they are British officers they are not amenable to the civil officers of this country. I take a different view. I say that the ministers of the Crown in this country hold the same relation to the officers of the militia force that the ministers of the Crown in England do to those in the command of the forces there, and, as the Duke of Wellington said on one occasion, the Commander in Chief cannot move a corporal's guard from one part of the city of London to another without the sanction of the Secretary for War, and I say here we cannot admit that there is any authority existing in this country that is not subordinate to the civil authority to whom the people of this country have committed the affairs of government, and who have the right to exercise that superior authority as long as they enjoy the confidence of the representatives of the people in parliament, whether they be of one party or the other.

Hon. Mr. LANDRY—Was that done in Montreal lately ?

Hon. Mr. MILLS—My hon. friend on my right read from the minister to-day a complete denial of everything affirmed in this letter, and I say that the minister was not aware at the time of this letter to Colonel White being written, it was brought under his attention some time after it was written. I believe that he sent for Col. Foster, and Col. Foster admitted that he had had no communication with the minister on the subject—that his instructions were received from Major General Hutton, and that he wrote in accordance with the directions which he had received from the Major General—which was not the reason that the minister gave—that those instructions expressed the reasons that were given by the minister for not permitting this person to undergo the staff instruction at the Military College at Kingston, viz. : because he was over age, and on account of physical infirmities he was disqualified to continue in the service.

Hon. Mr. CASGRAIN—Why did he not say that ?

Hon. Mr. MILLS—Why did not who say it ?

Hon. Mr. CASGRAIN—Why did not the minister say it ?

Hon. Mr. MILLS—The minister said it. He called the attention of Major General Hutton to the fact that Col. White was legally disqualified to be on the list, because he was over age and a cripple. Both statements were made to him and both statements were concealed, and a different reason was assigned in the letter which Col. Foster was instructed by the Major General to write.

Hon. Mr. LOUGHEED—How did it come that his name was placed on the list ?

Hon. Mr. MILLS—It was placed there by the Major General. Others were placed on the list by the Major General that were not qualified, and they were struck off when brought to the attention of the minister.

Hon. Mr. FERGUSON—The Minister of Justice has spoken under a good deal of excitement. My hon. friend feeling no doubt he had a very bad case, thought it was necessary, by the strength of his adjectives and by evincing a good deal of feeling to cover the weakness of the cause which he had undertaken to defend. My hon. friend tries to divert the attention of this House from the crucial point in this letter of Major White's, by raising a discussion over the fact which he alleges, that no government in this country has got on very well with major generals commanding the forces here—that there have been disagreements between various goverments and the Major General's commanding the forces in Can-

ada. This may be true; matters of disagreement, may always be expected. It is perfectly reasonable that such should occur and without any cause for alarm or surprise; but this is not a mere difference of opinion. It is a matter where there is a direct contradiction in words between the minister and one or both of these British officers.

Hon. Mr. MILLS—Only one.

Hon. Mr. FERGUSON—Only one. My hon. friend draws the deduction that the major general commanding is responsible for giving this reason and instructing Mr. Foster to put this reason in this letter.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—That is the plain meaning of this letter. The minister puts in the hands of the Secretary of State a statement which gives a direct lie to the words of the Major General. We are asked in this House, behind the back of the Major General, to believe that this British soldier has deliberately and maliciously, and malignantly—I think that is the word the Minister of Justice used—put this reason, without any ground or authority for it, in this letter for the purpose of injuring the minister. The honour of a British soldier is something proverbial, and I think that hon. members of this House and the people of this country will be slow to come to the conclusion that Major General Hutton deliberately and designedly, and malignantly instructed Col. Foster to put a falsehood in this letter for the purpose of injuring the Minister of Militia. Are we prepared to accept that conclusion without a word from Major General Hutton in defence? Are we prepared to accept even the word of the Minister of Militia when the acceptance of it involves such disgraceful conduct on the part of a British officer? The hon. gentleman wishes to convey the impression to this House that Major General Hutton has been greatly to blame during his administration of militia affairs in Canada, and I have heard the statement made elsewhere that Major General Hutton had got into difficulties with provincial governments in other places before he came to Canada. I have the authority of a member of an Australian Legislature, who was on the floor of this House not a week ago, that General Hutton's administration of the forces in New South wales was eminently satisfactory.

Hon. Mr. FERGUSON.

Hon. Mr. SCOTT—Why was he recalled?

Hon. Mr. FERGUSON—My hon. friend was once a minister of the government and did not remain a minister.

Hon. Mr. SCOTT—Major General Hutton was recalled before his time was up.

Hon. Mr. FERGUSON—He may have been recalled for service elsewhere. I had the statement made last week to me that Major General Hutton's administration of the forces in New South Wales was eminently satisfactory to the people of New South Wales. It is certainly a very serious matter that the Minister of Militia had no way, apparently, to get out of this position in which he finds himself placed, than by asking the people of this country to believe that Major General Hutton, a British soldier, deliberately, and malignantly, and designedly instructed that a falsehood should be inserted in this letter which Col. Foster wrote to Mr. White.

Hon. Mr. ALLAN—In the face of the very strong denial read by the Secretary of State, I do not know that much more can be said to any advantage on this subject. As the matter now stands, the reply from the Minister of Militia places the responsibility on Major General Hutton of stating what is practically untrue. There is no escaping from that dilemma, that the Major General ordered Colonel Foster to write an utterly untrue statement to Colonel White. From all I have seen, and from what I know of Major General Hutton, I cannot conceive that he was capable of doing anything of the kind, and although, as I said before, it is not very much use to follow up this matter in the House at present, yet I do not see how it is possible that it can remain as it is, because we should have yet some statement from Major General Hutton to show whether he has been guilty of making a deliberate mis-statement in placing the grounds of refusal to allow this officer to follow up his course at the Military College on remarks which were never made by the Minister of Militia. I do not know, and I think very few of us know exactly the circumstances under which Major General Hutton resigned his appointment here, but I am glad to take this opportunity of saying that I know of no major general commanding the militia in this country, who has

ever done as much for the militia of Canada as General Hutton has done. That is the unanimous opinion and feeling of everybody connected with the militia, and volunteer forces, at all events throughout Ontario, and I fancy it is the same in the other provinces of the Dominion. He has put spirit and life in the organization, and taken a personal interest in it such as no major general had ever done before. I suppose everybody is bound to accept the distinct denial of the Minister of Militia that the Secretary of State has been authorized to read to this House, but I think hereafter we shall require to have a further explanation to convince us that General Hutton instructed Colonel Foster to write a distinct untruth.

Hon. Mr. MILLS—Does the hon. gentleman thing it reasonable apart from every other consideration, that the minister would assign such a reason in a public document for the removal of an officer who was over age and crippled ?

Hon. Mr. MACDONALD (B.C.)—Does the minister think a non-political officer like the Major General would drag politics into a matter of this kind ? Not likely. The Minister of Militia is a strong politician.

Hon. Mr. SCOTT—Not as strong as the major general was.

Hon. Mr. MACDONALD (B.C.)—Who is more likely to drag politics in—the major general or the minster ? We are bound to look at the major general as being as honest and truthful as the Minister of Militia. I do not wish to convict the minister of a falsehood, but it looks more likely that he would be more apt to use political influence than the major general would be.

Hon. Mr. POWER—I notice that there is a much more one-sided view of this quesmtion of the ex-major general taken by the Conservative party in this House than in the other House. In the House of Commons the Conservative party did not venture to line up behind Major General Hutton ; and I think possibly hon. gentlemen opposite may find by-and-by that they have made a mistake in taking the attitude they have assumed.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform me when this matter was discussed in the other House ?

Hon. Mr. POWER—The question of the major general's withdrawal was discussed, not his connection with this particular letter. The Major Hughes matter was discussed in the other House ; and the Conservative party there did not seem to take the view that the Conservative party here seems disposed to take. They say it is an ill bird that fouls its own nest, and it is a highly discreditable thing that, from political motives, any hon. gentleman should be prepared to say that if there is a question of veracity between any officer who comes here and a member of the government, it is our duty to believe the stranger, rather than the member of the government.

Hon. Mr. ALLAN—I desire to say that, as far as I am concerned, I made no statement of that kind. I expressed no opinion whatever as to the denial which was read here by the Secretary of State from the Minister of Militia. I only said I could not believe until there was some further evidence before me, that Major General Hutton, in whose honour I would place as much trust as I would in that of the Minister of Militia or anybody else, would be guilty of stating an untruth.

Hon. Mr. POWER—My remarks did not refer to the hon. gentleman from York, because he was studiously moderate, but to the two hon. gentlemen who preceded him. It is not long ago that we were given to understand that Canadian officers and soldiers did not know anything about fighting.

Hon. Sir MACKENZIE BOWELL—Oh !

Hon. Mr. POWER—That was the ground taken, that unless our men were drilled into machines they would be no use in a campaign. That fallacy has been completely exploded; and I think the view that the word of a Canadian is not as good as the word of an Englishman is another fallacy which will also be exploded in due time. I take it for granted that a Canadian is just as little likely to lie as any other man. With respect to this letter, no one has said that Colonel Foster was not instructed by the Major General commanding. It is simply a question of veracity between the major general commanding, who was under orders to leave at the time the letter was written, and the Minister of Militia who probably had something to do with having him leave.

Hon. Sir MACKENZIE BOWELL—I would call the attention of the Minister of Justice to the statement he made as to the reasons given for the removal of Colonel White's name from the list of those who were to go to Kingston. Before doing so, I wish to congratulate him on the moderate and temperate manner in which he approached this subject. What he meant by the statement that there never was a major general in this country with whom I could agree, I do not know. Perhaps he had reference to the tilt I had with one major general.

Hon. Mr. SCOTT—Herbert ?

Hon. Sir MACKENZIE BOWELL—No, I had no difficulty with Colonel Herbert. Other colleagues did not get on with him. Colonel Herbert, as I learned when in London three or four years ago, spoke highly of me. I mention that to show that I had no difficulty with him ; but I did have some little difficulty with Colonel McDougall in 1869, when he took me to task for expressing my opinions on the floor of the House which I denied his right to do. As a representative of the people, I laid down the doctrine that I had a perfect right to discuss militia matters, the action of the General at the time, and everything affecting the interests of the country. That was my difficulty with the colonel. He was an admirable officer outside of that, but I thought he went a little too far when he undertook to chastise officers of the force, as he did me at that time, for expressing an opinion as to the management of the department or as to what I thought was right in making it more efficient. The hon. gentleman spoke of Selby Smyth. I was in office at the time he was here, and I was on the very best possible terms with Selby Smith. On that occasion, so far did I go, and without obtaining his consent, as to order out the troops to quell a riot, and he said I was perfectly right. I had no difficulty with any major general other than the one to whom I have called atention.

Mr. Foster in the House of Commons asked this question :

1. What is the purpose had in view in selecting officers of the Canadian militia to undergo a course of instruction in the duties of the general staff at the Military College, Kingston? 2. What is the basis on which the selection is made? 3. What are the names and standing of the officers originally selected for the staff course now going on, and the date of notification? 4. What changes were thereafter made, and for what reasons?

The answer of the Minister of Militia and Defence was as follows :

I beg to reply: 1. For the purpose of promoting higher military education and of preparing officers for positions of command and for staff duties when required. 2. Suitability for promotion, capacity for staff duties, and the probability of their being required to act on the staff generally, or at the Royal Schools of Instruction, in replacing officers selected for active service. The Queen's Regulations do not admit officers over the age of thirty-five to the staff course in England. 3. Lieut.-Colonels: W. W. White, W. E. Hodgins, A. Roy, G. E. A. Jones, D. McL. Vince, H. McLaren; majors: J. C. Galloway, W. G. Mutton, E. Chinc; captains: A. E. Carpenter, J. J. Sharples, W. S. Smith. They were notified in orders, January 20, 1900, without the authority of the minister. 4. Of the officers named in paragraph 3, Lieut.-Colonels Vince and White were removed from the list chiefly on account of age, and because they had retired from active command. Captain Mutton was struck off the list at his own request. Captain Taylor was added to fill vacancy. Lieut. Webster was put on and retired without instruction or authority from the minister.

Col. Vince, I believe, is a New Brunswicker, a gentleman who was turned out of the post office a short time ago, because he has political proclivities differing from those of the hon. minister. The Minister of Militia gives no indication that Col. White was a cripple. If he is a cripple I can understand his incapacity for military duty, but there is no such reason given for the action taken, and I repudiate, in as strong language as I can, the charge made by the senior member for Halifax, that this action of mine and those who agree with me, arises from a political motive. I would regret a statement of that kind coming from a Conservative as quickly as I would coming from anyone else, when it affects a branch of the service in this country where no politics or religion should be allowed to interfere or intervene. This is the second or third time that the senior member for Halifax has taken me to task because I have not done certain things in accordance with his ideas of propriety of right and wrong. However, that will not deter me in the future, although I stand in very great awe of the hon. gentleman when he rises to administer castigation to a youngster like myself, who has had very little experience of politics. I will accept it in due humility, considering the source from which it came, and

I am sure the hon. gentleman may administer just as many castigations to me as he thinks proper. If they are deserved I will profit by them; if not I will pursue just such a course as I think right. I repeat in that I cannot help coming to the conclusion, when a man can be dismissed from a petty post office because he likes to look at a political cartoon and laugh at it, that the ministers who would be a party to that kind of thing would be capable of doing anything in the line of dismissals.

Hon. Mr. SCOTT—There is no need to bring up the question of the dismissal of the postmasters. If we go back to 1878 we will find a very large number of dismissals, page after page, that I have produced to this House. The hon. leader of the opposition was not in this chamber at that time.

Hon. Sir MACKENZIE BOWELL—I was in the chamber when the hon. gentleman read the list.

Hon. Mr. SCOTT—There was a very large array of them. They all happened to be politicians on the wrong side.

Hon. Mr. MILLS—In nearly all the dismissals the reasons given were 'Services not required.'

Hon. Sir MACKENZIE BOWELL—If we did wrong, were you right in doing likewise?

Hon. Mr. MILLS—No, but the hon. gentleman is disqualified from complaining.

Hon. Mr. SCOTT—It is the first time that it has come to my ears that the present Minister of Militia has been charged with acting politically. On the contrary, I have seen in Conservative papers all over the country words of approval of the course he has taken in choosing officers irrespective of politics. It is a matter of notoriety that some bitter enemies of the government were appointed upon the contingent when friends of the government were applicants. The whole question which governed the Minister of Militia was proficiency. So far as the officers of militia are concerned, I think I could point out a good many instances of dismissals when the late government were in power. Take Col. Hamilton. He was an officer who had rendered great service to this country and was recognized as a very efficient officer. The hon. member for North York (Hon. Mr. Allen) will know whether that was correct or not. I think he was dismissed wrongly. I only rise to say that the charge against Dr. Borden for acting from a political standpoint is indefensible and unjustifiable, and I do not know that it is quite fair, in the absence of Major General Hutton, to discuss the ground upon which he was removed. He was removed upon very good grounds, however. I only take up one point, and that is because the hon. member from Prince Edward Island (Hon. Mr. Ferguson) made the statement that a gentleman from Australia stated that Major General Hutton was an excellent officer there and rendered good service. I do not know whether he added that at the time he was recalled the representatives approved or disapproved.

Hon. Mr. FERGUSON—Yes, his conduct was approved.

Hon. Mr. SCOTT—Very well; I make this statement now. I had occasion several times to criticise Major General Hutton, and I did it to his face, and in doing so I reminded him that he had been obliged to leave New South Wale in consequence of his interfering in politics. He did not deny that. He did not deny that he had been instrumental in bringing about a change of government, so much of a politician was he.

Hon. Mr. LOUGHEED—Was that the reason the present government let him go?

Hon. Mr. SCOTT—If the Major General was plotting against this government, I think it is a very good reason. I do not propose to make the charge. I simply take the statement made by the hon. member from Marshfield (Hon. Mr. Ferguson), and I state that in conversation with Major General Hutton, when I did charge him with interfering more than he should have done, and referred to the fact that in New South Wales he had been instrumental in bringing about a change of government, he admitted having done so.

Hon. Mr. FERGUSON—How many miles away is he now?

Hon. Mr. SCOTT—I would not bring the matter up if the hon. gentleman had not referred to it. The hon. gentleman introduced into the debate an element which ought not to have been discussed here, but

I have made my statement on the authority of the gentleman himself. He took great credit for having done so, and stated as a justification that he had been the means of bringing about confederation in the Australasian colonies.

Hon. Sir MACKENZIE BOWELL—He deserved a great deal of credit for that.

Hon. Mr. SCOTT—That was his justification. I give it to the House as he gave it to me.

Hon. Sir MACKENZIE BOWELL—I will relate a little of history when the hon. gentleman concludes his remarks.

Hon. Mr. SCOTT—I am stating a fact which occurred in the conversation I had with the Major General. It affords the House and the country an opportunity of knowing how far the Major General was inclined to act outside of the lines of his duty.

Hon. Mr. FERGUSON—My hon. friend the Secretary of State has brought up a second instance in which he sets up the word of a minister of the Crown against the Major General.

Hon. Mr. SCOTT—My own word.

Hon. Mr. FERGUSON—But what is the hon. gentleman's word more than the word of any other minister of the Crown ?

Hon. Mr. SCOTT—The hon. gentleman can take it as he pleases.

Hon. Mr. FERGUSON—I should think the direct contradiction between Major General Hutton, and the Minister of Militia was quite enough, without bringing up another conversation. We might hear it from a different point of view if the Major General was heard in his own defence.

Hon. Mr. SCOTT—The hon, gentleman brought up the matter. I did not introduce it.

Hon. Mr. McCALLUM—There is no use discussing this matter. The reason given by Col. Foster in the letter before us is that Col. White took part in politics in favour of the opposition. Hon. gentlemen know that is the reason given all through the country when hundreds and thousands of men are discharged. I suppose they have been so much in the habit of giving that reason that they could not give any other in the case of Col. White. In the beginning of the session it was remarked that to the victors belong the spoils ; I think they have illustrated that pretty well in the public service generally, but I do not think they should follow that principle in the militia of the country. I think we should get at the truth of this matter. I will not say that any one is lying, but somebody is stating something which is not correct, either the Minister of Militia or the Major General, or this gentleman in charge at Kingston. We must find out the truth for the benefit of the people of this country, and for the benefit of the militia of the country. It is the same old reason. 'You took part in politics,' and I suppose probably they could not find any other reason for dismissing this man. I hope this matter will be cleared up. The hon. gentleman from York (Hon. Mr. Allan) says it will, and I should like to see it investigated. It is an important question to the people of this country if a minister of the Crown is to tell what is not true, or the Major General is to state what is not true, and somebody is punished in the meantime. The only reason they give in the letter to Col. White is that he took part in politics. I consider that it is of very little consequence whether he took part in politics or not ; it is a small thing to deprive an officer of his privileges because he happens to take an interest in politics, no matter which side gets his vote.

Hon. Sir MACKENZIE BOWELL—I would not have spoken again on this question had not the hon. Secretary of State referred to Major General's visit to Australia and the fact that he was recalled. I knew he had a difficulty there, and Sir Geo. Dibbs, then premier of New South Wales, asked me what we would do in Canada under the circumstances. I asked him what the Major General had done, and he told me, I said 'If you were in Canada that would not be tolerated.' The case was this: there was a riot at the Broken Hill Mines, the largest silver mines in the world. Great injury was done, life was lost and threats were made upon the legislature and government House. They waited upon Dibbs, then Premier, and he himself, upon his own responsibility, called out the volunteers and threatened to bring the naval forces from their ship in the harbour. He said exception had been taken to that by the Governor General of New South Wales, Sir

Robert Duff, and also by the Major General. They claimed that he had no authority as Premier to act in that way, that he should have made his report through council to the Governor, or sent for the Minister of Militia, and that the order should have gone through the Major General. My reply was that if that were in Canada that is the course that would have been pursued. No Premier would have a right to order out the militia force in that manner, and the proper and correct way would have been, as far as my knowledge enables me to judge, to have communicated with the Major General commanding the force at the time, and he should have performed the duty which the Premier assumed. Well, he said, 'We pay for it, and I think I had a right to do it.' I said it would not be tolerated in Canada. That is the character of the quarrel, so far as I know, and the statements of the Secretary of State brought vividly back to my recollection the interview I had had with Sir Geo. Dibbs when he appealed to me to know what we in Canada would do under the circumstances. But apart from that, it is certain that Major General Hutton must have been considered an officer fit for the position he held, even if he were recalled, or he would not have been sent to this country. If he had not been the British government would not have acquiesced in the request of hon. gentlemen opposite to send them a proper officer. I do not know what course they pursued in the matter, but I know what the practice is, that while the appointment is in the hands of the minister of the day, they generally appeal to the home government or Commander-in-Chief of the forces, to send such a man as he thinks is fitted for the position, and several names are suggested, but it is left to them generally to make the selection. They must have thought Major General Hutton was efficient or they would not have sent him. Major General Hutton is a much greater statesman than I took him to be, if he arrogated to himself the bringing about of confederation in Australia.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired :

Do the following words, taken from the number of the newspaper 'La Patrie' for September 28, 1899, report in a sufficiently exact manner a part of the speech made by the hon. the First Minister at Drummondville, on September 26 last:

'You know that in 1896 an irritating question was causing trouble in the country. It was a question where religion and politics were confounded. The solution of this question demanded the strongest qualities of a statesman. The old administration pretended to have settled this question by the presentation of a Bill called remedial, but which did not remedy anything at all. This Bill, from another side, was of a nature to irritate the population of a sister province. The measure was wrecked, and we came into power. We have promised to settle the question in six months. You are witnesses that this promise has been fulfilled to the letter.

'The school question does not exist any longer, although our friends the Bleus seek to bring it up again.'

Hon. Mr. MILLS—The papers to be moved for in this House and information sought are papers that are under the control of ministers, or information that is connected with the administration of government. This is neither. The hon. gentleman wants to know what the Prime Minister said at a particular place, I beg to say to my hon. friend that I cannot tell him, and that if he desires information as to that, beyond what he possesses himself, he will have to write to the Premier outside of parliament and obtain that information from him. It is not information that I am in a position to give.

Hon. Mr. LANDRY—That is not answering the question as put; I do not want to know if the Prime Minister has uttered such or such words, but I want to know if the report which is given is a sufficiently accurate report of the speech delivered by the hon. Prime Minister at Drummondville. The hon. Minister of Justice should know if it is a sufficiently exact report.

Hon. Mr. MILLS—And the Prime Minister knows what he had for breakfast this morning and I do not. If the hon. gentleman wants to find out he will have to write him for that information. The speech the Premier made at Drummondville is not of the slightest consequence to me. It may be to my hon. friend. It is not a matter under the jurisdiction of parliament which my hon. friend can regularly ask for here. He must obtain it from the Prime Minister himself. I do not know that he ever made a speech at Drummondville.

Hon. Mr. LANDRY—When does the government propose to have the Prime Minister

in this chamber ? I think speeches delivered by the Prime Minister in the country are of such importance that they should be brought before parliament, and it is my right to ask if the Prime Minister has given such utterances to the public as those reported. If the government are afraid to take the responsibility of the speeches made by the Prime Minister, no wonder we have the answer that the Minister of Justice has given us to-day. But that is not answering the question at all. What about the position of the hon. Minister of Justice himself in the face of those declarations attributed by a ministerial organ to the head of the government ? Would he assume to take the responsibility of such a declaration ? Is he afraid to come here and state in a manly way that the Prime Minister has uttered such words?

Hon. Mr. MILLS—It is not of the slightest consequence to me whether the Prime Minister has or has not made such a statement. The Prime Minister is entitled to say what to him seems good in addressing a public audience. I do not know, as a matter of fact, that he ever spoke at Drummondville. I am not specially concerned in it, and I say that if my hon. friend wants that information, as it is not information that he has a right to move for in this House, he must seek it from the Prime Minister himself, and not from me.

Hon. Sir MACKENZIE BOWELL—While I agree in the main with the principle laid down by the hon. leader of the House, I must dissent altogether from the position he has taken in reference to the right of members to ask questions.

Hon. Mr. MILLS—I am not disputing any right to ask a question.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman refuses to answer——

Hon. Mr. MILLS—Yes, I simply say that I am not called upon to answer.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must not be so impetuous. A little less impetuosity on the part of the hon. gentleman in answering questions would be much more in accord with the position he holds.

Hon. Mr. POWER—Who is lecturing now?

Hon. Mr. LANDRY.

Hon Sir MACKENZIE BOWELL—It is the right of every member to ask whether utterances of a gentleman occupying the prominent position of a minister of the Crown have been properly or improperly reported. That is constantly done. If I, or any other private member of parliament, were to make a statement of fact, it would be of no consequence, and it would be improper for the hon. member from Stadacona, or anybody else, to ask questions about it; but the utterances of a gentleman occupying the prominent position of Premier of this country are of importance to every man who has heard or read them. That is the position that I take, because it may be the individual opinion of the minister or of the Prime Minister at the time, or he may be speaking on behalf of his colleagues, and giving utterance to a policy which they intended to pursue, and consequently I think it is a question that the hon. gentleman might very properly ask. It is done in the other House constantly, and the simple duty of the minister from whom the question is asked would be to say to the Premier 'this question is to be asked: What reply shall I give to it?' That was the policy pursued when I was in the government. The Premier might reply 'Tell him it is none of his business,' if he liked, but the general course is to say 'it is not what was stated,' or 'it is substantially true, but I am not going into detail to please the hon. gentleman from Stadacona.' But it is unusual to refuse to answer questions on a subject of vital importance to the country—it may not be important to me, but it may be to others—as to whether the Premier expressed certain sentiments and stated certain facts which affect a great question which is agitating the mind of the people of this country or not. It is easy for him to say 'no I did not say that; I said something else,' or 'I said something which is substantially the same.' If answers of that kind were given, we could get on better. An answer was given to my hon. friend from N.B. (Hon. Mr. Poirier) the other day—I was not here—which I thought was not only improper but discourteous. He had a right to ask the question, and to tell the hon. gentleman to go and seek information elsewhere is not doing justice to a questioner.

Hon. Mr. MILLS—As to what is becoming or unbecoming to the position I hold, I must

be the judge. My hon. friend cannot judge for me. He takes the opportunity of giving me a lecture whenever he rises to his feet. I have always sought to obtain the information for hon. gentlemen with regard to any matter before the House which they are entitled to ask. But this is not a matter concerning any business of parliament. It is not a motion for any paper in the possession of parliament. It is not a matter over which the government, as a government, has any jurisdiction whatever. The hon. gentleman cannot move for an address to His Excellency, the Governor General, for what Sir Wilfrid Laurier said at Drummondville. This House cannot order it as a return. That is perfectly clear. The hon. gentleman puts to me a question to satisfy his curiosity, which can only be put with any propriety to the minister himself. Now, that is not the practice in parliament. The hon. gentleman is in this regard departing from the usual practice. It is not his privilege to rise and ask such a question except from the individual himself as to what he has said at a particular place out of parliament. Sir Wilfrid Laurier may have made a speech at one or other of these places, and may have said something similar to what the hon. gentleman has put in this question. He may have said something very different. I do not know that I have any interest in obtaining the information. My time is occupied sufficiently with my duties as minister and my duties in this House, and the hon. gentleman —I say it with all courtesy—has no right to put such a question. He knows that as well as I do. It may be a matter of amusement to him, but I am not bound to assist in amusing the hon. gentleman as a matter of duty in this House. If my hon. friend wants such information he must apply to the Prime Minister himself on this subject, as a matter outside of parliament altogether, or he must get some other person to put the question to him in the other House.

Hon. Mr. LANDRY—I understand my questions are not a matter of amusement to the hon. minister. That is the conclusion I draw from his speech. But let me show how illogical the hon. gentleman is. Some time ago my hon. friend on my right (Hon. Mr. Poirier) put a question to the minister. The Minister of Public Works had declared in Toronto that the nomination of Mr. Chapleau as Clerk of the Senate was merely the first step in the direction of reforming the Senate. That was taken out of a newspaper. The hon. minister refused to answer the question, because it was taken out of a newspaper, and was a debatable fact. Two days after I read an extract from a newspaper of this city and asked if a man called Vandel had been liberated from the penitentiary as the papers said. That was a debatable matter, but I got an answer from the minister. He delivered, it is true, a lecture on the duties of ministers of the Crown and the Minister of Justice, but I got my answer. He told me there was no truth in the report in the newspaper, while my hon. friend (Mr. Poirier) who had asked if a reported statement made by Mr. Tarte, in Toronto, was true, could get no answer. Was the minister more occupied with his business when my hon. friend on my right asked his question than when I put mine? And what has happened to-day? Here is the hon. minister giving an answer to the hon. leader of the opposition in this House relating to a statement made by Colonel Foster in the name of the Minister of Militia. Why the hon. gentleman goes out of his way altogether. He gets from the Minister of Militia a letter which he has read in this House. He took much pains to get that letter, and are we to believe that he could not ask the Prime Minister if that report referred to in my motion is true or not. No time? he could wait half an hour to get a letter from the Minister of Militia, but he could not wait two minutes to get an answer from the Prime Minister on a matter of public policy, as to whether this is really an authorized declaration that he has settled for ever the Manitoba school question. The Prime Minister boasted that it was the end of the Manitoba school question. I want to know if it is true that he said so, not whether the words are textually cited, but if that extract which I have given is sufficiently correct. The Minister of Justice has no time.

Hon. Mr. POIRIER—You want to know if that question is settled or not?

Hon. Mr. LANDRY—I want to know if the question is settled in the way the Prime Minister says or not. I want to know if the hon. minister can take the responsibility of giving an answer to that question. He

is unable to do so. What does Magna Charta say of that studied silence in which the minister is fortifying himself ? Nothing at all. It stands as mute as the hon. minister.

Hon. Mr. POIRIER—As a piece of consolation to my hon. friend I will tell him the hon. minister took at least the trouble to read his question, which he very courteously told me he had not done in my case, so my hon. friend stands one better than I do anyway.

ALBERTON AND KILDARE POSTAL SERVICE.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Why was the service of carrying the mails on the Alberton and Kildare route, P.E.I., not put up to tender on the expiration of the contract on December 31 last?

He said : Last December the contract for carrying the mails on this route expired and some time before the expiration of the term the contractor, a Mr. Reid, was asked by the local officials whether he would continue to perform the work. He consented, and said he would like to know whether he was to have it for the new term, because he wanted to make arrangements. He was told that the Postmaster General was considering the question whether he would allow him to continue the contract.

Hon. Mr. MILLS—I may say I have not the information yet.

Hon. Mr. FERGUSON—When will my hon. friend have it ?

Hon. Mr. MILLS—I cannot say. I shall bring it here as soon as I receive it.

Hon. Mr. FERGUSON—It is simply an answer. Surely that is a matter that it will not take long for the minister to explain.

Hon. Mr. MILLS—It will not take long to explain when I can get the explanation.

Hon. Mr. FERGUSON—I am simply asking why the contract was not let by public competition.

Hon. Mr. MILLS—I cannot tell the hon. gentleman until I get the information.

Hon. Mr. FERGUSON—The notice has been on the order paper for two days.

Hon. Mr. LANDRY.

Hon. Mr. MILLS—I am aware of that, and I am most anxious to give the hon. gentleman the information, but until I get it from the department I cannot do so.

BINDER TWINE AND BARBED WIRE FACTORIES.

INQUIRY.

Hon. Mr. PERLEY inquired :

How many manufacturers of binder twine and barb wire were there in Canada prior to the change in the duty on those articles? Also, how many manufacturers are there of each of those articles in Canada now?

Hon. Mr. MILLS—I am unable to answer my hon. friend's question. Of course we have no official information on this subject since the census. I dare say there have been some institutions established since for the manufacture, but how many there are I am unable to say.

Hon. Sir MACKENZIE BOWELL—The statistician, Mr. Johnson, might be able to give the information if you ask him.

Hon. Mr. MILLS—He may have it ; I will make inquiry.

THE PREVENTIVE OFFICER AT MONTMAGNY.

INQUIRY.

Mr. LANDRY inquired :

What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected since he has been doing duty for infractions of the customs and excise laws? How much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed?

Hon. Mr. MILLS—The Inland Revenue Department at present has no preventive officer specially appointed for the county of Montmagny. In February, 1895, Mr. Maxime Dubé was appointed a temporary preventive officer for the district of Montmagny, and his services were dispensed with on the 26th of August, 1896. During that period two seizures were made by him in the county of Montmagny, one of which realized net $59.99, and the other $163.34. Since the 26th of August, 1896, no preventive officer has been specially appointed for Montmagny, and the service for that county and the other counties comprised in the Quebec division is carried on by the general staff of that division.

Hon. Sir MACKENZIE BOWELL—Does that apply to customs as well as excise ?

Hon. Mr. MILLS—No, it applies to excise only.

Hon. Sir MACKENZIE BOWELL—I understand this question to refer more particularly to customs. Would the hon. gentleman tell us whether there are any preventive officers in the Customs Department there ?

Hon. Mr. MILLS—I cannot give the hon. gentleman that information.

Hon. Mr. LANDRY—Will the hon. gentleman allow my question to stand ?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—Because I think he is mistaken in his answer. I know there is a preventive officer, whether customs or excise I cannot tell.

Hon. Mr. MILLS—Will the hon. gentleman give me the name and I shall make inquiry.

Hon. Mr. LANDRY—The name is Dion.

REPRESENTATION OF YUKON DISTRICT IN PARLIAMENT.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Is it the intention of the government to introduce a measure during the present session giving the Yukon district representation in parliament?

He said : The Yukon District is a part of Canada of very great importance. I am not going to submit any statistics or information that hon. gentleman do not already possess, for I apprehend that every hon. gentleman knows as much as I do with regard to it. We know that trade in the Yukon district is very large. We know that a considerable population has entered into that part of the Dominion—not perhaps quite as large now as it was some time ago, but nevertheless a very considerable number have gone there. We know the transportation of that country is a matter of very great consequence. Vast trade that can hardly be comprehended by those who have not gone into it and examined it a little is being carried on in that country. Among other some of great banking institutions have been established there and are doing large business. The wash-up of gold from year to year is very great. The transactions between the government of Canada and the people of that country and the men who have gone in there are of the most extensive and important character. In view of these facts and that it is now very apparent—I have it on the authority of some correspondents there who, I know, are very well informed—that the wash-up this spring is likely to exceed $20,000,000. We know that the Yukon territory promises to be a rich gold producing country. We know that there are large interests requiring the care and solicitude of the government. Knowing all these things, I submit the time has come when the government should take up and consider the giving of the Yukon District representation in parliament. We know that day after day, any of us who have friends there, and most of us, I dare say, have, we are receiving communications from them complaining in the strongest possible manner of the condition of affairs there. I am not going to take the ground that all that arises from lack of administrative ability or some other lack on the part of the Minister of the Interior, or that the fault lies entirely with the officials sent there. I am not going to take an extreme ground on that, but I do hold that the interests involved are so great, and the complaints are so numerous and strong on the part of the people there fighting under great disadvantages to develop that country and do something for themselves, that all this should call the attention of parliament to the necessity of giving those people some voice in the government of this country. Speaking for myself, and from the letters I have received and that others have received, I know there is intense dissatisfaction in that country with the administration of its affairs. I believe at this moment there is sufficient indignation and dissatisfaction in the Yukon country that, if it were equally distributed amongst the constituencies of Canada, would prevent the government getting many supporters returned to parliament. I know that all these complaints are coming in, not merely from Conservatives, but from men who were most pronounced Liberals when they went into that country. I know that these men are complaining strongly. I am not saying whether their complaints are warranted or not, but the existence of complaints, the import-

ant interests involved, the established richness of that country—all these things point out, to my mind at least, the desirability of giving that country a voice in the administration of affairs at an early date.

Hon. Mr. MILLS—The subject is under consideration, but I am not able to answer the hon. gentleman as to whether there will be a measure introduced for representation during the present session or not. If the extraordinary condition of things existed which the hon. gentleman describes, of course it would be a powerful deterrent against any proposed legislation whatever, but the information which I have received from the country—and I have received a good many letters—does not represent that turbulent and dissatisfied condition which the hon. gentleman has presented to us here to-day. On the contrary, I find that those who are Canadians, who have gone up there with the hope of engaging in mining operations have, on the whole, been fairly successful and are fairly contented with what they have done. A good many men have gone in there for the purpose of living by their wits at the expense of others, for you must remember they are not Canadian or British subjects, and they have not been as successful as they hoped they might be and they are dissatisfied and many of them have left, and more, no doubt, will leave, and except for what they consume they have been of no great advantage to Canada. Those that go there for the purpose of engaging in mining operations are, no doubt, to be encouraged. Many are investing large sums of money. Others are seeking to invest as well large sums of money, and they expect to make their fortunes out of the mines in that country and I am sure that we all hope that they may be successful, but those who go there to establish gambling houses and to live at the expense of the rest of the community, and to fleece the miners when they come in from their mining operations, and who are dissatisfied because the opportunity has not been presented to them, are not persons deserving of the sympathy of this House or the other, or the people of this country, and I am sure that they have been disappointed will not be a source of dissatisfaction to the people of Canada. As to representation, we provided for representation in the local assembly by a Bill carried through this parliament last session. So far, I believe, there has been no action on the part of the people—no expression of opinion—to avail themselves of that provision. I trust they may do so at an early date, but until we have a more settled population in the country we are not likely to have any great demand for political rights or privileges within the territory. You have a great many people going in and remaining there for a season or two, and coming out again, and those people are not specially interested in political representation from the Yukon country. They are looking to the sections of the country in which they have their permanent homes, and so far as the population of the country is concerned, I think about eighty-five per cent of them are not British subjects.

Hon. Mr. FERGUSON—Outlanders.

Hon. Mr. MILLS—They are outlanders in a very different sense from what others are Outlanders in the Transvaal country. Whether the hon. gentleman is suggesting that those who are aliens in that country and have gone in, many of them to make a fortune in the way I have intimated, ought to have the rights of the elective franchise conferred on them I do not know.

Hon. Mr. FERGUSON—Certainly, if they become British subjects.

Hon. Mr. MILLS—If my hon. friend is in favour of conferring upon them the elective franchise the moment they arrive in the country, his opinions differ from mine.

Hon. Sir MACKENZIE BOWELL—I do not go quite as far as my hon. friend on my right. I think he might very properly wait until after the next census. That would be the proper time to consider this great question as to the readjustment of seats and the giving of representation to the Yukon territory: but what I wanted to call the attention of the House to was the state of feeling in that country just now on account of not having had the law, to which the hon. gentleman has referred, brought into operation. It was only last night I was reading an account of a public meeting which was held in Dawson City protesting in the strongest possible manner against the authorities and the manner in which the affairs of the country are carried on. Whose duty it is to proclaim that law I do not know. I regret that

I forgot to bring the paper here, as I intended to read portions of it to the House, but the burden of it is this: they have a council at present. The law we placed on the statute-book last session gives the right to British subjects there to elect two representatives to sit at that council. I was somewhat astonished to find in the speeches which were delivered at that meeting that this council, which govern the Yukon Territory at the present moment, sits with closed doors. They refuse to allow anybody within the precincts of their offices. They make laws in secret. One of the judges presides at those meetings and administers the law afterwards. What the meeting protested against most was that the law was not put in force in order that the people could have a representation in the local council, or whatever it is called, and assist in the making of the ordinances or laws necessary for the government of the country; and they complained, very bitterly too, that all that is done like in the days of old in the Star Chamber, with the doors closed, and not a soul allowed to hear the discussions. Whether the attention of the hon. minister has been called to that, I do not know.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—It is a question that I think the Minister of Justice should look into. I will take the liberty, if he has no objection, of sending him a copy of the paper, in order that he may see what the expressions of the people are, and take action in the matter. These are not expressions, from the names and statement made by the editor of the paper, of what may be called outlanders, or people who come in there for the purpose of fleecing those who have made money, but of men who have an actual bona fide stake in the country. Some of them have been living there for years and have made money and there are professional men who are taking an interest in what they consider is for the benefit of the country. Whether it is the duty of the Minister of Justice to proclaim that Act, I do not know. If it is, he should take action at once in order that the people may have an opportunity of electing those two representatives, who must be British subjects, in order that they may assist in making the laws which are to govern them. After that will come the suggestion made by my hon. friend as to representation in parliament. There are other portions of these gold bearing regions of the Dominion which require consideration as much as that. When we look at the present district of Yale and the large population that is flowing into Atlin and Rossland and that part of the country, that will all have to be considered too, I would suggest to my hon. friend not to push the motion for the inquiry——

Hon. Mr. FERGUSON—It is only a question.

Hon. Sir MACKENZIE BOWELL—Until we have the census, and then they will be able to deal with the matter. We know we shall have the Representation Bill before us to-morrow, or very early, and the minister may make some suggestion about the representation of Klondike, Atlin and Rossland districts, but I do impress upon him the necessity of taking action in the line I have indicated in order that the people may be pacified. I think they would be satisfied if they had that law put in force. I throw out the suggestion to my hon. friend, and I hope he will take it in the spirit in which it is offered, and I hope my hon. friend from Halifax may not say it is made from political motives.

Hon. Mr. LOUGHEED—I am astonished at the statement of the Minister of Justice that the legislation of last session has not been put into operation with regard to the Yukon council. I might say that it does not rest at all with the people of that district to call that machinery into action, but rather with the Governor in council, and if there has been any remissness in that regard it has been entirely owing to the government not having taken the necessary steps to do so. In the legislation which was passed last session, it was provided that Governor in council, under the Privy Seal, might appoint and constitute such persons as are contemplated by the Act, and that the council should pass ordinances and make provisions for the election by the public of representatives of that council, and consequently until the Governor in council acts in that direction, it must be manifest to the House that the people of the Yukon district are certainly not in default in availing themselves of the rights under the Act passed last session. With reference

to the suggestion of the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) as to the two districts alluded to, Atlin and Rossland, those districts are in the province of British Columbia, and additional representation could not be given to those districts until the census of 1901 is taken ; but the Yukon Territory is in an entirely different position, as well as the North-west Territories. They do not in any sense come within the provision of the British North America Act so far as the application of the census is concerned. The parliament at any time can legislate with reference to giving additional representation to any parts of the territories. We cannot impress too strongly upon the government the necessity, in my judgment, at a very early stage in the opening up of new territory of giving representation to citizens of the Dominion, or people who may become naturalized British subjects, who may settle in those particular districts. It seems to me that, if, in the early days, previous to 1885 in the North-west Territories, when the government had to confront all the serious difficulties connected with the rebellion of that period, if those territories had enjoyed representation in the councils of the Dominion, I very much doubt indeed if that rebellion would have arisen. It is very well known that in the history of every country, particularly during the initial stages of development, difficulties are bound to arise, owing to the incompetency, possibly, of government officials, owing to their not appreciating the questions that arise in reference to legislation and a proper recognition of the rights of the people that lead to interminable difficulties, difficulties which cannot possibly be forgotten for many years. I might say that many of the difficulties to which attention has been directed as existing in the Yukon country are largely attributable to the fact that the cabinet are not at all aware of the existing difficulties in that country. Whence do the government receive their advice as to the condition of affairs in that country ? Mainly from their own officers, mainly from those who are prepared to give them servile following and to offer up incense at their shrine continually. It is not from the independent citizen or those helping to develop the country that they seek advice. It is from their hirelings in that country, and it is natural that those officials, be they hirelings or otherwise, look at the administration of public affairs or the administration of governmental machinery. from the standpoint from which they themselves administer it. I cast no reflections upon these officials at all, but it is manifest that if the government will seek advice with reference to the difficulties which exist in that country from their own servants, from those who are charged with the administration of public affairs in that country, they must necessarily receive only a one-sided view, and must necessarily stultify themselves if they represent to their government that it is necessary to enlarge the rights of the people, or to enlarge those avenues through which the public can find free expression in regard to the abuses and grievances which exist. It must be apparent to every one that a public officer in exposing grievances would be stultifying himself, because the first question of the government would be : Why do you not so administer the law that you will prevent any feeling on the part of the people that they are becoming the victims of abuses and grievances ? That has been the history of the opening up of any new country. History is repeating itself in regard to the advisability of the government giving an early representation in the councils of the nation to the citizens of every new territory, so that the government may have a free and independent expression of opinion upon the floors of parliament as to the public necessities in those particular places. The longer I have lived in that western country, the more I have come in contact with frontier life, the deeper my conviction has become as to the expediency of the government giving proper representation in parliament to the people, and it seems to me that this government can easily obviate many of the difficulties which to-day are confronting them by giving proper representation to that new country, a country invested with great wealth, as has been pointed out by my hon. friend, and which only can receive proper attention at the hands of the government by its representatives being on the floor of parliament.

Hon. Mr. MILLS—I do not know that I differ very much from my hon. friend on the

subject of representation. I think in the territorial legislatures that are created for the local government of the country it is well, at a very early day, to introduce representatives elected by the people for the settlers who have come into the country. That was the provision made in the Bill last year. The administration of that Bill is not with the Department of Justice, but with the Department of the Interior, and that department, I think, put itself into communication with the country at a very early date after our session closed. My hon. friend knows it was almost autumn before parliament prorogued last year, and before that Bill became law. I am not aware whether, up to this moment, any communication has been received from that country. My hon. friend knows the facilities for communication are not good, and the time occupied for transmission is great, and the information which the Department of the Interior has received up to the present time, I am not in a position at the present moment to say, but I entirely agree with him that it is most desirable at a very early day, to have representatives elected sitting in council and the deliberations ought to be public. But when they sit in an executive capacity a different view should prevail.

Hon. Mr. KIRCHHOFFER—When I heard the leader of the House make a statement this afternoon giving an account of the correspondence which he had had with various people in the Yukon district in which he painted that country in rosy colours, who assured him they were doing very well under the conditions in which they lived, it is quite apparent to me, as it is apparent to the hon. gentleman from Calgary, that the correspondence which the Minister has had has been undoubtedly with a class of people who are sympathizers with his own party who have gone to that country, some of them actuated by nothing more than a desire to make fortunes for themselves, but the great majority of them fortified with letters and recommendations from ministers which, when they landed in that country, would serve to give them pointers and place them on the inside track. The correspondence alluded to differs from the correspondence I have had with men who are in that country now, and the same correspondence has come into the hands of other hon. gentlemen in this House, and it leads me to an entirely different view to that expressed in those letters of the heelers and hangers-on who have obtained positions in the Klondike. I have had scores of letters which intimate to me that not one-tenth of all the corruption and all the rascality and all the mismanagement existing in that country has ever filtered through down to this point, that if they ever had an opportunity such as Sir Charles Hibbert Tupper asked for in the House of Commons of giving evidence before a Judicial Commission, there would have been such an exposure of rascality that neither the Minister of the Interior nor the government could have faced it. We know that the parties who would have given that evidence are afraid, because nearly all of them have interests up there which one turn of the screw would probably deprive them of, and they are afraid to come out and give evidence. They are not going to travel thousands of miles to give evidence, or to correspond with the leader of the House or people of that kind, because they know they will not get relief in that way; but they correspond with others, and I can assure the hon. gentleman that if he thinks he correctly understands the opinion of people in the Yukon district, he is mistaken.

There are people there who are perfectly satisfied with the conditions that exist and who are getting on fairly well, and probably more than fairly well, but those are the people who have been sent up there with the whisky permits. At Oak Lake, twenty miles from where I reside, some parties were given a permit. They took in a large quantity of whisky and a number of dance girls, and cleared one hundred thousand dollars. They came back and divided the money with prominent people there. I know an instance in Brandon where a gentleman was given an opportunity of going out there with a permit in advance, when the permits were going to be stopped, and he started two days before they stopped giving the permits. He landed under an assumed name in Dawson with his cargo of liquor, and when he got there he was the only one who was allowed to remain. All the rest of the liquor cargoes in transit were not allowed to be taken in. He came down with his sole consignment and cleared about twenty thousand dollars and is proud to

say so to-day. He is building a block in Brandon, which is commonly called the Whisky Block. That is only one instance. There are others who are sharing in the profits. He has to divvy up with others as well, and I know from my own experience that these liquor permits are being issued and sold in Vancouver and Seattle, and the parties are getting a rake-off from those who have the whisky permits. They receive a permit and it is taken away and peddled in the United States cities, and they make their profits out of it. I do not wonder that these people write to the minister that they are fairly well satisfied. The hon. gentleman says that the only people complaining are those who are living by their wits—the people who have gone in there and started gambling houses. He does not understand it. Who are making the most money? It is the gambling houses and these places that are fostered by the government. They are the people doing the best business in that place. I think a country like that is entitled to a representative in parliament. But from the reports we get from there of the arduous duties placed upon genuine miners, it seems to me that the population is slipping away, and I do not know whether these gentlemen will not have sucked that country so dry that there will not be enough people to appoint a member to represent it.

Hon. Mr. POWER—I do not think this discussion would have been complete without the imaginative speech of the hon. gentleman who has just spoken. We had gentlemen who came here to Ottawa some two or three years ago tell us how badly that Yukon country was governed, but I think some of those gentlemen did not find it convenient afterwards to return to Dawson. It was a continual matter of complaint on the part of gentlemen of the Conservative persuasion that Mr. Ogilvie, a man whom everybody respected and trusted and believed in, had not been made commissioner, but that another gentleman, Major Walsh, had been appointed. Mr. Ogilvie was afterwards appointed commissioner, and an investigation was made on the spot. The hon. gentleman from Brandon was quite correct. You could not expect the gentlemen from Dawson to come four thousand miles to give evidence, but they might have stepped into Mr. Ogilvie's office. They all respected and believed him.

Hon. Mr. KIRCHHOFFER—Had he the right to take evidence under oath?

Hon. Mr. POWER—Yes, I think so. It is all very fine for hon. gentlemen here, among people who are not familiar with the matter, to make these reckless statements. I do not take what is said by the government speakers or opposition speakers as being absolutely reliable; but I came across a small volume, published by an English mining engineer, who goes into the whole matter of the Yukon with a great deal of care, who talks about the character of the mines, and the prospect of the mines holding out. He also speaks of the way in which the country is administered. These stories about the universal corruption and all that, which you might expect from those United States friends of the Conservative party, was not indulged in at all, but he did say—and I unuerstand that there is a general feeling to that effect—that he thought the rate of royalty was excessive. That gentleman is, as far as I am aware, not interested politically one way or the other. His domicile is not in Canada, and he was apparently only anxious to give information to those who might think of going there for mining purposes. I take it his statements are much more reliable than the statements we have been in the habit of hearing.

Hon. Mr. McCALLUM—What is the expert's name?

Hon. Mr. POWER—I have forgotten his name. I can produce the document. He is an Englishman, and I think a graduate of Oxford.

BILL INTRODUCED.

Bill (59) 'An Act to provide for the expenses of the Canadian volunteers serving Her Majesty in South Africa.'—(Hon. Mr. Mills.)

THE CASE OF COL. WHITE.

Hon. Mr. SCOTT—Since the case of Col. White was under discussion to-day, I have received the following letters:

Ottawa, February 3, 1900.

The Major General Commanding the Militia.

I am instructed by the hon. the Minister of Militia and Defence to call your attention to

the fact that in an official communication written by Colonel Foster, under your instructions to Lieut.-Colonel White, that gentleman was informed that the minister's reason for striking his name from the list of those recommended for the staff course at the Royal Military College was that he had of late taken some active part in politics on behalf of the opposition.

I am further instructed to inform you that the reason assigned in this letter for the minister's action is entirely erroneous and misleading, and as the minister understands that Colonel Foster reported to you what actually did take place when the minister struck off Lieut.-Colonel White's name, he cannot understand why you should have attributed to him the reason you assigned. The minister then told Colonel Foster that he struck off Lieut.-Colonel White's name because he was obviously unfit for such an appointment, having only recently been retired from the lieut.-colonelcy of the 30th Battalion on account of his length of service, being too old and maimed.

The minister fails to understand why you should suppress his real reasons for the action he took, and substitute for them a different and incorrect one. He instructs me to express his wish that the letter written under your instructions should be withdrawn, and one written to Colonel White informing him of the true reasons for the minister's action.

(Sgd) L. F. PINAULT, Lt.-Colonel,
Deputy Minister of Militia and Defence.

February 7, 1900.

Sir,—Adverting to previous correspondence in regard to your name being removed from the list of officers selected to undergo the staff college course, I am directed by the Major General Commanding to inform you that the letter in which the reason assigned for the removal of your name was stated to be that 'you had taken an active part in politics on behalf or the opposition,' was sent in error, and is to be considered as withdrawn.

The hon. the Minister of Militia and Defence considered that the course should be restricted to younger men, and in consequence directed the removal of your name.

I have the honour to be, sir,
Your obedient servant.

(Sd.) HUBERT FOSTER, Col.,
Chief Staff Officer.

To Lieut.-Colonel W. W. White,
Guelph, Ont.

Hon. Sir MACKENZIE BOWELL—The first letter was written to the Major General ?

Hon. Mr. SCOTT—Yes, addressed to the Major General.

Hon. Sir MACKENZIE BOWELL—Is there any reply to that from the Major-General ?

Hon. Mr. SCOTT—None other than the letter to Mr. White.

Hon. Mr. LOUGHEED—When did the government terminate his services ?

Hon. Mr. SCOTT—I could not tell.

Hon Mr. LOUGHEED—Was not it previous to the 3rd February, the date of the letter ?

Hon Mr. SCOTT—No ; that letter is addressed to him 'Commanding the Militia,' so he must have been acting then.

Hon. Mr. LOUGHEED—It does not necessarily follow.

Hon. Sir MACKENZIE BOWELL—The letter is written by the Deputy Minister of Militia, L. F. Pinault, to the Major General, and Col. Foster writes to Lieut.-Col. White, as I indicated when I made the remark. I would like to know what answer the Major General gave, or whether he made any answer.

Hon. Mr. SCOTT—He accepted the information. He made no answer.

Hon. Sir MACKENZIE BOWELL—If he did not answer it, there must be a reason for it. If he did answer it, we would like to see the letter. Would my hon. friend ask the department whether Major General Hutton made any reply to that letter, and if so, will he kindly put it before the Senate ? I think, in justice to all parties, it should be here.

Hon. Mr. SCOTT—I will inquire about it.

CRIMINAL CODE BILL.

INQUIRY.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to point out that early in the session there was an assurance given to this House that the Criminal Code Amendment Bill would be introduced at an early day in the session. We know that for two or three years back the Senate has given a great deal of attention to the amendment of the criminal laws. We have given a great deal of time to the subject, and last year I think on the whole a Bill was passed in this House fairly satisfactory to my hon. friend the Minister of Justice. I know a great deal of attention was given to it, and the result was we thought we were getting a very good Bill indeed. That Bill reached the House of Commons too late to be carried through. It went into the slaughter of the innocents

at the close of the session. This year we were promised a Bill on the subject in the address in reply to the speech from the Throne, and my hon. friend told us before the adjournment that he had some little preliminaries to attend to before he would be able to introduce it, but that they would soon be got through, and although he was not ready to bring in the Bill at that time, we would have it at an early day. We are in the seventh week of the session, and we have not seen the Bill yet. If it is put off much longer, we will be going through the same work that we performed last year without any hope of its becoming law, because the Commons will not be able to pay attention to it.

Hon. Mr. MILLS—I think I stated to the House—my hon. friend was absent at the time—that after the Bill was ready and sent to the printers we received a large number of suggestions from the various prosecuting attorneys, and from some of the magistrates and judges interested in the administration of the law, and these I, with some of my officers, had to consider before we sent the Bill to the printers; otherwise the Bill would have been printed and in the hands of hon. gentlemen by the end of the adjournment. All these suggestions and proposals have been very carefully considered, and those which we think ought to be embraced in the law have been so incorporated. I had the Bill here yesterday in galley form, and I handed it to the Law Clerk to have it printed in proper form, and I thought it might be here to-morrow or next day; so that there will, probably, be no trouble on that score, and no very great delay.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 21, 1900.

The Speaker took the Chair at three o'clock.

Prayers and Routine Proceedings.

BILLS INTRODUCED.

Bill (K) 'An Act further to amend the Criminal Code of 1892.'—(Hon. Mr. Mills.)

Hon. Mr. FERGUSON.

Bill (L) 'An Act respecting the Ontario and Rainy River Railway Company.'—(Mr. Kirchhoffer.)

THE SIZE OF APPLE BARRELS.

INQUIRY.

Hon. Mr. FERGUSON inquired:

If it is their intention to introduce a Bill during the present session of parliament in amendment of the Act of last year, relating to the form and size of apple barrels?

He said: Last year, as hon. gentlemen will remember, this parliament passed a measure providing for the uniform size of apple barrels. It was felt when that measure was under discussion here, that there were some doubts as to whether the kind of apple barrels authorized by that Bill would be satisfactory, but as the measure was not to come into force for over twelve months, in fact not until the first of next July, it was felt that no harm could be done by allowing the measure to pass and it would leave it open for further legislation in the meantime. I may say from communications I have had from apple shippers and dealers in the maritime provinces, at least, that there is very strong objection to this barrel. It is said to be three quarts larger than the authorized barrel of the United States, and the feeling I have found to exist among those interested, is that we should adopt a barrel of the same size as that adopted by the United States, and that it is not wise on our part to make our barrel three quarts larger than theirs. That difference in the size would scarcely be appreciable to the eye, and would very likely not result in getting any better price than the smaller barrel, while it would be just so much more taken out of the pockets of our apple growers. A hundred quarts is the size that is settled by the apple dealers at the convention in the United States, and that is the size which regulates trade in the United States and with other countries as well. It was stated that this barrel that was legalized last year would hold 103 quarts, being 3 quarts larger than the United States barrel. I know that the feeling in the part of the province from which I come is, that while it is eminently desirable that we should have a uniform barrel for Canada, it is also desirable, as our apples go side by side, and are sold under the same conditions

in the common market, as the United States apples, that we should have the same sized barrel as they have. There is also a very strong feeling that the same uniformity in barrels should extend to other things as well as apples. Take potatoes, for instance. When we are speaking of a barrel, it is desirable that it should mean the same thing all over the continent, if possible.

Hon. Mr. MILLS. The Minister of Inland Revenue has had the subject before him, and the reason for reconsidering the subject was that which has been stated by the hon. gentleman, that the apple barrel of the United States was of a different size from our barrels. There is less difficulty in bringing the apple barrel used in the maritime provinces into conformity with the size of the barrel in the United States, than there would be in other portions of the Dominion. In the province of Ontario, where an immense apple crop is sometimes grown, the most of the growers purchase flour barrels, and it might not be convenient for them to alter the present practice. It is a matter of great convenience to be able to get barrels at any time for this purpose, and the same barrel that is used for the packing and exportation of flour is also used as an apple barrel. What the size of that is, I cannot precisely say, but there may be a difficulty, so far as Ontario is concerned, in adopting the United States size of barrel, if it should be different from that used in the maritime provinces. It might be that the United States barrel is the same size as the flour barrel. As to that, I cannot say.

Hon. Mr. SCOTT—I asked an explanation from the Minister of Inland Revenue with reference to this subject, and he tells me that the barrel which has been legalized is the one which has been in use in Nova Scotia for several years. It was at the instance of the Nova Scotia apple dealers the barrel was legalized throughout the Dominion. Since that time they have discovered that it is a larger barrel than the United States packers use.

Hon. Mr. FERGUSON—Who gave my hon. friend the information ?

Hon. Mr. SCOTT—Sir Henry Joly, the Minister of Inland Revenue. He told me it was at the instance of the Nova Scotia growers that this particular barrel was legalized. He knew at the time it was a somewhat larger barrel than the ordinary barrel which had been used, which I presume was a flour barrel. It was so much larger in parts and held three quarts more than the ordinary barrel. I understand the subject will be remitted to the Fruit Growers' Association in order that they may decide the question.

Hon. Mr. FERGUSON—However the mistake has arisen, whether it is a misunderstanding on the part of my hon. friend of what the Minister of Inland Revenue said, or an error of his own. I can assure the hon. gentleman the information is entirely erroneous.

Hon. Mr. SCOTT—As far as Nova Scotia is concerned ?

Hon. Mr. FERGUSON—I can tell him that the barrel used in Nova Scotia is smaller even than the United States barrel, and the Nova Scotia people would be called upon, if the United States barrel is adopted, to abandon their barrel. My hon. friend behind me says the Nova Scotia apples are largely consumed in the London markets, and they are sent to market, up to the present time, in a barrel even smaller than the United States barrel, a rather uncouth barrel, but the character of the apple has been such as to gain for it an excellent reputation, so that even in these smaller barrels Nova Scotia apples are sold at a higher price than other apples in larger barrels from other markets. Uniformity, however, is desirable, and it would be necessary for the people of Nova Scotia to give up their smaller barrel. The barrel legalized last year is larger than the one in Nova Scotia, and larger than the one in the United States.

Hon. Mr. McCALLUM—How many pounds of apples does one barrel contain more than another. We ought to know that. Why not sell apples by weight ? We might as well as have different sized barrels, but say a barrel shall contain so many pounds weight.

Hon. Mr. FERGUSON—Apples will vary very much in size and weight. I have found that apples which were pressed under precisely the same conditions varied all the way from 147 to 167 pounds—different varieties. Some are very much heavier than others. The railways take 165 pounds as the weight, barrel and all.

Hon. Mr. McCALLUM—When you ship apples you mark on the head of the barrel what varieties they are. I know one class of apples weighs more than another. Take for instance Kings, Spies, Russets, and Baldwins, they all weigh differently, but you can say a barrel of Baldwins shall weigh so much; a barrel of Kings so much, a barrel of Greenings or a barrel of Russets so much. In that way you would get uniformity all over the country. Otherwise you cannot get it?

BARBED WIRE AND BINDER TWINE FACTORIES.

INQUIRY.

Hon. Mr. PERLEY inquired:

How many manufacturers of binder twine and barb wire were there in Canada prior to the change in the duty on those articles? Also, how many manufacturers are there of each of those articles in Canada now?

Hon. Mr. MILLS—I have not the information. We have no official information. My hon. friend knows that the information brought down in parliament is information within the control of some department. This is not, but it is a matter of public interest, and I should be pleased to get it for my hon. friend if I can do so.

TRADE AT CAPE NOME.

INQUIRY.

Hon. Mr. MACDONALD, (B.C.) rose to:

Call the attention of the government to the report published in the 'Colonist' newspaper of Victoria, B.C., that the United States government does not intend to declare Cape Nome, in Alaska, a port of entry for the reasons hereinafter set forth; and will inquire if the government will ascertain the opinion of the United States government with respect to this subject:

In reply to the telegram sent Secretary Gage by United States Counsel Smith, inquiring as to whether or not British steamers will be allowed to enter at the nearest port of entry, take on an American customs officer and proceed to Nome to discharge their British consignments, a negative reply has been received, it being explained that through the revival of an almost obselete section of the American shipping law, contained in the Revised Statutes of the United States, vol. 71, such foreign vessels will be compelled to complete their discharging at the port for which they have cleared. St. Michael, 150 miles away, is understood to be the nearest port to which the 'Alpha' or any other British ship may go for the new gold fields, and it is therefore not improbable that this one vessel, at all events, will be disposed of to American citizens.

Another Unfriendly Act.

Treasury Orders Duty Collected on all American Goods Taken North by Canadian Carriers.

Port Townsend, March 10.—Advices from Washington say that the Treasury Department has taken a decided stand relative to shipping American goods via Canadian points into Alaska on British vessels, and has instructed the collector of customs to collect duty on all goods arriving in Alaska on British vessels, even if they are accompanied with export certificates. Many shippers to Alaska obtain export certificates and send their goods to Vancouver and other points, and thence to Alaska in British vessels, thereby working an injury to American vessels. This order will practically debar British vessels from entering the Nome trade in the freight carrying business. It is said that American firms have already contracted with British vessels for the delivery of large consignments of merchandise at Nome, but owing to the ruling of the Treasury Department these contracts will have to be cancelled.

He said: This is a very important matter. If goods are put in British bottoms they have to pay United States duty—even United States goods. I ask the minister to inquire into the matter and see if there is any truth in the report or not.

Hon. Mr. MILLS—I shall make inquiry and find out anything that can be ascertained. I have seen the announcement to which my hon. friend refers, that there is no officer there, and that this place has not been made a port of entry, so no goods can be landed there.

Hon. Sir MACKENZIE BOWELL—In making the inquiry, would the hon. gentleman go further and ascertain whether United States goods which are in bond at Victoria or Vancouver can be carried in a British vessel to a United States port in Alaska. I do not well see how they can prevent that, unless they interpret the Coasting Laws to extend that far, that any goods brought by a United States vessel and put in bond in Victoria, and then ex-warehoused, and taken to an Alaskan port in a British bottom would be considered a breach of the coasting laws. I do not see well myself how it could be so interpreted, but I know that in the past in interpreting the coasting laws they have carried that principle to a very great extent. For instance, I have known where an engine was shipped from St. Paul to St. Vincent, carried by the Canadian Pacific Railway to Vancouver or New Westminster. They would not allow that to be transported in a British bottom to Seattle or Tacoma. That is carrying the interpretation of the coasting laws to a very great extent, but I know they have enforced it. I do not see very well how it could be done in the case to which my hon. friend calls attention. It would be well to inquire into that also.

THE DOMINION FRANCHISE.

INQUIRY.

Hon. Mr. MILLER—Before proceeding to the Orders of the Day I should like to ask a question of the hon. Minister of Justice if he will permit me to do so without putting a formal notice on the order paper. It will be in the recollection of the minister that when the Franchise Bill was before parliament two years ago, an amendment was moved to the Bill in another place whereby there should be an appeal from the municipal revising authorities to the judiciary. An amendment to that effect was moved by the leader of the opposition in that branch of parliament and was defeated, being opposed by the government. However, the government at the time promised that they would use their influence with the local legislatures to have the laws in those provinces where no such appeal existed brought into harmony with the law as it existed in the province of Ontario, and I am aware they afterwards carried out that promise. They communicated with some of the legislators of the provinces recommending, I think, that the law should be brought into harmony on that question with that of the larger provinces of Ontario and Quebec. When the Bill came before this House. I moved amendments to it similar to those moved in the House of Commons, which passed this body, but were rejected in the House of Commons, and the Bill with the amendment omitted was accepted afterwards by this House. What I wish to know is how that matter stands at the present time. The reasons given by the premiers of the different provinces were that the subject was brought to their notice too late in the session to be attended to, and I think the correspondence contained a promise that at the next session of these legislatures the matter would be taken up and dealt with. I should like to know how this stands at the present moment, and whether there is any probability of the promise given by the government in the House of Commons with regard to using their influence to have the laws brought into harmony on this question is likely to be carried out. I do not know whether my hon. friend, the Minister of Justice, is prepared to give any answer to this question. If he is not, I was going to say that I shall be willing to wait until some future occasion when he will be prepared to give an answer, but if he is in a position now to reply, I should like to know how that stands and what probability there is of the laws being amended.

Hon. Mr. MILLS—A communication was addressed by the Prime Minister, I think, to the local governments in Nova Scotia and New Brunswick where this feature of the law which my hon. friend undertook to amend prevails. That communication, I think, was made to some of the ministers orally, who represent in the government here the provinces of Nova Scotia and New Brunswick, that in speaking to the local ministers upon the subject they said there had never been any complaint there, or any suggestion in either legislature that such appeal should be given, and that until there was some ground of complaint, or some objection made, they did not feel disposed to take the matter up. That is the position in which the question stood, and I dare say my hon. friend will see that it is somewhat difficult to press upon them to amend the law when the answer given is that the electors in the various constituencies, who are our electors also, did not desire any such change to be made, that they were satisfied with the law as it stood, that there had been no practical grievance in the preparation of the voters' list, and that being so, there was no disposition on their part to disturb it. I am speaking now from recollection of the discussion or conversation which took place some months ago.

Hon. Mr. MILLER—I do not think that was the purport of the correspondence—the answer is given.

Hon. Mr. MILLS—No, not quite.

Hon. Mr. KIRCHHOFFER—I should like to ask the hon. gentleman why it was that the province of Manitoba, which virtually by attempting to pass resolutions in the House and by a clamour all over the country that the judges should be appointed revising officers, was not asked at the same time as the other provinces who did not want it were asked.

Hon. Mr. MILLS—I think they have an appeal there.

Hon. Mr. KIRCHHOFFER—Oh, no.

Hon. Mr. MILLS—Not an absolute appeal as in the province of Ontario. My hon. friend will agree with me that there is nothing to prevent the party in power to deal with the matter. One party was in power there and they were satisfied with the present law. Another party is in power in Manitoba and if they are not satisfied with the law I have no doubt a change will be made.

Hon. Mr. KIRCHHOFFER—I am sure it will. I was not calling attention to what would be done now, but I was asking why the other step was not taken. I know very well what will take place now.

INCOMPLETE RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I call the attention of the hon. Secretary of State to the return which he laid on the table yesterday. It is only from the Customs Department.

Hon. Mr. SCOTT—The others have come down.

Hon. Sir MACKENZIE BOWELL—Only a few of them. I will make a memo. of those which have not come down.

Hon. Mr. FERGUSON—The return from the Department of Railways and Canals was brought down, but was rejected because it was not sufficient, and was sent back.

Hon. Mr. SCOTT—I have endeavoured to have it put in the shape my hon. friend desires, but I am quite unable to obtain it.

Hon. Sir MACKENZIE BOWELL—Are we to understand, then, that the Department of Railways declines to give the return ?

Hon. Mr. SCOTT—They said they gave all the information in their power. I think the only omission was in reference to the labouring men, and there was no record kept of their names.

Hon. Mr. MILLS—And they were not in the civil service.

Hon. Mr. SCOTT—It should only apply to those who have some standing in the civil service. My hon. friend is running this question of dismissals into the ground. They could not possibly give the names of labourers who are employed two or three days, or perhaps a month, as track repairers.

Hon. Mr. KIRCHHOFFER.

Hon. Mr. FERGUSON—My impression is —and I think I am right—that when the return from the Railway Department was submitted, and my hon. friend the leader of the opposition pointed out that it was incomplete and did not comply with the order of the House, the hon. Secretary of State took charge of it and sent it back to the Railway Department, and it is not really in the possession of the House. He agreed that the objection of the hon. leader of the opposition was quite reasonable, and therefore he returned it to the department.

Hon. Sir MACKENZIE BOWELL—That is quite correct. It was never contemplated when I asked for that return that the day labourers should be given, because a break might occur and you might require twenty or thirty men, and when it was repaired they would be sent away. The return speaks for itself. I do not want anything unreasonable.

Hon. Mr. SCOTT—I will make further inquiry about it, and whatever it was, it will be brought down, and we will see what further information can be obtained.

THE REDISTRIBUTION BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (13) 'An Act respecting representation in the House of Commons.' He said : In rising to move the second reading of this Bill, I am submitting for the consideration of the House a Bill embracing principles that were accepted by both political parties down to the year 1872, and formally enunciated by the Prime Minister on that occasion, the leader of the Conservative party, as the basis upon which he was proposing the redistribution of seats after the census of 1871. The principle then enunciated was accepted by gentlemen who represented in the House of Commans the views and sentiments of the Liberal party. So that there was no ground of division between the two parties at that time. Both accepted the principles enunciated by English statesmen and upon which a distribution of seats was provided in England for a very long period of time. In 1882 a different rule was adopted, and it is perhaps of some little historical interest to call the attention of hon. gentlemen to the reasons for

the course that was adopted on that occasion. My hon. friend opposite, and those associated with him at that time, occupying a prominent position in the Conservative party, supporting the views that were put forward, adopted as a fiscal policy of Canada the principle of protection, and in 1878 they won the elections largely upon that ground, perhaps greatly supported in their chances of success by the very great depression that had existed in the commerce and industries of Canada as well as nearly all the rest of Christendom at that period. Hon. gentlemen know right well that the promises made on that occasion were not quite consistent with each other, and it was not easy to reconcile the views put forward by various prominent members of the Conservative party with each other. Not long after that, the enthusiasm in favour of the principles of protection began to wane. There had not been the large sums brought to Canada from abroad for investment that were promised, the expectations that were held out were not realized, and there was in many parts of the country not a little disappointment. Before the period for which the parliament of 1878 was elected had expired, the hon. leader of the government on that occasion advised His Excellency Lord Lorne, that it was important to dissolve parliament and appeal to the country to know whether the country was prepared still to stand by the principle of protection, because there were thousands of people abroad with millions of money anxious to come to this country for the purpose of investing it in industrial enterprises, but who do not wish to invest their money in this country until they knew whether the tariff which the government had adopted in 1879 was likely to be permanent or not, and so the appeal made to the country was ostensibly for the purpose of ascertaining whether the mind of the electorate of Canada was the same in 1882 that it had been in 1878. But I wish to remind hon. gentlemen that the government of that day did not wholly rely upon the confidence that the electorate had in the policy that had been adopted. They felt that it was necessary to strengthen the position of the government, to give them a greater chance of success than they would have under the condition of things that existed, and with the constituencies as they existed before 1878, and so they undertook to alter the boundaries of constituencies in a way that was in fact revolutionary, in a way wholly inconsistent with those principles of parliamentary government, and with that theory which had been recognized for a long period of time in the United Kingdom, and with the doctrine that had been enunciated by Sir John Macdonald himself in 1872. A fundamental principle under the English parliamentary system is that the boundaries of counties shall not be broken in the formation of constituencies, that they shall be preserved intact, and that when any electoral district is formed, or a riding, its electors shall consist of those who have been in the habit of acting together for various other purposes connected with the affairs of the country. In fact, under the English parliamentary system they recognized the principle of social organism. They admit that the nation is a thing of organic growth, that it is not a mere artificial contrivance that can be cut or carved as it may please politicians and representatives in parliament, that you begin with the family as a unit, and you have the titheing and the hundred and the county and the kingdom, and so we here, in forming a confederation, never intended that we should separate the provinces wholly from the Dominion. The townships, the villages, the counties, the provinces are all a unit, an integral part, the one of the other, and so the province in like manner is an integral part of the Dominion. If the Dominion is obliged to go back and beneath the province, it finds the county just as the province finds it, and it finds the other municipalities as they are found by the province. They are inseparable parts of each other, and if you undertake to disregard county organizations and other organizations, you are undertaking to construct or base the Dominion upon a condition of things that the province has not recognized. In other words, you are undertaking to ignore the existence of the province and the municipalities in Dominion affairs. That was not the intention, and it was pointed out by Sir John Macdonald, in the speech which he made in 1872 in discussing this subject that if you were to cut off a township from one riding or county and attach it to another and different county, you may take the very best man of the constituency, a most pro-

mising man, who may not yet have appeared in public life, and put him into a constituency where he is personally unacquainted, where the community know nothing about him, or his fitness, and you destroy his opportunities, the legitimate ambition which he may properly have, and deprive the country of the advantage it would derive from affording him the legitimate opportunity which he may rightfully claim. As he pointed out then, in the Dominion of Canada, and especially in the province of Ontario, you have municipal bodies, you have your township councillors sitting in the county council. They become acquainted with each other's capacity and ability. You have them meeting together as jurymen in the administration of justice. You have them meeting together in agricultural societies and in the promotion of the various interests which the communities possess. In this way they form a body of organic growth, and when you come to create constituencies returning members of parliament, you give to each man the legitimate opportunity which he may fairly claim of obtaining that position and status as a public man to which he is entitled. I say that we departed from that principle in 1882. What was the reason given? If any hon. gentleman will turn back to the discussion in the House of Commons that occurred on that occasion, he will see that the reason given was, not that there had been any mistake in the principle adopted in 1872, but that Sir Oliver Mowat, in forming the constituencies for the province of Ontario for the return of members to the local legislature, had disregarded it, and had gerrymandered the constituencies, and that the government of the Dominion were justified in adopting the same policy—that he had been interfering in the formation of the constituencies—that he had established boundaries to the disadvantage of the Conservative party in the returning of members to the legislature, and that the government of Canada were justified in doing the same sort of thing for the return of members to sit in the House of Commons. Now, I am not going into any discussion on the present occasion as to how far that was a correct statement. It is not necessary that I should do so. If it were true, and I think it is an exaggerated statement—but if it were true, that would be a reason for undertaking to agitate the province of Ontario against that injustice and to appeal to the sense of justice and fair-play of the people of the country to rectify the wrong which had been done, and not to further lower the moral tone of the country by degrading the parliament of Canada to the same level of policy, in this regard, that the local legislature of Ontario were accused of having attempted in respect to the return of members to the local legislature. I think I am not misstating the facts historically when I say that several gentlemen had a map prepared—members of the government with the assent of their colleague for the province of Ontario—in which there was marked in every municipality the vote that had been recorded at the elections of 1874, and that vote was largely against the Conservative party. A large majority was returned at that election to the House of Commons in favour of Mr. Mackenzie's administration. Now, there was marked on that map the vote and the problem which these hon. gentlemen proposed to themselves—and their names have been given to me—was how can we divide the province of Ontario, with a vote which was the most unfavourable to us that has occurred in recent years, so as with that vote to give us a majority of the constituencies of the province? That, I understand, was the proposition, and so to work out that with a free hand it was necessary to disregard county boundaries altogether. I say that that measure was most unjust. It was one that was greatly against the interests of this country. It was one which destroyed the feeling that the contest between political parties ought to be open and manly warfare. It was an attempt to secure, regardless of the public opinion of the country, a majority of the seats in parliament, no matter what might be the current of that public opinion. That was done. The measure has been sometimes defended on the ground that the proposal was one based upon the principle of representation by population. I say now, as I said here a year ago, there is no foundation whatever for that statement. It is utterly at variance with the facts. There is not the slightest regard to the principle of representation by population in what was done. If the principle of population were to have been adopted as the paramount consideration, and the boundaries of counties were

to be disregarded, you would need to begin at some point, say the Detroit River, and when you had an equality in any one of the constituencies—they required to be about twenty one thousand at that time—that you were to stop at that point and then begin another constituency; but so far from that being so, you find that there were some constituencies with eight or ten thousand more residents than were required for the representation the county received. When you come to the county of Kent as it was formed, you find that their representation was about 12,000 more than was entitled to a member, and where that was the case it necessarily followed that there must be a number of constituencies the population of which was far below the unit entitled to return a member to parliament. Now, I say that that is absurd. It is at variance with the facts? It is not honest to pretend that population had anything to do with the manner in which the province was carved up on that occasion. The paramount consideration was not population, but party, and how the division could be made so as to give one party, no matter what might be the political feeling in respect to it, a majority in parliament, to load the dice, to assure it success, no matter what the political feeling of the country might be. No, I say that that principle was one utterly at variance with the principles of British parliamentary government. It was far more in accordance with those principles which prevail in some of the South American Republics, and it would be impossible to maintain a high and manly tone in public life in this country if such methods of warfare are to be recognized. A great wrong has been done. That wrong has been perpetuated for a long series of years, and we are proposing at this moment that the wrong should come to an end. It has been sometimes said, and I should consider that matter more at length in a moment, that we take the census every ten years, and last year several hon. gentlemen in this House, among them the hon. member from Marshfield (Hon. Mr. Ferguson) maintained that it was illegal to undertake the redistribution of seats except immediately after the taking of the census. I think that the position will hardly be seriously maintained, to-day. There can be no doubt whatever of the plenary authority of parliament in this regard. We could change the representation every year if we thought necessary, but we cannot change the proportions within the ten years between the different provinces of the Dominion that are settled by the census. Let me suppose this state of things: supposing you had a legislature returned here, partisan in its feeling, so strongly partisan that in order to secure an ascendancy in the province of Quebec, it undertook to divide that province in such a way as to enable the English speaking minority to return a decided majority to parliament. Supposing they were to divide the French constituencies of the province of Quebec to give them twenty representatives, and to give to the English speaking population of the province forty-five representatives, they would have the legal power to do so. Let me suppose that the legislature was so strongly anti-French and partisan in its feeling that it would undertake to adopt a measure of that sort and did adopt it, and it became law, would any hon. gentleman seriously argue that when public sentiment cooled down, and after a new election under a fairer state of public feeling a majority was returned disposed to do justice between the different sections, of the country, that because you had one redistribution in ten years you could not rectify the wrong and make a fair redistribution of the constituencies in the province of Quebec? Will any hon. gentleman say that is so? Does he think that this parliament should be precluded from correcting a wrong of that sort, simply because the previous parliament, after a census had been taken, had so misused their power or authority? I am sure no hon. gentleman will so argue, and so the question that we have before us to-day is not a question whether the census is going to be taken next year, or the year after, or whether the distribution will be made in 1902 or not? If the census shows that a different number of members should be allotted to the different provinces from the number now prevailing, of course there should be a redistribution.

Hon. Mr. MILLER—A re-adjustment?

Hon. Mr. MILLS—A re-adjustment. I accept the hon. gentleman's phrase. It is more accurate. My opinion is that we ought

to disturb the constituencies in re-adjustment as little as possible. In 1882 we altered the boundaries of 55 constituencies in order to give the province of Ontario four additional seats. That at least was a most improper proceeding, but apart from that altogether, if this principle of cutting and carving and gerrymandering the counties, disregarding county boundaries, is wrong, as I maintain it is, and as every Liberal has maintained throughout the province of Ontario, and I believe throughout the Dominion of Canada since the time that the injustice was perpetrated, we have a right to correct that wrong, no matter whether we are within two years of the taking of the census and another readjustment, or whether we are eight years away.

Hon. Mr. MILLER—I think there is no doubt about that.

Hon. Mr. MILLS—I think there is no doubt of it either, and while there is no doubt about the justice and the constitutionality of the course neither is there any doubt as to its expediency. All we have to establish is that the principle is wrong, and that we have a mandate from the people of this country to restore the principle that was recognized from the time the confederation was formed until 1882. This was one of the questions that was discussed in every parliament from 1882 to 1896. There was no parliament in which there was not a resolution on the subject proposed. In our conventions we discussed the questions. It was an issue in the elections, and it was such an issue as any other one of those which hon. gentlemen refer to when they say we have given pledges which we have not redeemed. This is one of the pledges, and it is one that we are undertaking to redeem, and one of the pledges that the electors of Canada, as the political sovereignty of the country, have returned us to parliament for the purpose of redeeming. That being so, it is important to consider what is the position of this House upon that question. I say that this House has the power of rejecting this measure, as it has the power of rejecting every other measure which we propose to submit to it, but the power to do a thing and the constitutional right to do anything are entirely different, and I say this House has not the constitutional right to reject this measure, because the people of this country, at the general election in which this was an issue, have returned a majority to the House of Commons for the purpose of carrying out that principle and giving it the effect of law. The principle that governs this House is precisely the same as that which governs the House of Lords in respect to matters of this sort. The House of Lords claimed an unrestrained power in respect to the subject of representation prior to 1831. In the elections of 1832, immediately after the rejection of the Reform Bill, Earl Grey, who was the Prime Minister on that occasion, proposed the appointment of a sufficient number of peers for the purpose of carrying the measure in the House of Lords, or giving to the friends of the measure a majority. The political sovereignty of the country, the electorate, had pronounced in favour of it. The representatives in parliament had given a similar pronouncement. The advisers of the Crown held that view and took the responsibility of submitting a measure of that sort to parliament. Now, in order to avoid the policy of appointing a sufficient number of peers to enable them to carry the measure, a certain number withdrew from the House of Lords and permitted the measure to be carried by a majority, and from that date the rule adopted in the House of Lords has been, where a question has been an issue in the country and the majority have pronounced in its favour or an administration is returned who are prepared to take it up and sustain it, is to accept the principle of the measure.

Hon. Mr. MILLER—What about the precedent of 1884—Gladstone's Bill ?

Hon. Mr. MILLS—Does my hon friend refer to the Redistribution Bill ?

Hon. Mr. MILLER—Both the Redistribution and the Franchise Bill.

Hon. Mr. MILLS—The principle was not departed from. On the contrary, the principle was recognized, but the opposition said 'we will postpone the measure, not vote against it or reject it, until you bring down your Redistribution Bill.'

Hon. Mr. MILLER—' Satisfactory to us.'

Hon. Mr. MILLS—They proposed a Bill for the extension of the electoral franchise, but they wanted the Redistribution Bill to be submitted along with it, because they

were entitled to have both before them and the one, the opposition maintained, could not well be considered without the other.

Hon. Mr. MILLER—But did not Gladstone's government promise a satisfactory Redistribution Bill would be submitted, and was not a satisfactory Redistribution Bill submitted ?

Hon. Mr. MILLS—A Redistribution Bill satisfactory to the men who returned them to parliament. I should like to call the attention of the hon. gentleman to the speech of Disraeli at the time in the House of Commons, when Gladstone opposed the abolition of the established church in Ireland. That was near the end of parliament. Disraeli said 'public opinion has not been expressed on this ; you are proposing an amendment to the constitution. You are proposing to do a thing which, if done, cannot be undone, and therefore the electorate of the country ought to be heard upon a question of this sort,' and Gladstone agreed with that view. He agreed that no measure should be introduced beyond adopting the resolution which committed the party who supported it to the abolition of church and state connection. He admitted they ought not to go further until there was an election held.

Hon. Mr. MILLER—On that specific question.

Hon. Mr. MILLS—No, on all the questions that were before the country, and on all those questions there is an opinion expressed, because we have not adopted the principle of the plebiscite in public elections. We do not submit a single question for the purpose of ascertaining the views of the country. It is the entire policy of the party that is submitted, and if that party is returned to power, the House must assume that they have a mandate to deal with all the questions embraced in the policy of the party. That is as clear as noon day. It is the principle recognized in England, and that principle has been adhered to ever since. I say that the government went to the country on that question, but not on that question alone. There were a number of other questions involved. They were all dealt with by the Gladstone government, and the House of Lords proposed no amendment directed against the principle of any one of their measures. Reforms were proposed ; changes were proposed that it was held would emasculate some of those measures and diminish their utility, but there was not an amendment proposed which pointed directly against the principle of a Bill upon which the public opinion of the country had been pronounced. What is the recognized doctrine of modern times ? It is that the electorate are the political sovereignty of the country.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. MILLS—There was an appeal made to the electorate in 1896. That appeal embraced the adoption of the franchise as it existed in the different provinces. That was accepted and has become law. It was supported in this House, not on the ground that my hon. friend, or others who agreed with him, approved of the principle of that measure, but on the ground that they, as senators, were prepared to acquiesce in a settlement which had been expressed by the electorate of the country who must finally determine what shall be accepted and what shall not. There would be no object in an appeal—there would be no point in an appeal if, after the appeal had been made, the majority in this House had the constitutional right to reject the proposition after it had been approved of by the people. That being so, this House is constitutionally bound to give effect to the principle that the county boundaries shall be respected, and that the divisions in the ridings where divisions are required shall be made in conformity with those boundaries. That is the position, and this House, I have no hesitation in saying, will be direlict in its constitutional duty if it rejects this measure. We go a long way in this measure in proposing that, after having adopted the doctrine that is recognized in England as to what we ought and ought not to declare, we leave to certain judges the power of making the redistribution. What is the reason in England of adopting the principle of referring this to commissioners, in many cases surveyors, men qualified to carry out the object and aim of parliament ? When a county has to be divided in England, the first thing to be considered is what portion of its population are a borough population, who, although residing outside of the town or city limit, are nevertheless a city population ; and they are included along with the popu-

lation of the borough. That is one duty to be discharged. It is a matter of following a principle which is well understood, and then there is the division of counties into ridings. In that country there is far less necessity for appealing to any outside body than there is here, because there is no particular fact that requires outside interference —there is no fact better known to the commission than to the House of Commons. Nevertheless, the government of Canada, knowing that their conduct in making a division would be open to criticism, and that charges of partisanship might be made, content themselves with these declarations and provisions which are recognized in the English practice ; that is, they declare the number of representatives to which a county is entitled, and leave it to three judges to say what the division of that county shall be. They have not left—they could not leave it, having any regard to the law, to the judges to say how many representatives there shall be. We recognize in a subordinate way—in a way that the constitution intended, in the way that was recognized when confederation was first established—the principle of representation by population. And so you say that a county with a large population shall have, where the population is sufficient to entitle it to an additional member, the largest representation. You say, as far as you can, from the census provided, what number of representatives shall be given to each county, and when a division comes to be made you leave to this outside body the power of making the division. This is the rule which is recognized in the British North America Act. I shall not pursue the subject further. I am content with stating the general principle of the Bill, of its having been an issue in the elections of 1896, of its having received popular sanction, and I ask this House not to stand in the way of having the wishes of the people in this regard carried into effect.

Hon. Mr. McMILLAN—Is this an exact copy of the Bill that we had before us last year, or have any changes been made ?

Hon. Mr. MILLER—It is not an exact copy of the Bill but a copy of the Bill as amended.

Hon. Mr. MILLS—Yes.

Hon. Mr. MILLS.

Hon. Mr. MILLER—The clause relating to St. John has been dropped and the clause dealing with Toronto has been amended.

Hon. Mr. MILLS—It is a copy of the Bill as it came up to us.

Hon. Mr. MILLER—No, St. John is dropped ?

Hon. Mr. MILLS—I thought that was dropped in the House of Commons.

Hon. Sir MACKENZIE BOWELL—We have had the usual academic display from the hon. gentleman and the annual lecture upon the constitution repeated, that we have on all occasions of this kind. I confess that I have that speech pretty nearly by heart. I have heard it a great many times, and every time the hon. gentleman repeats it, the better he makes it. By the time the regular redistribution takes place in 1902, he will have it so perfect that we will all know, not only what to expect, but how to enjoy it when we hear him deliver it. Because it is always well in any person who has a speech or a lecture to deliver that he should have it by heart ; when he has it by heart it comes more freely, and it is enforced with greater power. I congratulate my hon. friend on his reiteration of the speech he has delivered so often.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I remember once, when we were both in the other House, and I was criticising some of the acts of his with reference to the affairs of the Department of the Interior, in which I called attention to the fact that on a number of papers which came under my hand, I found the initials ' No, D. M.,' and the same thing comes up here. The hon. gentleman has delivered a speech not only with force and emphasis but containing a good deal of information and a good deal of assumption, and if it would not be considered improper, I would put presumption with it.

Hon. Mr. MILLS—The presumption is yours.

Hon. Sir MACKENZIE BOWELL—He has told us all that was done by the parliament of 1874, and there I think he was in error. He did not mean 1874, because the Conservatives party were not in power.

Hon. Mr. MILLS—I said 1872. I mentioned '74 with reference to the number of votes

that had been recorded for my hon. friend's party.

Hon. Sir MACKENZIE BOWELL—What we have to do with just now is the Bill before us, and it was not my intention to discuss at any length the merits of the Bill or the reasons which induced the Senate to reject it last year. The reasons are fresh in the minds of the people. The position he has taken as to the constitutional right to change and amend the Bill was not disputed by the Senate when it passed the resolution rejecting the measure. Hence the fifteen or twenty minutes devoted to that point was quite unnecessary. It was predicated, however, on the position take by one or two members of the Senate who differed from the hon. gentleman on that question, and I might say that when my hon. friend from Marshfield (Hon. Mr. Ferguson) assumed that position, he did it upon the opinion of just as eminent lawyers as there are in this Dominion, and who entertain the same opinion to-day. However, that was not the opinion we then affirmed, nor do we propose on that ground to deal with the question now. My view of the matter is simply this; the government had nothing ready, they had no Bills prepared, and when they were asked if they had anything for the consideration of the House of Commons they reintroduced the old Bill which had been rejected by the Senate last year, and that the introducing of it was for the purpose of giving them time to prepare whatever they had to submit to parliament. The hon. gentleman has devoted a good deal of time to impressing upon the minds of senators the iniquity of the Bill of 1882. He has told us that some person had a map prepared in order to show what votes were cast in different constituencies. Well, supposing they had—I am not prepared to deny that they had—supposing that the redistribution is submitted with the county boundaries to the judges as they propose to do, will it not be necessary for those judges to have some authoritative map before them to enable them to come to some conclusion as to the proper division, and should not that map contain a statement of the population in each constituency and county, if they desire to come to any conclusion as to the proper representation by population or the equality of representation in the constituencies. My hon. friend says that is a crime. I do not deny that such a map was in existence and I do not deny that I have that map in my possession now, and it would enable me at any time, looking at that map, to ascertain not only the extent of each county, but the population in each township. But the hon. gentleman goes further: he says: As to the opinions held justly and to a very great extent naturally in these townships, any one who desires to deal intelligently with a question of this kind, would necessarily have just such information before him; but he says it was all done for political purposes, and they pledged themselves at the last election that they would destroy that redistribution and adopt the system of county boundaries. That may be what they said in the constituencies, and what probably they intended to do, but I venture the statement that no constituency had the slightest idea that that redistribution was to take place until after the census of 1901, nor would they contemplate anything of that kind. That is the position that the Senate has assumed before, and I think are prepared to assume now. What are the facts? I hesitate not to pronounce this Bill an abortion; that is, if it be based upon the ground that the representation should be confined to county boundaries. My hon. friend has told us as they told us in the House of Commons, that county boundaries were necessary in order to keep us within the constitution of the country. To my mind, adherence to county boundaries is an absurdity, so far as it refers to representation in the House of Commons. If it has been the principle of the Liberal party throughout the whole country that county boundaries should be strictly adhered to, why in the name of common sense has not the province of Ontario adhered to it? Take the county of Cardwell, which is composed of two or three townships. Take the constituency which the hon. Minister of Education represents to-day; that is composed of two or three counties, and not confined at all to county boundaries. The Minister of Education in the province of Ontario sits in a riding which is made up of three counties, a portion of the county of Lincoln, a portion of the county of Welland, and a portion of the county of Haldimand. Take the county of Cardwell

in the province of Ontario. That riding was composed of two counties, portions of Simcoe and Peel. I merely call attention to these facts to show that the fundamental principles of the Liberal party have not been carried out in a province where they have had a majority for over twenty years. The fact is, they have done in the province of Ontario precisely what my hon. friend proposes to do here—carve out, and so arrange the constituencies as to wipe out of existence the Conservative party so far as they can possibly do it.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And yet I suppose we ought to approach these things with a great deal of fear and trembling, considering the threats that have been thrown out to us. In order to intensify what I have said in reference to the object which this Bill has in view, all you have to do is to cast your mind back a very short time, and look at the speech made by the hon. Mr. Tarte, the master of the administration, when he was in Brantford a year or so ago. He said that they had secured the province of Quebec, and just as soon as they had an opportunity of changing the constituencies in Ontario, they would 'take the life out of the Conservative party.' I am quite prepared to allow the electors of the province of Ontario to decide as to how far they propose to allow Mr. Tarte to take the life or the life-blood out of them.

Hon. Mr. MILLER—I think he used the word 'squeeze.'

Hon. Sir MACKENZIE BOWELL—No, I have the exact quotation—'take the life out of them.' We find the Hon. Mr. Paterson, the Minister of Customs, telling them in the debates :

> Now that we have the power in our hands, we propose to act.

That is to take the life out of the Conservative party in Ontario. We may go a little further, and find that Mr. Heyd, the successor of Mr. Paterson for Brant, uses this very moderate language :

> My own opinion is that the government are altogether too honest in dealing with our friends on the other side. If I had the power that the present government will receive from the people when they once more appeal to them, it would not require thirty Grits to assist gentlemen opposite in filling that side of the House, because there would only be a Grit House here.

The threat is clear enough. But that is not all. Take the Hon. Mr. Davies. He held out dire threats as to what would be the consequence if we dared, under any circumstances, to interfere with this Bill. But then I am not frightened, I must confess, at any threat which the Minister of Marine and Fisheries makes. I have heard of a good many threats he made to the electors of Prince Edward Island but a few months ago, in which he told them that if they did not vote in a certain way and return certain members to the local legislature, the probabilities were that the government of which he was a member would not build a railway for which they had taken an appropriation, and in order to induce them to vote, he held out other promises. But the honest people of Prince Edward Island in these two constituencies paid very little attention to the threats of the hon. Minister of Marine and Fisheries and rejected both his candidates, one of them being the Attorney General of the province.

Hon. Mr. POWER—What have these interesting facts to do with the Bill before the House ?

Hon. Mr. MACKENZIE BOWELL—I am speaking of the threats the Minister of Marine and Fisheries made in reference to what is to become of this House if we reject this Bill, and I am saying at the same time—and if the hon. gentleman had paid any attention he would have understood what I have said—that his threats were of very little avail, that even the people in his own province, and that too, in a gerrymandered county, a division in the province of Prince Edward Island, rejected his candidate notwithstanding the threat he made to deprive them of rights to which this parliament said they were entitled. That is a point I am desiring to make, and I hope it is sufficiently plain to my hon. friend, however disagreeable it may be to him. The hon. Minister of Marine and Fisheries in dealing with this question in the House of Commons used the following language :

> Are they going at all times to submit to the dictation of the Chamber which does not either directly or indirectly represent the people of Canada? Is the voice of the people of Canada to be for ever silenced by the vote of a Chamber which is utterly irresponsible? If a Bill embodying these just principles is persistently thrown out by reason of party principle, then some other method must be resorted to for obtaining the

rights of the people. But, Sir, if the Conservative party, with a majority in the other Chamber, determine that the intervention of the judges shall not be permitted, then this House of Commons will have to take the matter into their own hands and make the division themselves.

I am quite willing that the people should decide as to whether this House has done its duty to the country, and in the interests of the people, notwithstanding the covert threats of the hon. gentleman to whom I have referred. Now, does this Bill carry out the principle my hon. friend has, with so much ability and eloquence, advocated? Let me ask him the question, is he of the same mind as to the necessity of representation in the whole of Ontario as that which he held in 1882, when he discussed this question, or has he, like his colleagues, changed his opinions? If he holds the same views that he uttered then, he should have applied the Bill to the whole of the province of Ontario, and not confined it to the western section, in which they expect to obtain political advantages by interfering with the divisions. I will read an extract from the speeech of the hon. Minister of Justice, delivered in 1892, upon this question. But before doing so, let me point out to the House that they have taken the western section of the province of Ontario and declared that the representation shall be re-adjusted in accordance with the county lines, but in the eastern portion of the province they have not interfered with any of the constituencies below the county of York. Why is that? During the whole discussion upon this question, both in the press and by public men—and no man was more eloquent or delivered himself oftener than the hon. Minister of Justice upon the iniquities that were perpetrated upon the people of Ontario, because the representation of the people of the eastern section of Ontario, on account of the inequality of the representation below the city of Toronto, or the county of Ontario, and yet to-day that which they have been condemning for ten or fifteen years they have not touched. If there were better evidence of the correctness of the Redistribution Bill of 1882, it is the fact that they have not interfered with that which for twelve or fourteen years they had been constantly through the public press and in parliament condemning. The hon. Minister of Justice, then in the House of Commons, at page 1871 of *Hansard*, volume two, 1892, spoke as follows:

> It is only necessary to look at the census to see that the portion of the province of Ontario which lies west of Toronto is under-represented at the present time, and the portion which lies to the east, between the Ottawa and the St. Lawrence rivers, and the eastern portion of Lake Ontario, is over-represented; but the hon. gentleman and his colleagues have taken away the two members from the district which is already under-represented, and have left that section of the province which is at the present time and has been all along, over-represented, having in this House a representation out of proportion to the numbers which its population would warrant, just as it is.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says 'hear, hear.' Let me finish the quotation:

> Why that is done is perfectly obvious to every member of this House, and will be perfectly obvious to every citizen of the province of Ontario.

Now, could any one suppose that utterances of that kind, to which my hon. friend cries 'hear, hear,' approving of his utterances of 1892, that he would come down with a Bill to correct what he says are errors, improprieties and iniquities, and never touch that part of the province at all, leaving it precisely as it was readjusted in 1892 by the Conservative party? But he deals with the whole western section of Ontario—not the whole of it, but that section a little west of Toronto, and from which they expect to gain some advantages. The hon. gentleman knows as well as I do why it was necessary to readjust that portion, or certain portions of the province of Ontario. It was in order to give additional representation to sections of Ontario not then represented in the Commons; and if you confined the readjustment to county boundaries, you would necessarily have to deprive those growing portions of Ontario, what is now familiarly known as New Ontario, of representation in the Commons altogether. The district of Algoma is nearly as large as the whole of the other portions of the province of Ontario. The construction of the Canadian Pacific Railway was the means of settling it and adding to the population, what is termed now the Nipissing District, extending over a large area of country; large numbers of inhabitants were being brought from the United States by clergymen and settled in

that portion of the country. It had increased numerically so much that they were entitled to a representation, and the only means of giving it to them, was by dividing up the south-western portion of Ontario, and depriving that section of one representative in order to give it to the district of Nipissing. And what did the Conservatives do in that case? Did they deprive a Grit constituency of its representative in order to accomplish this purpose? The constituency that was wiped out of existence was represented, and has been for years represented in parliament by a Conservative. Run the mind back from the time of the first redistribution, and every single constituency in the province of Ontario that was deprived of a representative, either for the purpose of giving the representation to another section which was more largely populated, or for the purpose of wiping out small boroughs, was represented by a Conservative. Cornwall has always been represented by a Conservative. That was wiped out of existence and attached to the county. Niagara had always been represented by a Conservative, but was wiped out and attached to Lincoln. Monck, the last one that was wiped out of existence and deprived of its member, had been represented by a Conservative. Yet the hon. gentleman tells us that everything that has been done by the Conservative party in the readjusting of the representation of Ontario in the House of Commons has been to deprive the Liberal party of its just rights in that part of the Dominion. There never was a baser slander uttered against the Conservative party than declarations of that kind, as facts and history will show. I am not going to weary the House with the speech I delivered in 1892, which will be found in the Debates, which established beyond a doubt the incorrectness of the statement made by the Minister of Justice as to population.

Hon. Mr. MILLS—It was perfectly correct, and we can establish it, I believe.

Hon. Sir MACKENZIE BOWELL—In the redistribution of the constituencies in that section of the country, population was the basis upon which it was made, and it is the principle upon which the party, now represented by hon. gentlemen, nearly drove this country into rebellion, because the Conservatives at one time would not and did not accept it. But, just as it is to their interests and their purpose to ignore every profession of principle which they uttered in the past, they are quite as willing to swallow this as they have swallowed every promise they have made. The Hon. Mr. Mills, then a member of the House of Commons, at page 3268, volume 2, of *Hansard*, the same year said:

> In the readjustment of the representation in the province of Ontario the proper course, whatever system might have been adopted, would have been to have withdrawn representation from that section of the province which is over-represented, and to have conferred the representation obtained in this way upon those sections of the province that are inadequately represented, but that is not done by this Bill.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I might apply that argument to the present Bill. The hon. gentleman says 'hear, hear.' He condemned the Conservative party because they did not interfere to any extent, except to equalize the population in the eastern section of the country. He reiterates that, and approves of that now, by saying 'hear, hear,' and yet, strange to say, he has a Bill before us in which he has not touched that point of the country at all. He leaves it precisely as we left it—the best compliment he can possibly pay to the action of the Conservative party in 1892. The Hon. Sir Richard Cartwright spoke very strongly upon this point also, and after pointing out the over-representation of the eastern group of counties, said:

> On every principle that can be conceived, whether you have regard to the convenience of uniting one or more counties together, whether you have regard to the distribution of the population, whether you have regard to the wealth and tax-paying qualities of the population, on every conceivable principle, any members that it may be necessary to give the central group in order to afford it such representation as it may be entitled to should, if you disturb the representation at all, in all fairness and justice, be taken from the eastern group, whose population is at present nearly 20 per cent below the figure required to entitle it to its present representation, and not take it from the western group, which at present has barely the representation to which its poplation entitles it, taken collectively.

He said further:

> I find, on examination, that out of the thirty-five constituencies which now return representatives to this House east of Toronto, thirty return supporters of the government, and five members of the opposition. I turn to the other side of

the picture, and I find that out of the western section of Ontario, which to-day returns fifty-one members, the Liberals hold twenty-seven seats. Need I say more to explain to my hon. friends or explain to the people of western Ontario why it has been found absolutely indispensable to cut and carve the boundary lines of half a dozen constituencies in western Ontario, while not a finger is held up to touch a constituency east of Toronto, with the single exception of Russell and Prescott.

Here is another strong condemnation of the division which took place in reference to the eastern portion of Ontario, and yet Sir Richard Cartwright, being in the government to-day, and as well as my hon. friend who, we have every reason to believe, prepared this Bill, has not one word to say about it. Why, because at the present moment this iniquitous inequality which they have pointed out, in the last elections, returned a majority supporting the hon. gentleman. If the representation of these constituencies, the boundary lines of which they condemn so strongly, had returned Conservatives, as they did at the time Sir Richard Cartwright made that speech, you would have found that tinkered with and interfered with the same as the others, but they do not dare to do it now, because, if they do, it will result in disaster to themselves. Take the city of Ottawa. The city embraces the former village of New Edinburgh and the former suburb of Rochesterville. New Edinburgh has a large Conservative majority. For electoral purposes it is within the county of Russell. The county of Russell is sufficiently Liberal to overbalance the majority that would be given by the Conservatives in New Edinburgh. Hence, it is not added to Ottawa, because it would be sure, with the other suburb to which I have referred, to return two Conservatives for the city. Rochesterville belongs, for electoral purposes, to the county of Carleton. Carleton, with its large population, could very well spare Rochesterville, but it is sufficiently strong in Conservatism to elect a Conservative. Attach that to Ottawa, and it would make Ottawa beyond a doubt strongly Conservative. They have not touched it, and why? I leave you to draw your own inferences. I could go on and show in other cases, such as Frontenac and Addington, where one part of the county is attached to the other, but they are at present partially represented by gentlemen who support the present government, and, consequently, are not interfered with. Then, take the cities. In Toronto they take the suburb of Parkdale, which, for electoral purposes, belongs to West York, and attach it to Toronto. They take it out of Mr. Wallace's constituency in order to carry out the boundary line principle, and make West York a Grit constituency, so that Mr. Wallace may be defeated. Then, there is the suburb of Yorkville, which belongs, for electoral purposes, to East York, a constituency which gives Mr. Maclean a large Conservative majority. They detach it from East York and add it, for electoral purposes, to the city of Toronto, hoping to defeat any Conservative who would run in East York. Then, they destroy the present mode of representing the city of Toronto by dividing it into five divisions, each to elect a representative, in the hope that they may catch one, or, perhaps, two of them. Why have they not applied the same principle to the city of Ottawa? The city of Toronto was not gerrymandered. Nobody interfered with it. Parkdale became a suburb; Yorkville became a suburb from the settlement that took place owing to the manufacturing industries and the terminus of the railway station to the north. Parkdale has belonged always to West, and Yorkville to East York, but there was a political advantage to be obtained, and, ergo, they took Parkdale and Yorkville out of the two constituencies to which I have referred and attached them to the city of Toronto, with the hope of securing an advantage. It was absolutely necessary, they say, in order to secure a proper representation of the people, to divide the city into five constituencies. Why they have not divided Hamilton, or Ottawa, or Halifax, each of which returns two members, has yet to be explained. They proposed to interfere with the city of St. John, in the province of New Brunswick, and give the county, with 14,000, a representative, and the city of St. John, with 39,000, two members. I am using, now, Mr. Ellis's figures, which I have under my hand. As soon as Mr. Ellis, a supporter of the government, pointed out to them that he would have to vote against it, because it was neither fair play nor British justice, they came down, like Davy Crockett's coon. All he had to do was to point the gun and down came the coon. If that was iniquitous, and the iniquity was pointed out to them, and

they receded from their position, why did they not do it in the case of other constituencies? Simply because those who objected to the wrong that was to be perpetrated belonged to the Conservative party. There never was, to my mind, a grosser and more palpable exhibition of partyism exhibited than there is in this change in the representation. It is not my desire or intention to occupy the time of the House at any length in further discussion. There were a great many things said by the hon. gentleman in his speech to which I might take serious objection, but I want to point out this fact: In 1874, the hon. gentleman's party went to the electors and were sustained by a very large majority. About five years of the administration of the affairs of this country convinced the people that a change was necessary if the country was to prosper, and a change took place on the same basis of representation as before. In 1896, the hon. gentlemen went to the electors of this country and were sustained by a large majority, and now hold power. They have a majority in the province of Ontario, a majority derived from the constituencies which they say were so iniquitously changed and manipulated in the interests of the Conservative party. More than that, they hold power, as far as Ontario is concerned, with a minority of the votes——

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Yes, with a minority of the votes cast, so that, if the divisions were such as to give the full majority of the votes cast in 1896 to the Conservative party, they would not have a majority of representatives from the province of Ontario, but would be in a minority? I do not say that they would not be in power, because Quebec gave them such an overwhelming majority as would have sustained them independent of the province of Ontario. I have no objection, particularly to their redistributing the seats. I think it is within their province to do so, providing they carry the next election, and after the decennial census has been taken. The doctrine laid down by my hon. friend for the guidance of the House of Lords is in some respects correct, and in some, not correct. Take Gladstone. He went to the people the last time principally on the question of Home Rule for Ireland.

Hon. Mr. MILLER—Solely.

Hon. Sir MACKENZIE BOWELL—The House of Lords did not object to the Home Rule Bill on the ground that it had not been submitted to the people, but because Gladstone, on behalf of the Home Rulers, refused positively to define or give any explanation as to the manner in which Home Rule was to be conceded to Ireland. His ministry was returned by a large majority, but just as soon as he brought down the details of the measure, the House of Lords rejected it, and they rejected it upon the ground that the people, when they voted for Gladstone, mainly on the question of Home Rule, were not aware of the principle on which it was to be carried out.

Hon. Mr. MILLS—My hon. friend is mistaken.

Hon. Sir MACKENZIE BOWELL—No, I am not mistaken. I have not studied the constitution as closely as my hon. friend has, but I keep myself tolerably well posted on political events, and I repeat, that the ground on which the House of Lords rejected that Home Rule Bill was because the details of the measure had not been submitted to the people, and they made this statement, that if the people had known what the principles of the Bill were, and the terms upon which it was to be conceded, they would never have returned Gladstone to power. Then, parliament was again dissolved, and they went to the people, and the position taken by the House of Lords was sustained by the largest majority that any Imperial cabinet has had during the last century. I point this out to show the fallacy of the statements made by my hon. friend, that the House of Lords has acted always in accord with the principles he has laid down. I do not hesitate to say that had the people returned to power Gladstone and his party, knowing what the principles of the Home Rule Bill were, the House of Lords would have acceded to it at once. I am quite satisfied when the hon. gentlemen go to the people, if they are returned again, and have under the law the readjustment of the constituencies, if they have to give Ontario an additional one or

two representatives, taking the unit as it is laid down in the constitutional Act, they will have to distribute the constituencies in some way or other to accomplish that, unless New Ontario has become sufficiently populous and important to give that district representation without interfering with the others. There are many cases in history to which I might call the attention of the Senate with reference to the action of the House of Lords, and the Senate occupy today, in a minor degree, a position similar to that of the House of Lords. The hon. gentleman says that one of the pledges of his party was to respect county boundaries. I need not repeat, I look upon it as a mere fiction—a matter of no consequence whatever in the distribution of seats for the House of Commons. If the people did affirm it, that was one of the minor issues, if it was an issue at all. I have no recollection of it being made an issue, but if it was, the people thought at the time and voted in accordance with the opinion that the readjustment would take place after the census had been taken. The hon. gentleman started out by saying that we had the constitutional right to reject this measure as we thought proper. He wound up his speech by declaring that we had no constitutional right.

Hon. Mr. MILLER—The hon. gentleman said we had the constitutional power, but not the constitutional right.

Hon. Sir MACKENZIE BOWELL—There may be a difference, but it is so slight that I am quite incapable of comprehending what the hon. gentleman means by having the constitutional power but not the constitutional right.

Hon. Mr. MILLS—The Crown has the constitutional power to pardon everybody that is now in penitentiary, but the Crown has not the constitutional right to do it.

Hon. Mr. MILLER—There is no analogy.

Hon. Sir MACKENZIE BOWELL—The Crown also has the right to declare war, but will my hon. friend say that Her Majesty has no such constitutional power? That may be predicted on the fact that she has no power to carry on war unless the House of Commons vote the supplies. The people have power over the Crown in that respect. If we have the constitutional power we have the constitutional right, and if we have not the constitutional right the sooner the power is taken from us the better; but just so long as we have the power to do it under the constitution, we propose, if we can, to exercise the right in accordance with our judgment.

Hon. Mr. MILLS—You could reject every Bill on that theory that is proposed to the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is altogether too abstruse in his constitutional theories for the ordinary mind. We have the right and power, I admit, to reject every Bill, and if every Bill was of the character of the one which is now before us, which does not carry out the principle which the hon. gentleman has been advocating for years, but is in direct contradiction to his own views uttered over and over again, we would be justified in rejecting them. When I say we, I mean the majority of the Senate, and if they entertain the same opinion of this Bill that I believe they do, they will do what my hon. friend from Richmond suggests. My hon. friend gave as an illustration the course pursued by the government with reference to the Franchise Act. Certain amendments made to the Bill in the Senate were rejected, and certain amendments were accepted by the lower House, and we pointed out that we thought it essential to a free franchise and a correct voters' list that there should be an appeal to the judges. The Premier pledged himself to take certain action in connection with that. My hon. friend the Minister of Justice did precisely the same thing in the Senate. He said if the Premier has promised what the hon. gentlemen opposite has said, I will assist in carrying it out. I then read the pledge made by the then Hon. Mr. Laurier, and when I asked about it the next session, not a single step had been taken to carry out that pledge. They have failed also to carry out other pledges with regard to the franchise. One pledge which was continually advocated by my hon. friend opposite, was that we should adopt the provincial franchises intact. Have they done so?

An. hon. GENTLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—Who said 'Yes?' The man who said that has never studied the question. The franchise that existed in the province of Nova Scotia for the local legislature, the franchise that exists in Prince Edward Island, and in British Columbia, are not the franchises upon which the voters' lists are made up for the Dominion elections. They are changed in three or four instances, one, quite properly, because it gives the franchise to certain of Her Majesty's subjects of which they were deprived by the local legislature. But it sustains the position I have taken; what I have said is, the government have not carried out their pledges in that respect. They did not dare to do it. They had to depart from it to a certain extent, and where they did depart from it, they departed in the right direction. The reason which induced the Senate to reject this Bill last year is intensified this year. We said in our resolution last year that the constitution makes it imperative on the government of the day to re-adjust the representation after the decennial census. It was pointed out that the power was given to the local legislature to re-adjust the constituencies whenever they pleased, and if it ever had been intended by the fathers of confederation that the constituencies should be gerrymandered or tinkered with, or interfered with, during the period between the times at which the census should be taken, it would have said so. My hon. friend knows that at the first Quebec conference the redistribution of seats and re-adjustment of constituencies was to be left to the provincial legislature, but after mature deliberation that power was taken from them, leaving the power only to deal with the constituencies of their own provinces. Now, that was done for a purpose. It was done, I have no doubt, for the purpose of depriving the provincial governments from jeopardizing the interests of the people in different sections of the country. My hon. friend says that the question of representation by population is only applicable as between the provinces, taking the unit of Quebec, but that this is not to be applied to all the rest of the country. I should like to know whether there is any good reason why that principle should be adopted for provinces in dealing with matters affecting the whole Dominion, and not matters affecting the individual province?

Hon. Mr. MILLS—No government has ever applied it to the divisions of a province.

Hon. Sir MACKENZIE BOWELL—What principle?

Hon. Mr. MILLS—The principle of representation by population. Your constituencies have varied from 50,000 to 9,000.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has a habit of interjecting something different from what the speaker has in his mind's eye at the time he is presenting his argument. The point I want to make is, if the principle of representation by population is to be applied and is proper as applied to provinces, why is it not equally proper as applied to constituencies?

Hon. Mr. MILLS—I say you never have applied it.

Hon. Sir MACKENZIE BOWELL—I say we did, so far as it was practicable to do it.

Hon. Mr. MILLS—Oh, no. I can tell the hon. gentleman——

Hon. Sir MACKENZIE BOWELL—I can tell the hon. gentleman that I know whereof I speak. There were exceptions. The Muskoka District was given a representation when it had only about 8,000 inhabitants. Why did we do that? The matter was fully discussed at the time. It was done on the same principle that you give to Nipissing District a representation, and before ten years rolled round the Muskoka district had from 18,000 to 20,000, and has to-day more than its full quota, because it was then being opened up by the Ontario government by free grants, and people were pouring in, and it was known before the next decennial census could possibly be taken that that county would have more than its quota of population, and so it has been with the others. Let me put this question to my hon. friend: Is not the county of Vaudreuil just as much interested in what takes place here as the county of Glengarry adjacent to it? Would not the legislation of this dominion affect that portion of the province of Quebec just as much

as it does the province of Ontario, and if it was thought necessary that the province of Ontario, having the largest population, should have a larger representation in parliament than the province of Quebec, with a small population, why should not we carry the principle further and say that the city of Toronto, having 200,000, should have a representation on the basis of the unit of the province of Quebec? The principle is precisely the same. If we were dealing with municipal matters and matters of roads and bridges, then I could understand the argument of the hon. gentleman, and his logic in advocating boundary lines which apply to counties. Now, we deal with something of a larger character. We deal with the question of protection, for instance, and it matters not whether a man gives his vote in one county, or township or another, when that question is placed before him. These being the facts, and believing sincerely that the constitution never contemplated what the hon. gentleman suggests, and believing further that it is not in the interests of this country that the Bill before the House should be passed, but that the matter should be left until after the next census is taken, my own opinion is that the Senate should do with this Bill what they did with the other. The hon. gentleman says, 'Let us leave this question to the judges.' That is a fiction. What do they do? They say, 'You must take the county boundaries and then you must divide the county in such a manner for representation.' Why does he not go further? I gave utterance to this opinion last session when we were discussing this question. I do not go quite so far as Sir Charles Tupper does in his amendment, but it is infinitely better than the one the hon. gentleman has proposed, because after the census is taken it deprives any party or any government of the right to interfere with the re-adjustment of the constituencies. It says this—You take the judges, not selected by the ministry of the day, but the chief justices, no matter who they may be, and in Ontario that would place the adjustment of the constituencies in the hands of the chief justices, a majority of whom are Liberals. I have every confidence in the chief justices. I would leave it in their hands as readily as I would in the hands of Conservatives, because I believe they would do justice. But the hon. gentleman goes further; he says, adhere to county boundaries—that I have no particular love for—with a view to the population of each constituency. That is the principle that I should like to see adopted, even if you stick to county boundaries. It is not new to me. The hon. gentleman knows I advocated it last year. There is another evidence of the facility with which these gentlemen change their views and opinions.

Hon. Mr. MILLS—The hon. gentleman has changed his.

Hon. Sir MACKENZIE BOWELL—In what respect?

Hon. Mr. MILLS—About this very matter. The hon. gentleman did not act on his view of last year during the eighteen years he was in power.

Hon. Sir MACKENZIE BOWELL—I have not changed my views at all; it is the hon. gentleman who has changed his views. When this question of submitting the redistribution to the judges in 1892 was before the House of Commons my hon. friend knows that his leader denounced the principle.

Hon. Mr. MILLS—The leader accepted it, and my hon. friend rejected it.

Hon. Sir MACKENZIE BOWELL—He did nothing of the kind, and neither did I. Will the hon. gentleman look at *Hansard*. Here is what Sir Wilfrid Laurier said in 1892.

Hon. Mr. MILLS—We had a division in 1892, and Sir Wilfrid Laurier voted with us.

Hon. Sir MACKENZIE BOWELL—I am not surprised at it, because he is constantly voting one way and preaching another. Then Mr. Laurier and Sir John Macdonald agreed on the point.

Hon. Mr. MILLS—Sir John was dead.

Hon. Sir MACKENZIE BOWELL—Not at the time I am speaking of. He was dead in 1892. This is the language of Mr. Lau-

rier when this question was up before. He said :

The suggestion has been made that the duty of redistribution should be referred to a commission of judges specially appointed; in other words, that parliament should divest itself of its power in this most important particular.

Sir, I am bound to say at once that this is a proposition which my friends and I would not favour either upon this or any other subject.

I am bound to say that we would not entrust to any this duty and privilege which properly belongs to parliament.

Moreover, this proposition implies a singular want of confidence in parliamentary institutions.

It implies that in a matter of this kind the majority would never be able to rise above the low temptations of strengthening themselves at the expense of their opponents.—' Hansard,' 1892, p. 312.

Sir John Macdonald took precisely the same view in this discussion. He was a very great stickler for the rights and privileges of parliament, and was opposed in every instance to delegating the power of parliament and the responsibilities of responsible government to judges or to any one else. My hon. friend will remember he took that view when Mr. Blake proposed his measure for referring disputed constitutional questions, particularly the Manitoba school question, to the court. Sir John objected at the time, but after reflection, he used this language, that upon reading carefully the amendment which was proposed by the hon. member for Durham (Mr. Blake), he found that it left the power in the hands of the executive of the day, and did not deprive the responsible advisers of the Crown of that responsibility which rested upon them, and that they would have the power, notwithstanding the decisions of the judges of the court, to deal with complicated questions of that kind and take the responsibility. I give that as an illustration to show the tenacity with which the Hon. Sir John Macdonald adhered to what he believed to be the correct principle of responsible government. He agreed with Mr. Laurier when he uttered those sentiments, and now, the other day, the hon. gentleman complimented Sir Charles Tupper on the position he has taken, and while complimenting him he voted against his amendment. Mr. Laurier spoke as follows :

I have to congratulate the House that at last the opposition have come to a better understanding of the principle which we maintained in 1882, and again in 1892, that a redistribution should be made by a judicial authority.

These hon. gentlemen took issue with us. They would not hear anything of the kind. They insisted in 1882 that the redistribution, instead of being made by judicial authority, should be made by the authority of parliament, and they said the same thing in 1892.

You have the utterances of the present Premier in 1882, and you have him complimenting Sir Charles Tupper and the Conservative party upon enunciating a principle which he says they adhered to and advocated in 1882, and which the extract which I read from the speech proved he condemned. I am not surprised at my hon. friend saying he made a speech one way and voted another. There is scarcely a question which arises affecting the public weal in which the Premier and those surrounding him, fail to perpetrate the same act. My hon. friend condemned in the strongest language he could pick out of the dictionary the distribution of this eastern section of Ontario, and yet to-day he does not touch it. He has the power, but yet, like his leader, I suppose he has changed his views. I am firmly of the conviction that the action of the Senate at the last session of parliament with reference to this Bill is the same course that should be pursued at the present time, and if there are a sufficient number of members in this Senate holding the same view as myself, they will vote that way. I therefore move, seconded by the Hon. Mr. Ferguson :

That the bill be not now read the second time, but that it be read a second time this day six months.

Hon. Mr. MILLS—Before the motion is put, I wish to say a word ; Sir John Macdonald, in discussing the dismissal of Mr. Letellier, as Lieutenant-Governor of Quebec, said that he did not question that the Lieutenant-Governor had the power to dismiss his ministers, but that he did question the constitutional right to dismiss them.

Hon. Mr. MILLER—I admit there are cases where a constitutional power may exist without a constitutional right. The case quoted by my hon. friend the Minister of Justice, when he interrupted the leader of the opposition was that of the Crown possessing many constitutional powers without constitutional rights. I said that that case bore no analogy to the constitutional right of parliament and the constitutional power of parliament, and I will explain to

the House why I said so. It is well known that the constitution of Great Britain is not a written, but an unwritten constitution. Many prerogatives of the Crown which existed years ago, and many constitutional rights of the Crown which were acted upon many years ago, have during modern times been curtailed and limited by usage and precedent, which under the British constitution has the force of written laws. With us, therefore, I say there are many cases where the Crown has a constitutional power where, however, it has lost the constitutional right by usage and precedent established during this century.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MILLER—But take the parliament of Canada; can there exist a case where a constitutional power is given to the parliament of Canada where no written restriction is placed upon that constitutional power, that that power does not exist in its fullest force and vigour? In our constitution there are many proofs of what I say, because there are some constitutional powers possessed by the House of Commons which are expressly in the British North America Act taken away from the Senate. I will give one instance alone which will do to illustrate my argument at the present moment. We have not the power to initiate in this House money bills. Why? Because it is expressly taken away from us by the British North America Act, our constitutional charter, but wherever any constitutional power is given by the British North America Act and it is not limited by that Act, I contend that that power exists in its fullest force and vigour, and there is no analogy between such a constitutional power to legislate as was attempted to be set up by my hon. friend in quoting the instance of the prerogatives of the Crown. I think the point is so clear that there cannot be the slightest difference of opinion with regard to it, and I can only attribute it to what is justifiable in controversy between members of the House that my hon. friend would use such an illustration, because my hon. friend has too profound a knowledge of constitutional law not to know better. Although I take the liberty of differing with him, perhaps no man in this House has a higher opinion of his knowledge of constitutional law, but in this and many other cases, he uses the privileges and perhaps the rights of controversy to adduce an illustration which he knows will not bear the test of reason or of argument.

Hon. Mr. FERGUSON moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, March 22, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DUTY ON PETROLEUM.

Hon. Mr. PERLEY—I have presented several petitions, largely signed, asking to have the duty taken off petroleum. I have been asked to read this petition, which I shall now do:

Humbly showeth: That your petitioners necessarily import and use large quantities of petroleum and the products thereof: that the persons directly connected with the Standard Oil Company, of New York, U.S.A., and other persons and corporations affiliating with it, did during the summer of 1898 obtain control of the oil refining industry in Canada; that the Grand Trunk Railway Company and the Canadian Pacific Railway Company and other railway companies operating in Canada did, on October 1, 1898, advance the freight rates on petroleum and the products thereof from 50 to 100 per cent to your petitioners and other persons not connected with the Standard Oil Company, but did not advance freight rates in the same manner to the Standard Oil Company and persons and corporations affiliating with it;

That to illustrate the freight discriminations, your petitioners submit the following: The Grand Trunk Railwway Company and the Canadian Pacific Railway Company and others, are charging the Standard Oil Company and persons and corporations affiliating with it, 25 cents per hundred pounds from Sarnia, Ont., to Montreal, Que., whereas the said railway companies are charging independent importers and shippers not connected with the Standard Oil Company, 35 cents per hundred pounds from Suspension Bridge to Montreal, notwithstanding the fact that the distance from Sarnia to Montreal is

seventy-seven miles more than from Suspension Bridge to Montreal. To many other points in the province of Quebec and elsewhere, the discrimination is far greater;

That the Standard Oil Company, or persons and corporations affiliating with it have formed a trust or combination, and have unduly enhanced the price of petroleum and the products thereof in Canada at the expense of your petitioners and many others, whereby your petitioners have suffered great loss and find it impossible to continue their various lines of business as before, particularly in such branches of their business where they use large quantities of petroleum and its products;

That your petitioners submit that if the very heavy duty now imposed on petroleum and the products thereof were removed, the Standard Oil Company and persons and corporations affiliating with it could no longer continue to exact such enormous and unreasonable profits from your petitioners and the people of Canada generally;

That your petitioners submit that the petroleum industry in Canada to-day is no longer what might be called a Canadian or home industry, because it is controlled and manipulated by the Standard Oil Company of New York, and persons and corporations affiliating with it, and millions of dollars are to-day being unlawfully extracted from your petitioners and the people in general of this Dominion for the sole benefit of the Standard Oil Company and persons and corporations affiliating with it;

That it is the firm conviction of your petitioners that unless some measure of relief is afforded by your hon. Senate, in parliament assembled, your petitioners and the whole Dominion will suffer;

Wherefore, your petitioners humbly pray that your hon. Senate, in parliament assembled, may be pleased to take the foregoing representations into consideration with a view to abolishing the existing customs on petroleum and the products thereof, so that the combination now existing may be broken, and your petitioners be enabled to purchase petroleum and its products at reasonable prices;

And your petitioners, as in duty bound, will ever pray, &c., &c.

THE PARIS EXPOSITION.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. If the Hon. J. Israel Tarte, Minister of Public Works, has been entrusted by the government with any duties on behalf of Canada at the Paris Exposition ? If so, what are these duties ?

2. Is the selection of persons to act as assistants to Mr. Tarte made directly by him or by the Governor in Council, or by the provincial governments?

3. Will all the provinces be represented on the staff of assistants at the said exposition?

4. Has Henry J. Pineau, member-elect of the legislature of Prince Edward Island, been assigned any duty at Paris in connection with the said exposition?

5. If so, was he nominated for such service by the provincial Premier or any of his colleagues, or any member or Senator representing the province of Prince Edward Island in parliament? If so, by whom?

6. What remuneration is he to receive, either under the heads per diem allowance for services, or as living or travelling expenses? And how long will his employment continue?

7. What are the names of all other persons employed in connection with the said exposition?

Hon. Mr. MILLS—The chief officer of Paris exposition on the part of Canada is Lord Strathcona ; he will receive no compensation. The Chief Commissioner is the Hon. Israel Tarte, who was appointed on the 13th of March, 1900, without salary.

Hon. Mr. LANDRY—That is a bad date.

Hon. Mr. MILLS—The selection of the officers connected with the exposition is made by the Canadian board of commissioners of which the Hon. Sydney Fisher, Commissioner of Agriculture, is Chairman. The various officers are Doctor G. M. Dawson, no salary, receives a living allowance in Canada of $3.50, and in Paris of $5.00 per day.

Hon. Mr. FERGUSON—Which question is the hon. gentleman answering now ?

Hon. Mr. MILLS—I am answering the question by whom are the selections made. They are not made by Mr. Tarte. None of the provinces are represented, so far as I know, in the organization. I do not find Mr. Pineau's name upon the list that I have, and so I assume that he has not been appointed. Of course if he is not acting he has not been assigned any duty. The provincial governments have nominated no person, so far as I know, certainly not any one connected with the representation of the Dominion. I am not aware that Mr. Pineau is to receive any remuneration, because I am not aware that he is appointed. The names of those appointed to the Paris International exhibition, are :

Lord Strathcona and Mount Royal, High Commissioner for Canada ; Hon. Jos. I. Tarte, M.P., Chief Commissioner, appointed 13th March, 1900. No salary. Canadian board of Commissioners : Hon. Sdyney Fisher, M.P., Minister of Agriculture, chairman.

——	Appointed.	Salary.	Living Allowance.	
			Canada.	Paris.
		$ c.	$ c.	$ c.
Dr. G. M. Dawson, C.M.G	Jan. 1, 1899	None.....	3 50	5 00
Wm. Saunders, LL.D	" 1, 1899	"	3 50	5 00
J. W. Robertson	" 1, 1899	"	3 50	5 00
Lieut.-Col. F. Gourdeau	" 1, 1899	"	3 50	5 00
Hon. A. H. Gillmor	" 1, 1899	2,500 00	3 50	5 00
J. X. Perrault	" 1, 1899	2,500 00	3 50	5 00
Jas. G. Jardine	" 1, 1899	2,500 00	3 50	5 00
W. D. Scott	" 1, 1899	2,500 00	3 50	5 00
Auguste Dupuis, Joint Secretaries	Mar. 1, 1899	1,600 00	3 50	5 00
L. A. Cusson, Joint Secretaries	Jan. 1, 1900	1,600 00	3 50	5 00
J. M. Macoun, Superintendent, Timber Exhibit	Feb. 15 1900	None.....	.....	4 50
A. Halkett " Forest and Sport Exhibit	" 20, 1900	"	.....	4 00
E. R. Faribault " Mineral Exhibit	" 20, 1900	"	.....	4 00
C. W. Willimott " "	" 20, 1900	"	.....	4 00
W. H. Hay " of Decorations	Jan. 16, 1900	"	.....	4 00
H. C. Knowlton	" —, 1900	Salary and living.	.....	6 00
J. O. Turcotte, Chief Caretaker	" 16, 1900	" "	....	6 00
W. A. MacKinnon, Superintendent, Food Products	Mar. 8, 1900	.....	.....	6 00
Robt. Hamilton " Fruit Exhibit	" 8, 1900	.....	...	6 00
W. S. Comeau, Clerk	Feb. 1, 1900	... ...	....	6 00
Mrs. Dandurand, Hon. Lady Commissioner	....	... ...	.....	Expenses.
Miss A. Galbraith, Lady Commissioner	.....	... ...	...	4 00
Miss Barry, Asst. Lady Commissioner	..... .	... ...	.....	6 00
Miss E. LeBoutillier, Stenographer and Typewriter, Ladies' Committee	....	.....	....	4 00

Hon. Sir MACKENZIE BOWELL—Are we to understand they are all salaried except those who are mentioned as having no salary ?

Hon. Mr. MILLS—They are not salaried, except the two secretaries. The others receive living allowances only. They receive a living allowance of $3.50 in Canada in connection with the exhibition, and $5 a day in Paris. Otherwise there is no compensation except to the two secretaries, as I have stated.

Hon. Mr. FERGUSON—My hon. friend cannot have failed to observe that one question has not been answered. In fact, I think two of them have not been answered, but one in particular. I asked my hon. friend if Henry J. Pineau, member-elect of the legislature of Prince Edward Island, had been assigned any duty at Paris in connection with the exposition.

Hon. Mr. MILLS—I told my hon. friend, I believe he is not appointed, and therefore all the other questions depending on that disappear.

Hon. Mr. FERGUSON—My hon. friend will allow me to say the way I understood him to answer the question. He said that he did not see Pineau's name on the list before him, and therefore concluded he was not appointed. I submit that is not an answer. Mr. Pineau's name had no right to be on the list given in answer to question seven. It was in the power of the hon. gentleman to learn whether Pineau had been appointed or not. If he is not appointed it is easy to say so. It is not sufficient for my hon. friend to say because he does not find Pineau's name on some list that he is not appointed. The question is specific,—has he been appointed ?

Hon. Mr. MILLS—I did not look at the answers placed in my hand until I came here, but I asked for a statement of all the officers who had been appointed, and I had this statement from the Department of Agriculture,—not from the minister, but from the officers of his department. I have also in my hand the statement of the minister himself, as reported in the *Citizen*, this morning, which he informed me is correct, in which I did not find the name of the gentleman about whom the hon. senator is making inquiry, and as his name is on neither list, I think the conclusion is fair that he has

not been appointed at all. I am asked specifically the particular question which the hon. gentleman has put. I think it is pretty clear that Mr. Pineau, of whom he makes inquiry, is not an officer connected with the Paris exposition.

Hon. Mr. FERGUSON—If the hon. gentleman will allow me to say it, I cannot help coming to the conclusion that all this is an attempt to evade an answer to the question.

Hon. Mr. MILLS—The hon. gentleman has no right to say so, under the rules of this House.

Hon. Mr. FERGUSON—I have a right to say so, if I choose, and I am in my right to say so.

Hon. Mr. MILLS—The hon. gentleman has no right to draw an inference which means that some member of the administration is acting dishonestly towards him.

Hon. Mr. FERGUSON—I have a perfect right to say that my hon. friend, or any other member of the government, is evading my question, and I submit my hon. friend is long enough a member of this House to know that I am perfectly within my right to say so. Here is a plain question, to which yes or no can be said.

Hon. Mr. MILLS—I submit, as a matter of order, if the hon. gentleman is not satisfied with the reply to his question, I told him what I was ready to do—he may put another question, but I do not think the hon. gentleman is entitled to rise and make a speech as a commentary upon the answer I have given.

Hon. Mr. FERGUSON—My hon. friend knows the practice of the House has permitted these commentaries, and I must tell him I decline to put another question on the paper, because I have already put one which he must either answer or refuse to answer. It is not enough to say that because he does not find the name of Pineau on the list, he draws the conclusion that he has not been appointed. We can all draw a conclusion. The question is: has Henry J. Pineau, member elect of the legislature of Prince Edward Island, been assigned any duty at Paris in connection with the said exposition? I have reason to know that he has been so assigned, and therefore I have spoken, and I have used the word evasion with regard to the reply which I have received. I have good reason to know that Pineau has been assigned some duty—that he has been spirited away out of this country in order to affect the standing of the government in the provincial legislature in the province of Prince Edward Island—that this man has been elected by the people of that province since the last general election, and that he has been approached and spirited away under the cover of doing service for the government at the Paris exhibition. That is a plain statement, and it becomes my hon. friend and the government he represents in this House, to answer this question, and not to say he draws some conclusion from some document.

Hon. Mr. LANDRY—I am quite at sea as to one part of the answer of the hon. minister. I think he stated, in speaking of the salary or allowances given those people, that they would be given $3.50 a day while in Canada, and $5, I think, while in Paris; but between Canada and Paris there is a long distance. What will be the allowance then?

Hon. Mr. MILLS—The hon. gentleman is at sea.

Hon. Mr. LANDRY—I want to know what will be the salary between those two places. Supposing one of the parties stops over in England and spends a month in London, what will be the salary? Will the Parisian salary or the Canadian salary be allowed? I think the answer of the hon. minister is not complete.

Hon. Mr. MILLS—If the hon. gentleman puts his question, I shall answer it.

Hon. Sir MACKENZIE BOWELL—The practice has been to pay the per diem allowance from the time an officer leaves here until he reaches his destination. Sometimes they have to be allowed something at sea, but, as a rule, the passage money covers the expenditure for board and allowance on sea. If in London, I presume the Paris per diem allowance will be paid. That has been the practice in the past, and there is no reason to depart from it now. I do not think the allowance they make these gentlemen and ladies while they are away, is any too much, if I may be permitted to ex-

press that opinion. As to the salaries, I do not know anything about that.

I want to call the attention of the hon. Minister of Justice to the very serious statement made by the hon. gentleman from Marshfield. He says that he has reason to know that a certain gentleman who had been lately elected in opposition to the government of Prince Edward Island, had been appointed, or promised an appointment, to perform some duties for the government in Paris, and he went further, and made the serious statement that this newly-elected member had been spirited away. That means, if I can draw any conclusion from it, that he has been spirited away by those who have been instrumental in having him appointed to the position which he is supposed to hold, in order to affect the stability of the government of one of the provinces. The hon. Minister of Justice did not indicate any intention of replying to that charge, that the government had seduced a member who had just been elected to oppose the local government, and whose vote in the island legislature would, in all probability, turn out the government.

Hon. Mr. FERGUSON—Would certainly turn it out.

Hon. Sir MACKENZIE BOWELL—Some one made him an offer—in other words, purchased him and sent him out of the country to remain away until after the legislature has met and adjourned, and the government remain in power with one of a majority, or with the casting vote of the Speaker, as the case may be. If that be true, it is a very serious charge against the administration, or some member of it or some one who acted on their behalf.

Hon. Mr. MILLS—Do you not think it would be well to ascertain whether it is true or not, before making such a charge in the House, here?

Hon. Sir MACKENZIE BOWELL—My hon. friend (Mr. Ferguson) said he knows it to be true, and I am only repeating what he said. I know nothing about it. I am repeating the charge he deliberately made in this House on his own responsibility as a member of the Senate, and I take it for granted he knows his position here as well as any of us, and he knows not only the difficulty, but the very unenviable position in which he would place himself in making a statement of that kind unless he knew it was true.

Hon. Mr. MILLS—You ought to have a committee to inquire.

Hon. Sir MACKENZIE BOWELL—There should be a clause in the Criminal Code to punish people who traffic in giving offices in that way. I know that the principle has been acted on that 'business is business'; if this is business, it is a very serious business, and one which affects the reputation of the government and of every man connected with it, and certainly is a charge which should be met fairly and squarely by a direct denial or admission.

Hon. Mr. MILLS—I thoroughly understand the language of the hon. gentleman who has just spoken.

Hon. Sir MACKENZIE BOWELL—I tried to be plain.

Hon. Mr. MILLS—And sometimes offensive and insulting also.

Hon. Sir MACKENZIE BOWELL—No, neither one nor the other. There is no gentleman in this House who is more offensive than yourself—no one who rises and contradicts gentlemen with more pertinacity than you do.

Hon. Mr. MILLS—The hon. gentleman is out of order: he has no right to refer to any gentleman personally in this House.

Hon. Sir MACKENZIE BOWELL— I admit it and apologize for it; but you should not have set the example.

Hon. Mr. MILLS—If the intention of the hon. gentleman from Marshfield (Mr. Ferguson) is to make a charge against the government, let him do so, but he has put a question. The hon. gentleman makes a statement which, if true, seriously affects the Minister of Agriculture and the local government of the province of Prince Edward Island. If he knows it to be true, then let him bring forward his proposition. Let him call for an inquiry. Let him be prepared to make a declaration. But that is not what the hon. gentleman has done. He has put a question here to obtain information with regard to a matter on which he professes to

have all the information at the present moment that will enable him to make an affirmative declaration. Then the hon. gentleman who leads the opposition gets up, and assumes that to be true, and makes a certain number of offensive declarations with regard to the government. Whether this statement were true or false, I say I have seen this party's name for the first time in the hon. gentleman's question. I know nothing about his appointment to office, if he were appointed. I say here that the answer given to me does not contain the name of this man, and as I put the question before my colleagues which the hon. gentleman put, I assume that if this party had been appointed his name would have appeared in the list of officers appointed. Then the hon. gentleman gets up and says we are trafficking in officers.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. MILLS—I say that is not the fact, and what is more, if the hon. gentleman thought that, he ought to have formulated that into a charge against the administration, and not skulk behind a question. It is a course of discussion that is unworthy the hon. gentleman when he rises in this House aud makes offensive and insulting references to the administration in that way. That is not the way to carry on discussions in this House, or elsewhere. I wish to maintain friendly intercourse with the hon. gentlemen opposite, but when an hon. gentleman rises and practically says 'you are a thief and a robber,' and makes every conceivable charge that can be made against a citizen, the hon. gentleman is himself seriously interfering with the ordinary rules of debate and the ordinary courtesies of this House.

Hon. Mr. SCOTT—The hon. gentleman from Marshfield ought not to allow his suspicions to carry him quite as far as he does on some occasions, and to insinuate that the statements made by the hon. Minister of Justice are not fair, honest and ingenuous.

Hon. Mr. FERGUSON—I did not insinuate it at all. I made it broadly.

Hon. Mr. SCOTT—When I heard it, I left my seat and called Mr. Fisher out and asked him if Pineau had been appointed on the Paris Exposition. He said, no, I have heard nothing about his appointment.

Hon. Mr. MILLS.

Hon. Mr. FERGUSON—Why was not this question answered ?

Hon. Mr. SCOTT—It was answered.

Hon. Mr. FERGUSON—It was not answered.

Hon. Mr. SCOTT—The minister read the statement given to him by the department and also by Mr. Fisher. He said Pineau's name had never been submitted to him—he had never contemplated the appointment, and did not make it. The provincial government may appoint him, I suppose, just as the other governments are appointing representatives. I see that in Ontario the Speaker had been appointed there, and it is just possible, although I do not know anything about it, that Mr. Fisher was ignorant of any suggestion of Mr. Pineau's name.

Hon. Sir MACKENZIE BOWELL—I am not in the habit of skulking behind any one's question when I have anything to say. I do not think that is a charge that any one who knows me will lay at my door, except the Minister of Justice.

Hon. Mr. MILLS—I did not refer to the hon. gentleman at all.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said I had skulked behind the door of what the hon. gentleman had said, I made no charge against the administration. I did not insinuate a charge against the administration. What I said was, if the statement made by the hon. gentleman from Marshfield was correct, then certain things should follow. I guarded myself by saying I knew nothing at all about it. I knew nothing about it until I heard my hon. friend make his statement here today, and then, knowing the facts connected with the election in Prince Edward Island, I had a right to place the matter before the Senate as I did, without receiving the chastisement that the hon. Minister of Justice thought proper to administer to me, and used language which he attributes to me, and which he himself is apt to use and is continually using when he wants to correct any one. I repeat every single word I said, that if the statement made by the hon. gentleman from Marshfield be true, then somebody is guilty of a wrong. I do not say the minister did wrong. I said if the ministry

did what is alleged, they deserve condemnation, or if any persons did it for the purpose of getting rid of that man out of the Prince Edward Island legislature, then they should be subject to the condemnation of every honest man in the country. I repeat it. If it be considered offensive to so characterize an act, which bears on its face dishonesty and corruption, I take all the responsibility.

Hon. Mr. KIRCHHOFFER—I wish to throw oil on the troubled waters. I do not wish to be offensive. I never made an offensive remark in my life. (Laughter.) I am glad to hear this unanimous approval of that remark. When the hon. gentleman who moved for these answers made the remarks he did he was justified by the minister's reply. We all know that the question was on the paper for some days. It was thoroughly familiar to persons who know that part of the country that the principal part of the question referred to Pineau. When the leader of the House answered the question, it was perfectly clear that he answered every part of it except that one that was the gist of the whole thing. When the hon. gentleman came to Pineau's name he stopped and hesitated and looked at his paper and said he did not see the name of Pineau upon it, and therefore concluded he had not been appointed. I agree with my hon. friend from Marshfield that that is no answer to the question, and I think the House will agree with me that it is not. It does not at all necessarily follow that because the name was left out of that paper the gentleman was not appointed. I do not wish to lecture him upon this matter, but I will point out to the leader of the House that where questions of this kind have been on the paper some time, and when he says the name occurs to him now for the first time——

Hon. Mr. MILLS—It was put on the paper on the twentieth and this is the twenty-second.

Hon. Mr. KIRCHHOFFER—That is three days. When the hon. gentleman says it is the first time this name has been called to his attention, and that since he entered the House he read the questions for the first time, it is not——

Hon. Mr. MILLS—The answer was put into my hands since the House opened.

Hon. Mr. KIRCHHOFFER—If the hon. gentleman was not prepared to answer that question himself, as an honourable man he knows how a question should be answered. I think when he came to this question he should have said 'as far as this part of the question is concerned I have no information.'

Hon. Mr. MILLS—I told my hon. friend before I sat down that I would make direct inquiry about this particular part. I promised to make further inquiries.

Hon. Mr. KIRCHHOFFER—If further inquiry is to be made and an answer to be given, I think the whole matter might be allowed to stand until that information is given.

Hon. Mr. FERGUSON—My hon. friend told me I could give further notice, which I declined to do, because I had given as clear notice as could be given under the circumstances. I said before there were two of these questions which were not sufficiently answered. One was the third 'Will the provinces be represented on the staff of assistants at the said Exposition ?' If my hon. friend gave any answer to that I certainly did not hear it.

Hon. Mr. MILLS—I told my hon. friend that in making these appointments we had nothing to do with the provinces.

Hon. Mr. SCOTT—They were not considered at all.

Hon. Mr. FERGUSON—I understand by that, the federal government, in choosing officers, to look after the affairs of Canada at that exposition, will not look to the point of having all the provinces or any particular province represented ?

Hon. Mr. MILLS—That does not follow. The federal government is making a dozen appointments. It is selecting those parties from the various provinces, but that is a wholly different thing from my hon. friend's questions.

Hon. Mr. FERGUSON—No, no. If my hon. friend will look at the question he will see that I am speaking of assistants to Mr. Tarte, and I ask, will the provinces be represented among these assistants.

Hon. Mr. MILLS—Not as provinces.

Hon. Sir MACKENZIE BOWELL—The Ontario government have appointed the Speaker of their House to represent the province of Ontario at Paris.

Hon. Mr. MILLS—We do not appoint them.

Hon. Mr. FERGUSON—I was not looking for information as to what the provincial governments were doing, I am referring to what the government of Canada is doing and whether the government of Canada, in arranging the staff of officers is looking to the point of having the provinces represented on that staff out of the assistants that will be employed there by Mr. Tarte, or whoever is the chief commissioner at that exposition, and the answer is not yet as distinct as I could have it, because my hon. friend appeared to think I was asking what the provincial governments are doing. I was simply asking what the government of Canada is doing, and whether in their arrangement they are going to see that the provinces are represented.

Hon. Mr. MILLS—I think they have done so. In the selection they have taken into consideration the entire country, and undertaken to represent the entire country.

Hon. Mr. FERGUSON—The next question referred to Mr. Pineau. The facts of the case are that Mr. Pineau was elected less than nine months ago in opposition to the provincial government in a very hard contest. Since the beginning of the year, in fact, some time during the month of February, it began to be rumoured that Mr. Pineau had been approached and offered $5.00 per day and expenses for going to Paris to represent either the province of Prince Edward Island, or the Dominion, in some capacity in connection with the Paris exhibition. That statement was broadly put forward and just as indignantly denied and repudiated by those who thought it was impossible that any such proposition, involving such deep dyed corruption, could be made by any person in the interests of the federal government or the provincial government, who were opposed to Mr. Pineau in politics; as the object could only be to get Pineau out of the way in order to save the provincial government in the approaching session. Mr. Pineau gave notice of a number of meetings in his constituency to discuss local questions. On the Monday previous to the dates these meetings were to take place, without consulting his political friends, without giving any explanation whatever, he went down to Charlottetown and from there to Georgetown, and from there he came to Ottawa. He gave no explanation of his conduct to his constituents. They met and he was not there. There was no explanation and no answer given. He was in Ottawa as we know for a period of nearly two weeks. He was evidently kept out of the way. No Conservative member or no person in sympathy with the Conservative party could see this man or find out where he was. He was here until about the day Mr. Tarte left for Paris, and it is believed, and not only believed but thoroughly understood, that he was engaged to represent the provincial government or the federal government at the Paris exposition, and that he was employed and bargained for to act in that capacity.

Hon. Mr. MILLS—Did the hon. gentleman advertise for it—lost, strayed or stolen?

Hon. Mr. FERGUSON—My hon. friend treats this matter with levity. First he tried to frown it down with anger, and now he treats it with levity. I think the country has had too many exhibitions of this kind. We have had the burning of the ballots in West Elgin, and then the purchase of a member of parliament in another province, and the determined efforts being put forward to prevent investigations into election frauds in another place. We have all that before us, and still my hon. friend asks me to formulate the charge. I am not in a position to say whether it has been done in the interests of, or by the agents of the provincial or federal government. I have not said by whom it was done. Very likely it has been worked out in collusion between the two. But I make the charge that this man has been approached and seduced from his duty to his constituents.

Hon. Mr. MILLS—By whom?

Hon. Mr. FERGUSON—By the federal or the Dominion government, or their agents, and that he is now on his way to Paris. I make these statements on good authority,

and I have very good reason for believing them to be true; and that being so, it is not a surprise to me to find that my question has not been answered yes or no, when all the other questions were answered directly. My hon. friend says 'I cannot find this man's name on the list submitted to me, and therefore he has not been appointed.'

Hon. Mr. MILLS—My hon. friend went and saw the list.

Hon. Mr. POWER—I rise to a question of order. My hon. friend is making a third speech.

Hon. Mr. MILLER—I move that the House do now adjourn.

Hon. Sir MACKENZIE BOWELL—I second that motion.

Hon. Mr. POWER—I expected that would be the result.

Hon. Mr. FERGUSON—I was going to deal with the observation of my hon. friend the Secretary of State. It appears that he has had some communication with the Minister of Agriculture since this debate began. The Minister of Agriculture may, for reasons that suggest themselves to him, not come to the front in this matter. So far, it is possible that Mr. Tarte may have made this arrangement—more than likely that Mr. Tarte made the arrangement, and that the Minister of Agriculture may be able to say truthfully: 'I do not know anything of this, I did not make the arrangement.' But what strikes me as most remarkable is that this evasive answer came from the Department of Agriculture. My hon. friend was answering for the Department of Agriculture, was he not?

Hon. Mr. MILLS—Certainly. There was no other department concerned.

Hon. Mr. FERGUSON—Then, does it not seem strange that this question could not be answered directly when it came before the department in the way of an inquiry from parliament? It is a most singular thing that the Minister of Agriculture could give an answer, yes or no, by telephone to the Secretary of State, while he could not give a direct answer to the question of the House. It seems most extraordinary that such should be the case. I certainly have great regard for my hon. friend, the Minister of Justice, and will accept his word when he says he does not know anything of it, and if I had received a direct and emphatic answer of 'no' to my question, I would at once have come to the conclusion that the provincial government had been guilty of this act and that this government were innocent. That would have been the conclusion to which I would have come, notwithstanding the fact that it is very strange that Mr. Pineau should come to Ottawa for instructions, and that he should be here nearly two weeks, but still if the direct answer had been given by my hon. friend, supplied as he is with information form the Department of Agriculture, that Pineau was not employed in any capacity whatever, we would have been much better satisfied in our own minds. I am inclined to think that some one in the Department of Agriculture has had something to do with this scandalous appointment of Mr. Pineau.

Hon. Mr. POWER—We ought always to think the best we can of our fellow citizens, and it occurs to me there is one solution to the puzzle which is troubling us all just now, which is simple enough, that Mr. Pineau my have come to Ottawa, and may have gone to see the Minister of Public Works on some business or other, and that the Minister of Public Works may have been so impressed by Pineau's business capacity and other good qualities, that Mr. Tarte may have selected Pineau to act as his private secretary.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLER—I beg to withdraw my motion to adjourn.

Hon. Mr. PROWSE—This question of the appointment of this man becomes a very serious one, and I am not disposed to reiterate the charge made by my hon. friend from Marshfield, but to draw certain inferences from what has been stated. I think the answer of the Minister of Justice was given in such a hesitating, undecided way that it left the door wide open for suspicion. It was not such an answer as an ordinary man would expect from a minister of the Crown. It looks to me as if we are pretty near the climax of corruption to-day in this transaction. It was bad enough in the olden days when candidates used their own money

to bribe the electors. It was ten times worse when the government of the country took public money to bribe and purchase votes. It became fifty times worse when the machine was organized in Canada for the purpose of stealing ballots and replacing them by ballots in favour of the party which instituted this machine. And it becomes fifty times worse, after an election takes place and the public vote has been given in favour of a policy, when the machine, or parties governing the machine, take the public money to buy that representative of the people and deprive the electors of their representation, which they have chosen. I say it becomes a serious matter, and as I said the other day, I think the time has come when we all should speak, not in an evasive way, but declare ourselves openly against this corruption which is sapping the life blood of Canada to-day.

Hon. Mr. MILLS—I entirely agree with the hon. gentleman that we ought to have honest government and we have waited a good while for it.

Hon. Mr. MILLER—We are waiting yet.

Hon. Mr. MILLS—The hon. gentleman is waiting for something more. The hon. gentleman has made certain charges, but he does not know against whom. He is perfectly certain that there is corruption in this matter, but he does not know whether it is the local government or the Dominion government that has bought Pineau, but he is perfectly certain somebody has bought Pineau, and without any knowledge on the subject he is prepared to come to this House and make imputations incompatiable with the honour or honesty of somebody.

Hon. Mr. FERGUSON—There is no doubt about that.

Hon. Mr. MILLS—The hon. gentleman proposes that somebody shall be put upon trial, but he does not know who it is has committed the offence, or who the party is that ought to be tried. The hon. gentleman has had from the Secretary of State, who went after the hon. gentleman put his question here directly to the Minister of Agriculture, who has alone authority to deal with matters within his own department and jurisdiction, and asked him whether this man Pineau had been appointed by him to any position connected with the Paris exposition, and he says he has not appointed him and that his name was never mentioned to him, and the hon. Secretary of State comes back and makes that statement; yet in the face of that statement the hon. gentleman says 'I do not believe what the minister says; I do not think he is stating the truth. I know that this man has been corruptly appointed by somebody. He is a member of our party; he was in the market; he has been bought, and the local government have been kept in office by his purchase. I do not know whether the Dominion have the slightest interest in keeping him in that position, but as I am here, and as the Dominion government is here, I am prepared to come into the Senate Chamber and make the charge against some minister or other, notwithstanding the denial and notwithstanding the fact that I have not a single iota of evidence of any kind whatever, to submit to this House to substantiate the very serious accusations which I am making'. That is the hon. gentleman's position here to-day. He says: 'Pineau was brought to this town.'

Hon. Mr. FERGUSON—I did not say that. I said he was spirited away.

Hon. Mr. MILLS—'I do not know what he came for, but he was in the city? I do not know, but I believe while he was in the city of Ottawa he saw the Minister of Marine and Fisheries.'

Hon. Mr. FERGUSON—I did not say that.

Hon. Mr. MILLS—'And there was evidently a corrupt understanding between the parties or he would not have been here at all.'

Hon. Mr. FERGUSON—I did not say that.

Hon. Mr. MILLS—'He may have seen Mr. Tarte. I do not know whether he saw Mr. Tarte or not. I did not see him with Mr. Tarte, but he was here and Mr. Tarte was here, and the probability is that he saw Mr. Tarte, and Mr. Tarte is gone and Mr. Pineau is gone, and I think they must have gone together. I am not sure. I did not see them buy their tickets—I did not see them on the railway train together, but they were in the town and are now out of town, and that is evidence of their guilt, and I ask you to assert here that Mr. Tarte has purchased Pineau and taken him off to Paris.' That is the statement which the hon. gentle-

man makes. I say that statement is wholly unworthy of any member of this House to make upon a mere suspicion existing in his own mind. There is the statement.

Hon. Mr. McCALLUM—Who pays him? Somebody must.

Hon. Mr. MILLS—I do not know that he gets a dollar from anybody. I do not know whether he was employed by the local government or not. I have no connection with the local government of Prince Edward Island, but I know that my colleague who has charge of this matter, who is responsible for these appointments, says 'I never appointed this man, and his name was never mentioned to me.' That is enough for me. It ought to be enough for the hon. gentleman, unless he had something more than a suspicion to bring before this House. He has had nothing but suspicion, and I think to mention such suspicions affecting the character of a man on no better evidence than he brought, is an unworthy suspicion, and he ought to have kept it to himself unless he was prepared to sustain the suspicion by more cogent facts than he has brought here. He might just as well go on and say he has a suspicion that some man has committed a criminal offence and on such suspicion put him on trial. What has this House before it? If the statements were true, this House would have a right to inquire into the matter for the purpose of maintaining purity of government. Does the hon. gentleman propose to do that? He has not a scintilla of evidence to submit. Then why should he bring things here that are only calculated to degrade the dignity of public life? That is the position the hon. gentleman takes here, and he hardly ever takes part in any debate affecting the administration, or any member of the administration, that he does not put forward such unworthy suspicions as he has submitted here to-day. We have occupied more than an hour here doing what? Discussing the suspicion of the hon. gentleman. I told him that, not having the name of Pineau on the list, I was prepared to make further inquiry, although I was quite certain he had not been appointed. The hon. gentleman was not satisfied with that, he must go on nagging and nagging, as he does whenever an opportunity occurs of casting some imputation on a minister. That is the position here to-day, and the hon. gentleman wishes to cast unworthy imputations against the Minister of Marine and Fisheries, or against the Minister of Agriculture, and on his own showing he has no evidence whatever upon which those suspicions can be upheld.

Hon. Mr. ALLAN—I think it is very regrettable this discussion has gone so far, and that so much has been said on both sides which would be better left unsaid. It can only excite resentment and irritation. Whether the hon. gentleman from Marshfield has been more persistent in trying to get an answer to his question than was perfectly justifiable, I cannot say, but I regret there should be anything like ill-feeling between the two sides of this House. I am quite content to accept the explanation made by the amiable senior member from Halifax (Hon. Mr. Power) when he suggested to us that the probable solution of the whole thing is that Mr. Tarte has spirited this man away as his private secretary.

Hon. Mr. KIRCHHOFFER—The words of Marmion are absolutely applicable here:

> O, what a tangled web we weave,
> When first we practice to deceive.

If the hon. Minister of Justice had noticed the way the answer was put on the paper when he first attempted to answer the question, and had said that he could not give an answer to that question, but would ascertain the facts and reply at an early day, there would have been no necessity for this discussion, and I am sure it would not have arisen.

The motion for adjournment was withdrawn.

DISMISSAL OF R. K. BRACE.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Why has R. K. Brace, of Charlottetown, been dismissed from the office of Inspector of Gas Meters, Charlottetown, P.E.I.?

He said: I would call my hon. friend's attention to the fact that Mr. Brace is in the prime of his life. He was a good officer. I think that is well understood in Charlottetown. He furnished his only son as a member of the contingent that represents Canada and is now fighting in South Africa. The

same mail that brought Mr. Brace the notice from the government that his services were dispensed with in the little office worth $175 a year, brought the announcement that his only son had been wounded while fighting for the Queen in South Africa.

Hon. Mr. MILLS—The services of Mr. Brace, late inspector of gas in Charlottetown, have been dispensed with—he is not dismissed—on the ground of economy and the duties of inspector of gas have been given to Mr. E. Davy, the inspector of weights and measures, without any increase in his salary.

HILLSBOROUGH RIVER BRIDGE.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Whether the bridge proposed to be constructed over the Hillsborough River at Charlottetown, at the joint expense of the Department of Railways and the provincial government of Prince Edward Island, will possess separate tracks or roadways for railway, vehicular and pedestrian traffic?

Hon. Mr. MILLS—The bridge, I understand, is planked entirely over, where the track is as well as elsewhere, and the railway track is laid down in the centre. It is so laid down that there is no difficulty in ordinary vehicles driving across it—driving one side or the other. It is not railed off and made separate from the ordinary portion of the bridge used for vehicles and traffic.

Hon. Mr. FERGUSON—May I ask my hon. friend whether the bridge is sufficiently wide to admit of vehicles passing while a train is on the bridge ?

Hon. Mr. MILLS—So I believe.

Hon. Mr. FERGUSON—My hon. friend gives that opinion.

Hon. Mr. MILLS—I am not absolutely sure of the width of the bridge, but I am speaking of the manner in which it is constructed, so that vehicles may drive on either side of the track or on the track.

Hon. Mr. FERGUSON—When trains are on the bridge ?

Hon. Mr. MILLS—I cannot say as to that.

Hon. Mr. FERGUSON—Is there a separate roadway for pedestrian traffic ?

Hon. Mr. MILLS—I understood that there was.

THE PREVENTIVE OFFICER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected since he has been doing duty, for infractions of the customs and excise laws? How much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed?

Hon. Mr. MILLS—I was told this would be sent to me to the House to-day, but it has not been sent yet.

Hon. Mr. LANDRY—This notice was given on the 13th March.

Hon. Mr. MILLS—I know. This is a matter that is not within my department. I asked for the information, but I see there are as many as one hundred questions on the list in the House of Commons, besides the questions here, and my hon. friend must not expect to get answers as quickly as he wishes. I have pressed for an answer and have not received it yet, though I expected it here to-day.

Hon. Mr. LANDRY—If the hon. gentleman would press it out of his fingers we might get it.

THE GOLD FIELDS OF THE KLONDIKE.

Hon. Mr. POWER—During a discussion two or three days ago I referred to the work of an expert as a good authority on the Yukon Territory, and the hon. gentleman from Monck asked me the name of the expert. I regretted at the time that I was not able to furnish the hon. gentleman with the name. I am glad now to be able to say I have since secured another copy of the work, and I find that the name of the expert is A. N. C. Treadgold. He is an M.A. of Oxford, and special commissioner of 'The Mining Journal, Railway and Commercial Gazette,' on the gold fields of Klondike. The work is published by George N. Morang & Co., of Toronto.

Hon. Mr. LOUGHEED—Has the author received any encouragement from the Department of the Interior ?

Hon. Mr. POWER—I do not know.

Hon. Mr. LOUGHEED—Why has this been distributed gratuitously by the Department of the Interior ?

Hon. Mr. POWER—I was informed that after the work had been published they bought some copies of it.

INCOMPLETE RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Secretary of State if he would kindly see, that the Railways and Canals Department return the report which was sent back to them for amendment. If they decline to give further information, I suppose it is impossible for us to compel them ; and if that be the attitude they assume, let us have the return as they presented it at first.

Hon. Mr. SCOTT—I gave instructions to the deputy minister to go over and see Mr. Schrieber and see if the report was there. You are quite sure it was returned ?

Hon. Sir MACKENZIE BOWELL—Yes. Might I ask the hon. gentleman whether he has made any inquiry as to whether General Hutton made any reply to the letter which was sent to him, and which the hon. gentleman read here yesterday, or if there is any other correspondence with regard to it ?

Hon. Mr. SCOTT—I understood there was an answer marked 'confidential,' which they could not very well give me. It was marked confidential by the General himself.

Hon. Sir MACKENZIE BOWELL—We are in a rather strange position. We have the Minister of Militia sending a letter and having it read here in justification of himself, and the General's reply withheld because it is confidential.

Hon. Mr. SCOTT—Would you expect me to bring it down under these circumstances ? I saw the letter to-day and it was marked very significantly 'confidential.'

Hon. Mr. LANDRY—Why bring the other ?

Hon. Mr. SCOTT—The other was a public document.

Hon. Sir MACKENZIE BOWELL—Whether that letter was a denial or an acceptance of the case as stated by the minister of course is best known to themselves. All I can say is, if he will take the trouble to look through the reports which have been brought down for the last twenty or thirty years to parliament, he will find many letters were laid before parliament which were marked confidential. If it be in the interests of the public the word 'confidential' does not in all cases cover them. I shall not dispute the point with the hon. gentleman now. It is important, however, if we are to have a correct knowledge of what is taking place, that we should have both sides of the question. I should like also to ask if my hon. friend knows whether the return which was moved for in the other House is likely to be brought down—that is the correspondence with Col. Hughes and Col. White. I make this statement because I have a letter from Col. White this morning in which he gives a positive contradiction as to the reasons which were assigned for his removal from the list of those who were to attend the military school. In the first place, he says he is not past the age, and in the second place, he is not lame. He says this letter is written by the hand some of the fingers of which are gone. All I can say is if I could write as good a hand I should be gratified. I make that statement in justice to the gentleman. If this correspondence is coming down, I shall not put a notice on the paper. If not, I shall give notice that I will ask for them.

Hon. Mr. SCOTT—I have not observed the notice in the other House. If there is anything to be brought down, I shall ask Mr. Borden for a copy of the return.

Hon. Sir MACKENZIE BOWELL—I did not see the notice either, but I say unless there is such a notice——

Hon. Mr. SCOTT—The correspondence with Col. Hughes is prepared. A large part of it is marked confidential. I do not think it would be advisable to bring it down, but it is quite ready to lay on the table and I just hesitate whether any good will come of it. Mistakes were made on both sides. It was rather unfortunate all that was said on both sides. I shall hand it to my hon. friend and he can decide whether it would be well to bring it down.

SECOND READINGS.

Bill (E) 'An Act for the relief of Katherine Cecelia Lyons.'—(Hon. Mr. Clemow.)

Bill (21) 'An Act respecting the Hereford Railway Company.'—(Hon. Mr. Perley.)

BILL INTRODUCED.

Bill (M) 'An Act for the relief of Gertrude Bessie Patterson.'—(Hon. Mr. Clemow.)

THE REDISTRIBUTION BILL.

DEBATE CONTINUED.

The Order of the Day being called,

Resuming the adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 13) An Act respecting Representation in the House of Commons, and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. FERGUSON said: The Bill before us being substantially the same one as we had before the parliament of Canada last year, and having spoken at some considerable length on the measure when it was then before us, I would be content to have given a silent vote on the present occasion, satisfied that the reasons advanced by myself and others a year ago were ample to justify the action of myself and the majority of this House in voting against the Bill on that occasion; but I have to ask the indulgence of the House for a few minutes in consequence of a return which was brought down to this House by the government in answer to a motion by my hon. friend the leader of the opposition. I may say, with regard to that return, that a most extraordinary course has been pursued in dealing with it. I have no objection whatever to members of the government holding any correspondence they chose as between themselves, and whether they are profound or whether they are silly is no concern of mine; but when these gentlemen hold a correspondence between themselves, I submit they have no right, under a motion of this House that does not call for that correspondence in any sense, to interject those letters between themselves into the return brought to this House. And especially is that the case in this correspondence. A gentleman, not a member of this House, dealing with statements made on the floor of this House, under cover of a return, undertakes to discuss questions with members of this House. That, I submit, the Solicitor General has done in a letter which has been submitted to the House. I pass over the introductory part of the letter of the Minister of Justice which calls for this communication. Mr. Fitzpatrick says:

I have seen it stated that the opinion is not reasoned, and is not as valuable as one that has been reasoned.

Then he comments upon that as follows:

Those who think that counsel of such eminence as Blake, Haldane, Asquith, Carson and Robert Cecil give lightly opinions on an important question such as that involved in the case submitted to them, know little of the ethics of the English bar.

This had reference to a quotation from the Debates of a remark of mine. All I have to say is that the Solicitor General may be a very high authority on the ethics of the English bar, but he certainly is not an authority on the ethics of parliament. I assume the Minister of Justice did not bring this letter down without his consent and desire, and I hold that he is responsible, and if he is, he has a very limited acquaintance with the ethics of parliament or he certainly would not have made such an uncalled-for remark. To deal for a moment with this flippant, I might say impertinent, statement of the Solicitor General, I venture the assertion that an unreasoned opinion by a lawyer is not entitled to as great weight as a reasoned opinion, and I will submit the opinion of a gentleman whose name stands first on this list itself in support of that view. In 1890, Mr. Blake, in proposing a resolution on disallowance, used this language:

For my own part, I attach little comparative importance to judicial solutions reached without argument and announced without reasons. This, Sir, is only common sense. The experience of mankind has established as the essential ingredients for the attainment of justice between man and man. The opposing arguments of the parties before the tribunal and the reasoned judgments of that tribunal upon the arguments so addressed to it. The acutest minds are but too apt to err unless so aided in the formation of their judgment, and so checked in the announcement of it. Which of us, I ask, would submit, in any important case of his own to such a method of reaching a conclusion. And how can we expect that the public at large will submit to such a method in the public cause. Let the opposing views be stated, presented and sifted in public, and in the presence of both parties so the best materials for consideration will be obtained.

Here Mr. Blake was speaking and condemning as unworthy of great value a judicial solution by a court, although lawyers might have appeared on both sides,

although the case might have been openly presented and sifted, unless the judge was checked by the necessity of giving the reasons on which his judgment was founded; and yet, in the face of this, the Solicitor General voluntarily injects into papers that did not call for anything of the kind, an opinion of his own, that a man who held such views as I have read from Mr. Blake, knows nothing of the ethics of the English bar. Now, I shall read another opinion on the same point. Sir John Macdonald said, in the same debate:

> As the hon. gentleman has stated, when a question is submitted by the Crown to the courts. The simple answer, 'Yes' or 'No,' is most unsatisfactory. It is a 'pronunciamento' of the court without giving any reason for the decision which has been given. The proposition in this resolution that the courts could be required by the executive to hear counsel, to take evidence in questions where facts form a portion of the subject to be decided, the fact that it is provided that the courts can and must give reasons for their answer is sufficient, in my opinion . . . . to warrant this House to adopt it.

Now, I shall give you a similar opinion of Mr. Blake on another occasion. I refer to the Jesuits' Estates Bill. It will be in the recollection of hon. gentlemen that in the year 1899, after the Jesuits' Estates Bill was before parliament, and the vote of parliament was taken upon it, the government of the day undertook to submit that case to the law officers of the Crown before the next sitting of parliament, and the unreasoned judgment of the law officers of the Crown was submitted to parliament. A number of leading members of parliament, among them Mr. Blake, expressed strong disapproval of the course of the government in that matter, although agreeing with the conclusion reached. Mr. Blake said:

> Not that I deny for an instant the uprightness, the honour and the transcendent ability of many, of almost all, those who have filled the high positions of Attorney and Solicitor General of England. As a rule, they win that position by force of merit and they hold it by force of merit . . . but what I say is this, that these are busy men, as well as that it is not their regular business to act judicially at all; that they are political personages, and their opinions expressed on these occasions are not entitled to the same weight as the opinions of judges. . . . I say that the three possible sources to which we might apply, the law officers are unquestionably the third. I hold that the Judicial Committee of the Privy Council and the Supreme Court both stand in rank of suitability for that purpose higher than the law officers.

And against the manner in which this opinion had been obtained from these lawyers, Mr. Charlton, a prominent supporter of the present government in the other Chamber, on that occasion denounced the conduct of the government of the day in obtaining from the law officers of the Crown opinions on the Jesuits' Estate Bill, without the case having been presented by those who were interested on the opposite side of it, and he characterized the conduct of the government as clandestine, and if his language was applicable on that occasion, it would be applicable now, when the Solicitor General, behind the back of those who took the opposite view, obtains this opinion secretly, and now comes down here and tells us that those who think that the judgment so obtained is not entitled to great weight or value because it is not reasoned, or without the case being fairly presented, is a stranger to the ethics of the English bar. I could also read a statement by the present premier of Canada on the same point. In 1890, Sir Wilfrid Laurier took the government to task. The hon. leader of the opposition in this House was a member of the government at that time. Sir Wilfrid condemned them for having obtained the opinion of the law officers after parliament had dealt with the question at the last session. He used these words:

> The reference to the law officers of the Crown, in my judgment, was an ill-timed movement, because it must have struck the government that any such reference, in which the contentions of those who opposed the Act could not be heard, could not be satisfactory at all, and by making the reference, the government created the impression that they were not sure of their own ground.

That was Sir Wilfrid Laurier's opinion in 1890 in regard to the submission of the law officers of the Crown of the Jesuits' Estate Act. What conclusion are you to draw? That the Solicitor General, in submitting this question to these eminent lawyers in England, was not very sure of his own ground, or the ground taken by the government, or else he would not have made the submission. The opinion in itself, as stated by such eminent authorities as the hon. Edward Blake, Sir John Macdonald and Sir Wilfrid Laurier, I have no hesitation in saying is plainly an opinion obtained, behind the backs of those who held the contrary opinion to that of the Solicitor General, on the statement of a case to which they probably would not assent or agree, an opinion had without argument, and then announced

with just a bare categorical answer, which amounts to nothing more than yes or no. I know in the estimation of lawyers it would not be considered very weighty, and I do not think it would be held to be of very much weight in the estimation of any other person. But it appears from the discussions which have already taken place, and from this correspondence between the Minister of Justice and the Solicitor General, that this submission was made to combat some of the views that I had expressed on the floor of this House last year. It appears that the Solicitor General of Canada—this very eminent lawyer who can afford to use his profession as an eminence from which he can look down on other people who do not happen to be lawyers, and express his contempt in the supercilious manner in the papers submitted to the House, that he was obliged to call in Mr. Blake, Mr. Asquith, Mr. Carson, Mr. Cecil and Mr. Haldane, and get a formal opinion from them simply to negative some of the things a layman like myself had advanced in the course of debate, not alone, I am happy to say, but advanced by the hon. gentleman from Calgary (Hon. Mr. Lougheed) also; but in reading the discussion I find the reference was just to controvert some of the opinions I expressed. I am flattered with the honour this implies. Such honour is often conferred upon the gods, but not often upon men. Some discussion took place yesterday between my hon. friend on my left and the hon. Minister of Justice with regard to the constitutional power of the Senate to defeat the Bill which is now before us, and my hon. friend the Minister of Justice, took the ground that this House had the power to reject this Bill, but it had not the right to do it. He drew a distinction which I daresay, if it were explained to us, would be found to be a very subtle one, between the power and the right. Applying this view to the right of parliament to pass this Bill, my hon. friend will contend we have the power to pass it. He did not always take such a ground as that, but he makes that contention now. We know this parliament has the power to do most arbitrary things. We could, by a very strict exercise of our power, do things that would be very strange indeed. We might stretch our power in order that we might do this, but what I suppose my hon. friend means is that you must draw a distinction between such a stretch of power and the proper exercise of it. I am not willing to admit that this House has the constitutional power to pass this Bill. I daresay my views on this subject will not be accepted by a great many members of the House. I am not at all concerned whether they will be agreed with or not, but I am content with having satisfied myself on the subject and having found my views sustained by, I think many gentlemen who are at least as good lawyers as any of the hon. gentlemen opposing us in parliament. I am therefore all the more satisfied with the views I have arrived at in my own way by the application of common sense without any pretension to any legal knowledge. I take this ground, that this parliament has very extensive powers, but there are limitations imposed by the British North America Act on our powers. I may say, in starting, that my hon. friend who has charge of this Bill, and who had charge of it last year, and who had spoken three times upon it, has not, on any of these occasions, gone into a close, careful argument, such as he has indulged in on similar occasions in the past, and which he is well able to do. I have noticed that in these debates he has avoided a close discussion of the constitutional right of parliament to pass a Bill of this kind except at a decennial census, and I have wondered why my hon. friend has done so. We know that in the past, when such questions as the Jesuits' Estates Act and the Redistribution of 1892 were being considered, the hon. gentleman entered very keenly and warmly into elaborate discussions as to the constitutional merits of these questions at that time, but it will be observed, if his speeches on this Bill are carefully read, that while making assertions and taking things for granted, he has taken very great care that he has not entered into any very elaborate argument on the question. But the hon. gentleman did enter into an elaborate argument on a question which covers the entire ground of the constitutionality of this Bill. He entered into that argument in 1892. I have looked over that speech very carefully, and it has convinced me—and I think it would convince almost any hon. gentle-

man who will read it as carefully as I have done—that the parliament of Canada has no right to pass a Redistribution Bill at any other time than in connection with the decennial census. I think my hon. friend the Minister of Justice, seeing that I am proceeding to deal with his own argument on a previous occasion, might do me the courtesy of paying some little attention to what I have to say. I cannot help it if the hon. gentleman will studiously remain away from his seat and ignore the argument I am presenting. Of course, he has a perfect right to do so, but I do think that in courtesy to this House, of which he is the leader, having charge of this Bill, it is his duty to pay some little attention to the argument that may be advanced on the other side of the question, even although it may come from so humble an individual as myself. I turn to a speech made by the hon. Minister of Justice in 1892. He was dealing with the 40th section of the British North America Act. I will read the section so that there may be no mistake. It is as follows:

Until the parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for purposes of the election of members to serve in the House of Commons, be divided into electoral districts as follows:

Then there is a schedule for the province of Ontario, and there is provision for the province of Quebec, and provision for the province of Nova Scotia, and still another provision for the province of New Brunswick.

Hon. Mr. MACDONALD (B.C.)—Are they county lines?

Hon. Mr. FERGUSON—These are the constituencies as they existed then, or as they were provided in the schedule to the Act at that time. That question of county lines is not involved in the argument which I am now presenting. The question of county boundaries is not at all presented in that argument. It was provided in the British North America Act that these constituencies should remain in the shape and form in which they then were, until the parliament of Canada would otherwise provide. The hon. Minister of Justice, when speaking on this question in 1892, made use of these words at page 3206, *Hansard*, 1892:

What does the 40th section say? It says, 'until the parliament of Canada otherwise provides.' Until the parliament of Canada otherwise provides—provides how? In what way arbitrarily? No, Sir, provides in the way pointed out in section 51. It is authorized to provide in that way. It is not authorized to provide in any other way. Now, there is no rule of constitutional authority better settled than this, that you cannot set up an implied power against an expressed one. . . .

And then he quoted the fifty-first section that we are all familiar with. It goes on to say that immediately after the decennial census such and such shall be done. Here the hon. minister laid down that the fortieth section provided that the boundaries of the constituencies should be so and so, and that that could be altered in no other way under the fifty-first section. These are not my words: These are the words of the hon. Minister of Justice himself.

Hon. Mr. MACDONALD (B.C.)—He was on the other side then.

Hon. Mr. FERGUSON—I ask hon. gentlemen to follow me and I ask them to read these words of the hon. gentleman. He is not dealing at all with a readjustment as a starting point. He is dealing with the constituencies as they were settled by the British North America Act, which Act provided that they should remain in that way until they were changed by the parliament of Canada, and he goes on to say that the parliament of Canada could change them in no other way than under the 51st section. Nothing could be plainer than the words of the hon. gentleman on that question, and if I entertain the opinions I do on that question, that these constituencies were not intended and are not authorized to be dealt with by the redistribution except after each decennial census, I have the solid opinion of the hon. Minister of Justice himself, as placed on *Hansard*, declaring that way.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—I am glad to see that the hon. gentleman is following me now. In case the hon. gentleman should lose the point, these words are to be found on page 3206 of the *Hansard* of 1892. He says the electoral districts as provided in the British North America Act, could only be changed under the 51st section of the British North America Act, which provides for the readjustment after each decennial census.

Hon. Mr. MILLS—Will the hon. gentleman read anything where I said they could only be changed once every ten years, after each decennial census ?

Hon. Mr. FERGUSON—I shall answer the hon. gentleman by asking him another question. Does he hold that the parliament of Canada has a right to make another redistribution, under the 51st section, apart from the redistribution that is required after each decennial census ? My hon. friend is silent.

Hon. Mr. MILLS—The parliament of Canada has power to make the redistribution, and I think the 51st section is broad enough to enable them to do it every year.

Hon. Mr. FERGUSON—We shall see what my hon. friend has said on that question, and before I conclude I shall have occasion to quote my hon. friend entirely opposite to the view he now expresses. I will show where my hon. friend pointed out that parliament had gone wrong in 1882, and in subsequently dealing with the distribution of seats, and he went into a long argument to show that although parliament had done wrong in these previous years, that was no reason why they should do wrong now. I will reach that at a later point, but here we have my hon. friend nailed down to this view, that the constituencies of Canada, as they were provided for under the 40th section—that is, the individual constituencies in all the provinces of Canada—could not be altered in any other way than under the 51st section of the British North America Act. In the argument which has been offered on the other side of the question, I have not seen anything like the contention that you could make a second redistribution under the 51st section. The contention was you could under the 91st section, which enables parliament to make laws for the peace, order and good government of Canada—that under that section you could pass a Redistribution Bill. If you could do it one year, you could do it every year intervening between the census years—you could do what the British North America Act says you shall do on the completion of the census. My hon. friend is not alone in evidence on this point. The hon. Minsiter of Marine and Fisheries, discussing the question at the same time, declared it had to be done then.

Hon. Mr. MILLS—There was a redistribution amending Bill introduced in 1886. Does the hon. gentleman say that parliament had no power to make that revised redistribution ?

Hon. Mr. FERGUSON—That is altogether another question. I discussed that question very fully last year, and I have no objection to stating my views on it now. If the parliament of Canada, on the completion of the census, undertakes, in the fulfilment of its duty, to make a redistribution to comply with all the requirements of that 51st section, and there are many of them, and completed it, the work is then done. But, if it should be found during the then decennial period that some omission has been made, by which parliament had not completed its work, that would be another question. Let me point out the case of the city of Ottawa. It was found, on the taking of the census of 1891, that the province of Ontario was entitled to ninety-two members, and that number was assigned to Ontario, but in the Redistribution Bill of 1892 a mistake was made, and Ottawa was given only one memmer, which left Ontario with only 91 members. It was a purely clerical error. I think my hon. friend will agree with me that parliament had the right to go on and complete the readjustment of 1892, which had given Ontario so many members, and in order to carry that out the clerical error which was made had to be remedied. That illustrates what I mean, and I believe all the others, with the single exception of the Tuckersmith Bill, were in the same direction, to remedy errors that had been made, and which left the redistribution incomplete, and without which it was not a fulfilment of the provisions of the 51st section.

Hon. Mr. MILLS—The Bill of 1886 took certain municipalities off one riding of the county of Renfrew and put them on another.

Hon. Mr. FERGUSON—Every one of these was thrashed over in this House last year, and the result was we had a good deal of trouble with one or two in Quebec which my hon. friend from Stadacona settled by producing indubitable evidence that they were to remedy an error in the Act of 1892, and without which the Act would not have been a real adjustment such as is called for by

the British North America Act. That was the ground that my hon. friend took, and took it with the greatest possible firmness, in 1892, that parliament had no right to deal with this question except under the 51st section. He took the ground that even if parliament had dealt differently before, and had done wrong in introducing measures between the census years, it did not alter or change the law, and that the true interpretation should be given to the law now. Hon. gentlemen are aware that under the Quebec resolutions the 23rd article provided that the redistribution of seats should be under the supervision of the provincial legislatures of all the provinces—that the Dominion of Canada should have nothing whatever to do with the shaping of constituencies. That was the original intention. Those who have gone over the confederation debates know there was a good deal of argument on that point. In the province of Quebec there was a feeling that the Dominion parliament would hive the French constituencies. There was a feeling in other provinces that the Dominion would not do justice to the increase in wealth and population which might prevail in some sections. There was a jealousy of the federal power with regard to the redistribution of seats, and until the delegates went to England, the 23rd article remained the basis of confederation, and that article provides that the redistribution of seats should be managed and controlled by the local legislatures. When the delegates met in England this 23rd article was abandoned. I think I am right in saying that a compromise was arrived at. Those who entertained doubts about giving the full and unrestricted power to the parliament of Canada to redistribute seats in the fear in one province that they might do injury to races or creeds, and in another they might not do injustice to the industrial growth and growth of population, those who held these ideas were induced to give way, and the 51st section, with some of its subsections were substituted for the 23rd article. Why? Because there was a feeling that there were not safeguards provided up to that time, the feeling was held strongly that the interests of the provinces had to be safeguarded, and it was not until this 51st section was put in the shape it now is that the different provinces withdrew their objection and allowed the federal parliament to redistribute the seats. My hon. friend will, perhaps, say that there was no occasion for such fear as was felt. Perhaps not, but it was entertained all the same. There was a feeling of alarm and anxiety on the part of many people of Canada that this power might not be exercised justly by the federal government, and this safeguard was put in that a redistribution should be made immediately after each decennial census, 'by such authority, in such manner, and from such time as the parliament of Canada from time to time provides.' Now, the hon. gentleman tells me that all the safeguard that was then obtained was a safeguard against a possible wrong that could be done in adding one member to Ontario, or taking one from Nova Scotia, or something of that kind—that that was the only thing that was safeguarded against. Sir George Cartier, and other eminent men, were satisfied, we are told, with the 51st section as a safeguard against a possible injury that might arise from the abuse of power by the federal government in the adding or reducing of one or two seats. He was quite satisfied, they say, with that safeguard, leaving the door entirely open during all the other nine years—leaving the government to cut up the constituencies throughout the Dominion of Canada. All I have to say, if they held this view they were easily hoodwinked. They were easily satisfied, if we are to accept the theory that nothing was meant by this readjustment, but simply dealing with the one or two seats which might accrue to a province by change of population, and that it was only to guard against the wrong that might be done the minority in race or creed, or to a province in the decennial adjustment, that this provision was put into the Act, and all the strong grounds which had been taken with regard to holding the redistribution in the hands of the province were relinquished and cut away. I am certain that these men were satisfied in their minds that they got in that 51st section an ample guarantee against any abuse by the federal government which they would not possibly have had if it was free to any government under the 91st section of the British North Amer-

ica Act for the maintaining of peace, order and good government of Canada, to cut and carve the constituencies of the country as it thought proper. These are my own views, but I read the views of the hon. Minister of Justice in 1892. The hon. gentleman used these words :

In looking over the articles of confederation, which were adopted prior to union, I find that by the 23rd article, it was agreed that the legislature of each province should divide such province into a certain number of constituencies. That seemed to be the plan. There was some distrust as to the use which parliament might make of its power, and if the hon. gentleman will look at the discussions which took place at confederation he will find the view expressed that you might hive the French, you might divide the province of Quebec in such a way that the English-speaking section would have a majority of the representatives on the floor of this House. You might find jealousy of the rapid growth of a particular province so divide its constituencies as to prevent an adequate expression of its opinion in consequence of its increased population. To guard against such contingencies, it was proposed, in the first instance, that the legislatures of the different provinces should divide the provinces for the Dominion parliament. That, however, was abandoned before the delegates went to England, and when the British North America Act was formed for the purpose of carrying into effect the articles of confederation—the Quebec resolutions which were agreed upon—the 51st section was substituted for them.

Here was the view of my hon. friend the Minister of Justice, and he is entirely right. He says this twenty-third section, which retained the redistribution in the hands of the provinces, was taken away from the province at that time, and that those who stood for the provinces having control of the redistribution yielded on account of this fifty-first section.

Hon. Mr. MILLS—My hon. friend knows that in using my argument there for the purpose of showing a redistribution can be made only once in ten years is misrepresenting my argument entirely. My argument pointed to one thing, and that was the intention in making the redistribution to take some outside authority.

Hon. Mr. FERGUSON—I understand precisely. My hon. friend on that occasion was making an academic speech as he very often does. His leader stood out by declaring in the House of Commons that he was entirely opposed to relegating the powers of parliament to judges or any one else. Parliament should do its own work in its own way, and he had no confidence in persons who would be appointed that way, because they would be marked with the views of those who appointed them. If my hon. friend doubts it, I can easily find it.

Hon. Mr. MILLS—That has nothing to do with the point I just now put.

Hon. Mr. FERGUSON—Yes it has. That was the view of the hon. gentleman's leader. My hon. friend made an academic speech in favour of another view altogether, entirely opposite to the resolution which he voted for and the speech of his leader, and that was in favour of relegating the redistribution to some independent authority. Am I not right ? That was my hon. friend's view, and his whole speech was made in support of that idea of his, of submitting, under certain conditions, the division and the shaping of the constituencies to some independent authority, and it was in connection with that idea that this whole speech of his in 1892 was made. That is quite plain, but it so happens, as my hon. friend must know very well, that when one starts out on an expedition such as he started out upon on that occasion, and when he was laying a foundation for his contention that parliament could not distribute the seats itself directly, but must call in an independent authority, he laid so broad a foundation that he supplied the most admirable argument against any redistribution except after the completion of the decennial census. He supplied an admirable argument in favour of only one redistribution, as provided for under the 51st section of the British North America Act. My hon. friend has this advantage over me, he has had a longer and wider experience in the discussion of these questions in parliament than I have had. That is a decided advantage of which he has made good use ; but it so happens when an hon. gentleman discusses questions of this kind on many occasions, he places himself under this disadvantage, he finds himself brought up by a short turn in antagonism to some view he has expressed previously. And that is what has occurred in this instance. We find here, in pointing out with exact truth on his side that it was originally intended that the provinces should redistribute the constituencies, that this was adhered to for the reasons which he enumerated, and which seemed to be strong reasons

in the minds of those who held them, yet they did waive those doubts because of the insertion of this 51st section of the British North America Act. My contention is if they waived it because they got those provisions, they felt they were safe against any redistribution except what could be made under them. If not, they were very childish in giving away their contention unless they got an ample safeguard. In addition to that, I find in reading the speeches in the British House of Commons—that the members of parliament who framed the Act were themselves of the opinion that they were giving, under this fifty-first section, a decennial redistribution and no other. I have not the parliamentary debates at my hand, but it was either Mr. Adderly or Mr. Cardwell, I am not sure, who made this statement when somebody had objected that a redistribution every ten years was too often. The reply was it would certainly be too often for England, but that in a new country like Canada, where population increases very rapidly, it was not too often, showing very plainly that in the minds of British politicians who framed this Act, they regarded this redistribution immediately after the decennial census as the only redistribution provided for under that Act. I shall read another extract from the speech of my hon. friend the Minister of Justice in 1892. It is a very copious and full extract. I have taken great care to begin where the hon. gentleman begins the point, and carry it on to his conclusion, and while as I said before, it is quite true that all this is an argument in favour of the reference of the redistribution of 1892 to an independent authority, yet hon. gentlemen cannot fail to find that it had a far-reaching effect and that the argument sustains the contention of those who have held that we should have a redistribution only after the decennial census and not at any other time. Here are the Hon. Mr. Mills's words :

> We are entitled to have a House of Commons; it was to be elected every five years, if not sooner dissolved. Then there must be a redistribution of seats. If there were no provision for the distribution of seats, certainly the power would be here, and be here on the principle that we have a grant of powers, and this is a necessary incident to carry that grant into effect, but when the constitution itself does prescribe the rule by which that grant is to be exercised, when it prescribes how that power is put into effect; when it tells you there is to be a redistribution of seats by a tribunal created by you and acting under instructions from you, in which you describe the manner and the time it must be followed, and all the more because by it we have the protection against the very abuses we complain of in this Bill. There is a special condition in the law for the exercise of this power, and I deny altogether that is or can be applied in the grant which the hon. gentleman has mentioned. It has been said by a very high authority in the United States, as well as in the United Kingdom, that you cannot draw as an incident of an express grant what is an express grant in another way.

I have submitted these extracts, which are very full and copious, and I will leave hon. gentlemen to decide as to whether I have not the authority of the hon. Minister of Justice in favour of the proposition that I maintain, and that is that we have no power to distribute the seats except under the 51st section. If I am wrong in that, my hon. friend was wrong when he made this admirable inquiry into the subject in 1892. His speech in 1892 is well worth reading, and if hon. gentlemen would take the pains to read it, which I strongly advise every member of the House to do, I am convinced every one of them will rise from the consideration of that question convinced, as I was, that a very powerful argument had been made against any redistribution except one immediately following a decennial census. Then we have, in support of this view that I am expressing, the usage of parliament since confederation, with the exception of rectifying inadvertent errors made with regard to Ottawa and with regard to a township or two in the province of Quebec—with such exceptions there has been no attempt made since confederation to redistribute seats, except what was made immediately following each decennial census. There was one exception and that is the Tuckersmith Bill, a different one from all the others. It was for the carrying out of a different object altogether. Sir John Macdonald declared, in his judgment, not long afterwards that the Tuckersmith Bill was an attempt at an infraction of the British North America Act. He showed by this remark on the Tuckersmith Bill that he was of opinion that redistribution could only take place immediately following the census without an infraction of the British North America Act. I have placed these views on record. I am not concerned just now whether they will be concurred in or not. I am quite content that they

should go on record, and it will be found at least that I have had very good authority for the position I have held on this subject. I have this confidence, that as the years roll on in Canada, the view that I have presented will strengthen, and that whatever little deviations from that principle occurred in the correction of these little errors in the Acts passed after the census of 1882 and of 1892—whatever may have happened in that respect in the past, that we are advancing to solid ground on this question, and it will not be very long when the parliament of Canada will stand unanimously and resolutely on the ground I have taken. I have confidence that such will be the case, and I am willing to pledge myself for my own action that I would neither be a member of the government nor support a government that would attempt to deal with the constituencies of Canada as this Bill proposes to deal with them. Admitting, if you will, that this parliament, in the exercise of its utmost power might do it and that the elections held under the Act, even though wrongly passed in the first instance, would be valid, this parliament, if it choses might do extraordinary things, but that does not make them right. It does not even make them constitutional, but I am willing to let time settle this question, and I am confident it will not be very long until the wonder will be expressed in Canada that any party should ever be found so foolish or so misguided as to attempt any such thing as is proposed in the Bill before us, putting it on a constitutional ground. As far as the expediency of this Bill is concerned, I think scarcely a word can be said in its favour. If there were no provisions for decennial readjustment at all. I take the ground that we should not pass this Bill now, because we have not a census available to give us the right guide for the fixing of the seats. Putting the whole question of the British North America Act if you like to one side, putting the question of the decennial redistribution out of the way, I hold that the mere fact that the census is nine years old, and that in a country like Canada population has been increasing and moving with such great rapidity, that not one sensible word can be urged in favour of making a redistribution so near the next decennial census as this.

Hon. Mr. FERGUSON.

The position of the government was weak in the matter last year. It was then eight years after the census, but here we find them, one year from the next decennial census, bringing down this Bill, forcing it into the House last year, and now bringing it down a second time and forcing it upon us when they must know that it is impossible for them to allot representatives in these counties in such a way as will conform with the results of the next census. My hon. friend in introducing the Bill started by saying that the principle of it was one that was accepted by both parties in Canada in 1872. I was a little curious at that stage of my hon. friend's remarks, because I wanted to find out what he meant when he spoke of the principle of the Bill, for I confess I have not been able to see any principle in it at all, but I find that what he referred to was the county boundaries. It is hardly necessary to discuss these details, but every hon. gentleman knows that this Bill does not apply the principle of county boundaries, except to a very small portion of the Dominion of Canada, only dealing with a very small part of the country, and that if it is proposed to apply the principle of county boundaries that principle should be applied to every county in Canada. That cannot be the principle of the Bill, because it only applies to a few counties. Then an argument has been attempted to be built up, in favour of this principle, and it is hardly necessary to discuss this, since the principle is not proposed to be applied all round in Canada; but to my mind, if there is anything at all in the argument that my hon. friend addressed to the House yesterday, that it is not desirable to break up existing associations, it is not desirable to carve counties because you may pen a man off to a part of the county where he is without influence, taking him away from the district where he is a strong and influential man. And how is he a high and influential man? Because in business and in his intercourse with his fellow-citizens he has developed a strength of character which makes people consider him well suited for parliament. If you carve that county where he has these associations in an unfair way, or indeed at all, you are not rendering it easy for him to get elected to parliament. All this is a magnificent argument against this Bill. What do we

find ? The present shape of these counties that it is proposed to change is nearly twenty years old. It will be nearly twenty years from the time they were formed until an election is held under this Bill should it become law. That is a long time in the life-time of a community. If you take the trouble of comparing the voters' lists in the different counties you will find very few names remain for 20 years. Some die, some go away, some change their views, and a world of change takes place. My hon. friend in order to carry out this idea of county boundaries, in order to prevent good men from being treated in this way, and to prevent counties from being cut up, brings in a Bill that breaks up all these things that have grown up for 20 years. Supposing a Bill in 1872 broke up things that were as old, or older, it was a pity. There may have been good reason for it, but it was a pity if any injury was done. I do say that the Bill as it is now shaped, and as he proposes to deal with these counties, breaking them up in this way, will accentuate the trouble and create the difficulty which my hon. friend the Minister of Justice deprecated so much. Then he speaks of representation by population. But my hon. friend did not claim that that was a principle of the Bill. Toronto has a population of 200,000, and it is proposed to give it five representatives. Ten should be the number, taking the unit applied to the province as a whole. It is proposed to give Prince county in the province of Prince Edward Island, with 35,000, two members, while the county of King's, with 27,000, will have one member. One man will represent 17,000 in Prince, and another man will represent 27,000 in King's. That is the way the principle of representation by population will be respected. I may say the state of things, it is proposed to do away with in Prince Edward Island, is an exact application of the principle of representation by population. The division could not be made more exactly except by cutting into townships, and if you go over that province from one end to the other, it will be found on a close examination, that no other division could be made that would more exactly conform to the principle of representation by population, and no division could be made which would do less injury to the feelings or desires of the people with regard to the manner in which they should be associated together than the arrangement this Bill is intended to repeal. In Prince Edward Island we have no county institutions at all, and consequently no municipal life has grown up in that province, and a township in King's is just like a township in Prince, and the community of interest is all the same whether you belong to one county or another, and the dividing of that province into five ridings to comply with the state of things we found to exist after we lost a member, to allow the five members to the province, was the best method. No better method could be found than that adopted in 1892, which I have never heard condemned since, and still it is proposed to go back upon that. Another principle is the principle of redistribution by judicial authority. I should like to know why it is that the two counties of Prince Edward Island should be assigned to members running as counties. Why do they not bring judges in and divide the counties in the same way as they are dividing the others ? I will read the view of the hon. Minister of Justice in 1892 on that subject. He said :

> There is another matter which is important, and it is that there should be single constituencies. It is not proper to have two constituencies united into one. In the first place, it is extremely inconvenient. In the case of a by-election in this city, why should a candidate be called on to ask the suffrages, practically, of two constituencies in order to obtain a seat in parliament? The same may be said of Pictou, Halifax and Hamilton as of Ottawa. All these constituencies ought to be divided, and in no case ought there to be two representatives for the same constituency.

This was the view of the hon. Mr. Mills in 1892.

Hon. Mr. MILLS—It was not my hon. friend's opinion, because he argued otherwise.

Hon. Mr. FERGUSON—I did not, but the hon. friend of the Minister of Justice is on trial just now, and it matters not what other gentlemen may have done. I was not in parliament in 1892. This Bill and the hon. Minister of Justice are to some extent on trial before this House just now, and I am not going to divert the attention of the House from his interesting record on these questions in order that he might compare records with me. I choose rather to hold my hon. friend to his opinions of 1892. I must confess that the task may be too much for

me or any one else to hold my hon. friend to his opinions, but he will not escape without having his attention called to the extraordinary manner in which he differs from himself in 1892, not only in this respect, but in a great many other respects to which I shall allude before I resume my seat.

Hon. Mr. MILLS—My hon. friend is open to the same remark.

Hon. Mr. FERGUSON—If he can only find some other member in the House who has done wrong, he thinks it makes him right.

Hon. Mr. MILLS—Has the hon. gentleman said it was wrong ?

Hon. Mr. FERGUSON—I am dealing with my hon. friend, and I will not allow him to draw my attention to any other person at the present time. I should be much inclined to gratify my hon. friend on other occasions, but just now I will stick to the subject on hand. My hon. friend, in 1892, declared that this principle of single constituencies was a very important one, and that there ought to be no constituencies returning two members. He put himself upon record in that way, and now he is believed to be the author of this Redistribution Bill. At all events, he champions it as a member of the government.

Hon. Sir MACKENZIE BOWELL—He prepared it.

Hon. Mr. FERGUSON—If he prepared it, I am sorry he had not a little more regard for his former opinions, or if he were permitted by his colleagues to do as he liked, that he did not adhere to some of the opinions that he expressed in former years.

Hon. Mr. MILLS—Which you did not support ?

Hon. Mr. FERGUSON—My hon. friend, in 1892, expressed himself in favour of single constituencies, and we find him introducing a Bill in this House which only deals with one-fifth, or one-sixth, of the constituencies, but so far as it goes, creates two new double constituencies and does away with one in the city of Toronto. It creates two new ones in Prince Edward Island. St. John, I think, stands as it did. But my hon. friend has gone up one step and come down two, and in place of adhering to this grand principle of his, of single constituencies, we find him adding to the number of double constituencies by the Bill which he has now presented to this House. My hon. friend claimed that the Bill was to remedy a very great wrong that had been committed, more particularly in 1882. When we examine it we find it deals with some things which happened in 1892. The Prince Edward Island matter is a matter of 1892 and not of 1892, but he is, perhaps right in his statement that, as far as the western part of Ontario is concerned, this Bill deals with constituencies that were affected by the Act of 1882. I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, March 23, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

PRESENTING PETITIONS FOR PRIVATE BILLS.

The SPEAKER—I desire to inform the Senate that the time has expired for presenting petitions for private Bills. It is for the Senate to decide whether the time shall be extended or not.

Hon. Mr. VIDAL—There has been no arrangement by the committee for extending the time.

Hon. Sir MACKENZIE BOWELL—It will be for the committee to recommend the extension, and perhaps it would be advisable to do so when we consider the long adjournment that we had. I merely throw out that suggestion.

THE POST OFFICE AT MONTMAGNY.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate :—

1. A copy of the correspondence exchanged between the member of Montmagny, at diffeent periods, and the government on the subject of the construction of a post office in the town of Montmagny.

2. A copy of each communication on this subject made to the government by the town council or by any person belonging to the town of Montmagny.

3. A copy of the deeds passed for this purpose by the government and the Seminary of Quebec for the sale of the land on which the post office of Montmagny was built; and also of all deeds forming the titles of the property in question.

He said: I desire to call the attention of hon. gentlemen in this House to the following facts. In answer to a question put by me on the 19th day of March, respecting the purchase of the town hall at Montmagny, the hon. Minister of Justice told us that that property had been acquired or purchased from the Seminary of Quebec, and that the amount paid for it was $5,000. The deed of sale was passed on the 17th June, 1898. Previous to that a party named Duhaime, living in the county of Montmagny, in the parish of St. Thomas, was the proprietor of a lot on which a fine building was erected. That man got into business difficulties, and his property was seized and sold by the sheriff. The Seminary of Quebec had a mortgage on that property for an amount, I think, of between $2,500 and $3,000. The property was sold, and the Seminary of Quebec, to assume the payment of the mortgage that was on the property, acquired the property. Mr. Choquette, now Judge Choquette, and then member for the county of Montmagny, had some time before the sale of the Duhaime property and its purchase by the Seminary of Quebec, acquired from the town of Montmagy and old building, known as the town hall. This building was removed and a new building erected at the cost, I am told, of $2,000. Naturally the interest Mr. Choquette took in the county he represented led him to ask the government to build a post office in the town of Montmagny, and he found that the best plan was to hand over his own property to the government for a post office, but I suppose, being a lawyer, he suspected that the Act concerning the independence of parliament, prevented him from selling that property directly to the government. So that he came in pourparlers with the Seminary of Quebec, and made an exchange of property. The property he bought from the town of Montmagny was exchanged for the property the Seminary of Quebec had purchased from the sheriff and then the Seminary of Quebec, I suppose by the means of Mr. Choquette, came in contact with the government, and Mr. Choquette's former property was purchased by the government from the Seminary of Quebec for a sum of $5,000. I do not know who pocketed the profit. That might be the subject of an inquiry whenever we can obtain an inquiry. But there are the facts. Under the disguise of an exchange between the Seminary of Quebec and Mr. Choquette, the government secured from the Seminary of Quebec that property at a price of $5,000. That was the answer given me by the Minister of Justice some days ago. I desire by this motion today to bring before this House the papers connected with the deal in order that we may find out in a more official way, perhaps in a way to convince the hon. Minister of Justice and other members of the cabinet, that in reality the property has been purchased from a gentleman who was at the time a member of parliament, and that the deed that was passed between the Seminary of Quebec and Judge Choquette was merely to evade the provisions of the law as laid down in the Independence of Parliament Act. The hon. minister shakes his head; he thinks I will not find it. I suppose it is too cleverly done to be found out, but let him bring down the papers. I hope we will have them this session. I ask not only for the deed of sale which was passed on the 17th of June, 1898, but also for all other deeds which may constitute the titles of the property acquired by the government.

Hon. Mr. MILLS—There is no ojection to bringing down the papers that the hon. gentleman moves for. I know nothing about the transaction, but this much I do know, and the hon. gentleman will see if he examines the Independence of Parliament Act, that there is no reason in the world for doing, in order to protect a member's seat, what he suggests. When a member enters into a contract with the government or receives pay as an annual salary, he forfeits his seat, but the government cannot, by taking a member's property, put him out of parliament. The papers will be brought down.

The motion was agreed to.

SUSPENSION OF LIQUOR PERMITS IN THE YUKON.

INQUIRY.

Hon. Mr. KIRCHHOFFER inquired :

1. If at any period in the year 1899 the granting of Yukon liquor permits was suspended or terminated ? If so, what was the date, and when it was resumed ?
2. Was any notice given to the public, and if so, what and how, that the granting of such permits would cease at a certain date, or that it would subsequently be resumed ?
3. When and how was such or any notice of this fact communicated to the license inspector at Yukon ?
4. Who was the license inspector at the time ?

Hon. Mr. MILLS—1. The issue of Yukon liquor permits, other than permits for liquor for personal use, was suspended on the 13th April, 1899, and has not yet been resumed. 2. Customs and police officers were so notified, and instructed to inform the public. 3. and 4. The office of license inspector had not been created at that time.

YUKON LIQUOR PERMITS.

INQUIRY.

Hon Mr. KIRCHHOFFER inquired :

1. Whether any Yukon liquor permit was granted to Mr. Chambers of Oak Lake, Manitoba, or Mr. Chisholm of Griswold, Manitoba, or any syndicate with which the names of these persons were connected ? If so, what was the date or dates, and what quantity of liquor allowed ?
2. Was any Yukon liquor permit granted to P. C. Mitchell or Peter Campbell ? If so, what was the date or dates, and what quantity of liquor ?

Hon. Mr. MILLS—1. The records of the department show that a liquor permit was issued to William Chambers ; but they do not show that any permit was issued to Mr. Chisholm, of Griswold, Manitoba, or to any syndicate with which his name was connected. 2. The records of the department do not show that any permit was issued to P. C. Mitchell or to Peter Campbell. I may say further, with regard to the first of these questions, that the liquor permit granted to Chambers was issued on the 7th of August, 1897, and was for one thousand gallons.

POSTAL CONTRACTS IN P.E.I.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Why was not the service of carrying the mails on the Alberton and Kildare route, P.E.I., put up to tender on the expiration of the contract on the 31st December last ?

Hon. Mr. MILLS.

He said : I have a book here in my hand, published by the present Postmaster General, containing a long statement of post office contracts which were renewed by the late government without tender. A great many private letters are here published, and the object apparently sought to be gained was to show that in a great many cases contracts were renewed with contractors without letting the work by tender. Now, in this particular case the contractor had, I understand, given good satisfaction. He had the contract for a period of four years, and at the end of that term, or shortly after the expiration of the term, it was taken from him without any call for tender and awarded to Mr. Clark without tender, at the same figures Reid had received. That is what Reid tells me and he is a responsible man. One would think if any one was to get the contract without tender it would be the man who had performed the service in a satisfactory manner, and if it was not given to him it should be set up to tender.

Hon. Mr. MILLS—Two offers for this service were received by the department ; one from the recent contractor, at $98, and the other from William Clarke at $90, and Mr. Clarke's being the lower offer was accepted.

Hon. Mr. FERGUSON—That does not an-answer my question. I asked why was it not let by tender. Certainly no tenders were called for.

Hon. Mr. MILLS. There were two offers made. The government never have, neither the present, nor the preceding government, advertised for tenders where the amounts are very small. The cost of advertising would exceed the cost of the work to be performed.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is in error.

Hon. Mr. MILLS—No, I am not in error.

Hon. Sir MACKENZIE BOWELL—I know in my own county, Hastings, it has been the case.

Hon. Mr. MILLS—We are getting into an exceedingly irregular habit, and that is of discussing questions after they have been answered. We did so yesterday, and while I am not going to object to the hon. gentleman continuing his remarks on this inquiry, because the objection has not been raised before, yet I think when a question is answer-

ed it ceases to be before the House. It seems to me it would be more advantageous in transacting the business of the House that we should in a larger degree adhere to the rule. I am not objecting to my hon. friend continuing the observations he proposed to make, but hereafter, I propose to object to such discussions on the ground I have mentioned.

Hon. Mr. MACDONALD (B.C.)—The custom of this House has been that any one could debate a question, but a member could not speak twice on a question. That practice has been followed for a number of years.

Hon. Mr. MILLS—The rule, as I understand it, is that the member who puts the question may speak, but it is not like a motion on which every one may speak ; the discussion ends when the question is answered.

Hon. Mr. MILLER—This subject has more than once engaged the attention of the Senate during the past thirty years. In the early days of confederation there were many discussions in this House regarding it. I do not know to what rule or precedent the hon. Minister of Justice is referring, but I do not at all agree with the doctrine that he is laying down here as to the practice in this House in reference to debates on inquiries. The practice in this House is not the same, I need hardly say to the hon. gentleman, as in the House of Commons. In that House no comment or argument is permitted when an inquiry is made of the government. We have, however, founded our practice more on the practice and usage of the House of Lords, and even extended it further. In the House of Lords a discussion is always permitted—in fact is never attempted to be stopped—on an inquiry.

Hon. Sir MACKENZIE BOWELL—Also in the House of Commons in England at the present time.

Hon. Mr. MILLS. Only the mover.

Hon. Mr. MILLER—I am speaking now of the usage on which we have based our practice. I am speaking also with a recollection of what has taken place in this House in the last thirty years. The rule has been settled in this House and acceded to by the leaders on both sides, by my hon. friend opposite (Sir Mackenzie Bowell), and by such good parliamentarians as the late Sir Alexander Campbell, Sir John Abbott and others. The practice, as is fully borne out by reference to the journals of the Senate, is to permit reasonable discussion on inquiries. In the first place, the member making the inquiry is permitted to state such facts and to use such arguments as are necessary to fully bring the subject of his inquiry before the Senate. The same latitude is permitted to the minister who replies to him. The minister is expected to reply immediately after the question is put. Third parties are not permitted to intervene between the making of the motion and the answer of the minister, but afterwards, the practice has been, since confederation, to permit discussion. The hon. member informs the House that a motion and inquiry are two very different things. Of course they are two different things. I presume hon. gentlemen who give the least attention to the rules of the House know that they are two different things. On a motion there can be unlimited debate, but on an inquiry only a limited discussion can take place. In 1876 or 1877, I am not certain which, but during the incumbency in office of Mr. Mackenzie, in whose government the Minister of Justice held a portfolio, the late Sir David Macpherson introduced a new practice into this House, founded upon the usage then prevailing in the House of Lords. It was this, that on a statement of facts and an inquiry, without a motion, unlimited debate could take place.

Hon. Mr. POWER—That was in the session of 1877.

Hon Mr. MILLER—I know it was while Mr. Mackenzie held office. Sir David Macpherson introduced that practice on a precedent taken from the House of Lords. He cited his precedent in order to make a new departure, and it was that on a statement of facts accompanied by an inquiry, but by no motion, unlimited debate was permitted. I was opposed to an adjournment of a debate on such an inquiry, as I considered it irregular. I did not consider a debate could be adjourned except on a regular motion. However, the House considered there was very great convenience in the precedent introduced by Sir David Macpherson,

and discussion after discussion took place upon these inquiries, which were adjourned from day to day in all respects, as if a regular motion had been made. The settled practice, therefore, of the House with reregard to it is that a reasonable discussion can take place not only between the gentleman who asked the question and the minister, but in the House generally. That is the settled practice of this House, and I am in as good a position, perhaps, as any other member of this House to speak of it. I think it would be unfortunate if it were otherwise, considering that we are not hard pressed for time to do business, as they are in the House of Commons, where unnecessary debate may perhaps be very inconvenient, interfering with the public business. We are not pressed by anything of that sort in this House to make it necessary for us to curtail our privileges and rights of debate. On the contrary, it would be more desirable that we should encourage discussion of all questions in this House rather than we should attempt to curtail the privileges we now enjoy. I felt it my duty, being one of the oldest members of the House, and one who at one time had the honour of occupying the Chair of the House, which made it necessary for me to give some attention to the rules of the House, and practice of parliament, to state the settled practice of the Senate on this subject.

Hon. Mr. LOUGHEED—Reference might be made to rule 20, which lays down in the broadest possible language the latitude allowed in discussion with reference to questions which may be submitted to ministers, and I might also say, as the hon. gentleman from Richmond (Mr. Miller) has said that this is not a new point. It has been fully discussed, and hon. gentlemen will find it fully presented in Bourinot. Rule 20 says:

A senator may speak to any question before the Senate, or upon a question, or upon an amendment to be proposed by himself, or upon a question of order arising out of the debate, but not otherwise, without the consent of the majority of the Senate, which shall be determined without debate.

So that by the consent of the majority of the Senate, any member may speak upon any question. At page 381 of Bourinot this matter is discussed rather at length. Dealing with questions put by members, the author goes on to say:

The procedure in the Senate upon such occasions is quite different from that of the Commons. Much more latitude is allowed in the Upper House, and a debate often takes place on a mere question of inquiry, of which, however, notice must always be given when it is of a special character. Many attempts have been made to prevent debate on such questions, but the Senate, as it may be seen from the precedent set forth in the notes below, have never practically given up the usage of permitting speeches on these occasions, a usage which is essentially the same in the House of Lords.

And in note 2, page 382 of this work, will be found cases in which the question has come up in this Chamber, and been discussed at length, and the Senate has invariably asserted its right to the widest possible discussion upon such questions. So, therefore, as the hon. gentleman from Richmond has pointed out, the subject is by no means a novel one. It has been discussed at length on very many other occasions, and this Chamber is simply following the well established precedent or practice of the House of Lords and from the organization of the Senate down to the present time, the widest latitude has been allowed in the discussion of such questions.

Hon. Mr. FERGUSON—It is not necessary to pursue that line of discussion very much farther. Since I have been a member of this House it has been the practice to permit discussion upon inquiries. However, I must dissent from the view submitted by the hon. Minister of Justice just now, that when a question is asked and an answer is given, be that answer good, bad or indifferent, then the matter should end. The object of a question is to obtain information, and if the answer is to defeat its object, it will, I think, be held as an essential feature of the discussion which we are permitted to make on inquiries that the party making that inquiry, or every member, should insist that the answer should be a fair answer, and one germane to the question. This particular inquiry that I made to-day was to ascertain why tenders were not invited for this particular service. The answer I received was that two offers had been received. That was not a reply to my question why tenders were not called for. He says two offers were received. These offers were received secretly and without public notice having been given. They may have been from friends of the government. I do not say they are, but one of

them certainly was, that from the man Clark to whom the contract was awarded. Mr. White, the previous contractor, was asked in the event of the Postmaster agreeing to a renewal of the contract whether he would renew it at the same rate. He was asked that question by the deputy inspector in Charlottetown, and then Mr. Clark, without any call for public tenders whatever, made an offer. I asked why tenders were not called for. If Mr. White had known that tenders were to be called for he might have made a better offer than his previous contract. I think in these cases we should have a satisfactory answer, one germane to the question, and not an evasion of it.

Hon. Sir MACKENZIE BOWELL—I do not desire to prolong this discussion further than to reassert what I stated a few minutes ago, that in many cases tenders were asked for even in small contracts by the late government. I might say that tenders were asked for and lower offers made, but the old contract was continued, that is for very many reasons. Some times you have a first class contractor who has performed his work well for a great many years, and you have an offer from a man who will do the work for ten or twenty dollars less on a long route, and the Postmaster General took the responsibility of renewing the contract with the former contractor. That is the point I intended to make in answer to what the hon. gentleman said in reference to the practice of the last government. The hon. gentleman is wrong in his statement in reference to the practice in the House of Commons in England. I know a difference prevails here, and what impressed it so forcibly upon my mind, was the fact that when sitting under the gallery in the House of Commons in England, I noticed that when the question was put and the answer given the discussion continued. But there you must confine it to subjects which are brought out in the answer, and not introduce any irrevelant matter. If you do, then the Speaker calls you to order. I am very positive upon this point, because I had a conversation with the then Colonial Secretary, Sir Henry Holland, upon the question, telling him what our practice was in Canada, and that we followed the parliamentary practice as laid down by May, an English authority. Then he explained that they had departed from that practice in the House of Commons in England. So that when I said the practice was pursued in the House of Commons, I knew I was quite correct in the statement I made with the qualifications I have pointed out. So long as the discussion continued in the line of the answer by the minister, just so long would it be in order, even in England, and certainly it has been so in this House. I remember very well when I first occupied a seat in the Senate, the chair which the hon. Minister of Justice occupies now, I was rather surprised at the latitude given to discussions when questions were asked, and I inquired about it. I did not rise and say, 'The rule says so and so,' because I did not know. And it is quite evident my hon. friend did not know the rule. I asked the practice, and I was informed, as my hon. friend has been informed, that the practice was to carry on the discussion so long as you kept within the bounds of the subject which was involved in the question. I put the question myself, and did not attempt to dictate in the House, because I did not know. I am sure the House would say I had a right to make these remarks, I did not intend to ask any favour of the Minister of Justice to permit me to go on with the discussion. I should like to adhere strictly to the rules, and if, in discussing these questions, we introduced irrelevant matter, it would be the duty of the minister, or any one else, to call us to order.

SALARY OF PREVENTIVE OFFICER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected since he has been doing duty, for infractions of the customs and excise laws? How much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed?

Hon. Mr. MILLS—The Inland Revenue Department at present has no preventive officer specially appointed for the county of Montmagny. In February, 1895, Mr. Maxime Dubé was appointed a temporary preventive officer for the district of Montmagny, and his services were dispensed with on the 26th August, 1896. During that period two

seizures were made by him in the county of Montmagny, one of which realized net $59.99, and the other $163.34. Since the 26th August, 1896, no preventive officer has been specially appointed for Montmagny, and the service for that county and the other counties comprised in the Quebec division is carried on by the general staff of that division. I think I answered that question before.

Hon. Mr. LANDRY—The hon. gentleman answered part of the question before, but I have no answer to the part relating to the customs.

Hon. Mr. MILLS—I must call the attention of the hon. Minister of Customs to that. I will call his attention to the inquiry which has been made with reference to the custom house.

REDISTRIBUTION BILL.

DEBATE CONTINUED.

The Order of the Day being called,

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 13) An Act respecting Representation in the House of Commons, and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. FERGUSON said: I have very great objection to the Bill before us, because it is not general in its character. In a readjustment or Redistribution Bill that would be merely called for to allot an additional member to a province in consequence of the increase of population during the decennial period, or to make provision for the loss of a member in a province, as long as it would be confined to that, a great deal of harm would not be done. But when you undertake to deal pretty broadly with the representation of the country, it is essential that you should deal with it, not for one-half or one-third of the country, but that you should make its provisions apply to the whole country—make it general in its character. There is a great deal of importance attached to that point, and my hon. friend the Minister of Justice discussed it in 1892, and he did it so well that I feel I cannot do better than to read my hon. friend's opinion on that point:

I maintain that the redistribution ought to proceed on certain lines in conformity with certain principles. It may not secure to each party in every locality representation according to its exact strength, but it gives to the party who is unduly represented in one place an under-representation somewhere else. If you act on some uniform and settled rule, regardless of party, then you have the principle of compensation that Mr. Bright referred to as always operating to correct these theoretical defects which may be pointed out in any practical measure which can be submitted to parliament.

The hon. gentleman's argument was that you must apply some rule, and you must apply that rule over the whole country. If you apply it only to a part of the country, then you may injure one political party; you make the changes at the expense of one political party and to the advantage of the other political party. A good rule will, of course, always work well, but a rule which in itself is not the best, if it is applied all round, will result in compensation, so that what a party will lose in one place they will make up in another, because the circumstances would be such that they would not always tell against one political party. That is a point against this Bill, and I say that any Redistribution Bill, proceeding on whatever principle you wish, must be made to apply to the whole country if it is to be taken at all. Then the principle on which the Bill proceeds ought, of course, for the same reason, to be maintained and insisted upon. But if you do as is proposed in this Bill, create double constituencies in one place and wipe them out in another, you take to yourself the power to discriminate in favour of the dominant party. The government takes to itself a weapon by which it can crush the party opposed to it, and build up the party of its own political friends.

Take the case of my own province. There two double constituencies are created under this bill, Queen's and Prince counties, in Prince Edward Island, while it does away with the double constituency in West Toronto. Is there any fair play in a matter like that? The government pick out West Toronto for some reason of their own, and say we will break up West Toronto and make single constituencies there. If they acted on the same principle in Prince Edward Island, I could understand it, but instead of that, they make two double constituencies in that province—Queen's and Prince counties. If you employ an independent authority for the division of constituencies, no independent authority could

take Queen's and Prince counties and divide them without giving the Conservative party a seat in each. If, therefore, the principle that is applied to Toronto, of wiping away the old double constituency and substituting single constituencies, were applied to Prince Edward Island, this government would not have a ghost of a chance of returning a majority from that province. No doubt the representative of Prince Edward Island in the cabinet advised his colleagues of the effect of applying the same rule to Prince Edward Island that they apply to Toronto; therefore, they create two double constituencies in the island. Here is what my hon. friend the Minister of Justice said about double constituencies. He not only declares against them, but gives reasons, and very strong reasons. They are:

> If you have a division you increase the opportunity to each party of electing its candidate. Let us suppose, in this instance, one had a majority of 20 or 50 in the whole city. If we divided the city the majority may be found in one constituency. It might be found that the party who had a majority of 50 in the whole city had a majority of 100 in one-half the city and was in a minority of 50 in the other half. Is it not better and fairer, where parties are equally divided, that they each should have an opportunity of returning one, than that a majority of one should have an opportunity of returning two.

In violation of this principle which he lays down, and which he supported in 1892 by an admirable argument, in Prince Edward Island he creates two double constituencies, and does not allow the judges to go in and divide them at all.

Hon. Mr. MILLS—The hon. gentleman's friends did not concur in that view. They voted it down.

Hon. Mr. FERGUSON—I do not think that is correct. I suppose my hon. friend refers to the Liberal-Conservative government that preceded him; I tell him they did concur in that and divided Prince Edward Island into equal electoral districts.

Hon. Mr. MILLS—They did not divide St. John, Halifax, Ottawa or Hamilton.

Hon. Mr. FERGUSON—It is the old story; the hon. gentleman will not say he was wrong in 1892, and that this bill is right. He simply says others have done wrong, and, therefore, he has a right to follow them.

Hon. Mr. MILLS—I say that was voted down.

Hon. Mr. FERGUSON—The same observation applies to the principle of adhering to county boundaries. I ask, why should this fetish of county boundaries be made important in Ontario, west of the city of Toronto, and be of no consequence in the rest of the province? Why is it that it is magnified to such importance in Prince Edward Island and western Ontario and allowed to be utterly disregarded in the other portions of the great province of Ontario? If hon. gentlemen think that it is absolutely necessary to resort to the principle of county boundaries, why, I ask, did they not make them general? By selecting one part of the country to which they wish to apply this principle, they are trying to take an unfair advantage of their opponents. Another plea that has been set up for this Bill is that it repeals the redistribution of 1882 and 1892. I ask, does it do that? My hon. friend said, I think, that it did. I know the press supporting the Bill says that it does. Will my hon. friend claim before the House that that is the effect of this Bill—that it deals with all the cases where county boundaries were ignored by the Conservative government in 1882 and 1892? My hon. friend will say nothing of the kind, because we know that a great many changes were made in central and eastern Ontario, and other parts, that this bill does not deal with at all. With regard to repealing the Acts of 1882 and 1892, I have just this to say: This bill does not do it. If it attempted to do it, it should do it all around. But even supposing anything wrong had been done in 1882 and 1892, time repairs any disadvantage to a party that may arise under an unfair distribution. I trust hon. gentlemen understand me distinctly. I am not saying that anything wrong was done in 1872, or 1882, or 1892. The parts of the country in which this alleged wrong was done I am not familiar enough with to say how it is, but I say if wrong was done time has repaired that wrong, and you cannot proceed now to reverse what was done in 1872, 1882 and 1892. It would work changes and bring about a great deal of difficulty by disturbing the boundaries of constituencies that have been in existence many of them for twenty

years, and have all the bad effects which my hon. friend tried to persuade this House the original Distribution Bill had at the time it was passed. While that is the case, and an objection that lies against this Bill, I take the other ground, that if there was anything wrong in the redistributions of 1872, 1882 or 1892, time has repaired those wrongs. Hon. gentlemen are conversant with many constituencies in Ontario where it was said the Liberals were hived in 1882, that are now represented by Conservatives, and were represented by Conservatives not very long after the redistribution took place. That does not warrant the assertion that they were made hives. I turn to the case of King's, in Prince Edward Island, for local purposes, which was completely turned inside out by the Peters administration. It was a county that usually returned nine or ten Conservative members—ten was the total number—but the county was so changed by the local government that four of the constituencies were operated upon, and it was claimed the Liberals had made sure of carrying a majority from King's county. What happened? With the exception of one of these constituencies which were gerrymandered by the Peters government in 1893, cutting the townships in two to hive the Conservatives, notwithstanding that, all these constituencies have been won back by the Conservative party. In the district of Murray Harbour, from which district my hon. friend (Mr. Prowse) comes, two townships were taken off that returned Conservative majorities, and recently the Attorney-General was defeated in a by-election in that district of Murray Harbour, proving what I contend, that although at the time men may think they are very wise, and if they are cunning enough, may gain a temporary advantage, men's opinions change, and men die, new men come in, and the complexion of a constituency changes to such an extent that the wisdom of men who try to do anything of this kind is entirely circumvented and rendered null and void. Yet, here we have the Minister of Justice coming before the House and seriously asking us to pass this Bill because some wrong was done eighteen or nineteen years ago. I have referred already to the provision of this Bill for the division of constituencies by some outside authority. On that subject I confess I am not in love with the proposition which both sides support now, and that is, that a commission of judges should be called in for this purpose. It has not been the practice in England. It was not done in 1884 or in 1885. I think we are calling in the judges too much to do political work in Canada, and that it is not calculated to raise the character of the bench, and that there might be some other way of dealing with some of these things which we are in the habit of referring to judges. I certainly would agree to the proposition that the divisions should be made by some independent authority, but I think some other way might be found without referring it to the judges. Parliament should keep a grip on the matter itself. It was a favourite idea of Sir John Macdonald's, that the constitutional power of parliament should not be relinquished. I think he was right. In England, that was not done. An agreement was reached between the two political parties, and they agreed upon certain lines on which a redistribution should be made. They agreed upon the men who were to do this work of dividing the counties and boroughs of England into ridings. The Bill reached a certain stage in parliament, and it was allowed to rest there until a commission was appointed, which went over the whole country. They took evidence, held meetings, and did everything open and above board, and before the world, and after their report was in, and after parliament knew the final result, to the very last borough and county, of what these men had done, they passed the Bill with their eyes open. That seems to be a statesmanlike way of doing it. But the proposition here is that we are to pass this Bill, and the government call in the judges or people they appoint, and they have all the power and parliament suspends its functions. It seems to me the English system is statesmanlike and the proper course to pursue. In 1892, the party now in power did not pursue the course they are following now. They were in opposition then. They proposed that a conference of both parties should be held, not that a commission of judges should be appointed. I know that my hon. friend made a long, elaborate and able argument in favour of a refer-

ence to an independent commission, but he was speaking at the same time in support of a motion which did not contemplate that, as far as I can see, for the Hon. Mr. Laurier, in proposing his motion, said he was distinctly opposed to the reference to judges or commissioners or any other body, of work that parliament should do itself, and he said if judges were appointed the government would stamp them with their own views. He wanted a conference between the two political parties. Here was his motion :

That Bill (No. 76) 'An Act to readjust the representation in the House of Commons,' be referred to a conference of commissioners, to be composed of both political parties, to agree on the lines or principles on which a Redistribution Bill should be drawn.

I read yesterday what Sir Wilfrid Laurier said on that occasion, and which I have just now paraphrased, in denunciation of calling in judges or commissioners to do the work parliament should do itself. All he wanted then was that parliament should agree upon the lines on which the redistribution should be made, and parliament would work it out in its own way. That was their view in 1892, and now, when they come into power, we find them pursuing the very course they condemned their opponents for having adopted, that is, one party proceeding to do the work without conference with the other party. Why did not these gentlemen, when they introduced this Bill, ask for a conference as they proposed in 1892 ? That is what they would have done had they chosen to be consistent. They have gone back on the ground they took in 1892. I am opposed to this Bill because, I submit, that it is one proposed to be passed for party purposes. I see no higher ground. No higher grounds has been taken in the discussions on this Bill, as far as I have heard them, than that it was to right some wrong that was done twenty years ago or nine years ago—simply to repair a wrong that it was claimed the Liberal party received so long ago as that—merely in the interests of the Liberal party and not in the general interests at all. It is merely put forward that the Liberal party, as they are in power, ought to be able to pass a Bill that would help them in some parts of the country where they claim to be at a disadvantage. Now, in 1892, a member of this administration, Sir Louis Davies, spoke in the House of Commons on this question. I know my hon. friend is a very clever, ingenious man, but I never knew before that he claimed to be a prophet, but he certainly has a good right to set up that claim, for, in this instance, he has proved to be a true prophet. He said :

If you are to go on, and ignore the existence of their opponents, and say we will arbitrarily proceed to decide in this way or that way. The result has been, and may be again, almost to annihilate one of these parties, and when the party which is excluded for the time being happens, by a combination of accidents, to be returned to power, that party will, perforce, be driven to adopt the same unjust and unfair system, and will introduce another Redistribution Bill not founded on justice or on the lines of the constitution, and intended to give the people a fair means of representation, but intended to promote the interests of the dominant party alone.

If you are to go on in the way you are now going on, you are forcing the Liberal party to take the same course against you if they should come into power. In that case they must gerrymander.

No person will venture to dispute that whatever else Sir Louis Davies is, that he is a prophet, for what he said has happened to the letter. A combination of accidents brought these gentlemen into power, and they are proceeding to pass a Redistribution Bill, not in the interests of justice and fair play, but in the interests of the Liberal party.

And, they are doing it. Certainly no person can dispute the right of the hon. gentleman to be a prophet. The only necessity for a change in the representation of this country, is in the Yukon district. Every other part of the country has a voice in parliament. Some places may have grown up through the increase of population, but nevertheless there is nobody settled in a civilized part of Canada but can appeal through a representative. They all have representation in parliament that the Yukon district has not. That important district—the richest minerals in all Canada, with a boundless prospect before it, notwithstanding its mismanagement—that part of the country is alone without representation. It is the only place in Canada that is not represented ; it is crying out for representation which is not provided for in this Bill, though it is the only thing that the government could do in changing the representation of the country in a constitutional way at this time. They have a constitutional right to deal with that territory apart

altogether from the 51st section of the British North America Act, and they could give a representative to the Yukon district, without raising the question as to the constitutional right to do it, while in all other places it is open to the long argument we have heard as to whether parliament is within its constitutional right to pass this Bill. I will turn, for a moment, to the interpolation of the Minister of Justice yesterday. When I showed hon. members that the Minister of Justice had, in 1892, most elaborately argued that no change could be made in the distribution provided in the 40th section of the British North America Act at confederation, except under the 51st section, which says on the completion of the decennial census of 1871, &c. When I established by most full questions from the hon. gentleman's speech in 1892, that he held the ground—and he has never declared he repented of that since—that no change could be made, except under the 51st section, my hon. friend challenged me to point out where he had ever said that not more than one Redistribution Bill could be passed within the decennial period of 10 years. I thought at the time the challenge was very unnecessary. He might as well have challenged me to find if he had said during his life that there were 13 months in the year, for the one would be just about as reasonable as the other. Let us just turn, for one moment, to this section 51. My hon. friend a little further on interrupted me by saying section 51, was broad enough to allow a census to be made in every year.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. FERGUSON—Let me tell my hon. friend he did say it.

Hon. Mr. MILLS—No, I did not say it.

Hon. Mr. FERGUSON—I beg my hon. friend's pardon. What I intended to say, was that my hon. friend interrupted me in remarking that it was competent for parliament to make a redistribution every year under the 51st section of the British North America Act. That is what my hon. friend said. I have had the official report of that under my eye, and I know I am speaking correctly.

Hon. Mr. MILLS—That is not what the hon. gentleman said.

Hon. Mr. FERGUSON—I have corrected that and the hon. gentleman need not nurse his wrath on this subject any longer to keep it warm. He is on record as saying that this 51st section is broad enough to admit of a redistribution being made every year. I shall turn to that section, and read it to hon. gentlemen and allow them to draw their own conclusions:

> On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner and from such time, as the parliament of Canada from time to time provides, subject and according to the following rules, &c.

Is there a word in that which allows a redistribution during the first four years? Will my hon. friend undertake, in the presence of this House, to say that the 51st section gives any power to make a redistribution until 1872? It was only on the completion of the census of 1871, that this section comes into operation at all, so far as making a redistribution. It says:

> And on each subsequent decennial census.

Is not that plain? I can well understand gentlemen who believe, as many able and consistent men believe, that the 91st section of the British North America Act gives power to make a redistribution, that under the general power of legislating for the peace, order and good government of Canada, you can make a redistribution at any time, I can easily understand the gentlemen who hold that view, taking the position the hon. gentleman does; but when he nails himself down to the 51st section and says a redistribution can only be made under that section, and then adds that it can be made every year of the ten, that is something I cannot comprehend. To my mind nothing can be clearer; it is absolutely beyond the power of parliament to make a readjustment under this section during the first five years, or until the completion of the census of 1871. We both take the ground that the 51st section is the governing one, and under that section, it was not until after the year 1871, that parliament could make a readjustment, and having exercised that power, it could not be exercised again until after the next decennial census. Now, I will turn to an opinion in support of my hon. friend's contention that the 51st section is the governing one. I do not calm any particular weight for

my own opinion on this matter, but I think my hon. friend's opinion is a very good one, in fact his discussion of these clauses, the 40th, 51st and 91st sections of the British North America Act in his speech of 1892 is, to my mind, the best discussion of the question that has ever been made in the parliament of Canada. I have no hesitation in saying that such is my judgment with regard to that speech. In that discussion he took the ground, and took it very strongly, that this 51st section governed. There is an elaborate argument in his speech of 1892, in which he illustrates his point by a reference to the case of the province of Quebec, and he contends that if you admit once that you can legislate on redistribution outside of the 51st section, you could decrease the representation of the province of Quebec.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—I am not discussing this question with my hon. friend the Secretary of State; I am dealing with his colleague and leader, the hon. Minister of Justice. My hon. friend took this ground, that if we once admit the right to redistribute or readjust, whatever you call it—to my mind the terms are interchangeable—under the 91st section, you open the door to reduce the representation of the province of Quebec, because under the 52nd section, as hon. gentleman know, the power is given to parliament to increase the representation of the province of Quebec, by increasing in a proportionate rate the representation of all the other provinces; but there is nothing said in the British North America Act, that you can reduce the representation of Quebec, nor is it declared that you cannot reduce it. My hon friend argued that, as a consequence, if we once admit we could apply the 91st section for a redistribution, you could reduce the representation of the province of Quebec. I shall read what the hon. gentleman said, replying to Sir John Thompson:

> Is this power of legislating, as the hon. minister proposes in this case, vital to the exercise of this power of distribution? Why, the very section which I have read shows that it is not. Parliament may give to Quebec more than 65 members; there is no provision that it may give less, yet the hon. gentleman, if his argument were a good argument, would, notwithstanding that provision, imply that this parliament might decrease or diminish the representation at Quebec. If the power is implied, it is a power that may be exercised independent of these sections (51 and its sub-provisions), but I say that the power here is an expressed grant, and you cannot set up as incidentally to any other power a power in opposition to the grant.

The illustration shows the absurdity, when you concede the right to legislate on redistribution under this general provision to make laws dealing with the peace, order and good government of Canada. Now, here is what the Hon. Mr. Davies said in 1882, with regard to the point raised by my hon. friend, as to whether parliament could exercise its power at all within a decennial period:

> I ask the House to take a higher view of their responsibilities and I say that the Imperial parliament determined, in passing the law, that not only should the lines and principles be laid down, but that at every decennial census you should make a change in these lines and principles to suit the changed condition of the country. The Act does not say that parliament shall lay down what for all time shall be the lines and principles to be followed, but that parliament, after each decennial census, shall lay down these principles.

Hon. Mr. MACDONALD—And not before.

Hon. Mr. FERGUSON—Not before, nor a second time within the period. Mr. Davies continues:

> You have no authority arbitrarily to cut and carve as you please. The law does not give it to you. A limitation has been placed on your power. It does not say you may do so-and-so, but you shall do so, not once for all, but from time to time; after each decennial census you shall readjust.

These words are plain enough. These are the words of the hon. Minister of Marine and Fisheries in discussing this question in the House of Cammons in the year 1892. I turn again to section 51 and hon. gentlemen who are interested in pursuing the inquiry will find an admirable argument in the debates of the House of Commons a year ago by Mr. R. L. Borden, of Halifax, who is, I may say, in my estimation, one of the best lawyers in the Dominion of Canada to-day. If there is any equal to him I do not think there is any his superior. Hon. gentlemen will find an elaborate argument on these points in his discussion in the House of Commons a year ago. He calls attention to this point and says that this section 51 does not provide for the redistribution simply as between the provinces. He says on the completion of the census, in 1871 and on each decennial census the representation of the four provinces shall be readjusted. It does not say

the representation within the four provinces shall be readjusted. It does not say the representation between the provinces shall be readjusted, but it uses the general words that the representation of the four provinces may be readjusted. I have taken the pains to look over the utterances of Sir John Macdonald with reference to this question, and hon. gentlemen who are at all acquainted with his career have remarked the surprising exactitude of his terms. He was exact in his language, and some of the gentlemen who had to deal with him, who were not by any means so careful and exact as he was, found out after they were through with Sir John Macdonald that he understood the bargain better than they did, owing to the exactitude of his terms. Sir John Macdonald, perhaps not always in conversation, but in a public manner used the word readjustment. He did not use the word redistribution. The word redistribution does not appear in the British North America Act. It is 'readjustment.' I do not think the word redistribution is to be found in the British North America Act. In England they call the dividing of the constituencies for political purposes a redistribution. In the United States they call it an apportionment. And we properly should call it a readjustment, for that is what it is called in our fundamental act, and that is what Sir John Macdonald always called it. If you give the exact meaning to these words that they convey, I hold that the 51st section gives the power to readjust the representation within the provinces, and between the provinces, and that it meant all that. I do not claim to be singular in the view I am presenting to the House. I may say that I have followed the speech of the hon. Minister of Justice in 1892, but I still would have some doubt were it not that I find that the view I am urging has other strong advocates. If hon. gentlemen will read Mr. Borden's speech they will observe that it is his view, and that it is the view of Mr. Powell, and Sir Charles Tupper. Sir Charles Tupper is not a lawyer, but his opponents will admit that he has an admirable analytical mind, and probably his long course in dealing with constitutional questions makes him a better authority than almost any lawyer in the country. I think I am right when I say that these views are shared to some extent by the hon. gentleman from Calgary; but my hon. friend will present his own view when he addresses the House. I am not alone in the view I take. I want to refer again to the only real statement on this point of Sir John Macdonald. We have to bear in mind that up to 1892 this point was not discussed, and beyond the one single remark of Sir John Macdonald, when the Tuckersmith Bill was referred to, that it was a violation of the British North America Act, up to 1892, we had not a real discussion of it until my hon. friend the Minister of Justice, that year, took it up and dealt with it. But during those years the reference to it by Sir John Macdonald may be found in his remarks that the Tuckersmith Bill was an infraction of the British North America Act, and he could not take that view unless it was a measure which could not be passed except immediately following the decennial census. In opening my remarks yesterday, I made some observations called for by the extraordinary observation which the Solicitor General saw fit to interject in a letter to the Minister of Justice, laid on the Table of the House. I took some occasion then to quote opinions of prominent lawyers in Canada in regard to the value of this particular kind of opinion that was obtained in England by the Solicitor General. I have to say that I believe Mr. Blake, would not go back upon his declared opinion in 1890, that even the ablest of men if called upon to give an opinion without a fair presentation of the case, and without it being sifted before them by argument and without being checked by the necessity of giving a reasoned opinion, all of which he set forth in his two speeches in 1890, I have no hesitation in saying that Mr. Blake would apply that rule to himself as well as he would to any other man, and that he would be quite willing to have these observations applied to him as well as he would to others. Mr. Blake is an authority on the British North America Act than whom we have no greater. His intimate acquaintance with it in parliament, his dealing with large and important cases arising under it in the courts, his eminent qualities as a lawyer, all point to him as a man whose opinions are entitled to very great weight, and had this opinion been given by Mr. Blake after hearing argument, after having it sifted before him by argument, and

he had sat down and given a reasoned opinion, I would take the opinion of Mr. Blake as quickly as I would that of any other man living or dead, with regard to the British North America Act. But Mr. Blake must admit that the rule which he laid down in his speech in 1890 as to the comparatively little value of opinions or judgments of courts when they are obtained without argument and without being sifted in the light of day, and when they come simply as a Delphic oracle, yes or no, is aplicable to this case. As to the English lawyers whose names are attached to this paper, I desire to say that I question very much whether any of them gave much attention to it. There is no answer to the question as to the fees and emoluments given to the lawyers, but the impression was conveyed by my hon. friend, when he submitted the return to the House, that it was a pure labour of love.

Without wishing to hurt the feelings of lawyers I might say that we laymen are inclined to think that what lawyers will do as a labour of love is not very great; and I must say that this paper itself is a very slovenly piece of work to be submitted by the Solicitor General to the parliament of Canada. In order to show hon. gentlemen that I have some ground for making my statement, I will read from this document. It reads as follows:

CASE FOR OPINION.

The annexed Bill for altering some of the electoral divisions for the House of Commons of Canada, leaving unchanged the numbers of the members representing each province, was passed by the House of Commons of Canada in the session of 1899.

It has been rejected by the Senate on the ground that it is not within the constitutional competence of the parliament of Canada to legislate altering the electoral divisions save on the occasion of the decennial proportional readjustment of the representation, obligatory under the British North America Act, 1867, after each census.

As far as the opinions of my hon. friend the leader of the opposition, and those who believed as he did, were concerned, it was a wilful misrepresentation of the attitude of those gentlemen. I am not pleading that it was a misrepresentation of my view. I say it fairly represented my view. I believe the majority of those who voted against the Bill, perhaps without inquiring fully into the Bill, but satisfying themselves of the inexpediency of passing the Bill, and many of them may have even decided adversely to the theory that it was not constitutional to pass it except after every decennial census; but all of them thought it was not expedient to pass it until the census of 1901. The document proceeds:

Your opinion is asked whether it is competent to the Canadian parliament to legislate as proposed and independently of the decennial readjustment.

Let me tell hon. gentlemen that what I have read is put down here and is not addressed to anybody, not signed by anybody and not dated. It stops there, and somebody else commences to speak, as follows:

We are of opinion that it is competent to the Canadian parliament to legislate as proposed, and independently of the decennial readjustment.

Would you not have thought that some person would have signed that document to authorize it in some way, to show that this was actually the reference? It is not signed or dated. The date is of very great importance. This opinion was obtained a very few days after the Senate of Canada rejected the Redistribution Bill, and if there was a date put to this submission, then it would be found how many hours or days these six gentlemen had heard of this matter before they were asked to put their names to this paper. I think it is very important that these particulars should have been put before us, and I must say that if it was intended to influence public opinion, or to influence opinion in this House, the Solicitor General ought to have submitted a document which would have more appearance of credibility upon it and some authorization by way of signature, and that document should convey information as to when the submission took place, when the gentlemen were put in possession of the inquiry.

Hon. Mr. MACDONALD (B.C.)—Are there no signatures?

Hon. Mr. FERGUSON—There is no signature to the case.

Hon. Mr. MACDONALD (B.C.)—It might be a concoction.

Hon. Mr. FERGUSON—The whole thing runs into a mass of reading, and you are only to guess from the substance, you are to form your own judgment as to where the

question ends, and where the answer begins. I think if there were any degree of exactness, of desire to honestly influence public opinion, the submission would have contained a date when it was handed to these gentlemen, and it would have been signed as a pledge of its authenticity, and there should be a date given when the submission was made and judgment was handed in. These things were absolutely necessary.

Hon. Mr. SCOTT—I do not propose to follow the hon. gentleman from Marshfield in the very long and elaborate argument he made yesterday and continued to-day on the right of this parliament to pass this Bill at the present time. I heard with some degree of astonishment the very flippant remarks he makes in reference to the report, or rather the opinion of distinguished English counsel on which he seeks to cast a reflection that it is an opinion which, according to his judgment, is not to be entitled to weight because of the source from which it comes. He says that because it was not paid for, and was not argued out before Mr. Blake and other counsel, that it was not entitled to very much respect. Mr. Blake is not a man who is in the habit of giving opinions unless he has thoroughly thought them out. I do not think it is necessary to refer to the English opinion. I turn to the Act of 1897. We had this discussion last session, when parliament, after having a readjustment in 1892, made a readjustment of no less than ten seats in 1893—the electoral districts of Nipissing, Ottawa City, Labelle, Hochelage, Rouville, Chambly, Vercheres, Bagot, Richelieu, St. Hyacinthe and Provencher. Those were dealt with differently from the way they had been dealt with in 1892. Nobody challenged the right of parliament to make these changes. It was called a Bill to amend the Act for the representation of the House of Commons, and the Bill before the House to-day is to amend the Act respecting representation in the House of Commons.

Hon. Mr. MACDONALD (B.C.)—But that was just after the census.

Hon. Mr. SCOTT—If it had been done in 1894, would it have been void ? Why was it good in 1893 and not good in 1894 ?

Hon. Mr. FERGUSON.

Hon. Mr. McCALLUM—If the Senate had sanctioned this Bill the government would have put it in force.

Hon. Mr. SCOTT—I suppose we would. The very fact of our having in 1893, after having had a decennial readjustment in 1892, when we made certain changes and alterations in the Redistribution Bill of 1892, is sufficient evidence that this parliament has claimed the power in the past to deal with this question.

Hon. Mr. McCALLUM—The government has the power.

Hon. Mr. SCOTT—I am glad the hon. gentleman makes that admission. At all events, we have exercised it in the past, and if this House is willing to do what is fair and reasonable, I think they will pass the present Bill. I presume all hon. gentlemen will admit that in framing a district for representation it should be based on principles that would be fair to both political parties. I think if we could lay that down as a principle all would acquiesce in it, and that is the principle which for a hundred years had prevailed in this country in the old province of Upper Canada, in Nova Scotia, New Brunswick and Quebec. The invariable practice up to confederation was to base representation upon county lines. It was equally fair then to both political parties. One might have an advantage in one county and another an advantage in another county. There was no attempt whatever made to disturb that principle. There was a time, which I can recollect very well, when the county of Bruce had one member, and when it grew more populous it had two members, and later on it was allowed three members, and the same applies to Huron and many other counties I could name. There never was a departure from that principle, which was a sound and fair one. The principle in the British North America Act, if hon. gentlemen choose to refer to it, is that the constituencies are all laid down according to county lines. Where they are divided they are divided north and south and east and west. At that time there were no other than two, commencing with the north riding of Lanark and the south riding of Lanark, North Grenville and South Grenville, making no departure whatever. It was in 1867 that the first departure from

that sound principle was made. It was made in the cases of Bothwell, Cardwell and Monck. Those were the three exceptions, and at that time there seemed to be reasons that for the moment recommended them to the parliament of the country. They were not changes made for any political purpose. They were changes made according to the peculiar circumstances that existed. There were two populous counties, Essex and Lambton, and rather than give the increase to those counties, it was thought better to take a part from each of those populous counties, and make the constituency of Bothwell. The same principle applied to Monck and Cardwell. The Conservative party who had practical control of that at the time, did not regard it as an Act that was entitled to very favourable consideration. I have an extract here from Sir John Macdonald's speech in 1872, in which he apologizes for the Bill that was then before them. I am reading from *Hansard*, June 1, 1872, page 928. This speech was not delivered under political exigencies, but was merely to meet the views and rights of both political parties :

With respect to the rural constituencies, the desire of the government has been to preserve the representation for counties and subdivisions of counties as much as possible. It is considered objectionable to make representation a mere geographical term. (Hear, hear.) It is desired, as much as possible, to keep the representation within the county, so that each county that is a municipality of Ontario should be represented, and if it becomes large enough, that it should be divided into ridings; that principle is carried out in the suggestions I am about to make. That rule was broken in 1867 in three constituencies, viz. : Bothwell, Cardwell and Monck ; and I do not think, on the whole, that the experiment has proved a successful one.

That was the first departure in 100 years from the recognized principle of county boundaries, and Sir John Macdonald himself had doubts as to the wisdom of the course that was then adopted. A change of government took place in 1878, owing to causes which I need not here discuss, except to say, they were due to a depression that existed all over the world, not so much in Canada, but in the United States, and in Great Britain, because they were the purchasers of our natural products. At that time Canada had not the manufactures she has to-day, and, therefore, when we were unable to sell the products of our farms and the lumbermen could not sell their lumber, a depression arose in Canada. and it was made use of by the Conservative party to oust the government out of power. When they attained power, they decided to so arrange the constituencies, especially in Ontario—I do not know so much about the provinces outside of Ontario—that it would be practically impossible to bring about a change except under very extraordinary conditions, and I propose to point out the gross frauds that I consider were perpetrated in the redistribution made in 1882, and subsequently in 1892. The only justification upon which any redistribution could be made——

Hon. Mr. MILLER—Is it in order to speak that way of an Act of parliament ?

Hon. Mr. SCOTT—Possibly not. I am not speaking of any individual.

Hon. Mr. McCALLUM—It is pretty strong language.

Hon. Mr. MILLER—I think it is out of order to speak that way of an Act of parliament.

Hon. Mr. SCOTT—If it treads on any one's corns, I withdraw the statement, but I think I shall prove before I sit down, that any one is justified in the use of the language I am now using. I say, the only defence they made, was that it was to equalize the population of the different electoral districts. That could be the only defence. County boundaries could only be departed from on the ground that you were going to give a representation more equal and fairer to the people of the provinces. Before I proceed to do this, I should like to say a word in answer to what has been said by the hon. gentleman from Marshfield (Hon. Mr. Ferguson), as to limiting this Bill in its operation. It was intended only to remedy the more gross cases that presented themselves. There is not doubt at all about it that in Eastern Ontario, as well as in Western Ontario, very unfair advantage was taken by the government majority in the two Houses to carry that Bill, but the grosser cases were in Western Ontario, and it was thought advisable not to distribute unnecessarily the whole of the province of Ontario, but to remedy the greatest abuses.

Hon. Mr. CLEMOW—Hear, hear.

Hon. Mr. SCOTT—My hon. friend smiles, but one of the changes in Eastern Ontario,

was, when Mr. Rosamond thought he was not sure in Lanark, two townships were taken from Carleton to make his seat sure. When Mr. Haggart wanted to make himself safe in the other riding of Lanark, what was done ? He had the village of Smith's Falls taken out of the township—the township itself was not moved—and attached to his constituency, in order to make his seat safe.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. SCOTT—My hon. friend says : No, no ; but it was all discussed at the time.

Hon. Sir MACKENZIE BOWELL—The assertion was made then as now. The object was to equalize the population as nearly as possible.

Hon. Mr. SCOTT—We will see about that. Brockville and Elizabethtown had been for many years a Liberal seat.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—I think I know the Brockville seat pretty well. The Hon. Mr. Richards, who represented it in the days of Hincks, continued to represent it until he retired to the bench. Then Mr. Buell represented it for years.

Hon. Sir MACKENZIE BOWELL—Who succeeded Mr. Buell ?

Hon. Mr. SCOTT—I am quite aware that the seat was recovered by a very small majority, but to make it certain the township of Kitley was added.

Hon. Sir MACKENZIE BOWELL—It was held by the Conservatives ever since Mr. Buell was defeated.

Hon. Mr. SCOTT—I have not time to go into these refinements. Even with Kitley added, the vote was an extremely close one. As I said before, the only justification for making those radical changes was the equalization of the constituencies. If hon. gentlemen will only look at the actual facts, how the province was left after that redistribution, they will see that that argument will scarcely apply. Take the county of Peterborough. Peterborough West, 15,000 ; Peterborough East, 21,900.

Hon. Mr. MILLS. The principle of representation by population was not involved.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The principle was not followed there, and when seats were carved out of other counties, there was no attempt at equalizing the constituencies.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman have any objection to telling me whether he is predicating his argument on the census for 1891, because that is the only authority on which he can make it.

Hon. Mr. SCOTT—My remarks apply to the Acts of 1882 and 1892. My figures apply to the census of 1891. I merely quote those figures to show that equality of representation was not the element which was considered in the drafting of that Bill. Take Middlesex West, 17,000. It adjoins Middlesex East with a population of 25,000. There was no attempt there, although the Middlesexes were dealt with in a variety of ways, to equalize the population.

Hon. Sir MACKENZIE BOWELL—I will give my hon. friend the figures. West Middlesex, 17,000 ; North Middlesex, 19,000 ; East Middlesex, 18,000. They were made as nearly equal as they possibly could be.

Hon. Mr. SCOTT—I am quoting the exact figures.

Hon. Sir MACKENZIE BOWELL—So am I.

Hon. Mr. SCOTT—In order to show that population had nothing whatever to do with it, I will take here as an illustration, the municipal county of Oxford. It has a population of 49,800. That could easily be divided into two ridings.

Hon. Sir MACKENZIE BOWELL—Will you tell me how it was divided ?

Hon. Mr. SCOTT—I think it would be better to let me go on without interruption. If I state anything that is absolutely wrong, I am open to correction. Blenheim and Dereham, with a population of 9,631, were taken out of Oxford and put in Brant, and were replaced by East Thorpe and Burford, with a population of 9,639. Was that with a view of equalizing representation ? Not at all. It was done for a purpose, as all the other changes were made for a purpose. It was notorious that during the time the Act of 1882 was being prepared here, for

months the Conservative party had recourse to plans and maps and had a regular room for meeting where each man was to arrange his constituency to suit himself. There is no use disguising the fact, it may as well be admitted at once. Why was that change made? North and South Easthope were Liberal. Mr. Fisher was the Liberal candidate in the county in 1878, and Mr. Hazen was the Tory. North and South Easthope belonged to the county of Perth. In the election of 1878, Mr. Hazen's majority was only 83, but when he got rid of North and South Easthope, and put them into Oxford, his majority in the next election was increased by 232. North and South Easthope had a Liberal majority of 482 and, therefore, it was desirable to get them out of the constituency that the Conservative party thought should belong to them, and so, it was put into the county of Oxford, where it could do no harm, because it was already a Liberal hive. In the same way the township of Burford was taken out of Brant. It was a Liberal township. Mr. Paterson had a majority of 131, so that 613 Grit votes were put into Oxford and one Tory township was taken out of Oxford—two altogether, but one strongly Tory—and was attached to North Oxford for the very purpose. Here is the appearance of Oxford at present, a church with a steeple. Hon. gentlemen can see whether that is fair in politics. There is the constituency as constructed by the Conservatives in 1882, but it so happened in Easthope there was the village of Stratford, with a Tory majority. When Easthope was added to Oxford, Stratford was cut out and given to Perth. There was a Conservative majority in that, and it could not be allowed to go.

Hon. Sir MACKENZIE BOWELL—Is not Stratford in the county of Perth? It is the county town of that county, and always has been.

Hon. Mr. SCOTT—It is now as laid out, but it was not at the time when the Conservatives made the change. If you look up the Post Office Annual, which I did a little while ago, you will see.

Hon. Mr. MILLER—Are you sure that is correct?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MILLER—Who made that plan?

Hon. Mr. SCOTT—It is a plan of the electoral district made by the late government.

Hon. Mr. MILLER—Who drew this plan?

Hon. Mr. SCOTT—It is on the lines of the statute passed in 1882.

Hon. Mr. MILLER—It is presumed to be on the lines of the statute.

Hon. Mr. SCOTT—It is made for the government out of the official map, and that is the appearance of it. The other part of Oxford, which was rectangular, was mutilated, as shown on this plan. My hon. friend from Marshfield (Hon. Mr. Ferguson) dilated very largely on the affinities that grow up in a short time in an electoral district: there can be no possible communication between the eastern part of North Oxford and Dereham, which has been added to the riding. It is only once in four or five times that they come together. I have brought some plans to-day to show to the hon. gentleman from Marshfield, here is one like a step of stairs, North Ontario. There is a distance of 60 miles there.

Hon. Mr. McCALLUM—Have you one of South Huron?

Hon. Sir MACKENZIE BOWELL—Give us a map of Elgin.

Hon. Mr. MILLER—Those places are all well connected by railway, are they not?

Hon. Mr. SCOTT—Yes. I think I have shown there could be no other motive for such changes than the one that was recognized of hiving the Grits in a county already Grit. It was well known there were two Grit counties, North Brant and South Oxford, and so the Grit townships in that vicinity were brought into those two counties where they could do no harm, and as a consequence, it increased the Conservative vote in the adjoining townships, which benefited by the addition of Conservative townships. That is an illustration of what was carried out through the province of Ontario. I do not profess to speak of other provinces; I do not know anything about them, but I

have given one or two illustrations where exchanges were made for no other purpose than to benefit Conservative constituencies in the neighbourhood. This House, having approved of it, is asked to continue to approve of the principle which places one political party at a very serious disadvantage and quite justifies the observations read by the hon. gentleman from Marshfield, from Sir Louis Davies, that the time might come when the Liberal party would have a majority in both Houses, and they would be justified in retaliating. I think they are too honourable and patriotic to play such a game. It is too contemptible. In no way can you strike the feelings of the people more seriously than by robbing them of the franchise. We are having a war in South Africa for the purpose of securing the franchise to British subjects, yet here in Canada, we have a law which gives an advantage to one party over another.

Hon. Mr. MILLER—Has not the hon. gentleman's party got more members for less votes than the Conservatives have ?

Hon. Mr. SCOTT—No, I shall come to that. I have no doubt my hon. friend is open to honest conviction, and I have too much regard for him to believe that he desired that any substantial wrong shall be done by one political party to the other, owing to a casual majority in the two Houses of parliament. It is an extremely unfortunate thing that it should go abroad that that is the condition of things in Canada, that this House, while it has a Conservative majority, shall oppose any change to minimize the wrong done in 1882, and repeated in 1892. Now, in reference to the proposal to go back to the only honest way in which the two parties can be placed on the same basis, that is the boundaries of counties, because there they are on equal footing, there is no gerrymander in this Bill. I say going back to county lines you will be able to divide the constituencies fairly where necessarily they are entitled to two or three. You will be enabled to divide them according to the population quite as fairly and reasonably in regard to the respective populations of each riding, and more so, than under the system which prevailed in 1882 and 1892. They might be divided as follows :

Population of under-noted Ontario Counties by the Census of 1891 as Municipally constituted.			Population of present Electoral Divisions.
Brant		36,445	S.R. 23,359
Bruce	64,603	E. 21,355 N. 20,871 W. 22,377	64,603
Dufferin		22,155	
Elgin	43,377	E. 26,724 W. 23,925	50,649
Grey	71,214	E. 26,225 N. 26,341 S. 23,672	76,238
Haldimand		23,440	
Haldimand and Monck			21,463
Huron	66,781	E. 18,968 S. 19,184 W. 20,021	58,173
Kent	57,814	Kent. 31,434 Bothwell 25,593	57,027
Lambton	57,925	E. 24,269 W. 23,446	47,715
Lincoln		30,079	L. & N. 27,043
Middlesex	64,453	E. 25,569 N. 19,090 S. 18,806 W. 17,288	80,753
Muskoka		16,699	
Parry Sound		19,929	
Muskoka and Parry Sound			26,515
Norfolk	30,992	N. 19,400 S. 22,702	42,102
Ontario	45,355	N. 20,723 S. 19,033 W. 18,792	58,548
Oxford	49,857	N. 26,131 S. 22,421	48,552
Peel		24,871	15,466
Perth	51,716	N. 26,907 S. 19,400	46,307
Simcoe	82,727	E. 35,801 N. 28,203 S. 20,824	84,828
Toronto City	174,414	W. 73,862 C. 26,632 E. 43,565	144,059
Welland		30,674	25,132
Wellington	61,277	C. 23,337 N. 24,956 S. 24,373	76,716
Wentworth		29,869	W. & B. 21,629
Wentworth South			26,725
York	64,373	E. 35,148 N. 20,284 W. 41,857	97,289

In adhering to county boundaries it will be observed by reference to the foregoing table, that the proportion of population to each representative will not materially dif-

fer from that now existing under the present representation.

The two Brants will each average 18,222; those ridings will not materially differ from East Huron with 18,968, as at present constituted; South Middlesex with 18,806, as at present constituted; West Middesex 17,288, as at present constituted; West Ontario with 18,792, as at present constituted. Bruce —boundaries remain as at present. The two Elgins will each average 21,688; the three Greys will each average 23,738; Haldimand will have 2,000 more than Haldimand and the extinct county of Monck; the three Hurons will each have an average of 22,260; the three Kents will each have an average of 19,271, (more than either South or West Middlesex) and other existing constituencies; the two Lambtons will each average 28,962; Essex, Kent and Lambton are constituencies adjoining with similar interests—Bothwell at present being composed of parts of Kent and Lambton, and the seven members representing the group will represent 171,284—being an average of 24,469 for each representative; the three ridings of Middlesex will each have an average of 21,484; the two ridings of Norfolk will each have an average of 15,496, reducing them to the level of Cardwell, Durham West, North Leeds and Grenville, Peel and other constituencies created by the late government; the two Ontarios will each average 22,677; the two Oxfords will each average 24,928; the two Perths 25,858; the three Simcoes will be slightly above the average 27,575; the three Wellingtons will have an average of 20,425; Wentworth will be above the average; the three Yorks will have 21,457.

I should like, in connection with this matter, to quote Sir John Macdonald again in 1872 on this question, and I regret very much that the House is so slim—that there are not more senators present who would probably appreciate his language used at that time, before any feeling had arisen as to the proper way to divide the constituencies, he himself recognizing that county boundaries was the only fair way of dividing. He said, in introducing the Bill, in 1872:

> But it is obvious that there is a great advantage in having counties elect men whom they knew. Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in western Canada. A young man in a county commences his public life by being elected by the neighbours who know him to the township council. If he shows himself possessed of administrative ability, he is made reeve or deputy reeve of his county. He becomes a member of the county council, and as his experience increases and his character and abilities become known, he is selected by his people as their representative in parliament. It is, I think, a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have the most confidence, of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two several counties and adding them together for electoral purposes only. Those portions so cut off have no common interest; they do not meet together, and they have no common feeling except that once in five years they go to the polls in their own township to vote for a man who may be known in one section and not in another. This tends towards the introduction and deviopment of the American system of caucuses, by which wire-pullers take adventurers for their political ability only, and not for any personal respect for them. So that, as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know, and when the representation is increased, it should be by subdividing the counties into ridings.

We have heard a good deal about what is done in England. I have here under my hand the instructions given to the commission that made the subdivision in England in 1884. It is said that we ought not to leave it to the judges—that it is out of their way. I quite grant you that if the proposition made by Sir Charles Tupper were adopted, that they should go outside of the county boundaries, they might be objected to; but where it can make no great difference whether there is a distribution between one part of the county and the other, there can be no possible objection to the judges. My hon. friend opposite read from a speech of Sir Wilfrid Laurier, in which he advised both sides of the House should agree and name a commission. Both sides would not agree. The government side would not agree. The government made a division to suit themselves, and would not take Sir Wilfrid Laurier's advice. Sir Wilfrid Laurier thought surely a tribunal of judges could not be open to objection. For eighteen years the Liberal party have been placed at a disadvantage, and they think it is high time that that disadvantage should be removed. In England the two parties did agree upon a commission. I suppose if we could agree on a commission now, a subdivision made between county lines might be arranged. With the experience of the

past, when the Conservative party refused the olive branch over and over again and insisted on having their own way because they had a majority in both Houses, it seemed useless to propose anything of the kind. The following is an extract from the document appointing commissioners to inquire into boundaries to be assigned to the divisions of the several counties in England and Wales, under the Redistribution Bill of 1884 :

The duties of the commission will be the following:

1. With resepect to counties. In the first place, to examine the survey maps of the ordnance department, and determine from them and other documents in the possession of that department, and of the local government board, and from other available information, the boundaries to be assigned to the several divisions of each county to be divided. In forming the divisions, the population of the several divisions, excluding that of the parliamentary boroughs, should be equalized so far as practicable, and care must be taken in all those cases where there are populous localities of an urban character, to include them in one and the same division, unless this cannot be done without producing grave inconvenience, and involving boundaries of a very irregular and objectionable character.

Subject to this important rule, each division should be as compact as possible with respect to geographical position, and should be based upon well known existing areas, such as petty sessional divisions, or other areas consisting of an aggregate of parishes. In some instances, however, it may be found necessary to include separate parishes, but a divisional boundary must never be allowed to intercept a parish.

The English principle in many ways is applauded in this House, yet, when we propose, in a most important part of the carrying out of the constitution of the government, to adopt the English practice, this House says, 'No ; we will not agree to it.' Yet, on other subjects this House is prepared at all times to recognize the wisdom and reasonable character of the plan usually adopted in Great Britain, more particularly in regard to representation. Having said this much, I come now to the consequences of the Act of 1882, because, after all, it was the consequences that were aimed at in the passage of the Act of 1882, and I take up a return here that was prepared by the late government, I do not know that it has ever seen the light of day. I have got it very fairly and properly. It is open to criticism, and the figures are easily verified. I have here the total vote on the lists of 1882, polled by each party. I am just giving my hon. friend from Marshfield the result of the conspiracy formed in 1882. The Conservative vote in 1882 was 140,025, the Liberal vote 133,771. The Conservative majority, even after all the manipulating of the constituencies, was only 6,254.

Hon. Mr. FERGUSON—How can the manipulating affect the general vote ?

Hon. Mr. SCOTT—I do not hesitate to say that that is the proper word.

Hon. Mr. FERGUSON—No doubt it is the proper word.

Hon. Mr. SCOTT—When the hon. gentleman has heard all about it he will admit it is the proper word. There was a difference of 6,254 between the vote of the two political parties in 1882 in the province of Ontario. The Conservatives elected fifty-five members and the Liberals thirty-seven, making a majority of eighteen for the Conservatives. Now, what would it require to elect the Liberal members ? The Liberal members required 3,615 votes, and the Conservatives required 2,546. Therefore, in that year the Liberals required 1,100 electors more than required by the Conservatives. I ask was that a proper thing ? Take the year 1887. The vote polled by the Conservative party was 181,726, the Liberal vote 176,281, leaving a Conservative majority of 5,445. Of these figures the Liberals represented 4,638 electors, and each Conservative represented 3,365 electors. In other words, each Liberal had 1,300 more electors behind him than each Conservative ; I simply put those figures before the people of Canada, and I ask whether they do not speak more eloquently than any logic as to the effect of the gerrymander of 1892. There is just the result of it, and there is no denying the figures. I have obtained them from a source that cannot be called in question. The Conservative party were so proud of it that they had the figures of 1882 printed, and I happened to get hold of it.

Hon. Mr. FERGUSON—Has the hon. gentleman similar figures for the later election ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—It would be interesting if my hon. friend had figures showing the result of the last election in the parts of Ontario affected by the Bill.

Hon. Sir MACKENZIE BOWELL—I have them here, and they show the Conservatives had over 6,000 of a majority.

Hon. Mr. SCOTT—A good deal depends on how you count the Patron vote. The Patron vote had not arisen at that time, and those figures are taken squarely for and against the government of the day, and they show that extraordinary result that I have indicated, that in the election of 1887 the average that each Liberal had was nearly 1,300 more than the Conservative. I think the bare statement of that fact ought to satisfy hon. gentlemen that the readjustment of the constituencies could not have been on any fair basis, where there is that extraordinary disproportion, where in 1882, with only 6,254 for a majority, they had eighteen of a majority in the House, and in 1887, with only 5,445 of a majority, they had still sixteen members over the Liberal party in the House of Commons. Those figures cannot be gainsayed. The effect of the figures points clearly to the successful manipulation of the constituencies in the gerrymander that we complain of, and I think with very good reason. That is not a condition of things that the Conservative party can be proud of. I do not think it is a manly way of fighting. The two parties ought to be on the same plane. They ought to be fairly arrayed against each other, and the only way you can bring that about is by going back to the county boundaries, where each party will have the same opportunity. Some counties are Liberal and some Conservative; I do not know how they pan out myself. I have never gone into that, but certainly the objection that can be made to the present system could not, by any possibility, be made against the confining of the representation to the county boundaries in the way I have indicated.

Hon. Sir MACKENZIE BOWELL—It never has existed.

Hon. Mr. SCOTT—It always did exist.

Hon. Sir MACKENZIE BOWELL—A township in my riding was attached to Renfrew at confederation—the township of Jones.

Hon. Mr. SCOTT—Was there a voter in it? Sir John Macdonald forgot Jones. It all illustrates the principle I have explained to the House. I will not call it a disgrace, but we will call it an arrangement, the mildest possible term for the readjustment of 1882. I say it panned out quite to the anticipation of the hon. gentlemen who made it, and I have shown you how it was done. It was done by rearranging the constituencies so as to make the election sure for the Conservative party. I could take individual elections and just show how it was done. Take the case of the Mr. Haskin, where he had to get rid of two Easthopes in order to make his election in Perth absolutely sure. I think with that statement of fact that hon. gentlemen ought to pause before they commit themselves to the continuation of that kind of thing. Hon. gentlemen must recognize that it will be irritating to the Liberal party that they do not feel that they are on the same plane with the Conservative party, that as the law stands they are at a disadvantage, and that is an irritation which ought not to be permitted in any free country. I appeal to gentlemen who are prepared to take high ground on the question of political morality——

Hon. Mr. McCALLUM—Hear, hear; that is a good word.

Hon. Mr. SCOTT—Whether they can fairly approve of a system which gives such manifest advantages to one political party over the other. I am quite willing that those figures should be analysed. They, no doubt, will be discussed. I have copies for the press, and they will be given to the people of Canada, and when it is known there is that disadvantage, it will recoil very much on this Senate if it is felt that this House is the obstacle in the way of having this question of representation put on a fair basis. I do not think this Senate, before a fair and impartial tribunal, can justify the action it proposes to take. I presume many hon. gentlemen are committed to the view that this Bill ought to be thrown out. In adopting that view, they entirely approve of the manipulation of 1882 and 1892. It will be an approval of acts that I think cannot be fairly or honestly justified, and I think no impartial man will say it was fair to so distribute the constituencies in Ontario—I am not speaking of the other provinces, because I am not prepared to express opinions on them—that one of the parties

should have the manifest advantage I have shown, which was given to then under the Acts of 1882 and 1892.

Hon. Mr. WOOD moved the adjournment of the debate.

The motion was agreed to.

THE COMMISSIONERS TO PARIS.

Hon. Mr. MILLS—Before the House adjourns, I wish to call attention to some of the questions which the hon. gentleman from Marshfield put yesterday in regard to which I told him I would give the information later on. I may say I had the information before me yesterday. I feel it necessary, in justice to the Minister of Agriculture, to say that he gave me the paper which I hold in my hand, in addition to the paragraph that I read from the newspaper. Then I received from his office, after I came to the House, what I assume to be an answer to the question, in which, of course, there were the omissions to which my hon. friend called attention. I assumed that because the question called for a statement of those who were appointed to the Paris exhibition, that it necessarily followed that any party whose name was not on the list was not an officer or an appointee for the Paris exhibition. That I showed by the paper which I had on my table, and which he informed me to-day was amongst the papers, and I have found it. The answers are as follows :

First, Mr. Tarte is chief commissioner for Canada at the Paris exhibition.

Second, that the staff is not named by Mr. Tarte. The higher members were appointed by order in council and others by the Minister of Agriculture.

That is the statement he gave me yesterday. And, further, that the staff is not yet complete. As much as possible all parts of the Dominion are represented on the staff.

Fourth, that H. J. Pineau, M.P.P., has not been appointed in any connection with the Paris exhibition.

The fifth question is answered by the above.

So that, the hon. gentleman will see that the answer I gave him yesterday was perfectly correct, and that this special man that is named, and that he declared was appointed by the government, was not so appointed.

Hon. Mr. FERGUSON—I only wish my hon. friend had submitted yesterday the answers which he now gives. If he had done so, I would have had no complaint, so far as he was concerned. But my hon. friend will notice that yesterday, when he reached the fourth question : 'Is Mr. Henry J. Pineau to be assigned any duty in connection with the Paris exhibtion ?' he, looking at the paper further down in his hand, said : 'I see a list here of persons who are appointed to this exhibition, and I do not see that name on that list, and, therefore, I assume he has not been appointed.'

Hon. Mr. MILLS—Quite so.

Hon. Mr. FERGUSON—I had good reason for being dissatisfied with that, because the seventh question, which called for this list of names, asked for other names, and his name had no right to be on that list, and we had a right to have a direct answer to the 4th question. My hon. friend has now submitted information which, as far as it goes, we are bound to accept, but it is not conclusive yet. I did not say, yesterday, that Pineau was appointed by this government, but I did say that I knew he was bargained for and spirited away, and I made these statements, which were not controverted by what the hon. gentleman said, as my hon. friend says that all the provinces are to be represented.

Hon. Mr. MILLS—I said nothing about the provinces ; I said all parts of the Dominion.

Hon. Mr. FERGUSON—And that all the appointments are not yet made, neither those that are to be made by order in council, nor those made by the Minister of Agriculture. As the matter is in that state, we will have to wait until we see what we shall see.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 26, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

COST OF PUBLIC BUILDINGS AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

1. Whether the sum of $91.19, to be found in the Auditor General's Report for the year 1899, part Q, page 85, as the amount expended during the fiscal year 1898-9, upon public buildings at Montmagny, was expended for the Montmagny post office ?
2. Does this amount make part of the sum of $7,494.75, the figure given to this House as the total cost of the Montmagny post office, or should it be added to that figure ?
3. Which of the two amounts, $7,494.75 or $7,585.94, represents the true cost of the Montmagny post office ?

Hon. Mr. MILLS—In reply to the first question, the answer is 'yes.' To the second question, the answer is 'no'; and to the third question, the answer is : 'The amount of $7,494.75.' The law costs were received after the end of the fiscal year. The balance of $91.14, was for maintenance and so on, which is never charged to the cost of the building.

Hon. Mr. LANDRY—Why was a similar amount charged to the cost of the buildings for the first year ?

Hon. Mr. MILLS—My hon. friend assumes that I am supposed to answer his question off-hand. In the first place, I do not know that his question accurately represents the facts, but if he desires further information, I will endeavour to obtain it for him.

SALE OF BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government, how many pounds of binder twine they have sold this year at the Kingston Penitentiary, and the price sold at, and if to farmers ? And, also, how much was on hand on the 20th March instant ?

Hon. Mr. MILLS—I am unable to answer the question of the hon. gentleman. I think the papers have not been sent over to me from the department. The very same question was put in the House of Commons, or very nearly the same question, and the information has been sent there. I cannot say what amount was on hand on the 20th March. We have not that information in our possession. We are obliged to send to the Kingston Penitentiary for the information which the hon. gentleman asks for. The sale is, of course, from day to day, and I cannot say up to what date the information came from the department, but I will inquire. The hon. gentleman's question might be allowed to stand until to-morrow, and I will endeavour to obtain the information.

MANUFACTURERS OF BINDER TWINE.

INQUIRY.

The Order of the Day being called—

By the hon. Mr. PERLEY :

That he will ask the government, how many manufacturers of binder twine and barb wire were there in Canada prior to the change in the duty on those articles ? Also, how many manufacturers are there of each of these articles in Canada now ?

Hon. Mr. PERLEY said : I suppose this question may go off the Order paper now ?

Hon. Mr. MILLS—Mr. Johnson, the statician, told me he had not the information in his possession, but he would look at the names of the parties that appeared in the census in 1891, and he undertook to make inquiries. The hon. gentleman can let the inquiry stand, and if Mr. Johnson is able to obtain the information, I will bring it here for him.

THE JOINT HIGH COMMISSION.

Hon. Mr. MILLER—Before proceeding to the Orders of the Day, I should like to call the attention of the leader of the House to a Washington despatch in the Ottawa *Citizen* of to-day in reference to the American-Canadian commission. A few days ago it was stated by the leader of the government in another place that that commission was quite alive, and that the probability was its proceedings would be revived in the near future. This was a very important announcement, and the subject is one in which we all take a deep interest. I want to know if the government are prepared to give further information in reference to it ? The despatch from Washington, to which I

wish to call the attention of the minister, is as follows :

HAY HASN'T HEARD OF THE COMMISSION SIR WILFRID SAYS IS VERY MUCH ALIVE.

Washington, March 24.—Secretary Hay stated that so far as he knew there was no foundation for the announcement by Sir Wilfrid Laurier, the Canadian premier, that the American-Canadian commission would soon reassemble. Secretary Hay said that he had no communication with the British government on the subject. He added that there might be some official despatches on the way from England which would throw some light on the subject, but no intimation of their arrival or contents had reached him.

The House will perceive there is a very flat contradiction here of the Canadian premier's utterance in his place in the other branch of the legislature, apparently at the instance of the Secretary of State of the United States government. If the hon. minister is in a position to throw any light on the discrepancy between these statements, I am sure it will be acceptable to the House and the country.

Hon. Mr. MILLS—I am not aware that Sir Wilfrid Laurier made any such statement.

Hon. Mr. MILLER—It has been all through the press.

Hon. Mr. MILLS—There are many things in the press for which there is no substantial foundation, and I think in all probability this is one. I am quite sure if there had been any communication, official or otherwise, that would have pointed in the direction of an early revival of the commission, I would have heard of it. I have heard nothing of that sort. Is my hon. friend sure there was such a statement made ?

Hon. Mr. MILLER—Yes, quite sure.

THIRD READINGS.

Bill (26) 'An Act respecting the Kaslo and Lardo-Duncan Railway Company.'—(Mr. Macdonald, B.C.)

Bill (33) 'An Act respecting the British Columbia Southern Railway Company.'—(Mr. MacInnes.)

Bill (48) 'An Act respecting the Montreal and Ottawa Railway Company.'—(Mr. MacInnes.)

DOMINION LANDS ACT AMENDMENT BILL.

(IN COMMITTEE.)

The House resolved itself into committee of the whole on Bill (18) 'An Act to amend the Dominion Lands Act.'

In the committee, on the second clause.

Hon. Mr. LOUGHEED—Has my hon. friend given any consideration to placing an interpretation on that word 'vicinity ?'

Hon. Mr. MILLS—I think all these cases, as I understand the practice, come here and are dealt with by the Surveyor General, or by the deputy minister, and so there will be a uniform rule applied whatever it may be. I do not think it is very easy to frame a definition that would not perhaps exclude somebody that ought to come in, and it is safer to leave the matter, if possible, to the judgment of the administrative officer in charge.

Hon. Mr. POWER—I ought to have informed myself as to the taking up of a homestead. What is the limitation to the number of homesteads that a settler can take ?

Hon. Mr. PERLEY—One.

Hon. Mr. MILLS—In many cases, in order that a party might bring himself within the law, he was obliged to put up buildings on the homestead which would be more convenient elsewhere, and while he is carrying on farming operations on the homestead it may be more convenient, on account of water, or some other consideration, to have his farm buildings on the lot or portion of the lot on which he has his residence. This is all met by this amendment.

The clause was adopted.

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

CANADIAN CONTINGENTS EXPENSES BILL.

SECOND READING POSTPONED.

The Order of the Day being called—

Second reading Bill (59) 'An Act to provide for the expenses of the Canadian volunteers serving Her Majesty in South Africa.'

Hon. Sir MACKENZIE BOWELL said :— I think this second reading might stand.

Hon. Mr. MILLS—We are rather anxious that the Bill should go through, because ever since the government have undertaken to act in this matter, they have been compelled to incur expenses for which there is no parliamentary or legal authority, on the assumption that parliament would indemnify the government for what they are doing, seeing that it was in accordance with the sentiment of the country. Therefore, there is some urgency in the matter, but if my hon. friend desires the Bill to stand for a day or two longer, I will make no objection.

Hon. Sir MACKENZIE BOWELL—I do not think that allowing it to stand for a day or two will make any difference. I have no doubt that the House will indemnify the government for what they have done. There will not be any opposition to the measure, although, there may be some little discussion arising out of the debate which took place before. We do not intend to oppose it, but we wish to discuss it.

Hon. Mr. MILLS—Then I move that the Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

The motion was agreed to.

SECOND READINGS.

Bill (L) 'An Act respecting the Ontario and Rainy River Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (H) 'An Act respecting the Great Eastern Railway Company.'—(Hon. Mr. Perley.)

Bill (J) 'An Act respecting the Atlantic and Lake Superior Railway Company.'—(Hon. Mr. Owens.)

MONTREAL BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. OWENS moved the second reading of Bill (I), 'An Act respecting the Montreal Bridge Company.'

Hon. Mr. POWER—These three Bills appear to be tied together, and form part of one magnificent scheme, and I notice that we are extending the time up to 1905, and, as far as I am aware, not one of these three companies has given the slightest indication of capacity to carry on the work which it is chartered to do, and I have grave doubts as to the wisdom of our passing legislation of this kind.

Hon. Mr. MILLS—We are passing these Bills without any discussion, and without knowing upon what ground the companies are demanding an extension of their charters.

Hon. Mr. OWENS—This Bill was not sent to me personally. It was sent to Mr. Thibaudeau. I understand they are only asking for the usual extension of time for the completion of the work, and are not asking for any additional powers in the Bill.

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

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (K), 'An Act further to amend the Criminal Code of 1892.' He said : This Bill is only printed in English, but as the principle of the Bill, and in fact nearly the whole Bill, was accepted by this House last year, I understand there will be no discussion on the Bill at this stage, and if the second reading were taken we would be making progress, and the Bill would stand for discussion, when we go into committee on the various clauses of the Bill.

Hon. Sir MACKENZIE BOWELL—Will the hon. minister just tell the Senate whether the clauses which were defeated by the Senate are reinserted in the Bill ? The hon. gentleman remembers that some important clauses affecting contracts and contractors were struck out last session.

Hon. Mr. MILLS—I think there is nothing in this Bill to which the Senate took exception last year, and there are one or two clauses which, I think, passed last year that have been omitted from the Bill, and there are a few things added. They are printed in italics so that the Senate will have an opportunity of seeing what is entirely new.

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

BILL INTRODUCED.

Bill (N) 'An Act for the relief of Gustavus Adolphus Kobold.'—(Mr. Clemow.)

THE JOINT HIGH COMMISSION.

Hon. Mr. MILLER—Before the Orders of the Day are called, I desire to give the hon. minister the information he just now asked for. I quote from the proceedings in another place on Monday last:

THE JOINT HIGH COMMISSION.

Sir CHARLES TUPPER (Cape Breton). Before the Orders of the Day are called, Mr. Speaker, I would like to ask my right hon. friend whether he proposes, now that the negotiations between the United States and Great Britain and Canada seem to be at an end, to furnish the House with the information usual in such cases as to the protocol that were laid by either party, and to state to the House in what position the whole matter stands?

The PRIME MINISTER (Sir Wilfrid Laurier). I am glad to be able to say to my hon. friend that neither the government nor the commissioners consider that the negotiations have come to an end. They are only temporarily suspended, but I am not prepared to say when they shall be reopened. In the meantime, neither am I in a position to state whether the protocols can be laid on the Table, but this is a matter to which my attention has been called and I will be in a position in a few days to give my hon friend an answer.

It is evident there is a most complete contradiction between the statement of the Premier of Canada and that of the Washington authorities, according to the despatch I have read as coming from that quarter in to-day's *Citizen*.

Hon. Mr. MILLS—It is perfectly true that the commission has never been formally terminated. There was simply an adjournment of the commission. There has never been a call of the commissioners again, and what Sir Wilfrid Laurier says is, 'I glad to be able to say to my hon. friend that neither the government nor the commissioners consider the negotiations have come to an end.' That can only be so when there is a formal termination of the commission. They are only temporarily suspended, the Premier says. That is perfectly true, and he adds, 'But I am not prepared to say when they shall be reopened.' That shows that there has been no action taken, since the adjournment of the commission a good while ago, for a further meeting.

Hon. Mr. MILLER—Has the hon. gentleman no information to give us?

Hon. Mr. MILLS—I have no further information.

Hon. Mr. MILLER—I hope we have heard the last of the commission.

Hon. Mr. DANDURAND—The paragraph read is no contradiction to the statement from Washington.

Hon. Sir MACKENZIE BOWELL—The commission stands pretty much in the position of some customs officials, they are temporary-permanents.

THE REDISTRIBUTION BILL.

DEBATE CONTINUED.

The Order of the Day being called for:

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 13) An Act respecting Representation in the House of Commons, and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. WOOD—My object in offering a few remarks on the measure which is now under the consideration of the House is not with the hope that I may throw any new light on the subject, but rather in order that I may place the views which I hold upon this question on record before I cast my vote. The matter has already been discussed, both last session and this, and arguments both in favour of the Bill and against it have been presented to the House, and I shall avoid as much as possible, repeating the arguments which have already been used. There were some statements made and some arguments used by the hon. Secretary of State to which I shall make brief reference, but before doing so I wish to say just a few words with regard to the constitutional feature of this question. This has been very ably discussed by the Minister of Justice and the Secretary of State, who maintain that the Bill before us is perfectly in accord with the constitution under which we are living, and the opposite view has been as strongly taken by my hon. friend from Marshfield. I may say with regard to the arguments which that hon. gentleman presented to the House, that they appear to me to be worthy of very serious consideration. They appeared to me to have very great force indeed. I will not say that I am prepared to endorse

all the views which he presented to the House, but I must say this, that his arguments appeared to me to have sufficient strength to justify the conclusion that this is at least a debatable question, and one upon which we might reasonably expect a considerable difference of opinion would exist. I maintain that the action taken by the Senate, when this Bill was under consideration last session, has been fully justified. We have an opinion set forth in the document that has been laid on the Table of the House, an opinion from the law officers of the Crown in England, which, on the face of it, condemns the action of the Senate last session.

Hon. Mr. POWER—Not from the law officers.

Hon. Mr. MILLER—From eminent counsel.

Hon. Mr. WOOD—From eminent counsel, which, on the face of it, seems to condemn the action of the Senate last session. In order that I may be clearly understood on the point to which I shall refer in connection with this subject, I ask the indulgence of the House to read that opinion. It already appears in *Hansard*, but I desire to read it again in order to impress the point which I wish to make.

> The annexed Bill for altering some of the electoral divisions for the House of Commons for Canada, leaving unchanged the numbers of the members representing each province, was passed by the House of Commons of Canada in the session of 1899. It has been rejected by the Senate on the ground that it is not within the constitutional competence of the parliament of Canada to legislate altering the electoral divisions, save on the occasion of the decennial proportional readjustment of the representation obligatory under the British North America Act, 1867, after each census.

That is the statement of the case as contained in this document before the House. The document continues :

> Your opinion is asked whether it is competent to the Canadian parliament to legislate as proposed and independently of the decennial readjustment.

To this question the opinion given was in the affirmative. As was pointed out by the hon. leader of the opposition, the position of the Senate upon this question is incorrectly stated in the case as submitted to these legal authorities, and in order that that may be clearly apparent, I shall read the amendment which was moved by the hon. leader of the opposition and carried by this House last session, when the Bill was under consideration :

> That it be resolved, that it is inexpedient to proceed with the Bill now under consideration, inasmuch as it is provided by section 51 of the British North America Act that the representation of the provinces in the House of Commons shall be readjusted upon the completion of each decennial census, subject to and in accordance with the rules in the said Act set forth, and as the next decennial census will, under the provisions of the Confederation Act, be taken in 1901, a readjustment of the constituencies in the Dominion made previous to such census being taken would, in the opinion of this House, be a violation of the spirit of the said Act.

I would call the attention of the House to the very important difference between the case as stated in the document which I have read and which was laid on the Table of the House, and the position which was actually taken by the Senate last session. I maintain that whether this opinion given by these eminent legal authorities is correct or not is not material to the case before us. It may be perfectly correct, and yet the action of the Senate last session be fully justified. I may remark here that I think it is very unfortunate that in an important public document of this nature the position of the Senate should be incorrectly stated. It is important, too, that this point should be referred to and that this incorrect statement should be placed upon our official records ; so that in any future consideration or reference made to this question this may clearly appear. I should like to ask the attention of the House for a moment to the purport of the legal opinion which we received from these eminent authorities in England. It merely says that it is within the legislative competence of the parliament of Canada to pass an Act redistributing the electoral seats in any province of this Dominion at any time, whether near or remote to the taking of the decennial census. That, in my opinion, simply means that if the parliament of Canada passes such an Act at any time, it is not in the power of the courts to declare that Act unconstitutional. Of course, if that Act was unconstitutional, it would be null and void, and this opinion goes no further than to say that if the parliament of Canada at any time chooses to pass an Act altering the boundary lines of the constituencies in any of the provinces of Canada at

any period remote from the taking of the decennial census, that Act is constitutional, and would be legal and operative and binding. That I take to be the substance of that opinion, and nothing more. This does not conflict with the conclusion that the Senate reached in considering this subject last year, and I for one, maintain that the Senate were perfectly right in the course which they took, and that a similar course should be adopted in dealing with this measure now. I maintain that it is with the spirit of our constitution that we have to deal in considering a question of this kind. In the British North America Act there is no express declaration defining what course of action we should adopt. We have to look to other sources for information upon the subject. We have to look to different authorities for guidance in a question of this kind. It does not specially interest us, if we are to be guided by the spirit of our constitution, whether an Act of this kind can be passed and yet not be so flagrant a violation of the letter of the British North America Act as to be unconstitutional. As has already been very properly remarked in the course of this discussion, I think it was by the hon. Minister of Justice, this parliament possesses very large powers. It may do extraordinary things without the courts being able to pronounce its action unconstitutional. I do not know of any better illustration that I could give of the point which I am now making than the very illustration that was furnished by the Minister of Justice himself. He referred to what might possibly happen in the province Quebec, that we might have in power in this Dominion a strong anti-French party, that in redistributing the seats after a decennial census, in order to reduce the influence of the French people in the province of Quebec, they might so arrange the constituencies as to very largely reduce the number of French representatives and very largely increase the number of English representatives, still maintaining, of course, the number, which, under the British North America Act, Quebec is entitled to, being sixty-five. That would be a gross act of injustice, as he said, yet as he pointed out, it would be entirely within the powers of this legislature, and if such an Act were passed it would not be in the power of the courts of Canada to pronounce that Act unconstitutional. On the contrary, it would be within the strict letter of our constitution, and would be legal and binding and operative. Yet it is manifest to every one that for this parliament to adopt such a course would be a gross injustice to the French inhabitants of the province of Quebec, indeed so gross an injustice that no parliament would ever do it. We are, therefore, as I say, in this case not interested so much in ascertaining whether it is possible for us to go the length, in the redistribution of seats in the different provinces of this Dominion, proposed in this Bill, but whether the measure now under our consideration is one in harmony with the spirit of the constitution, under which we live. Fortunately in Canada, as in Great Britain, a great deal of importance is attached to precedent; where an established practice has grown up it is considered both in the courts of law, and in all our parliamentary institutions, to have almost as binding an effect as a statute law. Where parliament for a number of years has adopted a certain principle, has governed its proceedings by certain well established practices, those practices are supposed—and very properly so—to have a binding influence upon succeeding parliaments, for it may be very properly inferred that if succeeding parliaments for a number of years, adopt any particular principle or practice, they have some good reasons for doing so, and these practices should not be departed from, cannot be safely departed from, unless it is made very clear that some change of circumstances has rendered it necessary to depart from them. I maintain, therefore, that in considering this question, so far as its constitutional aspect is concerned, we have to look to the spirit of our constitution. We have to guide us the precedents which have been followed by the parliament of Canada from confederation to the present time. We have to be guided by the practice which each parliament has adopted after each decennial census, and we have besides that, to guide us the very clear expressions of opinion upon this subject which have been given by the Right Hon. Sir J. Macdonald, and by Mr. Blake, and by the Minister of Justice himself, as was pointed out by the hon. gentleman from Marshfield (Mr. Ferguson) the

other day, all in support of the view that the principle of redistributing the seats in the different provinces of this Dominion immediately after the decennial census, as provided in the British North America Act, should be strictly adhered to and that no change in the boundaries of constituencies should be made at any other time.

Hon. Mr. MILLS—Let me say to my hon. friend that I never put forward or advocated such a view, and my hon. friend will look in vain in anything I ever said to find such an opinion expressed.

Hon. Mr. WOODS—I have not the quotation of the hon. gentleman's speech before me. The statement was made by my hon. friend from Marshfield, and I think he read from the hon. gentleman's speech the quotation by which he supported that statement.

Hon. Mr. MILLS—My hon. friend is altogether mistaken. The hon. gentleman from Marshfield undertook to attribute such sentiments to me, but he found nothing which would support such language.

Hon. Mr. WOOD—I will not discuss that point with my hon. friend. We have at all events the opinion, as I said before, of the Right Hon. Sir John Macdonald, expressed in the clearest terms, and his view was also supported by opinions expressed by the Hon. Edward Blake, and I believe by other prominent statesmen. If we are to be guided by these expressions of opinion, of men whose opinions from their experience and ability upon such questions are entitled to the very greatest weight, if we are to be guided by the practice which has grown up in this country, by the precedents which have been established by succeeding parliaments from confederation to the present time, and by the spirit of our constitution, our duty in the present case appears to me plain. There seems to be no alternative for the Senate to adopt on the present occasion, but to pursue the same course that we pursued last year and reject the Bill. But, hon. gentlemen, this measure is not only opposed to the spirit of our constitution, and to the opinions of the most eminent authorities with regard to the practice which the adoption of this Bill would inaugurate, but, in my opinion, there is another very grave and serious objection to the adoption of this measure; and that is that it is a measure of a purely political character. If any one will analyse the arguments which have been used both in this House and in the other branch of parliament by those who have advocated the adoption of this measure, they cannot fail to come to this conclusion, that the sole aim and object and purpose of this Bill is to place the political party now in power in a more advantageous position for the elections which must take place within a year than they stand in at the present time. The hon. Minister of Justice himself made use of that argument the other day. He told us that a wrong—I took down his words as nearly as I could, I will not say they are exact—was done the Liberal party in 1882. That this wrong was perpetuated by the Act of 1892, and he says: 'We now propose by this Bill to rectify that wrong.'

Hon. Mr. MILLS—Hear, hear. My hon. friend argues that a wrong cannot be done to a party.

Hon. Mr. WOOD—No, I made no such statement. I said that was the line of argument which my hon. friend took, and my hon. friend the Secretary of State took precisely the same line of argument.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—I have quotations here from speeches delivered by members of the government in the other House which very strongly emphasize this point.

Hon. Mr. DANDURAND—It is not denied that this Bill is for the purpose of undoing the wrong done in 1882 and 1892.

Hon. Mr. WOOD—I do not think it can be denied. I do not know that it is necessary to take up the time of the House with reading quotations from speeches in the other House, although they are very strong in the same direction. We will accept the position, as I understand, of both the Minister of Justice and my hon. friend. Both admit the argument which I have just used, that the Liberal party claims an injustice was done them in 1882, that that injustice was continued in 1892, and that the object and purpose of this Bill is to undo that wrong or remedy that injustice. Now, what was the injustice that was done in 1882? The injustice they claim as this, that

the Liberal party did not have a voting power proportionate to their numbers in a certain portion of the province of Ontario—that the Act of 1892 did them an injustice, giving them less voting power than they were properly entitled to according to their number. That is the injustice it is proposed to remedy. How can that injustice possibly be remedied, unless under this Bill you give them a greater voting power according to their numbers than they have at the present time? Therefore, I say that the sole aim, object and purpose of this Bill is to give the dominant political party in Canada to-day a greater voting power according to their numbers in the next election than they possess to-day, to place them in a more advantageous position than they now occupy, and to do this on the eve of a general election. The Minister of Justice has told us that the principle of adopting county lines as the boundaries between electoral districts is an important one, and that it is the great principle underlying the Bill. If, hon. gentlemen, you will note the argument which he made, and keep in mind the arguments I have just addressed to the House, you will see that this is merely a means to an end—that this Bill is not to vindicate any principle——

Hon. Mr. MILLS—Yes.

Hon. Mr. WOOD—If this Bill was a vindication of the principle to which I have just referred, the adoption of county lines between constituencies, they must, to be consistent, make it universal in its application. They do not pretend or claim to do that. The hon. Secretary of State said emphatically to us in the debate on Friday afternoon that they confined the application of this principle to a certain portion of Ontario, and gave the reason why they did that, because in that portion of Ontario the greatest injustice was done.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WOOD—In other portions, where county lines were not observed, the same injustice was not done, and so the principle is wiped away—the adoption of this principle is only a means to an end, the aim, object and purpose of the Bill being to give the Liberal party in a certain portion of Ontario a greater voting power according to their numbers than they have to-day. With regard to this question of county boundaries, and the other general questions of that character that have arisen in this debate, it does not appear to me really that there is very much difference of opinion between the two political parties in the country, or between the different members of this legislative body. The hon. Minister of Justice and the hon. Secretary of State claim that the adoption of county boundaries as the dividing lines between electoral districts is a very important principle. The hon. leader of the opposition agrees to that. They both refer to the statement made by Sir John Macdonald, who very strongly emphasized the importance of that principle. I heartily agree with that expression of opinion. I think it is a most important principle, and as far as practicable, whenever there is a redistribution of seats, I think that principle should be adhered to, but there is none of us who claim that that is a principle of paramount importance. There are other considerations which must also have weight. We must take into consideration an adjustment on the basis of population. We must, as far as is practicable, equalize the population in the different constituencies. That is an important principle too, an equally important principle, and yet that is a principle to which there are some exceptions, for I think there will be no question but in adjusting the constituencies for electoral purposes it is perfectly right that in large commercial centres or large manufacturing centres, or in a district where there is a large floating and transient population, the unit of representation should be very much larger than in rural districts, where the population is more stable and permanent in its character. These are all good principles, and are all entitled to a certain amount of consideration, but it does not appear to me really that there is much difference of opinion between hon. members in this House as to what general course should be pursued in the redistribution of the electoral districts—that having due regard to all these principles to which I have referred, the best possible arrangement should be made by which all classes would have a fair share in the representation of the country, and by which the public convenience would be best served. Then, what is the real ques-

tion in dispute between those who are supporting and those who are opposing this measure ? It is simply a question of fact, as to whether or not, under the Redistribution Act of 1882, an injustice was done to the Liberal party in Canada. My hon. friend the Secretary of State claimed that a very gross injustice was done. Both he and the Minister of Justice described this Act of 1882 as one of the most iniquitous measures that had ever been placed upon our statute-book. The Secretary of State submitted to the House some figures to sustain his position on this point. I undertook to take them down, but was not able to do so, and have not had access to them since, and, therefore, cannot analyse the figures which he gave. It must be evident to every one that that is a question on which two political parties cannot agree. It is one of those peculiar questions on which political parties never will be able to agree, nor can the two political parties in Canada ever be expected to agree on a question of that kind. Some figures have been placed in my hands by a prominent gentleman in Ontario who is very familiar with the constituencies affected by the measure which is now before us. This measure affects forty-eight constituencies in Ontario. In 1882, the Liberal vote in these forty-eight constituencies was 78,483. The Conservative vote was 72,309, showing a Liberal majority, in the whole forty-eight constituencies, of 6,174. In that election there were thirty-two Liberals returned and sixteen Conservatives. The Liberals had a very much larger representation in parliament after the elections of 1882 than their total voting power would entitle them to. If the proportion of representation had been in accordance with the votes, the Liberals would have had twenty-five instead of thirty-two, and the Conservatives twenty-three instead of sixteen in the parliament elected in 1882.

Hon. Mr. MILLS—What portion of Canada is the hon. gentleman speaking of ?

Hon. Mr. WOOD—The constituencies affected by this Bill in Ontario. If you take this same district of country previous to 1882, we have the following particulars which are rather striking. Previous to the Redistribution Act of 1882, there were only forty-three constituencies in this section of the province of Ontario. In the election of 1878, which was previous to the Redistribution Act complained of, and at a time when the division of electoral districts was, I believe, acceptable generaly to both political parties in the country, the Liberals elected twenty-two members to parliament, and the Conservatives twenty-one. In the same constituencies in 1882, after the Redistribution Act was passed, the Liberals elected thirty-two, a gain of ten, and the Conservatives elected sixteen, a loss of five. These figures—and I have no doubt of their correctness, I have given the authority from which I got them—would show that the Liberal party had no just cause for complaint.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—They gained rather than lost in the constituencies affected by the Bill now under consideration. In the election of 1896, taking these same constituencies, the Liberals elected twenty-nine representatives and the Conservatives seventeen. The total vote of these constituencies was 102,431 Liberals and 96,676 Conservatives, according to which there is a Liberal sitting in parliament for every 3,532 Liberal votes cast, and a Conservative for every 5,687 Conservative votes.

Hon. Mr. SCOTT—That is for only one section of the province. I took the whole ninety-two seats.

Hon. Mr. LANDRY—The section affected by this Bill.

Hon. Mr. WOOD—This is for the section affected by this Bill, the section of the province of Ontario where it is claimed that the grossest injustice was done by the Act of 1882.

Hon. Mr. MILLS—Hear hear.

Hon. Mr. WOOD—But the hon. gentleman says that he took the figures for the whole province of Ontario. I happen to have the figures for the whole province of Ontario and no doubt they will agree with the figures which the hon. gentleman has, for I took them from the Parliamentary Companion. In the election of 1878, taking the whole province of Ontario, the Conservatives returned fifty-nine members of parlia-

ment, and the Liberals twenty-nine. In the election of 1878, therefore, the Conservatives had, of members returned, a majority of thirty. In the election of 1882, after the Redistribution Act which is complained of, the Conservatives returned fifty-four members to parliament and the Liberals thirty-eight. The Conservative majority was reduced from thirty to sixteen in the whole province of Ontario. Now, we all know that in the election of 1882 the issue between the two parties was the national policy and also the ratification of the contract for the construction of the Canadian Pacific Railway. Those were two very important issues. They excited a great deal of discussion, and they were undoubtedly popular throughout the country and resulted in the return of the Liberal-Conservative party to power by a very large majority. Now, it is interesting in connection with this question to know the results of that election in 1882 in the different provinces. In the province of Quebec in 1878 the Conservatives elected forty-five members and the Liberals twenty, giving the Conservatives a majority of twenty-five. In the election of 1882, when the issues which I have spoken of were involved, the Conservatives elected forty-eight and the Liberals seventeen, giving the Conservatives a majority of thirty-one. The Conservatives in the province of Quebec increased their majority from twenty-five to thirty-one. In the province of Nova Scotia in 1878 the Conservatives elected fourteen members and the Liberals seven, a Conservative majority of seven. In the election of 1882 the Conservatives elected fifteen and the Liberals six, a majority of nine. The Conservatives had increased their majority in Nova Scotia by two. In New Brunswick in 1878 the Conservatives elected five and the Liberals eleven, a Liberal majority of six. In the election of 1882, the Conservatives elected ten and the Liberals six, a Conservative majority of four. The Conservatives, it will be observed made a very important gain in all the provinces of this Dominion except the province of Ontario, and in the province of Ontario they had a smaller majority after the election of 1882 than they had after the election of 1878. These figures certainly do not strengthen the theory that a very gross injustice was done to the Liberal party in the province of Ontario by the Redistribution Act of 1882. If we take the election of 1896, we find the Conservative vote in Ontario was 191,052, and the Liberal vote 166,335, a Conservative majority, taking the total vote of the province of 24,717, and yet the Conservatives elected forty-three members to parliament, and the Liberals forty-four. This certainly does not justify the assumption that the Liberals are labouring under any grievous injustice in the province of Ontario. It rather favours the opposite conclusion. At all events, I think it justifies us in believing that if any injustice did exist, time has entirely remedied it. If we take the by-elections which have occurred since 1896, we find that out of forty-seven by-elections, the Conservative party have, in the whole Dominion, only succeeded in electing three representatives to parliament. Now, I would only, in connection with these general figures, call attention to one or two points; first, it appears evident to me—it appears to be unquestionable, that there was nothing in the Redistribution Acts of 1882 and 1892 that prevented a free expression of opinion of the people of this country. Previous to the election of 1896 there was, no doubt, a very marked change in public opinion throughout the Dominion of Canada and we have, as a result of that election, a Conservative majority of parliament turned into a large Liberal majority. That change of opinion found expression in the changed complexion of the House of Commons of Canada after the election of 1896. It does really appear to me, looking at these general figures, without having a personal knowledge of the condition of things in the constituencies complained of, but taking a general view of the whole case, that the wrongs and injustices of which the Liberal party are complaining are, after all, more imaginary than real. And it does appear to me that the successes that they met with in the election of 1896 and in the by-elections since, should be sufficient to satisfy the reasonable ambition of any political party. I think that if the Conservative party meet with equal success in the next election it will be sufficient to satisfy the aspiration of such strong party men as the leader of the opposition in the House of Commons and the leader of the opposition in the Senate.

Hon. Mr. MILLS—May I ask my hon. friend, am I to understand that the reason he is not in favour of legislation is that no wrong has been done, and, therefore, no remedy is required ?

Hon. Mr. MILLER—Partly.

Hon. Mr. WOOD—I do not say that I would favour the legislation if a case was made out that an injustice had been done.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—I do not say that I would favour the legislation in that case, but I say that there is no justification whatever for this measure, unless you can make out a distinct and clear case of injustice, and that has not been done: that when you take the figures generally it is not, in my opinion, a fair course to pursue, to pick out a certain number of constituencies, and by adding together the total vote and taking the total number of representatives returned to parliament to make out a case of injustice. Any one can, if he chooses to do it, make out a case of injustice in that way. I think we should take a broader view of the whole situation.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—And if we do so, I submit that the figures which I have placed before the House do not justify the assumption that any injustice was done the Liberal party in the Redistribution Act of 1882, that they are not labouring under any injustice now, that the wonderful change in the political complexion in the House of Commons shows that the change in public opinion previous to the elections in 1896 found its full expression in the change of the political principles of the majority that were sent to parliament. That is my contention. Having said so much on the subject of these statistics with regard to the election returns, I beg to ask the House to consider what is the position in which we stand to-day. We have a Bill before us by which it is proposed, on the eve of a general election, to change the relative advantages which the two political parties in Canada have at the present time. What are the reasons which are given for adopting this measure ? It is not claimed that any portion of the population of this Dominion is not represented at the present time. It is not claimed that any injustice has been done to any class of people in this Dominion. I think it will be admitted by every one that the agricultural classes are well and ably represented in the House of Commons to-day. It must be admitted, too, I think, that the commercial classes, the lumbering classes, the mining classes and the manufacturing classes all have their fair share of representation. No claim has been set up that injustice has been done to any of these important classes. We are asked, then, to adopt this measure simply to remedy an injustice, real or imaginary, which the hon. gentlemen opposite claim has been done to one of the political parties by an Act passed eighteen years ago, I would ask this House thoughtfully to consider whether a course of this kind would be a wise precedent to establish. I have already called attention to the weight and force which the establishment of precedents should have upon future legislatures. The hon. Minister of Justice drew my attention to that point in the address which he delivered the other day. He referred to the Act of 1882, and pronounced it one of the most iniquitous pieces of legislation that ever had been placed upon the statute-book.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—That Act was passed in 1882, when the Conservative party, then in power, knew they were to appeal to the people of the country within a few months. According to his own theory, the temptation was too strong for them ; they could not resist it, and they had to take advantage of the peculiar conditions in which they were placed to make a most unfair rearrangement of the constituencies in the province of Ontario, and he made a further statement, that the reason which they assigned, and the only reason which they gave, to justify their action was that the precedent had been established by Sir Oliver Mowat in the local legislature. I should think, if a precedent of that kind had such disastrous results, that the hon. gentleman would feel the very great responsibility that must rest upon this House if we, by passing this Bill, establish a precedent of the same character.

Hon. Mr. MILLS—Restore the county boundaries and leave the distribution to the judges.

Hon. Sir MACKENZIE BOWELL—Why did not the government do that ?

Hon. Mr. WOOD—I have already dealt with that feature of the question ; I have already dealt with the arguments which the hon. gentleman used, and I endeavoured, perhaps in a feeble way, to show that that was merely a means to an end.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—That the real object, aim and purpose of this Bill was to place the Liberal party in a better position than they occupy to-day, and that the principle of which he boasts so much was only applied in that section of Ontario where it would have this result.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. WOOD—I feel that this Senate, at the present time, stands in a very responsible position, that in dealing with this measure we have a most important duty to perform, but I feel, at the same time, that our duty in regard to it is very plain. If we are to be guided by what is clearly the spirit of our constitution, if we are to be guided by the precedents which have been established by parliament already, if we are to follow the practice adopted by successive parliaments, from confederation to the present time, if we are to have respect for the opinions which have been expressed by such able statesmen as Sir John Macdonald, and other high authorities on these constitutional questions, there is only one course for us to pursue, and that is, to reject this Bill.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. WOOD—If we adopt this measure, it has not been shown that it can accomplish any general good. It is only claimed that it will remedy the particular case of injustice to which it is intended to apply. It has no general character to commend it to us. It has not been shown that it will accomplish any good. It has been shown, I claim, that it is liable to constant and serious abuse. Besides that, there is only one other point I would like to emphasize, and that is, the point already referred to, that this is an innovation, that if we adpot this measure we are establishing a new precedent, and, in my opinion, a very bad precedent. There is only one case, I believe, in the history of legislation in this country when a measure has been submitted to this House in which the same principle was involved, and that was the Tuckersmith Bill, which has been referred to by some speaker in the course of this debate. In that case Mr. Cameron had been elected for a constituency in Ontario. His seat had been contested. He was unseated and obliged to return to his constituency for re-election. In the meantime, a Bill was introduced in parliament altering the boundaries of his constituency, the effect of which would have been to have improved his chances for re-election. I should like to call the attention of the House to the fact that the very arguments used in support of that Bill have been presented to this House in support of this measure ; that under the Redistribution Act preceding that election, a general redistribution Act, an injustice had been done to the political party to which he belonged, to the constituency in which he ran, and it was claimed that by adding this township of Tuckersmith that injustice would be removed, and it was to remedy that injustice that the Bill was introduced in parliament.

Hon. Mr. McCALLUM—Oh, it was for more than that.

Hon. Mr. WOOD—That was the very argument used by the men who introduced the measure and suported it in parliament ; the same argument that has been used in support of this Bill.

Hon. Mr. PROWSE—And just as honest.

Hon. Mr. WOOD——That measure passed through the House of Commons, and was rejected in the Senate, and yet, the same men who supported that measure, and who are living to-day, admit that they were wrong, and that the Senate was right in the action which they took on that occasion. If we reject this Bill the time will come, and I believe it will come very shortly too, when the same admission will be made in regard

to the rejection of this measure. I trust that we will do our duty and reject this Bill.

Hon. Mr. DANDURAND—I was glad to hear the hon. gentleman from Westmoreland speak of the respect we owe to the spirit of the constitution. It is with that principle in view that I intend to approach the discussion of this measure. No one will venture to deny that this Upper Chamber owes respect to the will of the people, and that it is the spirit of the constitution that we should bow to the expressed wishes of the people of the Dominion. We may adjourn the passing of a measure which is sprung upon the country by the House of Commons in the belief that that measure is hasty and would not be approved of or endorsed by the people. I do not think that any member of this House would affirm that when the people have been expressly consulted upon a certain measure, it can reject that measure when it has been endorsed by the people at the polls. This House has, within my own recollection, followed this principle. The majority of this Chamber refused to sanction the Yukon Bill, because, as the hon. leader of the opposition declared, they were convinced that the people would not accept or endorse this measure. We passed, and the Conservative majority of this Chamber reluctantly accepted the Franchise Bill last session, because the people had endorsed the principle of that measure. I contend that the will of the people should be respected, and that in this case the will of the people was very clearly expressed. We have an express mandate from the people on this question, as clear, not clearer, at all events, than the one concerning the Franchise Act, in the programme of the Liberal party, which was endorsed by the people on the 23rd of June, 1896. This is the clause of that programme which was submitted to the people :

8. That by the gerrymander Acts, the electoral divisions for the return of members to the House of Commons have been so made as to prevent a fair expression of the opinion of the country at the general elections, and to secure to the party now in power a strength out of all proportion greater than the number of electors now supporting them would warrant. To put an end to this abuse, to make the House of Commons a fair exponent of public opinion, and to preserve the historic continuity of counties, it is desirable that in the formation of electoral divisions, county boundaries should be preserved, and that in no case parts of different counties should be put in one electoral division.

This was the mandate, and it is very clear. To what grievance did this declaration refer ? It referred to a practice which appeared for the first time on the other side of the border, by which a party, in order to maintain itself in power, hives its opponents in a few constituencies. What was done by the gerrymander Act of 1882 ? The Conservative party in power, led by Sir John A. Macdonald, took some Liberal municipalities from a certain number of counties, and added them to one central county in order to hive the Grits in that county, and to allow a certain number of Conservative candidates to be returned by small majorities in the counties from which the Liberal municipalities had been abstracted. With this system the Conservative party managed to elect a greater number of members than it could expect with the population as it stood within the former county boundaries. The hon. leader of the opposition denies that the Liberal party suffered a grievance in 1882. The hon. gentleman from Westmoreland and the hon. gentleman from Marshfield also deny it. The hon. gentleman from Westmoreland goes further and says that it is hopeless to expect that both parties should ever agree to admit that a wrong was committed in 1882. I know that the parliamentary career of my hon. friend has been a long one, and that he must know the name of a member of parliament who sat for his own province, Mr. C. R. Weldon, of Albert, a professor in the University of Dalhousie. That hon. gentleman was a member of parliament in 1892, a follower of the Conservative ministry, the standard bearer of that very party, I understand, at the last election. How did that hon. gentleman judge the Act of his own party in the House of Commons in 1882 ? Here are his own words as to his appreciation of their work in the redistribution of the counties :

I am one of these members who came into this House at the beginning of the last parliament, five years after the famous redistribution of 1882 was carried. Although a lower province member, I deemed it my duty to look at the statutes of 1872 and 1882, and also at the election returns and the census, to take a map of Ontario and to find out by patient study and by the assistance of some experts, what the merits of the Bill of 1882 exactly were; and I am free to say here now, after having reconstructed the old political map of 1867, and having gone over the counties of Ontario one by one as they were then defined by the British North America Act, and having compared the old map with the map

of 1882—having found some townships scattered like flocks of birds, upon which the dogs had pounced, one being here and another being there, so that it was hard to find them and replace them in their old positions—after this study, I am free and frank in saying that I think the Redistribution Act of 1882 was one that reflected very little credit upon the parliament of Canada that passed it.

Another member of parliament, heretofore a strong adherent of the Conservative party, one of the luminaries of the Conservative party at the time, the late D'Alton McCarthy, spoke on the same occasion on this question, and, among other things, he said :

I am not going to apologize for my act in 1882, or to do more than say that I fully realize by this time that in every sense, party and political, that Act was a gross mistake.

And, further on, he added :

We are not showing our faith in English traditions when we copy that infamous system which prevails on the other side of the line.

Now, a gentleman who was in good standing (more so than D'Alton McCarthy) with his party, who if not a minister at the time became shortly after a member of the administration, the Hon. Mr. Dickey, said :

I must say that the Act which was offered to the House in 1882 was a very much better subject for the hon. gentleman's criticism and the hon. gentleman's good feeling than the present Bill, because I do think it argues a very great change of heart in a gentleman who could swallow the Act of 1882 to strain at the present Bill. The hon. gentleman says his stomach is not so good now. I am sorry to hear that after swallowing such a severe dose as he did in 1882 he is not capable of taking the dose in this Bill.

Mr. Davies. I think you make a little face yourself at it.

Mr. Dickey. I must say, although perhaps this is irrelevant, that the Act of 1882 does not commend itself strongly to my judgment. I do not know, but I suppose I would have followed the hon. gentleman from Simcoe, if I had been here, in supporting the Act ; but looking at it through the vista of years, it seems to me a very objectionable Act.

Here is the opinion of a member of the late Conservative administration, looking back through the vista of ten years upon the work and doing of his own party. The hon. member for Marshfield, and the hon. gentleman from Westmoreland in trying to condone the action of their party in 1882, say that the votes recorded do not show that there was such a gross injustice committed towards the Liberal party. I will not go over the figures presented to the House by the hon. Secretary of State, but I take his affirmation that in 1882 a Liberal represented 3,615 electors, and a Conservative 2,445 electors in Ontario and said that these figures, taken from the votes polled in 1882, do not show the exact political strength of the parties in Ontario. When you have hived the electors of a certain stripe in a county to such an extent as to make a contest quite hopeless for the other side—when you have brought municipalities that vote the same way into the same boundaries and give the Liberal candidate, if it happens that he is the one who suffers from that plethora, one thousand or twelve or fifteen hundred or two thousand majority, it will appear when the vote is counted that he has quite a large majority but that the vote polled was small, because few people volunteered to go to the polls knowing the result was a foregone conclusion. Perhaps as many electors remained away because they knew practically there was no contest in that riding. So, when a gerrymander Act is passed, hiving a certain party in certain constituencies, it is unfair to total up the votes recorded for both parties because you have those electors who did not think it worth while going to the polls, because they were sure of their candidate having a walk-over.

I think I have made clear that our mandate to remedy this grievance was clearly expressed by the people. It was not denied by the hon. leader of the opposition in the speech which he made last week. He did not deny that there was a clear mandate to redress the wrong committed in 1882 and 1892, nor did he deny our constitutional power to pass the present measure. The hon. gentleman from Marshfield did deny it, but I venture to affirm that the hon. gentleman is the only man in either this Chamber or the other who has ventured to make that affirmation.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. DANDURAND—He has declared to us that he had the opinion of a couple of barristers who thought as he does. I would ask him, before this debate closes, to put their names on record, for I do not know yet of any barrister, in this House or the other, who has declared that we have not the constitutional power to pass this

measure. The hon. gentleman from Marshfield was happy to be able to state the opinion of the hon. gentleman from Calgary (Mr. Lougheed), which, according to him, was on similar lines. I did not remember that the hon. gentleman from Calgary had expressed the legal opinion that we had not the power of passing this measure, and looking at his speech I find very little comfort for the hon. gentleman from Marshfield from the remarks of his hon. friend from Calgary. The hon. gentleman from Calgary summed up his argument as follows :—

Any one reading the Confederation Act surely cannot seriously come to the conclusion that the framers of that Act, at the time of its passage, ever contemplated that there could be a disturbance and upheaval of the representation of the constituencies in each province every successive session; because, if you can do it at this period, you can do it every session during the interval of the decennial period.

Hon. Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—Under these circumstances, one can very well appreciate the necessity of this House, if it possibly can, laying down a rigid rule, in the language of Sir John Macdonald in 1887, that at no other period than that succeeding the taking of the census should there be a readjustment, or redistribution, or disturbance of constituencies.

The hon. gentleman went as far as the resolution or amendment proposed by his leader went, but did not go further. The hon. gentleman from Marshfield, up to the moment that he closed his speech, seemed to enjoy the fact that he was alone—he seemed to pride himself on the fact that wolves go in packs, but lions hunt alone, yet at the last moment he weakened and declared that this parliament had very great powers indeed, and perhaps by some straining of our powers we could pass a constitutional Bill for, if it were unconstitutional, he would not have added that the Bill could not be overridden by the courts. If we can pass a Bill which cannot be overridden by the courts, we pass a constitutional Bill, and we have the constitutional power to pass it. I find in a leading Conservative paper in Montreal a clear admission that this Bill is constitutional. The Montreal *Gazette* of March 23rd, says in an article entitled 'The Redistribution Bill':

Parliament's power to redistribute the seats every session is not questioned.

In fact I have followed the debates of the House of Commons during the last session; I have latterly especially examined the opinions of the legal fraternity sitting to the left of the Speaker, and in none did I see the opinion advanced that we had not the constitutional power to pass this measure. The leader of the opposition admitted our power, but thought that he had a good argument to offer for the rejection of this Bill. I took it verbatim. The hon. leader said that the people, although giving us the mandate to repeal these gerrymander Acts did not contemplate that the change should be made before the new census. With all due respect for my hon. friend, I think that that is rather a puerile pretext. The people appeared on the 23rd June, 1896, before what they considered to be a packed jury. They complained of the unfairness of the trial; they declared that a fair trial could only be had on other lines. And yet my hon. friend wants the contending parties to again appear, be it within a year, six months, or two months, before the same packed jury. The hon. leader of the opposition cannot contend that the people in expressly declaring that an undue advantage was taken of one party over the other meant to go a second time within four or five years before that same unfair jury—that same packed jury? That argument of my hon. friend does not commend itself to my judgment, and I do not think if he looks at the article of the Liberal programme which the present government is trying to put into effect, that he will be justified in affirming that the people did not contemplate that a change should be had before the new census. The hon. gentleman accused the Premier of this government of being at times, if not always, inconsistent. I will pay the hon. gentleman the compliment of saying that on this question he is absolutely consistent. He helped to load the dice in 1892, and he thinks that they should remain loaded for the next election. I was considerably amused at the hon. gentleman from Westmoreland asking us if the aim of the present government was not to give an advantage to the Liberal party. The hon. gentleman cannot admit for a moment that a wrong committed by them should be redressed by the Liberal party with the effect of giving an advantage to his opponents. The proof that there was an undoubted advantage taken, outside of the admission of Messrs. Dickey, Weldon and others—is that

the party which perpetrated the act clings to that undue advantage. That party does not say to-day that a wrong was committed upon them by this Bill. I have not yet seen in the discussion of the measure that a wrong was inflicted upon any one—no, I have seen the affirmation that the Liberal party would be benefited by it. The whole trend of the speech of the hon. leader of the opposition was that the Conservative party would be harmed by it in the redress of a wrong which he contributed to inflict upon the Liberal party in 1882. The hon. gentleman went considerably into the details of the measure after admitting that we had a mandate from the people to pass this measure, that we had power to pass it, admitting practically the preamble of the Bill, while refusing to pass the second reading, and refer it to the committee. He thinks that the Conservative party would be harmed by it, but he gives the government no chance to examine the measure clause by clause, and he suggests no amendment by which, if there is a grievance committed upon any one, it should be redressed.

The hon. gentleman was surprised that the government touched only counties in the western part of Ontario, and did not readjust the counties in the eastern part of the province. The reason for that is very simple; the grossest outrage committed in 1882 was in western Ontario, and if the eastern part remains intact, I cannot understand why my hon. friend should complain because it remains as he himself left it.

Hon. Sir MACKENZIE BOWELL—I did not complain.

Hon. Mr. DANDURAND—My hon. friend brought to the attention of this Chamber a declaration which the Minister of Public Works made in Ontario, that after the gerrymander Act of 1882 and 1892 was recalled, the life of the Conservative party would go out in Ontario. He was scandalized by that remark, yet I think that the Minister of Public Works was quite justified in making that affirmation. Quebec was not gerrymandered by the hon. gentleman and his friends, and his party were nearly wiped out of existence there in the last election. When justice is done in Ontario—I know it will not be at the hands of the Tory majority of this Chamber—but I am quite sure when redress is given the Liberal party in Ontario, very little life will be left in their opponents.

Hon. Sir MACKENZIE BOWELL—If Quebec was not gerrymandered, what are you interfering with the constituencies for?

Hon. Mr. DANDURAND—When I say that, I am merely making a declaration which is true in the main, but not absolutely. I am ready to stand by my declaration. There was an attempt made by the Conservative party to gerrymander Quebec, but there was a man leading the House at the time who had not, perhaps, been so long in politics as his predecessors, whose stomach refused to accept that Bill, and he relented; we had for Quebec as unjust a gerrymander as for Ontario, when the Bill was brought down, but there was such a clamour that the Hon. Sir John Thompson desisted from the attempt which his party was forcing on him, and what did he do? Instead of gerrymandering Ste. Hyacinthe, Rouville and other parts of the province of Quebec, he came down like a man and respected the county boundaries. In the only instances in which he departed from the principle of county boundaries, he committed a grievous wrong. He took from the county of Bagot, where both parties were about even, where the majorities did not go beyond 50 or 100—he took the Liberal municipality of St. Pie and hived the Liberals in the county of Rouville, which the present member represents by 900 or 1,000 majority, and where the Conservative candidate lost his deposit. That is a grievance, because an undue advantage was taken by the Conservative party. When we come to Mississquoi, we find it again. The municipality of Stanbridge gave a big Liberal majority. After uniting two Liberal counties, like St. John and Iberville, the Conservative party was not satisfied with that but took the municipality of Stanbridge from Mississquoi and hived the Liberals in Iberville and St. John. They took from the other side of the river the parish of Lacolle, which was in St. John County, which had given 60 majority to the Conservatives in the previous election, and added it to Missisquoi, and when you look at the present Bill you will find that it is such wrongs as these which the present government

is trying to undo. Who will deny that taking St. Pie from Rouville and restoring it to Bagot will work an advantage to the Liberal party, but we are remedying a wrong which was committed in 1882, and we say we have an express mandate to come before parliament and obtain redress of that wrong.

The hon. gentlemen from Marshfield and Westmoreland are surprised that we should ask, only one year before the census is taken, to make a new redistribution. If we are with in a year, or six months of the census, what difference does it make if it appears we are to have a general election intervening and that elections should be held on a fairer basis ?

Hon. Mr. McCALLUM—Justice is a great thing.

Hon. Mr. DANDURAND—Justice is a great thing when the Conservatives apply it to their own party, but works havoc when applied to the other one. Every one knows that before another census is taken we shall have a general election. What is the object of the redistribution of the seats and readjustment of the proportion of the electors in each county, if it is not to have a fair representation of the people ; and if we go back to the people with a packed jury, have we followed the desire expressed by the majority of the electorate who rule this country ? I say, no. I wonder how two parties in a civil case, appearing before a jury which was declared irregularly called, would like to be confronted with the same state of things if they were brought into court and asked to have their trial before the same jury because there was no time to call another jury, or for some other cause or pretext. The hon. member for Westmoreland spoke of the respect we owe to precedent, and to the traditions which have grown up, and which form part, sometimes, of the constitution. In this present instance, we are dealing with a constitution which is new, which has not lasted centuries, and besides, we are dealing with a written law which cannot be set aside for practice. But, upon what practice does my hon. friend want to rely in order to set aside the whole constitution ? Upon the fact that we have had no such measure before parliament since confederation. It is very easy to explain why we have had no such measure. In 1872, the county boundaries were respected. In 1882, the outrage of which we complain was perpetrated. There has been no chance to bring forward such a measure since 1882, for the party that committed the outrage, and which at every following election, benefited by it, would take very good care, being the majority in both branches of the legislature, to prevent any change. We are here dealing with new conditions. The party that benefited by the packed jury instituted in 1882 is now in the minority in the other branch of the legislature, where the people have a word to say in the choosing of its representatives and in the mandate that it gives them, and I wonder if in the face of the expressed will of the people, this Chamber will consent to allow public opinion to be tested within six months or a year, before the same packed jury, with the same loaded dice which won the game to the Tories in 1882. The hon. gentleman from Marshfield spoke of the letter of the constitution, and discussed article 51. I shall say but one word on that point. Article 51 in the constitution deals with what ? With representation according to population. Why was it enacted ? It was enacted at a time when the provinces were coming together—when considerable friction had already taken place in the country over the question of representation by population—when Ontario was increasing, manifestly, considerably, and in the compact made between the provinces a clause was inserted dealing with representation according to population, and giving a chance to the province that showed an increase of population to have an increased representation. This is the only reason for article 51, and the proof that it is limited to this question is, in spite of the question put by the hon. gentleman from Marshfield, who seems to doubt it, that we are not obliged after every census to make a readjustment of the population. We are not obliged after every census to pass a Redistribution Bill. We are only to do so, if there has been a change in the population of the provinces. Article 51 is there in order to give a right to the province that has an increase of population to obtain increased representation, but it does not go further, and when we want to bring about an equilibrium between the population

of the counties, we then act under our sovereign powers. The hon. leader of the opposition closed his remarks by declaring that he would move the six months' hoist, and fight against the measure, because he considered it was not in the interest of the country. I thought there would be a slip of the tongue which would express clearly his mind, after laying down the premises of his speech and that he would declare that he would vote against the measure, because it is not in the interest of his party.

The factious opposition offered, and which will be offered by the Tory majority of this Chamber, is all the more offensive and inexcusable because it deals with the constitution of the other Chamber. When the infamous Act of 1882 was brought before this Chamber, I quite understand that some hon. member got up and protested against the measure, and if a similar measure was brought down by the present government before this Chamber, I would quite understand that members of this Chamber would protest against it; and even if this present Bill contained some apparent or real grievance, I would quite understand how some hon. gentlemen would move in committee to have it redressed, but it is not that which is done. It is simply the rejection of the measure, until another election takes place with the unfair redistribution of the past. I have already expressed my opinion on this question, but the gross partisanship which will be exhibited by the rejection of this measure will fully justify the people who endorsed this part of the Liberal programme on the 23rd of June, 1896, and which reads as follows:

9. The present constitution of the Senate is inconsistent with the federal principle in our system of government, and is in other respects defective, as it makes the Senate independent of the people, and uncontrolled by the public opinion of the country, and should be so amended as to bring it into harmony with the principles of popular government.

I know that the hon. gentlemen, as long as they remain in the majority in this Chamber, will care no more for this declaration of the people than the preceding one; I know that, solidly sitting here in a compact majority, the Tory opposition in this Chamber will fight to the last to uphold the Conservative party and to retain the undue advantages which it has put on the statute-book; but it seems to me, when we are dealing with a question affecting the constitution of the other Chamber, that it speaks ill for the independence of the members of this Chamber who cannot rise above blind partisanship.

Hon. Mr. LANDRY—Last year a Bill similar to the one now under discussion was introduced in this House and rejected, not on the ground that the Senate had not the power to pass it, but because it was found inexpedient and against the spirit of our constitution to alter the electoral divisions of the Dominion on the eve of the decennial census. After each decennial census it becomes the imperative duty of this parliament to readjust the representation of the provinces so as to comply with the exigencies set forth by the result of the census. This House found, last year, that we were then too near the census, which has to be taken in 1901, to make for two years only such changes as would become imperative at the end of twenty-four months. Leaving aside for the moment the constitutional aspect of the question then submitted for our consideration, and all the arguments brought forward, we arrived at the conclusion that it was better in the interests of peace and sound government to postpone our acceptance of such legislation until the census was taken, and when we should be in a position to do justice to the case. Consequently, the Bill did not pass. That first-born child, the cherished son of the constitutional love of the Minister of Justice, had not constitution enough to breathe the pure air of justice and fair play. And he died in the hands of his father, killed no doubt, choked, it is evident, under the weight of all the utterances made in by-gone days of the leading men of the present administration. He was buried with all the honours, under a majority of twenty-four votes, the chief mourners being the hon. Minister of Justice, the Secretary of State, the senior member for Halifax, and my hon. friend the member for De Lorimier. Nine months have not yet lapsed since that lamentable event, when another child, a second son of the constitutional affections of the present administration, is again presented to us, introduced in this Chamber by its putative father, the Minister of Justice. He is the real image of the one who died last year. He has the same features. The

Minister of Justice has given him the same name and the hon. Secretary of State has just murmured to the dear little one the same cradle song. And what is the song? The dominant note of it is that this branch of parliament must accept the views of the lower House, and consequently adopt the Bill now submitted for our deliberation in the form in which it is presented. The argument of the hon. minister is a very simple one in his mind. It relies upon, and takes its strength from the principle laid down by his colleague the Minister of Justice, and which is so convenient in the present hour for party purposes. The principle is that the House of Commons have the right and the power to pass such legislation, and that the Senate has the power, but not the right to defeat it. That fallacious principle has been pulverized and in the most proper way by the hon. gentleman from Richmond (Mr. Miller), who pointed out and victoriously demonstrated that with and within our written constitution, which has been given to Canada by the Imperial parliament, every distinct power conferred upon this Senate implies an equal right as well. No one can dispute that with the single exception of being unable to originate Bills for appropriating money, or any part of the public revenue, or for imposing any tax, this House has the power and the right to take the stand it deems convenient in the interest of peace, order and good government in Canada. This is precisely what we are doing to-day. In the interest of peace, order and good government we will reject the measure submitted to us if such a measure is not in the public interest, but merely brought forward to foster the interests of a party. My contention is that the present Bill is not in the public interest, but solely in the interests of the Liberal party; but before proving this proposition, let me answer one or two assertions made by the hon. Secretary of State in the speech he delivered in this House on Friday last. Here is the first statement made by the hon. minister in his opening remarks in this House. Referring to this discussion on the Redistribution Bill which took place in this House last year, he said:

> We had this discussion last session where parliament, after having a readjustment in 1892, made a redistribution of no less than ten seats in 1893. The electoral districts of Nipissing, Ottawa City, Labelle, Hochelaga, Rouville, Chambly, Verchères, Bagot, Richelieu, St. Hyacinthe and Provencher; those were dealt with differently from the way they had been dealt with in 1892. Nobody challenged the right of parliment to make these changes. It was then called a Bill to amend the Act for the Representation of the House of Commons, and the Bill before the House to-day is to amend the Act respecting representation in the House of Commons. The very fact of our having in 1893, after having had a decennial census in 1892, when we made certain changes and alterations in the Redistribution Bill of 1892 is sufficient evidence that this parliament has claimed the power in the past to deal with this question.

This quotation contains an assertion of facts and an argument based upon these facts. I will not answer the arguments. I need not do so if I prove that the facts upon which the argument is based are not correctly stated. The assertion made by the hon. minister was made with such angelic candor, with such a sanctimonious appearance of truth, with a tone of such mellifluous sweetness that the House was caught by it and no one dare suppose for one moment that it could be anything else but the truth which was then falling from the lips of the hon. minister. It must be a very poor measure that needs to be defended by such assertions. With the permission of the House I will take issue with the hon. minister. If the hon. minister was in his place I would ask him to-day if he asserts again that notwithstanding the legislation which took place in 1892 in connection with the redistribution of seats in the House of Commons, a new, distinct and different Bill was introduced in 1893, and that no less than ten electoral districts were dealt with, as he said, differently from the way they had been dealt with in 1892. What are the facts? In 1893 a Bill, chapter 9 of 59 Victoria, intituled 'An Act to amend the Act to readjust the representation in the House of Commons,' was passed. As the hon. minister said ten or eleven constituencies were dealt with by that Act, but it was merely to correct clerical errors which are to be found in the legislation of the previous year. I will take the language of that Act. The first electoral division which the Act amends is the electoral district of Nipissing. When the Bill was presented in the House of Commons there was very little discussion. In fact no discussion took place. The Bill was presented by Sir John Thompson, who

moved for leave to introduce a Bill (No. 42) to amend the Representation Act. He said :

This is a short Bill which I introduce for the purpose of amending the Representation Act of last session in certain particulars, which are of a clerical character, and which merely relate to the correction of the boundaries without making any change in any of the principles on which the Act was founded. The first section was more accurately to define the boundary lines of the electoral district of Nipissing. It enumerates the parishes and gives the boundaries with more technical accuracy.

That is all with regard to that first section. When the Bill went into committee on the 2nd March, 1893, Sir John Thompson added these words :

I desire to call attention to the reasons for the first section. The boundary line for the province of Ontario has been altered since the district of Nipissing was established, and the Bill, as introduced last year, did not extend the limit in accordance with the new boundary line. I am informed by the law clerk, by whom the Bill has been prepared, that the boundaries named in the Bill, in so far as they are named, are taken from the Ontario statutes, and otherwise —that is to say, as regards the new boundary of the province itself—he has followed the line closely as it can be traced on the map in accordance with the description contained in the Imperial statutes as to the boundaries of Ontario. I desire to amend this clause by inserting at the end a few words which were accidentally omitted in drafting the Bill, and which are in the present Act.

And he goes on reading the amendment that he proposed. This amendment was accepted by the House of Commons without any opposition. The second amendment in the law of 1893, reads as follows :

The paragraph lettered 'P' of the said subsection (2) of section 2, is hereby repealed, and the following substituted therefor:
The electoral district of the city of Ottawa shall consist of the city of Ottawa, except that part thereof known as New Edinburgh; and shall return two members.

What is the meaning of the amendment ? We find it in the explanations given by Sir John Thompson in his speech in the House of Commons on the 16th February, 1893. This second section was to correct an error in respect to the city of Ottawa as stated by Sir John Thompson. While the Bill was in committee the committee adopted the section correcting a clerical error which had been committed concerning the electoral district of the city of Ottawa, when the passage of the previous distribution Act took place. The law clerk in placing the amended subsection placed it as a paragraph to a section which provided that the places thereinafter mentioned should return one representative. This would have had the effect of depriving the city of Ottawa of one of its members ; therefore, we provided by the legislation of 1893 that the city of Ottawa shall return two members, as it had the right to do before the mistake had taken place. That is the meaning of the second section of that Act. It is just to put the city of Ottawa in a position to entitle it to have two members in place of one, which it would have had if the error had not been corrected. The third section reads as follows :

The paragraph lettered "B" of subsection 3 of the said section 2 is hereby amended by substituting the word "east" for the word "west' in the 10th line thereof.

What does that mean ? Sir John in his speech said :

Then there is an amendment substituting the word "east" for the word "west," in order to correct an error in respect to the boundary between new districts in the county of Ottawa.

So far we do not see that the assertion of the hon. Secretary of State is correct when he said this Bill was quite a different Bill from the one introduced in 1892. The 4th section reads :

The paragraph lettered "G" of the said subsection 3 of section 2 is hereby repealed, and the following substituted therefor:
(G) The electoral district of Hochelaga shall consist of the towns of Ste. Cunegonde, St. Henri and Cote St. Antoine, and of St. Gabriel Ward, in the city of Montreal.

It is merely a correction, and here is the correction explained in the speech made by Sir John Thompson :

In the next section we will correct a mistake in the electoral district of Hochelaga, providing that it shall consist of the towns of Ste. Cunegonde, Cote St. Antoine, St. Henri, and St. Gabriel Ward, in the city of Montreal. The Act of last session described them as being wards of a city, but St. Gabriel Ward only is such.

Section 5, of the Act of 1893, says :

The paragraph lettered "R" of the said subsection 3 of section 2 is hereby repealed, and the following substituted therefor:
The electoral district of Rouville shall consist of the village of St. Cesaire, Marieville, Richelieu and Canrobert, and the parishes of St. Pie, St. Paul, L'Ange Gardien, St. Cesaire, Notre Dame de Bonsecours, St. Michel de Rougemont, St. Jean Baptiste, St. Hilaire, St. Angele, Ste. Marie de Monnoir and St. Mathias.

In the discussion which took place in committee on the 2nd of March, 1893, it was explained that this section merely introduced the parish of Notre Dame de Bonsecours

which had been entirely left out in the previous Act. Section 6 reads as follows:

The paragraph lettered "S" of the said subsection 3 of section 2 is hereby repealed, and the following substituted therefor:

The electoral districts of Chambly and Verchères shall consist of the town of Longueuil and the village of Verchères, Boucherville, Chambly Basin, Chambly Canton, Varennes, the municipality of St. Lambert, and the parishes of Boucherville, Chambly, Longueuil, St. Basile le Grand, St. Bruno, St. Hubert, Varennes, Ste. Julie, Verchères, Contrecœur, Ste. Theodosie, St. Antoine, St. Marc and Belœil.

The error corrected by the substitution of this section for the paragraph of the law passed in the previous year, is this: In the year 1892 the Act stated that the electoral district of Chambly shall consist of the town of Longueuil, etc., while it should have said the electoral district of Chambly and Verchères, as the two counties had been united, so that the clerical error was in the omission of the word 'Verchères,' and this clerical error was corrected by the legislation of 1893, and so on with each one of the different paragraphs that follow. There is not a single paragraph enacted by chap. 9 of 56 Victoria, passed in 1893, which is not the correction of a clerical error in the statutes of 1892, and I defy my hon. friend, the Minister of Justice, to controvert that. I think I have given undeniable proof to the entire satisfaction of this House that the first assertion of the hon. Secretary of State is not warranted by the facts.

Hon. Mr. MILLS—What is the title of the Act of 1893?

Hon. Mr. LANDRY—It is chapter 9 of 56 Victoria.

Hon. Mr. MILLS—And it reads 'An Act to amend the Act to readjust the representation in the House of Commons.'

Hon. Mr. LANDRY—Where is the point?

Hon. Mr. SCOTT—This is amending the Act of 1882.

Hon. Mr. LANDRY—Certainly. Is that all? That is amending and correcting the clerical errors.

Hon. Mr. MILLS—No, the statute does not say so. It alters the boundaries in ten constituencies.

Hon. Mr. LANDRY—Is the hon. Minister of Justice able to prove that all these corrections of this law of 1893 are anything else but correcting the errors of the law of 1892? If he can, I will allow him to do so now. He is unable to do it. I challenge him to prove it. Let him take time to do it now.

Hon. Mr. MILLS—I purpose doing it when the time comes.

Hon. Mr. LANDRY—The hon. gentleman may take as much time as he requires to give me an answer to one of my inquiries and he cannot do it. What is there in a title? The hon. gentleman is unable to sustain his assertion. I have the law here.

Hon. Mr. MILLS—I have it here also and what the law does is to amend the Bill of the previous year. The hon. gentleman is contending that parliament has not the power to do it.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. LANDRY—What was the assertion of the hon. Secretary of State? Speaking of the ten counties, he said: 'Those were dealt with differently from the way they had been dealt with in 1892.' Nobody challenged the right of parliament to make these changes. It was called a Bill to amend the Act.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—My hon. friend asked me the title of it. He did not know it, although I had just read it before. 'The very fact,' said the Secretary of State, 'of having, in 1893, made certain changes and alterations in the Redistribution Act of 1892, is sufficient evidence that this parliament has claimed the power in the past to deal with this question.'

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—But the hon. Secretary of State goes further and asserts that the amendments brought forward in 1893 gave to the Act of 1892 a different appearance. As the hon. minister puts it, it is a new amendment. It is not an amendment to correct certain errors, but it is an amendment to change the boundaries of the constituencies in another way.

Hon. Mr. SCOTT—That is what it does.

Hon. Mr. LANDRY—I say it does not, and I defy the hon. minister to prove the con-

trary. He is not able to do it. He may say 'hear, hear,' all night. He may laugh as long as he likes, but he is unable, as a constitutional authority, or as a minister, or as a lawyer, or as anything you please, to prove that I am not right, and when the hon. Secretary of State comes to this House and says that the Conservative party in 1893 undertook to readjust the counties, he says what the title may sustain, for he is playing on words, but what the corpus of the Act does not warrant.

Hon. Mr. MILLS—Oh, yes.

Hon. Mr. LANDRY—Where ?

Hon. Mr. SCOTT—All through it. It changes the descriptions.

Hon. Mr. MILLS—It takes New Edinburgh out of this city, of which it was a part, and places it elsewhere. Read that provision.

Hon. Mr. LANDRY—Paragraph 2 says that the electoral district of the city of Ottawa shall consist of the city of Ottawa, except that part thereof known as New Edinburgh.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—That is substituted for subsection 2 of section 2 of the Act of 1892. That subsection reads :

The electoral district of the city of Ottawa shall consist of the city of Ottawa except that part thereof known as New Edinburgh.

Where is the change ? Where is the 'hear, hear' of the hon. minister now?

Hon. Mr. SCOTT—The hon. gentleman will hear the explanation by and by.

Hon. Mr. LANDRY—The explanation is nowhere unless it is to be found in the Magna Charta of the Minister of Justice, I suppose.

At six o'clock the Speaker left the Chair.

AFTER RECESS.

Hon. Mr. LANDRY—When the House rose at recess, I was trying to explain to the Minister of Justice what took place in the case of the amendments of the law of 1892, respecting the city of Ottawa. He did not seem to understand me, so I may be allowed to make a few additional remarks.

By chapter 6 of the Revised Statutes of Canada, intituled, 'An Act respecting Representation in the House of Commons,' the city of Ottawa was given two members. We find this in paragraph D of subsection 2 of section 3, which reads as follows :—

The cities of Ottawa and Hamilton shall each respectively form an electoral district, and shall each return two members.

That was the enactment of the Revised Statutes of 1886, such as passed by this House. Section 2 of the Act of 1892—55-56 Victoria, chapter 11, 'An Act to readjust the representation in the House of Commons'—reads as follows :—

Section 2. The said provinces respectively shall, for the purposes of the election of members to serve in the House of Commons, be divided into electoral districts established by the Representation Act, and by this Act ; each of the electoral districts hereby constituted shall, unless hereinafter otherwise provided, return one member ; and each of the now existing electoral districts shall remain constituted and represented as it now is, except in so far as it is altered by the following provisions, that is to say.

Following that is subsection 2, which, in paragraph (a) says : 'The electoral district of the city of Ottawa shall consist of the city of Ottawa, except that part thereof known as New Edinburgh.' By this Act of 1892, Ottawa was placed on the list of comstituencies as entitled to one member. That was an error, and that error was rectified subsequently, in 1893, by the Act passed that year, 56 Victoria. Section 2 of the Act reads as follows :—

Paragraph letter P of the said subsection two of section two is hereby repealed and the following substituted : The electoral district of Ottawa shall consist of the city of Ottawa except that part thereof known as New Edinburgh.

It is a repetition of the words in the former Act, with this addition, 'and shall return two members.' That is the correction. Now, the hon. Minister of Justice said, before recess, that the Act of 1893 took out of the city of Ottawa that part called New Edinburgh. With the facts as I have stated, I hope the hon. gentleman will see his error and will candidly admit it. He will see that he has no right to contend that the law of 1893 enacted anything new, or made a new division, or took away from Ottawa a portion of its area, as determined by the Act of 1892. I see, by the silence with which the hon. gentleman is fortifying himself, that he assents to what I say, and that he is now fully convinced of the eror of his ways.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. LANDRY—The hon. Minister does not say 'Hear, hear.' He admits the correctness of my statement, I suppose. I shall now refer to the hon. minister's colleague, the Secretary of State. That hon. gentleman, uniting his forces with those of the hon. Minister of Justice, found out that, after all, the Act of 1893 was a new Act, amending the old Act of 1892. As was stated in the House of Commons at the time when that Bill was introduced by the Minister of Justice, Sir John Thompson, the Act was merely 'a short Bill which I introduce for the purpose of amending the Representation Act of last session in certain particulars which are of a clerical character and nothing else.'

Mr. Laurier—now Sir Wilfrid—was in the House at the time, and made a speech of three lines, not to oppose the Bill, but to accept it. When the Bill went into committee, Sir Wilfrid Laurier said nothing at all. The committee rose and reported, and the Bill was read the third time and passed. There was no opposition to it, nothing of 'the mandate from the people' to oppose it, and nothing of 'the gross injustice done to the Liberal party which is now pressed upon us.' We heard nothing of the kind. I do not know that the hon. Minister of Justice was in the House of Commons in 1893, but if he was a member of that House, the debate on that question does not seem to indicate that he had a voice in the discussion which took place. He was mute on that occasion, as he is mute now. I come now to the second assertion made by the hon. Secretary of State in his speech delivered on Friday last. He spoke as follows :—

I come now to the consequences of the Act of 1882, because after all it was the consequences that we aimed at in the passage of the Act of 1882, and I take up a return here that was prepared by the last government.

We never saw anything of the kind, but I suppose his ipse dixit must be accepted and we must believe that the government of the day prepared a return which the hon. minister alone had in his hands. He proceeds :—

I have here the total vote on the lists of 1882 polled by each party . . . . The Conservative vote in 1882 was 140,025, the Liberal vote, 133,771. The Conservative majority, even after all the manipulating of the constituencies was only 6,254 in the province of Ontario. . . . The Conservatives elected 55 members and the Liberals 37, making a majority of 18, for the Conservatives. Now, what would it require to elect the Liberal member ? The Liberal member required 3,614 votes and the Conservatives required 2,546. Therefore in that year the Liberals required 1,100 electors more than required by the Conservatives. I ask was that a proper thing ? Take the year 1887. The vote polled by the Conservative party was 181,726, the Liberal vote 176,281, leaving a Conservative majority of 5,445. Of these figures the Liberals represented 4,638 electors, and each Conservative represented 3,365 electors. In other words, each Liberal had 1,300 more electors behind him than the Conservatives. I simply put those figures before the people of Canada, and I ask whether they do not speak more eloquently than any logic as to the effect of the gerrymander of 1882. There is just the result of it and there is no denying the figures.

As a matter of logic I do not assume that the Secretary of State is an authority in the matter, but let us go on. What inference is to be drawn from the utterances of the hon. minister? It was that the Representation Act of 1882 was manifestly unjust in its consequences, therefore in its principle. But the hon. minister was not fair in his argument, for he took great care not to show to this House all the consequences which flow from the Representation Act of 1882. Why did he not bring forward and show to this House the consequences which the elections of 1891 and 1896 have demonstrated? Let us take the general election of 1896 only. What are the figures? Ontario elected 92 members, forty-eight of which were Liberals, and 44 Conservatives, giving in the representation of that province in the House of Commons a majority of 4 members for the Liberal party, though the Conservative party, as a matter of fact, managed to obtain a majority of the voters of that province. This simple fact is a complete answer to the contention of the hon. minister that the Act of 1892 must be considered as an unjust one because of its consequences as shown by the two general elections of 1882 and 1891. I will not leave this subject without answering another assertion, made last year and repeated this year during the present debate, with regard to the character of the measure that is now submitted to us. It has been said that the Bill is intended to redress the injustice done by the Act of 1882 and, further, that this measure was promised to the electorate at the last general election. I will not take the time of the House in giving a general answer which would involve the studying of the old Act as applicable to each province of the Dominion. I shall confine my remarks to

the province of Quebec and to make them as short as possible, I will give to the House the opinion of an hon. gentleman of our province fully cognizant of the facts and who is generally accepted as one of the chief organizers of the Liberal party in the province of Quebec. Here are his utterances as we find them in the Debates of the Senate of last session, page 869. He said :

Without going into the details of the gerrymander of the province of Ontario, I will give hon. gentlemen an illustration of what is a just law and what is an unjust law in the province of Quebec. In 1892 the province of Quebec was threatened with a gerrymander. Some crazy quilt work had been prepared in order to hive the Grits and to benefit the Conservative party. The lines of certain counties were being twisted to suit party ends. It was exposed in the House of Commons in such a thorough manner that it touched the conscience of Sir John Thompson.

Hon. Mr. DANDURAND—Hear, hear

Hon. Mr. LANDRY—That happens with people who have consciences.

The quotation proceeds :—

Who rebelled and receded from the stand taken by a certain number of his friends in their efforts to gerrymander the province of Quebec. Yet there remained one injustice and under that injustice the people of that province have ever since been smarting. One municipality was purposely taken from the county of Bagot to be thrown into the county of Rouville, in order to hive the Grits in that county. The county of Bagot was a close one, where the winning candidate was generally elected with a majority of less than one hundred. The Liberal parish of Ste. Pie, giving 200 of a majority was thrown into the Liberal county of Rouville. What was the result ? The Conservative candidate in Bagot was elected by acclamation, in 1896, and the Liberal candidate in Rouville was returned by 900 of a majority, the Conservative candidate losing his deposit. I have stated that when the Bill of 1892 was brought down the province of Quebec was to get quite a large dose of gerrymander, but what did Sir John Thompson do when the dishonest intention of some of his colleagues were exposed ? Instead of twisting Vercheres and Chambly in order to gain party advantage in two or three counties, shoving one municipality from Chambly into Rouville, and taking another municipality from Rouville into Chambly, he decided to honestly readjust the representation in the province of Quebec, and what have we on the statute-book ? We have the boundaries of Chambly and Vercheres respected. These two counties were simply united. They were neighbouring counties. We have not heard one complaint in the province of Quebec, because those counties, which it is true, were represented by two Liberals and could subsequently elect but one Liberal, were united. The county boundaries had been respected and no one complained. Sir John Thompson took Napierville and Laprairie, which were neighbouring counties and united them and no one grumbled. He took St. John and Iberville and united them, respecting the boundary lines and no one complained. It is true those counties never returned a Conservative. They had elected two Liberals, but now they only return one. The county boundary being respected, no one has raised his voice against the operation of that Act, with the same lines as laid down in the present Bill. As I have just remarked, the only time when an injustice was done was when St. Pie was taken purposely from Bagot to make secure that county for Mr. Dupont. It was taken and thrown into Rouville. We are simply taking St. Pie and returning it to Bagot.

That was the utterance of the hon. gentleman. Where is the gross injustice done to the province. Where is the mandate of the people ? We went to the elections. Where is the plank of their platform ? The hon. member read it, but he did not understand it. I shall read it for him. This was passed at the convention of the Liberal party which took place in Ottawa in 1893. It was resolved :

That by the gerrymander Act the electoral divisions for the return of members of the House of Commons have been so made as to prevent a fair expression of the opinion of the country at the general election and to secure to the party now in Ottawa a strength out of all proportion greater than the number of electors supporting them would warrant. To put an end to this abuse, to make the House of Commons a fair exponent of public opinion, and preserve the work of continuity it is desirable that in the formation of the electoral divisions, county boundaries should be preserved and that in no case parts of counties should be put in one electoral division.

That is the resolution which was passed at the Liberal convention which took place in 1893. The convention said that they wanted to prevent further abuse. What is done to-day ? Honourable gentlemen are coming with the same abuse with which they reproached their adversaries. The hon. Minister of Justice asks us not to restore the boundaries in the province of Quebec. He is detaching parts of townships from some counties to throw them into other constituencies. Does the hon. minister deny that ? I think he will have a fight with the hon. gentleman from de Lorimier.

Hon. Mr. DANDURAND—I do not think so.

Hon. Mr. LANDRY—Take paragraph 3, subsection. What does that subsection say ? That subsection takes off

All that part of the township of Stanfold, to wit : the first twelve lots in the first three ranges, and the first ten lots in the fourth and fifth ranges, the first four lots in the sixth range, and the first two lots in the seventh range of the said township, is transferred from the electoral district of Drummond and Arthabaska to the electoral district of Megantic.

Hon. Sir MACKENZIE BOWELL—How about that ?

Hon. Mr. LANDRY—Does the hon. minister say no ? He says yes now.

Hon. Mr. MILLS—No, I do not.

Hon. Mr. LANDRY—Is not that taking part of a township from a constituency to throw it into another constituency ?

Hon. Mr. DANDURAND—Of which it formed part

Hon. Mr. LANDRY—The hon. minister cannot answer. He admits it ?

Hon. Mr. MILLS—No, I do not.

Hon. Mr. LANDRY—But he is unable to answer. What about the parishes of St. Guillaume d'Upton and St. Bonaventure d'Upton ? Those two parishes, which since confederation have always voted in the electoral districts of Drummond and Arthabaska, are taken away from that district and transferred to the electoral district of Yamaska.

Hon. Mr. DANDURAND—To which they belong both for provincial and municipal elections.

Hon. Mr. MILLS—To which they belong. They belong to Yamaska.

Hon. Mr. LANDRY—Since when ? They will belong to Yamaska if this Bill becomes law. It is not correcting an error of preceding legislation. Who ever heard a single word of clamour in the province of Quebec about these parishes ? No one grumbled, said the hon. minister, no one found fault with anything there, and this change is proposed, not with a view of undoing a wrong, but merely with a view of serving party interests. If that is not the view, what is the view ? The hon. minister shakes his head, but he does not know what answer to give me. He must rely on the hon. member for de Lorimier.

Hon. Mr. MILLS—No, I do not. I shall answer the hon. gentleman at the proper time.

Hon. Mr. LANDRY—But the proper time will never come. This Bill will be killed before the proper time comes, and the answer will be of no use. The proper time is now. Now is the proper time to show to this side of the House that the hon. gentleman is right, and I am in the wrong. Now is the proper time to impress on their judgment that the Bill before the House is a proper Bill and not one merely for party purposes. This is the proper time. I say that these two parishes since confederation have always been in the counties of Drummond and Arthabaska. Is that true or not ?

Hon. Mr. DANDURAND—No.

Hon. Mr. LANDRY—Then let us have the answer.

Hon. Mr. DANDURAND—Those parishes belong, for municipal purposes, to the county of Yamaska and have always belonged to it since confederation, and we are simply restoring county boundary lines.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Is it not a fact that for federal purposes since confederation, with the assent of both parties in parliament, during the Macdonald administration, during the Mackenzie administration, during every administration since then, these parishes have always been in the counties of Drummond and Arthabaska for federal purposes ?

Hon. Mr. DANDURAND—I cannot say from what day they have been taken from Yamaska and put into Drummond and Arthabaska, but one thing of which I am sure is that it is always time to re-establish county boundaries. Those people have all their dealings with Yamaska county, and there is no reason why they should be in that immense united county, Drummond and Arthabaska, when they naturally belong to a much smaller county.

Hon. Mr. LANDRY—That does not answer my question. That is a side issue. I am saying that the federal counties, Drummond and Arthabaska——

Hon. Mr. MILLS—There is no federal county.

Hon. Mr. LANDRY—They are a united county for federal purposes.

Hon. Mr. MILLS—The hon. gentleman knows that it is only for electoral purposes, and that is what we are fighting against.

Hon. Mr. LANDRY—That is only the title. When we bring in an Act to amend an Act to amend clerical errors, and an hon. gentleman with his constitutional reputation sticks to a quibble like that, to maintain his pretension, I do not accept his definition of federal and local constituencies. The hon. gentleman knows that those two townships have always been for federal purposes in Drummond and Arthabaska, and to-day, for party purposes, he takes them out of those counties to put them into the county of Yamaska.

Hon. Mr. MILLS—Where they belong.

Hon. Mr. LANDRY—The hon. gentleman from de Lorimier (Mr. Dandurand) spoke of the mandate of the people. He said he went before the people in 1896, and came here with a mandate. I took down his words. He said that at that time they appeared before a packed and irregular jury with loaded dice. That was his expression. Here is a party that appears before a packed and irregular jury, and then they come here boasting that they have a mandate from a packed and irregular jury. What is the mandate worth? Nothing at all. If the jury was packed and irregular, I do not accept the mandate ; but I deny that such a mandate was given. The majority from the province of Quebec form the working majority of the administration. If they did not have that majority they would not have a majority in the House of Commons. There was one mandate given in the province of Quebec and that was to do justice to the Roman Catholic minority of Manitoba, and all the friends of my hon. friend who wanted to succeed in being elected to parliament were obliged to sign a document or pledge their word that they would do for the Roman Catholic minority of Manitoba more than the late administration had done. That was the mandate. Not a word was said about the boundary lines or Representation Act. The hon. gentleman knows it very well. There never was a mandate of the people on that question, and at all events if there was a mandate, it was the mandate of a packed and irregular jury who were playing with loaded dice.

Hon. Mr. DANDURAND—Prepared by yourselves.

Hon. Mr. LANDRY.

Hon. Mr. LANDRY—As has been said, this legislation is merely proposed to be enacted for party purposes. It has not the character of public interest attached to it. If the principle advocated by the Minister of Justice is a good principle, why does he confine it to a few counties in the province of Ontario ? Why does he confine it to a few counties in the province of Quebec ? I may add this in addition to the assertion made by the hon. gentleman from de Lorimier that if a parish which, in a local constituency, is in one county and in the federal constituency in another county, should be placed in a county as for local purposes, why does he not do the same thing for certain parishes in the county of Yamaska and Nicolet? There are parishes there which have lately been annexed to Yamaska by the local legislature. Why does he not come with a similar measure and enact the same thing here ?

Hon. Mr. DANDURAND—It could be done in committee very well.

Hon. Mr. LANDRY—In one case they must serve party purposes, and that is the whole object of the Bill. As I said before, the Bill is confined to a certain part of the province of Ontario, but if that principle is good it should be extended, not only to the whole province of Ontario, but to the whole Dominion. It should be a general law for the peace, order and good government of Canada. It is not so in the present instance, and for that reason I shall be obliged to record my vote against the second reading of the Bill.

Hon. Mr. MILLER—I do not intend to detain the House at very great length, but I have a few remarks to offer on three or four very important points in this discussion, and the present, perhaps, is as suitable a time for doing so as I could select. My opinion of this discussion has been that the details of the measure should be debated by the gentlemen whose provinces are interested in the Bill, and who are certainly better acquainted with these details than those of us in the outside provinces, while the representatives of those provinces not affected by the Bill should maintain a judicial attitude towards the Bill, hear the arguments that are urged by the represen-

tatives from Ontario, Quebec and Prince Edward Island, in which a gerrymander is alleged to be contemplated under this Bill, and form their conclusion from the arguments adduced for and against the measure. Following this view of the case, I intend to confine my remarks to three or four important constitutional points in the discussion of this Bill, some of which not only refer to this measure, but to many other Bills which come from the House of Commons to this body for consideration. I can well afford to adopt this course because hon. gentlemen who have spoken on the opposition side on this question have made such able and exhaustive speeches, from the hon. leader of the opposition to my hon. friend from Stadacona (Mr. Landry) who has just resumed his seat, that I think on the demerits, of the Bill alone this House must be satisfied there is but one course open to it, and that is to support the motion of the hon. leader of the opposition for the six months' hoist. I was amused indeed at the many quotations made by the hon. member for Marshfield (Mr. Ferguson) during his able speech on Thursday and Friday, from past utterances of the leader of this House. I was amused to find that the hon. Minister of Justice had so completely boxed the compass on the constitutional question that the position he occupies to-day is certainly not the position he occupied in discussions elsewhere, and it astonished the Senate to find that a gentleman whom we all looked upon as a safe authority on constitutional matters should waver, as he was shown to have done by the hon. gentleman from Marshfield the other day. However, I recollect an incident which occurred some time ago when the hon. gentleman was a member of the House of Commons. I happened to be in the gallery on one occasion when my hon. friend made an able and exhaustive argument against the government of the day, when Sir John Thompson was Minister of Justice. The hon. gentleman (Mr. Mills) denounced with all the force of argument he could command the use of the word 'viceroy' in connection with the Governor General.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. MILLER—He held the House entranced for half an hour, during his eloquent denunciation on that subject. When he sat down, Sir John Thompson got up in that quiet way of his and read from *Hansard* of a few years before the language of the Minister of Justice (Mr. Mills) of which his then speech was as full and complete a contradiction as words could express.

Hon. Mr. MILLS—The hon. gentleman is mistaken. He read from Lord Dufferin's speech.

Hon. Mr. MILLER—The House broke into peals of laughter, and I do my hon. friend the justice to say that no one laughed more heartily than himself. He had forgotten his position of some years before and completely contradicted all he then had advanced. I mention the incident to show that my hon. friend when he speaks on constitutional grounds cannot always be serious. He takes advantage of his reputation as a constitutional lawyer, to make assertions on constitutional law which will not bear the test of investigation.

The first point I intend to take is, that there is no mandate from the people to pass this Redistribution Bill. There is no mandate from the people which can for a moment be considered obligatory on this Senate. There is no mandate from the people which constitutional usage in England would regard as obligatory on the House of Lords, to accept a bill which either of these second chambers considered unwise, unjust and contrary to the well-being of the tate. It is important that the Senate should have a clear understanding of its rights powers and privileges in relation to what is familiarly known as mandates from the electorate, and I shall therefore endeavour to state what a mandate from the people should be to claim the acquiescence and submission of this House. The first requisite of such a mandate should be that it embodied with unmistakable certainty the wishes of the people.

At the last general election the Liberal party went to the country on a platform containing many planks—I forget the exact number, but at least a dozen planks.

Hon. Mr. McCALLUM—I think more than that.

Hon. Mr. LANDRY—Thirteen.

Hon. Mr. DANDURAND—They carried them all out, all the same.

Hon. Mr. MILLER—There was a plank in favour of free trade as they have it in England. Did they get a mandate from the people on that ?

Hon. Mr. MILLS—Yes, thirty-three and one-third per cent.

Hon. Mr. MILLER—They went to the country with another plank—the reduction of the taxation of the people, and I suppose they got a mandate from the electors on that subject.

Hon. Mr. DANDURAND—And carried it out.

Hon. Mr. MILLER—It is not pertinent to my argument on the present occasion whether they fulfilled their promises or not, although a great many people declare they did not, and the country will ere long decide that question. They also inserted in their political platform a plank in favour of the reduction of the public expenditures. It is to be presumed the Liberal party got more or less votes on every one of the planks in their electioneering platform. In fact, it is well understood, that every one of their planks was adopted with the view of catching votes, and that each of them did catch votes there can be no doubt. That was the chief purpose they were intended to serve. By an aggregation of the votes cast on the thirteen planks of their platform, the Liberal party secured a majority in the House of Commons, which brought them into power. But who can say, with unmistakable certainty, that on any single one of these planks they secured a majority of the electorate. Therefore, the position I take is, that so far as the Liberal party are concerned when they succeeded at the polls, and got a majority of the electors to support their platform—in bulk, if I may use that expression—they, as a party, were committed to each and all of these planks. The Liberal party, so far as the House of Commons was concerned, had, individually and collectively, a mandate to them from the people which that party was bound to respect. But, I say emphatically, that there was no mandate, with all the conditions of absolute certainty indispensable to its force and validity, such as this Senate should feel itself called upon to obey—in opposition to its own convictions, in regard to any one single plank of that platform. I contend that this House is not bound to submit to any alleged mandate from the electors that does not possess all the requisites of absolute certainty, and that the only way in which these conditions can be complied with is by a direct reference of the principles of a bill, including all its details, to the judgment of the electorate. This is the constitutional doctrine which prevails in Great Britain at the present day in regard to mandates from the people to the House of Lords, under their unwritten constitution, and it should and does apply with greater force in this House under the written constitution of Canada. The details of a bill, particularly a Redistribution Bill—may often be of more importance than the principle involved, as the most vicious details might easily be covered by a fair-sounding principle in legislation.

I intend to support my contention on this fundamental principle by the authority of one of the most eminent statesman of the empire to-day—a hereditary Liberal, and a very advanced one as well—a man who has been leader of the Liberal party in the House of Commons, and who is now a distinguished member of the Imperial government—I refer to the Duke of Devonshire.

It will be in the recollection of the House that when my hon. friend, the leader of the opposition, was speaking, a few days ago, he said the House of Lords rejected the Irish Home Rule Bill because the details of the measure had not been submitted to the people—that although the principle of the Bill had been submitted to the electorate at the general election, the details had not been made public, and therefore the Bill was rejected by the Upper House, and that he was contradicted by the hon. Minister of Justice. The hon. leader of the opposition was perfectly correct in that statement, as I shall show presently. When the Home Rule Bill came before the House of Lords, the Duke of Devonshire—not a fossil Tory, I repeat, but an eminent Liberal statesman, took the ground that there was no sufficient mandate from the people to pass the bill ; that it was not sufficient that the principle alone should be referred to the electors

and approved by them, but that it was just as necessary—and in many cases more necessary, and indispensable that the details of such a bill should be submitted specifically to the popular vote, before it could be said that there was any such mandate as the House of Lords would be bound to respect. On this and other grounds the noble duke moved and carried the six months' hoist to the Irish Home Rule Bill in 1893. This is the position the Senate should always take and hold unflinchingly on all similar occasions. When the government come here and tell us they have a mandate from the people to pass any measure, it will not do to show that they have only secured the endorsation of that measure in a general omnibus platform, with numerous other planks, but they must have a specific mandate from the people on a special reference, untrammelled by other issues, both on the principle and details, before they can ask the Senate to pass any important measure to which we are opposed.

Hon. Mr. PROWSE—There is one question the hon. gentleman has omitted on which the government got a mandate, and on which they got the right sort of mandate—the plebiscite question.

Hon. Mr. MILLER—I intended to touch that subject before concluding my remarks. It is strange, that on the only question for which there is a specific mandadte from the people which I think this Senate would be bound to obey, the government have repudiated that popular mandate, and ignored the wishes of the electors. But my hon. friends, the Minister of Justice and his supporters, will no doubt tell us that the government obeyed the prohibition mandate as well as all the other mandates, by which they caught votes in the general elections.

The Duke of Devonshire, in making his motion against the Home Rule Bill used this language :

I think that your lordships know well the limits of your power. You know that not being a representative assembly, and not backed by the strength which a representative character gives to a legislative body, and not sharing altogether the democratic principles which are making progress in this as in other countries, it would be unwise, impolitic and unpatriotic to insist upon your personal convictions by enforcing your own political convictions in opposition to what is believed to be the decided view of the country. Such was the case of the Reform Bill of 1832, and, I may say, also of later Reform Bills. Such was the repeal of the Corn Laws? Such was the case of the Irish Church Act. Such cases may recur, and it is not for me to say what it may be the duty of this House to do when a similar case occurs again. It may be that a measure may be in your Lordships' judgment so wrong, so impolitic, so unjust, and so mischievous that it may be your duty to resist it to the last at any risk, even at that of the loss of your own political privileges. But, my Lords, this is no such case. This is not a case in which you are called upon to refuse to read this bill a second time, because you are opposed to the principle of it. If I should conceive the case of the majority of your Lordships being of any opinion favourable to the principle of this measure; if, as the Prime Minister thinks might be possible, a measure founded upon a similar principle had been introduced by a Conservative government, I do not undertake to say what the conduct of this House might have been, but I, at all events, should be prepared to say the duty of this House would be the same. I maintain that on a question of such magnitude, so closely touching the fundamental institutions of our State, if there is any object in the existence of a second chamber at all; it is, at all events, to prevent changes of that character being made without the absolute certainty that they are in accordance with the will of the majority of the people. Now, as to that certainty, we have no knowledge, and we can have none. Look for one moment at the history of the measure. It has been preceded by no popular agitation such as preceded the passing of the Reform Act or the repeal of the Corn Laws. Those measures had been for years before the country, and had been fully debated and discussed throughout the whole country ? I admit the Irish Church Act was a different case. There the proposal of the measure had not been preceded by any lengthened or any excited agitation. But the whole of the Liberal Party, or almost the whole of the Liberal Party, had been long in principle committed to the disestablishment of the Irish Church, and, as Mr. Gladstone has reminded us, the disestablishment of the Irish Church Act was only proposed to your Lordships after it had formed the single issue submitted to the country at a general election and after the verdict of the country had been given in the most unmistakable terms.

The Home Rule Bill has never been accepted by the country when it has been placed as a definite issue before it.

No doubt, some electors voted for Home Rule, but it is quite certain that a larger number voted for disestablishment, or local option, or for parish councils, or for changes in the incidence of taxation in towns, or for changes in the labour laws. Well, these tactics were successful in their immediate object, and enabled Her Majesty's government to propose measures of great importance on these and various other subjects. But they have had this disadvantage—that it has been absolutely impossible to form any opinion as to what the real desire and wish of the people is upon this most vital question. We contend that it is a question large enough to justify us in refusing to pass this measure into law until that question is settled beyond the shadow of a doubt.

I maintain that this policy is of sufficient gravity to make it imperative that not the principle of self-government for Ireland alone should be definitely accepted by the country, but also the form in which is to be conceded, and the provisions by which this principle is to be carried into effect should also undoubtedly receive

the popular approval. Here, I think, my Lords, we stand on still firmer ground. Not even those who contend that the last election was conclusive as to the opinion of the country on the principle of Home Rule will contend that its form or provisions were within the cognizance or knowledge of the country. This form and these provisions are in this case the very sense of the question in the contention of the promoters of the measure themselves.

When this measure is proposed only conditionally ; when, also, the form, structure, and provision of the measure have been avowedly concealed from the country up to the time of the general election, how can it be possible to contend that the country has given its decision on the measure, the form of which is now shown to be only less essential than the principle itself. I shall be told that the House of Commons approved of this Bill, and that the general election gave to the House of Commons the necessary mandate and authority to work out the organic details of the measure. I traverse that argument at every step. For reasons which I have stated, I deny that the House of Commons received any mandate upon Home Rule at all at the last election ; and I say, further, if there were a mandate, it was a conditional mandate, and that the conditions were not within the knowledge of the country. Before this measure is passed into law we have a right to demand that the judgment of the country shall be given, not upon a cry, not upon an inspiration, not upon an impatient impulse, but upon a completed work ; and that this measure, the result of the collective wisdom of the government and parliament, shall be submitted to the country for its approval, aye or no.

Under those circumstances, we are entitled to say that this measure, which we cannot know to have directly received the approval of the country, has not, from the consideration which it has received from the House of Commons, given us the assurance that it had indirectly that approval through the representatives of the people of parliament. I think I have said almost enough to justify the motion which I shall make, even if this House did not proceed to enter upon any discussion whatever of the provisions of the bill. The motion which I make is not founded solely upon the objection which we may individually entertain upon the principle and character of the Bill, but it is also founded on the fact that it is a change of too large and vital a description to make it right that it should be passed into law without greater knowledge and certainly of the real judgment of the people upon it.

The grounds taken by the Duke of Devonshire were also taken by other noble lords in the same debate, but his words are so clear and to the point that I do not consider it necessary to trouble the Senate with further quotations on the subject. Here we have the doctrine clearly laid down—a doctrine which should be kept in view by this House on all occasions, by one of the most eminent statesmen of our time, that a mandate from the people to be obligatory on the House of Lords, and with greater force on a second Chamber like the Senate of Canada, most be referred to the people singly, not only on its principle, but likewise on its details. There must be an unmistakable certainty that the people fully knew what they were voting for when they voted for the measure, and that they had everything within the four corners of the Bill before them. This is a precedent of exceeding importance to us as a second Chamber whose rights are being daily called in question by ignorant or unthinking opponents of this body, who perhaps have never given an hour's study to the marvellous structure of the British constitution, on the theory and principle of which, according to the preamble of the British North America Act of 1867, the constitution of Canada is based. I think it well that the utterances of so eminent a statesman as the Duke of Devonshire on this grave constitutional question should have a place in the Senate *Hansard* as a guidance for members of this House whenever that question is involved in the discussion of any bill submitted to this Senate.

The hon. member for Stadacona (Mr Landry) made a very good point in the course of his able speech to-day, when he showed that if any mandate were given even to the House of Commons in relation to redistribution of the constituencies, the bill before the Senate is not in accordance with that mandate, as read by the hon. member from Delorimier division (Mr. Dandurand) from the Liberal platform of 1893. If any mandate comes to this parliament in consequence of the success of the Liberal party at the polls in the last election regarding redistribution ; it was to adopt the principle everywhere of county boundaries, which the bill before the House, with few exceptions, completely ignores. Even in a restricted sense, there is not the shadow of a mandate for such a bill, based on no principle whatever, as we have now on the table of this House—and certainly not carrying out the principle of redistribution on which the Liberal party say they appealed to the country.

I come now to the second constitutional point which I desire to discuss. It has been contended on several occasions in this House that we have not the right to amend or reject this bill because it relates solely to the popular branch of parliament—that, in fact, it is simply a part of the domestic economy of that branch with which this

Chamber has no right to interfere ; in other words, we have been told, although we have the power, we have not the right to meddle with the measure. Nothing could be more absurd or inaccurate than this contention. Wherever we have the constitutional power to pass a bill we have also the constitutional right to do so. The contrary contention is merely a play on words which when uttered by a high constitutional authority like the leader of the House, with an air of profound wisdom, may impose on the unreflecting, but will bear the test of investigation.

What, I ask, is the power of the Senate with regard to legislation ? Our rights and powers are clearly defined in section 18 of the British North America Act, 1867, which reads as follows, as amended in 1875, that :

> The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and the members thereof respectively shall be such as are from time to time defined by Act of the parliament of Canada, but so that any Act of the parliament of Canada defining such privileges, immunities and powers shall not confer any privileges, immunities or powers exceeding those at the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

The plain meaning of this important clause of the British North America Act is that the Senate and the House of Commons enjoy precisely the same right and power in regard to legislation, except when our rights and powers are qualified or limited in any way by the express provisions of the said Act. What, then, are the limitations of our legislative power under that Act ? Section 53 limits our power with regard to money bills as follows :

> Bills for appropriating any part of the public revenue, or imposing any tax or import, shall originate in the House of Commons.

We have the power to deal with any other bills that may come before us as we think proper.

Hon. Mr. MILLS—There is nothing in that which says we have not the power to deal with money bills.

Hon. Mr. MILLER—I admit our power is limited or qualified with regard to money bills, but not with regard to bills of any other description, and that we stand exactly in the same position with regard to franchise bills and redistribution bills as we do with respect to banking bills, railways bills or insolvency bills. Nothing more or less. There is no warrant in the British North America Act for the contrary allegation. It imperatively behoves the members of this Senate that our undoubted rights and powers are not questioned in any particular—much less in so important a particular as that which I am now considering. I have already said that there could be no greater absurdity than to call a Frachise Bill or a Redistribution Bill a domestic affair of the House of Commons. The domestic affairs of either Houses of parliament are regulated by resolutions or orders, in which one House does not interfere with the other. Franchise bills and redistribution bills concern both Houses equally, and, above all, interest and concern the whole body of the electors. Could there be a greater anomaly than to call such bills domestic bils of either branch of the legislature ? I repeat, the right of the Senate to amend or reject these important bills is, under the terms of our written constitution, just the same as that of the House of Commons, and should be asserted and vindicated by us on all fitting occasions, because on their maintenance depends our usefulness and authority as a co-ordinate branch of the parliament of this Dominion.

I intend now to go further and prove to the Senate that the same rights and powers in relation to franchise and redistribution bills, as I claim the Senate possesses under the British North America Act, are claimed and exercised by the House of Lords under the unwritten constitution of the motherland.

When the Franchise Bill was before this House two sessions ago, the same questions were raised, of the power or right of the Senate to deal with that Bill, and I then went very fully into the precedents which the British *Hansard* afforded us of the action of the House of Lords on the Franchise Bill and the Redistribution Bill of Mr. Gladstone's government in 1884. That Franchise Bill was only second in importance to the Reform Act of 1832. It added 2,000,000 of voters to the electorate of the United Kingdom. The Bill was introduced in the Commons on the 5th of February, 1884, and received its third reading in July following, but was not accompanied by a promised Redistribution Bill, and the Lords took the

position on that occasion. that until a satisfactory Redistribution Bill was placed before parliament, they would not give the Franchise Bill a second reading. All the speeches on the subject were illustrative of the point I am now making, that is, the undoubted right of the Upper Chamber to deal with both subjects in as full and ample a manner as the House of Commons. Nor was their constitutional right and power disputed by any statesman of standing in either branch. On the second reading, Lord Cairns moved the following amendment to the Franchise Bill, which resulted in the defeat of the bill by a large majority :

> This House while prepared in a well considered and complete scheme for the extension of the franchise, does not think it right to assent to the second reading of a bill having for its object a fundamental change in the United Kingdom, but which is not accompanied by provisions for so apportioning the right to return members as to ensure a true and fair representation of the people, or by any adequate security in the proposals of the government that bill should not come into operation except as part of an entire scheme.

The adoption of this motion resulted in the prorogation of parliament, when the government entered into negotiations with the leader of the opposition in order to secure a Redistribution Bill fair and satisfactory to their political opponents. There was no talk among responsible statesmen of abolishing the House of Lords for taking this high stand ; it was not alleged or contended that the bills related to domestic affairs of the House of Commons, with which the Lords had no right to interfere. Both Mr. Gladstone and Lord Granville spoke in the most courteous manner of the right of the Lords to assume the position they did, in bringing about the rejection of the Franchise Bill, and declared the willingness of the government to go any reasonable length to effect a fair compromise that would insure a satisfactory Redistribution Bill in order to secure the passage of the Franchise Bill.

Hon. Mr. POIRIER—Did they reject the bill ?

Hon. Mr. MILLER—Yes, they rejected the Franchise Bill, as I have just stated, and Parliament was immediately prorogued.

Hon. Mr. KERR—Did I understand the hon. gentleman to say the House of Lords rejected the Franchise Bill ?

Hon. Mr. MILLER—Of course, on the amendment of Lord Cairns, which I have just read.

Hon. Mr. MILLS—They postponed it.

Hon. Mr. MILLER—No. The bill was virtually given the six months' hoist and killed for the session—a queer postponement.

Hon. Mr. POIRIER—At what date was that ?

Hon. Mr. MILLER—I have already said in 1884. You will find the whole debate in the British *Hansard* of that year. Let me cite from Lord Granville's speech on the reassembling of parliament in the autumn of 1884 :

> My Lords :—I beg leave to make a short statement on behalf of Her Majesty's government. I presume that we are all agreed that the action to be taken this week by your Lordships' House is of vast importance, affecting not merely party ideas, but interests of a national character. There is no question as to the principle of the Franchise Bill.
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> * * *
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> It is understood, and I believe not without reason, that your Lordships intend to give a second reading of that Bill.
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> * * *
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> But I am not satisfied to assume this step will terminate the difference between your Lordships ' and Her Majesty's government. I do not propose to enter into the merits of this difference ; it is sufficient for my present purposes to remind your Lordships that while the procedure adopted by Her Majesty's government has been supported last summer, and again this autumn, by unusally large majorities in the House of Commons, it has been condemned by a majority of your Lordships in this House. I will not now refer to offers which at different times have been made by Her Majesty's government, and which are generally known as having been rejected. I am not aware of any intimation having come from the opposition, apart from an intention to reverse in some shape or other the procedure adopted by Her Majesty's government, and supported by the House of Commons, in order to adopt that which has been favoured by your Lordships. The result is a state of things which although it may be far from disagreeable to extreme politicians on both sides, is deplored by all modern men, and I sincerely believe, by a majority of your Lordships.

Lord Granville does not venture to tell the House of Lords that the Franchise Bill was a purely domestic affair of the House of Commons, with which their lordships had no right to interfere. He does not question their right to reject the Bill, but on the contrary, he freely concedes it. He goes on to say how the government proposes to meet the objections of the House of Lords ; and he shows the greatest consideration for

these objections. His language is that of a high-toned and broad-minded statesman.

I am authorized by my colleagues to state how we would propose to meet the objections which have been raised by some of your lordships. To those, if there are such, who may desire to force on an immediate dissolution I have little to offer, but the case is different with those who desire a settlement—a desire which we claim ourselves, and of which we are quite willing to credit noble lords opposite, whose objections we honestly desire to meet. I understand that the objections are principally these. Your lordships think that although you are ready to support a Franchise Bill, it is dangerous to do so unless you are acquainted with the character of the Redistribution Bill which is promised, and which will affect its working. You are afraid that it may be of a revolutionary character, or, as some have put it, dangerous to the prospects of the Conservative party. You also fear that there may be no Bill at all, or, at all events, that there may be none until the two thousand new voters have acquired the right of voting. My lords, I will now proceed to state how, in my opinion, and in the opinion of the government, without sacrificing our own object, we may best meet these objections. Our object is to secure the passing of the Franchise Bill without delay. We cannot jeopardize it. Your lordships must be aware that we could enter into no understanding or take any steps as to the immediate introduction or prosecution of a Redistribution Bill, or as to anything connected with it, unless we have sufficient assurance that we should thus secure our principal object, namely, the passing of the Franchise Bill without delay—that is to say, during the autumn session.

* * *

In that case, I may tell your lordships that the Bill will come into effect on January 1, 1886. If we were sufficiently assured in the manner I have stated, I am not aware of any demand or suggestion that will be made with regard to the procedure affecting the Redistribution Bill to which Her Majesty's government will not be ready to accede. If we get that sufficient assurance, we should be ready to submit the main provisions of the Redistribution Bill.

This language contains no hint that the Lords' attitude towards the Franchise Bill or the Redistribution Bill was in the slightest degree unconstitutional. Lord Granville continues:

To make every reasonable effort for the purpose of accommodation, and any difficulties in the way of accommodation, I think I may say would not come from Her Majesty's government. We should be ready, if it is possible, and I do not see any impossibility in it, to present a bill framed in the spirit of that sketch given by Mr. Gladstone in the House of Commons and which on November 7, seemed to be received as satisfactory by Sir Stafford Northcote.

Her Majesty's government are prepared to use their utmost efforts to pass the Bill through the House of Commons in the early period of next year. And I am further authorized by them to state that they would consider the passing of their Bill through the House of Commons a question vital to themselves. My lords, I submit this proposal to the favourable consideration of both sides of the House. I trust that those who so cordially supported us last session will not think we have retired too much from the exact course of procedure which we had drawn for ourselves. And, I do, with considerable confidence appeal to the noble lords opposite to receive this proposition in the spirit in which we have made it. We have made it in a spirit of earnestness and of conciliation and as tending to settle a difference which every dictate of statesmanship, and indeed I may say of common sense, makes it desirable in the interests of all concerned, should be brought to a final and satisfactory close.

The compromise thus arrived at was honourably carried out. A Redistribution Bill satisfactory to the opposition was passed immediately after the Franchise Bill, and the right of the Upper House to an equal voice in such important legislation was admitted and vindicated to the fullest extent.

I now desire to offer some observations on the constitutionality of the Bill before the House—in other words the power of parliament to pass the Bill at the present time. On this important point I must say I hold an opinion different from some of my political friends for whose ability I have the highest regard. When the constitutionality of the Redistribution Bill was last year challenged in parliament and the press, in the early stages of the measure in the House of Commons, a great many persons, who, I think, have since changed their minds, were of opinion that a Redistribution Bill could only be passed after a decennial census. I think a good deal of misunderstanding arose from a confusion of the words redistribution and readjustment, which were very often taken to mean the same thing, which they certainly do not. They are two different words, meaning two very different things. Readjustment means the equalizing of the representation of the various provinces when the census shows that a decrease or an increase in one or more of the provinces renders an equalization necessary. That is, if after the census it is found that one province has increased in population while another has decreased so as to make the existing unit of representation for the Dominion inapplicable to either or both, then a readjustment must take place to rectify these discrepancies. For instance, Nova Scotia lost one representative, New Brunswick two, and Prince Edward Island one, while other provinces gained on the readjustment after the last census, which necessitated a Redistribution Bill to

meet these changes in the representation. Not only do I admit that the present Bill is within the legislative power of parliament, but I also am of opinion that we have the power at any time to remedy by Act any abnormal or unfair conditions of the representation of any constituency that may be presented to this parliament.

While, however, conceding the constitutionality of the Bill as fully as claimed for it by the Minister of Justice, I entertain a strong opinion that the proper time for a general redistribution of the constituencies is the period fixed by law for readjustment, after each decennial census, and I think it is unfortunate that it has not been so fixed by the Act of union. I think it must have been an omission or inadvertency, and there is presumptive evidence in favour of that view. Many of the gentlemen who assisted in framing the British North America Act were for three-fourths of the time that has elapsed since confederation in power in this Dominion. The Conservative government up to the last hour of its existence contained eminent men who were among the fathers of confederation, who had first laid the stones of the constitutional edifice in Quebec, and who afterwards went to London to finish off the building under the auspices of the Imperial authorities, and to watch the passage of the Union Act through the Imperial parliament. These men established the precedent that the proper time for redistributing the constituencies was after each decennial census. I say they are high authority in regard to the precedent, of the wisdom of which I am a strong advocate. Having voted since confederation for that precedent, I intend to vote for it all along, and I regret that the present government has not adopted it, as it might thus have become almost an unwritten law. If they had done so, it would have given almost the force of law to a good precedent, and would be the means of preventing tinkering or improper interference from time to time, at the behest of powerful supporters, with the sensitive and delicate organization of the representation of the people in parliament, so far as regards the redistribution of seats. For my own part, I shall on every occasion when a general bill of this nature is submitted to parliament at the wrong time, whether the Bill be good or bad, vote against it. But while I believe the proper time to introduce a general Redistribution Bill is after each decennial census, it does not follow that I would feel myself bound to support any such Bill, though introduced at the right time. I would feel myself then as much as now at perfect liberty to oppose the Bill if I saw good reason for doing so.

I was not present during the debate on the Bill last year owing to ill-health, but I knew that when the second reading was asked for, the hon. leader of the opposition moved, without denying the constitutionality of the measure, a virtual six months, after arguments showing the injustice that would follow the passage of the Bill. I was surprised afterwards when I saw in the press an opinion of eminent counsel sent from England sustaining the constitutionality of the Bill, which had not been controverted by the Senate. This opinion was dealt with by the hon. leader of the Senate in the closing week of the last session. He showed that this opinion was based on a complete misrepresentation of the position of the Senate, and I thought this would be the last of the affair. The Minister of Justice said that he knew nothing about the opinion of Mr. Blake and others, or who had asked for it. It now transpires that it was asked for by his coadjutor in the Department of Justice, the Solicitor General. Can it be possible that the minister knew nothing of this action of his colleague? He says he did not, and of course we must believe him. But what about the misrepresentation of the position of the Senate by the hon. Solicitor General? Was it wilful misrepresentation or want of knowledge? I cannot suppose that a man who stands so high in his profession would be guilty of any such wilful misrepresentation—but he showed a very extraordinary ignorance of the attitude of the Senate, in the case he submitted to the eminent English counsel—by no means creditable to the second law officer of the Crown.

During the recess, the same opinion of eminent English counsel was republished in the newspapers of Canada, under the heading in large letters, 'The Senate Condemned.' I was astonished to see the misrepresentation of this House reiterated, even in Conservative journals, who made no effort to refute the slander and justify the action

of the Senate, as could easily be done. Having an hour at my disposal I wrote a short article for the leading opposition journal in Nova Scotia, and not having an opportunity of speaking to the Redistribution Bill last year, I will now give the article to the House as an epitome of what I would probably have then said had I been in my place. It gives in a nut shell the reasons I would have advanced last year for opposing this bill :

THE SENATE AND THE GERRYMANDER BILL.

London, Aug. 24.—The constitutional dispute over the Canadian Senate's rejectment of the government's Redistribution Bill, which was submitted by Charles Russell to eminent English counsel has been decided against the Senate. The opinion, which was published to-day, says the Canadian parliament is competent to legislate as proposed, independent of the decennial readjustment. The opinion is signed by Robert C. Cecil and Messrs. Blake, Haldine, Asquith and Carson, members of parliament.

To the Editor of the 'Herald.'

Sir,—This 'opinion of eminent English counsel' was given to the public in full in western journals over three weeks ago, and was brought to the notice of the Senate by Sir Mackenzie Bowell during the last week of the session, who inquired of the Minister of Justice whether the latter knew who had asked the opinion of these eminent lawyers on the question indicated—an opinion that must have been obtained on a misrepresentation of the attitude of the Senate towards the Redistribution Bill. The Minister of Justice replied that he was unable to give any information on the subject. Sir Mackenzie Bowell then stated the position of the Senate on the Bill in question, quoting from the Senate 'Hansard,' as well as the reasons for its rejection by that House, and ridiculed the action of the friends of the Bill in sending across the Atlantic for such a legal opinion.

The attitude of the Senate towards the Redistibution Bill was—not that it was unconstitutional—but that it was unwise and inexpedient and contrary to sound policy to depart from the precedent established by the framers of our constitution of redistributing the constituencies (when necessary) after each decennial census, and at the same time that the readjustment of the representation of all the provinces was provided for by the Act of union. The nearness of the period for taking the census (1901) gave additional force to this argument.

But the main reason of the rejection of the Bill by the Senate is well known to have been, that the measure was atrociously unjust ; that as a gerrymander it exceeded in iniquity any thing that had even been attempted even by the one-house legislature of Ontario—a province notorious under Grit rule for the machine methods (of all kinds) there practised to secure party advantages, and where, by such methods, and unlimited corruption, the mis-called reformers have so long held power—the end of which, however, is happily now in sight.

Let me give one or two samples of that unique Bill :

A certain number of constituencies, presumed to entertain Conservative predilections, with a population of 200,000 were given by the Bill as introduced) four representatives in the House of Commons—while ten other constituencies, aggregating very little over the same population of 200,000, but presumed to be of the true Grit faith, were given ten representatives in that body. Then, again, the Bill contained a very marked exhibition of petty malice and revenge in regard to two constituencies that had rejected at the general election, two leading Liberals, now ministers of the Crown—the Minister of Justice and the Minister of Customs—which were swept out of existence—showing how little even a regard for appearances, not to speak of fair-play, must have animated the framers of the measure,

Should there be any wonder that the Senate rejected such a Bill ?

I think I have shown, hon. gentlemen, that there is no mandate from the people to pass the Bill now on the Table of this House ; that the legislative power to reject or amend the measure is clearly given to us under our written constitution, the British North America Act, 1867 ; and that the same power is claimed and exercised in the parliament of the United Kingdom by the House of Lords, under the unwritten constitution of the motherland. I have also endeavoured to place on record, while admitting the constitutionality of the Bill, my decided conviction that the proper time to redistribute the constituencies is after each decennial census, and not at any period the whim, or caprice or interests of party may dictate, and on these grounds, coupled with my hostility to what I believe to be the unjust provisions of the measure, I feel it my duty to record my vote in support of the amendment of the hon. leader of the opposition—a vote which, I contend, will be in accord with law in Canada and precedent in England, and which, I have no doubt, will be approved by a majority of the electors of the Dominion whenever they are called upon to give a decision in the premises.

Hon. Mr. MACDONALD (B.C.).—I do not propose to occupy the time of the House very long, after the able speeches we have had from the hon. leader of the opposition and the hon. gentlemen from Marshfield, Westmoreland and Richmond. The last speech has given us clearly the constitutional aspect of this case, and it would take a very high authority to give an opinion against his, although different opinions were held at different times. First of all I shall call the attention of the Senate to the Bill itself, and not to its necessity now, or to its constitutionality. In a matter of this kind, where counties are divided, there should be a map

before us in order that the House may better understand the scope of the Bill. Then again the worst part of it is we are asked to go it blind and accept electoral divisions made by the government of Ontario and not by the Dominion parliament or government. We know that the Ontario government is proverbial for its tendency to cut and carve constituencies for the benefit of the party in power and no one desiring to do what is right and just could possibly vote for a Bill containing a provision of that kind. The hon. gentleman from Halifax (Mr. Power) is a great stickler on this point, and will not I suppose have two opinions on this subject. He has often contended that where a provincial statute is quoted in a Bill before this House it should be embodied in the Bill. I think his position is perfectly sound. I for one would not vote for this Bill with that part of it incomplete.

I confess that I am not well enough skilled in political anatomy to say whether these counties have been dissected fairly and squarely as between party and party, not placing the advantage on either side, but I can see that this Bill is a premature birth, therefore physically, and morally weak, and cannot stand in the face of a wholesome criticism. Why should this measure be brought forward before the orthodox time, when we know how fortunate the government has been under the electoral adjustments of 1892-93. I am not, as a rule, of a suspicious nature, but I do attach some suspicion to the launching of this Bill at this time, as the fundamental reasons for it do not exist. The hon. gentleman from Marshfield was able to show from a speech of the Minister of Justice on a similar Bill in 1892, that readjustment could only be had every ten years, after the decenial census. Now he says it can be taken at any time.

Hon. Mr. MILLS—I contradicted that, and I contradict it again. I say there is not a sentence in what I said which supports that contention.

Hon. Mr. MACDONALD (B.C.)—It is a good thing to have a good memory at times, and a bad thing for some politicians to have a *Hansard*.

Hon. Mr. MILLS—Not for me.

Hon. Mr. MACDONALD—I agree with the opinion expressed by the hon. gentleman in 1892. In 1892 Sir John Thompson expressed opinions on the constitutional aspect of the question like those which we have heard to-day from the hon. gentleman from Richmond, that is to say, that the British North America Act contained sufficient power, apart from sec. 51, to enact a Bill of this kind. My hon. friend met him in this way:

> The hon. Minister of Justice maintained that under the 91st section, power to legislate for the peace, order and good government of Canada conferred no constitutional powers to legislate upon this subject. It was from section 51 we derived our power.

Hon. Mr. MILLS—I did not agree with that view of it.

Hon. Mr. MACDONALD—The hon. gentleman further on said that 'it must provide in accordance with section 51 and not otherwise.'

Hon. Mr. MILLS—My hon. friend will see there I am speaking of whether the parliament itself could make the division of the constituencies or whether we should appoint another body to make it. That is the point that is there discussed.

Hon. Mr. MACDONALD (B.C.)—It seems to be the whole point whether parliament could pass that Bill without section 51. The Hon. Mr. Davies, now Sir Louis Davies, emphasized the opinion of the Minister of Justice.

Hon. Mr. MILLS—No, he emphasized his own.

Hon. Mr. MACDONALD (B.C.)—Mr. Davies showed that where there was specific legislation, section 91 could not override it. Section 51 is specific, but section 91 is not specific, and it is common sense that where there is a specific clause in an Act it cannot be overridden by other general clauses. Sir Louis Davies at that time spoke very strongly in the same way, contending that it could not be done, he said, in reply to Sir John Thompson. These are my views, and therefore I contend that whatever is done should be done under section 51. That being the case, this Bill is premature.

Hon. Mr. MILLS—There are three specific sections dealing with the subject.

Hon. Mr. MACDONALD (B.C.)—The Minister of Justice, in introducing this Bill, gave no strong or valid reason for doing so prematurely and before he had possession of the data necessary to a readjustment. The only reasons he gave was the necessity for rectifying the electoral divisions of 1892 and 1893. Sir John Abbott, when introducing the Adjustment Bill of 1892, gave good and valid reasons for its passing. He said :

> This Bill was rendered necessary in a large degree by the fact shown by the census, of a comparative loss of population in certain of the provinces, and an abnormal increase of population in some of the electoral centres of the Dominion.

These, as the House will see, were stronger reasons than any adduced now. With regard to the right of the House to amend or reject a Bill of this nature affecting principally the House of Commons, whatever affects that branch of parliament affects the whole country, and this House, in its two-fold capacity as a branch of parliament and as a portion of the electorate of the country, has a right to deal with it.

The Bill of Supply is supposed to be the most sacred right in the keeping of the House of Commons, and even that Bill can be rejected by the Senate. It is, therefore, quite clear that this Bill is not complete without the sanction of the Senate, and if we have the power to adopt and amend, we have the power to reject. Had the Bill kept to the boundaries of the counties, towns and villages, it would be a different matter, and entitled to more consideration, but it does not keep to such boundaries, and is partial in its scope. Admitting, for the sake of argument, that the Bill is equally fair to both parties, even then it would be open to two important objections : first, the suspicion attached to its being brought in just before the general elections, and, second, its being brought in prematurely and straining the provisions of the British North Amercia Act, in letter and in spirit. That Act lays down clearly when a readjustment shall be made. If it could be shown that the increase in population in the last nine years, or the movement of the people from one province to another, or from one county to another, made a readjustment necessary, this Bill would stand in a more favourable position ; but this has not been shown. It is quite true, the Constitutional Act does not say : 'You shall not pass a Readjustment Act at any other time ;' but it does say that it shall be done at a specified time. Any one in the position of a disinterested judge, watching the opinion expressed for and against this Bill, would, without doubt, come to the conclusion that a question of this kind should be removed from the parliamentary arena and placed on a plane beyond the manipulation of interested politicians. As there are two political parties in the country, necessary perhaps to keep each other in check, I would take three men from each party, presided over by a judge of repute as umpire, and let them adjust the representation on the lines of counties, towns and villages, and the proportion of representation to population, as laid down in the British North America Act. The hon. Secretary of State held views similar to these in 1892, and said :

> The readjustment should be in the hands of a tribunal outside of political influence.

The hon. Secretary of State expressed another opinion on that occasion, in these words :

> No one who has any pride in the future of the Dominion, or who has any feeling of manhood in him, would tamely submit every ten years to have the constituencies changed and euchred by foul means in order that the ruling party should continue to have power in their hands.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is of a different opinion now. He thinks it could be done at the end of nine years.

Hon. Mr. MILLS—It was the euchring he was opposed to then.

Hon. Mr. MACDONALD (B.C.)—It is a misfortune for politicians that there is an official report of the debates, from which can be called up the grim spectre of wavering opinions from time to time. The next readustment, let us hope, will be placed in the hands of disinterested men, who will act impartially, without fear or favour, and then the electorate will be free to exercise its rights without being hampered by unreal and degrading boundaries.

Hon. Mr. KERR moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 27, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (N) 'An Act respecting the Western Alberta Railway Company.'—(Hon. Mr. Lougheed.)

Bill (34) 'An Act respecting the Canadian Pacific Railway.—(Hon. Mr. Lougheed.)

SALE OF PENITENTIARY BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY inquired:

How many pounds of binder twine they have sold this year at the Kingston Penitentiary, and the price sold at, and if to farmers? And also, how much was on hand on the 20th March instant?

Hon. Mr. MILLS—The answer to the hon. gentleman's question is:

Total sold—

	Lbs.
Maple leaf.....	157,700
Beaver....	61,855
Standard....	68,590
	288,145

Sold to farmers, of the above—

	Lbs.
Maple leaf..	57,620
Beaver.....	41,815
Standard....	8,590
	108,025

Statement of binder twine on hand on 20th March, 1900—

	Lbs.
Pure manila	
Mixed manila.....	116,260
New Zealand.....	38,500

The amount of pure manila booked for future delivery as of the 20th March, was 53,370 pounds, but there was only 47,500 pounds of pure manila twine on hand. This leaves a balance of 5,820 pounds still to be manufactured to fill all orders. There are several orders amounting to about 40,000 pounds not included in statement, as the purchasers have not as yet specified which brand they require. It has always been the policy of the department to regard the prices at which the product is marketed as confidential until the close of the year in which the transactions took place.

Hon. Mr. KERR.

Hon. Mr. PERLEY—The hon. gentleman remarked the other day, in answer to my question, that the price asked of farmers was 14 cents a pound at the penitentiary. Have the government departed from that?

Hon. Mr. MILLS—It is from 8½ to 14 cents, if I remember rightly. It depends on the kind and quality that is ordered.

Hon. Mr. McCALLUM—Blue Ribbon costs more.

Hon. Sir MACKENZIE BOWELL—The answer is clear enough, from 8½ to 14 cents per pound.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Is the price less to jobbers? Will my hon. friend answer that question? The wholesaler buys to sell to jobbers. Is it sold for less price to them?

Hon. Mr. MILLS—We sell to wholesale men at wholesale prices, and to retail men at what would be regarded as retail prices. So far we have endeavoured to avoid coming into active competition with other men, and we put our prices as low as, or below the wholesale price, and rather below the retail prices, but we are not giving the prices or the amounts, nor shall we until after the season is over. We have, so far, endeavoured to keep our sales as close as possible to the manufacturers' for the reason that a good deal of our raw material has been purchased at such a high figure, and of course if twine was to go back again to the old prices, there would be a very heavy loss indeed.

Hon. Sir MACKENZIE BOWELL—Then it is quite clear that the government have entered into an arrangement, or if they have not entered into an arrangement they have adopted the policy, as my hon. friend says, of not coming into competition with the wholesaler.

Hon. Mr. MILLS—No. I said not into active competition with the retail dealers.

Hon. Sir MACKENZIE BOWELL—With those who purchased wholesale?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Then the offering to sell small quantities to the consumer direct—that is the farmer—is no

advantage to him if the price at which the sale is made to the farmer is the same as that at which the wholesaler sells, when he retails it. I scarcely think that my hon. friend intended that. It would indicate a combination between the government manufacturing the twine and the wholesalers, because their prices would regulate to a very great extent the prices at which it would be sold by the wholesalers in the country, plus, of course, the freight, as there is no duty upon it; so that really, after all, the offering to sell this twine to the consumer direct is really no advantage to him at all, unless he can get it cheaper than the person who purchased it wholesale would retail it to him?

Hon. Mr. MILLS—Oh, yes it is.

Hon. Sir MACKENZIE BOWELL—My hon. friend tells the House that they have tried to keep as near as they can to the retail price of the wholesaler, or the man who sells and the farmer who buys, so that there is really no advantage in the new policy which has been adopted. I cannot for the life of me understand why the government should refuse to give the price at which they sell it to the wholesaler. If you go into the market of the United States, or any other country, and purchase from the manufacturer, every one knows what the price is. That price is given to the world. The only question that can arise is as to the amount of discount which would be given to the purchaser, and those who have studied this question at all know that the person who purchases a larger quantity from the manufacturer will get a larger discount, and probably the man who pays cash will get an additional discount, so that there is no secret in the matter. Every merchant, every retailer, and every consumer, knows just what profit he is paying to the retailer when he knows exactly what the wholesale purchaser pays the government. But the government steps in and says, 'Oh, no, we will not tell you, or the country, or the farmer who consumes it, what the wholesaler pays for it, for fear the consumer would know how much he is being mulcted out of in the way of profit.' That is really the position my hon. friend takes, and I do not see well how a policy of that kind can be justified. I am sorry to see the government take that position. The establishing of that binder twine industry in the prisons was not to enable wholesalers to become rich out of it, but to give employment to the prisoners in the production of an article which was being consumed more extensively than it had ever been before all over the country, and to give that advantage to the farmers independently of the manufacturers altogether. I remember distinctly, being a protectionist, we discussed that question somewhat elaborately for some time, as to how far we were going to injure the private manufacturers, but when we considered that the great mass of the people were of more importance than one or two manufacturers, and when we admitted further the necessity for giving employment to a large number of criminals in such a manner as not to interfere with the great mass of free labour in the country, we decided to adopt that policy, and I should be very glad to see them carry it out to its fullest possible extent. If it costs 6 cents a pound to manufacture, and they want a quarter of a cent to cover profit, they ought to sell it to the farmer for not more than 7 cents a pound. I am putting that as a hypothetical case. If it cost more, just in proportion to that would be the true policy under the circumstances, and there should be no combine or arrangement with wholesalers to keep the price at which you sell to him privately, because in doing that you enable him to secure from the consumer, that is the farmer, as high a profit as possible. No combine or understanding should be come to in public works of that kind.

Hon. Mr. MILLS—The policy of not disclosing the price was adopted in 1894, two years before the present government came into office, and in that respect there has been no change.

Hon. Sir MACKENZIE BOWELL—I never heard anything about it.

Hon. Mr. MILLS—I am stating the fact, and what is more, I do not well see that you can deal in this or any other article upon any other system. There is no combine. We have no combine of wholesale men. I do not know who the wholesale men of the country are. We advertised for the sale of the article in order, as I mentioned before,

not to have a residue on hand when the season for sale is over. I mentioned the other day that when you manufacture an excess of binder twine the article deteriorates to a certain extent as the oil evaporates, and, if you keep it for a time the whole of the oil evaporates and it can only be used for tying lath or something of that sort; but for binding grain it is no longer suitable. So far as the output from the penitentiaries is concerned, we manufacture in a year about 500 tons. There are at least 5,000 tons consumed in the country. That is, we manufacture one ton in ten. There is no reason why the man who purchases one pound in ten should get it at a lower price than the other nine-tenths of the farmers get theirs. The business of the government is as far as possible to act on business principles. We have not begun the work of manufacturing binder twine as a benevolent enterprise, to help those who cannot help themselves. We have begun to manufacture binder twine in order to give prisoners something to do to earn their own living, and so diminish the cost of maintaining the penal institutions of the country. We do not wish to close any manufacturing establishment. The hon. gentleman has adopted the principle, favoured for twenty years, of protection, to give special favours to particular manufacturers. Now, all favour is taken away from the manufacturer of binder twine by putting it on the free list, and so, having it placed on he free list, we put our articles on the market at a fair rate, so far as the consumer is concerned. We charge him what we think is a fair price, making a reasonable profit, and if the article goes down in value, I do not know any one in this country who would be disposed to pay us more than the market price. We have, since the institution was established, often sold the twine at less than it cost us. No one will consent to pay us a fixed price which will yield us a profit if they can buy it in the market for less. That is perfectly certain, and so we must undertake one year if possible to compensate ourselves to some extent for the loss of another, in order to obtain a fair and reasonable compensation that will enable us to continue to give a certain class of criminals employment in this particular way.

Hon. Mr. LOUGHEED—It seems to me the admission of the government that the price of binder twine sold by them is regulated by the market price is equivalent to saying that in the event of there being a combine among producers or manufacturers of binder twine the government must necessarily become a party to that combine.

Hon. Mr. MILLS—No, nothing of the sort.

Hon. Mr. LOUGHEED—If the government take the position that they are going to manufacture binder twine and sell it to the consumer at a fair profit on the actual cost, I could understand the wisdom of pursuing such a course.

Hon. Mr. MILLS—That is what we do.

Hon. Mr. LOUGHEED—But I understood my hon. friend to say that that price was regulated in such a way as not to interfere with the interests of those who deal in binder twine, or, in other words, that the government was not prepared to sell binder twine at a lower figure than the price at which it could be purchased on the market.

Hon. Mr. MILLS—No, I did not say that, nor did I wish to convey that idea, because, as a matter of fact, we are selling it below the general price, so far as I can ascertain. I do not know the prices of the manufacturing establishments of the country, but our prices are certainly below theirs.

Hon. Mr. LOUGHEED—Then I received, to some extent, a wrong impression from what I understood my hon. friend to say. The hon. gentleman has not yet made it quite clear. If the policy of the government is to sell it at a fair profit on the cost, that policy is a commendable one; but if the government is going to consider as a measure of the selling price the quotations in the market for that product it seems to me they must necessarily stand in with any combine, because if that is the position from which they start, they do not take into consideration the cost of producing the article, but rather its selling price in the market.

Hon. Mr. PERLEY—The price of binder twine is a matter of very considerable importance to the farmers of the North-west Territories, and that is why I take a good deal of interest in bringing this question before the government with a view to getting information for the farmers of the west.

It is very well known that after the adoption of the National Policy the manufacturers charged a high profit until other factories were established. I remember hearing Sir Richard Cartwright speaking on this subject in St. John, N.B. In that speech he said that after the national policy was established for a time they would make millionaires of the manufacturers, but in the course of time the manufacturers would compete with each other and become bankrupt. It is well known that in the Northwest for a time we paid 21 cents a pound for binder twine. By competition in the manufacture the price gradually decreased until it dropped to six cents. Then the cordage companies undertook to form a combine. I have bought it myself at that price. That was brought about by the government discovering that certain manufactures had cut down the price through competition, and Sir John Thompson, I think, was the one who organized this scheme of manufacturing in the Kingston penitentiary. He found out what binder twine could reasonably be produced for and put a profit on that, and the government sold it at Grenfell in the North-west Territories at 6½ cents a pound. That went on until there was a change of government and they put the article on the free list.

Hon. Mr. MILLS—No.

Hon. Mr. PERLEY—I say yes. I know what I am talking about, because I have bought the article. It has greatly increased in price ever since this government has been in power. The price has gradually increased, and the same applies to barbed wire. I have bought barbed wire at three cents and a fraction at Woolsley where I live. Now I cannot get barbed wire for less than five cents. When the government fixed a certain price for binder twine, with a profit of twenty or twenty-five per cent, it was sold at a low price, but when they put it on the free list the price increased, and we are now using United States twine. When he says no stock is carried over from one season to another, the hon. gentleman does not know what he is talking about.

Hon. Mr. MILLS—Yes, I do.

Hon. Mr. PERLEY: I know that it is carried over and that it does not deteriorate. I know dealers who often carry it over from one season to another. I have carried it over myself, and I have never heard of its being unfit for use. Last year we paid twelve cents a pound for binder twine. I find that the raw material only cost five cents; still we in the North-west pay twelve cents for our twine. I find that the Cordage Company of Ontario declared a dividend of a hundred per cent last year, and in place of the government going to the rescue of the farmers they are joining in with the manufacturers to keep up their prices to help these monopolists, so that farmers have to pay this extravagant price for their twine. The day before I left home this year the representative of the firm from whom we bought a thousand pounds of twine last year asked me if we had any over from last year. I said yes, about two hundred pounds. He said: 'That is fortunate for you; I cannot sell it for less than 17 cents a pound this year.' The other day the hon. gentleman, answering a question that I put, laid great stress on the raw material costing more now than other years. I find it costs only five cents a pound.

Hon. Mr. MILLS—Oh, no.

Hon. Mr. PERLEY—Well, it is so stated in the Auditor General's report, and if he is a liar I cannot help it. The price was five cents for the raw material, and the hon. Minister of Justice told us that it cost three-fourths of a cent for the manufacture. He is an authority on the subject, because the penitentiaries are under his jurisdiction. That would be five and three-quarter cents a pound as the cost of the twine, and he told me the other day that he sold it for fourteen cents a pound to farmers. It looks as though the government was entering into a combine with the monopolists and the manufacturers in this country, to put up the price on the farmers, and he says to-day he will not be the farmers' friend, but the friend of the jobber who buys the twine, and will help the jobbers to extort from the farmers all they can. I say the policy is a very bad one and militates against the interests of the country. Agriculture is a great industry. There are individual farmers in my part of the country who used three thousand pounds of binder twine last year. Put eight cents a pound on that, and see what it amounts

to. These men will not vote for a government which puts up the price in that way from six cents to seventeen cents a pound.

THIRD READING.

Bill (18) 'An Act to amend the Dominion Lands Act.'—(Hon. Mr. Mills.)

THE REDISTRIBUTION BILL.

DEBATE CONTINUED.

The Order of the Day being called.

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 13) An Act respecting representation in the House of Commons, and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. KERR—More than thirty-three years have come and gone since our constitution was being considered by the Imperial parliament. During the course of the discussion on that measure, the British North America Act, that great tribune of the British people, the friend of the people, John Bright in the course of his speech, foretold the present hour. With prophetic ken he seemed to look down the vista of the intervening years and see what would transpire in this Chamber today. He said that he foresaw that the time would come in the history of this Dominion when the will of the people might be thwarted, when a government, possessing in no uncertain degree the confidence of the great majority of this country, might be frustrated in their efforts to carry on the public business for the good of the country by an adverse majority in the Upper Chamber—that that might happen whether the government of the day was a Conservative government or a Liberal government, and that it was quite possible that one government, either Conservative or Liberal, might remain in power so long that their appointees to the Upper Chamber would be in a large majority holding views diametrically opposed to the views of the government of the day, who represented the people. That hour has come. It came to us last year. It has come to us with intensity this year, and what I should like to do in the few observations that I may be permitted to address to you is to try if I can to help the Senate to a wise solution of the trouble, and I wish here and now to say whether I shall get credit for it or not, that I am sincerely desirous that the result of this discussion should be one that the vote taken thereon should reflect honour and dignity upon the Senate. So long as I am permitted to enjoy a place in this Chamber, it will be my constant aim to rise above party considerations. We may not all be able entirely to reach that high stage. We are all human and naturally have party leanings; but at the same time my view is that we should so act in this Chamber that we will discharge our high functions irrespective of the effect that our action may have upon either political party in this country.

The question is what is to be done? Here we have a Bill before us which, as the Liberal party contend, and the government who represent the majority of the people of this country contend, is a fair, honest, and reasonable Bill. The answer to that is that it shall not now be read the second time, but that this Bill be read a second time this day six months, or, in other words, the Senate is asked to snap its fingers in the face of the great majority of the people of this country. I ask hon. gentlemen if this is not a pretty serious consideration. I have been greatly interested in the addresses which have been delivered. I refrained entirely from taking part in the discussion when a similar Bill was before this body last year. I could hardly trust myself to speak, I felt so strongly on the matter, and I felt that perhaps I could better preserve and maintain the honour and dignity of this Chamber by remaining silent. It is hardly necessary for me to say that the result of that discussion, and the vote thereon, was to me a source of profound sorrow and grief, not for its effect on either political party, but for its effect on this august body. We have heard a great deal since this discussion, and we heard a great deal during the last discussion, of constitutional and other questions. They are all very well as a matter of intellectual exercise, but I will tell hon. gentlemen, if they allow me, that it seems to me that the issue is very much narrowed down; the constitutional question seems to be eliminated, and the question is whether we are prepared to pass a Bill which may or may not affect one

or the other of the political parties in this country injuriously. My argument is that if the Bill is a proper Bill to be passed by this House, we have nothing whatever to do with the result, and on that question of results I would just like to add that the impression I received from the discussion on both sides of the House and particularly from my hon. friends on the opposition—for I am happy to say that I can call all of the hon. gentlemen my friends—was that hon. gentlemen overestimated the effect of passing this Bill, and the effect that it is going to have upon the prospect of the Conservative party at the next appeal to the country. I do not think it is going to make a great deal of difference one way or the other. But it does make a difference whether it rights a great wrong or not, and it is to present that view of it that I shall devote the little time allotted to me on this occasion. I watched the debate carefully when a similar Bill was before us in July last, and I do not recollect any hon. gentleman in this Chamber rising in his place and taking the responsibility of saying that the Act of 1882, called the gerrymander Act—I am sorry we have any Act on the statute-book that can be called a gerrymander Act—was justifiable. I did not hear a single person take the responsibility of defending that Act. I am sorry that I cannot say the same thing with regard to some of the speeches that have been made this session, and it has pained me beyond measure that some hon. gentlemen, while not expressly and in so many words palliating and screening that measure, have impliedly done so, and have almost come out in defence of it. At any rate, they will not admit that a great wrong was done by that measure. I shall not indulge in, but shall rather try to avoid the use of harsh, hard names or words that might wound any man's feelings, but we are asked by what authority was the Bill introduced last year—by what authority is it re-introduced this year? We have been already told the reasons by the Minister of Justice in his speech, which I was sorry to hear characterized rather flippantly as an academic speech. I wish that I could imitate that academic style, and I am sure we would be all very glad if the monotony of this Chamber were occasionally enlivened by similar academic displays, because it seems to me, in the introduction of this measure, the Minister of Justice made what every one must admit was a model deliverance, fair, calm and dispassionate, and if anything further was wanted to show that the Act of 1882 was an Act that should not longer remain on the statute-book, it was abundantly supplied by the speech of the hon. Secretary of State. I do not say this because I happen to be of the same political faith or leaning as the Minister of Justice and the Secretary of State, but I say that the figures and facts set forth in the speech of the hon. Secretary of State have not been answered, and never will be answered because a full answer to them is absolutely impossible. That is my position. There is no need for supporters of the Redistribution Bill in this House to add to those figures. We had a speech last night, from an able parliamentarian, no less than an ex-Speaker of this Senate, a man of rare and splendid talents, and it is with great deference that I come to what he says. He told us that in his opinion the Liberal government, or the government as representing the Liberal party, had no mandate from the people of this country to bring in this measure. I join issue with that hon. gentleman, though with great diffidence. If a government ever had a mandate to bring in any measure in this or in the British parliament, or in any other deliberative assembly, the government of Canada had that mandate. It is fresh in the recollection of all of you that the Liberal party in this country, from British Columbia to Prince Edward Island, were represented in this city in June, 1893, and they were not here simply for a holiday; they were not here simply for fun. They were here for downright solid business, and they did it, and during these two days' session, they formulated and discussed ten propositions. I have them here, but I will not take time to enumerate them—on which they believed the government of this country could best be carried on.

Hon. Mr. McCALLUM—Please repeat them. We want to know them all.

Hon. Mr. KERR—I will hand them to the hon. gentleman, as I have not time to read them. The eighth resolution was a promise to introduce this Redistribution Bill. These speeches were reproduced in nearly every Liberal paper throughout the length and

breadth of this Dominion, and I saw them myself in a good many Conservative papers. That was three years before the general election came, so that the people were not taken by surprise. They had an unusually long notice of trial, as we say in law. They had three years in which to consider and prepare arguments to combat these propositions. And we are told that it was true the government was sustained, but as to the mandate there was none ; I entirely dissent from the argument of the hon. gentleman from Richmond (Mr. Miller), that in order to have a mandate from the people you must have, in effect, the Bill prepared and every detail of that Bill submitted to them.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. KERR—I deny that proposition utterly, and say that it cannot be maintained.

Hon. Sir MACKENZIE BOWELL—Speak positively.

Hon. Mr. KERR—I will speak more positively before I am done. So much for the mandate. The logical argument of the hon. gentleman from Richmond would lead one to the conclusion that you could only have one of these mandates at a time, and where would you and I be when they got through with the ten mandates, taking about five years between the elections, with one at each election ? It would be fifty years. The thing works itself out to an utter absurdity. I am sorry the hon. gentleman is not present. The hon. gentleman from Richmond, as I submit, puts his splendid talents not to the highest use. No doubt he was conscientious, but I think he was very seriously mistaken. I say that the government of the day had a mandate on every one of these ten propositions. I know that in West Northumberland, where I happen to live, and the adjoining counties, through the entire campaign in every school house and town hall, and upon every hustings, nearly every one of these propositions was discussed and thoroughly discussed, and I heard more than one—myself included—say that if the Liberal government should get into power and fail to give effect to the very question before the House now, or fail to make an honest effort to pass such a Bill as is now before the House, they would not get their votes again. I think, however, that they made an honest effort last year and are making an honest effort this year, and if the Senate throws out this Bill, they are flinging it broadcast in the faces of the great majority of the electors of this country. What does this Bill propose to do ? It comes in suggestive proximity to the next plank, the ninth plank, which was Senate reform. I fancy a good many think that there was something which was not merely an accident in their being in such close proximity. Shall we require to have Senate reform ? We cannot get on in this way ; the people's will must be carried out. Does any hon. gentleman opposed to my view believe for one moment that if a Conservative government were controlling the destinies of the country this Bill would be kicked out ?

Hon. Mr. PROWSE—It never would come.

Hon. Mr. BERNIER—It would not have been presented.

Hon. Mr. KERR—Yes, but something did come from that Conservative government, and it had no trouble in getting through this House.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. KERR—And the only explanation I have ever been able to give why that Act of 1882 got through this House is that this House felt that under the constitution it was a matter of a domestic character relating entirely to the House of Commons, and that the Senate had just about as much right to interfere with it as they would have to go over and ask that they rearrange their desks and chairs in the House of Commons and place Mr. Speaker on the opposite side of the room. I use that as a homely illustration. I explained it to a great many, and I justified the action of the Senate in passing that Bill at that time. I think the Senate should never have been asked to sanction it, but they were asked and did sanction it, and the Senate had a good answer, because they felt—and I wish hon. gentlemen had the same feeling to-day—that while they might have the constitutional power, they had not the constitutional right to throw out the Bill. My learned friend told this House last night, as I heard him in a few remarks before, that to speak of a dis-

tinction between constitutional power and constitutional right was simply a play upon words. I do not take that position. I think I know something of constitutional law, and the distinction betwen power and right, and while a man may have a constitutional power to do a thing he does not necessarily have a constitutional right to do it, and I am prepared to submit that proposition to the Supreme Court of this country, and I dare to do it even in opposition to my hon. friend. Of course, we have the constitutional power to commit political suicide if we wish, but I do not think we have the constitutional right to do it, although we came very near it last year, and if this amendment is carried, I think it will about complete our political suicide. I wish to come now to the real root of the matter. What is this Bill for ? I will tell you what it is for. It it to right a great wrong. Hon. gentlemen smile, but I will relieve the agony of their souls in a few minutes.

I hope that if I prove that a great wrong was committed in 1882 that the liberties of the electors of this country were improperly interfered with, that hon. gentlemen will then think differently of the matter. My hon. friend from Richmond, in his speech last night, threw down the gauntlet, and I take it up on one point. He said : " Why does not some senator from Ontario deal with this question ?" Well, I am an humble senator from Ontario, and I dare to deal with it, and prove to your satisfaction that that Bill of 1882, alias the gerrymander Act, was conceived in political sin and brought forth in political iniquity, and it is on the statute-book to-day. I propose now to read the evidence of a respectable man on that question, the evidence of Mr. John Hague, and I read it for the junior members, so to speak, of the Senate, because I do not expect that anything I may say or do will convert hon. gentlemen. I wish that I could even almost persuade you that it is right to let this Bill go through.

Hon. Sir MACKENZIE BOWELL—Who is the writer, please ?

Hon. Mr. KERR—I read from the Toronto *Globe*, of July 10, 1899. I could not find it in my heart to read it last year, but I should not feel that I was doing my duty now unless I poured all the light I could on this question.

Hon. Mr. MACDONALD (B.C.) Is the *Globe* a party paper ?

Hon. Mr. KERR—I do not care whether it is or not. The question is whether Mr. Hague's statement is true or false.

Hon. Mr. McCALLUM—The Toronto *Globe*—oh !

Hon. Mr. KERR—The Toronto *Globe*, the palladium of the people's liberties from the beginning.

Hon. Sir MACKENZIE BOWELL—Is it an editorial, or a communication ?

Hon. Mr. KERR—It is copied from the Montreal *Herald*, and is as follows :

SOME SECRET HISTORY.

How the Gerrymander of 1882 was Planned by the Government—Mr. Hague's Story—A Huge Chart which was Jealously Guarded from View—Work was Not Paid For—Comments of Sir John Macdonald and Other Prominent Conservatives—The Map of 1891.

(Special despatch to the 'Globe,' Montreal, July 9.)

The secret history of the gerrymander of 1882 is told by Mr. John Hague, editor of the 'Journal of Commerce,' in a signed article in the Montreal 'Herald,' as follows:

On September 15, 1881, I received a notice from a member of the Senate, who represented the government of Sir John Macdonald in Toronto, asking me to call upon him at a certain hour, I was informed that in compliance with the constitution the government proposed to re-arrange the constituencies of Ontario. I was told that the work of preparing a chart showing the boundaries proposed to be established had been entrusted to the officers of the Department of the Interior, of which Sir John held the portfolio, but they had failed to draft a workable plan. I was asked if I would undertake to construct a chart according to the ideas and suggestions of the speaker. On hearing my assurance that I felt quite equal to such a task, the senator proceeded to say that he wished a chart made showing the existing boundaries of the electoral districts, the voting strength of each of them, and the majority at the last election. He wished me to make this chart quite large, and to exhibit the statistics desired on small tickets which were to be pasted over each district, the one fixed on a place which returned a Liberal member to be pink, and the one over a district which had chosen a Conservative to be blue. These tickets were prepared by Williams, Sleith & McMillan, printers, Toronto. They were the same size as a street car ticket. I strongly opposed this plan as likely to prove cumbrous and very difficult to operate from in altering the boundaries, but was induced to put the plan to the test.

The next question was, where was the work to be done? It was represented as one demanding the greatest secrecy; there must be no risk of the chart being seen by any outsider. After various suggestions had been made and suggested,

I offered to do the work at my own house, where I would give up my study to the service of the government and use the help of some members of my family in filling in the tickets and other mechanical work. This was agreed to. I secured an electoral map about 18 inches by 12, and raised all the lines up, so as to be a reproduction on a large scale, the chart I made being 5½ feet by 4 feet. After most tedious work, extending over several weeks, for I only devoted my evenings to it, the chart with its mass of pink and blue tickets was finished, and a pretty foolish affair it was, as I had predicted. Ontario, so treated, looked like some fabulous animal, covered with loose scales, blue and pink, which fluttered like so many tiny wings. The thing was condemned, and the author of it was puzzled. He saw it was impossible to re-arrange the electoral districts from such a chart, and invited me to advise as to the best way of proceeding.

What the Government Desired.

I was informed that what the government wished to effect was a re-arrangement of the electoral districts so far as possible recognizing a common unit of representation. This, however, was to be made sufficiently elastic to allow the grouping of different sections of the district, so as to detach Conservative voters from places where they were in excess for the needs for a majority, and the attachment of such voters to districts where the new accession would turn the scale at an election in favour of a Conservative candidate where a Liberal one had hitherto been returned. Electoral districts which were hopelessly Liberal were, if possible, to be abolished, or the constituencies so arranged as to put the Liberal voters altogether in one district, especially where they could be drawn away from a district where they menaced the Conservative candidate. The process was afterwards called hiving, which is quite appropriate, though while the work was being done for the Act of 1882 this word was never used. After making a colossal chart, I took each electoral district and its surroundings in hand, and wrote upon each the number polled for each party at the two previous elections, the total number of electors, with the majority in each case. I coloured each district to show at a glance its political complexion. I then made a thorough study of the official returns of the two last elections, and took out hundreds of statistics for comparison and readjustment. Some of the districts were most difficult to alter so as to secure the results desired. It was said the configuration of some of these represented nothing on earth, in the heavens or the waters under the heavens. Quite true; they simply represented an effort to fix the boundaries of electoral districts according to two rules: first, on the principle of equal representation to equal numbers of voters ; second, on the principle that electoral districts should be arranged to serve the interests of the party in power when they are rearranged. These rules do not work well together, hence the highly eccentric shapes of some of the districts on the chart I have constructed.. When nearly complete it was taken down to Ottawa.

Done with Secrecy.

I was assigned to a room close to that of the Minister of the Interior. Into that room I was instructed to prohibit the entrance of any one, even a cabinet minister, unless brought in by the senator. I remember the petty rage of one minister to whom I refused admission. One day the Hon. Mr. Aikens, the Minister of Inland Revenue, came in and saw the chart, upon which he made no comment. His silence elicited the remark, 'Why, Aikins, I am surprised at a straight-laced fellow like you being in such company,' to which Mr. Aikens gave his usual placid smile. One by one several members were consulted as to the changes made in their districts, amongst others being the late J. C. Rykert, Col. O'Brien and Mr. Mackenzie Bowell. The latter made a little fuss over some feature, but it passed off. When the final touch was put to my chart, it was shown to Sir John Macdonald. After closely examining the work done on the boundaries, the statistics written on the face of the map and the schedule I wrote on its side, showing the result of the changes, Sir John exclaimed, 'That takes a great load off my shoulders.' The gerrymander Act, as it was called, was simply the chart I had constructed, expressed in legal language. The changes were estimated to have given an absolute gain to the Conservative party of four seats, and a better fighting chance in a number of others. I remember remarking at the time that all such arrangements proceeded on the very doubtful assumption that future elections would proceed on the same lines as past ones, and that each party in the future would command the same support, no more and no less, than it had previously done. On my saying this to Sir John, he said, 'Quite true, but constituencies are governed a good deal by tradition, and Grits are very conservative in sticking to their party.'

Was Not Paid.

My experience in this matter should be a warning to do work for a government apart from a stated salary. My advice is: Insist upon a written agreement for a fixed sum, to be paid on completion of the work. The work done by me in preparing the chart for the redistribution of seats cost me over $500. When payment was asked, Sir John put me off with vague promises of a handsome reward, yet I never received one cent remuneration for labour which took all my leisure for months, and drained me of a very large sum which I paid for assistance, besides giving up one room in my house for the government service. Some member should move for the production of that chart. If it is not now in the possession of the government, it has been stolen from the buildings, where I handed it over to the Premier, the late Sir John Macdonald, by whose instructions it was constructed.

Another Map Found.

The 'Herald' adds: Inquiry at the Department of the Interior to-day showed that there was an impression that the map from which the gerrymander of Ontario in 1882 was drawn as described by Mr. John Hague, was at one time kept in the department, but that it is no longer there. The description of the map, as given to the 'Herald' correspondent, corresponded to that given by the man who claims to have been its author. The 'Herald' correspondent made another discovery, however, that the Hague map is not the only representation of the voting geography of Ontario that was made under the direction of the Conservative gerrymander. In the department is a large map, measuring about 6 x 10 feet, and representing the province of Ontario and the Quebec counties of Ottawa and Pontiac. The map itself is a well-finished one, prepared by the draughtsman of the Post Office Department in 1891, and representing the counties as they exist municipally. Over this are carefully drawn the lines of the constituencies as gerrymandered by the Act of 1882. The work

is finished with a nicety of detail. Each township, town and village is there, with the voting strength of the two parties marked in blue characters. The available vote and the actual vote polled are each marked. Then follows the Conservative vote marked "C," and the Reform vote marked "R." Altogether the chart is a most ingeniously contrived and neatly executed piece of political machinery, evidently designed for use in the gerrymander of 1892, when an attempt was made to make the work of the sweeping gerrymander of 1882 more complete by calling into requisition the surgical knife to supplement the Acts used in hacking to pieces the county organizations in order to stifle the electorate and hive the Grits.

Mr. Hague is a Canadian; he is a highly respectable man, and as honest a man as there is in this Dominion.

Hon. Mr. MILLS—This is not very respectable business.

Hon. Mr. MACDONALD (B.C.)—Was he not rather a traitor?

Hon. Mr. KERR—The question is not whether John Hague was a traitor or not. The question is has he made a true statement?

Hon. Mr. MACDONALD (B.C.)—I do not suppose you believe him for a moment.

Hon. Mr. KERR—I have no reason to disbelieve him.

Hon. Mr. MACDONALD (B.C.)—A man who would write like that is not worthy of belief. I would not believe him on his oath.

Hon. Mr. KERR—Is another word necessary to convince this House that a great wrong was attempted, that a great wrong was effected, and that the people have been suffering from it to the present hour?

Hon. Sir MACKENZIE BOWELL—There is one thing certain, he took good care not to write that letter until the gentleman who would have contradicted it had been dead two or three years.

Hon. Mr. KERR—I do not know that the man is dead. This information does not need any comment. There it is. There are some hon. gentlemen on the opposition side, who will speak before this debate is done, and I want them to be good enough to tell the Senate what they think of that transaction. It cannot be answered by a laugh or by a suggestion that the writer is a traitor. I have watched the columns of the leading Conservative journals to see if they denied it, and to this hour I have never seen one letter of denial of the whole thing. Now, hon. gentlemen, what are you going to do in view of that? I should think every hon. gentleman would say I shall not soil my hands with it. You may not have known of it at the start; you know it now; what do you think of it? I put it to you as honest men, what do you think of it?

Hon. Mr. MACDONALD (B.C.)—We do not take that evidence.

Hon. Mr. KERR—You cannot get away from it that way, because I am instructed that it is susceptible of being corroborated to the uttermost. Now, in the face of that, are men, honourable men, going to rise in this Chamber and vote for that amendment? If they do, they will be, to all intents and purposes, accessories after the fact. What I have read to this House cannot be met by comments upon my speech, or by disturbing me in my speaking. All I could say for the next twenty-four hours would not place this matter before you as that statement places it. I should like to show you for a few minutes how this iniquitous thing worked. Two or three times some hon. gentlemen objected to the use of the word 'fraud,' or something of that kind, in characterizing the gerrymander Act. If that statement which I have read is true, it was one of the grossest frauds ever perpetrated upon a free people? I take the responsibility of saying that. My point is here, and I will come to it at once, after having shown what that gerrymander Bill of 1882 is, and what was its object. In 1878, when the Conservative wave rolled over this country, whether properly or improperly it is not for me to say, but I can say this, that the result was to give the Conservative party in the province of Ontario, for which province alone I am speaking, an abnormal majority such as they never had before, and never could expect to have again, and never could expect to hold. By what means did they propose to retain power? By no other means that by depriving the people of their political rights, and that infamous machinery was devised to bring about that result, and it did its work only too well. It was a masterpiece of strategy and villainy. Since this country has been a nation, in its history there never has been anything of the

kind, and for the credit of the people of the Dominion, I hope it will never be repeated.

Hon. Mr. McMILLAN—Did not Mowat's gerrymander Bill beat it ?

Hon. Mr. DANDURAND—Does that justify it ?

Hon. Mr. KERR—I am dealing with the people who concocted this thing. I never justified, and I never will, justify a gerrymander. I hate the word. It is an importation. It is not of British growth. It is un-British, but we have adopted it, and for a very bad purpose. Just fancy a number of British statesmen, feeling it was necessary to do something to hold power, sitting down and concocting such a measure as we have described here. One shrinks from the very idea. It does not answer my argument to say the Mowat government did something wrong. I have nothing to do with that now. When that time comes then will be time enough to discuss it, but we are present now with a very important matter and we must deal with it, and we must call a spade a spade and a hoe a hoe, no matter what it hoes up. I should like to show you, if time would allow me, how that gerrymander, when it went into operation, did its work. I shall give you a few samples. I have told you the contention was that the Conservative majority in 1878 was abnormally large, and that they could not hope to have that at the next election in 1882, and in order to keep that abnormally large majority stationary, and prevent it returning to its former normal state, that infamous Bill was passed, and it did its work and did it well. Ontario is a large province ; it had then eighty-eight seats. It is a Liberal province, and while this gerrymander may have slightly affected other provinces, the aim and object of the Bill was to destroy, as far as it could, the Liberal party in Ontario, and what did it do ? After the election of 1882, what was the result ? Some twenty-three only out of eighty-eight members elected were Liberals—leaving fifty-five Conservatives in that Liberal province, out of all proportion to their numbers. What did they do then ? Some hon. gentleman says, But you have not shown that the Liberals were interfered with very much ? For instance there are hardly any to lose—only twenty-three. I can give you two Liberals who lost their seats by the gerrymander, Mr. Gillies of North Bruce, and Mr. Macdonnell of North Lanark. Mr. Macdonnell lost his seat by reason of the two townships of Fitzroy and Huntley being dragged in from Carleton. There was no reason, in a proper readjustment of seats, for taking these townships out of Carleton and tacking them on to North Lanark, except the party object, and that riding, instead of being Liberal, is now Conservative. Then in Brockville, Mr. Wood defeated Mr. Comstock by a majority of four, and this was simply owing to the dovetailing of Kitley, a Conservative township, on to the riding of Brockville, which was Liberal. Many other seats were kept in line by that Act, but the indignation prevailing against it prevented the full effect being felt in 1882. In 1887 the gerrymander got in its deadly work. West Huron and both the Ontarios went Conservative, and were held by the Conservatives until 1896. South Wenthworth also was gerrymandered. Mr. Paterson's defeat in South Brant was the result of the gerrymander, by taking two townships from his riding and tacking them on to another riding where they were not needed. The county of Bruce has a large Liberal majority, no question about that, but it was so gerrymandered that the minority have two seats out of three. The present member for North Perth owes his election to the gerrymander of that riding, and the late Mr. Trow's defeat at the election of 1882 was due to the gerrymander of South Perth. I come now to the last seat one would suppose would have been attacked ; the hon. Minister of Justice was in that. By his personal popularity, and by his great ability he managed to hold the seat until 1896. That he lost it then was owing, perhaps not wholly, to the gerrymander, but also because he spent too much of his time, as it now turns out, assisting his friends in other gerrymandered ridings. But the one redeeming feature about that Act is this, that it, unintentionally, resulted in giving to this Chamber the hon. Minister of Justice. I could go on with a great many more examples of this kind, but the hon. Secretary of State has rendered it wholly unnecessary on my part. I want to say just a few words more on the gerrymander. There was another gerrymander in 1892, and

there was one in 1893, showing that our Conservative friends thought they had a right to deal with this question quite irrespective of 'immediately after the census was taken,' so that that argument goes for nothing. The whole thing is here. It is right to pass Redistribution Bills at any time, but it would not be convenient to be passing them all the time, and so long as you do not interfere with the 51st section of the British North America Act, you can redistribute as often as parliament sees fit. The word 'readjustment' is used all the time, and where I use it I mean readjustment of the provinces. That section 51 was framed as machinery to preserve the proportionate representation in the different provinces. That is the primary object of that section, and it seems to have been a sort of bugbear from beginning to end in this debate, but that is the primary object of it, and you can redistribute at any time so long as you do not interfere with section 51 and the five rules. That is the argument I would make before the Supreme Court. We have heard high opinions quoted here from members of the other House. They may be all right enough; all of the gentlemen are able lawyers, but I am prepared to stake my professional reputation on the judgment of the Supreme Court as to the true meaning of section 51. The argument that it is not a proper time to bring in this Redistribution Bill because the census has not been taken, goes for nothing, because in 1893 an Act was passed to correct the Act of 1892, and if they had a right to correct at that time, they had the right to redistribute, so that that argument goes for nothing. There was no necessity for gerrymandering Mr. Joseph Rymal's riding. They took Ancaster from his riding for the purpose of politically assassinating him, and they did it. They added it to another riding forty or fifty miles away. I know that Mr. Rymal prided himself on that riding, the south part of Wentworth, one of the most beautiful ridings in all Ontario. It was the pride of his heart. In his righteous indignation he pleaded that violent hands might not be laid upon his splendid riding. He protested in the language of the chained gladiator:

I loathe thee petty tyrant;
I scorn you with mine eye,
I'll curse you with my latest breath,
And fight you till I die.
I will not beg for quarter,
I scorn to be your slave,
No, I'll swim the sea of slaughter,
Or sink beneath the wave.

Now, what further can I say? Here we have a harmless Bill introduced, not a single objection to the Bill itself. It comes down to this, that the opposition to this Bill is solely and absolutely and unqualifiedly that it shall not pass until after another election and another census. Well, that is a big mistake. I tell the Conservative party now that they will be making, to my view, a big mistake. If I were a Conservative, as I am a Liberal, I would rise in my place if I conscientiously opposed this Bill and protest against its passage. I would, if necessary, denounce it, but I would not take the responsibility of kicking it out. That is the way I understand they do in England. If it would be too great a strain on their consciences to vote for this distribution Bill, they might imitate the example of some members of the House of Lords and find it convenient to go out and take a little fresh air when the vote is being taken, if that would ease their conscience. This Bill is an emancipation proclamation of freedom to those who were enslaved eighteen years ago.

Hon. Mr. PROWSE—Half of them are dead.

Hon. Mr. KERR—If one of them is living he is entitled to justice. Are we to convert this Chamber into a modern Pretoria, and say that only certain people shall have their full franchise and that some shall be politically paralyzed? Why are we sending contingents to Africa?

Hon. Mr. MILLS—To fight the other Boers.

Hon. Mr. KERR—Why is the gallant son of Mr. Speaker, and other Canadian youth, the flower and bloom of our country, to-day, at this hour, treading the burning sands of South Africa, foot-sore, battle-scarred and weary, but that men should have, not their civil and religious only, but their political liberties as well, and the bones of many of our noble sons, fallen in that mighty struggle, will lie, and are lying now, amid the sands of that dark continent, and there they will lie for ever! Hon. gentlemen, I mean no disrespect in opposing this amendment, because, as the hon. gentleman knows, I respect and have respected him for long

years, and it is in direct contradiction to his teaching. I wish you could have heard the gallant knight as I have heard him in earlier days tell the story of the Battle of the Boyne and the Siege of Derry, and I am happy to say that his teaching has had no other effect upon me than to wish to abolish this tyranny on the electorate of this country. I would not so dishonour his name; and has that long, useful and honourable life culminated in this wretched amendment? Has it all come down to simply 'a six months' hoist?'

Tell it not in Gath; publish it not in the streets of Askelon!

The spirit of liberty is abroad in the land, and we cannot check it. The people of this country are going to have their rights. If they do not have their rights to-day, they will have them next day. If not this year, they will have them next year, and depend upon it, you will have to give up this unequal struggle, because the people of the country will rule. I have stated that the spirit of liberty, civil, religious and political, is abroad in the land. The battle cry of freedom that was raised in the Pass of Thermopylae and on the Plains of Marathon has been echoing along the pathway of nations, teaching men to do and to die for civil, religious and political freedom, as at Bannockburn, Waterloo, Balaclava, Kimberley and Ladysmith, and soon we shall see that flag, planted by loyal Canadian hands floating triumphantly from the battlements of Pretoria. To-night, or on the morrow, this Chamber will see—this country will see—the British Empire will see, civilized world will see, whether we have risen beyond the conception of liberty as under the rule of the President of the Transvaal. To-night, or the morrow, the people will see, how far in the evolution of the human race, according to Mr. Darwin's theory, how many in this Chamber have, and how many have not, got beyond the Paul Kruger stage of civilization.

Hon. Mr. VIDAL—This very interesting question has been so fully and ably discussed that it was not my intention to have spoken on it at all, thinking it quite unnecessary to repeat the very powerful and varied arguments already adduced, but a remark made by my hon. friend, the Secretary of State—and he is a personal friend of mine, to whom I am sincerely attached—a remark made by him, and which has been endorsed by the hon. gentleman who has just resumed his seat, seems to me to render it absolutely necessary for the protection of mine own name and character that I should utter a few words. The hon. gentleman ventured to say that every hon. member voting for this amendment placed himself in the position of countenancing a diabolical fraud, or, as the hon. gentleman said, associating himself as an accomplice after the fact in some great wrong. If the hon. gentleman would remember that he is not endowed with the only wisdom and moral goodness to be found in this Chamber, he would think for a moment, before he uttered such a condemnation as that, on those who differ in opinion from him, and who will vote for the rejection of this Bill. Surely he must know that there are persons in this Chamber of mature years, of long experience, of high character, whose morality no one questions, that differ from him in opinion, and because of that difference of opinion they are to be characterized as criminals, associating with criminals, countenancing a very hurtful and diabolical piece of work done by the Conservative party some years ago. I hold that such a remark should not be made here, and that it should be remembered that whatever position may be taken by hon. members on this question, their moral character, their recognition of right and wrong, should not be thus trampled upon or called into question. I consider, for instance, although I am not a lawyer and do not pretend to judge constitutional questions in the way they have been discussed here at all, that I have an ordinary share of common sense. I believe I have a very high sense of what moral rectitude is, and I believe my whole course in the Senate, and in the outside world, would justify my claiming to be exempt from any charge of countenancing wrong, because I have a different opinion from the person who so characterizes such an act. The hon. gentleman from Delorimier made a remark with reference to the Senate and its qualifications and duties. He admitted frankly and freely that it was right for the Senate, if anything was sprung upon the House suddenly, to refuse to pass it for the time being, but he forgets, or if he does not forget he does not mention, that the

Senate has other duties besides the duty of throwing out such a Bill. It has higher duties. It has duties here to judge of the measures from the House of Commons with all the fairness and justness which might be expected to be found in a body like this. One of the highest or most important qualifications is not merely the disposing of a Bill suddenly introduced, but also to guard against the introduction into the statute-book of measures which evidently are not for the benefit of the country at large, but calculated for the interests simply of a party which controls the Lower House. One of the highest functions of the Senate is to judge measures of that kind.

Hon. Mr. MILLS—Was that their duty in 1882 ?

Hon. Mr. VIDAL—It is their duty at any time. I hold that it is one of the highest functions of the Senate, when a measure is not considered to be good or necessary for the country, to throw it out. It is their bounden duty so to do. It is not that we are rejecting the will of the people. That is an absurdity. It has been very strongly asserted that the mandate of the people has been given with reference to this Bill. I think, really, to judge fairly the arguments presented to us last night by the hon. gentleman from Richmond, that there does not seem to be a shadow of doubt whatever as to the power, and limitations of the power, of the Senate with reference to this question. He gave us the clearest and strongest evidence of the procedure in the House of Lords on a measure very similar in its character to the one which is now presented to us.

Hon. Mr. DEVER—What was that ?

Hon. Mr. VIDAL—If the hon. gentleman was not present to hear it is not my fault. He gave us a full account of what was done, that before the House of Lords should pass a Bill relating to the franchise, they must also know the use which was to be made of it.

Hon. Mr. DEVER—The hon. gentleman from Richmond mentioned three or four measures before the House of Lords. Would the hon. gentleman be kind enough to tell us which one it was ? Was it Home Rule or the Disestablishment of the Irish Church?

Hon. Mr. VIDAL—The whole three of them.

Hon. Mr. DEVER—Which was it ?

Hon. Mr. VIDAL—It is not necessary to specify any of the three measures which he referred to. I speak on the general principle of the right and duty of the House to interfere with legislation of the House of Commons under certain circumstances. Speaking of a mandate from the people here, I differ totally from the view presented by the hon. gentleman from Cobourg (Hon. Mr. Kerr). I do not think we have any mandate at all, or anything resembling a mandate, with reference to this matter. It is true it formed a part of the programme which was arranged in 1893 by certain influential members of the Liberal party, but what was that ? It was not parliamentary. It was not a meeting of gentlemen elected to represent the people. It was a company of people with very strong views who met together and arranged in their judgment a very fine plan for the benefit of the country.

Hon. Mr. McCALLUM—But they did not carry it out.

Hon. Mr. DANDURAND—That programme was submitted to the people in June, 1896.

Hon. Mr. VIDAL—Did the hon. gentleman hear this programme discussed in the province of Quebec ? Did any one ever hear, upon any of the platforms, any mention of such a thing as the Redistribution Bill ?

Hon. Mr. DANDURAND—I shall answer the hon. gentleman by telling him that that programme was submitted to the people and distributed in circulars and the Liberal papers in the province of Quebec.

Hon. Mr. VIDAL—And what was the result ? The Senate, last year, rejected the Bill. Surely if there was a feeling of this kind in the country there would be some manifestation of it, and petitions would come in by the hundreds if the people were not satisfied. I hold that had the people, whose rights we are said to be interfering with, taken a deep interest in this matter, we would have had petitions here by the hundred praying for the passing of this Bill. But we have not heard a word nor received a petition from anybody. It is said this is

the second introduction of the Bill, and it was mentioned very quietly, it was intended to convey the idea to our minds that the people were asking it a second time. There never was a wilder fancy than that. They have never asked for it a second time, and I am satisfied, from my knowledge of the constitution of the Senate, and its members, that if this question were fairly submitted to the people even without the details which the hon. gentleman from Cobourg had implied that the hon. gentleman from Richmond mentioned, but if the people had an idea what they were voting for, just simply a Bill for the accomplishment of the very purpose of the Bill before us, and if that were voted upon by the people this Senate would not stand one hour in the way. They would carry out the will of the people as soon as ever they knew what it was. But the Senate does not believe that it is the will of the people that this Bill should pass. We have on former occasions differed from the House of Commons on some very important matters, and in my judgment and from what I have heard and read since, the views of the Senate have always been confirmed by the people at large. There has been no great public dissatisfaction with the action of the Senate. And what object have we in caring about one administration or another? We are not particularly interested whether it is a Conservative or a Liberal government. It should have no influence upon us, and our vote has no influence upon the government, and this matter, instead of being considered as before us on the mandate of the people, does not come to us in that capacity at all. I do not propose to go over the long arguments which have been presented, but it struck me when I was on my feet that I would like to meet one of the statements which have been made, which I think is wholly inaccurate, with reference to the real meaning of this Act of 1882, which has been condemned so strongly and pronounced so bad and so atrocious that it should not be on our statute-book at all. Since this Act was passed there has been a mandate from the people, the same mandate as the hon. gentleman from Delorimier refers to. Did not parliament three times appeal to the people after this 'villainous Act' of 1882 was passed, and did not the people approve of it? The people did not say it was wrong and that they must repeal it. Nothing of that kind was said. There were three distinct elections, and the country approved of the action which had been taken by that government.

Hon. Mr. CASGRAIN (de Lanaudière)—The dice were loaded.

Hon. Sir MACKENZIE BOWELL—Were they loaded in 1896?

Hon. Mr. VIDAL—I do not propose going into details. Dealing with this matter in a general way, I venture to say that, without knowing anything about its particulars, the charges against the Act are not justified at all, and I think I can maintain that position by the results which have flowed from it. It is quite possible that this document which has just been read to us by the hon. gentleman from Cobourg may have weight with some one. It has no weight with me whatever. I would like to know a little more about it, but I do know that we cannot presume to enter into the details of the Act which has been alluded to in that document. We do not know what the motives were. We do not know that that very document was acted upon. It was prepared and no further attention paid to it. There is no proof that it was a document which the then government acted upon.

Hon. Sir MACKENZIE BOWELL—The document states that I was called in to see what changes were made in my district. There never was any proposal to make any changes in my district, and therefore I could not be consulted about it.

Hon. Mr. MILLS—Does the hon. gentleman deny having seen the map?

Hon. Sir MACKENZIE BOWELL—I do not deny having seen a map. I do not know that I have seen this map. The man says he was promised $500 and never got it, which probably accounts for the letter.

Hon. Mr. VIDAL—Then, in reference to the figures which have been given to us by the hon. Secretary of State, I do not think it is worth while going back to all the elections which have taken place. It will be sufficient, I think, to take the election of 1896, and what do we find on an investigation of the figures? We find a totally different re-

sult, the very reverse of what the hon. Secretary of State says, and the figures which I will lay before the House will be few in number and can easily be remembered. The very fact that in the House of Commons the Liberals have a majority of over fifty shows that whatever was done in that Act, did not deprive the Liberals of their rights, and that is the best test of what the Act was, It was not an Act which took away the rights of the Liberals which were supposed to be interfered with by it. Then what do we find is the present state of affairs? I was so struck by the figures put before us by the hon. Secretary of State that I have taken a great deal of trouble and have endeavoured very carefully and accurately to sum up the figures. I have taken them from the Parliamentary Companion, which will be accepted by every one, and guided solely by that book, I have endeavoured to show the truth of my statement, and the incorrectness of the statement that the Liberals have been injured by that Act. In the election of June, 1896, the last general election, the summing up of the total vote gives the Conservatives 195,875, Liberals 170,934, Patrons 32,034, Independents 22,318. That is the total votes polled recorded in this book. By looking at the number of successful candidates and the number of votes which they polled, we arrive at this conclusion: Forty-four were elected as Conservative members. The votes for those forty-four were 108,850. Divide it by forty-four and we get an average of 2,474 for every Conservative member elected. There were forty-three Liberals elected, and the votes which they received were 100,610, which divided by the forty-three, gives an average vote for each Liberal member of 2,331. In the face of those figures where is the injury to the Liberals? If it requires 2,474 Conservative electors to return a member, surely it is not encroaching on the rights of the Liberals when they get a member for 2,331 votes—140 less required to elect a Liberal member. Is that not sufficient to show that whatever may have been the intention of that Bill, whatever may have taken place in the drafting of that Bill, the result was not to do any injury whatever to the Reform party? It left them actually returning a larger number of members with a smaller number of voters. I do not think that that is doing them any great injury. I have disregarded the Patrons and Independents on account of the impossibility of dividing them so as to know what their sentiments were, or what party they might belong to, in addition to their occupying that position. But it does not at all affect the general statement, and I notice, also, in connection with this question, that this very scheming in legislation has been much better done in Ontario than it was done by the Dominion. They seem to have been better up to that kind of work, regulating the constituencies, because, it is a most extraordinary fact that there is a larger number of Conservative votes required to elect a member than with the Liberals. I went carefully through their last recorded election in 1894, with this result. I find there were twenty-four Conservative members returned, there were twelve Patrons and two Independents, which I had to disregard on account of not being able to apportion the votes between the Conservatives and the Liberals. The Conservatives returned twenty-four members, and they had secured 57,608 votes. That gives an average of 2,400 for each member. The Liberals returned fifty-three members, and they secured 107,662, an average of 2,031. Hon. gentlemen will see how well it was done there. All through Ontario it took nearly 400 for every Conservative member more than was required for election of a Liberal member; and in the face of these figures it will be seen that instead of any injury to the Liberals, the wrong has been the other way. To be represented as they should be, and according to their numbers, the Conservatives should have a larger number of representatives than they now have either in the Dominion or the local House. When people talk of the great wrong done by the Act of 1882, they should look into the figures more closely. I undertake to say that no discrepancy can be found in my figures, and I trust hon. gentlemen have sufficient confidence in my honesty to believe that there is not the slightest attempt to cover them in one way or another. It is just an earnest search after the truth. I was so startled by the statement made by the hon. Secretary of State that it set me to work to look into the matter. I did not see his paper or know what it professed to

be. I do not propose to say much about the details of the Bill, but it comes to us announced very loudly and very strongly as being an attempt to remedy a great wrong. That is the strongest statement which has been made in favour of it, that a great wrong was done in 1882, and this Bill is to remedy that wrong. I have shown that in my judgment no wrong was done in 1882, and consequently in my view there is no necessity for this legislation. Then, again, if it is necessary to redress the wrong, why is it that this Bill is only partial ? Why is it that it does not deal with the whole question and the whole wrong done in 1882 in all the provinces as well as in Ontario ? I cannot see why. For that reason, I think the Bill is so defective and so incomplete that it ought not to be passed, that it is not the Bill to correct that wrong, even admitting that the wrong was done. If this Bill was very carefully considered in the lower House while being drafted, as I presume it must have been, there is one thing very strange, that when it came to this House a very important alteration was made in it, because the original Bill had a provision for the city and county of St. John, N.B. I understand that is a very important constituency, and there is some great wrong to be rectified there. It was in the Bill as it was introduced and was quietly dropped out. I do not know the reasons for it.

Hon. Mr. McCALLUM—The member kicked.

Hon. Mr. VIDAL—I have only to surmise the reason, and it strikes me that if it was a great wrong and the Bill was to remedy that wrong, why should that be left out ? I suppose the Minister of Justice will reply to all the arguments which have been advanced against this measure, and he may be able to give us the true explanation why the city and county of St. John has been left out of the Bill as submitted to us. To my mind, only two reasons suggest themselves: Either that the party spirit in the proposed distribution, as introduced in the other House, was so obvious and clear in that particular case that nobody could mistake it, and it was thought that it must be cut out, or it would jeopardize the whole Bill.

Hon. Mr. DEVER—Will the hon. gentleman allow me to tell him why it was taken out ?

Hon. Mr. VIDAL.

Hon. Mr. VIDAL—After I conclude my remarks. The other suggestion was that an influential member connected with that constituency was very much opposed to that provision being introduced, and it was to satisfy him that it was left out. If it was so, no matter what its importance, it was considered of such great value as to change the plan of the government. They could not afford to lose the one vote, but what does it all mean ? That that one vote was of sufficient consequence to lead them to forego the correction of a wrong to which they were committed. Surely, if that were the case, it would seem to indicate that coming events cast their shadows before. We can imagine the cloud rising in Manitoba throwing a rather heavy shade just now in this direction, and we may see a similar cloud in Prince Edward Island, showing that there must have been some little disturbance expected there, and I do not know but that what has taken place lately in British Columbia may have something to do with it. To my mind, it is very suggestive that it is sought to strengthen the Liberal vote by passing this Bill in order to have an additional supply. That is stated to be the intention.

Hon. Mr. MILLS—We would hardly know on which side the hon. gentleman was.

Hon. Mr. VIDAL—I try to be fair. The side that I am upon, if I am on any side at all, is for the good of the country and for the interests of the people, and if I saw that a wrong had been done, if it had been done by my dearest friend, I would vote against it. I do not see any proof of the wrong, and I do not see anything in the way of a mandate from the people that we should pass this Bill, and therefore I shall vote against it.

Hon. Mr. McCALLUM—Listening to all the arguments which have taken place on this Bill, a layman is apt to get confused. It appears to me, after hearing all this discussion about the constitutional law and the privileges of the Senate, that a great deal depends on how it affects the party. If constitutional opinions come in conflict with the party feeling, so much the worse for the constitution. Looking at this bill before us, one party says that we have no right to reject it at all. Now, I consider if we have

a right to pass it we have a right to reject it. If we have not, why appeal to us at all. Look at the Bill itself; what does it say? Look at the preamble of the Bill. It says:

Her Majesty, by the advice and consent of the Senate and the House of Commons of Canada, enacts as follows.

It cannot be passed without our sanction. We defeated this Bill last year—the same Bill with a little alteration? The only improvement, if it is an improvement, is in regard to the city of St. John. The necessity of this Bill is less now than ever. We are one year nearer the census. I may be a little more sensitive than some people, but it seems to me almost like an insult to send this Bill to the Senate again. What is the object? They might know it was a foregone conclusion that the Senate would reject it.

Hon. Mr. MILLS—'While the lamp holds out to burn.'

Hon. Mr. McCALLUM. That is a good one; I hope the hon. gentleman will apply it personally. Does the hon. gentleman fancy for a moment that we are going to swallow ourselves this year when he has not made any improvement? He has not even seasoned it. He has not put pepper and salt on it to improve it. Some hon. gentlemen have gone so far as to say they got a mandate to pass this Bill. A mandate from whom? From a few Grit politicians who met in caucus. Is that a mandate? I do not consider it. I have the Bill before me and before I sit down I shall read the mandate to see how far they have carried it out. I will try and deal with what my hon. friend from Northumberland said before I sit down.

Hon. Mr. DANDURAND—What have the other planks of the platform to do with this?

Hon. Mr. McCALLUM—After I am through speaking I shall answer any question the hon. gentleman may ask. I did not interrupt him and I will not suffer any interruption while I am speaking when the object is to throw me off my argument. What is the great object to get this Bill through? Are my hon. friends afraid of the electors of this country? Look at the majority the government has in the House of Commons. Are they afraid to appeal to the same jury? It looks like it. And why are they afraid? Because, all the many pledges they made to the people, except this one, they have scattered to the four winds of heaven. They are afraid to meet the people squarely. The Minister of Justice accused this Senate of being Conservatives—they wanted to load the dice in favour of the Conservative party. I deny that. But the hon. gentleman, and those who act with him, want to load the dice in favour of the so-called Reform party, because they are afraid to appeal to the people who returned them to power. Why not wait and carry out the practice we have always followed since confederation, that is, every ten years, when the census is taken, we readjust the constituencies. We have heard from the hon. gentleman from Sarnia that the government has the advantage now, as between the parties. But they want to play with loaded dice, and as long as I am here they can not have my vote to sustain anything of the kind. I am satisfied there are many hon. gentlemen here who take the same view. I feel we should have every opportunity to have a fair election in this country. The Secretary of State tells us that he wants to have a pure election—that he wants to carry the elections on public morality. I said, while he was speaking, 'stick to that.' The idea of hon. gentlemen talking about political morality before people who know what is going on in this country now, especially those who know about the way the machine is working in the province of Ontario! It has been at work in West Huron and Brockville, and those gentlemen who are talking about purity of elections and fair play are the same gentlemen who called on their mechanical majority in the House of Commons to vote down an attempt to inquire into the rascality of interfering with the ballots. They talk about purity of elections, when they refuse to look into the rascality going on in these counties in Ontario! A man made an affidavit in Detroit, describing the rascality that went on in Ontario. What did the party do? Somebody offered him $100 a month if he would swear he was not at the Brockville election. The government are afraid to face the electors, and they want to load the dice. The people will surely punish them when

the time comes unless they mend their ways, and they must mend them soon. The hon. Secretary of State submitted diagrams of the constituencies to show how constituencies were cut. I asked him if he could show us Tuckersmith, but he could not, that was not in his line. He was the man of all others responsible for the Tuckersmith swindle in this House. I remember when Malcolm Cameron was a candidate for South Huron, and Greenway, afterwards Premier of Manitoba, was his opponent. Malcolm Cameron was declared elected, but there was a petition against him for corrupt practice. What did he do? He introduced a Bill in the House of Commons to take Tuckersmith from Centre Huron and add it to his constituency in order to load the dice, as my hon. friend the Minister of Justice wants to do now. The Bill passed the Lower House and was presented here. The hon. Secretary of State was the man that fathered it. It was all right, he said; the Bill did not make any difference because both candidates were supporters of the government of the day. But what was the result? The Senate threw out the Tuckersmith Bill, an election was held and Mr. Greenway was successful. He came down here to parliament. He wanted to be introduced in the House by one member from each side. He was introduced and was not long there before they brought some influence to bear upon him—I do not know what, I was not behind the scenes, but they got Mr. Greenway to support them. They gave him a good start in the North-west by good advice or something else. I would like to read the speech which the hon. Secretary of State delivered when he introduced the Tuckersmith Bill to show how harmless it was to load the dice in favour of a supporter, but it would not go down in the Senate, it was thrown out. That is a long time ago, back in 1874, but they think now it is forgotten. The injustice they tried to perpetrate on that occasion will not soon be forgotten in this country. It will take a long time to wipe out such a measure by talking goody-goody and about preserving morality of elections. Act wrong once and it is bound to follow you. The hon. Secretary of State said at the time the Tuckersmith Bill was a measure affecting two constituencies in the county of Huron. Changes were made in the division of the two ridings. He continued:

He was not aware that there was any opposition to the measure. Of course it was quite competent for the Senate to interfere with legislation of that kind, but in a matter that was local in its character, and where it was a natural change to make and one that affects only the representation in the other branch of the legislature, he thought this House might acquiesce in the reasonable proposition made to it, and pass this Bill. It could not be said that the change bore a political complexion, as both ridings were represented by gentlemen of the same party.

Letellier de St. Just also said that the Senate had a perfect right to throw out the bill. To-day they tell us that we must pass this Redistribution Bill. There are other matters in connection with this measure that if properly looked into will not stand the light of day. I have before me the Tuckersmith Bill, and it is worth placing on record. It is as follows:

An Act to amend the Act 35 Victoria, chapter 13, intituled 'An Act to readjust the representation in the House of Commons.'

Whereas, by the Act passed in the thirty-fifth year of Her Majesty's reign, and intituled 'An Act to readjust the representation in the House of Commons,' the county of Huron was divided into three ridings for the purpose of representation in the House of Commons, the said ridings being called respectively the south, centre and north ridings—the south riding consisting of the townships of Goderich, Stanley, Hay, Stephen, Usborne, and the village of Clinton, and the said centre riding consisting of the townships of Colborne, Hullet, McKillop, Tuckersmith, Grey, the town of Goderich, and the village of Seaforth; and whereas, the said township of Tuckersmith by natural boundaries and geographical position should form part of the said south riding; and whereas, a large majority of the electors of the said township of Tuckersmith have petitioned parliament to be detached from the said centre riding, and to be attached to the said south riding for the purpose of representation in the House of Commons; and it is desirable to grant the prayer of the said petition, and this to make the said riding as compact as may be, and to have the several municipalities comprising the same contiguous to each other; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The centre riding of the county of Huron shall hereafter consist of the townships of Colborne, Hullet, McKillop, Grey, the town of Goderich, and the village of Seaforth.

2. The south riding of the said county of Huron shall hereafter consist of the townships of Goderich, Stanley, Tuckersmith, Hay, Stephen, Usborne, and the village of Clinton.

3. This Act shall not affect the elections which heretofore have taken place for the present parliament.

The Secretary of State said also the other day that there is no way you can offend the people so quickly as by interfering with

the franchise. I said then in reply to him, 'I agree with you,' but now on thinking it over, I find there is one other way you can offend them more, and that is by having a machine to count the ballots for the wrong man, as was done in the county of Huron, a crime which the government of the day refused to investigate. That will offend the people more, and the government will lose more support for that than for anything else. I am not going into the rascality which took place in Elgin. I am dealing with the Dominion elections in South Huron and in Brockville. The government is bound that we shall not get at the facts, but we know enough to show how ballots were 'switched,' and that is why they want to get this Bill through, to see if they can load the dice and pack the jury so that they can snap a favourable verdict from the country. The hon. Secretary of State said further that he wanted to carry on the government on the ground of political morality. That is the old cry. I remember him a long time back speaking of political morality and purity of elections. Does the election in South Huron show political morality? Would the election in Brockville show political morality when the hon. gentleman's party offer a man $100 a month if he will swear he was not at the election in Brockville? How will they explain their conduct before the people of this country? How can they explain their refusal to permit an examination of the ballots in the South Huron election that were partly examined last year? They have not the excuse they have in Toronto. They have not burned the ballots yet—at least, I do not think they have. I cannot see for the life of me why the men who sit as the representatives of those two constituencies in the House of Commons do not resign and go to the people again. The Secretary of State offered an excuse for how his party got defeated in 1878. He said there was a depression all over the world at that time from 1874 to 1878 while the Reform party were in power. We know that. There was a depression particularly in Canada. That was the time when Canada was a slaughter market for United States manufactures and our people were not employed. In fact, that was the period of the soup kitchen in this country, it was the time of the fly-on-the-wheel policy. I agree with the first part of the hon. gentleman's excuse. I admit there was a depression, but the government refused to act. They said they had nothing more to do with the prosperity of this country than a fly on a wheel might have with the turning of the wheel. The Conservative party appealed to the country. They made pledges; as my hon. friend from De Lorimier would call it, they had a mandate. They said to the people, 'If you elect us to parliament we will protect the interests of the country.' The Liberals said, 'You cannot do it.' Did the Conservative party carry out the pledge that they made on that occasion? They carried out every one of their pledges. If that was a mandate they carried it out. But what have these gentlemen done? They talk about having a mandate. Where do they get it? No one gave me a mandate to do so and so no one can command me except Her Majesty. I am free born, as every hon. gentleman present here to-day is, and we are not to be influenced by such arguments to load the dice so that the men who have misgoverned the country shall be returned again. They pledged themselves to parliamentary control over expenditure, to let contracts by tender to the lowest bidder, to purity of elections, and economy in expenditure. In this mandate they were told to economize the expenditure, have they done so? They said at one time that $35,000,000 was more than 5,000,000, people could pay annually. What did they do? They increased the expenditure and that is why they are afraid to face the people, and they want us to help them to load the dice to ensure their return to power. I do not wish to say anything disparaging of the hon. Minister of Justice. I think more of him than I did formerly. I think if he had a free hand things would be very much better. When I spoke last time I did the hon. minister an injustice and I am no man to do another injustice without putting the matter right afterwards. Speaking of those two anxious days here, the time the statement was made 'Not a man not a dollar,' I said that those sitting at the Council Board were equally guilty with Mr. Tarte and Mr. Laurier, and I named them. I found out afterwards that my hon. friend the Minister of Justice was not there. He was in the North-west; I withdraw that statement as far as he is concerned, be-

cause no matter how much I may differ from him politically, no matter how much I may dislike some of his actions, politically, on that question I exonerate him, and I say that I think he is loyal to the core. There is another point that they were very particular about, another pledge before the people, another plank in the platform. That was with reference to members of parliament being employed by the government. In the other House they went so far as to introduce a Bill to do away with this crying evil, and how do we find it to-day? Has it decreased? I would feel ashamed if I advocated one thing and submitted a Bill to parliament on any good grounds that I should pretend to desire to carry out and would not really carry out what I intended to do. We know, after all this, that they carried out the practice even after the introduction of the Bill. I have a copy of the bill here, which is as follows:

An Act better to secure the Independence of Parliament.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Except as provided by chapter eleven of the Revised Statutes, intituled 'An Act respecting the Senate and House of Commons,' no person shall be eligible to be appointed to any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the members or officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, while he is a member of the House of Commons or until at least one year has elapsed since the disssolution of the parliament of which he was a member.

After recess, I will read Mr. Mulock's speech when he introduced this Bill. I think that should appear in the debates along with the Bill. We can look back to a member of parliament from the province of Quebec, who had suffered a good deal for his party, who had an offer from the government, who was to be governor of Quebec. He had Mr. Laurier's promise in his pocket: He kept it there for a session or two until he could stand it no longer. Then he threatened to kick, and when he took up the gun, like Mr. Crockett's coon, Mr. Laurier came down accordingly. But, he could not get the governorship. They had to get Mr. Jetté to resign his position as judge, and then they appointed him to the position.

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

AFTER RECESS.

Hon. Mr. McCALLUM—When the House rose at six o'clock, I had not quite concluded my remarks. I would like to read to the House the speech of the present Postmaster General in the House of Commons when he introduced a Bill into parliament to prevent members of parliament being employed by the Crown. Mr. Mulock moved for leave to introduce Bill (No. 111) better to secure the independence of parliament. The report in *Hansard* is as follows:

Mr. FOSTER. What are the principles of the Bill?

Mr. MULOCK. The object of the Bill is to accomplish what its title indicates, further to secure the independence of parliament. It has been the constant effort of parliamentarians to secure on the floor of parliament the free, unbiassed expression of the will of the people, and from time to time legislators have directed their attention to the removal of all obstacles in the way of the accomplishment of so desirable an end. Our predecessors have from time to time provided against biassing influences, as for example, the presence of placemen in parliament. That is recognized now as a condition of affairs which should not be tolerated in a free parliament. There are a few exceptions to the Act respecting this House, but the general principle has been affirmed long years since, that members of parliament should not owe any divided allegiance; a member of parliament should represent freely and fully the will of the people who sent him here, and, to speak inoffensively and yet perhaps in an apt way to describe my view, he should not accept the shilling from any side of the House to the extent of being in any way hampered in the discharge of his duties or rendered at all otherwise than free to act as his best judgment dictates in dealing with all questions before the House. Now, it is impossible for one to shut his eyes to an abuse which has grown up in the Canadian parliament, more particularly in the House of Commons, an abuse that is far-reaching and is attended by more evils than the one to which I particularly allude, but none equal in magnitude to the evil of menacing the independence of parliament itself. What I refer to is members of parliament and members of the House, applying to the government of the day for positions in the gift of the Crown, positions of emolument which if they were to accept would at once disqualify them from remaining members of the House. Why? Because the moment they have entered the public service as civil servants they would cease to be free, they would be servants of the government of the day, and therefore, to that extent, not untrammelled to represent their constituents. Well, Sir, I would like to know if a man is more free who is an applicant for a position or who has received the promise of a position from the government of the day as soon as it may suit them to appoint him. How many members are there in this House to-day in that position? There are a considerable number.

Some hon. MEMBERS. No, no.

Mr. MULOCK. Yes, a very considerable number of members of this House to-day are applicants for public offices from the government that

they are supporting, and several have promises of such positions. A short time ago the Premier of this country wrote a letter to a member of the House stating that ten seats in the Senate had been promised. He did not say they had been promised to members of the House, but I have not the slightest doubt that a very considerable number of these seats are being kept vacant for some members of the House. We know, and the country knows, that public offices have been kept vacant now for years which ought to have been filled or abolished long since, in order that when a fitting time arrives, members of the House might be appointed to these positions. It is not very long since a member of the House was appointed to a position, the promise of which, I understand, had been made to him whilst he was a member of the House, and he continued to be a member for a length of time after the promise was made. How can a member of the House who has the promise from the government of a position of emolument be free to vote or take a stand as a representative of the people against the will of the government? However independent he may desire to be, that relation entirely destroys his usefulness as a representative of the constituency which sent him here. Further, Sir, to regard parliament as primarily a stepping-stone to office is calculated, in my judgment, to lower the dignity of parliament. I do not deny that members of parliament, after the lapse of a proper period of time, may have an equal claim with others to public office, but it will be a deplorable state of affairs if the idea comes to prevail that the best way to secure public office is to be a candidate for parliament or a member of parliament. Men will come here not to serve their country generally, but the government of the day in order that they themselves may profit and the interests of their constituents will only take a very secondary position. I think, therefore, considering the magnitude of the evil that the time has arrived when parliament must assert itself. I think I am not outside of the remark when I say that from 15 to 20 per cent of the members now supporting the administration have promises of a situation, and depend upon the government to carry out these promises. Such an element in parliament is calculated to lower the influence of public opinion in the House, and entirely defeat the object of our parliamentary system.

We are told that we have a mandate from the people to pass this measure to amend the Redistribution Act. What mandate have we received in reference to it? It is true that at a Grit convention they spoke of passing this Bill, but a great many other matters were also referred to. There are ten items in the manifesto of that convention. My hon. friend says that this platform was published all through the province of Quebec, and that is why I call it a manifesto. What right has the Reform party in this country to publish this document in the province of Quebec and call it a mandate to the Senate?

Hon. Mr. MILLS—Allow me to interrupt for a moment. There is a misapprehension. We do not speak of that manifesto as a mandate, but we speak of the ratification that was given to that by the electors returning a majority to parliament as a mandate from the people.

Hon. Mr. McCALLUM—And this is one of the ten pledges, and I shall deal with the other nine later on. If the government were endorsed by such a large majority at the last election, why are they afraid to go to the electors without a packed jury? Have they sinned so much that they are afraid that they will be found guilty? My own opinion is that they will be convicted. A mandate issued from a caucus of politicians is not binding upon us. Then, tariff reform is another plank in that platform. How much did they reform the tariff?

Hon. Mr. DANDURAND—Thirty-three and a third per cent by the preference to England.

Hon. Mr. McCALLUM—I know they talk of preferential trade with England. They told the people what an advantage it would be to the farmers if they could sell their mutton, beef, grain and cheese in England by getting a preference in England over other countries. Did they get that preference?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. McCALLUM—Talk about tariff reform. I question very much whether the people of this country assented to tariff reform. I am a loyal subject of Her Majesty.

Hon. Mr. DANDURAND—I doubt it.

Hon. Mr. McCALLUM—But I do not want the people of Canada to go in debt for silk and shoddy to bring into this country. With so many men idle in the country we ought to be able to produce enough to support ourselves. But it is a spendthrift government and we are going in debt. Is the balance of trade in favour of this country? No. I say we should extend that trade. We want a quid pro quo. We must deal with John Bull the same as with any one else.

Hon. Mr. DANDURAND—That is not loyal.

Hon. Mr. McCALLUM—The hon. gentleman wants to buy loyalty. That is not my

way of being loyal to my Queen and country. Then another plank was reciprocity. Where is it ? What is it ? Is it unrestricted ? That was the policy of the party at one time ? They were going to give us reciprocity. What have they done to get it ?

Hon. Mr. DANDURAND—The hon. gentleman's party could not get it.

Hon. Mr. McCALLUM—There is one thing we would not do. The lever we had to obtain reciprocity was to exchange corn for barley ; the government were good enough to take the duty off corn and give it to the United States the same as they are giving things to England now, without any compensating advantage. Then the next plank is 'Corruption condemned.' What good people they are ; and they are steeped to the lips in corruption to-day, and they say 'Corruption condemned.'

Hon. Mr. DANDURAND—Curran Bridge.

Hon. Mr. McCALLUM—I am not talking about the Curran bridge. I wish the hon. gentleman would not interrupt me, I do not mind it much, but two can play at that game, and if he takes my advice he will keep quiet. Corruption is a thing we ought to deal with. My hon. friend the Minister of Justice told us we had county councils and municipal councils in the towns of Ontario, but they did not tell us they had a machine there. I do not say he knows anything about the machine. I do not accuse him of that, but I accuse him of being a member of the government which is trying to stifle the wrong-doing in the elections at West Huron and Brockville. I do not hold him personally responsible for it, but he is in bad company. Then the next plank is economy. That is a beautiful word. They were very economical ! What have they done in reference to the expenses of the country? There is no necessity for me to go over it. Hon. gentlemen know how they have increased the expenditure without rhyme or reason. Then responsible government : I do not know what that means. I thought we had responsible government before. But this government thinks they are not responsible to the people. They do just what they please. Then the next plank, 'The law as to settlers.' I do not know what that means ; it is not explained here. What do they mean to do with the settlers ? Do they mean this gang they brought over from Russia, the people we are feeding in order to keep them in the country, while we are assessing honest men to bear the expense ? Probably the hon. gentleman from Northumberland might explain that, but I suppose he could not because the *Globe* does not say anything about it. If he had seen it in the *Globe* he could have told us all about it. Then we have the Franchise Act. Of course that is what we are dealing with now. Then Senate reform.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. McCALLUM—That hear, hear, was rather weak. It will be weaker yet. Let the House of Commons reform themselves. There is much need of it. They make false pledges before the people of the country and scatter them to the four winds of heaven. That is why they want reform. The people will reform them when they have the chance, and the Senate is not going to be foolish enough to load the dice to keep the present government in power.

Prohibition, what about that ? That was another pledge. What have they done with it ? It cost this country a good deal of money to take the plebiscite.

Hon. Mr. PROWSE—They got a mandate.

Hon. Mr. McCALLUM—And what have they done about it ? Perhaps the hon. gentleman from de Lorimier will tell us by-and-by. I have gone over the ten items that they got a mandate for. A mandate from whom ? A mandate from a Grit caucus to tell the Senate what to do. They call it a mandate. I call it a manifesto, because it was published throughout the provinces of Ontario and Quebec. I should think a man of the great knowledge of the hon. gentleman from West Northumberland (Hon. Mr. Kerr), a man of his standing at the bar, would have something better to give us than an article from the *Globe* newspaper—a newspaper which has been the party organ, right or wrong. He reads that to us and tries to make the Senate believe from it that this Bill is right. He struck a good attitude, and I know he is qualified to make a much better speech than he gave us to-day, but he was working against wind and tide, and when he could not do anything else he read an article from the *Globe*. Mr. Mulock gave the pledge to which I have referred. Let us see how he carried it out.

Since these gentlemen have been in power, sixteen members of parliament have been appointed to office. I do not consider it a crime, but the man who brought in such a Bill as the one I have read here to-day in order to make political capital, and then go back on it all, is false to his pledges to the people. I do not care how many good men the government appoint to the Senate or to the bench, but I do object strongly to the judges of this country taking part in the redistribution of the constituencies or in political elections. Judges had political feelings before their appointment, just as well as other people. Have they lost them since? Has Sir Oliver Mowat lost his because he was a judge on the bench? Have other judges lost theirs? The people of this country think highly of our judges, but the moment you bring them down from their high position to take part in political affairs, you belittle them in more ways than one. It is the first step to do wrong, and you will go further until you give the criminals of the country a voice in selecting their judges. I do not want the judges to have anything to do with the redistribution.

Hon. Mr. BERNIER—The first thing upon which I shall venture to express an opinion in dealing with the Bill now before us is the theory of keeping to the municipal boundaries when readjusting the different electoral districts of this Dominion. I must say that I am in sympathy with that proposition. In so far as it is practicable, I really believe that it is a sound policy. But we must not forget that this is not always possible in a new country like ours. And even when it is done at the time of the readjustment or redistribution, we are liable to find out after a few years that the rule does not apply any longer, because the provinces themselves have thought proper to alter those municipal boundaries on account of some changes in the circumstances of the population, such as an increase of that population. For instance, in the province of Manitoba I do not think that we can find any single period of five years during which some changes in the municipal boundaries have not taken place, just on account of the progress of the province. Consequently I do not think there is much after all, and for the present, in that theory, especially when we consider that whether this rule is adhered to or not, it does not prevent the electors going to the polling places, nor does it prevent the expression of public opinion. This assertion is borne out by the result of the elections of 1896, which took place under the redistribution made in 1892, by a Conservative government. It did not prevent the accession to power of a Liberal government. It must also be taken into consideration that the instances where the limits of the electoral divisions are not co-terminous with the municipal boundaries are an exception and a very small one.

We have heard several of the hon. gentlemen on the other side of the House complaining that an injustice had been inflicted on their party by the Redistribution Bills of 1882 and 1892. Of course this is quite debatable. But granted, for the sake of argument, that some injustice was done to the Liberal party then; it seems to me that we might very well say that the injustice complained of has been cured by the elections of 1896. These elections have shown that whenever the people think that a change of government should take place, no readjustment or redistribution of the seats can prevent it. And I may add that these elections have also shown that the complaints of the hon. gentlemen about the alleged injustice done to their party must be somewhat exaggerated, since they have been returned to power under that readjustment and with as large a majority as any government in this land ever had. What do we propose now? We simply direct these gentlemen to go back to the country as shaped, in so far as the electoral constituencies are concerned, when they were returned to power; we propose to give them an opportunity of having their political record approved of or condemned by the same electorate that elected them, and of securing a verdict in their favour or against them from the same set of jurors that were called to give their findings in 1896!

Hon. Mr. MILLS—Supposing we were beaten, and the other side came in, would you send them back to the same constituencies before you would permit the redistribution to take place?

Hon. Mr. BERNIER—Well, I shall not be a member of the next government. and I

leave that for the ministers of the time to decide.

Hon. Sir MACKENZIE BOWELL—They are obliged to redistribute after the census, no matter who is in power.

Hon. Mr. BERNIER—Looking at this subject broadly, I say that if there was originally a serious injustice done to the Liberal party, it has been very materially remedied since, and whatever may remain of it now is so small and so doubtful and so vague that it has become a matter of secondary importance, while the essential thing to be taken into consideration is whether such legislation can with propriety be introduced at this period of the present parliament, and whether such legislation, at this time, was ever contemplated by the framers of the constitution. One of those who have laid stress on the alleged injustice done in 1882 and 1892 to the Liberal party is the hon. Secretary of State. Now, I am sorry not to see the hon. gentleman at his seat now. It was my intention to ask the hon. gentleman—and I had hoped that he would have been willing to give me an answer, whether he does not really believe that to fling on the country such a measure on the eve of a general election is a most objectionable policy? As the hon. gentleman is not in the Chamber, I shall try to have an answer to my question in some other way. A distinguished member of this House said in 1882, in connection with the Readjustment Bill of that time:

> I maintain (Senate Debates, 1882, page 721) that this question of representation is too delicate a subject to be treated in the way it has been.... It ought not to have been approached on the eve of an election, when political feeling is aroused. . . .

And elsewhere in the same speech (Senate Debates, 1882, page 716), the same honourable gentleman said:

> A measure of such consequence in the opinion of all fair-minded men, is one which should not be flung on the country just on the eve of a general election.

And now let us find who uttered these characteristic words! who stamped the present Bill with the seal of impropriety? Who has censured in such terms the action of the present government, approaching to-day such a delicate matter just on the eve of a general election? No less a personage than the hon. Secretary of State himself (Hon. Mr. Scott). According to the hon. gentleman and to his Liberal supporters it was then an outrageous thing on the part of the Conservative government to bring down a readjustment measure at that time, on the eve of a general election. But, for a Liberal government it is the right thing to do, notwithstanding the fact that we are also on the eve of a general election. And, mark! There was this to be said in favour of introduction of such a measure in 1882 by the government of the day, although it was on the eve of a general election. Section 51 of the constitution made it obligatory upon that government then to proceed to a readjustment of the seats as a consequence of the census that had taken place the year before. It reads:

> On the completion of the census of 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted. . . . . .

The government of that day had to obey that mandate of the constitution. But to-day what are the circumstances? There is, in so far as the Bill now before us is concerned, no such mandate in the constitution. Not only are we to-day on the eve of a general election, but we are also on the eve of an obligatory readjustment, consequent on the decennial census that is to be taken next year. Then, if we make the redistribution that is now proposed to us, we will have within the space of two years, two redistributions of seats. I cannot believe that this was intended by the framers of the constitution. Holding this view, it seems to me that it is the duty of this Senate to interfere and to prevent such a breach of the spirit of the law.

I now return to the hon. Secretary of State. Pursuing his line of argument, that hon. gentleman reminded the Senate that it had 'a great duty to perform,' and accordingly he closed his remarks by moving the three months' hoist. From the utterances of the hon. gentleman, and from the course he took on that occasion, I draw two or three conclusions. 1st. The hon. gentleman affirmed the impropriety of approaching such a subject on the eve of a general election, thus condemning in advance the action of the present government, of which he is a member. 2nd. By moving the three months' hoist he affirmed the right of the Senate to deal with the

matter. 3rd. His inconsistency is so glaring that he must of necessity forgive us if to-day we do not allow ourselves to be convinced by the speech with which he treated the House on Friday night.

I have just stated that the hon. Secretary of State affirmed some eighteen years ago the right of the Senate to deal with a Bill of this kind. He was not alone at the time in expressing that view. In fact, I do not believe the hon. gentleman takes a different view to-day. Quite the contrary. He and his colleagues are forced to admit that the Senate is within its jurisdiction in rejecting the present Bill, if it choose to do so. But while they are obliged to recognize the jurisdiction of the Senate, that concession of theirs is surrounded with restrictions and threats which we cannot ignore. Hence, the obligation on our part to give some attention to that subject. As to the threat, I have not much to say, except this : that no threat whatever will deter this House from doing its duty according to its understanding of the position it occupies in our parliamentary institutions and before the country. I may add that it does not behoove the government or its friends to speak so as to undermine, as it were, the political institutions of their country. If the Liberal party is in earnest when it says that it intends to reform the Senate or dispense with its services, let the government of its choice come down with a measure to that effect. The Senate can court the hostility of the Liberal party and the action of the government in that regard. It feels to-day that it has more grasp upon public opinion than it had at certain times in the past. Again, I say, let the government bring down their measures with regard to the constitution of the Senate in an open straightforward manner. Such a policy we could understand, although opposed to it. But until they choose to do so, they should not try to belittle one of the great political bodies of this country, nor should they indulge in misrepresentation about its rights and deeds.

As to the restriction with which the government and their friends want to entangle the action of the Senate, in so far as the Bill now before us is concerned, it is an easy task to have them removed. Parliamentary traditions, as well as constitutional principles, both here and in England, are clear on that point. That proposition I shall establish by the following quotations. In 1874 in dealing with the case of Tuckersmith, the hon. Secretary of State said :

> Of course it was quite competent for the Senate to interfere with legislation of that kind. (Tuckersmith case, Senate 'Debates,' 1874, page 266.)

In 1882, the hon. the present Minister of Justice (Mr. Mills) dealing with the readjustment Bill, questioned the right of the Senate to alter the Bill in some respects, but readily admitted its right to reject it. He said :

> This measure was properly introduced and considered in this House (House of Commons), and it was open for the other Chamber to accept the Bill or reject it. ('Hansard,' 1882, p. 1565.)

Sir John A. Macdonald said in 1882—(*Hansard*, page 1563) :

> There is no doubt in the world that the House of Lords has a right, and has exercised the right, to deal with the question of the representation of the House of Commons. The House of Commons admitted that right by the manner in which the Reform Bill of 1832 was dealt with. That right was never disputed until it was disputed by the hon. member for Bothwell to-night. This matter stands upon a different footing entirely from the Supply Bill. The hon. gentleman's memory and reading will tell him that the House of Lords did deal most independently with all matters of representation, that they have a right to protect the people in those matters and I defy either of the hon. gentlemen to say that the House of Commons of England have ever denied to that branch of the legislature the right to intervene and express their opinion legislatively on the question of representation. There can be no doubt about that question, though of course it may be a matter of expediency as to the extent.
>
> Mr. Macdougall—They may have the power, but not the right.
>
> Sir John A. Macdonald—Legal power is right, but the expediency of exercising that power is a different affair. The only matter in which the House of Lords cannot interfere is the Supply Bill. We know that when the Senate threw out the Tuckersmith Bill, the hon. gentleman did not deny the constitutional right of that House to interfere in the matter ; and they interfered rightly and well on that occasion, because they prevented a breach of the British America Act, by so doing.

If any gentlemen in this House have felt doubtful as to the rights of the Senate to interfere in this matter, I hope that the quotations just made will have the effect of clearing their mind of such doubts. And our interference to-day has no other object than to prevent 'a breach of the British North America Act,' as intimated by Sir John A. Macdonald, who then referred not to the letter of the constitution, but rather to the spirit of the law.

What I want now to impress upon the minds of the hon. gentlemen of this House is the principal object that we should have in rejecting this Bill.

I do not question the technical right of parliament to make a redistribution at any time; and right here I want to enter again my protest against the misrepresentation that has been made of the position taken by the Senate last year on this question. In order to place the Senate in a false position before the public—the Canadian and English public—a gentleman (Mr. Fitzpatrick, Solicitor General) whose official position in Canada should induce him to guard himself against such an indiscretion, has represented that the Senate of Canada had declared that a redistribution of seats, except immediately after each decennial census, was unconstitutional. That was a misrepresentation unworthy of the gentleman who made it, unworthy of the government which called him to the high position he occupies, unworthy of them all on account of the object that was sought to be served. A campaign of hostility is carried on by the party in power against the Senate, and any weapon against this body seems to be in order with some of these gentlemen. In this instance, the weapon was the misrepresentation of the facts, with a view of deceiving the people and thereby carrying away and astray public opinion with respect to the views and the action of the Senate. The very reverse of the representations made is the truth. Let me quote the resolution adopted last year. It says:

That it be resolved that it is inexpedient to proceed further with the Bill now under consideration inasmuch as it is provided by section 51 of the British North America Act, that the representation of the provinces in the House of Commons shall be readjusted upon the completion of each decennial census subject to and in accordance with the rules of the said Act set forth, and as the next decennial census will under the provisions of the Confederation Act be taken in 1901, a readjustment of the constituencies in the Dominion made previous to such census being taken would, in the opinion of this House, be a violation of the spirit of the said Act.

What is the true and honest construction to be put on this resolution? It is a plain assertion of the technical and legal power of the parliament of Canada to deal with that subject, but, at the same time, it affirms that it was not contemplated by the framers of the constitution that a redistribution of this kind should take place at this time. Hence, in the resolution these words, that 'it would be a violation of the spirit of the constitution' to adopt now such a legislation as that. It was well perhaps to leave the door open for legislation. Because, as the experience of years has shown, clerical errors may crop up in the decennial readjustment, and these as a matter of course should be corrected, as it has been the practice to do. But this practice is not antagonistic to the contention that it was contemplated that actual and formal redistribution should not take place more than once in every ten years. This view is in accord with the interpretation given to the constitution in the early days of our confederation and since by men of high parliamentary authority; it is also in accord with the rule acted upon by parliament itself. In the year 1872 Sir Leonard Tilley said:

A time might come and will no doubt arrive at the next decennial census when it would be necessary to readjust constituencies. ('Hansard,' 1872, p. 113.)

Of course, there is no precise assertion here that a redistribution cannot take place at any other time than after the decennial census. But these words most assuredly convey the idea that at that time no one regarded as a probability the recasting of the electoral map except after each decennial census. We find the same views in these words of Mr. Alexander Mackenzie, speaking on the same occasion. He said:

The Bill was brought in, it was to be supposed, for the purpose of complying not only with the letter but also as far as possible with the spirit of the Act of Union. But while it did comply with the letter by giving the provinces, that had established their rights, by a greater increase of population, a greater representation in that House, it did not fulfil the idea of those who had long advocated the principle of representation according to population in that House. They found in some of the more populous districts, that were very rapidly filling up, which before the next ten years would nearly double their present population, no regard had been paid to the great increase that had been taking place. ('Hansard,' 1872, p. 127.)

Now, what do we find here? Mr. Mackenzie complains that in readjusting the constituencies sufficient regard has not been paid to large tracts of the country where the population is increasing. He contends that an injustice will be done to those districts if that increasing movement of population is not now taken into account in readjusting the seats, and his

complaint is that such injustice will last for the next ten years. Mr. Mackenzie would have had no reason to express himself in that way if he had not had in his mind the opinion that no redistribution could properly take place except after the decennial census. Because, otherwise, a redress to the grievance complained of could have been afforded at any time, when it would have been manifest that these territories were entitled to an increased representation. Now, in 1874, we find Sir Alexander Campbell, one of the fathers of confederation, as was Mr. Mackenzie, delivering himself of the following words when speaking on the Bill known as the case of Tuckersmith :

It was in accordance with the law that the representation of the people should be settled every ten years, after the census has been taken, but this (Tuckersmith Bill) was contrary to the spirit of the law.

This language is plain enough, it seems to me. That Tuckersmith case was an occasion when it was sought to legislate, not to correct a clerical error or remove some disabilities, but for a party advantage. The Senate then interfered to preserve the spirit of the constitution and 'rightly interfered,' as Sir John A. Macdonald said in 1882.

I am now going to quote a few words uttered in 1882, by the hon. the present Minister of Justice. But before doing so, I want to preface those quotations by intimating to him and to the House that I do not want to make him say what he did not say. The hon. gentleman did not say in express terms that a redistribution should not take place except after the decennial census, but he spoke in such a way as to lead every one to believe that such was the time to which he himself looked for a redistribution to be made. Here are his words :

When you propose arbitrarily every ten years to break up the whole constitutional body of the Dominion, what is the result? Why, that every ten years you will have society cut up by the roots, and new constituencies formed to suit the party in power. (1882 'Hansard,' p. 1392.)

If the breaking up of constituencies once in ten years is so objectionable, then the breaking up of the same constituencies twice in ten years, or perhaps oftener, cannot be less objectionable. Again the hon. minister said :

When you undertake to change constituencies every ten years and you cut and carve them up and disarrange the boundaries, you destroy this feature of personal and historic continuity which is to be found in public life under the English parliamentary system.

Well, now, hon. gentlemen, what does this continual reference to the ten years mean? Is it not a recognition, or at least a hint, that a decennial redistribution, following such decennial census, was then regarded as the rule?

I have two more quotations to make. Although it is now only nine years since Sir John A. Macdonald disappeared from amongst us to go to his lasting rest, it is long enough to have placed him in that position of fame and authority which is attributed to men of real ability, of knowledge and experience. His words can be considered as almost having a judicial character and as binding upon us when dealing with such matters as those we are now discussing. Here is what Sir John A. Macdonald said :

I think the principle was set early in our legislation that there should be no readjustment of the constituencies either in regard to boundaries or otherwise, except every ten years after the taking of the census, and I think it would really be well that we should adhere to that rule. (1887, 'Hansard,' p. 840.)

Later on he again said :

Depend upon it, we would bring upon ourselves a great deal of trouble and a great many objections from both sides of the House by making any other alterations in the boundaries of constituencies, because if the argument of convenience is adopted in one case, that argument will apply to another, and various reasons will be given why it is convenient to alter the boundaries of constituencies.

The boundary of a constituency should not be altered except once in ten years.

Here, I think I must, in justice to the hon. Minister of Justice, give the words by which he then interrupted Sir John A. Macdonald. Hon. Mr. Mills said :

We had no such rule as that.

Sir John A. Macdonald, replying, said :

I think we have never deviated from that principle.

This interruption of the hon. the present Minister of Justice (Mr. Mills), as recorded in the *Hansard*, was not warranted. The rule referred to by Sir John A. Macdonald has been substantiated last year by Mr. Mulock, the present Postmaster General, and the colleague of the hon. Minister of Justice in the present government. Mr.

Mulock, in moving the second reading of the Bill, as introduced last year, said:

It has not been the custom in the Canadian parliament to make changes in the constituencies, except in the session immediately succeeding the decennial census, but it has happened that, ever since confederation, the census and the succeeding redistributions have taken place while our political adversaries were in power.

The latter part of this sentence is indeed very suggestive. The hon. Postmaster General evidently thinks that his party should have a hand in this matter, now that it is in power. Be that as it may, this utterance of the hon. gentleman is a confirmation by the present government, eight years after Sir John A. Macdonald has disappeared, of the rule laid down by him in this matter. It is an evidence also that I have here correctly stated the policy of parliament with regard to legislation of that kind up to the present time.

Sir John A. Macdonald had before expressed a similar view. Away back to 1874, in that Tuckersmith case, he had propounded that policy. He then said:

It would be well to take into consideration the consequence of legislation of this kind. By the British North America Act of 1867, there was to be a readjustment of representation once in ten years. That principle should be carried out rigidly, and the time of parliament ought not to be taken up by Bills of individual members whenever the bounds of their constituencies did not happen to suit them. It would be an unfortunate thing if this practice was going to obtain. All parties were interested in the maintenance of the constitution, and this innovation should be resisted. . . . The principle of readjustment every ten years was one which would commend itself to the majority of members in the House. The spirit of fair-play to the constitution demanded that this principle should be rigidly adhered to. (Parliamentary Debates, page 79, 1874, 1st session.)

The Mackenzie government, which was then in power, did not precisely resist the proposed innovation, because they had a weakness for the member, one of their political friends, who asked for the change. But they did not dare to make of that Bill a government measure. It was afterwards rejected by the Senate.

And now, in addition to all that, we have the action of the Senate last year, affirming with no uncertain sound, that a decennial redistribution consequent on the decennial readjustment after each decennial census, should be the rule, except in so far as clerical errors or individual cases of urgent necessity may be concerned. That is what the majority of this Senate advocated last year and is advocating this year. I quite realize that some hon. gentlemen may object to my referring in that way to the action of the Senate last year. But nevertheless, my contention is that it is a link in the chain that we are trying to make up. We are trying to build up such a chain of usages and parliamentary traditions that it may be invoked in after years as the unwritten part of the constitution, and be a barrier as strong as the constitution itself against any attempt on the part of any government or their supporters to use the technical power that may be in our written constitution to redistribute seats at any time for party purposes or party advantages. That would become a parliamentary jurisprudence. It would fix a recognized and clear principle upon which redistribution would in the future be effected. It would do away with the temptation of forcing an alteration of the boundaries of our constituencies at improper times. We would thus secure, as far as possible, what the hon. Minister of Justice termed in 1892:

The feature of personal and historic continuity which is to be found in public life under the English parliamentary system.

In acting in that way the Senate does take a partisan view of the subject, but is simply undertaking to prevent a breach of the spirit of the constitution. I will vote against the second reading of the Bill.

Hon. Mr. PROWSE—It is not my intention to occupy very much time in discussing this question, but the discussion has taken such a wide range and occupied so much time, that I do not feel justified in giving a silent vote on the Bill, particularly as it most seriously affects the province from which I come. It has been said by the advocates of the Bill now before parliament that it is of the greatest importance to adhere to county lines; in fact it appears to be of greater importance, in the estimation of these hon. gentlemen, than representation by population. On that question I must take issue with the advocates of the measure. I cannot divest myself of the idea that in all civilized countries that have representative institutions the principle of representation by population is the great leading principle, and the idea of county lines is only a means to an end, because the lines are so generally under-

stood and so definitely drawn that there can be no mistake in reference to these lines, and that is the only object, so far as I can see, why county lines so far as convenient, should be adhered to. But I maintain that the great principle which should be observed above every other principle, in representation by population as far as possible. I do not say that this can be done to a unit, but the leading idea should be to give every man a fair representation in parliament. This principle was certainly adhered to by the advocates of confederation from the very start. It was on that very principle that confederation was brought about. If I understand history aright, there was, to some extent, a dead lock between Ontario and Quebec on that very same question, and that induced the representatives of Ontario and Quebec to seek an alliance with the lower provinces so that the difficulty might be overcome, and when confederation was established, it was definitely fixed that each province should be represented as nearly as possible according to population, by giving 65 members to Quebec, and every other province to have a representation in the same proportion as 65 representatives bore to the population of Quebec, and so the other provinces must have the same proportion, and if you talk about county lines and where one county may have fifty thousand residents while another county may have only ten, it is an unfair and unjust provision to say that you must adhere to county lines, and give the large county only the same representation as you give to the small county.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. PROWSE—On this question of county lines I wish to refer particularly to the application of this Bill to the province from which I come. It is in the last part of the Bill, and is certainly a bald proposition that is submitted to us for our approval. Even if the province of Ontario was dealt with fairly to the very letter, so that no person could find any objection to the Bill on that account, I must take exception to the section in reference to Prince Edward Island if for no other reason. It will be remembered that Prince Edward Island is divided into three large counties, and when that province became part of the union it was represented by two members from each of these counties. We had six members from Prince Edward Island. Through some clerical error—I cannot think it could be anything else, because in the Act of Union it was provided that the representation of Prince Edward Island should be readjusted according to the population of Quebec, when British Columbia was brought into the confederacy it was provided that their representation should increase in accordance with the increase of the population as compared with Quebec, and in consequence of the different wording of the two Acts of incorporation, Prince Edward Island lost a member after the census of 1891. We had three counties. One of them, according to the ideas of the government of the day, should be reduced by one member and they gave to Prince County two members, and to Queen's County two members, but they gave to King's County only one member. King's County had an equal voting power with Prince County, within one thousand votes. After the census of 1891 the late government made a redistribution of Prince Edward Island and divided it into five single constituencies, giving to each county an equal number of voters as near as possible, keeping absolutely to the township lines which in Prince Edward Island are as definitely fixed and as well understood as the county boundaries are. There is no man in Prince Edward Island that I have met, or outside of Prince Edward Island, that has ever uttered one word of complaint to me or in my hearing, against the redistribution made after 1891 in giving the single ridings the five representatives in place of six, and giving to each constituency an equal voting power, or as nearly equal as possible. There may be a difference of perhaps a thousand of a population between the several districts so as not to divide township lines, and I say that at the last election, and from that day to the present time, there has been no friction and no difficulty in the matter, and it has been just as convenient, and far more so, so far as the sections of the country I come from are concerned than it was before, and to have single constituencies is a great convenience to Prince Edward Island. What has been the history of Prince Edward Island in the past? It has happened

that we have had, coming from Prince Edward Island, with only three constituencies, two members to each, that we have had six members supporting one side of politics. That is very undesirable from a whole province as small as Prince Edward Island is. It is much better that there should be one or more members coming from a province supporting the government of the day, or, in the other hand, one or more in opposition to the government of the day. But we have had, on more than one occasion, the whole six members on one side of politics. That is not likely to take place when we have five single constituencies. There is no likelihood of the whole five supporting one side of politics, which is not desirable in any province. I think hon. gentlemen will agree with me on that point.

Hon. Mr. MILLS—It depends on which side it is.

Hon. Mr. PROWSE—The Bill before this House provides that we shall simply go back to the old system of having three counties and depriving King's County of one of its representatives to meet the necessity of the reduction in our proportion of representation, and that suits the present government splendidly, because King's County is well known to be a Conservative county, and in that way it is very convenient for them to go back to the old county lines, and to give to Prince County and Queen's County two representatives each, while King's County only has one representative. They do not make provision to divide Queen's and Prince counties into single ridings, as in Ontario. It is expected, I suppose, that by having a strong candidate, like the Minister of Marine and Fisheries, he will be able to drag a candidate in with him, and he will have the whole county, with some 45,000 voters voting for two candidates in place of one. That was the provision in the old county lines, giving to Queen's County two representatives and two representatives to Prince County, and only one to King's County. Under the rearrangement made under the census of 1891, the Island was divided into five equal constituencies, and every one had a fair fighting chance for getting to the House of Commons, and for that reason, if for no other reason, I should be bound to oppose the passage of the Bill.

But there are other, and perhaps stronger reasons why I, as a public man, should oppose this measure. One hon. gentleman, in discussing this measure, and I think more than one, said it was to right an infamous wrong that was committed in 1882. The adjective made use of by the hon. gentleman from Ontario (Mr. Kerr) was extremely strong, and did not, in my opinion, coincide altogether with his declaration of fair-play and honest intention, and a disposition to do fairly and justly between all parties. I interjected a remark, when he was making his speech, that if it was to right a wrong that was committed in 1882, eighteen years ago, half the electors that were in existence at that time in these constituencies would probably be dead or have changed their views. Of course, I do not admit there was a wrong. I do not know anything about Ontario. I would not pretend to give any opinion in the matter further than that I have had very great confidence in the honesty and good government of Sir John A. Macdonald and his administration. He administered public affairs in this country very successfully indeed from beginning to end, and if the present administration remains in power as long as he did, I hope they will do half as well. I interjected a remark, when the hon. gentleman was making his speech, that half the electors on the lists in 1882 were no longer electors in any constituency. Half of them are probably dead by this time, and the probability is that one-half the remainder have changed their politics. It is an old saying, that wise men sometimes change their mind, but fools never do, and to say that because a man supported a party eighteen years ago, that he must be expected to do the same thing eighteen years afterwards, is paying a very poor compliment to the judgment of the individual elector: so that, if a wrong was done in 1882 by continuing the constituency unchanged up to the present time, there can be no harm done by continuing it longer. Supposing this Bill before parliament is necessary, and right, and just; is this the proper time to pass it, just one year, perhaps less than a year, before the census will be taken. The late government has been charged with passing a gerrymander Act in 1882 and also in 1892, for the advantage of party, to help their party to retain power. I am not going to discuss that question, but

taking it for granted that that is true, what will be said about this Bill that is before us, and the pressure that is brought upon this Senate to pass this Bill just previous to the census being taken, and just previous to a general election that must take place within a very short time? Is it not evident to everybody that this Bill is forced upon parliament just now, as it was last session, not for the purpose, as the hon. gentleman says, to right an infamous wrong done eighteen years ago, but for the purpose of giving the present party in power an advantage they have not got at the present time, and that they did not possess at the last election? They came in power at the last election. They went to the country with everything against them. The government was in the hands of their opponents. All the patronage and the influence the government could wield was used in favour of the government of that day, the Conservative party. Notwithstanding all that, the Liberal party defeated them at the polls and came into power. Are they afraid to-day to go back to the same constituencies, to the very men who sent them here against all the odds that were facing them, and with all the influence of the government in their favour? That is an admission that they are not to-day in the same position as they were before the last election, that they have lost the confidence of the people, and to obtain a fresh lease of power they wish to place themselves in a better position so far as the electoral districts are concerned. There is no other inference that can fairly be drawn from it.

Hon. Mr. DEVER—They promised this measure to the people and had to submit it to parliament.

Hon. Mr. PROWSE—If the hon. gentleman from St. John will possess his soul in patience, I will give him an opportunity to speak shortly. Supposing we adopt this as a precedent for the future, we know that the present government have not the greatest confidence in the world in their political opponents, and they cannot expect to retain power for ever, and a change of government may come after the next election.

Hon. Mr. MILLS—Yes, some time after.

Hon. Mr. PROWSE—They will find themselves in the cool shades of opposition. Will not that government, coming into power, be anxious, just before the following election, to place themselves in a position to come back to power? And is there anything in the world to prevent them? Can they not refer back to history and justify their course by what was done in 1900? And they may cut and carve constituencies very much more than the government are doing at the present time. I say the proper and safest course is to prevent this or any other government from gerrymandering the constituencies just before an election, and if I have a seat in this House when that time comes, I shall be as ready to oppose that Bill as I am to oppose this one, and by defeating this Bill now we will be establishing such a precedent that no government will attempt to do anything of the kind in the future. It is a most improper time—nine years after the taking of the census. How can we tell what representation to give to a constituency? Some constituencies have grown very much more populous than they were nine years ago, and some have diminished to a great extent in population, and it is impossible to tell what is the proper representation to give to a constituency, and how many members to give to a county, without having a census taken. After the census is taken is the proper time to do it. If the statement made by the hon. gentlemen who have argued in favour of this Bill is fair, I would ask them why the government did not accept the proposition made in the other House by the leader of the opposition there. I think it was a very fair proposition. I have not lost confidence in the judges of the country.

Hon. Mr. MILLS—It was a proposition unwarranted by law.

Hon. Mr. PROWSE—I am no lawyer, but I have understood that parliament is able to do anything except to make a man a woman. I heard that proposition declared by a lawyer in the legislature, and I think that objection does not amount to very much. The proposition as made by Sir Charles Tupper in the other House, the other day, was a very fair proposition, and one that no honest man might not fairly accept, unless he wanted to get an unfair advan-

tage by passing a different Bill. What is that proposition? I shall read it:

That all the words after the word 'That' in the original motion be struck out, and the following substituted instead thereof:

In the opinion of this House, it is expedient to introduce in place of the present Bill a measure based on the following provisions: First, that a commission to consist of the chief justices of the highest courts of judicature in each of the provinces of Canada shall be appointed for the purpose of fixing the boundaries of each constituency entitled to elect a member or members to the House of Commons in each province of Canada, and to determine the number of members to be elected for each constituency in accordance with the British North America Act.

That such commission, in so doing, shall consider the distributions of population according to the then latest census of Canada and the public interest and convenience, and shall particularly have regard to the principle of representation by population, and also have regard as far as practicable to the boundaries of counties, municipalities and cities.

That such commission shall be appointed as soon as possible after the completion of the next census and shall complete their work with all convenient speed.

I think that proposition was about as fair as any man could possibly make.

Hon. Mr. DANDURAND—When was this proposition made? Was it in 1882 or 1892?

Hon. Mr. PROWSE—The other day—on March 8th.

Hon. Mr. DANDURAND—The hon. gentleman did not think of it until he reached the opposition benches.

Hon. Sir MACKENZIE BOWELL—Nor did you think of accepting the judges until you got on the ministerial side. You repudiated them before.

Hon. Mr. DANDURAND—We maintain the same principle.

Hon. Sir MACKENZIE BOWELL—No, quite the contrary. Your Premier and leader denounced the principle as an interference with parliamentary principles and powers.

Hon. Mr. MILLS—We proposed it in 1892.

Hon. Mr. PROWSE—Why do you not accept it in 1900? You say it was a mandate; why do not you carry it out?

Hon. Mr. MILLS—This Bill does it.

Hon. Mr. PROWSE—The fact is, it would not give the party a political advantage, and that is why they would not vote for it on the 8th of March when it was proposed in the other House. If the Bill had come here with a proposition of that kind, so that we could remove this question from politics, it would have been a good thing, and I think the Senate would have accepted it without a division.

Hon. Mr. MILLS—That is what they have before them.

Hon. Mr. PROWSE—I have said all that is necessary, on the present occasion, to justify me in opposing this Bill. I consider it would be a great misfortune to this country to lay down a precedent for future governments to act in the same way, and if we adopt the principle now of defeating the measure for the second time, it will be so firmly established before the country that no future government will attempt to do anything of the kind again.

Hon. Mr. DEVER—I have listened with a great deal of pleasure to some of the eloquent speeches delivered in debating this measure now before the House. My desire was to obtain such information as would enable me to vote intelligently on this subject. I heard the speech of the leader of this House, and if I did not know that he was a gentleman who is not desirous of hearing himself eulogized for his eloquence, his legal knowledge and philosophy in discussing legal points that are and should be the delight of a lawyer, I would say that that hon. gentleman had given such satisfaction to me that I need not feel the slightest apprehension that there should be any great opposition to this measure. The hon. Secretary of State also made a speech, and I am sure that every hon. gentleman in this House who will set aside prejudice will admit that it was a speech so convincing that no sincere man could find any objection to receiving his statements as facts in favour of the position he takes. This afternoon I listened also to an hon. gentleman, a member of this Chamber, whose speech was of a character to elevate the standing of the Senate. He adduced facts, historical and legal, that I thought were of so convincing a character that certainly hon. members who have shown opposition to the Bill would not fail to be converted to accepting the measure as a proper one for the regulation of the representation of the country. But, instead of that, I must say I listened to opposition speeches and I failed to hear any argument that was not most

flimsy, with the exception of two, and when I mention those hon. gentlemen I have not the slightest doubt you will feel as I feel, that they are of no consequence in arguing this measure. The principal argument by every speaker who has opposed the Bill stated most emphatically that there was no mandate given to the government for the introduction of this Bill.

Another argument was—and the very last speaker also used it—that he thought the very fact of being so near the taking of the census should prevent the government from bringing in this measure until after the census was taken. In reply to the last statement, we were not so very near the taking of the census last year, and yet when this Bill was introduced in the Senate, I find the same gentlemen had the same excuse then, and I presume would have the same excuse every year as long as the present government would introduce such a measure for the benefit of the country. With reference to the mandate, I find the hon. gentleman who is not in his seat now (Mr. Vidal) contends that no mandate had been given. The hon. gentleman from Monck (Mr. McCallum) gave us a very eloquent speech. He also made use of the same expression, 'There was no mandate.' Another hon. gentleman said there was no mandate from Quebec. I have examined the matter, and have found that the recognized leaders of the Liberal party from Quebec, Ontario, New Brunswick and Nova Scotia, and all the other provinces had met in convention in Ottawa in 1893. They took upon themselves, as representatives of the party, to lay down a platform, and one of the planks in that platform was that in the event of their coming into power they would redress the grievance the country had complained of in the gerrymander Act. These representative men went back to their respective provinces, and what was the result? The result was that this plank, with others, was placed before the electors, and the present government was returned, on the basis of these propositions, triumphantly at the polls. If that is not a mandate I would ask my hon. colleagues what a mandate is? I find a mandate is defined to be a command given by one party to another to carry out their views or their interest where they are deprived themselves from acting. If that does not describe this case then I fail to understand what a mandate is, notwithstanding almost every hon. gentleman who spoke on the opposition side used that as one of the most forcible arguments why this Bill should not pass. I say their argument has no influence with me, and I do not think it will have the slightest influence with the people who feel they have been cheated out of their rights as voters. I come now to the speech of an hon. gentleman from whom I would expect, and I think this House would expect, legal knowledge of a sound and convincing description. I refer to the hon. gentleman from Richmond (Mr. Miller). That hon. gentleman made use of these words 'The time for passing this Bill is after the decennial census.' My reply to that hon. gentleman and all who take that view, is why did not you and others hold the same opinion at the passing of the former gerrymander Bills? It was all right then, it is all wrong now. It is very strange how hon. gentlemen who profess such freedom from partisanship can hold such a view to-day and did not perceive it when their own party was in power. Unfortunately, they were blind then, but their vision is very keen now. His next proposition was that he likens this Bill to the Reform Bill, to the Irish Church Bill and to the Gladstone Home Rule Bill. Now, I do not pretend to be a lawyer, but I claim to have a little common sense and a little knowledge of the politics of my country, and I ask hon. gentlemen what similarity could any thinking intelligent man find between the Home Rule Bill, or the Disestablishment Bill, and this petty little Bill for the redress of a wrong done by the Conservative party who are most anxious to regain power in this country without the vote of the majority of the people? One is revolutionary, changing the whole constitution of Great Britain and changing the legislative union of Great Britain and Ireland to a federal union. Why the thing is so preposterous that I am astounded that a legal gentleman would propose for the consideration of an intelligent body like this, such a proposition as putting the Disestablishment Bill on the same level with this little Bill, coming from our House of Commons, in fulfilment of a promise to the electors of this country. I do not pro-

fess to be an extreme loyalist, but at the same time my loyalty is of such a nature that I want to stand on a firm basis, and I do not think I could claim to be so disloyal as to put the Disestablishment of the Church of England and the changing of the legislative system of Great Britain and Ireland, without submitting it to the people, on a par with this Bill. Very properly such a measure as the Home Rule Bill should be submitted to the people, and when Mr. Gladstone brought it in he was told you must put this question to the whole people, not to Ireland alone, before a measure can be received, showing clearly that it was the most important measure that had been placed before the British House of Commons for perhaps two hundred years.

I need not dwell further on this subject, because every one will see the point at once. The precedent cited by the hon. gentleman from Richmond has no application to this measure. The comparison is so ridiculous that I am surprised that an hon. gentleman of his knowledge would think it would have the slightest influence on the votes of this House by adducing such an argument. I might ask also why it is there is no opposition to this measure except from the Conservative party? We know that we have in this House a respectable minority of intelligent, conscientious gentlemen who have no reason to fear the influence or effect of this Bill, but they all, apparently, from the best information I can get in conversation with them, are in favour of this measure. They look upon it as honest and proper, but I find that every Conservative gentleman has some excuse or other to avoid giving a vote for it. It conveys to me the impression that the hon. gentlemen on the Conservative side must be queerly constituted. I could not accuse them of dishonesty. I believe they have consciences, as other men have, but if they can find no better argument than has been adduced by them, it is surprising how they can take the ground they do. I do not want to accuse them of dissimulation or of anything that would reflect on them, in my estimation, as men of honour, but I certainly cannot explain such a concerted, determined opposition to this Bill by these hon. gentlemen. The hon. gentleman from Richmond is here now, and I have one remark to make about him. I think I overheard him saying that there was no representative of the Quebes party at the conference in 1893, and therefore the Quebec party have a right to complain of the introduction of this Bill. For the information of that hon. gentleman, I wish to show that they had representatives. Sir Wilfrid Laurier, I believe, was their representative at the Ottawa conference, and that hon. gentleman was satisfactory, as far as Quebec is concerned, and I think the people of Quebec were satisfied as far as he was concerned that he would represent them in the government, and on this measure in a manner that would be entirely satisfactory. Therefore, I do not think the hon. gentleman from Richmond, and another hon. gentleman at this end of the House, had any right to declare that there was no representative from Quebec at that conference. On the contrary, Quebec was well represented, and that argument, in my opinion, falls to the ground. Of course, these representatives all voted and signed the political platform at that convention, and that platform was known to the voters and presented to them at the election, showing to this House and the country that there was a complete understanding between the voters of this Dominion and the Liberal party before the last election, and that when they were returned triumphantly it was the duty of the Liberal party to introduce in this House every measure that they promised at that convention. I also answer that they have done so, but this House has held up the iron hand in their face and declared that no measure they promised which would be beneficial to their constituents, need be introduced. That is the feeling in this case, and I assure hon. gentlemen instead of harming the Liberal party, the opposition of the Senate to this Bill and other measures, is going to do them an immense amount of good. All those sophistries I have listened to will have no effect on the people of this country? We have the legal right, and it is both expedient and proper to relieve the people by correcting the injustice of former legislation. That is the position, I hold, that the government of this country should take, and in my opinion they do take. They are bound, so far as they are able, to correct what is believed to be an injustice just as soon as they can possibly get the measure through this House. I am astonished at the opposition to this Bill.

Is there any complaint that has been repeated so often as that the present government have not fulfilled their pre-election promises? Now, when they make an attempt to carry out a promise, who objects to it? Who meets them and tells them determinedly 'you shall not carry out your pledge, because we want to tell the people that you failed to carry out your pledges.' Now, who is in opposition to this measure? Certainly the Conservative members of this House. It cannot be denied. They are the party who are preventing all progressive legislation and the fulfilment of the promises made to the people before the election. Between you and the people now, hon. gentlemen, the matter stands, and I have no doubt but the people will win. The day has passed for trampling on the people to keep in power men that the people do not want in power. These are my views. They are stated in all sincerity. I simply felt it my duty to make these statements, and to make them as strongly as I could. I have no interest in doing anything but justice. My whole aim and object is to see Canada fairly represented, having at the head of affairs men who are without bigotry, prejudice, meanness or smallness—men who will not stop in any way the progressive advancement of this new country, that I believe will, at a day not far distant, be a greater Britain.

Hon. Sir WILLIAM HINGSTON—It was not my intention to speak again upon this question, having discussed it last year. My intention was simply to record my vote; but circumstances prevent my being here, and I do not want an important measure of this kind either to pass into law or to be defeated without having my views, at least, recorded. That is my one excuse, because we have heard a great deal on this question —a great deal that is pertinent, and a great deal perhaps that has no bearing whatever upon it. I am sure it will be a matter of deep regret for the Conservative members of this House—a lifelong regret—that they have not succeeded in so rising above party as to gain the approval of the hon. gentleman who has just taken his seat, who is so able a judge, so discriminating and so learned. I hope they will survive it. For my part, I very strongly object to the words Conservative and Liberal being thrown so profusely about this House. I do not know that we gain by it. We are an impartial tribunal, and 'the government of the country' and 'those who are opposed to the government' will sufficiently define our position. To my mind, when men enter this House they throw aside and they should throw aside a great deal of their old prejudices, and should be prepared to take up a new fair, and impartial position. I feel myself in that position, and I am tempted to ask the hon. gentleman who has just taken his seat, and who has denounced these gerrymander Acts in such eloquent terms, was he not himself in favour of the two last gerrymander Bills? Did he not vote for both of them?

Hon. Mr. MACDONALD (B.C.)—He voted for them both.

Hon. Sir WILLIAM HINGSTON—Here is another illustration of what I say, that in this House men change their opinions sometimes, but I think there is a way of doing it—I will not say with becoming decency—but there are rules to be observed in these matters when one does change one's mind. An appeal was made early in the afternoon from one hon. gentleman on the opposite side of this honourable House that we should rise above party. He then gave us to understand—or rather, that is the natural inference that a man who makes such an appeal should himself be above party. Yet almost in the next sentence he declared that he is a Liberal; always has been a Liberal, and always would be a Liberal. I contend that that is not rising above party. A man who takes a view as a Liberal upon every question, especially a question of this magnitude—and I regard this measure as one of the most important that can come before this House—cannot and does not rise above party. I contend, that one cannot speak of himself as a Liberal, always a Liberal, pledging the future that he will always be a Liberal, and still be so impartial a judge, as to be qualified to appeal to us to rise above party. Another hon. gentleman who is absent at this moment asks us to obey the will of the people. That is what we are trying to do. We think in the course we are pursuing that we are obeying the will of the people and acting in the best interest of the people. How are we to ascertain the will of the people? I contend

it is not always from a vote in the House of Commons. I have not been long in this House, but I have been long enough to know that the members of the other House occasionally vote one way and think and feel another way. I shall give two or three instances. Take the Drummond County Railway Bill for instance, when it came on the first occasion before this honourable House—how true men were to their party on that question. I do not exaggerate when I say that nine or ten, perhaps more, members of Parliament seemed desirous I should vote against that measure, which, as party men, they had supported. I shall take another instance: the Yukon Railway Bill, the Mann-Mackenzie Bill as it was called. I have not heard one single member of either party from the province of Quebec advocate that measure. On the contrary, several said: 'We had to vote for it. We have sometimes to swallow these things, but I hope the Senate will throw it out.' Take another measure, the Bicycle Bill, which passed the other House almost unanimously —there was very little discussion about it. The members voted, and what did they vote for? That the railways of the country should carry bicycles all over the country free of charge. If a race took place in the neighbourhood of Ottawa, say seven miles away, or Toronto, the railways would be obliged to carry the bicycles of perhaps many thousand people free of charge, and be responsible for their safe keeping. Yet members of both parties voted for the measure, and why? Some of my friends frankly said to me: 'We had to vote for it, but we knew the Senate would throw it out. Every village is full of bicycles, and we had to do it or have the bicyclists canvassing against us at election times. You in the Senate are independent, but we are not.' These are three instances where, if we had taken the votes of the House of Commons as our guide, we should have been far astray.

Hon. Mr. MILLS—Just the other way.

Hon. Sir WILLIAM HINGSTON—I wish to put the question I put to the hon. gentleman from St. John, during his absence a few moments ago. Did he not vote for the measures of 1882 and 1892 when they came before the Senate?

Hon. Mr. DEVER—I voted for them, and I will tell the House why. I felt they were domestic matters pertaining to the House of Commons, and inasmuch as it was a measure from the House of Commons to put their house in order, I had no right to interfere, no more right to interfere with that Bill than to tell them how they should place their desks or their chairs.

Hon. Sir WILLIAM HINGSTON—I think the answer is the best that could be given under the circumstances. But let me ask, if we were to take that position, what would be the use of this House? If we are simply to be the echo of the House of Commons, then let the Senate disappear.

Hon. Mr. DEVER—Does the hon. gentleman wish me to answer that?

Hon. Sir WILLIAM HINGSTON—I commented favourably upon the hon. gentleman's answer, and I have put no further question to him. We are told that the principle of the Bill is that the boundaries of constituencies are to be county boundaries. It occurs to me, if that is the principle of the Bill, why should it be a partial Bill? Why should it not be applicable to the whole Dominion, and not simply to a portion of it? If it is favourable to the districts proposed to be legislated for, why favour certain districts, and leave out others?

Hon. Mr. DEVER—The whole Dominion is not out of order.

Hon. Sir WILLIAM HINGSTON—That is a matter of appreciation. Some people are bold enough to think that it is only those portions of the Dominion that require touching up in a particular direction, that will receive attention under the present Bill. But one hon. gentleman on the other side says: 'This Bill does not make a pin's difference, one way or the other.' If it makes no difference, why was it introduced last year, and, when it was defeated last session, why is it reintroduced this year? What new features, what new circumstances have been brought to our knowledge to make us act differently now? It occurs to me that it is an attempt to put the Senate in an awkward position. We defeated a Bill in 1899, yet in 1900 we are asked to adopt a Bill which is very similar to it to stultify ourselves, and to say that we were quite

wrong in 1899. I think that is a position in which hon. gentlemen in the Senate are not anxious to be placed.

I am very glad that we have had so little law in discussing this question. Last year, I was overwhelmed by the legal aspect of the question as presented by the great legal luminaries. This year, the trend of the discussion has been such that one without much legal knowledge can follow it, and I ask myself, not simply what are the terms of this Redistribution Bill, but rather what was the intention of the framers of the constitution *quo ad* measures of this kind ? not what is the letter of the law, but what is its spirit. I think the hon. gentleman from St. Boniface has placed this House under a deep obligation in the speech he has delivered, a carefully-written, well-prepared speech ; *bien cousu* as the French would call it, holding together in all its parts with well joined links, and he has brought before us a vast amount of useful information. He has told us the opinions of our luminaries of former times. He has mentioned the names of Tilley, Mackenzie, one of our best men, Sir Alexander Campbell, and last, but not least, Sir John A. Macdonald, who have all passed away ; and he mentions two—and I say it in no spirit of cynicism—he quotes the opinion of the Secretary of State as favouring and of the present Minister of Justice, as seeming to lean in the same direction. And what are the views expressed by these gentlemen ? There is not a shadow of doubt as to their views. The hon. gentleman who has just resumed his seat, asks the question : How is it that all the Conservatives think one way? He is at a loss to explain it. I would ask him, in return, how many on his side of the House have voted in the opposite direction?

Hon. Mr. DEVER—Because they have no right to do otherwise. But the opposition have been told by the people not to oppose this measure.

Hon. Sir WILLIAM HINGSTON—The explanation is a weak one, not as strong as the former answer of the hon. gentleman from St. John, with which I expressed my satisfaction. He says it is an extraordinary thing that all the Conservatives vote one way, and he did not add that which I add for him, that all the Liberals vote the other way.

Hon. Mr. DEVER—I beg pardon, I did.

Hon. Sir WILLIAM HINGSTON—It shows that different minds have different ways of arriving at a conclusion, perhaps from reading and association. I will give hon. gentlemen on the other side of the House the credit of saying that they are animated by the same desire to advance the interests of the country as hon. gentlemen on this side of the House, and we must not be taken to task if we do not perceive the error of our ways so quickly as hon. gentlemen who vote the other way and vote differently. I think in voting against this measure we are voting in accordance with the spirit of those —I will say some of them, many of them, were great men, who have passed away—the framers of the constitution, and I believe clearly that their views were that we should not appeal to parliament every time we required a change to influence the voting power, but that once in every ten years was enough, quite often enough, to disturb and unsettle the position of things in this Dominion.

Hon. Mr. POIRIER—If I remember well, last year when this question came before us, I voted in favour of the Bill. The same question comes up this year, and after considering it in the best manner I was able, I find that I cannot change my views this year. Last session I did not give the reasons for my vote. I stood then, and I stand again, in a peculiar position towards my political friends on this side of the House. I crave permission to say a few words in explanation of the vote I gave last year and the vote I intend to give this year. On the merits of the Bill I have little to say. I believe the Bill is inopportune. I believe that it is distinctly against the spirit of our constitution that constituencies should be remodelled at other times than after the decennial census. I believe this Bill is against the spirit of the constitution, but not against the letter, and that therefore it may be constitutionally enacted. The government are, I believe, properly within their constitutional right in distributing or rearranging constituencies even at this 11th hour on the eve of a general election. The Bill in itself, I believe, is a distinctly parti-

san Bill, and that is regrettable. I do not like the features of it at all. The idea of returning to county boundaries I fully agree with, but the Bill does not make that principle general, and therefore it does not carry out the principle it purports to adopt. For example, it practically applies to western Ontario only. If it is meant to be a general principle, it should apply to all the Dominion. And then there are features in the Bill that I still more regret to see. This Bill does away with certain constituencies in such a manner as to show that a spirit of vindictiveness has been the actuating motive in the drafting of the Bill. For example, there are three constituencies that are wiped out, and why ? Because they have, while exercising their undoubted right, failed to elect certain candidates. That may be philosophical. I remember when one of those defeated hon. gentlemen was designated—and very appropriately, I believe—as the Philosopher of Bothwell. His constituency now is to be wiped out. It may be philosophical, but it is hardly Christian. It exhibits a spirit of vindictiveness which I regret to see in the preparation of a public measure. These are features which are against the Bill. On the other hand, there are good points in the Bill that call for our serious consideration. For example there is clause two, which reads as follows :

2. Where, under the foregoing provisions, any county or city is to be divided into more than one electoral district, such division shall be made by a board of commissioners, consisting of at least three persons, being judges of the Supreme Court of Judicature for Ontario, who, for that purpose, shall be appointed by letters patent under the Great Seal, and who shall divide each such county or city into the number of electoral districts by this Act assigned to it.

2. The letters patent appointing the commissioners shall direct them, in making the divisions, to consider the distribution of population according to the latest census of Canada, the public convenience, and such divisions as appear to them best calculated to do substantial justice.

I believe that this clause of the Bill, in itself, is such as appeals to our best judgment. It is undoubtedly a good clause in the right direction, and if this were the only redeeming feature in the Bill, I am of opinion that we should pause before rejecting it, because it is taking the electoral divisions out of political hands, and putting them in judicial hands, and that is what I believe we should aim at. It is now, I believe, the policy adopted in the old country, and whatever may have been the opinions of the leaders of the Conservatives or Liberals in 1882 or 1892, it is now pretty well agreed that that is what we should aim at. As a matter of fact, the leader of the Conservative party in the House of Commons has strongly endorsed this clause, and therefore, speaking from this side of the House as I do, although not voting with this side of the House, I say that this Bill is not altogether bad, and that this sole feature in itself renders it worth our while to hesitate before rejecting it. But the reason why I voted in favour of the Bill last year, and the reason why I have not changed my views is not consideration of the intrinsic merits of the Bill. It contains weak points, and strong points, but the position I take is an individual position. I stand pretty well alone in my views. My opinion is that although we have, by the letter of the law, the right and the power to interfere, we should not interfere. It is a domestic matter, a private concern for the House of Commons, exclusively, and the right or power we possess to interfere should not, in this case, be exercised by us. There are lots of powers and rights that exist that should not be exercised. Has not the Crown the power of veto, yet how seldom is that power exercised ! Just look at the records for the last hundred years, and see how many times that power has been exercised. And why ? Because it was not judicious, not opportune. This power that we have undoubtedly, but to exercise it in this instance is not opportune, is not judicial, is not in good form. The matter for readjustment of the constituencies is a matter that regards the House of Commons, I may say almost exclusively. We must not lose sight of the fact that in the three constitutional powers the Crown, the House of Lords in England or the Senate here, and the House of Commons, the one that possesses the greatest source of power, is the House of Commons. The Commons have always been jealous in the old country of their prerogatives and of their rights. We are trying to follow the traditions of the House of Lords. Let us see what they have done in situations similar to the one we are placed in now. I have read pretty extensively of late the attitude of the House of Lords towards the House

of Commons in matters similar to this, and I find that from the beginning of the exercise of the franchise by the House of Commons, say from the beginning of the fifteenth century, from 1406 up to the Reform Act of 1832, nay up to 1884, the House of Lords have not interfered with the internal management of the House of Commons in questions akin to those that are now before us. I find, moreover, that the House of Commons has been very jealous of its privileges, that it has kept the House of Lords, and as much as possible the Crown itself, out from interfering with its privileges and internal affairs. I am of opinion that in the exercise of rights that we have under the constitution, we should strive to depart as little as possible from the best traditions that prevail in England, especially in the relations of the Lords with the Commons. I find, for example, that by common accord the Lords in the old country abstain altogether from taking any part in the elections for the House of Commons. I find also that the Lords have not the right to vote for the election of a member of the House of Commons. That right has been denied them. The Commons could not by themselves enact legislation to that effect, but still the prerogatives of the House of Commons are such that by mere resolutions passed in the House of Commons the Lords have been actually debarred from taking any part in the election of members to the other House. This question was settled by the Court of Common Pleas in a judgment rendered in 1872 on appeal of the Earl of Beauchamp, I believe, against certain municipalities. The Court of Common Pleas decided that the Lords had no right to interfere or to vote even at the election of a member of the House of Commons, except the peers for Ireland who were themselves actually elected and actually serving as members of the House of Commons. Chief Justice Bovill declared it positively. I think we should follow in the footsteps of the House of Lords and, following them, we come to the conclusion that we should not interfere with the internal management of the affairs of the House of Commons. In further support of these views I will cite one authority which will command the respect of all hon. gentlemen, Blackstone, who is the foremost authority in such matters, and also on matters of law in England. Now Blackstone lays it down as a maxim upon which the whole law and custom of parliament is based:

> That whatever matter arises concerning either House of parliament ought to be examined, discussed and adjudged in that House to which it relates, and not elsewhere.

I do not say that we could not and should not, in some particular cases, interfere. As far as I am personally concerned, I would interfere, and would deem it my duty to interfere in legislation of that kind by the House of Commons, if, for example, the constitution was violated or strained, or if vested rights were infringed upon. Are there any vested rights infringed upon by this Bill? The electors are simply shifted from one constituency to another. They preserve the same privileges, and the same rights that they had in the constituency to which they formerly belonged. They have their old rights and privileges in the constituency to which they are now attached. There are no vested rights infringed upon. As a proof of it, I have no knowledge of any petition to this or the other House by the electors of these constituencies asking for relief. The situation is left the same. What is done by the other House is the dealing with matters which belong to its privileges. The franchise is left identically as it was. It is only a shifting of it, and therefore it is a matter that pertains to the other House, and I who would, as a matter of duty, object if vested rights were interfered with, cannot in this instance find sufficient justification to interfere. As to the other point, if the constitution was strained, I would feel justified in interfering, but the constitution is not strained. Such is my opinion, however humble it may be; it is the opinion also of most of the leading men of this House on both sides; it is the opinion of the legal authorities in England, that the House of Commons has the right to do what it is now doing. True, the question was not put to those lawyers as it has been dealt with in this House, and it does not reflect great honour on the Solicitor General that he has put the question otherwise than he should have put it, but at the same time he has put a legal question, and the way the question is put, although it was not the way it came up in this House, embodies what is the true issue before us, and they in

England have come to the same conclusion that I and most of the leading members of this House and of the other House have come to, that there is a legal right to do what the government is now proposing to do. Therefore, in the absence of two instances where I would take it upon myself to interfere, I do not feel justified in interfering, because the measure is constitutional, and because no vested rights are infringed upon. My hon. friend from Richmond made a speech last night, which, if he were not present, I might speak of in more eulogistic terms. It seemed almost to shake my conviction. He adduced very strong arguments, meeting the views I am discussing to-night, but the Act of 1884, which I believe was called the Representation of the People Act, was an Act that did touch on the constitution itself. It was, moreover, doing away with vested rights. It was changing the constitution, which this Bill does not do. The Act of 1884 was not perhaps changing much of the laws as to the county franchise in England, as it existed from the beginning of the 15th century to the Reform Act of 1834, and to the Act of 1853, because in the county franchise the rights of the counties were maintained mostly or in toto in the Act of 1884. The franchise consisted, as you are all aware, in property occupation and in residence. But it was otherwise with the boroughs. These had long vested rights taken away from them. Boroughs, as you know, had become the property of individuals who had come in the possession of them either by inheritance or purchase to such an extent that one individual person could elect to send to the House of Commons one or more members. Those were rights dating from time immemorial.

The Act of 1884, to which my hon. friend referred, took away from those individual persons their vested rights. If this Bill now before us were taking away vested rights from any individual member of this Dominion, I would, although reluctantly, in- internal or domestic affair for the House of this is not a mere matter of privilege or an internal or domestic affair for the House of Commons. But such is not the present case, as I said before. From 1406 to 1858, for 450 years there were changes in the composition of the House of Commons in England, and in the manner of conducting the election, or at least in the making of returns and of the service of the writs, and in no instance can I find that the Lords interfered, and when they did try to interfere, as they did in the return of members for the boroughs during a short period simply, they were thrown out, as interfering with matters not pertaining to them, and with a question of domestic affair exclusively for the other House. They were debarred, and the House of Lords never did interfere to my knowledge except when the constitution was changed as by the Act of 1884, or when vested rights were interfered with. I do not believe to-day that the House of Lords, whose tenure of office is stronger than ours, would dare to interfere with reference to such an Act where the nature of it would simply be the changing of electors from one division to another, without interfering with the nature of their franchise itself. Even the kings of England hesitated to interfere in matters pertaining to the representation of the House of Commons. True, the Tudors increased the representation of the Cornish boroughs, but their successors had to desist, and then the Crown itself had to concede to the Commons the exclusive rights and privileges, of which they are so jealous, to deal with their internal affairs as they deemed proper. Looking backwards to the House of Lords as we should do, since we have a House here taking the cue from them, we should be very careful not to interfere with what the Commons have done in their domestic affairs. If I were to recall here an instance, I would take it from Molière, a French dramatist, who relates an instance almost parallel but not so dignified. There was a quarrel between husband and wife. The husband necessarily was paramount, and the woman was maltreated, pretty much as the opposition in the House of Commons believe they are. They quarrelled, waxed warm, and a neighbour who had the right and power possibly to make peace, or for some other such purpose, did interfere and gave, as possibly we will do here, assistance to the woman, to the weakest combatant; but it so happened that after the woman and her husband became reconciled, they both turned upon the interferer, who had the right to interfere, and turned him out. Even the opposition of the House

of Commons must be jealous of the rights of that House, and if we interfere with them it is at our own risk and peril.

We should not, from my point of view, (and I feel strongly on it), interfere with them except when the constitution is infringed, or if rights are infringed upon, and that is the reason why last year I voted as I did, and it is the reason why this year, although believing that this Bill should not have been introduced, and that it is distinctly against the spirit of the constitution, that I will not cast my vote against it; because I respect the liberty of the other House, which, of the three powers, the Crown, the Senate and the House of Commons, is the greatest power of all. The only power that has the right to bring the House of Commons to terms is the electorate and not this House. What happened in 1884, at the time of the Bill referred to by my hon. friend from Richmond? The House of Lords vetoed the Bill once, but when it was brought before them again, they did not dare to reject it. They came to a compromise, it is true, but they did not thwart the House of Commons a second time. Last year we rejected this Bill. It was a bold challenge to the House of Commons, and they bring it before us again. They have had one year to reflect. We are here to prevent hasty legislation. We acted that part. We prevented hasty legislation on this subject. The government have had time to think over it. They reintroduce the Bill this year, and although I believe there is less excuse for it this year than last year, because we are nearer the decennial census, still, as they send us this same Bill the second time, we are less justified now than we were last year in rejecting it, because last year we could plead we were giving them time to consider it. They come again, contending, and rightly so, that they represent more directly than we do the people, and we should not a second time reject this measure. The Crown itself, as I said before, would pause before interfering with the rights of the House of Commons. And what are we? We are creatures of the Crown. Are the delegates more powerful than those who constitute them? Are we going to assume to ourselves a larger power than the Crown would dare to assume? I do not believe we should. In taking the position I do, I cannot have the approval of my political friends. I should like to call all the members of this House my friends, but I do not depart by any means from the political convictions that I have. Those convictions I try to keep under control as much as possible. And why? It is the boast of the Senate that it should be non-partisan. The same thing does not apply to the other House. This Bill is a partisan measure. It is visibly and ostensibly a partisan Bill, an inopportune Bill; but we cannot forget, and should not forget, that the House of Commons is essentially a partisan House. It is almost essential to the constitution of a British parliament that the House of Commons should be partisan, and it is an essential feature in it that parties are divided. There is the government and the opposition. It is all right there; it is all wrong here. The government come here with a partisan Bill. We reject that Bill. What is our attitude towards a partisan Bill? We undo it by a partisan interference. I know that my hon. friends here do not view it in the same way. I would have voted in favour of an amendment in the line proposed by the leader of the opposition in the other House. I did appeal personally to some of my colleagues, but they refused to take that course, and it is to their honour, because, they told me, it would appear partisan in the eyes of the country. I would have voted for it, not for a second time, but the first time, to give the Commons time to think over it and prevent hasty legislation. Had the House of Commons come the second time, I would have swallowed my vote, because I think they should be paramount in the matter. I take the attitude here for which I was sat upon before in this House. I am not altogether averse to the remodelling of the Senate to a certain extent; but that is another question. I am averse, as far as I am concerned, to the Senate taking a partisan position. Our position, as senators, is good to-day, especially since the Liberals have come into power. We have done well, I believe, for the country. The course of the Senate has been well received, and has been favourably commented upon by the country. We acted as we should act, as safeguards of the country in the Dummond County Railway Bill, and especially in that most iniquitous Yukon Bill. We stood before the government and the country in favour of the interests of the

people. We acted, not as partisans, but as a body fighting in the interests of the country. We saved hundreds of millions to the people of Canada by keeping the Yukon gold fields in the possession of the people, instead of giving them away to two men for a mess of pottage. The country look upon us as guardians, and not as partisans.

What would be the result were we to reject this Bill, as I hope we will not? Simply in the eyes of many Liberals—of a great number of Liberals who approved of our actions hitherto—we would appear as a partisan body. I do not say that it is a partisan spirit that actuates my hon. friends. I am sure it is not; but we might appear in that light before the country, and we have no right to do so. In the interests of the Senate—in the interests of the constitution, we have no right to undo a situation which is so favourable to us now. We have no right to expose ourselves even to a suspicion of partisanship. We know what happened Cæsar's wife. She was not an old woman, as I believe senators are called, but Cæsar had that respect for his wife that he would not even have her suspected. We should not be suspected by our fellow citizens, whose interests we are here to represent, and there is no necessity that we should interfere in this matter, especially when the House of Commons has passed the Bill a second time. However wrong, however objectionable or inopportune that Bill may be, provided it is not unconstitutional, and provided that no vested rights are infringed upon, or taken away from the people, we should accept it. For these reasons, and with an expression of regret to my hon. friends on this side of the House, and especially to my venerable leader, I shall vote as I did last year, for the same reasons, and for stronger reasons, because the House of Commons have had time to think over it, and that we should allow the House of Commons to arrange its own internal affairs in matters of franchise and in matters of election as they please.

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

The motion was agreed to.

BILL INTRODUCED.

Bill (No. 24), an Act respecting the Nova Scotia Steel Company Limited.—(Mr. McKay.)

Hon. Mr. POIRIER.

THE DEBATE ON THE REDISTRIBUTION BILL.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I understand the hon. Minister of Justice has the right to reply and that no other hon. member proposes to speak. Although I know we have no right to prevent any one from speaking, I think that is the general understanding, that after the hon. gentleman has closed his remarks the vote will be taken. I merely mention that so that those who are present may know what the intention of the Senate is at the present moment, and be present if they think proper to do so.

Hon. Mr. MILLS—I favoured the meeting this evening, because I thought it desirable that we should take the vote before six o'clock to-morrow if possible when every senator could attend.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—May I ask if the return which I moved for some time ago, with respect to disallowance, is ready?

Hon. Mr. MILLS—I am not sure whether it is or not. It is in my department, and of course all that is necessary is to make copies of papers that already exist. I have no doubt that a return has been prepared, because in all these matters, in every question that is asked in either House and every return that is moved for, the Deputy Minister at once takes cognizance of it, without my being obliged to speak to him personally on the subject, and I have no doubt the return has been prepared. I shall make inquiry as to what the progress is.

Hon. Sir MACKENZIE BOWELL—I would ask the Hon. Secretary of State if he has any information to give me with reference to the other return.

Hon. Mr. SCOTT—I have not. I gave instructions to the Deputy Minister of the department to inquire at the Department of Railways and Canals. I think that is the only one that is missing.

The Senate adjourned.

THE SENATE.

Ottawa, March 28, 1900.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SALARY OF PREVENTIVE OFFICER AT MONTMAGNY.

INQUIRY POSTPONED.

The Notice of Inquiry being called:

By the Hon. Mr. LANDRY:

What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected, since he has been doing duty, for infractions of the customs and excise laws? How much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed?

Hon. Mr. MILLS—The answer is not ready yet.

Hon. Mr. LANDRY—Does the hon. minister think we can obtain that answer before the end of the session?

Hon. Mr. MILLS—I think so.

Hon. Mr. LANDRY—The hon. gentleman is not sure?

Hon. Mr. MACDONALD (B.C.) We will get it next year after the census is taken.

The inquiry was postponed.

SECOND READING.

Bill (34) An Act respecting the Canadian Pacific Railway.—(Mr. Lougheed.)

THE REDISTRIBUTION BILL.

DEBATE CONCLUDED.

The Order of the Day being called,

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 13) An Act respecting Representation in the House of Commons, and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. MILLS said—I think my first duty on addressing the House on this question is to allude at the outset to the observations made by the hon. gentleman who sits opposite me (Sir Mackenzie Bowell) and who leads the opposition. The hon. gentleman said that he had heard the speech that I had addressed to the House upon this subject so often that he almost knew it by heart. If the hon. gentleman is not drawing upon his imagination instead of upon his memory, he certainly has the advantage of me in that regard, for up to the moment that I introduced this Bill to the House on the present occasion, I had not a moment to give to the consideration of the subject beyond those general principles which are involved, which I have frequently considered, and which I think must be obvious not only to myself, but to every hon. gentleman who has considered the question of representation. I noticed that the hon. gentleman from Marshfield (Mr. Ferguson), and the hon. gentleman from Westmoreland (Mr. Wood), and the hon. gentleman from British Columbia (Mr. Macdonald), have repeated what I denied last year, and what I have denied again and again this session since the discussion began, that I put forward in 1892 views at variance with the proposition to legislate except once in ten years upon this subject. I say that I have never put forward any such views; neither in a speech in parliament nor out of parliament have I ever said that parliament was not competent to legislate upon this subject at any time that it was in session, whenever it might deem proper. I held to that view in 1882, in 1892, last year, and again this year. In fact, there is nothing in any speech which I addressed to parliament on any former occasion at variance with the proposal to legislate whenever parliament deems it expedient, upon this question. I am altogether unable to understand the argument which the hon. gentlemen have addressed to the House upon this question, and which a majority, during the discussion of last year, seemed to entertain, that parliament was not at any time competent to deal with the subject of the division of each province into constituencies. The only limitation that I know of is the limitation imposed by section 51 of the British North America Act, which provides for the readjustment of representation, and I think the provision for readjustment of representation also makes provision for the redistribution of seats. In that provision the Imperial parliament intended to decide during the ten years not what alterations may be made in

the boundaries of constituencies, but the number of members to represent each province during the period of ten years ? What parliament does after the census, is to determine the number of members to which each province is entitled, and it is not in the power of parliament to give to any province any other representation than that to which the population entitles it ; but how the electoral divisions shall be organized, or what shall be the boundaries of those electoral divisions, parliament may at any time consider. I think hon. gentlemen will see that that is perfectly clear from section 40 of the British North America Act. Let me read the beginning of that section, and hon. gentlemen will see that it was distinctly contemplated by the framers of the British North America Act that the power of parliament in this regard should not be restricted, and that those powers that every legislative body, in every colony of the British Empire, have to alter and amend the redistribution, shall not be withheld from the parliament of Canada, the only limitation being that the representation given to each province within the federation shall be such as is determined by population. Section 40 says :

Until the parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for the purpose of the election of members to serve in the House of Commons, be divided into electoral districts, as follows:

That is the provision of the constitution. When this Act was being prepared, the delegates who went to London on behalf of the various provinces adopted the principle which had been agreed upon in the Quebec convention, and ratified in some of the legislatures at least, that the representation of the various provinces in the confederation that was about to be formed should be representation based on population. As between the provinces, that was the principle recognized, and the basis for the adjustment of that representation was the census of 1861. The census of 1861 had been taken in all the provinces, and when the delegates met in London and undertook to settle the terms of union, they agreed that representation should be based on population. Now, the provision is that until the parliament of Canada otherwise provides the representation should be according to the electoral divisions made and set out in the schedule to the British North America Act. That is perfectly clear, and it is equally clear that at any time, the very next session, if it had been deemed expedient to alter the boundaries of any one of these constituencies or to readjust the constituencies within any one of the provinces, without altering the number to which the province was entitled, that power was conferred by the beginning of the section—

Until the parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for the purpose of the election of members to serve in the House of Commons, be divided into electoral districts, as follows.

And so you find with regard to a number of other matters. Take, for instance, the qualification of voters. The Dominion had no existence until this Act was passed and brought into operation by the Queen's proclamation. When the Act was brought into operation, what was the electoral franchise of the Dominion ? It was the electoral franchise that had been previously provided in each province for the return of members to the legislative assembly of the province, but the Act also provides, just as it did in the section which I read, that 'until the parliament of Canada otherwise provides' the laws of the several provinces of the union relative to these matters shall be the law of the Dominion of Canada—'until it otherwise provides'—exactly the same words, showing that if at any time parliament chose to exercise its powers, it was at liberty to do so. It was not called upon to wait until another census was taken and until some further readjustment under section 51 was required. And this is the principle recognized. The hon. senator from Westmoreland (Mr. Wood) talked about usage having settled the principle upon which we are to proceed, and that we were to have no alteration in the electoral divisions except after the census, once in ten years. Now, I deny that any such principle has been recognized. I deny that any such usage has grown up. I say that parliament has always exercised in this matter its judgment, and where legislation was called for to correct the boundaries of constituencies or to transfer territory from one constituency to another, if it was thought expedient, that was done. Let me call attention to chap. 45 of the statutes of 1869. Hon. gentlemen will see that that statute was passed eight years after the census had been taken, and but two years before

the taking of another census. Did any hon. gentleman in either House on that occasion rise and say 'you are not to readjust the boundaries of the constituencies because you are within a period of two years of the taking of the census'? The census had been taken in 1861.

Hon. Sir MACKENZIE BOWELL—That was before confederation.

Hon. Mr. MILLS—Suppose it was. Is not the whole of the British North America Act based on the census of 1861? The divisions are made accordingly, and the principle that applies to any succeeding census, applies equally to the census of 1861. Now, what does this statute say?

Whereas it is expedient to change the limits of the electoral districts of the counties of Joliette and Berthier for electoral purposes, &c.

'Whereas it is expedient to change the boundaries of these electoral divisions'; what was done? The change was made accordingly. A Bill was introduced and carried through parliament. Sir John Macdonald was Prime Minister at the time. This statute had the sanction of Sir John Macdonald. It was a measure of his government. Sir George Cartier, if I remember correctly, had charge of this legislation at the time, and that being so, what becomes of the principle which the hon. gentleman from Westmoreland and other hon. gentlemen have referred to on the subject? Is it not perfectly clear if you can alter the boundaries of two constituencies eight years after the census has been taken, you can alter the boundaries of fifty? There is no difference of principle. The principle is perfectly clear, that, in the words of section 40, parliament is at liberty to legislate whenever it sees proper. 'Until the parliament of Canada otherwise provides,' are the words, 'the electoral divisions as established in the schedule of this Act shall be continued.' The Parliament of Canada, with regard to these two constituencies, did 'otherwise provide' in 1869, eight years after the census had been taken, and no hon. gentleman has pretended up to this hour to call in question the validity of that statute and to say that parliament was not competent to so provide.

Hon. Sir MACKENZIE BOWELL—Will you tell us why it was done?

Hon. Mr. MILLS—It is not necessary. The question is as to the power of parliament. Whether parliament had a good or a bad reason is not a matter of the slightest consequence. What is of consequence is the fact that it was done, and no one has called it in question. We had a readjustment in 1872. We had a readjustment in 1882, and we had a readjustment in 1892. In all these cases there have been some modifications—some consideration given to the question of revision of the boundaries, and my hon. friend, the Secretary of State, in discussing this question referred to the statute of 1893 which deals with the boundaries of some ten or twelve constituencies. One hon. gentleman calls it the correction of clerical mistakes. I have heard of clerical mistakes in a tariff numbering 160 odd items, and a clerical mistake that affects the boundaries of 12 constituencies is a clerical mistake so important in its character that it becomes an amendment of the Redistribution Act of the previous year.

Hon. Mr. LANDRY—Out of those ten cases could the hon. gentleman name any one which is not the correction of a clerical error?

Hon. Mr. MILLS—My hon. friend refers to some cases in the county of Lanark or Renfrew, where townships were transferred from one electoral division to another. My hon. friend may call that a clerical mistake or not as he sees proper, but my point is that any legislation altering the condition of things established by the statute and making a readjustment, is a complete refutation, no matter whether it is for the correction of a mistake or not, for parliament in law does not make mistakes. It is a recognition of the principle that the redistribution or division of constituencies, so long as the number to which the province is entitled is not altered, is at any time in order. The hon. gentleman from Westmorland spoke about this, if it were a wrong, being a political wrong, and the hon. gentleman argued that a political wrong is one that does not call for serious consideration at the hands of the members of this House, that in fact if a wrong is a political wrong, it is one that parliament ought not to redress, and one that nobody has a right to call parliament to redress, that in fact we have a sort of political warfare carried on in parliament,

and that being carried on in parliament, we must submit to the fortunes of war, and the hon. gentleman intimated that if we could show that wrong had been done—although he doubted whether any wrong had been done in 1882—he questioned the propriety of undertaking to redress it. I thought that the hon. gentleman must have learned his political ethics from Paul Kruger.

Hon. Mr. MACDONALD (B.C.)—That is the friend of the hon. gentleman from Cobourg.

Hon. Mr. MILLS—The friend of my hon. friend from British Columbia, who refuses to learn, and who insists on having his own way in everything.

Hon. Sir MACKENZIE BOWELL—I think we all like to have our own way.

Hon. Mr. MILLS—I do not doubt that the hon. gentleman speaks from his heart, and I do not call in question in the slightest degree the sincerity of his sentiment in that regard. Paul Kruger said, 'If we give additional representation to the English people they will outvote us and control the government. We are in a minority and any attempt to give them an equality would at once put the government in their hands.' That seems to be the sentiment of my hon. friend. Lord Rosebery a few years ago declared that when the Liberal party was in power there were two Houses in England, the House of Commons and the House of Lords, but when the Conservative party were in power there was only one House. They were all together. And our experience, hon. gentlemen, in this country has been that as long as the Conservative party are in power there is only one House in Canada. I hope and pray that at no distant day there will be two Houses in Canada and that the Liberal party will have an opportunity of having fair-play in this House as well as in the House of Commons. Let me refer to some illustrations which the hon. gentleman from Westmoreland used, and in which he was followed by some other hon. gentleman, to show that there was no wrong done the Liberal party by the gerrymander of 1882. He says that in 1878 there were fifty-nine Conservatives and twenty-nine Reformers returned in the province of Ontario, but in 1882 there were but fifty-four Conservatives, which is five less, and thirty-eight Reformers, which is nine more. That seems to me a rather extraordinary way of proving that the Bill was not unfair. The Conservative party had diminished in the country, the public had in some degree lost confidence in the leaders of that party, and there was a smaller vote polled for them, and a larger vote polled for their opponents; is it not obvious that there might have been a larger number of Reformers returned to parliament notwithstanding the injustice of the measure that had been adopted to keep them out? Let me take a few constituencies for the purpose of illustrating what I say. In 1891 the Liberal party polled within the county of Middlesex upwards of 1,100 votes more than their opponents, and their opponents returned three members, and the Liberal party, with a majority of 1,100 behind them, returned only one. Does any hon. gentleman pretend that the object of that measure was not to accomplish the result which we see flowed from it, that it was not intended to load the dice against the Liberal party there? Let me take the case that I referred to before, the electoral division of Bothwell. According to the votes, in the ordinary condition of things, we had a majority of about 500 in the county. What was done by the Act of 1882? The townships of Orford and of Howard and the town of Ridgetown, the section in which I resided, were taken off the county, and there was four hundred of a Liberal majority taken from the county by taking away those municipal divisions. There were other townships and municipalities added. According to the vote of 1878, the effect of those subtractions and those additions was to place me in a minority of about 300 votes. I carried the constituency afterwards, notwithstanding that change, but will any man out of St. Luke's pretend to say that the intention was not to defeat me by the alteration of the boundaries of the constituency? Will any one in his senses argue that? Was it not intended to accomplish that result? Let me take another case. Mr. Trow represented the riding of South Perth. There were two municipalities taken off that riding. Those municipalities had upwards of 200 Reform votes—about 400 my hon. friend tells me. They were put where? They were put in Oxford where the Liberals had in each riding nearly a thousand of a ma-

jority, and there were townships taken from the county of Huron, in which the Conservatives had a large majority, and put into Perth, for what purpose? Why were the Liberal townships taken off and put into a Grit hive, and why were the Conservative townships taken off the Reform riding and put into Perth? Does any hon. gentleman pretend to argue that that was not done for the purpose of securing the return of a Conservative in the South Riding of Perth? Every hon. gentleman knows that right well, and yet the party feeling is so strong in this House, there is such a strong desire to prevent the parties standing upon a footing of equality, that hon. gentlemen feel that they have an advantage in what has been done, and they are prepared to sustain it, and there are all sorts of excuses and arguments and devices put forward to defend the abuses that exist, and to prevent fair-play being done. That is the condition of things; it is perfectly obvious that there is a wrong, and that hon. gentlemen have resolved that that wrong shall not be redressed. One hon. gentleman speaks about the duty of the Senate. The duty of the Senate to be what? To be a body of janissaries to strangle every reform measure that is brought here? I say that is not the duty or the function of the Senate according to my notion. The Senate has higher duties to perform. It ought to have present before it loftier objects than becoming a mere instrument in the hands of a party to wage an unfair war upon those whose political views it is not in accord with, or with whom it has no sympathy. I say then that the Senate of this country might be considered a strong and influential body, it might exert an important and powerful influence for good in the government of the country. The tendency to-day is in the direction of democracy and that tendency is in a large measure without check. There is nobody in this country to hold up, to stay a party until there is full discussion, until the public mind is educated upon the questions that are submitted. The House of Lords has performed that function again and again. It is in some cases obstructive but its obstruction is overcome in the end by the fact that when an appeal is made to the country and the country has pronounced upon the question, while it may undertake to amend, it is always careful not to defeat the principle embodied in the measure that is brought before it. I deny altogether the doctrine which my hon. friend has laid down, and I will undertake to show the House that that doctrine is not well founded. There are constitutional changes made without popular sanction, but changes in the constitution ought always to have popular sanction. Many ministers bring forward, they are obliged to bring forward, questions that were never before the country at all. They arise after the elections are over. Exigencies may arise which render legislation important. I take the question of the contingent that we sent to South Africa as an instance. Let me point out that while a second Chamber may say to the government, 'You must stay your hands; this is so important a measure that public opinion ought to be pronounced upon it, and we ought to know what the view of the political sovereignty is upon a question of that sort,' they cannot say with regard to a measure that was before the country, upon which public opinion has been pronounced, and pronounced as clearly as it ever is upon these questions: Why there is no such thing as submitting an issue under the English parliamentary system at an election. There is all the policy of a party, whatever that party puts forward. It may embrace half a dozen things, but if it is elected and returned to power, if the public has expressed confidence in it, the theory of our constitution is that the public have pronounced in favour of that platform, whatever it may be, and that they are entitled to legislate, and that the Upper House are not entitled to obstruct. That is the position which has been taken again and again upon this question.

Hon. Mr. MILLER—That was not the position taken by the Duke of Devonshire.

Hon. Mr. MILLS—I will come to the Duke of Devonshire's statement and I will consider it. There are two statements that I think I had better discuss together. There is one statement with regard to the general principle involved in the measure, and the other is with regard to the measure itself. I was astonished to hear my hon. friend from Richmond undertake to argue seriously that the second Chamber had the

right to reject any measure unless the measure had been prepared and submitted to parliament and was before the country when the election took place. Now, that would be practically a plebiscite. That would be a vote upon the measure itself. If you were to adopt that rule you would have no right to alter or amend the law. You would have to take it as a whole as approved of by your masters. That is not the rule of the English constitution. You submit a principle. When the government bring it forward in the form of a measure. Either House may offer amendments, so long as the principle is adhered to. Both Houses do propose amendments; the measure is carefully considered; the freedom of parliament is not interfered with, but you know this, that in giving effect to an important principle on which public opinion has been pronounced, you are carrying on government in accordance with the well understood wishes of the people. It is said there are but two legitimate foundations for government—the one is force and the other is conviction, and our English constitutional system, the one which we have adopted in this country, is a system which rests, not upon force, but upon conviction, and when we obtain the approval of the people of this country in favour of a measure, we undertake to embody that principle into the provisions of an Act and put it on the statute-book. In 1868, Mr. Gladstone brought forward a proposition for the abolition of the State Church of Ireland. In that resolution, occupying some ten lines, he sets out that principle. Lord Stanley, afterwards Lord Derby, who was a member of the Disraeli government, proposed to amend the resolution. That resolution was still more brief. The resolution was before parliament, and upon these the two parties took issue. An election occurred afterwards, and the view which the country pronounced in favour of was the view embodied in Mr. Gladstone's resolution.

Hon. Mr. MILLER—They had the issue distinctly before them.

Hon. Mr. MILLS—Yes, but not the Bill. That is my point. It was after the vote had been taken that the Bill was prepared. It was a most elaborate Bill, and had been carefully considered by ministers. They had received what aid they could from parties who were informed, but you will look in vain for any one taking the position in the House of Lords, that they had not the Bill before them—that they had only the general principle, and not having the Bill before them, they were at liberty to reject it.

Hon. Mr. MILLER—But the general principle was the main thing in that issue.

Hon. Mr. MILLS—Of course it was, and so it was in the case the hon. gentleman discussed the other day. Let me further point out what Disraeli said on this subject. It was clear in his mind that he did not know whether Mr. Gladstone intended to go beyond his resolution, or to stop at that point, and Disraeli in his speech undertakes to show that the policy was of such a character, so different from what had long been the policy of the United Kingdom, that it was absolutely necessary, under the principles and spirit of the constitution, that an election should be had, and that public opinion should be consulted. Let me read, for the consideration of the House, what Disraeli said on that occasion, because his observations are most instructive and, in my opinion, show that he had carefully considered the place along which this line ought to be drawn, and the character of the measures upon which parliament ought not to legislate without first having a mandate from the country. He says:

> Now, I want the House to realize the gravity of the question we are called on to decide. Do not, in consequence of the state of Ireland, arising from the development of the Fenian conspiracy, and the necessity, as I am frequently reminded, of "doing something," allow yourselves to be hurried into a decision which, if carried out and followed to its consequences—as it most assuredly will be—must give a new colour to your society and alter all the principles upon which you and your forefathers for years have acted. This is one of the gravest questions which can be brought before the consideration of public men. You are public men, you are men all of great intelligence, and many of you of eminence. To make a senate that the world speaks of with pride, while it recognizes your attributes with a consciousness that your conduct elevates the general character of human nature. But remember that you are something more than senators. You are representatives of a nation, and of an ancient nation, and I deny your moral competence to come to a decision such as that which the hon. member for Birmingham has recommended, and such as the right hon. gentleman, the member for South Lancashire, is prepared to carry out. I deny your

moral competence to do that without an appeal to the nation. I say it is a question upon which the country can alone decide, particularly under the circumstances at which we have now arrived. You cannot come, on a sudden and without the country being the least informed of your intention, to a decision that will alter the character of England and her institutions. You cannot come in this off-hand manner to such a decision as that. Why, look at what you are doing. You are asked to take a course to-night which will effect a revolution in this country. I am not taking now the limited issue to which the right hon. gentleman conveniently confined himself. I take the broader issue laid down by the great master of this subject, and upon which England and Ireland probably will soon have to pronounce. How have you been introduced to this discussion? The Liberal party have been in power for more than a quarter of a century. Have they prepared the mind of England upon this question? Have their leaders risen from the seats of authority and told the people that the great principles upon which the society and even the political conditions of the country are erroneous. You and your forefathers and generations before them, and long centuries of men, have built up this great realm of England. You have acknowledged, you have encouraged, you have supported, you have stimulated, you have lived and acted, under the influence of ecclesiastical endowments, and you have not during all that time in any way guided public opinion to doubt the propriety of that system—of that great and beneficial system under which you were born and which your forefathers created ? Not a syllable of the kind.

I need not read further from this speech. It is a most able speech. It points to this, that in dealing with great constitutional questions, where you cannot revert to the condition of things which existed before you undertook to deal with them, the country ought to be behind you, and ought to have pronounced in favour of them. I do not pretend to say, and I do not think any hon. gentleman here will say, that this question is a question of that sort, and yet we have gone to the country upon it. We have stated our views. We have embodied those views in ten propositions. Those propositions were all before the electorate of this country before the elections were had, and, in the only way known to the English constitutional system, the public opinion of this country has been pronounced upon them. Now, let me point out this further, and it is an important fact, and it is one that this House must not shut its eyes to : in 1872, the two parties were agreed that in order to give security to whichever might be in opposition, the minority, that county boundaries ought not to be disturbed. There were other very important reasons. It is an essential part of the English constitutional system, and that is of very great importance, but apart from the question of its being a part of the English constitutional system, it is also a protection to the minority. In a large measure it restrains those who are disposed to go wrong and legislate in such a way as to promote the interest of a party apart from the strength or popularity of the party. We all agreed, I say, on the principle in 1872, after the census of 1871. We went to the country in 1872. We had another election in 1878, and there was a vote taken, and under the principles laid down in 1872, under the policy that was then adopted, we were beaten. Our opponents came in ; public opinion was behind them. Their success, so far as the division of constituencies was concerned, was perfectly legitimate, but in the election of 1872, which took place after the redistribution of 1872, and the election of 1878, not one word was said in favour of a new and different principle—in favour of one essentially different. Hon. gentlemen went to the country in 1878, and they did not say one word in favour of breaking down county boundaries and gerrymandering constituencies. There were many cases in which they had an opportunity of discussing these questions before the public after every session.

Hon. Mr. MILLER—It was understood their policy was to distribute after each decennial census. The country understood that.

Hon. Mr. MILLS—My hon. friend cannot get away from my point in that way. I say in 1872 it was agreed that the principle of county boundaries should be adhered to. In 1882 it was departed from, and there was no approval in the country of that departure. The country was not consulted. It was a conspiracy in the mind of the government itself. The country was not taken into the confidence of the government. How did this House act on that occasion ? Did the Senate of Canada stand up for the principle of county boundaries ? Did they adhere to the principle they laid down in 1872 ? They utterly disregarded it. They treated the question as one affecting the House of Commons mainly, and in which they had no interest, and what the government proposed they carried here, and al-

though my hon. friend who sits beside me (Mr. Scott) was a member of this Chamber and made an earnest and vigorous protest against the action which was then taken, this House disregarded that protest and gave the sanction of the Senate to the policy of the administration, and that Bill became law. If the motion of the hon. leader of the opposition is carried, what will be the policy of this country ? Is it the same as it was in 1882 ? Is the House dealing with the present administration and its measure as they dealt with the measure of 1882 ? Did they say in 1882 'you were committed to the principle of respecting county boundaries ; that was the rule laid down by the one party and accepted by the other in 1872, and you said not one word about it in the country since—you have not made it an issue in your general elections or in by-elections, and you ought not to adopt it without popular sanction. It is such an amendment—such a radical change in the constitution, that popular sanction ought to have been had before you proposed it for the consideration of this House.' Was that position taken ? Did the House undertake to stand up for the constitutional doctrine as I think the constitutional doctrine is ? Not at all. This House utterly disregarded the provision and assumed that parliament was within its right when it took the course which it did. Allusion has been made to the Franchise and Redistribution Bills of 1884 and what the Duke of Devonshire said on the Home Rule Bill. Now, what was done in the case of the Home Rule Bill ? There was an election in which it was an issue ; nobody disputes that. The overwhelming majority of Ireland, Scotland and Wales were in favour of that Bill. The majority in England were the other way. Now, what was the argument by which that provision was upheld ? It was this, that England was the principal factor ; it was more populous than the other three sections taken together—that England is the largest contributor to the revenue and that a measure of so much importance, altering the constitution, ought not to be carried without the sanction of the majority in England. That was the position taken by the House of Lords, and upon that ground.

Hon. Mr. MILLS.

Hon. Mr. MILLER—Not by the man who made the motion for the six months' hoist.

Hon. Mr. MILLS—That was the position taken by Lord Salisbury, and that position is the one on which the Act was defended by the Conservative and Unionist members in England when the measure was rejected by the House of Lords. They knew right well that it was a departure from the doctrine that where an appeal is made to the country and a vote is taken of the country with the matter in issue, that the House of Lords must acquiesce. That doctrine was departed from in this case, and in order to find a pretext for that departure, the proposition was put forward which I have mentioned, that England, being the principal factor, the most populous, the most wealthy and influential section of the United Kingdom, that a measure working such important constitutional changes ought not be adopted without the sanction of the majority of the people of England as well.

Hon. Mr. MILLER—It was only one of the arguments put forward.

Hon. Mr. MILLS—It was the main argument on that occasion.

Hon. Mr. MILLER—No. No mandate from the people was the main argument of the member who moved the motion.

Hon. Mr. MILLS—I say there was a mandate. The majority of forty that Mr. Gladstone had behind him was a mandate. That is the only mandate that can be given. There is no direct voting upon a measure. There is no attempt to adopt a system such as that which exists in Switzerland for certain purposes. The only mandate known to the law of England is the approval of the general policy of the party by the votes given to uphold that party when it appeals to the country. The hon. gentleman referred to another case—to the Redistribution Act of 1884, and the Franchise Act of the same time, and he pointed out that the Franchise Act was defeated. I do not think that it was so. My hon. friend will find that that was not admitted at the time. What was done was the postponement of the second reading of the Franchise Bill until the Redistribution Bill was brought down.

Hon. Mr. MILLER—It killed it for the session.

Hon. Mr. MILLS—But they gave a reason for what they did. I was in England and heard some of the discussions.

Hon. Mr. MILLER—It was virtually a six months' hoist.

Hon. Mr. MILLS—The largest gathering ever held perhaps in any country in the world, was held in England when that postponement took place. Six hundred thousand people from outside the city of London marched through the city and were six hours marching past any given point. There was a strong feeling against the House of Lords. There was a disposition in all parts of the United Kingdom to demand the abolition of the House of Lords, and Mr. Gladstone, who was always an ardent supporter of the principle of the constitution recognizing two Houses, adopted a policy in the interest of the House of Lords and with a view of preventing revolutionary measures being pressed on the attention of parliament rather than for any other reason, and the leaders of the Conservative party conferred with him, and the policy was adopted of carrying through the two measures simultaneously, or at all events allowing the leaders of the opposition to know what was the character of the Redistribution Bill that the government proposed to submit to parliament.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. MILLS—I am not going to trouble the House with so simple a matter as the one to which my hon. friend alluded as a piece of badinage, in which he said that I was mistaken in my use of the word viceroy. I was not mistaken. I used the word exactly as it has been interpreted by the judicial committee of the Privy Council. I quoted, at the time I referred to it, authorities, and Sir John Thompson did not show that I had ever used the expression in a different sense. What he did was to quote from the speech of Lord Dufferin in which the expression was used, and when I was a member of his government, and for which he said I was responsible. I was a young member of that government, and I admit my responsibility in a constitutional sense for the way in which that word was used.

Hon. Sir MACKENZIE BOWELL—That was the speech with which he opened parliament. It was not a speech of Lord Dufferin.

Hon. Mr. MILLER—It was understood it was your duty, as a junior member, to write his speech.

Hon. Mr. MILLS—I am not questioning that; I said it was a speech of Lord Dufferin.

Hon. Sir MACKENZIE BOWELL—A speech put in the mouth of Lord Dufferin.

Hon. Mr. MILLS—And for which I said I was responsible. Hon. gentleman have said to us a good many times during this discussion that we were a government of unredeemed pledges—that we have made many pledges and we have not redeemed them. I do not think that there is very much in that objection. We undertook to redeem this pledge last year—the pledge we gave to the country and that the country returned us here to carry out.

Hon. Mr. McCALLUM—To carry them all out?

Hon. Mr. MILLS—My hon. friend moves the six months' hoist, and my hon. friend from Monck, I dare say, will vote for it. I know my hon. friend is very much opposed to dishonest measures of this sort, but personal interest makes a difference sometimes. I may recall to the hon. gentleman's recollection—I know his memory of it will be a good deal better than mine—that there was the township of Dunn which he sometimes represented and which he sometimes did not represent, and my hon. friend had a great interest in seeing that township transferred from his constituency to that of David Thompson. I do not believe that even McLaughlin, however sorrowful his demeanour may have been, was more sorrowful for the loss of his wife than my hon. friend was when he lost that township.

Hon. Mr. McCALLUM—I suppose the hon. gentleman wishes to be honest. Does he wish to get the truth of the matter and know all about it?

Hon. Mr. MILLS—I have a very distinct recollection of the matter, but I will listen to my hon. friend.

Hon. Mr. McCALLUM—I will give the facts. David Thompson, the late member for Haldimand, went to Sir John Macdonald and asked as a favour that he should take the township of Dunn out of the county of Haldimand and put it in the county of Monck. I know they brought pressure to bear on him, and he moved an amendment and swallowing himself back again. They did all they could to kill me; I represented a radical county in the Dominion of Canada for 18 years, and all the power they could bring to bear from Ottawa was not able to defeat me. My hon. friend knows that, and when he says it was a sin of mine, I can tell him I never asked for it.

Hon. Mr. MILLS—I did not say my hon. friend asked for it. I said he was glad to see it go. My hon. friend opposite has spoken of this Bill not extending over the whole province of Ontario. Personally, I would have been very glad to have extended it to the whole province, and if the hon. gentleman had proposed to amend it in that direction he would have been acting more consistently than by moving the six months' hoist. The truth is this, that the eastern portion of the province of Ontario has always had, in proportion to its population, a larger representation than the western portion, and there was a question to be considered besides the question of altering the boundaries—the question practically, of the redistribution of the seats. Now, that has not been touched by this Bill, and that was the governing consideration in leaving the eastern portion of Ontario as it is at the present time. One hon. gentleman has spoken about the 'machine,' and about the case of Brockville and the case of the county of Huron. Well, I do not think there is much relevancy in alluding to those, without any facts before this House, in this discussion. I do not think they have much to do with this discussion.

Hon. Sir MACKENZIE BOWELL—We will provide for that in the Criminal Code.

Hon. Mr. MILLS—There was not a fact, when the inquiry took place in the case of the county of Huron, that was not known to those parties who complained within the thirty or forty days within which a petition might have been filed, and it was an abuse of the power of parliament to ask for an inquiry in that case.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MILLS—My hon. friend knows right well that he himself maintained and voted for the principle that no inquiry should be had or granted where the parties had open to them a petition and knew the facts within the time within which an inquiry could take place. I might refer to the case in which my hon. friend to my right (Mr. King) was interested. I do not know whether the hon. gentleman opposite was a member of the Privileges and Elections Committee in that case or not.

Hon Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—I know that the government of which my hon. friend was a member, voted against inquiry—voted against bringing the Clerk of the Crown in Chancery before the House to correct the false addition, and, although he had gone to the electorate and an election had taken place, and he had been returned by a majority, they said: 'your recourse is to file a petition and go into the courts if you want redress. Parliament will not listen to you. My hon. friend thinks that a rule which ought to be adopted when the Liberal administration is in power is an altogether different rule from that which should be adopted when a Conservative administration is in power.

Hon. Sir MACKENZIE BOWELL—There is no analogy between the cases.

Hon. Mr. MILLS—One hon. gentleman said yesterday that he had been implored by a dozen members of the House of Commons to defeat the Drummond County Railway Bill. That was a very extraordinary declaration, in my opinion. I think the hon. gentleman must have been dreaming—must have been labouring under some hallucination. It is a strange idea that members of the House of Commons should vote for a measure which they detested, and that they should come to him and ask him to defeat the measure. If I remember right, the hon. gentleman voted for the measure, and this House voted for it, and the whole of this House, or very nearly all the members,

supported that measure and it was carried here the very next year.

Hon. Sir MACKENZIE BOWELL—Not the same measure.

Hon. Mr. MILLS—Practically the same measure. What was it? It was to make the Drummond County Railway a part of the Intercolonial Railway, and that measure became law.

Hon. Sir MACKENZIE BOWELL—Yes, that is true, but the principle of making it a part of the Intercolonial Railway was not objected to by the Senate, even when the Bill was rejected. It was the terms upon which it was to be acquired.

Hon. Mr. McCALLUM—Tell us about the Yukon Railway.

Hon. Mr. MILLS—I am not going to digress from the measure before us except to say, with reference to the Yukon Bill, that a wiser measure never was submitted to this House, that a greater misfortune was never inflicted upon this country than its rejection. The Senate settled, as far as it lay in their power, the Alaskan boundary in favour of the United States by what they did on that occasion, and no man in this country or out of it, can be found who will undertake to build that road upon the terms of the Mackenzie-Mann offer. That is perfectly clear, and that hon. gentlemen should refer to that matter in which such lasting injury was done, is a matter of astonishment to me.

Hon. Mr. MILLER—The agreement of the government with the United States has settled for ever our boundary?

Hon. Mr. MILLS—What was the discussion in this House for? Was it not to help Mr. Smith at Washington?

Hon. Sir MACKENZIE BOWELL—No, nothing of the kind.

Hon. Mr. MILLS—I can tell my hon. friend that there is an immense number of people in this country who think it was.

Hon. Sir MACKENZIE BOWELL—I hope we will have an opportunity to discuss that question before the House rises.

Hon. Mr. MILLS—I think I have shown very clearly that this measure was a proper measure to submit to parliament. It was one in furtherance of the principle on which the government went to the country, and on which they received a mandate from the people to carry it into law. I think there can be no doubt on that point. It is a measure which this House, of course, has the power to defeat, but I deny that it has, according to the settled usages of England, the constitutional right to reject the Bill. The Bill is a proper one. It is for the purpose of removing a wrong that was done, of putting an end to an injustice, and to place both political parties, so far as it deals with the question of redistribution, upon a footing of equality, and our political opponents have no right to ask for anything more.

The House divided on the amendment, which was adopted on the following division:

Contents:

The Honourable Messieurs

Aikins,	Macdonald (P.E.I.),
Allan,	Macdonald (Victoria),
Armand,	MacInnes,
Baird,	MacKeen,
Baker,	McCallum,
Bernier,	McDonald (C.B.),
Bolduc,	McKay,
Boucherville, de (C.M.G.),	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Carling (Sir John),	Merner,
Casgrain (Windsor),	Miller,
Clemow,	Montplaisir,
Cochrane,	O'Brien,
Dickey,	Owens,
Dobson,	Perley,
Drummond,	Primrose,
Ferguson,	Prowse,
Forget,	Reid,
Kirchhoffer,	Vidal, and
Landry,	Villeneuve.—41.
Lougheed,	

Non-Contents.

The Honourable Messieurs

Burpee,	O'Donohoe,
Carmichael,	Power,
Casgrain (de Lanaudière)	Scott,
Dandurand,	Shehyn,
Dever,	Templeman,
Fiset,	Thibaudeau
Kerr,	(de la Vallière),
King,	Wark,
McSweeney,	Yeo, and
Mills.	Young.—19.

Hon. Mr. SCOTT—Will the Clerk of the Senate read the names?

The Clerk then read the names.

Hon. Mr. SCOTT—I call attention to the fact that the vote of the hon. member for Erie has been improperly recorded.

Hon. Mr. O'DONOHOE—I voted against the amendment, and I desire to have it changed.

Hon. Mr. POWER—I notice that the hon. gentleman from Yarmouth has not voted.

Hon. Mr. LOVITT—I paired with the hon gentleman from Westmoreland.

Hon. Mr. LOUGHEED—A vote which has been irregularly or inadvertently recorded cannot be changed in the way indicated by the Hon. Secretary of State. The rule states how it should be done, and as it not very often occurs, it seems to me well that we should follow the rule closely. Rule 33 says:

With the consent of the House a Senator may, for special reasons assigned by him, withdraw or change his vote immediately after the announcement of the division.

I might point out that if the mistake had been made in the House of Commons, the hon. gentleman could not change his vote. It would have to remain the way he voted.

Hon. Mr. SCOTT—Not at all. He voted by a mistake.

Hon. Mr LOUGHEED—But his name was read out in favour of the amendment in the hearing of the House. There was an expression of surprise at the time the vote was recorded, because it was thought he would vote the other way, but inasmuch as it has been improperly recorded it seems to me the rules should be adhered to. I am satisfied no objection will be raised, but the hon. gentleman should state his reasons and the House would permit the change.

Hon. Mr. PROWSE—I beg to call the attention of the House to the fact that the senator from Acadia did not vote.

Hon. Mr. POIRIER—I paired with the hon. member from Milton (Hon. Mr. McKindsey), who is sick in town. I would have voted in favour of the measure, and Mr. McKindsey would have voted in favour of the amendment.

Hon. Mr. SCOTT—It is the first occasion that I have ever heard any objection offered to correcting an error when an hon. member states he did not intend to vote in the way his vote has been recorded. I should hope that the House would not offer any opposition to his request.

Hon. Sir MACKENZIE BOWELL—No objection is taken.

Hon. Mr. MILLER—I think there will be no objection.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Calgary did not object to the change, but only asked that the rule should be complied with.

Hon. Mr. LOUGHEED—It should be changed at the instance of the hon. gentleman from Erie, and not at the request of the hon. Secretary of State ?

Hon. Mr. SCOTT—There is no change at all. It is merely a mistake in recording the vote.

Hon. Mr. BAKER—The vote was properly recorded, but the hon. gentleman has a perfect right to have it corrected. That is the proper course, and it is not right to assert that an officer of the Senate has made a mistake, because there has been no mistake in the recording of the vote.

Hon. Mr. O'DONOHOE—I thought that I was voting for the Bill and not for the amendment. My friends and others who know my mind upon the subject would well understand that. I thought I was quite clear in the course I was taking but if I did vote for the amendment it was a mistake and I trust the House will permit the correction.

BILLS INTRODUCED.

Bill (77) 'An Act to incorporate the Congregation of the Most Holy Redeemer.'—(Hon. Mr. Bernier.)

Bill (45) 'An Act respecting the Pontiac Pacific Junction Railway Company.'—(Hon. Mr. Clemow.)

Bill (43) 'An Act to incorporate the Port Dover, Brantford, Berlin and Goderich Railway Company.'—(Hon. Mr. Merner.)

The Senate adjourned.

THE SENATE.

Ottawa, March 29, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

MANITOBA SCHOOL QUESTION SETTLEMENT.

INQUIRY.

Hon. Mr PERLEY inquired:

If the present school law of Manitoba is a satisfactory settlement of the school question of that province, as has been stated by the Honourable the Secretary of State it was? Also, in what particular does the present School Act of Manitoba differ from the last Act?

He said: I have no remarks to make in connection with this inquiry: I am simply asking for information.

Hon. Mr. MILLS—My hon. friend is asking the question in the wrong quarter. This is a matter under the jurisdiction of the local authorities of Manitoba with which they are perfectly competent to deal, and with which, I suppose, if the views expressed here sometimes are correct, they may deal. I may say to my hon. friend that I cannot tell him if the school law of Manitoba is a satisfactory settlement or not. There are additional settlers going into the country, additional accommodation is required for school purposes, new schools are being established and a larger amount of money is sometimes required at one period than at another. Whether the people of Manitoba want further aid for their schools or not, I cannot say.

Hon. Sir MACKENZIE BOWELL—That is not the point.

Hon. Mr. MILLS—The question is whether the present school law of Manitoba is a satisfactory settlement. I am not in a position to answer that question. The question of the Manitoba school law is one that comes before this House only under certain terms and condition. It came before parliament on one occasion. It was dealt with, whether satisfactorily or not time will show. I noticed that in the newspapers, the only source of information I have, which is open to my hon. friend as well as to myself, that there were certain schools in Manitoba, known as separate schools, which I apprehend are entirely voluntary, and it is asked that they should be placed under the general Board of Education of the Public Schools. Whether that has been done or not, I do not know. I am not in a position to answer my hon. friend's question, so that I am not able to give my hon. friend very much information in reply to the first part of his question. The hon. gentleman asks also 'In what particulars does the present school law of Manitoba differ from the last Act'? My hon. friend has the statute-book of Manitoba open to him and has the same opportunity for investigating and forming an opinion upon it that I have. My hon. friend has no intention of paying me a fee for an opinion, and I have great reluctance to volunteer an opinion for which I am not compensated, unless it is my duty to give it, and I do not recognize any public duty in this matter. Therefore, my hon. friend cannot draw from me any gratuitous opinion as he proposes to do by this question.

Hon. Mr. McSWEENEY—For the benefit of the hon. gentleman from Wolseley, I should like to read a special which appeared in the *Star*, headed 'Winnipeg Catholic Schools," under date March 10.

Hon. Mr. McMILLAN—Dispense. We have read it.

Hon. Mr. McSWEENEY—The paragraph reads:

Winnipeg, March 19.—At a representative gathering of parishioners of St. Mary's and the Immaculate Conception, the two Roman Catholic churches of this city, held yesterday afternoon, a resolution was passed requesting the Public School Board to take over the separate schools of the city.

The motion reads as follows: 'That the Public School Board be requested to take over the five schools now maintained by the Mary's and Immaculate Conception congregations, where upwards of 700 children attend school; that the Public Shool Board rent the present buildings, maintain and keep them in repair, and that the schools be inspected by the public school inspector, and retain the present teachers, who will be subject to the same rules and regulations as those now teaching in the public schools.'

This meeting was attended by about 75 prominent Roman Catholic citizens, and they nominated the members of the Catholic School Board as a deputation to wait on the Public School Board to present the foregoing motion for consideration.

That, I think, is a sufficient answer. Then in the late election two Roman Catholic constituencies returned members to support the Greenway government.

Hon. Mr. BERNIER—No.

Hon. Mr. McSWEENEY—There is not the least doubt about it.

Hon. Mr. BERNIER—No.

Hon. Mr. LANDRY—I hope the minister will take the hon. gentleman from Moncton into the cabinet, so we can get an answer to our questions. That hon. gentleman seems to be prompt to give an answer for the government. I hope he will be as kind to me as to the hon. gentleman from Wolseley (Hon. Mr. Perley) and that when the hon. minister is unable to answer he will come to the rescue and I shall have a chance to get a reply. I take issue with the answer of the hon. minister. Where is the judgment of the Privy Council? Is it with Magna Charta? A judgment was given between the two litigating parties, and that judgment imposed on this parliament an obligation, and the hon. minister says now the question is not under his control. It is still under his control. Where is the remedial order passed by the late government? Has that order been repealed? The hon. minister is unable to answer those questions and the responsibility that rests upon this parliament has not been removed. It still remains, and until the minority in Manitoba are satisfied the obligation rests upon this parliament to redress their grievances. They may, as a matter of expediency, not come this session, or next session, or they may forget it altogether, but the obligation is there, and the judgment of the Privy Council places that obligation in undoubted terms on this parliament. There is a provision in the British North America Act which provides that when justice cannot be obtained for the minority from the local authorities it becomes the undoubted duty of this parliament to give that justice.

Hon. Mr. BERNIER—He knows that.

Hon. Mr. LANDRY—What do we see? They are unable to take the responsibility of their own declaration. When the head of the cabinet goes to Drummondville and makes a public speech, and we ask if the report of that speech contains the utterances of the Prime Minister, the hon. minister here says he does not know, and when the question is asked of the Prime Minister himself, he has lost his memory. I do not know if he lost his memory when he went to London or when he went to Drummondville—at all events he does not know what he said, he does not remember—perhaps he does not know.

Hon. Mr. BERNIER—I may have something to say about the school question again during this session, but it was not my intention to bring it before the Senate at this stage of the session. However, since my hon. friend from the west (Hon. Mr. Perley) has thought proper to call the attention of the government to this question, I may, with the permission of the House, say a few words. It is very seldom we have the pleasure of hearing the hon. gentleman from Moncton (Hon. Mr. McSweeney), but I must say it is a very sad spectacle to see that hon. gentleman, who has been almost always silent in this House, take this opportunity to break his silence with the view of trying, he, a gentleman of the Roman Catholic faith, to take the part of the enemies of his persecuted co-religionists in Manitoba in their hour of trial, and surely it would have done him a greater honour if he had continued to keep quiet on the present occasion. Now, the hon. Minister of Justice indulges too often in this House in evasive answers. His answer to the hon. gentleman from Wolleley is simply a subterfuge. I take this opportunity to call the attention of this House to certain ways of the representatives of the government here. When we put questions we have very seldom any clear answers from them. When we ask for returns they are brought down sometimes two years after they have been called for, and even then they are incomplete. The leader of the opposition has asked the minister to supplement a report on the school lands in Manitoba. I made a motion two years ago to get certain papers in connection with those lands, and my hon. friend made his application also two years ago to get the supplement that he wanted, and we are still awaiting that part of the report. Sometimes in dealing with important public questions, the hon. gentlemen duplicate themselves. They carry on correspondence in their private capacity so as to be able to hide all that is going on. I ask old parliamentarians in this House whether that is in accordance with the spirit of responsible government. If a correspondence on a very important public question can be carried on in that way, why could not everthing con-

nected with public affairs be treated in the same way. When the correspondence on public matters is hidden without sufficient reason, where is responsible government in this country? Responsible government is the government of the nation by the nation, and the people must know what is going on, otherwise they have no ground to base their judgment. I really think that the hon. gentlemen on the government benches indulge too often in this kind of evasive answers. The hon. minister says he cannot answer my hon. friend. Who will accept that declaration? The hon. gentleman is a member well posted on every political and legal question. He knows there has not been any substantial change in the school law of Manitoba. He knows that the school question is not settled. He knows that this parliament has still jurisdiction. He has merely said that it is a matter of local jurisdiction. True it is to a certain extent, because this parliament, having failed to provide the proper remedies, until this time, it remains open for the local legislature to right the wrongs from which we are suffering, but nevertheless, as my hon. friend from Stadacona (Hon. Mr. Landry) has said, this parliament retains its full jurisdiction in this case. So long as the local legislature has not complied with the remedial order, this parliament retains its jurisdiction, and the hon. gentleman knows it quite well. The school question is not settled, and I must again enter here my protest against all that has been done to induce the people throughout Canada to believe that the question is settled. That is an entire misrepresentation. As to the elections of which my hon. friend from Moncton has spoken, I say most emphatically that the Roman Catholics of Manitoba voted against the Greenway government. You take three constituencies with French names where the Greenway candidates have been returned; you think all the people there are French Catholics, and from these notions you jump to the conclusions that the Roman Catholics in our province have pronounced themselves in favour of the Greenway government. That is not accurate. There is in all these constituencies a large non-Catholic vote, and that vote in the last election, went mostly against us, and carried the election. In one instance a large number of Mennonites voted against us. These Mennonites, that the hon. gentlemen opposite when they were first in power from 1873 to 1878, brought into this country, a class of people whom we exempted from military service, voted against our constitution and against the rights of a section of the people, trampling under their feet one of the greatest privileges a free people can and should have. While our sons are to the front giving their blood for the cause of Great Britain, these Mennonite people are allowed to enjoy all the privileges of the British subjects, even to the extent of intruding upon the privileges of their neighbours, while themselves remain quiet at their homes, well sheltered as they are from all the dangers of war by virtue of the exemption granted to them by the hon. gentlemen now occupying the Treasury benches. As to those elections, I remark also that there are many constituencies bearing English names, and it is taken for granted that they are all English constituencies. This also is inaccurate. Morris bears an English name, yet the majority of the electors there are French Roman Catholics, and that constituency returned a supporter of the Macdonald government. Woodland is another constituency in the same position almost, and we have in the western part of the province half a dozen constituencies where the Roman Catholic vote carried the election; so when we come to consider the matter as it should be considered we find at least sixty or sixty-five per cent of the Roman Catholic minority which voted against the Greenway government. These are the facts.

Hon. Mr. MILLS—I suppose Mr. Macdonald will give them the redress they require.

Hon. Mr. BERNIER—I hope so. But what I know for a certainty is that such a redress would never have come from Mr. Greenway. I might add to what I said about the election, that Mr. Macdonald himself would not be where he is to-day if a large portion of the Roman Catholic vote had not gone in his favour. So it is quite accurate to say that the Roman Catholics of Manitoba voted against the Greenway government. And even if that were not the case, as the hon. leader of the opposition has already said, that would not destroy the rights of the

Roman Catholics ; and if there was only a minority among those Roman Catholics seeking justice, I say the governments here and in Manitoba would be obliged to redress their grievances. So, the telegram of last week from Winnipeg, which the hon. gentleman from Moncton thinks so interesting, has no bearing at all on this question. By the action of the men composing this government we have lost the redress that we expected to get from parliament when the remedial Bill was introduced, and our people have been struggling against poverty for ten years, and now they feel that if they want their children to be educated to some extent they must do something. For ten years the Catholics—principally in Winnipeg —have been obliged to pay for the support of the public schools, while supporting besides their own schools, and not only have individuals been obliged to pay for the support of public schools which their children do not attend, but the Catholic institutions have also been taxed all the time for the same purpose. One institution in Winnipeg, which is educating about 300 students, is taxed about $400 or $500 a year to support the Protestant schools. That taxation of the Catholic people for schools from which they had no benefit has amounted yearly to about $7,000 altogether. Under those circumstances some of the Catholics of Manitoba think that they are, to a certain extent, justified in seeking to have a modus vivendi by which they would be relieved of such a burden. They have not obtained the modus vivendi yet. And when they get it, if they ever get it, I am afraid that it will rather be a modus moriendi. This move of the Catholics in Winnipeg cannot be called a settlement. I am sure that it is not the intention of the promoters of that movement. They have too much regard for our rights, for constitutional and parental rights and for the Catholics principles of Catholic education. But if it ever takes the form of a settlement it will have to be regarded in the light of a city capitulating by reason of famine. When a city is forced to capitulate on account of famine, it must be admitted that it is a very poor settlement. The Catholics of Manitoba are not satisfied, and even the newspapers supporting the hon. gentlemen proclaim that the question is not settled, that we have not had proper satisfaction up to the present time.

Hon. Mr. BERNIER.

Hon. Mr. POWER—I do not think the hon. leader of the House deserves the strictures that have been bestowed upon him. If one looks at the question proposed by the hon. gentleman from Wolseley, he will find that it is not a question which calls for an answer from the leader of the government. The hon. gentleman in his question says that he will ask if the present school law of Manitoba is a satisfactory settlement of the school question of that province, it having been stated by the hon. Secretary of State that it was. That is a matter of opinion. There are some gentlemen who think the question has been satisfactorily settled, and there are others who think it has not, and it would not really place the hon. gentleman from Wolseley in any better position if the hon. Minister of Justice were to put himself in either one category or the other. It would not affect the fact. The hon. gentleman asks in what particular does the present school law of Manitoba differ from the last Act. That can be ascertained by looking at the statutes ; and with the permission of the House I shall read some extracts from the Manitoba School Act of 1897, because I observe that the hon. gentleman from St. Boniface (Mr. Bernier) who for a number of years, has had the interests of the Catholics in Manitoba under his particular care, stated that no change had been made in the law.

Hon. Mr. BERNIER—No substantial change.

Hon. Mr. POWER—Chap. 26 of the Acts of Manitoba for 1897 is the one which makes the changes.

Hon. Mr. PERLEY—The hon. gentleman is going to answer the question which the hon. minister refuses to answer.

Hon. Mr. POWER—The hon. gentleman might have answered the question himself, and he did not choose to do it, and inasmuch as another hon. gentleman gives us to understand that there has been nothing done, it is just as well to understand what has been done, because the members of the House should be informed on this question. The first section reads as follows:

Religious teaching to be conducted as hereinafter provided shall take place in any public school in Manitoba;

(a) If authorized by a resolution passed by the majority of the school trustees, of the district in which the school is carried on or in which the school is corried on, or.

(b) If a petition be presented to said school trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural school district, or by the parents or guardians of at least twenty-five children attending the school in the case of a city, town or village school.

Hon. gentlemen will remember that one of the great objections to the public school law of Manitoba was that it did not give any opportunity for religious instruction in the schools. We all know that Catholics hold that it is desirable that religious instruction should be given at other times than on Sunday; that the Sunday school is not enough in that way, and that religious instruction should be given through the week. This enactment puts it in the power of the parents of ten Catholic children attending school in a rural district, to secure religious instruction in that school, and it puts it in the power of the parents of twenty-five children in a city, town or village to secure that religious instruction. I think on the whole that that is not an unreasonable provision.

Hon. Mr. LANDRY—Is that a restoration of the previous rights?

Hon. Mr. POWER—The hon. gentleman can make his speech after I have concluded.

Hon. Mr. McCALLUM—I think the discussion is all out of order.

Hon. Mr. POWER—No, we are discussing a question, and it is held in this House that we have a right to discuss questions.

Hon. Mr. McCALLUM—What is the question? There is no question before the House.

Hon. Mr. POWER—The hon. gentleman did not take that ground a few days ago. As I said, that section of the Manitoba School Act which I have read is a reasonable provision. If ten parents in a country section or 25 parents in a village or town, wish to have religious instruction, the religious instruction is to be given. That is a somewhat important matter. Section 2 says that such religious instruction shall take place at certain hours; and hon. gentlemen will observe that it is not left to the discretion of the trustees. The trustees might pass a resolution authorizing the giving of religious instruction, or the trustees might not pass it. They might not be willing; but if the trustees are not willing, then the parents can get the right by simply presenting a petition. The matter is not left to the discretion of the trustees. Section 2 says:

Such religious instruction shall take place between the hours of half past three and four o'clock in the afternoon and shall be conducted by any Christian clergyman whose charge includes any portion of the school district, or by any person duly authorized by such clergyman, or by a teacher so authorized.

That provides that if the clergyman does not find it convenient to give the instruction himself, he may depute some one to give it, or if the teacher of the school happens to be one of his own persuasion, he can depute the work to him. I do not think you could make any more satisfactory arrangement than that.

Hon. Mr. BERNIER—Hear, hear.

Hon. Mr. POWER—I am speaking of the religious instruction taken by itself. If the hon. gentleman has any scheme to propound under which the religious instruction can be better given in a mixed school, I shall be glad to hear it. Then another point which the Catholics were interested in was in seeing that there was a reasonable number of teachers belonging to their denomination; and the wish always is that as far as practicable Catholic children should be taught by a Catholic teacher. Section four of this Act reads as follows:

In any school in towns and cities, where the average attendance of Roman Catholic children is 40 or upwards, and in villages and rural districts where the average attendance of such children is 25 or upwards, the trustees shall, if required by a petition of parents or guardians, of such number of Roman Catholic children, respectively, employ at least one duly certificated Roman Catholic teacher in such school.

The remainder of the section deals with non Catholic children where the majority may be Roman Catholic. I do not know very much about the condition of things in Manitoba, but it is clear that in the rural districts of Manitoba, if there were 25 Roman Catholic children attending a school under that section they could have a Roman Catholic teacher.

Hon. Mr. CASGRAIN (Windsor)—If in a city there are only 24 in place of 25, or in a rural district only 9 in place of 10, what then ?

Hon. Mr. POWER—I do not think you could expect a separate institution for nine children. It could not be maintained.

Hon. Mr. BERNIER—It was maintained for 20 years.

Hon. Mr. POWER—No, not just that way. We are dealing with things as they were in 1897. I think that throughout the rural districts of Manitoba, where the Roman Catholics as a rule, I believe, are settled pretty well together, this provision will mean that where there are 25 Catholic children there is to be a Catholic teacher, and, with the provision as to religious instruction, substantially satisfies the Catholic claims. In the cities and towns I do not think the number forty is an excessive number ; and as I understand there is a Catholic inspector of schools likewise. The fifth section of the Act deals with the allotment of days for giving religious instruction to Catholics and non-Catholic teachers. That is where there are children of both kinds going to the same school. Then there is another section which does not deal directly with the question at issue, but it is interesting because it goes to show, that there is, at any rate, a certain spirit of fairplay pervading the system. Section ten says :

> When ten of the pupils in any school speak the French language, or any language other than English, as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon the bi-lingual system.

The eleventh section reads :

> All the provisions of 'The Public Schools Act' and amendments and of 'The Education Department Act' inconsistent with the provisions of this Act, are hereby repealed.

On the whole, I think that Act does a good deal. It goes a considerable distance, and while I do not undertake to contradict the hon. gentleman from St. Boniface with respect to a matter as to which he is necessarily better informed than I am——

Hon. Mr. LANDRY—Hear, hear, that is true.

Hon. Mr. POWER—If the hon. gentleman from Stadacona was careful to observe that rule, he would contradict less often than he does. The hon. gentleman from St. Boniface alleges that the action recently taken in Winnipeg is simply the result of the poverty of the Catholic people in that city. I do not undertake to contradict the hon. gentleman ; but I think it is possible that action may bear another construction. I think human nature in Manitoba is not very different from what it is in New Brunswick, Prince Edward Island and Nova Scotia. We had the same difficulty in the maritime provinces, that exists in Manitoba under the Act of 1890, and without any interference from Ottawa, without any Dominion legislation, the people down in these provinces have contrived to arrive at a settlement of the question. In the city of Halifax there were a large number of Catholic schools at the time the school system came into operation, and these schools were taken over by the school board and treated in every respect as public schools, inspected by the same inspector and governed by the same board of school commissioners, but the understanding was that the teachers were to continue as they had been, exclusively Catholic. In Charlotetown when the school law first came into operation, they had no such provision. They found out how the thing was managed in Halifax several years ago, and they adopted a similar plan in Charlottetown. In New Brunswick there was conflict and difficulty at the beginning, but the result has been that they have adopted substantially the same method of dealing with the question which we adopted in Halifax at the beginning, and now everything is peace and harmony in school circles in New Brunswick. The Catholics are fairly well satisfied, and other denominations are not dissatisfied.

Hon. Mr. McMILLAN—The hon. gentleman forgets that the Catholics in Manitoba started with the right.

Hon. Mr. BERNIER—Hear, hear.

Hon. Mr. POWER—We are dealing with the condition of things that existed under the Act of 1890. I am not going to justify the action of the Manitoba legislature in 1890. We are talking business now. I do not know, but I have a strong impression that this movement in Winnipeg to-day is not due solely to the poverty of the Catho-

lics, but that it is due to a feeling, probably a feeling may exist on both sides, that it is desirable to have the wound healed and have the matter closed up, and that they may adopt—and I trust it may be so—in Winnipeg the same system which has worked well in Halifax and Charlottetown, St. John and Moncton, and other places in the lower provinces. I trust that the upshot may be that the schools which are owned by the Catholics and have been maintained by them for so many years in a way that they should not have been maintained—I mean that they have been maintained at the sole expense of the Catholic ratepayers who are obliged to contribute to the support of the public schools also—I hope that that condition of things will change and that we shall have in Winnipeg the same condition of things which we have in the cities I have mentioned in the lower provinces.

Hon. Mr. BERNIER—Would the hon. gentleman permit me to interrupt. I have at present in my desk a letter the writer of which I am not at liberty to mention, which proves that the reason I have given for the movement in Winnipeg is the correct one—poverty.

Hon. Mr. POWER—I have no doubt if the Catholic people were very wealthy they would not be anxious, perhaps, to make this compromise, but I trust that the compromise will be made. I do not intend to go into the condition of things which existed all over the country in 1896. We know what the feeling was from one end of the country to the other. It was nothing but war, and now it is otherwise. This is not the time, perhaps, to discuss the Remedial Bill, which is not before us ; but I wish to say that the Remedial Order which was made in 1896 set out properly the things which should be done ; but the best study which I was able to give to the Remedial Bill satisfied me that it did not carry out the provisions of the Remedial order at all.

Hon. Mr. BERNIER—That may be, but we accepted it, and the opposition at that time should have acceded to our wishes unless they were not disposed then as now to do anything at any time, as the years that have elapsed since seem to have disclosed.

Hon. Mr. POWER—Was the hon. gentleman, who insists upon having justice, authorized to accept less than justice ? The truth is, that the Remedial Bill would have done practically no earthly good to the Catholics of Manitoba and I say this knowing fairly well what I am talking about. The hon. leader of the opposition in this House, when he dealt with that matter, dealt with it, I think, with a single eye to do what was right and fair. I have always felt that the hon. gentleman was anxious to do full justice to the Catholics of Manitoba, but the same could not have been said of some of the hon. gentleman's colleagues. One of them, who was very prominent in the strike which took place in the late cabinet, declared afterwards, in speaking of the Remedial Bill and defending the action of the late government in pushing it, that under that Bill the Catholics of Manitoba could not have got a dollar of money, nor an acre of land ; and he knew what he was talking about.

Hon. Mr. LANDRY—But there was a way to get it.

Hon. Mr. POWER—When the hon. gentleman's motion comes up there will be an opportunity to discuss the Remedial Bill, and I shall be happy to discuss it then, and discuss it at length, but I think the country has reason to congratulate itself that we have peace now. If we had had the Remedial Bill, we should have had nothing but continual strife, and the Catholics of Manitoba would not have been as well off as they are to-day. It would have been litigation and strife.

Hon. Mr. BERNIER—Before the hon. gentleman resumes his seat, will he permit me to put two or three questions to him ?

Hon. Mr. POWER—Certainly.

Hon. Mr. BERNIER—You have been speaking of what has been called the Laurier-Greenway settlement. The hon. gentleman is a Roman Catholic?

Hon. Mr. POWER—Yes.

Hon. Mr. BERNIER—Is that settlement a compliance with the principles of the Catholic Church in the matter of education?

Hon. Mr. SCOTT—It was the only settlement that could be procured.

Hon. Mr. POWER—It is not just the settlement that I should have desired if I could have had my own way. But hon. gentlemen will remember that out of every five people in this country at least three are Protestants and only two are Roman Catholics, and that the minority cannot force a majority to give the minority all that the minority thinks it has a right to. I say this is a concession of considerable value. I say that the Remedial Bill would have been practically unworkable, and would not have meant anything at all for the Roman Catholics in Manitoba, and I hope that the movement which has taken place in Winnipeg now will end in a settlement such as we have in the cities in the lower provinces, and if it does, then we have no very substantial grievance.

Hon. Mr. LANDRY—The hon. gentleman has not answered yet.

Hon. Mr. BERNIER—Yes, he has answered. Although it is wrapped up in many words, still we have the admission from the hon. gentleman that this settlement is not a compliance with the requirements of the Roman Catholic Church in matters of education. I should ask another question: Is that settlement a compliance with the constitution ?

Hon. Mr. POWER—I think that it was, on the whole, as fair and just a settlement as could be had under the circumstances.

Hon. Mr. LANDRY—That is not an answer.

Hon. Mr. DANDURAND—The question put by the hon. gentleman from Wolseley, it seems to me, is quite academical. I do not see that the different opinions that the hon. members of this Chamber hold on this question could materially alter the situation. The hon. member from Wolseley belongs to the Conservative party, which has a strong opposition in the other Chamber, and before putting this question to the government it seems to me that he should tell us what is the policy of his party on this question. It is all very well for the hon. gentleman to rise and ask the government if the settlement is satisfactory. Has there been a word of dissent in the other Chamber ? Has his leader, Sir Charles Tupper, moved a vote of want of confidence on this settlement ? Has he complained ? I hear for the first time from the hon. gentleman from Halifax (Hon. Mr. Power) that the hon. member from St. Boniface (Hon. Mr. Bernier) is to move a motion on the subject here. The Conservative party, as represented by the opposition in the House of Commons, has not expressed itself officially on this question, and it seems to me, after the service rendered by the Tory opposition in this Chamber yesterday to the Tory party at large, that if they felt strongly on the matter they could bring pressure on Sir Charles Tupper and his friends to express their minds on the question. The obstinate silence of these gentlemen speaks volumes in favour of the Laurier-Greenway settlement.

Hon. Mr. McCALLUM—I wish to know if this discussion is in order ? I ask the ruling of the Chair. The hon. gentleman from Halifax is always a stickler for the enforcement of rules, and he says he could put himself in order by moving the adjournment of the House. I have no objection at all to listen to a discussion of those questions, but I should like to see the procedure of the House in order. Here is a question by the hon. gentleman from Wolseley answered by the minister. How many have undertaken to answer that question since ? I take it for granted the Minister of Justice is capable of answering that question. He gave an answer and that answer ought to be sufficient, but my hon. friend from Halifax is evidently loaded to give us a speech on the question, and I want to know if it is in order, unless he moves the adjournment, to speak as he does. I want the ruling of the chair.

Hon. Mr. MILLS—I raised a similar question the other day and it was decided against me.

Hon. Mr. DEVER—I think it is very regrettable that these semi-religious questions should be brought before this honourable House. I fear that instead of hon. gentlemen looking on this question with the respect I thought they felt towards religion, their object has dwindled down into a political party question. I see the Roman Catholic body, or those who profess to be Roman Catholics, are very much divided on this question. It is true we have a large number of hon. gentlemen

in this House who claim to be Roman Catholics perpetually bringing up this question. One hon. gentleman undertook to give us his opinion by reading from a newspaper. The hon. gentleman occupies as good a standing with the authorities of his Church, perhaps as any other gentleman in this Chamber. I do not think it is right that one Catholic, or half a dozen Catholics, on this side of the House should rise and proclaim—

Hon. Mr. LANDRY—What does the hon. gentleman mean when he says 'this side of the House'?

Hon. Mr. DEVER—The Conservative side.

Hon. Mr. LANDRY—Are you on this side?

Hon. Mr. DEVER—Yes, unfortunately, my seat is on this side. They have tried to make a political question of this. There are other Roman Catholics who hold different views with reference to the school question. I know that in New Brunswick there was a very heated controversy at one time on the subject, but it has dwindled down to a satisfactory condition. It may not have satisfied certain extreme men, I admit, who are always anxious, like Shylock, to have the last fraction of their pound of flesh. They can have their pound of flesh, but they must in doing so, not spill one drop of blood. I regret exceedingly that this question should be brought up, as I think, for political purposes. I might speak of the grandeur and nobility of the Catholic religion.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DEVER—I think it is time that you learn some manners. You are perpetually disturbing your superiors in this House.

Hon. Mr. LANDRY—The hon. gentleman is out of order. He is addressing me directly.

Hon. Mr. DEVER—You are a disturber of the peace. Notwithstanding my veneration for the Roman Catholic Church, I do not think it is my duty, in a deliberative body like this to weary a majority of members who have no sympathy with these discussions, but must certainly be very much annoyed when they see gentlemen so anxious to bring their private grievances before the public. I happen to know a little about the school question, and I have my own ideas about it. I have a notion that any church, or any people, who are afraid of unshackled education must feel conscious of some weakness in their position. I believe in free education—free investigation into every question, even the subject of religion.

Hon. Mr. MACDONALD (B.C.)—You are a Roman Catholic?

Hon. Mr. DEVER—I profess to be. I am as good a Roman Catholic as you are at all events. It is an open question, and it is very clear that there is a division of opinion amongst even Roman Catholics on the subject, and I think it is high time it was excluded from this House. In New Brunswick, the Roman Catholics have accepted the school law, and have had appointed on the school board Roman Catholics, and from what I can learn the Roman Catholic members of that school board are well satisfied with their rights and privileges as Roman Catholics in that province. I do not see, for the life of me, why, with a little patience and a little tact, we may not have the same result throughout Canada. These are my views, and I trust that men who seem to put themselves more prominently before this House as Roman Catholics, than even the Pope himself, will realize that they are going a little too far, and that they are speaking for a very numerous body of people, who, perhaps, do not coincide with them in their extreme views, but, on the contrary, prefer to have their children given an open, manly unshackled knowledge of the world. I have been driven to speak, because the subject has been brought up here so often, that I have come to the conclusion it is nothing more than a political trick. Further, I wish to say, an hon. gentleman found fault with the authority of these newspapers. Whose newspapers are they? The newspapers on the side of the very party that is complaining.

Hon. Sir MACKENZIE BOWELL—It is a telegram.

Hon. Mr. DEVER—In the *Citizen*.

Hon. Sir MACKENZIE BOWELL—It was published in the *Globe* too.

Hon. Mr. DEVER—The telegram is a very important one, it says that: 'Winnipeg Roman Catholics want their schools taken

over by the public school board." This is a very important thing. It shows clearly that a large majority of the Roman Catholics of Manitoba have accepted the situation, for I find that a representative body of 75 men have made application to have their schools taken over by the school board, and that over seven hundred pupils of the Roman Catholic denomination are ready to join them. After these statements, I think, it is high time that hon. gentlemen, instead of flattering the parties who are making this disturbance, should turn their face against it, and exclude it from this Chamber.

Hon. Sir MACKENZIE BOWELL—I should not have risen to say one word on this question, had it not been for the remarks of the hon. gentleman from Halifax, in reference to the action of the government, of which I was the head, at the time the remedial order was passed. There is, however, in this discussion, and in most of the remarks which he made, a good deal that was quite irrelevant. The provinces to which he alluded, New Brunswick, Nova Scotia and Prince Edward Island, had no rights in law to separate schools at the time they entered confederation, and consequently the argument which he has made in reference to those provinces does not apply to provinces which their rights guaranteed by the constitution which was given them at the time they entered confederation. Just as well, might the hon. gentleman compare the position of the schools in the province of Ontario and Quebec, with the position of the schools in the provinces to which he has called the attention of the House. That is the only point to which I shall call the attention of the hon. gentleman. I express my gratification at the opinion which he gave in reference to myself in being honest in the course I pursued. In reference to the declaration made by the hon. gentleman behind me, and also by others, that the course which has been pursued on this question, has been followed for political purposes, all I have to say is, had I desired to float on the popular wave of my own province, at the time this question arose, and on which I took a very strong stand, all I had to do was to swim with the current of popular sentiment, instead of combatting a large proportion of those with whom I had been acting through life. But I looked upon the question as one of a constitutional character, guaranteeing rights to a minority in a certain province, and my own individual opinion as to the question of separate schools or the non-teaching of religion in schools, was not a question which I, as a public man, and head of the administration, thought I had to deal. I believe, and the older I get the more I am confirmed in the opinion I then formed, that the constitution as it is given to each province, must be held inviolate if you expect this Dominion to work harmoniously. I make this remark so as to disabuse the minds of those who say, when they apply it to me, at least, that I was actuated by political motives, because had I desired to stoop to that, I could have occupied a very different position, although, I believe, I occupy, in the minds of the more reasonable people in my own province, the position that my hon. friend concedes to me. Whether I was mistaken or not, I was firm in my convictions in desiring to maintain and preserve the rights of the minority in each province. My hon. friend (Mr. Power), said the order in council met the requirements of the minority in Manitoba, but that the Remedial Bill did not. I can inform the hon. gentleman, and he ought to know, and I think he does know, that the only power that the federal government has to deal with a question of this kind, is to restore the rights which the province had at the time it entered into confederation, and the very moment they went beyond that, it would be ultra vires and a Remedial Bill would have been of no value. All I can say to my hon. friend is this, that that was a point which was discussed and considered at very great length. The very best legal advice we could possibly obtain was procured, as to how far we could go within the constitution in the enacting of a law which would restore the same rights that the minority in Manitoba had before the interference with the schools in 1890, and the moment, in many cases, where the original Bill went a little beyond that, we had to strike it out and keep strictly within the limit of our constitutional power to which our law officers said we could go, and no further. Now, that Remedial Bill gave all the rights and privileges possible, which were enjoyed by the Roman Catholic

minority prior to the interference with the law as it had existed before 1890, when the Greenway government interfered with what we believed to be the constitutional rights of these people.

Hon. Mr. SCOTT—No, it did not.

Hon. Sir MACKENZIE BOWELL—In what respect ?

Hon. Mr. SCOTT—It did not restore to the Roman Catholics, and could not restore to them, all their rights and privileges. It could not grant to them, nor could it compel the local legislature to appropriate to them money to support Roman Ctholic schools.

Hon. Sir MACKENZIE BOWELL—We knew that, nor was their law existing before Manitoba came into confederation compelling any power to grant money for the support of separate schools, for that very reason, as I have already pointed out, we did not attempt to go beyond the power which was given by the constitution, and interfere with any legislation which annulled the rights of the minority. There were these difficulties, I admit, but that was not the fault of the government at the time. The government did all they could do under the constitution. That is all the minority asked them to do, and they accepted that Bill. There was this which could have been provided for, that is to give to the minority their proportion of whatever the proceeds would be arising from the sale of the school lands, because when the lands were set apart for educational purposes, they were set apart for the whole population, just in the same way as the school fund is appropriated now in Ontario, and which was created by setting aside what is known as the school lands. The whole population has a right to a portion of that, proportionate to their population, and that would have been justice to the minority, but beyond that we had no power to go. We had no power to say to the legislature, You shall appropriate your money in such a way. We all know that, for that was not a right that they had prior to confederation. My hon. friend knows very well that the question of separate schools in Manitoba was one that existed, not by law, but, in the words of the Act by which Manitoba was brought into the confederation, by usage, and that was the ground upon which they made this claim. Ontario and Quebec had certain rights and privileges by law, and all that was necessary in the passage of the Federation Act was to guarantee to the province of Ontario, then Upper Canada, and the province of Quebec, then Lower Canada, the rights as they existed at the time by law. But in the Act bringing the province of Manitoba into confederation, the statesmen at that time—Sir George Cartier in particular, who, if my recollection serves me right, carried the Bill through the Lower House—knew there was no law governing this question in Manitoba, and he insisted on putting in the words 'by law or by usage,' and it is under that they claim.

Hon. Mr. MILLS—No, it is under recent legislation. My hon. friend is mistaken.

Hon. Sir MACKENZIE BOWELL—I shall be very glad to listen to my hon. friend if I am in error. There is this difference between the clauses of the Confederation Act and the clauses of the Act which brought Manitoba into the confederacy. One says all the rights and privileges guaranteed 'by law.' The other goes further and says 'by law and by usuage,' and there is no question that was the main reason. I merely wanted to point out to my hon. friend that, so far as the late government was concerned, in dealing with this question their object was to give the Roman Catholic minority, as far as they possibly could by the Remedial Bill, all the rights and privileges they enjoyed prior to coming into confederation, either by law or usage. Beyond that they had no power to go, and beyond that they did not desire to go. They desired to maintain as fully as possible the integrity of the government of this country and the laws which they had put upon the statute-book dealing with this very delicate question. If the whole question is settled, I shall be very glad to know it is settled, and that we shall never hear of it again, but that must be left with those who are interested. If my hon. friend had confined himself to his answer the same way as his leader in the Lower House did on this question, we would have avoided this interesting discussion.

Hon. Mr. MILLS—I gave a proper answer to the question.

Hon. Sir MACKENZIE BOWELL—That is a matter of opinion. I am not going to dispute it with the hon. gentleman. He is master of his own department. He leads the House on the part of the government, and it is for him to say what answer he shall give to all questions, and the House must either accept or differ from him, and if they differ from him, I suppose he will concede the right to think he should have given a different answer. The Secretary of State might have followed the example of his leader in the other House, when he was asked a similar question. The Prime Minister replied that his memory was not good enough to enable him to remember a speech which he had delivered six months ago. I believe that to be literally true, or he would not place himself in the position of contradiction, as he often does. It is often convenient to have a short memory, and it is just as well —no, I will not say that, I think it is well that people should know when they make public speeches what they intend to say and what they do say, and they will not forget it so readily when they are asked questions. My hon. friend said the other day, and there is force in it, that he is not responsible for what people say at public meetings. There is this difference. If the Premier, or a member of his administration, makes a declaration in public, the public have a right to suppose that he speaks not only for himself, but he speaks on behalf of the government of which he is a member, and it is quite legitimate for every member of parliament, and for every man in the country, to ask the question: 'Did you make that declaration, and, if so, is that your policy?' I do not think any public man will deny that proposition, unless we are to accept the theory laid down by the hon. Minister of Railways and Canals, when addressing a meeting not long ago in New Brunswick, and the Minister of the Interior when he made a speech a short time ago in Brandon. Mr. Blair then declared that Mr. Tarte did hold certain views and certain opinions upon a certain question, but the majority of the cabinet held otherwise, and that he had a perfect right to enunciate those views in public, though they were in contravention of the policy of the government of which he was a member. I differ from that in toto. If I understand the principle of responsible government, members of the government must be united upon all questions, and if one member of the government differs from his colleagues while at the council board upon a question, he must either accede to the policy laid down by the majority or resign. That is responsible government, if I understand it. Then, we have this wonderful spectacle, to my mind, of Mr. Sifton telling the electors of Brandon that there was a large deputation, commanding more wealth than the whole of Manitoba, demanding a duty upon lumber, but that he was the only man of the cabinet who opposed it. I have a slight recollection of what the obligation of a Privy Councillor is, and how that hon. gentleman could reconcile that expression with the doctrine of responsible government, or with his duty as a member of the council, I must leave my hon. friends to judge. I am sorry that I have been drawn into this discussion. I should never have referred to it if it had not been for the speech of the hon. gentleman from Halifax. I have no fault to find with it, because he delivered it moderately, but I take exception to the interpretation he put on the Remedial Bill and the action of the government of which I was a member.

Hon. Mr. DEVER—It is quite evident that the hon. leader of the opposition, from the remarks I made with reference to this being made a political question, thought they applied to him. I pledge my word I did not apply the remarks to him. I had reference solely to gentlemen who, I think, are making too much trouble about this question. I had no reference to anybody else.

Hon. Mr. MILLS—I have listened to the observations that have been made as criticisms on the answer which I gave to the hon. gentleman. Let me read this question to the House. The hon. gentleman asks:

> If the present school law of Manitoba is a satisfactory settlement of the school question of that province as has been stated by the hon. Secretary of State it was; also, in what particular does the present School Act of Manitoba differ from the last Act.

My hon. friend puts it here in the form of a question. We are not here to answer academic questions. We are answering questions which relate to practical affairs of parliament. If the hon. gentleman has

any fault to find with the answer, and he thinks the settlement in Manitoba is not a satisfactory settlement, and it is one that interests him and the country, and if he thinks a satisfactory settlement ought to be had, it is open to the hon. gentleman to propose a motion and to give to the House that information which he possesses and the reasons that, in his opinion, are sufficient to show that the settlement is not satisfactory. But hon. gentlemen will see that that is not a matter to be disposed of by a question. The hon. gentleman, of course, is an ardent politician. He is a strong political opponent of the administration. He thought the question was one which might cause embarrassment to the government if it remained subject to discussion in this House. I may say to the hon. gentleman that he is mistaken, and that in my opinion the settlement of the question is upon the lines on which the subject has been dealt with to some extent in the province of Ontario, and that in the province of Ontario the rights of the Roman Catholic population to-day are far greater in respect of separate schools—at all events their privileges are better—than they were at the time that those provisions of the British North America Act were agreed upon in Quebec resolutions. Public opinion, as my hon. friend knows, has grown in the direction of forbearance, and there is a disposition, so long as it does not interfere with the efficiency of the school system, to grant the fullest freedom or toleration to individual opinion. I have always had in my mind, speaking my own individual views, the opinion that when the excitement of this matter disappeared in the province of Manitoba, the current of feeling would set in there, just as it has in the province of Ontario. I have no doubt that practically you cannot carry, in the present state of the population, the law in the direction of public schools quite as far as it has been carried in Ontario, for the reason that the population is not so dense. I remember when this question was up for discussion on the proposed Remedial Bill, I took all the reports in the province of Manitoba and went over the various school districts, and I found an immense number of districts in Manitoba that had less than fifteen children attending each school. When you take a school district, people struggling to give education to their children, and unable to keep up that school more than a small fraction of the year, and if we divide that population again into Protestant and Roman Catholic, we find that the population of fifteen children divided into two, and perhaps one of them forming two-thirds of the fifteen and the other one-third, it would be practically impossible to carry your system out in these school divisions. I think every one who has looked into the question will find that to be the case. My hon. friend opposite refers to the Remedial Bill and the Remedial order. I looked into that matter with very great care at the time the subject was under discussion in the other House. As my hon. friend knows I was in favour of the province keeping faith——

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. MILLS—And of the minority having the rights that had been bestowed upon them. My hon. friend knows there were two decisions given by the Judicial Committee of the Privy Council, and the idea went abroad that those were not in harmony with each other. That was not my opinion on looking into the question.

Hon. Mr. BERNIER—Hear, hear.

Hon. Mr. MILLS—I am not going to discuss it now, but I beg to call the attention of the House to the fact that the first of these judgments was under a clause relating to denominational schools——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLS—Which are a wholly different thing from the separate school, as my hon. friend will see by looking at the judgment of the Supreme Court of New Brunswick, which was also confirmed by the Judicial Committee of the Privy Council, although not reported at the time, but it has since been given from the notes of those who are interested in the case.

Hon. Sir MACKENZIE BOWELL—That is, they had the power to pass this law which they did pass.

Hon. Mr. MILLS—The point was that denominational schools are not separate schools. They are schools under denominational control. They are schools over which

the state exercises no authority, and you might maintain them, just as you did, and they said they could not call for such schools on a state basis, but the separate schools were not created at the union. They were created after the union.

Hon. Mr. LANDRY—In 1871.

Hon. Mr. MILLS—Yes, in 1871. According to the terms of the Manitoba Act, and according to the terms of the British North America Act, once these schools were created there was a compact between the minority and the majority with regard to them, that was as binding as if these schools had existed prior to Confederation.

Hon. Mr. LANDRY—Hear, Hear.

Hon. Mr. MILLS—And it is upon that feature of these provisions that the second judgment was given, and that judgment held that there was a violation of the compact between the minority and the majority. My hon. friend has referred to the Remedial Bill and there are a great many things left out of it, as my hon. friend the Secretary of State pointed out before, simply because the parliament of Canada had no jurisdiction over them. That is perfectly true, but there are some things that were included in the Bill that I was satisfied, had the Bill become law, would have simply given to the majority a law suit and would not have given to them a remedy. I have no more doubt that that would have been the case than I have of my own existence. Let me mention as an instance—and this has always to be borne in mind— that these provisions of the Manitoba Act and the British North America Act confer rights, not upon the Catholic church, but upon the Catholic parents. They are, of course, likely to be guided by their spiritual heads. That is perfectly legitimate and proper, but it is not upon the church that the rights are bestowed. It is upon the parents of the children. Those rights are based upon the proposition that the work of the state is to be done in those schools just the same as it is done in any other schools, and so, if the province were to decide that there shall be but one examining board, you could not by any legislation here—although that right or privilege had existed before—say that there shall be a separate examining board. That, if I remember rightly, was in the Remedial Bill, and I say that you could no more legislate upon that subject than you could upon any other power within the local legislature, because that is not included within the rights that are conferred here. For instance, in the province of Ontario some years ago the office of superintendent of schools was abolished and a board, on which the various churches of the country were represented, called a council of public instruction, was appointed. I was for a time a member of the board. Under that board I remember there was the Bishop of the Church of England, and there was the Catholic Bishop, Archbishop Lynch of Toronto. The local legislature passed an Act sweeping away the board and abolishing the office of superintendent and establishing the office of Minister of Education instead of the board, and instead of the superintendent of education. In one sense that affected the separate schools, but it did not affect any right given by the Act.

Hon. Sir MACKENZIE BOWELL—It only affected the working and did not affect the principle.

Hon. Mr. MILLS—No, and my hon. friend in his Remedial Bill undertook to provide a board for the examination of teachers of Catholic schools distinct from the general board that the province had established, because that examination related to the qualifications of teachers to do the work required by the state, and so they did not differ in that regard from any other teachers ; and so if the government of Manitoba were to alter the constitution of their school system to-morrow, nobody could complain of it under the provisions of the Act, and so when it was proposed to confer that power here and provide for the machinery, I say that that could not stand, and if the Bill had been carried, it would have resulted in a law suit and would not really have afforded any remedy. I remember discussing that matter very fully with the minister at the time the Bill was before the House, and I am not sure but I mentioned the same view to my hon. friend who sits opposite. I am not going into a discussion of this question. The hon. gentleman proposes to bring it up. I do not think there is any advantage in it.

Hon. Sir MACKENZIE BOWELL—Who proposes to bring it up ?

Hon. Mr. MILLS—I understood the hon. gentleman for St. Boniface said that he intended to bring it up. I think it is a misfortune to make this a matter for political discussion. It is a mistake to undertake to make political capital out of it.

Hon. Mr. BERNIER—There is no such thing.

Hon. Mr. MILLS—That was my view when the matter was before parliament on a former occasion, and I did not hesitate to express fully my views on the subject in the House of Commons when I was a member there. I entertain those same opinions still. My views have not undergone any change in that regard, but I say that the less the question is disturbed, the less attempt there is made to array one party against another on a question of this sort, the more likely it is that public opinion will settle down upon reasonable lines and will give to the minority all those rights and privileges which can be efficiently employed, and I am free to admit, because I entertain strong views, that proper religious training and instruction inculcated in youth, with which the minds of children are permeated, incorporate themselves with the character and make of them better citizens than it is possible to make by secular instruction alone. Holding these opinions, entertaining a strong conviction upon that question, I think it would be a misfortune if my hon. friend were to persist in making the Manitoba school question a subject for discussion in this House with a view of bringing political parties and the leaders of parties before this House as a tribunal. My hon. friend knows how strong the opinion of the people of Manitoba is on this question. He says that the majority of the electors voted with Mr. Hugh John Macdonald. I do not know how that may be. It may be so. I am not disputing what the hon. gentleman says. Personally, I have no knowledge of the question, but I venture to say that it would not be in the interests of the minority if Hugh John Macdonald were to change his policy upon this question, and to adopt another declaration than that which he made some time ago in which he agreed in the extreme views that had been taken by some of the most extreme amongst his political opponents. In my opinion, time, which does a great deal towards curing the differences of men upon questions of this sort, will do more than anything else can do, for the minority in Manitoba. It is astonishing how fiercely we sometimes fight over questions, and consider them of vital importance, and when we look back years afterwards we have the greatest possible difficulty in explaining to ourselves how it was that these questions assumed such magnitude in our minds. There are, no doubt, a great many people, perhaps a large majority of the population all over this country, who are in favour of national schools, or a uniform system of education, and who, taking no salt in their porridge, maintain that nobody else has any right to do differently from what they do, and what is good enough for them, they think should suit every one else. As long as they are excited you can keep that feeling to the front, and as long as you keep it to the front it is impossible to succeed in making any alteration or change, but when the feeling dies away and the party becomes indifferent, concessions on the part of those who are acting from very strong views, and from a very strong desire to uphold what they think the well-being of their families called for, in the end, have their way. People hold to their demands and after a time a mode of existence suitable to them and not inimical to others is accepted, and we get along fairly well, and each section of the community is satisfied with what they have been ultimately able to obtain.

Hon. Mr. PERLEY—When I asked this question, I stated that I had no speech to make. I simply asked a question for information which, as a member of the Senate, I had a right to do, for my own information or for the information of others. It has been insinuated that I put the question for political purposes. I deny that statement in toto. I have nothing whatever to gain by asking the question for political purposes, but I have rather a chance to lose. I may say I have not consulted any member of the Senate in reference to asking the question. It was inspired by the fact that the Secretary of State said last year that this question was settled satisfactorily, that it was a satisfactory settle-

ment of the school question. I have heard also that the Prime Minister made the same statement. Coming down on the train last year I happened to meet His Grace, the Archbishop of St. Boniface, and I complimented the reverend gentleman on the satisfactory settlement of the school question, which I supposed had been made, but the reverend gentleman told me I was wrong. He said the statement that it was settled was not correct. I said that the hon. Secretary of State and the Premier had stated that it was settled. I will not repeat the language which he used, but he gave the statement a flat contradiction and said that it was not settled. I did not place this notice on the paper until I read in the newspapers the statement that the Catholics had reluctantly given up the separate schools they had supported for years by direct taxation, and had come under the public school system, and when I saw that, I felt there must be some misunderstanding about what the Secretary of State said about the settlement, and it was for that reason that I asked the question. The Archbishop said there were concessions made, but that it was not a proper settlement, and I know, now that the change of government has taken place, there are not likely to be further concessions. I wanted to know whether the present settlement was satisfactory or not. That was my sole object. The man who says I was actuated by political motives is stating something which is not justified, and for which there is no foundation whatever. No member of the government can rob me of my seat, because I am a creditable man and behave myself properly and pay my debts, and neither the government nor the opposition have any power to take my seat from me. I do not care who governs the country. I have no favours to ask from any of them. If Sir Charles Tupper came into power to-morrow I would want nothing from his government. I want nothing more than what I have. I wish to conduct myself as an honourable member of this worthy Senate, and if I do, no one can reproach me; I would have something to lose by a change of government. I have a Grit son-in-law holding a first-class position under this government, and if the government is turned out my son-in-law will lose his position. If I were a party hack, prepared to support the government right or wrong, I should naturally endeavour to save my son-in-law, and perhaps might vote with the government on the Redistribution Bill. But I am here to do my duty as a man, and will do it notwithstanding the insinuations that I am a party man. I do not care whether it is Sir Wilfrid Laurier or Sir Charles Tupper who is at the helm, I am prepared to support proper measures, and I am astonished that hon. gentlemen should impute motives to me when they know that no honourable man could endorse all the acts of which the government have been guilty since they came into power. I have heard the hon. gentleman who answered the question, which the government did not want to answer. The Minister of Justice said he was not given a fee, but I know that no man could undertake to support the government in all they have done, unless he wanted to support a history of broken promises. I will vote for the government when I think they are right, and vote against them when I think them wrong. That is the spirit which has actuated me so far, and which will actuate me to the end.

Hon. Mr. BERNIER—I wish to say a few words more upon this question. The discussion has taken a wider range than I expected, and I think I should be allowed to give some explanation. The Minister of Justice has spoken of the two judgments which have been rendered in the Manitoba school matter. I wish to explain the grounds taken in such instances, and the bearing of these judgments. There is a good deal which is commendable in the explanation given by the Minister of Justice on this point, but I do not think his explanation represents the exact situation. The first contention of the minority was based solely on the rights and privileges which we thought we had by practice before the entry of Manitoba into confederation. That contention of ours was declared unfounded. The judgment is wrong, but we have to submit. Then we turned our attention to another point. We looked at subsection 2 of section 22, as affording to us another means of getting redress. In fact, the Lords of the Privy Council have declared that subsection to be the governing enactment, and a substantive enactment. Under that subsection we con-

tended that we had acquired rights by law after the entry of Manitoba into confederation. The hon. gentleman is quite right, I think, when he says there is no contradiction between the two judgments, because they have been rendered on two different clauses and on two different instances.

Hon. Mr. LANDRY—It was the Prime Minister who said there was contradiction between the two judgments.

Hon. Mr. BERNIER—Let that alone for the moment and take the question as it presents itself here. I think every one should maintain, for the sake of justice, fair-play and reverence also for the Lords of the Privy Council, that that is the case. In the latter instance, our main contentions have been supported by the Privy Council. The hon. gentleman has spoken about separate schools. There is considerable misunderstanding upon that point. The hon. gentleman is speaking of denominational schools as differing from separate schools, and talks also about the control that the state should have over certain schools. This is to no purpose for the present. In our province all the schools were public schools before 1890. There were no separate schools, properly speaking, as understood in the other provinces, under the law. We had Protestant and Catholic schools, but both were public schools, and these schools were managed and controlled in the same way. The state had its legitimate control of our schools. We obtained our proportion of the legislative subsidy, but the state retained the right of controlling those expenses. We never objected to that, nor are we now. That was the condition of things and the distinction made by the hon. gentleman does not, I think, come under discussion now. What do we want to-day? We want nothing more than a compliance with the findings of Her Majesty's Privy Council. Give us that by law and we will be satisfied. Can there be anything more reasonable? We only ask what the highest court of Her Majesty has given us. The hon. gentleman speaks about political capital. He is entirely mistaken in supposing we want to make political capital. I am acting under a deep sense of duty in persisting in the maintaining of the rights of a section of the people. These rights, I repeat, are embodied in the findings of the Privy Council, and we ask for nothing more. If really, as the hon. gentleman says, I were convinced that everything would right itself without any action on our part, I would be quite willing to let matters stand. I have no desire to stir up prejudices. I want peace and harmony. I am a British subject and I like British institutions. Although circumstances seem for the present to be against us, still I rely upon the spirit of those British institutions and on British fair-play to get our rights. But my conviction is this, that somebody wants us to sleep until we die. That I cannot accept as a rule in performing my duties. Somebody cast some insinuation on the hon. gentleman from Wolseley. The hon. gentleman never consulted me on this matter. He asked the question of his own motion, and when I asked him if he had any ulterior motive, he said: 'No, all I want is information.' The hon. gentlemen on this side of the House should not be the object of insinuations of that kind. I must pay the hon. member for Belleville (sir Mackenzie Bowell) the tribute of gratitude which we owe him. Where did we find a better friend for our cause? The hon. gentleman (Sir Mackenzie Bowell) stood up in his place in parliament to maintain the rights of a section of the people. He rose superior to his own personal views on this matter for the sake of maintaining the constitution. He stood up in the council chamber of the nation to help a minority which was persecuted. That Orangeman stood up among his own fellow-Orangemen, that I know, for the sake of maintaining equal rights in this Dominion. But on the other side we had this lamentable and humiliating spectacle of certain Roman Catholics raising their voice against us. That will be a dark page in our history for Roman Catholics. I am glad also to be able to pay a similar tribute of gratitude to all those who stood by the hon. gentleman from Belleville in his effort to help us in these hours of trial.

THE PREVENTIVE OFFICER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected, since he has been doing duty, for infractions of the customs and excise laws? How

much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed ?

Hon. Mr. MILLS—I shall answer this question for the third time. The Inland Revenue Department at present has no preventive officer, specially appointed for the county of Montmagny. In February, 1895, Mr. Maxime Dubé was appointed a temporary preventive officer for the district of Montmagny and his services were dispensed with on the 26th August, 1896. During that period two seizures were made by him in the county of Montmagny, one of which realized net $59.99, and the other $163.34. Since the 26th August, 1896, no preventive officer has been specially appointed for Montmagny, and the service for that county and the other counties comprised in the Quebec division is carried on by the general staff of that division. This is my answer given for the third time and the third time of asking.

Hon. Sir MACKENZIE BOWELL—My hon. friend confined his answer, if I understood him, to the Inland Revenue exclusively. There are preventive officers for the Customs ; does it apply to them ?

Hon. Mr. LANDRY—The hon. gentleman knows very well that he gave me only a part of his answer, and if he is honest (Cries of oh, oh), or if he does not forget what he has already told me across the floor of this House, he must remember that he promised to get an answer from the Customs Department as to that part of the question which applies to the Customs. He says this is the third time I have asked. It is not the third time. It is the ninth or tenth time. I asked him first, on the 15th of March ; I did not get any answer. On the 16th March I reiterated my question ; got no answer. On the 19th of March I put my question once more ; no answer—asking always for delay. On the 20th March the hon. minister gave me a partial answer, promising that he would complete it by making inquiry in the proper department. On the 21st no new answer. On the 22nd, the hon. minister told me that he was expecting the answer in a few moments, that it had not arrived yet, but had been promised—that I would have it the day following. On the 23rd of March the hon. minister repeated the answer he gave to-day, and said that he would inquire from the Customs Department for the other part of the answer. On the 26th the Minister of Justice was unable to give the rest of the answer. On the 27th the minister declared that he was not ready to answer yet. On the 28th the Minister of Justice had not yet obtained the proper information, and on the 29th you have heard the answer I have received. It is a repetition of the answer already given, and the minister boasts that this is the third time he has answered the question. He has not answered it yet. I am giving a notice of motion that will bring all those cases before the House, and I shall ask an expression of opinion from the House. I think when we have a right to an answer that we should get it.

Hon. Mr. MILLS—The hon. gentleman asks how many seizures have been effected since the officer was doing duty. Of course the answer it that there was no local officer there. I shall make inquiry of the Customs again.

Hon. Mr. LANDRY—The hon. gentleman asked me the name of the party that was acting under the customs laws and I gave him the name.

Hon. Mr. MILLS—The hon. gentleman mentioned it to me verbally.

Hon. Mr. LANDRY—Yes.

GREAT NORTH-WEST CENTRAL RAILWAY LAND GRANT.

INQUIRY.

Hon. Mr. PERLEY inquired :

If the land grant to the Great North-west Central Railway has lapsed, and if there is any probability of the government giving a cash subsidy to further promote the construction of the said railway ?

He said : I hope this will not kick up such a row as the other question did. I have never made any offensive remarks when asking a question.

Hon. Mr. MILLS—I have not complained of any.

Hon. Mr. PERELY—The hon. gentleman has imputed political motives to me in all my questions. I rise with a good intention to ask my question for the purpose of getting information.

Hon. Mr. MILLS—The hon. gentleman's questions are perfectly legitimate, because they relate to questions of public policy under the jurisdiction of this parliament. He asks if the land grant to the Great North-west Central Railway has lapsed; I beg to say the land subsidy lapsed, with the exception of 320,000 acres earned by the construction of 50 miles of the line. With regard to the second part, Is there any probability of the government giving a cash subsidy to further promote the construction of the railway, I am unable to answer the hon. gentleman's question at the present time. My hon. friend knows that the government will submit their views with regard to the subsidies to various lines of railway before the end of the session, that is, if they do anything at all, and if anything is done, of course this will be considered along with others when the subject is before the government, and I shall inform my hon. friend as soon as we are able to give information on a matter of this kind.

Hon. Mr. PERLEY—I do not apprehend that my advice is of much service to this government, nevertheless I propose to give it. The Great North-west Central Railway is a road which starts in from the main line of the Canadian Pacific Railway, a few miles east of Brandon. It goes in a north-westerly direction across the country, and its terminus is supposed to be at Battleford. I think the charter extended to that point. There was a land subsidy in connection with the road of 6,400 acres per mile. Owing to this line being in litigation between the contractor and charter holders, it has gone on so that the right to the land subsidy has lapsed, as the hon. minister has told us to-day. In the early settlement of this country these railroads were chartered and surveyed, and it was natural to suppose that they would be built at a very early date, when they had such a large land grant. The land grant, I do not hesitate to say, at $2 per acre, would quite build the whole road. It is through a level prairie country, a very fertile country, perhaps as good a section of territory as there is in the North-west, and settlers went in there with the expectation that this railroad would be built at an early day. These settlers were prepared to undergo privations and hardships for a time, for any one who goes some distance from a railway and undertakes to raise wheat cannot do it with any profit. They will most likely do it at a loss. They perhaps did not realize that at the start, but they have since realized that raising wheat more than 16 miles from a railway cannot be done successfully. All along this survey of line there is a large settlement of farmers. Land has been given to colonization companies, and they have brought in a large number of settlers and settled them all along this line from the very start of it, to west of where I live, to Fort Qu'Appelle. I know north of where I live there is a Primitive Methodist Colony, a very superior class of people, 35 miles from a railway, and many of them have left and others will leave if this railway is not built. West of that there is another settlement, Abernethy and Balcarris, in the best wheat growing district. They have to haul their wheat 28 and 30 miles to market. They have remained in expectation of the railway being built. There is a doubt as to where the railway will go, and that is why I asked the question whether the government, in giving a subsidy, had not the power to control the location of the road. From north of the Methodist colony to the Manitoba and North-west Railway, there must be 60 or 70 miles of country without any railway. That extends down until you get north of Broadview station. From that to Yorkton the country is settled and all the way east to Brandon, in a solid block. When you get further west, if the road goes north, it will not suit the settlement that is there now, and that is what I want to call the attention of the government to. If they give a subsidy I want them to use their influence to see the railway company locate its road where it will suit the settlers now in the country. This charter is now owned by the Canadian Pacific Railway, and they might say 'It is grist to our mill, no matter where it goes. If the railway goes north through the Beaver Hill country we will get the custom no matter where it goes.' That is not fair. These farmers settled where they are believing the road would go there, and I want to call the attention of the government to the fact that if they do not give the subsidy the road will not be built. It ought to be built now. I know as good men as there are in Canada

who have been living there 17 years, every year hoping to have the railway built. They have urged me and are urging parliament to see that this road is built. The road has been in litigation from various causes and the people have had to suffer great hardship because of the delay in constructing it. There is no part of the whole North-west Territories better than the country this road will traverse.

Hon. Mr. MILLS—How many miles are yet to be built ?

Hon. Mr. PERLEY--There are only 50 miles built yet, but another 135 miles should be built. That would cover up the great body of settlement. If people want to go beyond that, let them go, but the people who are in there now ought, in all fairness, to have a railway and I want the government to see that the railway is built for their advantage. They have been good and worthy settlers and we ought to have this railway built where it will benefit them. I hope the government will be able to make such arrangements with the Canadian Pacific Railway that they will build it without delay through the settled portion of the country.

Hon. Mr. BERNIER—I want to support what the hon. gentleman has said. Although it is a long distance from Winnipeg, I happen to have been through that country. It is a first class country, and I think there are about 80 miles between the two railways from Broadview to Yorkton. These settlers have been there, some of them for many years, while others intend to go there, and I think it would be a really good thing for the settlers and also for the coutnry.

THE SITUATION IN SOUTH AFRICA.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I wish to direct the attention of the hon. leader of the government to a couple of telegrams which have appeared in the newspaper, one from New York, the other from Sydney, N.S.W., which are of some importance to the country at the present moment. I notice a despatch in a paper dated 28th March, from New York, to the following effect :

COLONIES CONSULTED.

New York, March 28.—Mr. Chamberlain has taken into his confidence the Australian delegates now in London and consulted them about the South African settlement, says a London cable to the 'Herald'. It is reported that the Colonial Secretary had communicated with Premier Laurier of Canada on the same matter. What recommendations have been made by the colonial statesmen cannot be stated authoritatively, but it is believed that they favour the application of drastic principles to the problem. It is understood that a strong intimation has reached the cabinet from Cape Town that any policy involving leniency towards he rebellious Dutch will result in the wholesale conversion of loyalists into rebels. A rumour is current in parliamentary circles that the government will soon issue a proclamation annexing the Orange Free State, and that the same course will be pursued concerning the Transvaal as soon as British arms are in a position to enforce the edict.

What I wish to ask is, whether any communication of that kind has been had with the government, and, if so, whether the hon. gentleman is in a position to take the House and the country into his confidence and let us know what position the government have taken in the line indicated in this telegram? The second despatch is of equal importance. It is as follows :

Britain Must be Supreme.

Australian Premiers Send a Joint Message to Mr. Chamberlain on the War Question.

(Associated Press Despatches.)

Sydney, N.S.W., March 27.—The Australian Premiers have joined in a cablegram to Mr. Chamberlain, declaring that it is undesirable to conclude peace in South Africa except on terms guaranteeing the absolute supremacy of British rule.

I would also ask whether the hon. gentleman is in a position to tell us whether the Premier of Canada has joined in a recommendation of this kind, and, if not, what the intention of the gouvernment is ? My own view, if I may be permitted to express it, is that the Australian Premiers have taken a course consistent with the policy which they have adopted in aiding Great Britain in South Africa, that being the case, they would not be considered as stepping beyond the bounds of colonial propriety, if I may so term it, in suggesting to the government that, as they having given of their wealth and of their blood in the maintenance of British supremacy in that country, they should be permitted to give advice as to the settlement after the war, and that that advice is that no peace should be come to with the Transvaal and the Orange Free State, unless it be upon terms guaranteeing the absolute supremacy of British rule. I call the atten-

tion of the governemnt to this, and I hope that if they have not taken action they will do so in the same line and direction. I only regret that in this matter, as in the sending of the contingent, we should have to follow in the wake of the smaller colonies. It is an important responsibility, I frankly admit, that the colonies have assumed on a question of this great importance. Twenty years ago the idea of a colony suggesting to Great Britain the terms on which she should make peace, I think, would have been rather scouted, and the probabilities are that they would have received a genteel snub, as the parliament of Canada did from Mr. Gladstone when we passed a resolution in reference to the question of Home Rule, which was then agitating the country. That time has gone by, and the colonies have taken the important position of rendering such aid as their wealth would justify, and have given of their sons to the maintenance of British supremacy in South Africa. I may be excused for asking this question, because it is one, I know, that the people of Canada take a great interest in, and the government, I hope, may, in this, as they did on the question of sending the contingents, take a strong position, and in the same line that the premiers of the Australasian colonies have done, and make a protest—if it were necessary—against any terms being given except those set forth in this telegram.

Hon. Mr. MILLS—I am not in a position at this moment to answer either of the questions which my hon. friend has submitted to me. I might say, further, also, that I do not apprehend that there can be a difference of opinion throughout the British Empire as to what the duty of the Imperial gevernment is on this question. I have none in my own mind, and I do not apprehend that there is any room for difference of opinion. Lord Nelson said, on one occasion, that England expects every man to do his duty, and I suppose we may assume that the Prime Minister, with his colleagues in the United Kingdom, will do their duty, and what their duty is is perfectly clear. At one time, the government of England thought, and that was the view of both parties, that the empire was extensive enough, and that they were biting off—to use a vulgar illustration—more than they could chew, if they undertook to acquire more territory. Since then the area of the empire has increased three-fold. I cannot, just at this moment, enter into a discussion of the changes in public opinion of the leading men of the United Kingdom that have led to this change. We will have an opportunity of debating it on the Bill relating to the contingent. England, however, did grant to persons who were born her subjects, their local independence, because the Boers were born within the dominions of the Crown, and they received that local independence on conditions. The Orange Free State fairly well observed those conditions up to the time they committed the folly of joining their more ambitious and less scrupulous neighbour. The government of the Transvaal never did. They seem to think every compact entered into was a compact only to be observed on the one side. They started out with a local independence secured upon the condition that the two white races of which the population was composed, the English and the Dutch, should stand upon a footing of equality. As soon as their local independence was fairly recognized they disregarded that principle, and the majority imposed liabilities upon the minority, disfranchised them, subjected them to the burdens without giving them any share in the honours or benefits. They continued that system until it ended in war, and that war ought to end in a peace that will leave no room to doubt that what was done before the war began could never be repeated until the end of time.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. MILLS—That is my opinion, and I trust that we will all do our duty in seeing that that becomes the policy of those who have the direction and the responsibility for the direction of affairs of the empire at this moment. We are nearer together to-day than we have ever been before, and I shall be very sorry indeed if, after the sacrifices of blood and treasure that have been freely made by the people in every portion of the empire, a peace should be concluded that would be a compromise, and which would leave upon the minds of the people of this country the impression that those at the head of affairs

in the United Kingdom were not equal to the situation, and that a compromise should be concluded that would have a tendency to embitter the feelings and create disappointment in Canada and in the Australasian dominions of the Crown.

Hon Mr. LANDRY—Could the hon. minister let us know if it is possible that the views he has just expressed will be submitted to this House in the form of a resolution, or if they will be made known to England by an order in council ?

Hon. Mr. MILLS—I am unable to say more than I have said on this subject. Last session both Houses passed, without dissent, resolutions in favour of securing to British people their rights in the Transvaal. This session we have made provision—and I assume this House will not reject the Bill—for maintaining a force in South Africa for the purpose of accomplishing the result that we thought desirable when we were here last session, and if we resolve one session and act the next, and provide the necessary means, I hardly think there can be any doubt as to what our sentiments are and what we expect to accomplish.

Hon. Mr. LANDRY—I think the hon. minister did not understnd what I meant. Perhaps I have not made myself clear. I am not speaking of the sentiment of the hon. minister as laid down in the motion passed by this House last year, and which had as a consequence the sending of a contingent to Africa, but to-day we are asked, or we may be asked, to impress on Great Britain the necessity of making peace on such and such conditions. I want to know if we are going to mention the conditions, as the other colonies are doing, the conditions on which we think that peace should be granted. If that is to be done, I want to know if it is to be done by action of both Houses of parliament or simply by order in council.

Hon. Mr. MILLS—My hon. friend heard the two paragraphs read by the hon. leader of the opposition. I replied to the questions put to my hon. friend opposite, and those questions embraced the questions which the hon. gentleman puts now. I have no further communication or answer to make of a more specific character than that which I have made.

Hon. Mr. MILLS.

Hon. Mr. PROWSE—The answer we have received from the Minister of Justice is not perhaps quite as definite as the country would expect on the present occasion. We know there was a good deal of hesitancy on the part of the Premier when the question of sending the contingents was first raised, and the excuse was given that he was waiting for the expression of public opinion, and eventually public opinion was forcibly expressed, and then the government backed it. Possibly the answer we have received from the Minister of Justice on this question is similar to the reply of the Premier at that time, that the government were waiting for the expression of public opinion, and as this body represents to a great extent public opinion, I think it is well for the government to understand that the Dominion of Canada is entirely in accord with the sentiments of the Australian colonies on this question, and I am quite satisfied, as we have almost had it in plain words, that the Minister of Justice himself, is of the same opinion, and it is of importance that this expression that not only Great Britain should know that she will be supported by the Dominion of Canada, but that the other nations of the world may know that England will not have to fight this battle alone. The question becomes of greater importance from the fact that we know that one gentleman at least in the House of Commons resigned his seat as a protest against the sending of a contingent to South Africa, and it may possibly be taken for granted that there is a large portion of the people of Canada opposed to that policy and I am satisfied it is not the case. There may be an isolated instance here and there where opposition may be raised, but we can almost say that Canada is unanimous on this matter, and we will support the government in any strong policy they may adopt in assisting to carry on this war until the British flag is raised, not only over the Orange Free State but over the Transvaal as well.

THIRD READINGS.

Bill (34) 'An Act respecting the Canadian Pacific Railway.'—(Hon. Mr. MacInnes.)

Bill (G) 'An Act to incorporate the Canadian Steel Company.'—(Hon. Mr. Clemow.)

Bill (F) 'An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.'—(Hon. Mr. Clemow.)

Bill (46) 'An Act respecting the Canada and Michigan Bridge and Tunnel Company.'—(Hon. Mr. McCallum.)

Bill (22) 'An Act respecting the Niagara Grand Island Bridge Company.'—(Hon. Mr. MacInnes.)

Bill (41) 'An Act respecting the River St. Clair Railway Bridge and Tunnel Company.'—(Hon. Mr. Perley.)

Bill (44) 'An Act respecting the Canada Southern Bridge Company.'—(Hon. Mr. Perley.)

CONGREGATION OF THE MOST HOLY REDEEMER BILL.

SECOND READING.

Hon. Mr. BERNIER moved the second reading of Bill (77) 'An Act to incorporate the Congregation of the Most Holy Redeemer.' He said: Some gentlemen desire to be incorporated under the name of the Congregation of the Most Holy Redeemer. The Bill provides for the appointment of directors, and provides also as to the property which they may possess, and also provides that the property shall not exceed $20,000.

Hon. Mr. PROWSE—I do not rise for the purpose of objecting to this Bill, but there is one feature of the measure to which I think attention might be called. There may be some objection to it on the part of other sections of Christian Canada outside the Roman Catholic Church. I refer to the title of the Bill particularly. I would rather see the title of the Bill changed to something else, because it is an assumption of a position which all Christian societies claim. All Christian churches, under whatever denomination, claim to be the congregation of the Most Holy Redeemer, and it appears to me, I would not say exactly arrogance, on the part of these people, but it is almost presumption to claim to be such a congregation to the exclusion of all other Christian bodies.

Hon. Mr. BERNIER—I thank the hon. gentleman for his remarks. I may say that these people have for almost a century held that title. It would be an unfortunate thing if we interfered with their corporate name. The committee to whom the Bill will be referred might perhaps deal with that question.

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

SECOND READINGS.

Bill (45) 'An Act respecting the Pontiac Pacific Junction Railway Company.'—(Hon. Mr. Clemow.)

Bill (43) 'An Act to incorporate the Port Dover, Brantford, Berlin and Goderich Railway Company.'—(Hon. Mr. Merner.)

The Senate adjourned.

THE SENATE.

Ottawa, March 30, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (A) 'An Act for the relief of Edwin James Cox'—(Hon. Mr. Clemow.)

Bill (21) 'An Act respecting the Hertford Railway Company'—(Hon. Mr. Perley.)

CANADIAN CONTINGENT EXPENSES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (59) 'An Act to provide for the expenses of the Canadian volunteers serving Her Majesty in South Africa.' He said: This Bill is one of very great consequence, not simply because a number of parties are interested in receiving the payments for which it is intended to make provision, but because it is representative of a new phase of the relations between the parent state and the dependencies of the empire. Perhaps there is nothing connected with the growth of the British Empire more interesting or more important than the varied phases that have been presented of the relation in which those colonies stand to the parent state. Hon. gentlemen know that when the colonies were first established, when the mother country sent forth her citi-

zens to take up new territories and to carry into them English law and English customs of social and industrial life, the parties were said to take with them so much of the law of England as was suited to their circumstances. They always contended that the law suited to their circumstances included the law of parliament, the creation and constitution of a local legislature for the purpose of legislating and supplementing the laws which they carried with them. It was admitted that there were many laws enforced in the mother country that were not suited to the circumstances of the colonies, and that there were requirements on the part of the colonies for which the law of the mother country did not make adequate provision; so that a legislature upon the ground, capable of judging of the facts, was an essential part of the machinery of government that must exist in the colonies. I will not go into a discussion of the various views that were entertained upon this subject. Most of the law officers of the Crown took a more restricted view, in the earlier period of colonial history, but there has been a broadening of the legal opinions that have been held until we find the Exchequer Chamber, in the case of The Queen and Eyre, the doctrine fully recognized that was long contended for by the colonies, that the right to a legislative assembly for the purpose of supplementing the laws they carry with them belongs to those that become colonists. This, however, was very far short of a complete embodiment of the principles of English parliamentary government. The Crown claimed the right, as a matter of prerogative, to make the division of the country into electoral divisions, to determine the number of representatives that should be returned, and the Crown also set out, in conformity with the rule by which a freeman was recognized, the holding of real estate in his own right, as the qualification of the elector. The Crown also claimed it as a prerogative to determine for what period the House should continue to sit, and did not permit, for a long period after colonies began to be established, the legislature to determine for what period of time its members should be returned. They could be continued in office as representatives for an indefinite period of time, if the Crown did not choose to exercise the prerogative of dissolution. In all these respects important changes took place, but the most important change, perhaps, in the history of colonial government, has been the introduction of the system of parliamentary responsibility of the ministers who are the advisers of the Crown. The introduction of responsible government has made the constitution of the colony, so far as this power is exercised, very much like the government in the United Kingdom. It has, in fact, made the constitution of every important colony of the empire, a transcript of the British constitution. This principle of responsible government and of local self-government, so far as legislation is concerned, has been wholly of a domestic character. As colonists, we had no external relations. Our commerce was generally with those of other dependencies and with the United Kingdom, and so our commercial interests did not bring us in any way in contact with foreign states, and this has been the condition of things for over half a century. It is only within very recent years that we have grown, until our system of local self-government is no longer quite adequate to our requirements. And, so this fact has been recognized by British ministers of both political parties when in power, and in the settlement of questions which specially concern us, the mother country has given us representation on any commission that was called upon to deal with a question in dispute on behalf of Her Majesty, whatever that question might be. We have, for a long period of time been complaining fitfully—more continuously in recent years than formerly—of the right to have a voice in the settlement of those questions affecting the external relations of the empire which specially concern ourselves. A few years ago, a colonial minister made the observation that we have in the United Kingdom, two classes of international relations, the one dealt with by the foreign minister, which concerns our relations with foreign states, and the other class dealt with by the colonial minister, that concerns the relations between the mother country and the great dependencies of the empire. Those dependencies year by year are growing up, and assuming larger proportions, having more important interests to be dealt with, and receiving in respect to those interests

greater consideration from the mother country. I have never heard any one maintain that it was any violation of our constitution, or of its spirit and principles, to concede to us a voice in dealing with those international questions, in which we have a deep and abiding interest. It has only been felt to be an act of courtesy due to us that such a position should be assigned to us. That was done in 1871 or 1872, when the joint high commission sat at Washington, when Sir John Macdonald, on behalf of this country, was appointed a member of that commission by the Imperial government. And, so again in 1887, when the commission was appointed for the settlement of the outstanding differences between the United Kingdom and the United States, which specially affected us, we were represented on that commission. It consisted, on behalf of the mother country, I think, of Mr. Chamberlain, the present Colonial Secretary, and the present leader of the opposition in the Canadian House of Commons, Sir Charles Tupper. Then, the next international board, was that which sat at Paris for the purpose of settling the Behring Sea difficulty, and on that again we were represented, because, although, it was a matter affecting the external relations of the empire, it was one specially growing out of the relations between the subjects of Her Majesty in Canada, and the people of the United States. Last year we had another high commission sitting for the purpose of further dealing with those differences, so that the principle has become well recognized that, so far as our politcal powers and authority are concerned, they are not confined merely to questions of local self-government. They are extended to those international questions in which we have a large and abiding interest, and I refer to these cases, to point out the growth of our constitutional system. It is growing. It is not an artificial contrivance, but its growth arises from those vital forces which have, in a long series of years, served to make the English constitutional system what it is. It is strong without being stiff. It possesses a flexible capability of adapting itself to circumstances when they arise, and these features are not the result of any change in the principles or spirit of the constitution, but the necessary outcome of the changes which the growth of society is gradually forcing on the attention of those in authority. That being so, I think, no one in his senses, can fail to see that, while there is a growth of power, there must be a corresponding growth of responsibility. To claim power and to deny responsibility, to claim the advantages of self-government and to refuse any consideration for the burdens which grow out of the exercise of the power of self-government, would be a most illogical position. They must necessarily go hand in hand; but, in my opinion, they must for many years to come, be the voluntary exercise of the spirit of generosity, of self-respect, of a sense of right, of a disposition to do what is just and proper, according to sound principles of ethics under existing circumstances. There has been a very great change, not merely in the relations between the colonies and the mother country, but in the spirit with which those conditions are approached and considered and dealt with. Why, I need mention but a matter of family history to every hon. gentleman present, the proposal in the last century, after the peace of 1763, to create three new colonies west of the older settlements, colonies that belonged to the mother country. There was a proposition to organize one colony out of that portion which is now the province of Ontario that was then unsettled, extending to the Detroit River, to make the French settlement on the Detroit River the capital, and to embrace the whole State of Michigan and the territories north of the Wabash, west to the Mississippi in that northern colony. It was proposed to create a second colony upon the Ohio, and a third in what is called the Illinois country. There is in the library a report made by Lord Hillsboro, as head of the Board of Trade and Plantations, on that subject in which he opposes the constitution of these colonies. He says that the territory is so fertile that thousands of people will flock into the district for the purpose of occupying and settling the land, that they will be beyond the reach of the mother country, that the goods of the mother country cannot reach them, that they will become a manufacturing people, supplying their own wants, and it was infinitely more important to keep the colonists on the Atlantic border, where they could engage in the lumber trade between

their own country and the West Indies, and become consumers of English goods. No one can read that report by Lord Hillsboro without seeing the very narrow view he took of the situation.

Hon. Mr. MILLER—What date is that?

Hon. Mr. MILLS—1768—and how utterly he failed to recognize any commercial or industrial right on the part of those settled on this side of the Atlantic. Their position was to be considered simply with reference to the parent state. A great change has taken place since that time. The colonial views of to-day are altogether different. The disposition is to regard the people of the empire as one people, having common rights and interests, so that on every question in which we are specially concerned, a voice is given to us and recognized as rightfully belonging to us, and there can be little doubt that the corresponding responsibilities will rest upon us. I am very far from saying, in the consideration of this question, that we ought to become involved in every war or struggle that takes place between the mother country and every petty state throughout Christendom. That we are not asked to do. I do not think that is our position. We are growing in the direction of unity, no doubt, for the purpose of defence, and that unity will, in time, come, but it is a unity which addresses itself to the reason, to the judgment, to the feeling of the interest which the people in every part of the empire have in its creation and in its continuance; and there can be no doubt whatever that undertaking, as we have done, to bear our fair share of burden, and to come to the defence of the interests of the empire, at a point where the maintenance of those interests are vital to the integrity of the empire itself, is a matter of very great importance, which has forced itself upon the attention of public men in every portion of the British dominions.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. MILLS—The English government are themselves responsible in some measure for the condition of things that has grown up. Everybody to-day will admit that it was a great mistake to confer local sovereignty upon the Boers who were settled in what was afterwards known as the Orange Free State and in the Transvaal. Those people were British subjects by birth. According to English law they carried with them the English law and responsibility to British sovereignty wherever they went, and that power might reach them in any portion of the world which is not within the sovereignty or dominion of some recognized independent states; but at the time the independence of the Orange Free State and the Transvaal was recognized, the British government, and the public men of both parties, were opposed to the further extension of the Queen's dominion. They thought they had all the territory with the government of which the people of the United Kingdom ought to be burdened. They held to the notion that the principles of free trade, what is now called the open door, were so obvious that they must commend themselves to the general acceptance of mankind, and that within an incredibly short period of time the great majority of the world would accept those principles and act upon them, so that the commerce of the mother country and the interests of its commerce could not be promoted by the acquisition of territory. They would have the same chance of sending English goods into the colonies of a foreign state that they would have to send them into their own. In fact, any one who will take the trouble to read the facts disclosed in the correspondence of the foreign and colonial offices in respect to the various trading factories that have been established both upon the Atlantic coast and the African coast, adjoining the Indian Ocean, will see that the English manufacturers and merchants do the trade, almost the exclusive trade, of the whole of the coast of Africa, south of the equator, and that they had here and there a consul who had acquired great influence with the native chiefs or Sultans, and that they had all the advantages, commercially, that they would have if those territories were territories of Her Majesty, without the expense and the burden of undertaking to govern them and make themselves responsible for the protection of life and property within those regions. That condition of things existed at the time that the local independence of the Transvaal and the Orange Free States was recognized. The British

government was but applying to those territories the principles which they found so convenient, and which had for a long period of years proved adequate to the protection and preservation of British interests upon the coast, but after 1885, when the Berlin Act was agreed to, when the various powers, France, Germany, Belgium and England agreed practically to the partition of the continent of Africa, the British government became alive to the actual situation. The government knew that unless they did come in and acquire portions of the African continent, in which they had a special interest, there was no possibility of their being able to maintain the commercial interests of Great Britain upon the African continent. Every one who will examine the despatches upon this question since 1884 will see that I am stating the actual condition of things that existed. That being so, the position of the United Kingdom in South Africa was very greatly changed. The Boer population, unwilling to remain within the limits which had been assigned to them by treaty stipulations and conventions, undertook to trek abroad. They created friction along their whole borders. They were constantly embroiled in wars with native chiefs. They endangered the peace and security of the British people in Natal and in Cape Colony, so that it became necessary, in order to preserve peace, that Bechuanaland and the protectorate to the north of it, and ultimately Rhodesia, the territories that, under the chartered companies of Mr. Rhodes and his associates, should be acquired for the purpose of preserving the peace, and also for the purpose of developing the very important resources that these countries were found to possess. Unless active efforts had been put forward by British authority to acquire interests in those territories I have mentioned, there is no doubt that within a period of two or three years the possessions of Germany would have been extended eastward, and of the Transvaal westward, until the possibility of northern extension of British territory would have been out of the question, and the regions which had been explored and discovered, and to no inconsiderable extent developed by the enterprise of British people, and by the investment of large sums of money, would have been lost to British commerce if these extensions of territory had not taken place. Any one reading what has transpired within the Transvaal, and following the efforts which the government under Mr. Kruger has put forward, will see that that government had adopted the view that the whole of South Africa must ultimately become a Boer possession. It was a question of opportunity in their estimation. When Mr. Froude visited the country as an agent of the British government, he himself stated that on several occasions when he met the Boer authorities and they discussed the question of the federation of South Africa, they intimated to him that there might be a federation, they hoped there would be, but it would not be a federation under the sovereignty of Her Majesty. So that from the very beginning the intention was to oust British authority in South Africa whenever the opportunity arose.

Hon. Mr. DE BOUCHERVILLE—Were they independent ?

Hon. Mr. MILLS—My hon. friend asks if they were independent. I say no, they were not, and if they had been, they would not have the right, except as a right of war, because if there is any principle that is well recognized in public life, it is the right of self-defence, and the British government would have been justified in putting forward any effort to put it out of the power of these people, by the aid of others, as they anticipated they would receive aid, to endanger British authority in these dominions. Let me mention a few facts which I daresay have come under the attention of almost any one who has given consideration to this subject. So far as the Orange Free State is concerned, the people of that state have fairly well, up to the declaration of war, kept their treaty engagements. The two races have stood upon a footing of equality, in the exercise of political rights, and in all the exercise of public functions, not less the one than the other. But that has not been so in the Transvaal. The Transvaal people received their powers of local self government, had them restored to them after they themselves had voluntarily given them up. They were a bankrupt state. They would not contribute the supplies necessary for the maintenance of their own governent. They were three or four

times defeated by the natives with whom they had quarrelled, and whose sons and daughters they had undertaken to reduce to the condition of slaves, contrary to the treaty engagement into which they had entered. They voluntarily surrendered their authority. They recognized their position of dependence. They did not question the sovereignty of Her Hajesty. Mr. Kruger himself became an officer under Theophilus Shepstone and under his successor Col. Lauzon. It was not until the British government came to the defence of the Transvaal as a British colony, not until they had defeated the Zulus who threatened the very existence of the country, and with whom they had no cause of quarrel apart from the difficulties which had arisen between the Boers and the Zulus. After the Zulus were defeated and the Transvaal population were protected against the possibility of extermination by the natives, they began once more to talk of independence. Their independence was conceded, but it was conceded upon conditions. The suzerainty of Her Majesty was asserted and recognized, and one of the conditions, at the very outset, upon which everything else rested under the regulations of their independence was that the two races—British and Boers—should there, as in every other part of South Africa, stand upon a footing of equality. The three delegates who represented the Boer population declared that. Once they had the majority, and after the convention of 1884 was agreed to, they felt they had a free hand, and they began to impose disabilities, and disfranchised the English population and took away the right by which naturalization was secured. They did more than that; they imposed conditions and restrictions of such a character that it took fourteen years to become a citizen, and when one did become a citizen, he required two thirds of the vote of the people in his own district as well as the approval of the President and his advisers before full burgher rights could be secured. Now, that is not all. They also frequently quarrelled with the natives, and they commandeered British subjects who were even temporary residents of the country—who had not sought to acquire burgher rights of any sort—they commandeered them to furnish horses and military equipment to march north three or four hundred miles for the purpose of fighting the natives with whom they had quarrelled. If they did not furnish the horse and outfit, they had to pay a fine of some fifteen pounds a month or be confined in jail. Now, these provisions were all contrary to the stipulations and agreements into which they had entered. That was not all; they took away the right to receive instruction in the English language. In the municipal government of the city of Johannesburg, with a population of at least forty thousand who spoke the English language, and less than fourteen hundred Boers, it was proposed that the English population might elect twelve members to the council; the fourteen hundred Dutch might elect twelve, and the President appoint the chairman or burgomaster. The chief power was in the hands of that burgomaster. The fourteen hundred Boers owned nothing. The property was in the hands of the thirty-five or forty thousand English-speaking people. These were at the mercy of the others. The proceedings of the council had to be kept in Dutch, and those who could not speak the Dutch language were unfit to sit in the council, and were incapable of transacting the business, such were these difficulties to which they were subjected. The Boers of Cape Colony and Natal are entitled to the same rights as an Englishman. They have their children taught in their own language in the public schools. They have the right to use their own language in the courts of justice. In Cape Colony they may speak Dutch in the legislative assembly, but in the Republic of the Transvaal no Englishman had any right that a Dutchman was called upon to respect. If he were met with and did not submit to be commandeered, some Boer on horseback, with a long whip, if he were not a strong man, would flog him unmercifully. It is true the law provided punishment for assault and battery, but if the aggressive Boer was taken before the magistrate, the fine imposed upon him was paid out of the public treasury, and so there was no great deterrent provided in the fine, and he was rather encouraged to persevere in so patriotic an undertaking rather than abstain from anything of that sort. Men were robbed, men were flogged, men were prevented from using their own language, and this condition of things has produced the war,

because, so far as the Boer population was concerned, there is no doubt there would have been war if they had persisted in the rejection of all reform; but they were confident of their strength and ability to succeed, and did not wait for any declaration of war on the part of Great Britain, but they marched into the colony of Natal and took possession of British territory. They also marched into Cape Colony and took possession of territory there, and declared by proclamation that it was annexed to the Orange Free State. I cannot understand upon what perverted theory any one can profess to sympathize with what they call the Boers' love of independence—the Boers' love of liberty. The true test of the love of liberty is what you are willing to concede to others. The man who is attached to liberty himself, who has a strong conviction of what is right, and who is ardently devoted to freedom, is anxious to confer upon every other competent man the blessing which he himself so highly prizes. But there was nothing of that sort in all that the Boer population have done. What they did was to undertake to make men who are better educated, more wealthy, more enterprising, more fit for self government than themselves, hewers of wood and drawers of water to the Boer population. They treated with indignity every appeal to them for the redress of grievances of which aliens complained. They granted monopolies. Take, for instance, the monopoly granted in respect to dynamite, affording protection, besides the monopoly which gave to the parties who enjoyed that monopoly about eighty-five shillings for every case of dynamite which sold at Kimberley for thirty-seven shillings. So these people were putting into their pockets several hundred thousand pounds annually. That was practically not a tax but an act of robbery. A United States judge some years ago, in deciding a case, said that a bonus given to a man for the erection of a mill in a town was not an exercise of the power of taxation, but the exercise of power of appropriating one man's property for the use of another without compensation. Taxation is money taken for the benefit and use of the state. It must be for a public purpose; but an appropriation taken from a man, which he is compelled to pay, which does not go into the city treasury, but into the pocket of a neighbour, is not taxation, said this judge, but robbery. That has been the policy of the Boer government in respect to dynamite during the last eight or ten years. I am not going to discuss this question further. I point out to you the importance of the success of British arms in this war, not merely to the people of Britain, but to the people of the whole British empire. What capital has developed the mines of the Transvaal? Mainly British capital. There are large amounts of French and German capital there as well, but those capitalists, whether they be English, French or German, have the same interest in good government, the one as the other. The Boers have had a very great and important trust committed to them. They have had possession of the richest mines in all Christendom, and they have made a very bad use of their opportunities. They have abused their trust. They have trampled upon the rights of those who are not of their own kin; they have disturbed the peace of South Africa, and if they had not done so now, they would have undoubtedly at the first opportunity availed themselves of making war upon Great Britain if they found it involved in a struggle with any other great state. In my opinion we have not voted any public moneys that are a better investment or that are more usefully employed than those for which we intend to provide by the Bill, the second reading of which I am now moving. I believe that this will be advantageous to Canada as well as to the mother country. It has been to this country a splendid advertisement, and I trust that no peace will be agreed to that does not recognize the unquestioned sovereignty of Her Majesty in the territories that have been misgoverned by Kruger and those associated with him. (Cheers.)

Hon. Mr. ALLAN—It is a good many years ago now since, in conversation with an English gentleman of very high literary reputation and standing, that gentleman stated to me that he thought the manifest destiny of Canada was to become part of one great republic, from Labrador to Cape Florida. My reply was, I thought that was a destiny that would never be fulfilled—that if I knew anything of my countrymen at all, in the first place they were thoroughly loyal to their sovereign and the empire, and in the second place, they conceived it to be a much loftier object of ambition to be still

more closely bound up with the greatest empire the world has ever seen, than to form part of any foreign state, however great. Events since then, but more particularly of the last six months, have shown that, with some very trifling exceptions, there is not the slightest wish or desire on the part of any Canadian to throw in his lot with a foreign state, but rather to draw closer the ties which bind us to the mother country. The best proof that could be given of this is the magnificent way in which our people responded when an offer was made to the mother country, and accepted, to send our men to South Africa to fight in defence of the empire. And not only that, but I think one thing which we must all rejoice at exceedingly is that that spirit has been shown, not by one portion of this community merely, but, with a very trifling exception, by both the great races which have served to build up and make Canada what it is today. I do not think that any one could have listened without the strongest feeling of emotion to the magnificent speech of Sir Wilfrid Laurier, which was delivered not very long ago, and rejoice that he, who was the leader of the government and a French Canadian, had expressed himself in such terms with regard to our loyalty towards the mother country. I hope, hon. gentlemen, that this feeling which is now so strongly aroused may draw us closer and closer in the bonds of one united empire. I hope also that one result of it may be that by degrees the different colonies will be admitted to some share in the councils of the empire, and that particularly with regard to the conclusion, which I hope one may look forward before very long, of this war, and the terms of peace which shall be made, that the colonies, which have freely spent both blood and treasure in fighting the battles of the empire, in some respect may be permitted an opportunity of expressing their views in regard to the settlement to take place. Hon. gentlemen, I have given a good many votes in this House, because I think I am now one of the oldest members of it, but I have never given and shall never give a vote with greater or more thorough pleasure and satisfaction than shall now for the passing of this Bill. (Cheers.)

Hon. Mr. POIRIER—Before the Bill passes, as I believe it will pass with the utmost unanimity, I would crave permission to say just one word. Hon. gentlemen know that I represent here more particularly a portion of Canadian population of which little is known in the Dominion at large—the Acadian people of the maritime provinces, of which we are about one hundred and thirty thousand souls altogether. There were raised of late, unfortunately, cries of loyalty and disloyalty, and a portion of the population of the Dominion, the French Canadians, were said to be lacking in patriotism. That, of course, was not true. It was disproved; still, the cry was raised, and if it did apply to the French Canadians it might be thought to apply also to the French Acadians. Perhaps, in looking back on past events, on the fortunes and misfortunes of history, if a section of the population might be supposed to be wavering in allegiance to the Crown of England, it might be, by inference, we, the French Acadians of the lower provinces. But such is not the case. As a proof that we stand with the rest of our fellow-citizens, I may simply bring out this fact, and my speech will be ended: Last fall, in New Brunswick, when the municipal councils gathered—they do not meet on the same day—in one or two English-speaking counties, the question was raised as to whether the municipalities would help by money votes our Canadian boys going to South Africa, and nothing more was done. In the county of Kent, the majority of whom are French Canadians, the same question was put. It was deliberately put after consultation with the leading French Acadians of the maritime provinces, and it was carried unanimously. Instead of a vote, all the councillors rose and sang God Save the Queen (cheers), and the councillors who proposed that vote were French Acadians, from the warden down to the mover and seconder. That, hon. gentlemen, in itself, is a proof of the sentiment of the French Acadians in this matter, and shows, and shows conclusively that in this Dominion of ours, there are no sections of the country that are not abreast with the others in loyalty, although, perhaps, their expression of loyalty may not be so boisterous; but that it is all firm and solid, and that we are all in this Dominion of Canada one united, one loyal people, and one people

that have faith both in our destiny and in the continual growth and grandeur of the empire. (Cheers.)

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.

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

The Bill was then read the third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, April 2, 1900.

The Speaker *pro tem* took the Chair at three o'clock.

Prayers and routine proceedings.

COMMISSIONS IN MOUNTED POLICE.

MOTION.

Hon. Sir MACKENZIE BOWELL—

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing :

1. The number and names of all persons to whom commissions have been granted in the mounted police force of Canada since June, 1896.
2. The length of time each person to whom commissions have been issued served in said force.
3. If no service had been rendered in said force by the person or persons so commissioned, the qualification they possessed for such commission or commissions.

The motion was agreed to.

ADMIRALTY ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (P) 'An Act to amend the Admiralty Act,' and moved that the Bill be read the first time.

Hon. Sir MACKENZIE BOWELL—My hon. friend might explain the object of the Bill so that hon. gentlemen would be in a position to discuss it on its merits to-morrow. From the short time I have had the Bill in my hands it seems to me rather commendable than otherwise.

Hon. Mr. MILLS—Under the Admiralty Act as it now stands, each province constitutes an Admiralty District, and there is a Vice-Admiralty Judge who is judge also of the Exchequer Court, who discharges the duties of an Admiralty Judge. It is found in the province of Ontario, which is very large—and the same thing will be found in some of the other provinces perhaps—that it is sometimes inconvenient to take action against a vessel for any purpose for which such action is within the jurisdiction of the court, and to make the necessary service before the vessel leaves the port. The registrar resides in Toronto, as well as the Admiralty Judge, and complaints have been made by the Bar in various parts of the province of Ontario, and also by the Montreal Bar, that there should be a local or deputy registrar of the court, who could have power to issue the necessary papers and to receive the necessary services, and that they need not be returned until the completion of the proceedings. This is to amend the law in that direction and to provide for dividing the Admiralty District into divisions, in each of which divisions there may be a deputy registrar for issuing the necessary summonses, and also for receiving the papers where the receipt is necessary, and they will thus have, in the locality, the power to discharge the duties of a registrar for the purpose of this Act. These proposed amendments are for the purpose of meeting the convenience of the profession, and of those who have claims against shipping, and who find that, with the very extensive districts which exist at the present time, it is not possible to make service while the vessel is in port. There is no principle involved beyond the principle of convenience, and we propose, for instance, to make a district or division at Sarnia, and another at Windsor, where frequent complaints have been made, and at any other point where it is found necessary by experience that it is necessary to establish a division, to divide the district into divisions.

Hon. Mr. MILLER—Is it intended that this Bill shall refer to the maritime provinces ?

Hon. Mr. MILLS—It may refer to any of the provinces.

Hon. Mr. MILLER—Is it the intention to appoint more judges ?

Hon. Mr. MILLS—No.

Hon. Mr. MILLER—Simply to divide the districts and appoint registrars ?

Hon. Mr. MILLS—Deputy registrars.

Hon. Mr. MILLER—To appoint deputy registrars in the divisions ?

Hon. Mr. MILLS—Yes, that is it.

Hon. Mr. MILLER—I have not had time to look into the Bill to see if there are any objections to it, but on the face of it it seems to me that it is a Bill that will work to the convenience of the public.

Hon. Mr. MILLS—That is the intention, and beyond the deputy registrar, who is paid by fees, there is no expense incurred on behalf of the public.

The Bill was read the first time.

THE DOMINION FRANCHISE ACT.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to ask the hon. leader of the House what the intentions of the government are with regard to the amendments to the Dominion Franchise Act. In an earlier part of the session, in another place, I think an intimation was made that a measure in amendment to the Dominion Franchise Act was intended to be introduced by the government. We are now entering upon the third month of the session, and if a measure of this sort is to be introduced, we ought to know when it is coming, particularly as an adjournment of this House is in contemplation. I may say I think the Dominion Franchise Act stands badly in need of improvement. Very serious amendments are being called for in that Act, and I say also in the Dominion Elections Act, in order to better fit that into the Dominion Franchise Act. We are approaching an adjournment, and if it is intended that we shall have a Bill on the subject, we should like to know when to expect it.

Hon. Mr. MILLS—That is a measure which affects the other House rather than this. The measure has been prepared and consolidated, amending the law relating to elections, and there are some provisions that were in the Franchise Act that more properly belong to the Elections Act. That Act has been very carefully considered, revised and completely consolidated, and I think that it is in the hands of the Solicitor General to present to the House of Commons. There will be also some slight amendments to the Franchise Act besides.

TRADE WITH CAPE NOME.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. Secretary of State if any communication has been had with the United States government about the Cape Nome matter.

Hon. Mr. SCOTT—I am not aware that any communication has been received.

Hon. Mr. MACDONALD (B.C.)—Has any communication been sent to the United States government on the subject ?

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. MILLS—We had not sufficient information.

BILLS INTRODUCED.

Bill (66) 'An Act respecting the Cowichan Valley Railway Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (74) 'An Act respecting the Northern Commercial Telegraph Company, Limited.'—(Hon. Mr. Macdonald, B.C.)

CONFIDENTIAL CORRESPONDENCE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to direct the attention of the hon. Secretary of State to the fact that we have not had a copy of that return which was laid before the House of Commons in reference to the correspondence between Col. Hughes and General Hutton. It was called for last month, and it has never been brought here, although the motion was carried some time ago.

Hon. Mr. SCOTT—I thought when it was brought down to the other House it was not necessary to bring it here.

Hon. Sir MACKENZIE BOWELL—It would be necessary to have it here.

Hon. Mr. SCOTT—I shall have it brought down here to-morrow.

Hon. Sir MACKENZIE BOWELL—I quite agree that it is not necessary provided a copy of the same return were presented here. I tried to get it two or three times, but I find they are not printing the return, but have six or seven clerks at work on some ninety-three pages of manuscript, making copies with typewriters. A number of members of the House of Commons have asked for copies. Any one knowing the expense attending the employment of half a dozen typewriters to make these copies over and over again knows that it might have been sent to the printers and not cost one-tenth as much. I see by the newspapers that quite a number of letters which are comprised in the correspondence brought down are marked 'confidential.' If the letters marked 'confidential' in the case of Col. Hughes are brought down, I cannot well see how the government can decline to bring down the letters that the Secretary of State said were confidentially written by the Major General to the Minister of Militia with reference to the removal of Col. White from the list of those who were to undergo the staff course at the Royal Military College, because they were marked confidential. This is my object in calling the hon. gentleman's attention to it now. If it be right to lay before the public, confidential letters in Col. Hughes's case, I cannot understand why it should be objectionable to bring down those that were written in Col. White's case.

Hon. Mr. SCOTT—In reference to the multiplication of the report, of course, it rests with the Printing Committee to say whether a document shall be printed or not. I am not a member of that committee, and I cannot say what papers shall be printed. There was no desire on the part of a considerable number of gentlemen to have it printed or it would have been printed.

Hon. Sir MACKENZIE BOWELL—See what it is costing?

Hon. Mr. SCOTT—Yes, it is very unfortunate. I shall have a copy of it brought down to-morrow if I can lay my hands on it.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved into a Committee of the Whole on Bill (K) 'An Act further to amend the Criminal Code, 1892.'

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—There are no less than four Bills introduced by private members in the other House, dealing with the Criminal Code, and they should be embodied in this Bill.

Hon. Sir MACKENZIE BOWELL—They may not be accepted.

On clause 179,

Hon. Mr. De BOUCHERVILLE—What is the meaning of the amending clause: 'And without excess in the alleged beyond what the public good requires'?

Hon. Mr. MILLS—It would be necessary to go into some discussion to point out the effect of the proposed amendment. If hon. gentlemen will read the clause they will see what is specially pointed at. What is published or what is done, may be very objectionable if done by any one else than a professional man, and for professional or scientific purposes. The parties charged with issuing obscene or improper publications, or committing such acts must show that what they did was for the public good, and that they did not go beyond what is necessary for the public good.

Hon. Mr. De BOUCHERVILLE—I think that this clause should be struck out. None of the Acts referred to in subsections *a*, *b*, and *c*, can be said to be for the public good.

Hon. Mr. SCOTT—Subsection 2 is for the protection of medical men, and is the law at present.

Hon. Mr. De BOUCHERVILLE—But they never publish obscene books.

Hon. Mr. ALLAN—The saving clause would apply to the whole section, as I read it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. ALLAN—Most of the acts referred to could not be justified, even if done by medical men.

Hon. Mr. MILLS—A medical man may publish a book which contains illustrations altogether unsuited for general circulation, and while what is done is not in excess of his duties as a professional man, it would be greatly in excess of what any one else could do.

Hon. Mr. De BOUCHERVILLE—Why not use the words, medical man ?

Hon. Mr. MILLS—Because we wish to use words broad enough to reach those intended to be protected by the Act and to reach those who are not protected by the Act.

The clause was adopted

On section 180,

Hon. Sir MACKENZIE BOWELL—Does the hon. minister think this clause relating to the posting of scurrilous publications in the mails is necessary ? Does he expect to create a better class of newspapers by this provision ? The word scurrilous, has a very wide meaning. If you call a man a buffoon, according to the dictionary, that would be scurrilous. It seems to me it is carrying the crime of libel a little too far. I do not believe there is a newspaper in Canada which does not come under that designation. The *Globe* called the member for Nanaimo a liar, and names of that kind. Would that be scurrilous ? And yet the *Globe* justified the article which it wrote, on the ground that it was true, it certainly was a scurrilous article. There are many political editorials for which the publishers could be prosecuted under this clause.

Hon. Mr. MILLS—I have no very strong opinion in the matter, and if there is any objection, I will not persist in the section.

Hon. Sir MACKENZIE BOWELL—I do not object to it.

Hon. Mr. MILLS—I thought it would exercise a certain amount of restraint.

Hon. Mr. FERGUSON—I do not think this clause could be construed as far as my hon. friend thinks it could. I do not think it would be open to declare a newspaper article scurrilous, merely because such a remark might be in it. But, I think what is aimed at in subsection (*b*) would be considered scurrilous. Probably that is the point aimed at, and it would be very proper to have some legislation against putting scurrilous words on a post card, or on the outer wrapper of any parcel which goes through the mails.

Hon. Mr. POWER—I think the hon. gentleman from Marshfield is correct. It seems by the note, that scurrilous articles were forbidden by the Post Office Act, and when the code was passed in 1892, these words were stricken out, and the provision in the Post Office Act was repealed and the note goes on to say :

> Of these, all but 'scurrilous' are probably thought to be sufficiently covered elsewhere in the code.

It seems simply to bring back the law to where it was before the code was adopted.

Hon. Sir MACKENZIE BOWELL—It is only what is written on the outside of the envelope or on a post card which could be considered scurrilous, because the postal authorities would not know what was inside, the *Globe* said, the Senate was a lot of 'tottering old idiots.' Would that be scurrilous ?

Hon. Mr. PRIMROSE—It seems to me that the field which would be covered by such an adjective, is so large that we should drop that clause.

Hon Mr. MILLS—We would have to abandon the whole section.

The clause was adopted.

On section 183,

Hon. Mr. POWER—There was a good deal of discussion in this House on a previous occasion in connection with a proposal similar to the one contained in this clause, and the House decided last session, that these words were to remain in. If they are to remain in I think there should be some protection such as is afforded by several sections of the English Criminal Law Amendment Act, of 1885. I, therefore, move that the following proviso be added to this clause :

> Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness

be corroborated in some material particular by evidence implicating the accused.

Take the case of a man who is in his shop, with only one female attendant with him; one can see that there is very great temptation to an unprincipled woman to try to levy blackmail upon the man, and I think we should insert some such provision as this.

Hon. Mr. MILLS—I do not object.

Hon. Mr. FERGUSON—I think we should be careful in adopting such an amendment as this. It is not possible to have a witness to crimes of this class, and it would be a very serious matter if we were to call for the presence of a witness in such a case. We would not have convictions at all.

Hon. Mr. MACDONALD (B.C.)—There is a great chance for blackmail.

Hon. Mr. POWER—I think we cannot go wrong in following the law of the old country. This is a serious offence to charge a man with. It is a charge easily made, and not at all easy to refute; and, it is desirable that here, as in England, there should be not necessarily another witness, but some evidence to corroborate the statement of the woman; otherwise an innocent man may be convicted on the unsupported evidence of a woman who is perhaps not better than she ought to be.

The amendment was agreed to, and the clause as amended, was adopted.

On section 205,

Hon. Mr. DANDURAND—Up to 1883, the law on this matter contained no such exceptions as the one mentioned under subsection (c). Subsection (c) reads as follows:

(c) Any distribution by lot among the members or ticket-holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction of such incorported society; (if—

The law did not except the drawing by lot or disposing by lot of paintings or other objects of art. This law stood that way for a great number of years, and in 1883 I see that it was amended by adding this exception to the law. The Bill emanated from this Chamber, and the reason given for amending the law in that direction is very clearly and concisely put by the late Sir John Macdonald. In moving the second reading of the Bill to amend the law respecting lotteries, he said:

It has been recently decided by a magistrate in Ontario—I suppose properly—that our present law on lotteries will prevent the Art Union, an association of artists, from holding its annual distribution of paintings and drawings. By the payment of an annual subscription fee, a person becomes entitled to draw for the right of first choice from among the pictures contributed by the members. This cannot be held to be an evil by the most strained interpretation of the law.

Then followed the amendment which is found under letter (c), and which the hon. Minister of Justice tries now to amend in order to have it better respected in its spirit. This amendment of 1883 only shows the very great danger of legislating for special cases. Since 1885 or 1886, to the knowledge of every citizen of Montreal, we have had lotteries flourishing, and at every street corner, tickets for drawings, or so-called drawings of paintings and other objects of art have been offered for sale. It has become a regular business. We are now in Montreal suffering under a real Italian plague of lotteries. We have tickets offered for sale, not merely on our streets, but at every tobacco shop and newspaper stand; we have people who canvass for the sale of tickets, and the money of the poor and the labouring classes is going into the hands of these lottery sharks. They pretend to be developing a taste for art by instituting classes, and I know that one or two of these lotteries have a whole flat where they have, or pretend to have, teachers to teach drawing and painting to pupils. I will not deny that if those establishments were carried on properly, it would do some good towards encouraging art culture, but I do not think that a single citizen of Montreal will rise to say that the price we are paying for that culture is not far too high. Hundreds of thousands of dollars are being diverted from natural channels simply to enable people to live in luxury out of the earnings of the poor. I do not intend to discuss the evil of lotteries. The law of the country has been well settled on that question. Lotteries have been pronounced immoral, and as they were regarded immoral in years gone by they are immoral to-day. I propose, instead of confining myself to the amendment which the Minister of Justice has suggested, that we should go back to the old law and, even if there is a genuine art union

to-day, it will have to change its form of selling its paintings. I think we should do the greatest good for the greatest number. We have in Montreal young men who, on being arrested, have confessed to stealing money from their employers simply to try and enrich themselves easily by buying lottery tickets. I move that subsection (c) be struck out of the Bill. In order to show how they proceed, I shall read from the testimony of a young girl who was examined as a witness when an arrest was made last week of the whole organization of a lottery union. The Royal Art Union, is now before the grand jury, and another lottery called the Canadian Artistic Society was arrested last week. Here is the evidence of a young woman who was not arrested, but was called as a witness. She said :

She had been in the employ of the society for about a year. She was engaged by Mr. Darly to sell tickets. She described the various styles of tickets, 'straight,' flat saddle,' 'gig,' &c., and stated that tickets had been sold as high as $4 each for three numbers, and $10 for single numbers. Such tickets might win as high as a thousand dollars. Laird and Dupont were the paying cashiers. So far as she knew, winning tickets were always paid in money. She had never known any one to obtain a work of art or musical instrument for their ticket. She had played and won small sums occasionally. She never got an object of art for a prize.

Montreal citizens are scandalized at the state of things as it exists to-day. There is not a newspaper in Montreal, French or English, that has not thundered against it, and asked parliament to deal with the matter and try and stem the tide of these immoral operations. It is time we should put an end to them. By whatever means we may try and check the evil even by the amendment which my hon. friend proposes, for instance, by reducing the drawings to two a year, they will simply make it a larger concern, and offer prizes of fifteen thousand dollars, twenty thousand dollars and twenty-five thousand dollars. They would thus recoup themselves for the longer time they had to wait for their profits, and they would work the same injury on a larger scale. They resort to all kinds of artifices. One of them, not many months ago, advertised in the whole of the press of Montreal, and perhaps of Canada, because they have agents everywhere, that Mr. So-and-So had won ten thousand dollars. They published his receipt. I am credibly informed that the man received a few hundred dollars for his receipt and that no such prize had been won at all. They are trying to entrap innocent people, and every one knows there is a tendency in human nature to get rich otherwise than by the sweat of the brow.

Hon. Mr. ALLAN—Are those prizes which are distributed money prizes, or are they really works of art ? Are these associations which distribute the prizes incorporated societies ? Because this clause limits the exception to incorporated societies ?

Hon. Mr. DANDURAND—All these societies comply with the letter of the law. They have letters patent to do work which, on the face of the letters patent, comes within the letter of the law. They send an agent to Paris, or Italy, and procure fifty or a hundred paintings. Others exhibit musical instruments. These articles are numbered, and it is those numbers of paintings which decide the prize. They say a painting is worth two thousand dollars, but you can get the value in money if you sell it back. In the Art Union, which is a large concern, it was proved that they delivered the paintings, but it was arranged with a neighbour that he should purchase back the painting. They use the exception in this law to carry on a lottery business simply. Here is an advertisement of one of the companies appearing in the papers. They put it very clear in French and English :

'En Route for Paris.'

Those who have not taken the precaution to save the sum necessary for a voyage to the Paris Exhibition have numerous opportunities to correct their improvidence by purchasing tickets from the National Society of Sculpture, who have a drawing each month. On that subject, we may say that the value of prizes has been increased. The great prize is now $15,000, instead of $10,000, and the total value of 3,500 prizes distributed at each drawing amounts to from $47,742 to $53,627. The prize of the tickets is 25 cents, 50 cents and $1, according to the class. The drawings will take place this year at the following dates : April 18, May 16, June 20, July 18, August 15, September 19, October 17, November 21, December 19. A fortune is offered to all.

Those that sell tickets guard themselves to a certain extent by what is printed on the tickets, but the people who buy them know that they may win prizes from such a sum to such a sum, and that they can get the money at the wicket whenever they present themselves. In fact, there are

hundreds of people who congregate at the places where the drawings take place, and afterwards present themselves at the wicket where they get their money without any offer even of the paintings, or musical instruments, which are supposed to represent the value of the tickets. In fact, in Montreal, as is shown by the advertisement that I have just read, there is no pretense at hiding their game. They are simply using the amendment of 1883 to ply their trade on innocent persons.

Hon. Mr. BOLDUC—I heartily concur with the remarks of the hon. gentleman. Lotteries are the curse of the country, more particularly in the province of Quebec. My hon. friend explained the great harm done by those lotteries in the city of Montreal. But the evil goes further. They not only canvass in the cities, but also in the country, and those who purchase those lottery tickets are not wealthy people, but poor servants and labourers. If those organizations are not stopped, before many years elapse I believe it will be impossible to obtain the services of a good servant girl, because they are so tempted to make money by subscribing to those art societies, and as a matter of course, they always lose. I think the suggestion of the hon. gentleman ought to be adopted, and this clause should be completely wiped out.

Hon. Mr. POWER—I do not think that I shall vote for the amendment suggested by the hon. gentleman, although I am quite aware of the unfortunate condition of things which exists in Montreal; but I think the proviso at the end of paragraph (c) is just intended to meet the case. The proviso is that the section does not apply to:

(1) Such paintings, drawings or other works of art are themselves actually and bona fide so distributed, and

Well, they are not by these associations in Montreal. Second:

(ii) The member or ticket-holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value; and

In Montreal the ticket-holder is allowed the option, and it is understood he takes the option and does not take the picture.

Hon. Mr. DANDURAND—He can take the picture, as is done by the Royal Art Union, and exchange it for money next door with a neighbour who is there ready with the cash to take back the painting.

Hon. Mr. POWER—This is a very important provision:

(iii) No other such distribution has taken place among the members or ticket-holders for a period of six months, less one day next preceding the date of, or the date fixed for, such distribution; or

The drawing of the Art Union pictures takes place, I believe, every six months. I think one can see that if those distributions are not allowed to take place more frequently than once every six months, the temptation to go into that distribution as a business is very much diminished.

Hon. Sir MACKENZIE BOWELL—In nearly all the lotteries in Louisiana and other parts of the world, it is six months, and sometimes twelve months, before an actual drawing takes place. That is to enable the party interested in these speculations to sell as many tickets and make as much money as possible. My hon. friend from Toronto asked if these lottery associations are incorporated. In my own town an advertisement was sent up from Montreal, because these schemes of swindling are not confined to Montreal; tickets are sold all over the Dominion. My attention was called to this advertisement, and I said: 'You at once subject yourselves to a penalty if you publish this advertisement, unless the association is properly incorporated under letters patent.' On inquiry we found they were incorporated. They came within the exact letter of the law. But they evaded it after selling tickets and the drawing took place. I think the suggestion is a good one, that the clause should be struck out, and that lotteries of all kinds should be prohibited to the fullest possible extent. I go further than that; I would prevent all raffles, and anything of the kind, although the same danger could not arise—at least, not to the same extent. But in this case it is a regular system of swindling, more particularly, as the hon. gentleman has pointed out, of the poorer classes of society, who are captivated by the promise which is made in the advertisements of the possibility of drawing something which, if they do not want it themselves, they can exchange for money, and,

as pointed out by the hon. gentleman, this clause as it stands in the Bill, would not be a protection in a case of that kind, because they could always have confederates to whom prize winners could go to exchange or sell the prizes for money, and the paintings could be put in the lottery again the next day. I hope the Minister of Justice, after what has been laid before him, and from what I know he has seen of the effects of this in the past, and the number of petitions that were presented at the last session of parliament, that the amendment will be carried, and that subsection struck out of the Bill.

The amendment was agreed to, and the section, as amended, was adopted.

On clause 332,

Hon. Mr. MILLS—I propose to make some further changes to this section, which provides a punishment for stealing dogs and chickens, in place of section 332 of the code.

Hon. Sir MACKENZIE BOWELL—If you steal a dog that is running in the street, does it not come within the meaning of the present law ?

Hon. Mr. SCOTT—The words in the section are 'ordinarily kept in a state of confinement.'

Hon. Mr. DeBOUCHERVILLE—Does that refer to any other animal ?

Hon. Mr. MILLS—'Dog, bird, beast or any other animal ordinarily kept in a state of confinement.' This does not apply to animals covered by the common law.

Hon. Mr. DeBOUCHERVILLE—Would it not be well to put in 'Not otherwise provided for'?

Hon. Mr. POWER—As I gather from the wording of the amendment, if a lad steals a chicken he is guilty of an indictable offence. If the value of the article stolen does not exceed ten dollars, it should not be made an indictable offence. Under the wording of that amendment, a lad who stole a chicken, or kitten, or puppy would be liable to be indicted. I think if he is punished at all he should be brought before a magistrate and summarily disposed of, but the indictable offence should be where the article was of considerable value, say forty or fifty dollars.

Hon. Mr. MILLS—I have left the amount blank.

Hon. Mr. POWER—I think it should be an indictable offence only where the value exceeds twenty-five dollars. Under section 332 of the Act it is not indictable. The object is to provide that where the value of the article stolen exceeds twenty-five dollars it should be an indictable offence. Would it not be well to add a subsection to the existing section, leaving it as it stands to apply to all amounts under twenty-five dollars ?

Hon. Mr. MILLS—That would answer the same purpose. We might let that section stand.

The section was allowed to stand.

On section 520.

Hon. Mr. POWER—This is a somewhat important section. I have an impression that last year we passed an Act striking out the words 'unduly' and 'unreasonably,' and this section should read as the law is now and not as it was before we passed the Act of last year.

Hon. Mr. SCOTT—Yes, we struck out the word 'unduly.'

Hon. Mr. POWER—My recollection is that we amended section 520 last year.

Hon. Sir MACKENZIE BOWELL—Was that not in a separate Bill ?

Hon. Mr. POWER—Yes. I have the Act of last year before me, chapter 46, and I find the following provision :

> Section 520 of the Criminal Code, 1892, is hereby amended by striking out the word 'unduly' in paragraphs (a), (c) and (d) and by striking out the word 'unreasonably' in paragraph (c).

Hon. Sir MACKENZIE BOWELL—The Bill of last year never became law, as I understand it.

Hon. Mr. POWER—Oh, yes.

Hon. Mr. ALLAN—That is a special Act.

Hon. Mr. MILLS—Yes, but I do not think it is in the most satisfactory form. The word 'unlawfully' is retained and the word 'unduly' is struck out of each of these para-

graphs, and in paragraph (c) the word 'unreasonable' is struck out, and it reads:

Unduly prevent, limit or lessen the manufacture or production of any such article or commodity, or to enhance the value thereof.

The difference is that instead of retaining the word 'unlawful,' I have retained the word 'unduly.' The reason is that the word 'unlawful' does not mean anything unless you declare what is unlawful, but the word 'unduly' refers to a question of fact.

Hon. Sir MACKENZIE BOWELL—How would this conflict with the short Act just read?

Hon. Mr. MILLS—The short Act strikes out the word 'unduly' and retains the word 'unlawful,' and in this Bill we strike out the word 'unlawful' and retain the word 'unduly.' This would override the other Act.

The clause was allowed to stand.

On clause 533,

Hon. Mr. MILLS—I have received a letter from Chief Justice Meredith with reference to this clause, in which he suggests a provision which is hardly applicable without changing it a good deal. We propose to amend the law in accordance with his suggestion.

On section 540,

Hon. Mr. POWER—No such court as is known in the next preceding section has power to try any offence under the following sections. The court referred to is the Court of Quarter Sessions. It would be highly improper to allow a Court of Quarter Sessions to try an election case. It should be a Superior Court.

Hon. Sir MACKENZIE BOWELL—Do you, in the proposed election law, intend to deal with the question of bribery otherwise than it is dealt with now? If not, you might put a stringent provision here to punish the bribed person as well as the briber, and make it obligatory on the provincial authorities to prosecute, because the way cases of bribery have been dealt with in the past, has been a farce. A number of persons have been reported by judges for giving and taking bribes, and there the matter has dropped. It seems to me the law ought to compel the Attorney General of a province to prosecute the parties thus reported against, if it is desired to put a stop to bribery.

Hon. Mr. MILLS—My hon. friend will see that a trial is a different matter.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will deal with it in the election law.

Hon. Mr. MILLS—That will be a matter coming within the Corrupt Practices Act, which we have not touched in this Bill at all.

Hon. Sir MACKENZIE BOWELL—You could put a clause in the Criminal Code to punish such offences.

The clause was adopted.

On section 520,

Hon. Sir MACKENZIE BOWELL—Section 520, which reads as follows was not adopted last year:

Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company—

(a) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(b) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

That was not adopted last year. Why is it reinserted here? I do not object to any exception which will enable workmen to protect themselves, but does not this clause go to the extent of exempting workmen from the operation of the law by enabling them to enter into any combine of any character, no matter what it may be, to lessen the manufacture or production of any article,

while the employer who furnished the capital to carry on the business, is punished if he enters into a combine to unduly prevent or lessen the manufacture or production of goods. The workmen he employs may enter into a combine to stop the factory from doing any work at all. This provision was struck out last year, and I do not see why it should be put in this year.

Hon. Mr. MILLS—No, I do not think it was struck out last year.

Hon. Sir MACKENZIE BOWELL—It says so in the note.

Hon. Mr. MILLS—It was struck out in 1897. It was carried last year. Let me call my hon. friend's attention to the words; they seem to me to put the two clauses on an equal footing: 'For their own reasonable protection.' That is a question of fact. It exactly corresponds with the word 'unduly' in the other section: 'To unduly prevent or lessen competition.' If men were limiting competition so as not to exceed the demands of the market, it seems to me if they were charged with restricting the production, that would be a complete answer in law, that they were not unduly doing so, because they were not reducing it less than sufficient to supply the market. That would be 'reasonable.' By this clause you put workmen on the same footing when you say that nothing in this section shall be construed to apply to combinations of workmen for 'their own reasonable protection.' If it goes beyond what is reasonable it comes within the penalties of the law. I do not see how we could be more definite than we have been with regard to both—using 'unduly' with regard to one and 'unreasonably' with regard to the other.

Hon. Sir MACKENZIE BOWELL—It seems to me this legislation is playing with a very important subject. For my own part, I am opposed to all those laws interfering with the rights of the people otherwise than to protect employer and employed. It is being carried to-day to a very dangerous extent, both for the welfare of the country and the business of the country.

Hon. Mr. MILLS—Both are.

Hon. Sir MACKENZIE BOWELL—Yes, I say both. The whole industries of this country to-day are at the will and whim of a Yankee coming from Chicago. He comes in here and disturbs the whole business of the country, and we are legislating to protect him. That is the tendency of our legislation, and every one is afraid to say so, because it may affect a vote. We may as well speak honestly.

Hon. Mr. DANDURAND—The difficulty is that capitalists may combine, and labourers claim the same right.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite wrong. This prevents the capitalists from combining, but exempts workingmen from the penalties of the law if they combine.

Hon. Mr. MILLS—Only to an extent that is unreasonable.

Hon. Sir MACKENZIE BOWELL—That is a play on words. Are a man's earnings, that he has been labouring all his life to acquire, to be set at naught by somebody else?

Hon. Mr. POWER—Take the case to which the hon. gentleman has referred—supposing the men who strike in Chicago have in Chicago a reasonable ground for striking, it does not follow that the men who are acting in concert with them in Toronto and Montreal have a reasonable ground for striking. I do not feel clear that a jury would not be disposed to hold that because the original strike was reasonable, the other was equally so. I have always opposed this sort of legislation, and if the hon. gentleman opposite moves to strike out this clause, I shall vote with him.

Hon. Sir MACKENZIE BOWELL—Don't you think the decision of the jury would depend very greatly on the class from whom the jury was drawn? I move that the second subsection of clause 520 be struck out.

Hon. Mr. MILLS—That would leave every combination of workingmen at the mercy of any one who chose to prosecute them.

Hon. Sir MACKENZIE BOWELL—If the Minister of Justice thinks it will have that effect, I shall not touch it, but I think by striking out that subsection the clause will then apply to all persons—capitalists or workingmen—if they combine at all. You

make a general law for a general purpose, and then you make an exception. Now, strike out the exception and that will place every one on the same footing. If it does have that effect I shall not press it, but that is my impression.

Hon. Mr. MILLS—If my hon. friend were right in his view, and I think he is not, the clause as it stands goes no further than what he suggests. We say as to any person engaged in trade that if he arranges with any person, or any railway, &c., to unduly limit the facilities for transporting, producing, &c., any article or commodity, or restrains or injures trade or commerce, or unduly prevents or lessens the production of such commodity, or unreasonably enhances the price, &c., he is liable to a penalty. All these are punishable if it goes beyond what is reasonable. Now, the clause goes further and says that nothing in this section shall be construed to apply to combines of workingmen or employees for their own reasonable protection as such workingmen and employees.

Hon. Sir MACKENZIE BOWELL—If it does not apply to them, why is it necessary to have it there ?

Hon. Mr. SCOTT—In order to make it perfectly clear.

Hon. Mr. POWER—We passed an Act some years ago providing reasonable protection for combinations of workingmen.

Hon. Sir MACKENZIE BOWELL—I have no objection to letting this section stand for further consideration. My own impression is that it makes an exception of one class of people. If so, it should not be in the Act. All should be treated alike.

The subsection was allowed to stand.

On section 785,

Hon. Mr. POWER—I wish to direct the attention of the Minister of Justice to the fact that in Nova Scotia the recorders do not discharge any judicial function, and for that reason there might be some modification made in the wording of this subsection. Subsection 2 says :

This section shall apply also to police and stipendiary magistrates and recorders of cities and incorporated towns in every other part of Canada.

Recorders in Nova Scotia are not judicial officers. Prisoners are never brought before them at all. The minister might consider that. We could amend it to apply to recorders where recorders exercise judicial functions, that would remove the objections.

The subsection was amended by adding : 'Where they exercise judicial functions, and the section, as amended, was adopted.

On clause 838,

Hon. Sir MACKENZIE BOWELL—It seems to me this clause is going a long way. Subsection (*a*) of this clause reads :

3. If it appears before any award or order is made, that any valuable security has been bonâ fide paid or discharged by any person liable to the payment thereof, or being a negotiable instrument, has been bonâ fide taken or received by transfer or delivery, by any person, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had, by any indictable offence been stolen, (or received, or obtained by false pretenses,) or if it appears that the property stolen, (or received, or obtained) has been transferred to an innocent purchaser for value, who has acquired a lawful title thereto, the court or tribunal shall not award or order the restitution of such security or property.

A bond or note held by a person might be stolen from his safe without the knowledge of the legal owner, and sold to an innocent party. The owner would not be likely to look at his notes or bonds every day. He generally looks at them when they become due, and then he finds they have been stolen and transferred to an innocent party. The man who stole them may be out of the way, and it may be impossible to punish him. I do not know how far that is the law, but it seems to me to go a long way towards depriving an innocent holder of property of his rights. If one gives a note, for instance, and it was stolen, a party knowing the maker might go to another party and say, 'I have a note against a certain person,' and he sells it to the party, cannot the owner claim it ?

Hon. Mr. CLEMOW—I have always understood that it is a well settled principle of law that a man can always claim his own property wherever he finds it. Supposing a horse is stolen, can it not be recovered at any time upon proving property ? I think this is a most extraordinary provision.

Hon. Mr. SCOTT—It is a new doctrine in this country though, it has prevailed to some

extent in England, but the principle always prevailed in Canada caveat emptor—let the purchaser beware. He must be careful. That is the only safe principle.

Hon. Mr. POWER—Take the two subsections with which this clause proposes to deal. The first subsection of section 838 of the Criminal Code reads:

If any person guilty of any indictable offence in stealing, or knowingly received any property, is indicted for such offence by or on behalf of the owner of the property or his executor or administrator, and convicted thereof, or is tried before a judge or justice for such offence under any of the foregoing provisions and convicted thereof, the property shall be restored to the owner or his representative.

That is the law as it stands to-day. What are the changes proposed to be made? The clause in this Bill reads:

If any person who is (charged with) an indictable offence in stealing, or knowingly receiving, (or obtaining by false pretenses), any property, is indicted for such offence, by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, or is tried before a judge or justice for such offence under any of the foregoing provisions and convicted thereof, the property shall be restored to the owner or his representative.

There is really no substantial change in the first subsection. Take the third subsection. Subsection 3 in the Criminal Code reads as follows:

If it appears before any award or order is made that any valuable security has been bonâ fide paid or discharged by any person liable to the payment thereof, or being a negotiable instrument has been bonâ fide taken or received by transfer or delivery by any person for a just and valuable consideration, without notice or without any reasonable cause to suspect that the same had, by any indictable offence, been stolen, or if it appears that the property stolen has been transferred to an innocent purchaser for value who has acquired a lawful title thereto, the court or tribunal shall not award or order the restitution of such security or property.

So that the law which we have been told is in force, caveat emptor, has not been in force since the Criminal Code was adopted. What change has been made? I think the world moves, and we are not where we were 50 years ago. It simply adds 'Or received or obtained by false pretenses.' Then it is dealt with in the same way as if it had been stolen. The principle is the same.

Hon. Mr. MILLS—I am sure my hon. friend is mistaken. They are transferred on delivery, and I have not to inquire how a man came by the possession of a note he offers for sale, unless it can be shown I ought to have suspected it.

Hon. Mr. DANDURAND—The first part of subsection 3 is according to the law of the country, but the latter part of it seems strange.

Hon. Mr. SCOTT—I think if public attention is called to it, it will not remain on the statute-book.

Hon. Mr. POWER—It is simply putting articles obtained by false pretenses in the same category as stolen property.

Hon. Sir MACKENZIE BOWELL—But this speaks of negotiable instruments.

Hon. Mr. DANDURAND—And it is but just that the party should not pay it the second time.

Hon. Sir MACKENZIE BOWELL—It is quite evident that those hon. gentlemen who are learned in the law do not know the full meaning of the amendment, that being the case, it is not surprising that a lay mind should be muddled. It seems to me this goes a long way towards depriving a man of his property.

Hon. Mr. MILLS—My hon. friend will see there is really no extension of the law.

Hon. Mr. BAKER—Then why change the law?

Hon. Mr. MILLS—Here are two parties, and one or the other must suffer; and the law says that the party out of whose possession the article was taken is the party who shall suffer the loss; that is if there is carelessness to be attributed to either of the parties on whom the loss must fall. In what way does the section propose to alter the law? The clause says:

Or without any reasonable cause to suspect that the same had without any indictable offence been stolen, or received or obtained by false pretenses.

Supposing a man goes to the holder of property and by false pretenses obtains possession of it. He received it from him. He gives his consent, but he does so in consequence of a misstatement that was made to him, and he goes with that property to another innocent party and parts with it for valuable consideration. Which of the two ought to suffer—the man who parted with the property on a misrepresentation, or the man who in good faith paid value for it? In this respect it is simply bringing the Act with regard to that offence into harmony

with what the law at present is with regard to other cases of a like kind.

Hon. Sir MACKENZIE BOWELL—Would that apply to stolen property ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—If a man steals your horse and sells it to me, I understand that the owner can claim it ?

Hon. Mr. MILLS—Not under this section. If there is a strong feeling against this clause I would allow it to be stricken out. But all the objections which have been urged to it apply to the present law. Some one must suffer and the question is who is to suffer.

Hon. Sir MACKENZIE BOWELL—If property is stolen from me, can I not claim it wherever I find it ?

Hon. Mr. ALLAN—Supposing a thief steals a valuable picture from my house and afterwards sells it to the Minister of Justice. I know the picture quite well, and will I not be able to claim it ?

Hon. Mr. SCOTT—Under this a thief could give good title to property he had stolen.

Hon. Mr. MILLS—I think we had better strike it out.

The clause was struck out.

On section 801.

Hon. Mr. MILLS—I wish to add clause 2 :

This clause shall not apply to police magistrates, stipendiary magistrates or recorders.

There has been a controversy between the clerks of the peace and stipendiary magistrates as to who should make returns, and Col. Denison has called my attention to it. He has to try several thousands of cases every year, and it would be an enormous undertaking to make a return of proceedings and convictions in his court to the clerk of the peace. I thought on the whole that the information with regard to the record of convictions could be had from the police magistrate the same as from the clerk of the peace.

Hon. Sir MACKENZIE BOWELL—Does this affect the returns made by all magistrates during the year or every quarter ?

Hon. Mr. MILLS—It excepts them.

Hon. Sir MACKENZIE BOWELL—They now make these returns and they are published or should be published every year.

Hon. Mr. MILLS—Yes.

On section 332,

Hon. Mr. MILLS—In some places there are great complaints of stealing domestic fowls. Persons raising them for the market find them frequently stolen. The question is whether twenty-five dollars is not too high a figure. It is found that the present law is not a deterrent.

Hon. Mr. DANDURAND—What is the object of sending such cases to a jury ?

Hon. Mr. MILLS—Because under the present law the chances of conviction are not very great, and the chances of profit are ; so, persons go into the business of stealing chickens over a whole neighbourhood and carrying them away to market. A mere summary conviction and one month's imprisonment is not a sufficient deterrent. I propose to substitute for clause 332 a clause which will cover such cases.

The substituted clause was adopted.

Hon. Mr. MILLS—I had an amendment put in my hands by the hon. gentleman from Toronto (Mr. Allan) yesterday to provide that instead of sending boys to penitentiary they should be whipped. The suggestion is simply this : we have not a perfect classification of criminals. Boys are sometimes—except boys under sixteen years of age—sent for heinous offences to penitentiary, where they intermingle with the old offenders, which is a sort of training institution in crime, and it is a question whether the best thing to do with many a boy is not to give him a sound whipping and send him back to his parents. Perhaps the suggested amendment is too comprehensive, but I would ask the committee to rise and report progress, and we can consider the amendment when we go into committee to-morrow on the Bill.

Hon. Mr. VIDAL, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

BILLS INTRODUCED.

Bill (52) 'An Act to incorporate the Morris and Portage Railway Company.'—(Mr. Power.)

Bill (51) 'An Act to incorporate the Holiness Movement (or Church) in Canada.'—(Mr. Power.)

Bill (65) 'An Act to incorporate the Quebec and New Brunswick Railway Company.'—(Mr. McKay.)

Bill (25) 'An Act respecting the Brandon and South-western Railway Company.'—(Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, April 3, 1900.

The Speaker pro tem took the Chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. ARTHUR HILL GILLMOR, of St. George, N.B., appointed *vice* Hon. J. D. Lewin, deceased, was introduced and having taken the oath of office, took his seat.

SUPPLY OF OILS FOR THE INTERCOLONIAL RAILWAY.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate copies of all notices issued by the Intercolonial Railway since May, 1896, calling for tenders for the supply of oil for the said railway, and also copies of all tenders received in reply to said advertisement and contracts entered into as a result of such call for tenders.

2. A return showing the car mileage on the Intercolonial Railway for the year ended the 31st day of October, 1899.

3. Also, a return showing the total amount paid for oils for the Intercolonial Railway for the year ended the 31st day of October, 1899, giving the names of the parties to whom such payments were made.

He said: This is a subject upon which I have, by means of inquiries and a previous motion, elicited a considerable amount of information, and the subject of the present motion is to supplement the information already obtained and bring it to the end of last year. I may state that in May, 1896, previous to the change of administration, tenders were invited for the supply of lubricating and signal oils for the Intercolonial Railway, and eight or nine tenders were received altogether, and in due course, after analysis, certificates were received upon the sample supplied, and after the tenders were duly considered, notices were issued to those that were considered the lowest and most advantageous offers, and four parties that had tendered were awarded contracts under the various tenders that were called for. After the change of administration, all this was stopped. Further notices were issued to the parties who had received the notices in the first place, and they were told that contracts would not be proceeded with. In answer to some of my questions last year, the Minister of Justice read to the House a carefully prepared statement, which he obtained, I have no doubt, from the Railway Department, and which is duly embalmed on page 690 of the Debates of this House for 1899. In that statement I find that the Minister of Railways stated, for the Department of Railways, that two things had happened—that a more favourable offer had been received from the Galena Oil Company, and that an order in council had been passed instructing the Minister of Railways to notify the parties to whom contracts had been awarded, or to whom notice had already been given, that contracts with them would not be proceeded with. When I made my motion last year, I called for a copy of this order in council, and I called also for a copy of this more favourable offer, or any other offer, from the Galena Oil Company, and the answer which is contained in these returns gives a flat contradiction to the statement which my hon. friend submitted to the House on the 12th of July last, that an order in council had been passed authorizing the Minister of Railways to re-open the question, and that a more favourable offer had been received.

It is stated in this return that no order in council to that effect had ever been passed. I also moved for this more favourable offer that was spoken of as having been received

from the Galena Oil Company, and on which this alleged order in council was passed, and the subsequent action of the government taken—I asked that this more favourable offer might also be brought down, and the papers submitted to the House say that there was no other offer received, so that the statement that was submitted to this House, that a more favourable offer had been received from the Galena Oil Company, subsequent to the tenders in May, is not correct; and, further, that the action that was then taken was taken without the authority of any order in council whatever, notwithstanding it was stated to this House that an order in council had been passed authorizing the Minister of Railways to reopen this matter in the way it was done. This transaction is one that will bear a good deal of investigation. Tenders were called for and notices were given to the general public to come in and offer for the supply of those oils in May, 1896. Subsequent to the general election, and about the time that the Minister of Railways contested the counties of Queen's and Sunbury, in August, 1896, a Mr. Lichtewein, representing what was said to be the Galena Oil Company, of Toronto, and which turned out subsequently to be of New York or Pennsylvania, U.S., appeared on the scene and implemented with the government an offer which he had made in May previous, when tenders were called, an offer which complied with the specifications in no respect whatever. It was entirely on a different basis. He created a specification for himself. That specification was that a guarantee should be placed in the contract that the Intercolonial Railway should be lubricated, during the next coming year for which he was asking to get a contract, at a cost of ten per cent less than the lubrication of the Intercolonial Railway had cost under the old method of contracting for oil. That was the basis of his proposition, and, without calling for offers from any other person on a similar basis,—without giving others engaged in the oil business an opportunity of making propositions, by a private contract, without any further proposals even from this Galena Oil Company itself, as appears by the papers, and without an order in council, the Minister of Railways proceeded to award a contract to the Galena Oil Company to supply oil on this basis, guaranteeing to effect a saving of 10 per cent on the cost of lubricating the Intercolonial Railway in the past. This contract was made notwithstanding the samples of oil that had been sent in accompanying the proposals in May had been submitted to Professor Ruttan, of McGill University, a practical chemist, who was called upon to report upon the oils that it was proposed to furnish by the different contractors, and reported against. This is what Prof. Ruttan said upon the character of the lubricating oils offered by the Galena Oil Company:

> I find among the oils this year some submitted by the Galena Oil Company of a very unusual composition. Lubrication made up of a mixture of lead soap (the material out of which sticking plaster is made), fish oil and a light crude petroleum. Apart from the value of these oils as lubricators, I find a great disadvantage in their use, arising from the fact that the heavier lead soap tends to settle out and collect in the bottom of the containing vessel, forming a heavy sediment; hence, unless the oil is used by a person accustomed to handling it, it would be unlikely to give constant results.
>
> H. F. RUTTAN,
> Professor of Practical Chemistry,
> McGill University.

Notwithstanding this adverse report from the chemist, to whom all these oils had been submitted, with regard to this particular oil offered by the Galena Oil Company—notwithstanding the offer itself did not comply with the specification calling for tenders, but proposed to enter into the contract on another basis altogether—notwithstanding that the then management of the Intercolonial Railway proceeded to award contracts for lubricating and signalling oils on the basis of the specification they had themselves issued—notwithstanding notices had gone forth in conformity with all this, we find, after the change of government took place, and about the time the Minister of Railways was contesting the election in the counties of Sunbury and Queen's for the House of Commons, this man Lichtewein appeared again on the scene and, in the face of all that had happened, the notices were called in—in the face of this chemist's report on the quality of the oils proposed to be offered, the notices were called in and new contracts were let without any fresh offers—absolutely a private contract was made with this Galena Oil Company for a special oil for the Intercolonial Railway, and I find, from

the information submitted in answer to my motion of last year, that up to the date of that motion and the return which was submitted to this House a few days ago, that no further solicitation of tenders has taken place, and that this contract has gone on from year to year, and that it is now well advancing to the third year of this contract, and no new tenders have been called for, and the general public have not been allowed to come in and compete for the supply of oil. Though started on the basis of a private contract it has been continued year after year up to the present time to this favoured Galena Oil Company of Pennsylvania, U.S. The motion that I made called for some information as to how this contract had been worked out, and amongst a number of other things the report of this analyst was called for. I have read that part of it which relates to the sample of oil offered by this company. It calls also, as I have already said, for these orders in council on which the Minister of Railways claimed to be acting when he called in the other notices and proceeded to award this private contract, and as I have already told you, the return says that there was no truth in the statement that an order in council had been made at all, and that the Minister of Railways appeared to have acted entirely on his own authority. My motion also called for a return showing the amount paid to the Galena Oil Company for lubricating the Intercolonial Railway for the last two years, and also a statement showing the cost of lubricating the road under the previous contract. For a part of the answer I have to refer to the Senate Debates of 1899, page 690, when my hon. friend, the leader of this House, gave this information in reply to a question of mine:

The total cost of lubricating oil used for locomotives and cars from November 1, 1895, to October 31, 1896, was $33,377.75. This amount was for the twelve months preceding the commencement of the contract with the Galena Oil Company.

Then the minister proceeds to answer my question No. 10 and says:

From November 1, 1896, to October 31, 1897, the oil furnished by the Galena Oil Company for locomotives and cars cost $43,174.09.

Here was an increase of about thirty-three per cent in the cost of lubricating the Intercolonial Railway, assuming these figures as they appear to be straight answers to my question. There is an additional cost of 33 per cent in the cost of lubricating the Intercolonial Railway in the first complete year after this private contract with the Galena Oil Company went into effect, compared with the previous 12 months when the old contract calling for oil by the gallon was made and entered into. The figures are given for another year, the year ending November 31, 1898, and here again the cost was $40,266, which is nearly 20 per cent in excess of what it had cost to lubricate the Intercolonial Railway under the old contract. This is for two complete years. I also called for a statement at that time showing what amount was deducted in order to comply with the 10 per cent guarantee. Now, what amount was deducted under this 10 per cent part of the contract? It does not show by the statement my hon. friend made to me that this was a gross amount and that it was subject to a deduction of 10 per cent. The inference to be drawn was that this was the amount paid after some deduction had been made, but from the return which has been laid on the Table of this House, it appears that after this question had been agitated in April, after some discussion at all events had taken place in the press upon it, or about two years and a half after the entering into the contract with the Galena Oil Company, the first and only deduction that had been made from the gross amount paid to them was made, although the contract calls for a monthly statement, and for a complete deduction on the 10 per cent basis at the end of the year for which the contract was entered into. Notwithstanding that, it appears by the return that was brought down, that this business went on with the Galena Oil Company from the 31st day of October, 1896, to the 8th day of May, 1899, and that the first deduction was then made, an amount of $23,067.14. Question No. 9 of my motion called for a statement of amounts deducted, with dates of such deductions from the accounts of the Galena Oil Company to cover the guarantee. In the face of this, we find that from the 31st day of October, 1896, when this contract was entered upon, for two years and a half that elapsed from that time, no deduction was made, and the first deduction made according to this return was on

the 8th day of May, 1899, of $23,000. The answer that was given to my question last year showed that up to some date which was not given, but which would be some time before the answer was given in this House, the total amount paid to the Galena Oil Company for lubricating the Intercolonial Railway covering the years 1896-7, 1897-8, 1898-9, or the parts of these years that had then transpired, was $99,429.41. I presume that this statement, at any rate, of this amount in the round sum of $100,000, was paid for about two years and a half, perhaps it may have been a little less, more likely to be a little less than any more, because the only contract entered into was entered into on the 31st of October, 1896, and this return was brought down to the House in July, 1899, a round sum of about $100,000, was paid to the Galena Oil Company, and that was a net sum, after this deduction, of $23,000 was made. If this be the case—and that is the only inference that can be fairly and legitimately drawn from the return which I hold in my hand and which I examined with a good deal of carefulness—it certainly shows that the lubrication of the Intercolonial Railway, instead of costing 10 per cent less than it did under the old system of awarding the contract by tender, has cost a good deal more. My motion of last year, to which this return is an answer, called for a statement showing the car mileage of the Intercolonial Railway, for these different years, and here is the return. For the year ending 31st October, 1896,—this covers the complete year immediately before the commencement of this contract with the Galena Oil Company—the car mileage of the Intercolonial Railway was 43,120,237 miles; for the complete year after this private contract with the Galena Oil Company the car mileage is shown to have been 40,365,186 miles. It is due, however, to this honourable House to state that this return only purports to deal with car mileage, while the contract with the Galena Oil Company deals with the locomotive, passenger and feight car mileage. It is possible, although not very likely, that the locomotive mileage might have been increased in the year following the entering into this contract with the Galena Oil Company, that putting the locomotive and car mileage together, a somewhat different result might occur. It is not possible that it could be much. I do not think it is possible that it could disturb the figures essentially. As it stands now, these figures show that the cost of lubrication, taking the first set of figures given by the Minister of Railways, had increased about 34 per cent, and that there was a decrease of car mileage of 8 per cent. Then, again, for the next year there was an increased cost of about 20 per cent, and an increased car mileage of about 8 per cent. However, as far as this goes, until we have a little further information, there may be some evasion, as I am sorry to say there often is in the returns which this government bring down. There may be some point that is not as fully and clearly answered as it is necessary to have it before coming to absolute and final conclusions upon the subject. I desire to make a slight amendment in my motion. In the third paragraph I wish to add the words 'net after total' so that it will be understood that this will be the amount after the deduction of that 10 per cent under contract. I also propose to amend my notice so that the return will include locomotive as well as car mileage. These papers are only supplementary to what we have already had. The intention is simply to bring this information down so as to complete the last year with which this House can deal—that is the year ending October 31 last. The papers, as I have said, will not involve very much trouble. All we want to get is the locomotive and car mileage for that year, and also the total net amount paid for oils and that will be after any deduction has been made on account of this 10 per cent part of the contract.

Hon. Mr. MILLS—I may say to the hon. gentleman who has made this motion that I do not object to its adoption by this House. I think it is to be regretted, however, that no one who agrees with him politically in the House of Commons has been found to make the motion there, where the Minister of Railways is, and where a full opportunity would be given to him to explain or to defend any act which may be called in question. The hon. gentleman, however, has, it seems, not communicated with anybody in the House of Commons, or sought to have the matter brought for-

ward where the minister may have an opportunity of entering into a full explanation. In the remarks which the hon. gentleman has addressed to this House, all of which relate to the expenditure of public money, of which the House of Commons is the special guardian, the hon. gentleman says that the information brought down to the House by me from the Department of Railways and Canals was inaccurate, that it did not state correctly the fact, that it was misleading in its character, that it professed to have been a contract that would involve a less expenditure of money, and that it would involve a larger expenditure of money, that it professed to be a contract for a better quality of oil for the purpose for which it is used, and that it is worse oil, and while it was represented as being a public contract, it was not a public contract, but a private contract without any oportunity of tender by other parties. The hon. gentleman stated what the annual cost was before this arrangement was made, and what the annual cost has been since. It is also stated that the car mileage is less now than it was formerly and that the cost is proportionately greater. First, because there is a larger expenditure of money, and, second, because here is a smaller occasion for that expenditure. I am not going into a discussion of this question. I do not know what the facts are. The hon. gentleman has moved for certain papers and these papers, I have no doubt, will be brought down, and when they are before hon. gentlemen there will be a better opportunity of entering into an intelligent discussion of the subject than there is without any other information than that which the hon. gentleman has himself afforded to the House. I do not object to the adoption of the motion which the hon. gentleman has made.

The motion was agreed to.

PREVENTIVE OFFICER AT MONTMAGNY.

MOTION.

The Order of the Day being called.

By the Hon. Mr. LANDRY:

He will draw the attention of the House to the following facts:

1. That on March 12 inst., notice of an inquiry from the government was regularly given by the Senator from Stadacona and handed to the Clerk of this House, the said notice reading as follows: 'What is the name of the present preventive officer for the district of Montmagny? What is his salary? How many seizures has he effected, since he has been doing duty, for infractions of the customs and excise laws? How much has the government realized from these seizures, either by the sale of the articles confiscated or by fines imposed?

2. That on March 13 this notice regularly appeared in the minutes of Proceedings of the Senate, and was thus brought to the knowledge of the members of this House and of the present administration.

3. That on March 15 the Senator from Stadacona put this question to the representatives in this Chamber of the present administration, but could not obtain from them the answer asked.

4. That on March 16 the hon. Minister of Justice asked for delay for the answer to be given.

5. That on March 19 the hon. Minister of Justice asked for a new delay.

6. That on March 20 the hon. Minister of Justice gave a partial answer to the question as put, promising to complete immediately the information desired.

7. That on March 21 the promised answer was not yet given.

8. That on March 22 the hon. the Minister of Justice, instead of giving the promised answer, announced to the House that he had just received the information that the answer was to be sent to him that day at the House, and that he was waiting for it from one moment to another.

9. That on March 23 the hon. Minister of Justice gave anew to the House the partial answer already given on March 20, and promised to inquire from the Minister of Customs as to the balance already promised, and which the day before the minister was still expecting from one instant to another.

10. That on March 26 the Minister of Justice was still incapable of giving the promised answer.

11. That on March 27 the Minister of Justice declared that he could not yet answer.

12. That on March 28 the Minister of Justice had not yet been able to obtain the information asked for by the Senator from Stadacona.

13. That on March 29, the seventeenth day after the publication of the notice given by the Senator from Stadacona, the present administration had not yet been able to find either the time or the courtesy to answer a question regularly put by a member of this House.

And that he will move:

That the inexplicable and unexplained delays in giving the answer daily asked for, for seven days, by a member of this House, constitute, in the present case, either an unpardonable forgetfulness or an unjustifiable negligence, and in any case a want of courtesy towards this House which it cannot but condemn.

Hon. Mr. LANDRY—I want to know if the hon. minister has any objection to the adoption of this motion, because if he has, we might let it stand.

Hon. Mr. MILLS—If hon. gentlemen think a motion of this sort standing on the Order paper is befitting the dignity of the House I do not object.

Hon. Sir MACKENZIE BOWELL—I do not think that the hon. Minister of Justice is taking the proper course. My hon. friend's question was, is there a preventive officer of any kind or character at the place indicated in his motion. That is, as I understand, his position. No full answer has been given to the question which has been put. My hon. friend asks a very plain question—was there a preventive officer at a certain place in the province of Quebec, and if so what was his name and how much did he collect in dues or fines? My hon. friend the Minister of Justice answered him three times, but premised every answer with the statement. 'The Minister of Inland Revenue gives me such and such information.' I asked, 'What about the customs?' Because the Customs Department have preventive officers as well as the Department of Inland Revenue, and I think all the difficulty might have been overcome if my hon. friend had said, 'I have no return from the Customs, but will ask for it and give you the information,' or stated that there is no such officer there. I make this statement simply because of the remarks made by my hon. friend in reference to the motion which he has put upon the paper. The hon. gentleman will excuse me if I say that a straight forward answer, yes or no, to all these questions would avoid a deal of trouble. I do not desire to dictate to him, but it seems to me we would get rid of a great deal of difficulty if he adopted that course.

Hon. Mr. MILLS—I did not call for the hon. gentleman's advice, and I claim that I have adopted a straightforward course. The censure implied in his observation is a censure that nothing I have done renders proper on this occasion. Now, what are the facts in this matter? The hon. member for Stadacona had put a question on the paper. I answered that question as far as the answer was put in my hands. I did not look through the whole question when it came before me here, nor did I notice the first time I gave an answer to it, that there was an allusion to the Customs Department at all. The fact is, the question is not in proper form.

Hon. Sir MACKENZIE BOWELL—I think it is.

Hon. Mr. MILLS—A question relating to two distinct departments ought to have been put in at least two propositions, not all mixed up in one question. What are the facts? I said, looking at the beginning of the question which the hon. gentleman put, what is the name of the present preventive officer for the district of Montmagny, &c. The inquiries of the hon. gentleman at the beginning, at all events, related to a matter of the Department of Inland Revenue. I obtained that answer for the hon. gentleman. Now, he did not drop from his question what was answered. I answered him so far as the Department of Inland Revenue was concerned, yet the hon. gentleman put the question, not retaining merely the inquiry relating to the Customs Department and putting it in as a distinct question, but repeated the question which was already answered, and not having a very great deal of time at my disposal beyond what is actually required for the discharge of public business, I sent the question again to the proper department—as I took it, the proper department, and the department which the hon. gentleman mentioned in his question and I got back the second time precisely the same answer from the Inland Revenue Department that I had got before. Then the hon. gentleman put his question again, and when my attention was specially called to the fact that information was required from the Department of Customs, I sent to that department and obtained the answer, and I have had the answer in my desk for some days, but the hon. gentleman has not been here. There is no question put on the paper to-day, but a long statement of facts pointing out that he had put a question and that this question had been put several times already. If the hon. gentleman had dropped that portion of this inquiry which was wholly distinct from his question, the other would have stood, and there would have been no difficulty in obtaining the answer because, on glancing at the question, I would have seen precisely what the hon. gentleman desired. But that was not what my hon. friend did. Now, I may say this is the answer which I received from the Department of Customs: Mr. Louis Dion is the active preventive officer of Customs at Montmagny. His salary is at the rate of $50 per annum. According to the records of

the Customs Department, no Customs seizures have been made by Mr. Dion. I may say that immediately before this came up, the hon. gentleman told me he possessed this information—he said he knew who the officer was, and therefore he was asking me for information of which he was already in possession.

Hon. Mr. LANDRY—The explanations given by the Minister of Justice would lead one to believe that there was a kind of misunderstanding between us.

Hon. Mr. MILLS—No misunderstanding at all.

Hon. Mr. LANDRY—And that all the fault must rest on my shoulders. If the hon. Minister of Justice instead of, as he said, only glancing at the question, had read it, I do not see how he could have made the replies he has made. What was the inquiry ? The name of the present preventive officer for the district of Montmagny. It does not say the present preventive officer is one employed by the Inland Revenue or the Customs Department. So far, the hon. gentleman could not make a distinction. The inquiry goes further. What is his salary ? There is nothing in that to show that it is more connected with the Inland Revenue than with the Customs. 'How many seizures has he effected, since he has been doing duty, for infractions of the Customs and Excise laws ? The hon. gentleman was faced with these two laws, Customs and Excise laws. With a genial inspiration he left the Customs aside and stuck to the Excise laws. Why ? Because the Excise came in second ? I do not see what justified the hon. minister to take the last in preference to the first one. After all, when he gave me that answer—when he knew that the information I asked for came from the Customs Department, he promised me he would give it and that promise he has not kept. He was waiting for it every moment. He had a letter from the department telling him they were sending him the answer, but I never got it. He now says 'the hon. gentleman gave me the name of the party, and why does he ask for it ? I wanted official information, and I also wanted the salary, and the work this official did during the year. That was the information I required, so the hon. gentleman will see that I am not so culpable as he supposes I am. If anything wrong has been done, it is on his side and not on mine. That is the only explanation I have to give the hon. gentleman in answer to the few remarks he has made. As the hon. minister has given the information I asked for, I may be allowed, with the permission of this House, to have this notice also dropped. At all events, it has given me the result I wanted to arrive at.

The motion was dropped.

Hon. Sir MACKENZIE BOWELL—I want to take exception to the remark of the Minister of Justice, that because a man had information in his possession he ought not to ask the question in the House. A man may do so because it is the only opportunity he has to bring the facts before the public. I do not hesitate to say that I know most of the facts in connection with a motion in my name on the paper. I intend to speak to the motion and afterwards withdraw it, because the information is already before the country. It has never been recognized as a principle that because a member knows a fact he should not ask a question about it. If the answer the minister has given to-day had been given on the two or three occasions when the question was asked, the matter would have been dropped. The opposition have good cause to complain of the answers given to their questions, and also of the incomplete returns which have been brought down to the House. We have a just right to complain of the action of the government in these two particulars. As I said before, and I say it with all humility, I desire to help the hon. gentleman rather than find fault, but every time a suggestion is made he takes it as a reflection on his knowledge and ability to conduct the affairs of the House. I shall take precious good care to make none in future, because the hon. gentleman knows it all, and can get on very well without help.

BILLS INTRODUCED.

Bill (67) 'An Act respecting the Banque Jacques-Cartier, and to change its name to La Banque Provinciale du Canada.'—(Hon. Mr. McMillan.)

Bill (72) 'An Act respecting the Merchant's Bank of Halifax, and to change its name to the Royal Bank of Canada.'—(Hon. Mr. Power.)

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (K) 'An Act further to amend the Criminal Code, 1892.'

(In the Committee.)

Hon. Mr. MILLS—I propose asking the committee to reconsider section 838. The committee will see, on examination, that present time, except as to 'received or objections are based on a misapprehension. Hon. gentlemen will see it is the law at the present time, except as to 'received or obtained by false pretenses.' It is a well settled rule that the property in negotiable securities passes by actual delivery, and if the security is presented to the man, liable for the amount, and he pays it in good faith, he is discharged, although the party from whom the property was received may have come improperly in possession of it. You could not deal in securities if the party had in every case to institute inquiry and ascertain whether the man who proposes to transfer a negotiable security had come legally in possession of it.

Hon. Mr. MILLER—Does it apply only to securities ?

Hon. Mr. MILLS—Yes. The property may have gone into the possession of the holder with the consent of the party who properly held it, and if it is good against him in case it were stolen, it ought to be still better if he has given his consent to it, even if that consent has been obtained in an improper way, or by fraudulent means. I think hon. gentlemen will see that the proposed amendments are simply supplementary to and embracing a class of cases with which the law already deals. This being so, I ask that this clause stand part of the Bill. We are only dealing with the criminal side, leaving the civil remedies untouched. I move that section 838 be restored to the Bill. This does not apply to goods, but only to securities and negotiable instruments.

The motion was agreed to.

On section 520.

Hon. Mr. POWER—It may be remembered that when we were in committee yesterday on this section 520, I said I thought there was some provision in the Act respecting Trade Unions which protected sufficiently the persons who are supposed to be protected by the second subclause of this clause. I shall read to the House the two sections of the Trades Union Act which I think do protect those associations. The second clause of the Act says :

> In this Act, unless the context otherwise requires, the expression 'trade union,' means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business, as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

That is a sort of introductory section. Section 22 of the Act reads as follows :

> 22. 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.

It seems to me that section amply protects the trades unions—in fact, does it just as fully as the second subclause in this clause, and this subclause is therefore unnecessary ?

Hon. Mr. MILLS—This does nothing more than protect the rights of trades unions as in the statute which my hon. friend has read, so that it may be regarded merely as a matter of abundant caution that it should be included. I move that this subsection 2, of section 520, be adopted. This enactment is subsequent in point of time to the measure, and might be held to be a repeal of the provisions of the other.

Hon. Mr. McKAY—Take the sense of the committee on it.

The committee divided on the motion which was rejected. Contents, 9 ; noncontents, 11.

Hon. Mr. CLEMOW—Has the minister taken any notice of parties purchasing stock that has been stolen ? I knew a case last year in which large quantities of articles of silver and gold were sold at a small price to certain parties, so much so that it was a subject of remonstrance by the judge. I want to know if it is not possible to provide against such practices so that the public may be protected. I have no doubt that

these people are induced to commit these acts knowing that they can sell the property at a reduced price. There is also the same trouble with the second hand stores. I consider they are a nuisance in the community, and I believe that their system is worse than petty larceny. The Minister of Justice might embody in this Bill something to prevent this work which has been going on for years. Parties steal goods and take them to a second hand dealer, and a buffalo robe worth $25, is sold for $2. It is a great evil in this city. People are induced to purloin these things, and take them to these stores and sell them for a mere trifle. If it were not for these stores, I do not believe there would be one half of this petty larceny that prevails.

Hon. Mr. MILLS—I think the law adequately provides for that, because the receivers of stolen goods are responsible.

Hon. Mr. CLEMOW—The judge at the court here last year said that there was no provision. It was a case where a man bought jewellery at a low price, and the judge commented on the fact that he could not be punished.

Hon. Mr. McMILLAN—I observe that the hon. gentleman from Toronto has placed the following notice on the Order paper :

That when the House is again in Committee of the Whole on (Bill K) 'An Act further to amend the Criminal Code, 1892,' he will move the following amendment:

'Where a child or young person, being a male, is convicted either on indictment or summarily, of any offence other than homicide, the court may, in lieu of sentencing him to penal servitude or imprisonment, or instead of committing him to prison for non-payment of any fine, costs or damages, adjudge that he be privately whipped with a birch rod, and thereupon he shall be whipped accordingly by a constable in the presence of an inspector or other officer of police of higher rank than a constable, and also, if the parent or guardian desires to be present, of that parent or guardian.

'The number of strokes shall not exceed (a) in the case of a child, six; (b) in the case of a boy who appears to the court the age of fourteen, twelve; and (c) in any other case, eighteen.

'This section shall not derogate from any other statutory power to inflict whipping as a punishment.'

The reason I refer to that is that I think it would be well to add that this whipping shall take place in the presence of the jail surgeon or a medical officer.

Hon. Mr. ALLAN—I have no objection.

Hon. Mr. MILLS—We would have to confine it to summary convictions. We can take up the clause to-morrow.

Hon. Mr. PROWSE—I think it is unfortunate that this matter should be postponed till to-morrow. We have a thin House to-day, and the probability is that there will be fewer members present to-morrow, because an adjournment is anticipated. I wish to express my views on this clause, because I am entirely opposed to it. It is an extraordinary thing to entrust to a public official the beating of a child of six years of age. It must be done with a birch rod, which may be an inch thick. I am surprised at a proposition of this kind. If the officer was the hon. gentleman who proposed this amendment, I would not object to it for a moment, because I know he is full of the milk of human kindness, but I do not wish it to be put in the hands of any constable to take a birch rod and beat a child six years old. We had better drop the whole clause. There are other means to correct children.

Hon. Mr. POWER—The hon. gentleman slightly misapprehends the intention of the clause. The number of strokes in the case of a child shall not exceed six, and in the case of a boy who appears to the court the age of 14, twelve strokes, and in any other case eighteen strokes. I agree with the hon. gentleman from Glengarry that the whipping should take place in the presence of the jail surgeon, or some other medical man, but I doubt the desirability of having the parents present. Either the feelings of the parents will be very much harrowed up, or the constable who is administering the birch rod in the presence of the parents will not lay it on as energetically as if the parents were not there, and I think if a boy of fourteen, fifteen or sixteen commits a serious offence, he should get an honest whipping.

Hon. Mr. ALLAN—In reply to what the hon. gentleman from Murray Harbour (Hon. Mr. Prowse) has stated, I may say that this suggestion was made to me by a gentleman who has had a very great deal of experience, more than any other man in Ontario, I think, with juvenile offenders. He is now, and has for some time, been the superintendent of the home for destitute children, and has had great experience in dealing with

juvenile offenders. His firm conviction, from his experience, is that where for small offences these boys are sent for a few days to jail, not only does it not do them any good, but they for the time are heroes in the eyes of their boy companions. They think it is a grand thing to be sent to jail, and it does not deter them from repeating their wrongdoing; whereas there is no particular heroism in having a whipping, and he was satisfied it would do more to deter them from such practices than any other course which would be taken. I should also like to see this whipping surrounded with such safeguards that it would be certain that no undue severity would be exercised, and I am satisfied that it would be a wise course to adopt.

Hon. Mr. MACDONALD (B.C.) Is there an age limit to the flogging?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—It occurs to me—and I can submit it for the consideration of the House—that the offenders would come under the Summary Convictions Act, or Juvenile Offenders Act, and might be dealt with as provided in this clause, and, as my hon. friend has suggested, that boys under fourteen years of age shall receive so many lashes. I do not think it would do to say that it should be done in the presence of the jail surgeon, because that might necessitate taking the boy away to the county town, but it should be done in the presence of some surgeon.

Hon. Sir MACKENZIE BOWELL—Does the hon. minister accept that clause?

Hon. Mr. MILLS—I accept it as a portion of the Bill for the consideration of the House. I have had no opportunity to discuss it with my colleagues. It is adopted as far as this House is concerned.

Hon. Mr. O'DONOHOE—I think a great deal of care should be exercised, and plenty of time should be taken to consider a measure of this kind. The idea of leaving it in the power of any man, in the case of a child six years old, to use a birch rod and to lay it on just as he likes is to my mind astonishing. How do you govern that? It is quite proper that the wording of the clause relating to the punishment should be more carefully considered by the Minister of Justice. The idea of a boy five or six years old being laid under the lash of some man, perhaps of a tyrannous disposition, perhaps of a cruel disposition, and to say that he can lay it on just as he pleases is unreasonable. If I were a parent and saw a man flogging my child of six years with the birch, I would have no hesitation in sending a bullet through his heart. Therefore, I think the greatest possible care should be taken in the wording of a sentence of this kind. I know that every one concerned in this legislation has only one idea in his mind, that of kindness and goodness, but they may be mistaken. I think this clause is not proper. Punish the boy by some other means, but do not leave it in the power of any man to say he will lay on the lash heavy or light, either above or below the belt. Do not give that option to any one living over another man's child.

Hon. M. VIDAL, from the committee, reported progress and asked leave to sit again to-morrow.

SECOND READINGS.

Bill (O) 'An Act respecting the Western Alberta Railway Company.'—(Hon. Mr. Perley in absence of Hon. Mr. Lougheed.)

Bill (52) 'An Act to incorporate the Morris and Portage Railway Company.'—(Hon. Mr. Power.)

Bill (25) 'An Act respecting the Brandon and South-western Railway Company.'—(Hon. Mr. Clemow.)

HOLINESS MOVEMENT BILL.

SECOND READING.

Hon. Mr. POWER, moved the second reading of Bill (51) 'An Act to incorporate the Holiness Movement Church in Canada.' He said: I made a slight mistake with respect to this Bill. I mistook it for another one. It has been pushed along so far, and some one interested in the Holiness Movement might now take charge of it.

Hon. Mr. MACDONALD (B.C.)—I promised to take charge for the hon. member from Calgary, who is absent, and I move the second reading.

Hon. Mr. MILLS—I wish to call the attention of hon. gentlemen to two clauses of

this Bill, not with a view of objecting to the second reading, but to invite the consideration of the committee to some of its provisions. Clause five reads:

5. The movement may, from time to time, acquire and receive conveyances of such lands, moneys, mortgages and securities or other property as may be required for the purpose of chapels, colleges, schools or other educational purposes connected with the movement, or for the purpose of a conference hall, or for the purpose of printing and publishing houses in connection with the movement and carrying on the business of such printing and publishing houses, and for the purposes of endowing and supporting such chapels, colleges and schools and such printing and publishing houses and any book depository in connection therewith; and may also receive the benefit of any gift or devise by will or otherwise in its corporate name for the uses and purposes of the movement: Provided, that the annual value of real estate which the movement may possess in any one municipality shall not exceed the sum of ten thousand dollars; and provided also that the movement shall, within seven years after its acquisition of any real estate, dispose of and alienate so much of the said real estate as is not required for the use and occupation of the movement.

We might deal with a question of that sort in the North-west Territories, or in the Yukon district, but the question of property and civil rights being under the jurisdiction of the provinces, all we could do at furthest would be to confer a capacity upon the parties to receive it, and to confer such a capacity would be, to some extent, contrary to the provisions of mortmain, which, so far as the province of Ontario is concerned, and I think in the other provinces has been recognized. Clause 7 reads:

7. All conveyances and instruments of the movement shall be executed by affixing the corporate seal of the movement and the signatures of the bishop and secretary for the time being of the movement.

How conveyances can be made, except within the territories under our jurisdiction, each province may say for itself. We have, for instance, jurisdiction over the railways extending beyond the boundaries of a province, but we cannot say how the conveyances shall be made. Each province determines how property shall be transmitted or conveyed and what the ceremony or form of the instrument shall be. I am inviting the attention of the Senate and the attention of the committee through the Senate to these clauses.

Hon. Mr. MACDONALD (B.C.)—The committee will look into all those questions when it comes before them. I do not suppose the organization will get very much property to look into in any case.

Hon. Sir MACKENZIE BOWELL—In all cases of this kind, where corporations, and particularly churches, are given the right to acquire property by bequest and otherwise, they are limited to a certain amount, and if not limited to a certain amount, the bequest must be made a certain time prior to the death of the testator. All that must be taken into consideration. The principle was thoroughly discussed, I remember, a number of years ago, when it had been abused to a very great extent; hence the law stepped in to prevent people, on their deathbeds, from being improperly influenced in any way towards giving their property for churches, educational purposes, or anything else. There is another point that should be well looked into, as to whether we have the power, and if we have, the powers should be restricted as much as possible.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 4, 1900.

The Speaker pro tem took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (L) 'An Act respecting the Ontario and Rainy River Railway Company.'—(Hon. Mr. Baker).

Bill (45) 'An Act respecting the Pontiac Pacific Junction Railway Company.'—(Hon. Mr. Clemow.)

Bill (43) 'An Act respecting the Port Dover, Brantford, Berlin and Goderich Railway Company.'—(Hon. Mr. Merner.)

TENDERS FOR TIGNISH BREAKWATER.

INQUIRY.

Hon. Mr. FERGUSON inquired:

1. Were tenders invited in 1898 or 1899, for building a breast-work running south along the beach from Tignish, P.E.I.?

2. If so, what are the names of the contractors ?
3. What was the cost of the work, and was it built under government inspection ?
4. If no tenders were called for, who did the work, and the amount paid therefor ?

Hon. Mr. SCOTT—The answers are: 1. Tenders were invited in October, 1898. 2. Contract was awarded to John Burns for $6,770. in November, 1898. Mr. Burns assigned his contract to Myrick & Co., and a new contract was entered into, dated 7th March, 1899, with the latter. 3. Work cost $6,770. Jas. Christopher, inspector. 4. As above.

REPAIRS TO NORTH CAPE LIGHTHOUSE.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. What was the nature, extent and cost of repairs to the keeper's cottage at North Cape lighthouse, P.E.I., during the year 1899 ?
2. What are the dimensions of said cottage ?
3. What were the names of men employed, stating rate per diem of wages paid and the total amount paid each man, including horsehire ?
4. Names of parties supplying material, with the quantity and kind, and the total amount paid each man for same ?

Hon. Mr. SCOTT—The repairs were: 1. Raising of the foundation ; new sills ; new windows ; laying new floor ; repairing plastering ; reshingling the roof ; painting and glazing, and generally making repairs required to put the building in good order.—Cost, $204.18. 2. The dimensions of the cottage are 30 ft. by 14 ft., with kitchen attached of 14 ft. by 12 ft. 3. D. Martin, $2.00, $35,00 ; P. Peters, $1.50, $19.50 ; F. Richard, $1.50, $19.50 ; John Barnard, $1.50, $34.50 ; J. McBeth, $2.50, $18.75 ; J. Barnard, truckage, $12.00. 4. Schurman, Clark & Lefurgey—5 windows, $11.25 ; 100 bricks, $1 ; 1,300 ft. spruce, $18.20 ; 100 ft. 7 in. base $1 ; 10 M. shingles, $23.00 ; 3 brls. hair, $1.20 ; 5 bundles lath, 90c. ; freight, $6.38.—$62.93.

John Barnard—1 sill, 50c. ; 50 ft. 3 in. plank, $1.50—$2.00.

J. H. Myrick & Co.—300 ft. boards, $2.40 ; nails, $4.71 ; spikes, 15c. ; screws, 40c. ; 1 roll tar paper, 45c. ; 1 cask lime, $1.75 ; chalk and chalk lines, 10c. ; hinges, 58c. ; 15½ lbs. zinc, $1.55 ; 2 hasks lines, $3.50 ; 2 hasps, 24c. ; 1 gall. paint oil, 65c. ; ¼ gall. turpentine, 20c. ; 12 lbs. white lead, 90c. ; 20 panes, $1.00 ; 11½ lbs. putty, 35c. ; 1 brush, 16c. ; 2 thump hatches, 14c. ; 3 hooks, 9c.—$19.32.

BILL INTRODUCED.

Bill (82) 'An Act to incorporate the Crown Life Insurance Company.'—(Hon. Mr. Macdonald, B.C.)

SAN JOSE SCALE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (126) 'An Act to amend the San José Scale Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said : It will be within the memory of the House that a year or two ago we passed an Act prohibiting the importation of nursery stock from the United States in consequence of the San José Scale. It was supposed that United States stock was affected by it. There was a strong protest by the nursery men, and others affected by the Bill, against the absolute exclusion. Various suggestions were made, that by fumigating, the effect of the scale might be reduced, or perhaps absolutely removed. However, the Minister of Agriculture, thought it was wiser, until further inquiries could be made. that the stock should be excluded altogether. It has been a serious loss to very many people who are relying upon United States nursery stock, and it is proposed now to modify the law to a limited extent. The Bill is comprised of one clause, which reads as follows :

Notwithstanding anything in 'The San José Scale Act,' chapter 23 of the statutes of 1898, the Governor in Council may name certain ports of entry at which the importation may be permitted of any trees, shrubs, plants, vines, grafts, cuttings or buds, commonly called nursery stock, from any country or place which the said Act applies, provided that such nursery stock has been properly fumigated with hydrocyanic acid gas.

The proposal, as submitted to the House of Commons last night, was that the Governor in Council should name one port in each province, and in Ontario two ports, at which the nursery stock could be imported. The most convenient ports, of course, would be selected, and inspectors would be named who would be furnished with the necessary gas in order to see that the proper fumiga-

tion took place, and if there was any appearance of the San José scale, it should be absolutely removed. This Bill passed through its third reading last night in the House of Commons, and His Excellency intends to come down this afternoon at five o'clock to give his assent to this Bill and the Bill for the expenses of the South Africa contingent. I therefore ask the House to allow the rules to be suspended, so that the Bill can be passed to-day. This suspends the Act, practically, to a limited extent.

Hon. Mr. BAKER—United States nursery stock is admitted subject to fumigation?

Hon. Mr. SCOTT—Yes; the object of limiting the importation to certain ports of the country is on account of the cost of fumigation.

Hon. Mr. FERGUSON—I think the Bill is all right. The legislation of two years ago was passed under some misconception as to the nature of this pest, a very serious one certainly, but not at all so serious as we thought it was at that time. It has since been demonstrated that the pest was in Canada before that time, and that it does not sweep orchards down before it with the rapidity that many believed it did at that time, and the Act a few years ago, though well meant at the time, proved a detriment to the fruit interest as interfering with the introduction of good nursery stock from the United States. To the extent it is proposed to go with this Bill, no harm whatever can arise, and it will enable nursery people to replenish their stock from the United States under conditions that will be perfectly safe to the fruit interests of the country. Therefore, I support the Bill.

The Bill was read the second and third times and passed under a suspension of the rules.

CANADA LOAN AND INVESTMENT COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (76) 'An Act to incorporate the Canada Loan and Investment Company.'

The Bill was read the first time.

Hon. Mr. CLEMOW moved that the Bill be read the second time on Thursday next.

Hon. Mr. MILLER—I have been spoken to by some members who take an interest in this Bill, and who consider there are unwise provisions in it which they wish to oppose. When the measure comes up, if the gentlemen interested in it are not here, I presume my hon. friend will allow it to stand over until they are here?

Hon. Mr. CLEMOW—Certainly.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. MILLS moved:

When the Senate adjourns to-day, it stand adjourned until Wednesday, the 18th day of April instant, at three o'clock in the afternoon.

He said: If hon. gentlemen desire a longer adjournment, I am in the hands of the House.

Several Hon. GENTLEMEN—The 24th!

Hon. Mr. PERLEY—The House of Commons is going to adjourn before Easter, until the following Tuesday. In that case, for a full week they will be doing nothing, so we may as well adjourn until the 24th.

Hon. Mr. MILLER—There is only one objection that presents itself to my mind as to whether the adjournment should be till the 24th. We are not likely, from all we can gather, to have much business before us for two or three weeks. There is a debate on in the House of Commons now that will probably occupy a fortnight, and we are not going to have any business from that House within three weeks; but there is one thing the Senate should keep in view, and it is an important matter. We are entrusted here with the investigation of divorce cases, and it is necessary that these cases should go to the House of Commons in time to get through that House before the end of the session. An adjournment might delay those cases, and we should be sure that this adjournment will not create such a delay as would jeopardize the passage of these Bills in the House of Commons. The procedure for divorce is judicial and requires a great deal of attention in this House, and it would be a great disappointment to those interested, if after

having gone through all the practical work involved they should get to the other House too late to be passed there. This is the only objection I see to a long adjournment, and if the gentlemen who are members of the Committee on Divorce think there is no danger to be apprehended such as I have mentioned, I have no objection to the long adjournment.

Hon. Mr. CLEMOW—There are two Bills now waiting for the second reading, one on the fifth and the other on the eleventh of April. There is another which has not yet had its first reading. It depends on whether the session is to be long or not, whether the adjournment will interfere with it. I hope when we do meet again measures will be brought down to this House in order that we may have time to consider all the legislation proposed for our consideration. Hitherto we have not been treated properly in that respect, and I hope it will not occur again in the future. I do not oppose this adjournment. It would not be seemly for me to do so, living at the Capital. I merely bring the matter before the House, in order that the business may be attended to properly. I trust after the adjournment the government will have their measures ready for our consideration. As far as the Divorce Bills are concerned, it would be a great misfortune to the petitioners if, after their expenditure of time and money, they should have their Bills postponed until another session.

Hon. Mr. PRIMROSE—About the cases before the Divorce Committee, the adjournment will not in any way affect them.

The motion was amended to adjourn to the 24th instant at 8 o'clock p.m., and agreed to.

CRIMINAL CODE AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole, consideration of Bill (K) 'An Act further to amend the Criminal Code.'

(In the Committee.)

Hon. Mr. MILLS—I propose to add section 931*a* as an amendment to the Bill, providing, as suggested by the hon. gentleman from Toronto, for the whipping of boys in certain cases, instead of sending them to penitentiary and reformatories.

Hon. Mr. CLEMOW—Why not have a strap, the same as they have in schools, instead of a birch rod?

Hon. Mr. MILLS—The words are directory and not mandatory, and it is stated by way of qualification 'if practicable', so that if there is no birch growing in the vicinity, something else might be used. The magistrate can judge of that.

Hon. Mr. POWER—When this clause was being discussed yesterday I expressed the view that it was not desirable that the parents should be present, but that it was desirable that a medical man should be present, and I still adhere to that view. I regret to see that the Bill provides that the parent or guardian should be present and does not make any provision for the presence of a medical man.

Hon. Mr. BAKER—If he desires to be present.

Hon. Mr. MILLER—It might render the clause nugatory if it were necessary that a medical man should be present—an unnecessary formality in the present instance.

Hon. Mr. PROWSE—Who is to inflict the punishment?

Hon. Mr. MILLS—A constable.

Hon. Mr. PROWSE—In the country it would be difficult to get constables to inflict the punishment. It is equal to the duty of a hangman, and the constables are to be taken from the neighbourhood in which the boys live. For a neighbour to undertake to perform a legal thrashing of this kind—I cannot find language to express my contempt for any such proposition. I think it is unreasonable to say a neighbour is to be authorized by law to come into my premises and thrash my child, I do not care what the age of the child is, and that to be done under certain rules and regulations established by law. It will cause ill feeling which will never be overcome in a country place, and if the Minister of Justice would provide some punishment for the parents who do not bring up their children properly it would be more effectual than a punishment of this kind. Matters have come to a pretty pass when we appoint constables throughout the

country to do hangman's work, and I am opposed to our adopting this provision in such a thin House.

Hon. Mr. ALLAN—My hon. friend is under some misapprehension. No one would desire to go into his house and correct his child there. This is only in the case of young offenders who have been arrested for stealing, or some other act which brings them under the authority of the law, and in the rural districts it is a very unlikely thing to happen. These cases only occur in large towns and I am persuaded in my own mind that, instead of being a cruelty, it is the greatest kindness you can show to deter a youngster and his companions from repeating such offences, and I do not think there need be the slightest fear that the law will ever be administered too severely or without proper precautions.

Hon. Mr. PERLEY—What age must a child be?

Hon. Mr. MILLS—Certainly a child under ten years of age cannot be amenable. There is no provision for punishing any one younger than that. It is not a hangman's work.

Hon. Mr. KERR—Should we not place some limit on the size of the rod to be used? What one might call a rod might be a handspike. I have a horror of using it in any way, and would like to see some limit placed on the size of it.

Hon. Mr. MILLS—I think a good switching received by a boy who has not been very well looked after at home will do him more good than confinement in jail amongst hardened offenders.

Hon. Mr. KERR—I prefer the word 'switch' instead of 'rod'. There is a good deal of humanity about the one and not about the other.

Hon. Mr. CLEMOW—I do not think the parents should be allowed to be present. I move that that portion of the clause be struck out.

Hon. Mr. ALLAN—It is optional. It might be fairly left to the discretion of the magistrate as to whether parents should be asked to be present.

Hon. Mr. POWER—When a lad of fourteen or fifteen commits a pretty serious offence and the magistrate, or county court judge, before whom he is convicted, decides that he shall be whipped instead of being sent to jail, the whipping ought not to be a mere perfunctory process. It should be a vigorous whipping, and if the parent of the child is present, I have no doubt the arm of the constable will be paralysed and, consequently, if we wish the punishment to be effective, it is desirable that the parent should not be present.

Hon. Mr. PROWSE—The parents should do the whipping, and nobody else.

Hon. Mr. MILLS—They have had all this legislation in England for the last half dozen years. I have looked in all the statutes and I find this same provision, and I think it is safe for us to follow their example.

The amendment was withdrawn and the clause was adopted.

On section 261.

Hon. Mr. MILLS—I will ask the committee to drop this section from the Bill, because the word 'sixteen' is used there, and the word 'fourteen' is used in the Act. There were a number of provisions when that was inserted in the Bill that were not in the Bill when it was brought down, and as I dropped the other sections I think that I should drop that also, because if I retain that section it will be necessary to change sections 269 and 306. With the consent of the Senate I ask that the section be struck out.

The section was dropped.

Hon. Mr. VIDAL, from the committee, reported the Bill with certain amendments which were concurred in.

The Bill was read a third time and passed.

SECOND READINGS.

Bill (65) 'An Act to incorporate the Quebec and New Brunswick Railway Company.'—(Hon. Mr. McKay.)

Bill (67) 'An Act respecting La Banque Jacques Cartier and to change its name to La Banque Provinciale du Canada.'—(Hon. Mr. McMillan.)

ADMIRALTY ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (P) 'An Act to amend the Ad-

miralty Act.' He said : I stated on the introduction of this Bill the changes which it makes in the present law. It merely provides that an admiralty district which is under the jurisdiction of a single judge may be divided into divisions, and that a deputy registrar may be appointed in each of those divisions for the convenience of suitors.

The motion was agreed to and the Bill passed through its final stages under a suspension of the rule.

MERCHANTS BANK OF HALIFAX BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (72) 'An Act respecting the Merchant's Bank of Halifax, and to change its name to the Royal Bank of Canada.' He said : The Merchants Bank of Halifax have thought it desirable to change the name of the institution, because there is another Merchants Bank which does business throughout Canada, and confusion has arisen from the fact that there are two Merchants Banks. This change of name does not take effect until the shareholders of the bank who are present at the general meeting have considered it and have passed a resolution in favour of the change of name.

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

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

After some time the House was resumed.

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

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House :

It is His Excellency's pleasure they attend him immediately in this House.

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed, as follows :—

An Act to provide for the expenses of the Canadian Volunteers serving Her Majesty in South Africa.

An Act to amend the San José Scale Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following :—

In Her Majesty's name, His Excellency the Governor General doth assent to these Bills.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 24, 1900.

The Speaker took the Chair at eight o'clock.

Prayers and routine proceedings.

WHARFINGER AND HARBOUR MASTER AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the government to the following facts :

1. That on the 15th March inst., in reply to two questions put to him, the hon. Minister of Justice declared:

(a) That Mr. Louis Dion was the postmaster of Montmagny with an annual salary of $200.

(b) That Mr. Louis Dion was the wharfinger of Montmagny with a salary of 25 per cent on the revenue of the wharf.

2. That on the 3rd April, in reply to a question asked since the 12th March, and put twelve times in the space of twenty-two days, the hon. Minister of Justice declared:

(c) That Mr. Louis Dion was employed by the Department of Customs as preventive officer, with a salary of $50 a year.

And that he will ask :

1. Whether the name of Louis Dion was not given by mistake for that of Louis Dionne?

2. Whether it is not really a person named Louis Dionne in whom cumulate the functions of postmaster of Montmagny, wharfinger of Montmagny and customs officer for the district of Montmagny?

3. Whether it is the intention of the government to dispense with the services of this factotum from the moment when it shall be

proved to them that this Louis Dionne forms part of the associaiton of 'offensive political partisanship,' and that he spoke on the hustings at the time of the last federal elections in the county of Montmagny?

He said: There are two clerical errors in this motion. In paragraph (a) the word postmaster should be harbour master, and in the second question the word postmaster is used in place of harbour master.

Hon. Mr. MILLS—I may say, in reply to the first question, that I do not know that the question was asked as to Mr. Dion being postmaster.

Hon. Mr. LANDRY—That is a clerical error. It should be harbour master.

Hon. Mr. MILLS—The hon. gentleman is asking me about clerical errors. I do not know whether he is responsible for this one or not.

Hon. Mr. LANDRY—I should refer to the manuscript as to that.

Hon. Mr. MILLS—I am in exactly the same predicament with regard to the other. The hon. gentleman asks whether the name Louis Dion is the same Louis Dion spelt with 'ne' after his name. I cannot tell him. I never looked at how the name was spelled. I read the answer as given to me, and did not notice the orthography, and I do not know whether my hon. friend is right in the orthography which he attributes to the answer which I gave or not. My French pronunciation is not good, and I may have easily mispronounced the name, but I think I did not spell the name to my hon. friend. Therefore, he must not hold me responsible for the orthography as given in this case, but I have no doubt if that be what the hon. gentleman desires to know, the same person is referred to throughout, that the party who is harbour master is wharfinger, and is a preventive officer in the customs also. I understand that he holds all these positions.

Hon. Mr. LANDRY—The hon. minister has not answered the last question.

Hon. Mr. MILLS—What is that?

Hon. Mr. LANDRY—The last question reads:

Whether it is the intention of the government to dispense with the services of this factotum from the moment when it shall be proved to them that this Louis Dionne forms part of the association of 'offensive political partisanship,' and that he spoke on the hustings at the time of the last federal elections in the county of Montmagny?

Hon. Mr. MILLS—My hon. friend will remember that there are a great many people who speak on the hustings who are subsequently appointed to office. This party was appointed, I understand, on the 23rd October, 1896, and my hon. friend will see that that is some months after the general election took place. As to his being a factotum, I do not know anything about that. I do not know how he could be a factotum as he is an original officer.

Hon. Mr. LANDRY—I cannot see what the minister points out, but I will help him to see something else. He says that this gentleman was appointed in the month of October, after the general elections, but my question does not say that. My question says that he took part at the last Federal elections in the county of Montmagny. Mr. Choquette was elected in 1896, but was made a judge afterwards. To fill the vacancy the subsequent election in that county took place long after the month of October, after the time that gentleman was appointed, and it is since he was appointed that he has become a member of that association of offensive political partisans, and it was while he was performing his duty as a Federal officer that he took part in that election. The present government discharged a number of officials in the county of Montmagny who had not said a word on the hustings, who had not even voted at the last election, on the charge that they were offensive political partisans. I wish to know if the same rule will be applied to a man who, after his appointment has taken an offensive political part in the last elections which took place in Montmagny.

Hon. Mr. MILLS—My hon. friend has now given the information which he did not give in his question, and that is, that he has reference to an election that has taken place since the appointment of Mr. Louis Dion in 1896, a local election. That, of course, is information in addition.

Hon. Mr. LANDRY—It is not a local election; it is a by-election.

Hon. Mr. MILLS—It is local in its character. It is not a general election. It is confined to a county. I may say, in reply to my hon. friend, that I am not in favour of political partisanship on the part of public officers. There are two classes of public officers. There are those who are political and those who are non-political. The political officers share the fortunes of the party with which they are associated. The members of the government are such, and they retain their position only so long as they are sustained by the majority. Further than that, there are the permanent public officers who are non-political, and their permanency, I think, largely depends on their maintenance of that character; but my hon. friend does not expect that because a minister of the Crown goes upon the platform, and takes part in an election, he is to be instantly dismissed by his colleagues. He is simply in the rank of political parties, those who hold their office during the continuance of their friends in the majority, and if Mr. Dionne has taken an active part in a political contest and has made himself, on that account, offensive to those who are politically opposed to him, he stands exactly, therefore, so far as the permanency of his position is concerned, in the position of a minister of the Crown.

Hon. Mr. LANDRY—And so if the charge against him is proved, he will share the same fate as the others?

Hon. Mr. MILLS—Yes, but not at the hands of his friends.

CANADIAN STEEL COMPANY'S BILL.

REPORTED FROM COMMONS.

A message was received from the House of Commons to return Bill (G) 'An Act to incorporate the Canadian Steel Company,' with amendments.

The amendments were read at the Table.

Hon. Mr. CLEMOW moved that the amendments be concurred in, being merely of a verbal character, and the parties interested in the Bill being quite satisfied to accept them.

Hon. Mr. FERGUSON—The House cannot possibly understand what these amendments are without an opportunity of studying them. Speaking for myself, I have not the slightest idea what they are.

Hon. Mr. SCOTT—I have a copy of the Bill here, corrected. The amendments are taking away powers from the company. The principal one is the expropriating power. Some members of the House of Commons thought expropriation powers ought not to be given to industrial companies. Then the clause authorizing amalgamation with another company was struck out, and a limitation was put in within which the work must be gone on with. The others are merely verbal.

Hon. Mr. MACDONALD (B.C.)—There is no increase in the powers?

Hon. Mr. SCOTT—No, it is withdrawing powers from the company.

Hon. Mr. MILLS—My hon. friend will see that the Bill has been very much improved, and made less objectionable by these changes. I have, in fact, a very strong opinion myself that we have no power, except in the territories, to give expropriating powers to an ordinary corporation, because it is simply allowing one man, by force of the power given him by the statute, to enter on another man's property, and take it, upon giving compensation. We go that far with a railway company, because a railway company is a quasi public corporation. Those franchises of exercising eminent domain were considered royal prerogatives, and when railway companies came to exist they were given to railway companies, because a railway company exists for the purpose of performing certain duties not merely for itself but for the public. It cannot refuse to do so. Now, a private corporation, for the purpose of carrying on a private manufactory, however important it may be, or however extensive its operations may become, is nevertheless a private corporation, and in its rights it is not supposed to differ from any other individual, and you would never think of allowing any man, by power conferred upon him, to expropriate another man's property. That power was given to this company under the Bill as originally drafted, and that power has been taken away.

Hon. Mr. SCOTT—The power has been granted in a number of other Bills.

Hon. Mr. MILLS—That is true. My attention was called to the fact by the promoters of the company, that this power had

been given to a number of other companies, and seeing we have done so, and if parliament chose to give them the power and say, 'You may take it for what it is worth, and take the risk of a suit with the parties who may resist your attempt to expropriate, under the provisions conferred upon you by this Act, you may do so,' but the company, I understand, did not care to take that power and with it the responsibility of litigation, and so they were content to take a Bill with more limited power. Therefore, the Bill in that respect has been made more in conformity with the power that parties possess to deal with property and private rights.

Hon. Mr. FERGUSON—The explanations made by my hon. friend, as well as those by the hon. Secretary of State, seem to be altogether satisfactory, and I have no reason to doubt that these amendments are all, as the hon. gentlemen say, in the public interest; but my hon. friends have had opportunities to study the amendments which none of the rest of us have had, and as there is no hurry, I would suggest that the motion be that these amendments be considered tomorrow.

Hon. Mr. CLEMOW—I move that the amendments be taken into consideration tomorrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (80) 'An Act respecting the members of the North-west mounted police force on active service in South Africa.'—(Hon. Mr. Mills.)

Bill (104) 'An Act respecting the Montfort and Gatineau Colonization Railway Company.'—(Hon. Mr. Clemow.)

Bill (96) 'An Act respecting the Quebec Bridge Company.'—(Hon. Mr. Casgrain, De Lanaudière, in the absence of Hon. Mr. Fiset.)

Bill (86) 'An Act respecting the Thousand Islands Railway Company.'—(Hon. Mr. McMillan.)

Bill (84) 'An Act respecting the Bay of Quinté Railway Company.'—(Hon. Mr. Lovitt.)

Bill (88) 'An Act to incorporate the St. Mary's River Railway and Colonization Company.'—(Hon. Sir Mackenzie Bowell, in the absence of Hon. Mr. Lougheed.)

Bill (91) 'An Act respecting the Oshawa Railway Company.'—(Hon. Mr. Kerr.)

Bill (73) 'An Act respecting the Restigouche and Western Railway Company.'—(Hon. Mr. McSweeny.)

Bill (35) 'An Act to incorporate the Comox and Cape Scott Railway Company.'—(Hon. Mr. Reid.)

Bill (70) 'An Act to incorporate the Gaspé Short Line Railway Company.'—(Hon. Mr. Casgrain, in the absence of Hon. Mr. Fiset.)

Bill (R) 'An Act to incorporate the St. Lawrence Terminal and Steamship Company.'—(Hon. Mr. Casgrain, de Lanaudière.)

THE WHARFINGER AT MONTMAGNY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I ask permission to call attention to the error which appears in the motion I made some moments ago. The French version gives it correctly, and therefore the mistake has been made by the translators.

THIRD READING.

Bill (E) 'An Act for the relief of Catherine Cecilia Lyons.'—(Hon. Mr. Clemow.)

SECOND READINGS.

Bill (66) 'An Act respecting the Cowichan Valley Railway Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (74) 'An Act respecting the Northern Commercial Telegraph Company, Limited.'—(Hon. Mr. Macdonald, B.C.)

Bill (82) 'An Act to incorporate the Crown Life Insurance Company.'—(Hon. Mr. Macdonald, B.C.)

LOAN COMPANIES ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (Q) 'An Act to amend the Loan Companies Act, Canada, 1899,' and moved that it be read the first time. He said: This is a very short Bill. It simply corrects two or three verbal errors in the Act of last year.

Hon. Sir MACKENZIE BOWELL—No new principles ?

Hon. Mr. MILLS—No, nothing new. The word 'franchise' was improperly used in the former Bill.

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

The Senate adjourned.

THE SENATE.

Ottawa, April 25, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CASE OF LIEUT.-COL. WHITE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate all correspondence between the Minister of Militia and Defence, Major General Hutton, Lieut.-Col. Foster, chief staff officer; Lieut.-Col. Holmes, D.O.C. Military District No. 1; the Deputy Minister of Militia or any other official of the Department of Militia and Defence, and Lieut.-Col. W. W. White, of Guelph, Ont., relating to or in any way connected with the selection of, and subsequent removal of, the said Lieut.-Col. White's name from the list of officers of the Canadian militia to undergo a course of instruction in the duties of general staff officers at the Military College, Kingston.

He said : Since giving notice of this motion, in reference to the correspondence between Major General Hutton and the Minister of Militia, a return has been brought down to the House of Commons, a copy of which I hold in my hand. I find that there are one or two omissions, and before making any remarks upon the subject, I should like to ask the hon. Secretary of State, who has had this matter in charge, whether a letter written by Lieut.-Col. Holmes, the district officer commanding the western section, informing Colonel White that his name had been removed from the list of officers to receive instructions at the Military College, on account of his politics is on file in the department. It is just possible that it may not be there, being a letter written by an officer, I think, living in London. I find also that Major General Hutton's letter, written to the Department of Militia, is dated on the 2nd day of February, in which he approves of the course taken by the minister in removing names from the list of officers to receive instruction on account of their politics. I may comment upon that hereafter. But the letter of the Deputy Minister of Militia, disavowing the statements made that instructions had been given for the removal of Colonel White's name from the list of officers, is dated on the 3rd February, one day after the date of the letter written by the Major General, approving of the course taken by the Minister of Militia. There is no reply among the papers which are laid before parliament, to the deputy minister's letter of the 3rd, from the Major General. What I should like to ask the Secretary of State, is whether that letter was ever answered by the Major General, and if answered, why it is not put among the papers laid before parliament, or is it the letter to which the hon. Secretary of State referred as having been marked private and confidential, and for that reason it was not deemed advisable to lay it before parliament ? and if it be for that reason it was withheld, might I ask for what reason were the letters of Lieut.-Col. Samuel Hughes, marked private and confidential, sent, not to the department at Ottawa, but to some officers commanding in Kingston, and brought down among the papers which were laid before the House of Commons in reference to that gentleman, and also laid upon the Table of this House.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I might also call attention to the fact that one of the letters written by Lieut.-Col. Hughes appears to be in answer to a letter that had been written by the Major General to him, giving reasons for the course which he, the Major General, had taken. That letter does not appear among the papers. Those papers, my hon. friend will remember, were laid upon the Table of the House here, and consequently they are papers with which we can more properly deal. What I should like to know, before pursuing this subject further, is, why these letters to which I have referred in the correspondence between Major General Hutton and the Department of Militia here, are withheld.

Hon. Mr. SCOTT—Of course the hon. gentleman knows that those returns are made up in the several departments, and bundles of them come over every day. It is quite impossible for me to go through them and ascertain what they embrace. I do not profess to do that. I can only take them as they are brought down. I shall be only too glad to call the attention of the department to any omission to which my attention may be directed, and ask for an explanation, but I am not sufficiently familiar with the run of the correspondence to follow my hon. friend, who has studied the matter. I did not take that interest in it that he did, and, therefore, I am not familiar with it, and cannot give the explanations.

Hon. Sir MACKENZIE BOWELL—I fully acquit my hon. friend of any intention on his part to withhold anything. My object in calling his attention to the subject, is that he should make a note of it and make inquiry, so that we may know what the contents of that letter really are, in order to enable us to deal with the subject more intelligently.

Hon. Mr. SCOTT—I will have the report of the hon. gentleman's remarks sent to the department.

The motion was allowed to stand.

THE CLAIM OF E. J. WALSH, C.E.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate copies of all papers, correspondence, orders in council and communications of every kind to date, relating in any way to the claim of E. J. Walsh, C.E., against the Dominion government, the Department of the Secretary of State for the Colonies, and the government of the Leeward Islands, for professional services rendered the government of the said Leeward Islands; also, copies of any papers or correspondence in the Department of Railways and Canals, or in the hands of the Deputy Minister of Railways and Canals, relating to the engagement or otherwise of the said E. J. Walsh, C.E.

He said : In making this motion I may state that I do so at the instance of the gentleman who is interested. I may add that when this gentleman called my attention to his claim, and placed the facts before me, I told him I was under the impression that the government of Canada was in no way responsible for the non-payment of his salary by the government of the Leeward Islands—that they had simply recommended Mr. Walsh to the Governor of the Leeward Islands as a civil engineer who could perform the work which they desired done at that time. It appears from what papers I have before me, that in 1890 the government of the Leeward Islands were anxious to secure a competent engineer to perform certain works that they required done in those islands, and they applied to the Canadian government of that day to recommend a competent man. The late Sir John Macdonald and the chief engineer, Mr. Schreiber, recommended this Mr. Walsh. He was employed on certain terms and conditions, which, as I learned from the papers, were that if he was employed for only a certain length of time his salary was to be a certain amount, and his expenses, whatever they might be, were to be paid to send him back to Canada. The term, however, for which he was employed extended far beyond that period. In 1895 he received notice that his services were no longer required. At that period his salary had not been paid for a full twelve months, and he was kept on the islands for three months after that waiting for his year's salary without any consideration, or any remuneration, and not until the Colonial Secretary instructed that the year's salary due, should be paid over, it being a Crown colony, did he receive his pay. What he claims, and I think from an equitable standpoint he is entitled to it, is that his salary should be paid for the three months during which he was kept on the islands before receiving his pay. They refused, however, to pay that, and it appears that the Colonial Secretary at the time wrote to the Governor of the Leeward Islands saying : 'I approve of your action.' They have refused ever since to pay him his salary, for the three months detention on the island. I think every one reading the papers would come to the conclusion that the government of the islands should have remunerated him for the time they kept him waiting for his pay. It is all very well for the government to say, 'It is true we were not in a position to pay your salary, but you need not have stopped here.' The probability is he had not money to get away. I told him I would bring the matter before the

Senate, but the only good that could possibly result from it would be that the Secretary of State for Canada might call the attention of the Colonial Secretary of England to the fact that this gentleman had been deprived of his pay. If the hon. gentlemen opposite think on this subject as I do, they might add they think it should be paid, and it might result in the Colonial Office instructing the Governor of the Leeward Islands to pay the claim.

Hon. Mr. SCOTT—The hon. gentleman has correctly stated the facts of the case. I looked into the papers some time ago, in consequence of a communication from Mr. Walsh, and a communication was sent to Mr. Chamberlain calling attention to the treatment Mr. Walsh had received from the government of the Leeward Islands, and I think a second appeal was made to Mr. Chamberlain to endeavour to bring influence to bear on the officials of the Leeward Islands, but without avail. We have finally had to give it up. We could not compel the government of the Leeward Islands to pay the claim. We could only draw their attention to what we consider an unfair condition of things. I think the government of the Leeward Islands did an unfair thing. Mr. Walsh then made a claim on the government of Canada, but we came to the conclusion that our predecessors had reached—that we could not possibly undertake to pay a claim of that kind. We recommended him, but no guarantee was given that his pay should be any particular figure, or that he should be employed for any particular time. The recommendation was that he was a good official, and he was employed there with our endorsement. If there are any papers in the case they will be brought down.

The motion was agreed to.

REPAIRS TO THE STEAMER *MINTO*

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate a return showing in detail the cost and nature of all repairs and alterations made to the steamer 'Minto' since her arrival in Canadian waters. The said return to show the names of the parties who were employed in making these repairs and alterations, and the amount paid to each.

The motion was agreed to.

EARNINGS OF THE STEAMER *STANLEY* AND THE STEAMER *MINTO*.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing the expenses and earnings of the steamer 'Stanley' while engaged on the winter service between Prince Edward Island and the mainland for the years 1894, 1895, 1896, 1897, 1898 and 1899. And also a similar return for the steamer 'Minto' for the winter of 1900. The above statement of expenses not to include repairs to either steamer.

He said : I may explain that the object of this motion is to institute comparisons between the results of a moderate freight and passenger rates on the steamer *Stanley*, and the very high rates that were charged in former years. In the earlier years of the service, considering that it was an arduous one, and expensive to maintain, high winter rates were established. In 1895 the winter rates were made similar to the rates prevailing in the summer season, and the object of my motion is to ascertain whether the result of the reduction of the rates has been more favourable to the government, as I believe it is, than from the high rates which prevailed in the earlier period.

Hon. Mr. MILLS—How many years does the earlier period embrace ?

Hon. Mr. FERGUSON—This will take in one year. It ought, perhaps, to take in more.

Hon. Mr. MILLS—I think so.

Hon. Mr. FERGUSON—Then take in the years 1892, 1893 and 1894, and the comparison will be very much better.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—I would therefore amend the motion in that way. It would institute a comparison between at least three years of the old rates, and the years in which the reduced rates have prevailed. This would also include a similar return for the steamer *Minto* for last winter. In order that the result of this return shall not be complicated in any way with the other services to which the steamers are applied, the cost of repairs will not be included, because these repairs would belong as much to the fisheries service, the lighthouse service and other services on which

the steamer was engaged as to the winter service.

Hon. Mr. MILLS.—It might vary in different years.

The motion was agreed to.

MURRAY HARBOUR RAILWAY LAND EXPROPRIATIONS.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing the amount, in detail, of compensation paid or tendered to landholders as damages to property or for land taken for the Charlottetown and Murray Harbour Railway; said statement to show the quantity of land taken from each owner.

The motion was agreed to.

DEPOSIT OF FILTH ON WELLINGTON STREET, OTTAWA.

Hon. Mr. CLEMOW—I have been requested to bring under the notice of the government the practice of depositing filth and dirt on Wellington street, which is considered a menace to the health of the city, and particularly to members of parliament. The government should take measures to remove it. The street is under the control of the government and they should take proper care of it.

Hon. Mr. ALMON—I am glad that the hon. gentleman from Rideau has brought this matter before us. He has always at heart the interests of the district which he represents. If hon. gentlemen will consider what those piles of filth, of which he complains, are composed of, and how they came there, they will understand the necessity for their removal. When the snow sets in, which is generally in October, all the filth of the horses which are standing there, and all the cattle driven along there, is left behind. There is a cab-stand at that spot, and from October to March nothing is done to remove the filth. It is not putrified, because the frost prevents it, but as soon as the frost leaves, the street is scraped, and the dirt is put in piles. There is also another reason why this should not be allowed. It is a menace to the public health. It has been discovered lately that bacillus of tuberculosis, which is one of the chief causes of pulmonary consumption, is contained in the sputa of consumptives. It contains the microbes which, after a time, turn into the bacilli, and they are inhaled into the lungs of people in perfect health, and sometimes result in consumption. When we consider the prevalence of consumption and the number of people suffering from it who must have passed along that street, and spit upon that place, we will realize the danger. The piles of filth have been there now for weeks, and unless active steps are taken, will probably be left there for weeks more. The filth becomes dry and the wind blows it about. If that street is under the management of the Dominion government, instead of wasting money endeavouring to make Ottawa the Washington of the North, we should try to remove a little of the dirt from that street. Independent of the menace to health, I do not think there is a city in the Dominion of Canada where such a nuisance would be allowed to continue under the eyes of all the persons passing over it. It must be offensive to members of the government, as well as to others. If it is not under the control of the Dominion government, some steps should be taken to compel the city of Ottawa to cause its removal.

Hon. Mr. MILLS—If there be anything improper in the condition of the street, I will call the attention of the Acting Minister of Public Works to it, but I understand this is the result of the cab-stand on O'Connor Street, near Wellington Street, which is surely under the jurisdiction of the city, and not under the jurisdiction of the government. While the government may be benevolent and spend $60,000 annually for the city, I do not know that the removal of garbage from the streets is to be done at the expense of the government. It rather belongs to the municipality, and my hon. friend should call the attention of the city council to it.

Hon. Mr. CLEMOW—This particular street is under the control of the government, as I understand. If it is under the management of the city, of course, they should attend to it. I do not think that filth should be allowed to remain there to impair the health of members of parliament. I am anxious in regard to their

health, and that is why I bring it to the notice of the government.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. LANDRY—I wish to inquire of the government as to whether any progress has been made in the preparation of that document which I asked for on the 23rd of March last, respecting the deeds which passed between the government and the Seminary of Quebec for the sale of land on which the post office of Montmagny is built. It is just the copy of the deeds, and I suppose a month would be sufficient time to prepare the copies.

Hon. Mr. MILLS—I will make inquiry.

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. OWENS moved the third reading of Bill (J) 'An Act respecting the Atlantic and Lake Superior Railawy Company.'

Hon. Mr. POWER—I do not propose to divide the House on the question of the third reading of this Bill, but I wish to express my objection to it. The people who are asking for this measure have had the charter for a great number of years and have done practically nothing under it, and there is the best reason to suppose that there is not any very substantial company back of the charter. Parliament should be very slow in granting a charter in any case where there is any reason to doubt the substantiality of the company and the bona fides of the undertaking.

Hon. Mr. OWENS—The hon. gentleman who has just spoken is not in possession of the facts when he makes those statements. This is the first occasion on which this company has come before parliament asking for an extension of time. It has expended nearly half a million dollars on this road, without the aid of a subsidy from either the federal parliament or the provincial legislature. Therefore, I think they are quite justified, under the present circumstances, in asking for an extension of time when such an amount of work has been done. It is simply asking what has been granted to other companies under similar circumstances.

Hon. Mr. MILLER—The Railway Committee, to whom this Bill was referred, was unanimous with regard to its report. The Bill was reported without amendment. I do not think there was a single amendment proposed to the Bill in committee, no division was taken in committee, and the action of the hon. gentleman from Halifax in opposing it when it was reported to the House rather surprised me. I should have thought, if he had any objection to take, the proper time would have been before the committee, but he took no objection there, and I do not think there is any reason why it should not be read the third time now.

Hon. Mr. POWER—I am much obliged to the hon. gentleman from Richmond for his lecture. I did oppose the measure in committee; and whether I did or not, I have a perfect right, as a member of this House, to express my opinion about a measure at any stage.

Hon. Mr. MILLER—No one is disputing the hon. gentleman's right. It is a right he exercises more frequently than anybody else.

Hon. Mr. POWER—That is my business.

Hon. Mr. MILLER—That may be the hon. gentleman's business, but his opposition to this Bill is altogether uncalled for.

Hon. Mr. LANDRY—The hon. gentleman denied me that right last year.

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

CANADIAN STEEL COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. CLEMOW moved concurrence in the amendments made by the House of Commons to Bill (G) 'An Act to incorporate the Canadian Steel Company.'

Hon. Mr. POWER—I wish to call attention to the amendments made to this Bill. I do not know whether our minutes are accurate or not, but if they are accurate, then several mistakes have been made in the other House in the amendments sent

up here, because they do not fit in at the places mentioned, and I should suggest that the hon. gentleman allow this matter to stand until the Law Clerk has an opportunity to look over it.

Hon. Mr. SCOTT—The Law Clerk has already gone over it. The amendments are really not material. Two clauses are struck out, being clauses which the company did not ask for, but which were put in this Bill because they appeared in another Bill. That is the amalgamation clause and the expropriation clause. Outside of this nearly all the amendments are formal.

The motion was agreed to.

NORTH-WEST MOUNTED POLICE IN SOUTH AFRICA BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (80) 'An Act respecting the members of the North-west Mounted Police force on active service in South Africa.' He said: The Bill contains but one clause, and it is brief. The object is obvious. The clause reads:

> Notwithstanding anything in the Civil Service Superannuation Act, chapter 18 of the revised statutes, or in the Mounted Police Pension Act, 1889, all members of the North-west Mounted Police force on active service with the Canadian volunteers in South Africa, shall, for the purposes of the said Acts, be entitled to have such active service counted as service in the said force.

I think that is a reasonable proposition.

Hon. Sir MACKENZIE BOWELL—They do not lose any time.

Hon. Mr. MILLS—They do not lose any time. I think that is reasonable.

Hon. Mr. POWER—The reading of this Bill reminds me of what I look upon as being a defect in our military system. A civil servant is entitled to a pension or something in the nature of a pension. In England and other countries, the members of the regular services are entitled to pensions, but in Canada, as far as I can ascertain, neither the headquarters staff of the Militia Department, that is the military side of the staff, nor the officers of the permanent force, are entitled to anything in the way of pension. I wish to direct the attention of the government to that condition of things, which, I think, is very much to be regretted. A young man qualifies himself for a commission in the regular force. He serves perhaps until he is forty years of age, when he may be obliged to retire under the five years' limit, and he has nothing to fall back upon. He is completely out in the cold. That is a condition of things which should not exist. In England, where they have adopted the time limit, providing that an officer shall not hold a certain grade beyond a certain number of years, and that if he does not obtain promotion before reaching that age, he must go out, it is not unreasonable, because there he gets his pension; but to apply the time limit in Canada, where there is no pension, and oblige the officer to go out, as in England, where he does get a pension, is objectionable. When this condition of things gets to be generally understood, there will be great difficulty in getting young men to go into the permanent force. A young man who enters the permanent military force of this country, and takes the risk of his life, and gives up his hopes in other walks of life for that purpose, should be guaranteed some sort of security against poverty in his old age. Hon. gentlemen are probably aware that some of our best men —men who are remarkably good officers— are obliged to-day to resort to almost menial occupations for the purpose of supporting themselves and their families. In one case an officer who had been a D.C.O., is engaged in teaching a private school. This is a matter which the government ought to consider, and which I hope they will consider and see that our military—a standing army it really is—is either put on the same footing as the civil service, or on the same footing as officers and men in the regular army of the mother country.

Hon. Sir MACKENZIE BOWELL—The five years' limit to which the hon. gentleman refers, as I understand it, applies only to the volunteer force. I do not suppose the hon. gentleman advocates the pensioning of the volunteer officers, who have retired after a certain length of time that they have commanded their battalions. My impression is that the five years' limit applies to the lieutenant-colonels in the active force and not to the permanent force. I am fully in accord with the sentiments of my hon. friend with reference to what we may call the permanent force of the country. The officers are

only retired with an allowance—at least it was formerly the practice. A gentleman who has to retire on account of age, after serving a number of years, gets an allowance proportionate to the time he has served; but as the hon. gentleman from Halifax, very properly remarks, a man who has devoted the best part of his life to soldiering, is scarcely fit for any other occupation, when he attains the age when it is necessary for him to retire. It is a crying evil towards men of that character. They are liable to be called upon at any moment to risk their lives in defence of their country, and if they have served faithfully, the least the country could do would be to give them something to prevent them from going to the poor-house, or having to resort to menial labour to live.

Hon. Mr. MILLS—I have made a note of the observations of my hon. friend from Halifax, and the hon. leader of the opposition, and I shall bring them to the attention of the Minister of Militia. He will no doubt see how far it would be necessary to make further provision than exists at the present day. This Bill, however, is dealing with the Civil Service Superannuation Act, and with the Mounted Police Pension Act, with a view to preventing parties who are in the mounted police, or in the civil service, being injuriously affected by the fact that they are away in Africa on active service, where the risk of life and the hardships are greater than in the service here. I have no doubt whatever, that every hon. gentleman will see that the policy proposed is a proper one to adopt, and under the circumstances.

Hon. Mr. POWER—I hope the hon. gentleman and the House will pardon me for having made a speech which was slightly irrelevant; but it occurred to me at the time that the subject should be mentioned.

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. CLEMOW from the committee, reported the Bill without amendment.

SECOND READING.

Bill (104) An Act respecting the Montfort and Gatineau Colonization Railway Company.'—(Hon. Mr. Clemow.)

QUEBEC BRIDGE COMPANY'S BILL.

Hon. Mr. LANDRY—Before the House adjourns, though I am not in charge of Bill (96) respecting the Quebec Bridge Company, I should like to know why it is not on the Orders of the Day for to-day? In the Minutes of Proceedings of yesterday, the record is, 'Ordered, That the said Bill be read a second time to-morrow,'—that is to-day.

Hon. Mr. SCOTT—It is down for to-morrow.

Hon. Mr. LANDRY—I think I am right—that it should be read to-day.

Hon. Mr. POWER—I notice that the hon. gentleman from the Gulf division (Hon. Mr. Fiset) and the hon. gentleman from De Lanaudière (Hon. Mr. Casgrain) are both absent. I would move that the Order of the Day be discharged, and the Bill be fixed for second reading to-morrow.

Hon. Mr. MILLER—That would be absurd. The Bill is on the Order of the Day for second reading to-morrow. Although it may be put down for the wrong day, we should allow it to stand until to-morrow. No harm or irregularity in the proceedings can happen in any way if it is taken up to-morrow.

Hon. Mr. POWER—The hon. gentleman from Stadacona has very properly raised the question. The Senate is not governed by the Order Paper. The minutes govern this House, and unless it is shown that the minutes are incorrect, the second reading of this Bill was made an order for to-day, and that order must be discharged.

Hon. Mr. MILLER—I differ from my hon. friend altogether. If the hon. gentleman from Stadacona had moved that the Order of the Day be discharged and put on the Order for to-day, it could be done; but to move that the Order of the Day, as it stands for to-morrow, should be discharged, and be put down for to-morrow, would be something very unusual, and have a very absurd appearance on our minutes.

Hon. Mr. MILLS—The clerk calls my attention to the fact that in his minutes, the order was for second reading on Thursday. The mistake was made by the clerk upstairs or by the printer.

Hon. Mr. LANDRY—That is a clerical error.

Hon. Mr. MILLER—All that the clerk has to do is to see when the Journals are printed, that the minutes are correct.

The Senate adjourned.

THE SENATE.

Ottawa, April 26, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (67) 'An Act respecting La Banque Jacques Cartier, and to change its name to La Banque Provinciale du Canada.'—(Hon. Mr. McMillan.)

Bill (80) 'An Act respecting the members of the North-west Mounted Police Force on active service in South Africa.'—(Hon. Mr. Mills.)

MERCHANTS' BANK OF HALIFAX BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (72) 'An Act respecting the Merchants' Bank of Halifax, and to change its name to the Royal Bank of Canada.' He said: The amendments to this Bill require some explanation, and I invite the attention of the Minister of Justice to them. This is a Bill respecting the Merchants' Bank of Halifax, and to change its name to the Royal Bank of Canada. This is the whole purport of the Bill. It was suggested in the committee that it was very undesirable that a bank having power to issue notes with its name on the notes should bear two names, an English name and a French name. Hon. gentlemen are aware, of course, that under the British North America Act, all the Dominion statutes have to be published in English and in French; and what some of us may not have borne in mind is, that the French copy is not simply a translation of the English, but is really an original equally with the English copy. In the previous Bill reported from the committee, the name La Banque Jacques Cartier was changed to La Banque Provinciale du Canada but as it still only bore a French name, there was no translation of the name; in both editions it was French. Here the change was from the 'Merchants' Bank of Halifax' to the 'Royal Bank of Canada' in the English copy; and in the French copy it read originally 'La Banque des Marchands de Halifax, changé en Banque Royale du Canada,' but it was contended that it was not right that it should go by another name in the French edition, and therefore the committee thought it right to make the alteration and to recommend that the name the 'Royal Bank of Canada' should appear both in the English and French copies. I move that the amendment be concurred in.

Hon. Mr. MILLS—That is the proper way.

Hon. Sir MACKENZIE BOWELL—The difficulty might be avoided in future if the translators were instructed not to translate the name of any bank or any institution, which applies for a change of name either into French or English but retain the name asked for in both languages.

Hon. Mr. MILLS—Not to translate the name?

Hon. Mr. FERGUSON—To transfer the name.

Hon. Sir MACKENZIE BOWELL—No, not transfer it at all. If La Banque Jacques Cartier should ask to have its name changed, it should appear in both English and French copies of the Bill in the same way. Just as in the case before us, the Bank of Halifax applies for a change of name and gives it an English name. In the French version the translator has translated those words into a French name, so that on the statute-book the bank would bear, under the circumstances, two names, one French the other English, and it suggested itself to the committee whether the bank could not issue bills under the two names, which would create great confusion. The whole difficulty might be avoided if translators were instructed in no case to change the name of any bank or any corporation, but to adopt that applied for by the parties interested.

Hon. Mr. MILLS—To retain the English or French name as the case might be, both in the English and French copies.

Hon. Sir MACKENZIE BOWELL—Yes.

The motion was agreed to.

CROWN LIFE INSURANCE COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (82) 'An Act to incorporate the Crown Life Insurance Company,' with amendments. He said: This is precisely the case of the preceding Bill. In the French copy the company bears the rather long name of 'La Compagnie d'Assurance sur la vie de la Couronne.' It is proposed in both versions that it shall be 'The Crown Life Insurance Company.' I move that the amendments be concurred in.

The motion was agreed to.

THE CASE OF LIEUT.-COL. WHITE.

MOTION POSTPONED.

The notice of motion being called,

By the Honourable Sir Mackenzie Bowell, K.C.M.G.:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate all correspondence between the Minister of Militia and Defence, Major General Hutton, Lieut.-Col. Foster, chief staff officer; Lieut.-Col. Holmes, D. O. C. Military District No. 1; the Deputy Minister of Militia or any other official of the Department of Militia and Defence, and Lieut.-Col. W. W. White, of Guelph, Ont., relating to or in any way connected with the selection of, and subsequent removal of, the said Lieut.-Col. White's name from the list of officers of the Canadian militia to undergo a course of instruction in the duties of general staff officers at the Military College, Kingston.

Hon. Sir MACKENZIE BOWELL inquired: Is the hon. Secretary of State in a position to furnish the information called for in this motion?

Hon. Mr. SCOTT—No. I wrote to the minister about it to-day.

The motion was allowed to stand.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired:

Whether, since the commencement of the present parliament, the government, or any one of the members of the present administration in the name or for the government, has received from the government of Manitoba, or from the Catholic minority of that province, or from the episcopate of any of the provinces, or any member thereof, any communication whatsoever, in the form of a demand, of a claim, of a protest, or otherwise, on the subject of the Manitoba school question?

Hon. Mr. MILLS—Since my hon. friend put the question on the paper, I have not had an opportunity of speaking to my colleagues on the subject. At this moment I could only answer for myself. I would, therefore, request him to allow his question to stand for a day or two, and I will endeavour to get answers to the whole of them. Let them stand, say until Monday. I will endeavour to get the information by that time.

The inquiry was allowed to stand.

THE POST OFFICE IN MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Is the building acquired by the government from the Seminary of Quebec for the use of the post office in the town of Montmagny, by consent of the government simultaneously employed for other uses?
2. To what other uses does the building serve in which the post office of Montmagny is held?
3. Who is the guardian of such building?
4. What is the salary of this guardian?

Hon. Mr. MILLS—I would ask the hon. gentleman to let this question also stand until Monday next.

The inquiry was allowed to stand.

SUBSIDIES TO RAILWAYS IN GASPE.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General praying His Excellency to cause to be laid before this House a copy of all letters and correspondence exchanged between the government or any of its members, and the interested parties, on the subject of the Baie des Chaleurs Railway, of the Atlantic and Lake Superior Railway, and of the projected railway known under the name of the Short Line Railway of Gaspé; as well as a copy of all requests, petitions, resolutions, or other documents relating to either of these lines.

He said: If the House will permit me I will add after the words 'Short Line Railway of Gaspé,' 'And of the South Shore Railway Company in connection with the granting or payment of subsidies to any of the said companies, or the granting of any privileges to any of them.'

Hon. Mr. MILLS—I see no objection to the hon. gentleman's motion passing, and to the information being given, so far as we have it. Does the hon. gentleman require telegrams and everything of that sort?

Hon. Mr. LANDRY—Official.

Hon. Mr. MILLS.—I have myself received a large number of telegrams from people along the lines, asking for the passage of this Bill.

Hon. Mr. LANDRY—I have also received resolutions and telegrams.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know from the hon. Minister of Justice, if there is any progress made in the preparation of the answer to be given to the motion I made a month ago. The hon. minister promised he would give me a reply to-day.

Hon. Mr. MILLS—What motion is that?

Hon. Mr. LANDRY—For the production of the deeds of the property acquired by the government for the site of the post office at Montmagny.

Hon. Mr. MILLS—I am unable to give an answer to-day, because the officer from whom I would have to get it is away.

Hon. Mr. LANDRY—In South Africa, I suppose?

Hon. Mr. MILLS—No, he is in Montreal. He was summoned there as a witness in court.

Hon. Mr. LANDRY—When will he be back?

Hon. Mr. MILLS—I expect him back to-night.

Hon. Mr. LANDRY—When shall I get the answer?

Hon. Mr. MILLS—On Monday.

Hon. Mr. LANDRY—I suppose he will go back again to Montreal to-night.

Hon. Mr. MILLS—I am not sure of that. I want to be quite sure that I will be able to give the hon. gentleman the information he seeks.

Hon. Mr. LANDRY—The hon. gentleman may make up his mind that I will come here every day, and ask for that information.

Hon. Mr. MILLS—I am anxious to give the hon. gentleman the information which he is asking for.

Hon. Mr. LANDRY—It looks like it.

Hon. Mr. MILLS—My instruction has been to my officers to keep note of the Order paper and prepare the information that is asked for upon the paper, and I can assure the hon. gentleman that there is no desire on my part to treat with indifference his inquiries. In these matters he is within his right, and I am anxious to give him the information at the earliest possible date.

Hon. Mr. DANDURAND—The hon. gentleman is perhaps desirous to move for an inquiry into this transaction. I understand that the parties interested in it are as desirous to have the inquiry started as the hon. gentleman himself is.

Hon. Mr. LANDRY—If everybody is desirous, I do not see why we cannot get the information.

Hon. Mr. O'DONOHOE—Monday is set apart for the hon. gentleman almost exclusively.

SECOND READINGS.

Bill (96) 'An Act respecting the Quebec Bridge Company.'—(Hon. Mr. Fiset.)

Bill (86) 'An Act respecting the Thousand Islands Railway Company.'—(Hon. Mr. McMillan.)

Bill (84) 'An Act respecting the Bay of Quinté Railway Company.'—(Hon. Mr. Kerr.)

Bill (91) 'An Act respecting the Oshawa Railway Company.'—(Hon. Mr. Kerr.)

Bill (70) 'An Act to incorporate the Gaspé Short Line Railway Company.'—(Hon. Mr. Fiset.)

Bill (73) 'An Act respecting the Restigouche and Western Railway Company.'—(Hon. Mr. McSweeney.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 27, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

TRAFFIC ON THE I. C. R.

Hon. Mr. McKAY—Before the Orders of the Day are called, I should like to call the attention of the government to the reckless manner in which Sunday traffic is being carried on in the maritime provinces on the Intercolonial Railway. On Sunday last no less than thirty trains passed in and out of Truro, and the Christian community of that place were shocked at that amount of traffic on the day of rest. There was more traffic on that day than there had been on any day during the previous week, and if the same diligence had been used during the week as was used on Sunday, there would have been no necessity for Sunday traffic. So much were the people annoyed about it that the ministers called attention to it in the pulpits, I was present when one minister spoke of it, and the sound of his voice was drowned by the noise of the whistles of the passenger trains. I hope the hon. Secretary of State wil admonish his wicked partner about this matter.

Hon. Mr. McDONALD (C.B.)—I wish also to call attention to the way in which the eastern section of the Intercolonial Railway is run from Cape Breton. In coming up there were no less than 319 cars sidetracked from Truro to Sydney, a thing that had never happened under the old management, and I was told that it was the incapacity of the officials appointed on that road of late that caused the trouble. The question was discussed in the House of Commons, and reports of the discussion appeared in the papers of Cape Breton when I was at home. It was reported that one of the members of the House stated to the Minister of Railways that the cause of it all was that the Liberal-Conservative officials of the road had not been dismissed. But it is just the other way. The competent Liberal-Conservative officials on that road have been dismissed, and their places filled by men incapable of doing their duty. I was told the other day that a gentleman from Moncton has to go down regularly every week to see that these new men are taught their duties, and when he got to the Sydney station, lately, he found three men arranging the freight that had gone down from Montreal or Halifax to places east of Sydney. He found the car-load from Halifax or Montreal had been divided, a portion of it returned on the Intercolonial Railway to North Sydney and another portion to Louisbourg and other stations east of Sydney. The new officials knew nothing about the matter, and were totally incapable of arranging the freight for the road, of which they had been placed in charge. The state of affairs is deplorable. Merchants with whom I am acquainted told me that they found some freight returned from Sydney to Truro, and they say it is a frequent occurrence. It is impossible that this state of affairs should be continued, and I call the attention of the hon. Secretary of State to it in the hope that he will again ask the Minister of Railways to see that it is remedied.

Hon. Mr. FERGUSON—Before my hon. friend the Secretary of State, replies to these observations, I wish to add a word or two. Before the acquisition of the Drummond Road, it had been a matter of complaint that the train connections were not good with connecting boats and roads, and we were told, after the acquisition of the Drummond Road, that all cause for such complaints would be at an end. Last year new train arrangements were made by the Intercolonial Railway which gave some hope that this promise was going to be made good. The train departing for Halifax left Montreal in the evening about the same time as the Canadian Pacific Railway train left, and the result was good connections were made at Truro and New Glasgow with steamers going to Prince Edward Island. That was so last year. This year the train goes out from Montreal at eleven o'clock in the day, a most unsuitable time for business men, because it breaks into the middle of the day, and worse than that, all the good connections we had last year in the east are broken. There is no close connection with the boats for Prince Edward Island, and I am told there is no close connection with the trains for Cape Breton. What has brought

about this change—a change disastrous to the business of the road, and which breaks into the connections not only for Prince Edward Island, but Cape Breton, I wish to call the attention of the Secretary of State to it, so that these complaints may reach the ears of the Minister of Railways. I daresay that the answer may be, as it was on a similar occasion when I brought up matters connected with the government railways in this House, that it is a pity I did not get some one to make these complaints in the other Chamber, where the Minister of Railways has a seat and could reply to them. On looking carefully into that matter, however, I find it makes very little difference whether complaints are made here or there, because the minister is very often absent from his seat, and when he is in it, he is not very prompt or courteous in giving attention to these matters. The hon. Secretary of State is very patient and attentive to the views expressed in this House, and I hope to accomplish more through his kind and diligent mediation in bringing the Intercolonial Railway under proper management, than by addressing the Minister of Railways direct.

Hon. Mr. SCOTT—I shall bring the observations of the hon. gentleman to the notice of the Minister of Railways and Canals. I do not know whether he directly guides the running arrangements of the government railways. I supposed they were under the control of the officers who had been holding those positions for many years.

Hon. Mr. KIRCHHOFFER—There is not one of those left.

Hon. Mr. SCOTT—Mr. Pottinger and Mr. Schreiber are the officers, and they are still left. There has been a large increase of traffic; and there has not been a corresponding increase in the roling stock. I know the Minister of Railways has frequently brought the subject to the attention of Council, more particularly as to the increase of rolling stock. The increase of business on the line makes it necessary that sufficient rolling stock to meet the demands of the country should be furnished. I am quite sure parliament will vote the money if it is really needed. I shall, however, call the attention of the Minister of Railways to the remarks made by hon. gentlemen, and I hope that some change may take place.

THE MAIL SERVICE ON THE INTERCOLONIAL RAILWAY.

Hon. Mr. LANDRY—Would the hon. Secretary of State also call the attention of the Postmaster General to the arrangements for the delivery of postal matter on the Intercolonial Railway. The trains leave Montreal in the morning at eight o'clock, and other trains later, and yet people on the Intercolonial Railway from Point Lévis to Rivière du Loup do not get their mails and papers until the day after. If the train leaves at 11 or about noon, for Halifax, they should be delivered on the same day.

Hon. Mr. SCOTT—I shall be very glad to include the hon. gentleman's complaint in my observations to the Minister of Railways.

THE GREAT FIRE AT OTTAWA.

Hon. Mr. CLEMOW—I consider it my duty to bring to the notice of the government the disastrous fire which took place in this city yesterday. As hon. gentlemen all know, it is of a very serious character, involving the loss of an immense amount of property, and a considerable number of lives, and depriving an immense number of people of their means of living. I attribute this fire, in a great degree, to the immense piles of lumber that has been allowed in the city for many years. I bring this matter before the government of the present time, as I have on previous occasions, to warn them of the great danger of allowing lumber to be piled in vast quantities, as it has been for years, in proximity to these buildings. Had the wind been in a different direction yesterday, and had the lumber piles on this side of the river caught, I have no doubt that to-day we would not have this building to meet in. Therefore, it is a very serious thing for this city and for the whole country to be exposed to such a danger as it has been exposed to for many years past. I have, as you all know, brought this matter before the House on many occasions without obtaining any satisfaction. Now is the proper time to bring it to the notice of the government and of the municipal authorities. A recommendation from them would have a very salutary effect in preventing a recurrence of such a calamity. Another source of difficulty, I am told, is that the western end of the Lovers' Walk is a dump-

ing ground for paper and refuse from the buildings. It is an element of danger from fire. I bring the matter again to the attention of the government and I trust they will see the necessity of taking some prompt action. Our Geological Museum is in a very exposed position, and would have gone, to a certainty, had the fire occurred in that locality, and its contents could never have been replaced by any expenditure of money. It is an important consideration for the government, and now that this conflagration has occurred, I trust they will not allow an hour to elapse without taking steps to prevent its recurrence. That is my object in bringing the matter up to-day. Hon. gentlemen will agree with me, I know. The subject has been discussed many a time before. It is a most extraordinary thing that the government should allow these piles of lumber so near the centre of the city when they must know that it is a menace of the worst kind to these great expensive buildings, and they are guilty of negligence in not attending to the interests of the Dominion. I hope steps will be taken to prevent a repitition of this calamity in the future.

Hon. Mr. ALLAN—It may seem rather presumptions in one who is not a citizen of Ottawa to speak on this subject, but I think every citizen of the Dominion has an interest in Ottawa.

Hon. Mr. CLEMOW—Certainly.

Hon. Mr. ALLAN—Admitting, then, that every Canadian has, or ought to have, a very great interest in the capital of his country, I may say that I was very forcibly struck with the fact, when watching the progress of the fire yesterday, and following its progress across the Richmond Road and up the low ground where the railways cross, what a fearful train there was laid for the progress of the fire all round the city of Ottawa. When we got up to the Canada Atlantic Railway, the fire had not crossed to the southern side of the railway embankment which goes over the low ground there. While we stood there watching the fire which was raging on the north side of the bank, one house catching after another and going like tinder, we saw a flame come flickering up from one of the piles of lumber on the south side. Some men were there endeavouring, apparently, to pull down part of the pile, and others were throwing water on it. Of course, it was futile, and in a short time that pile was on fire, and I presume the fire swept the whole way through to St. Louis Dam. The city of Ottawa, with all its public buildings and the valuable records preserved here, its handsome residences, hospitals and churches, is completely surrounded by piles of this inflammable material.

Beginning at the Chaudière, these lumber piles extend to the Richmond Road and through the low ground south of the Richmond Road all the way to St. Louis Dam and the Experimental Farm, and beyond that again until they almost form a complete belt round to the eastern side of the city and down the Rideau and on all the flat ground along the Rideau River, extending up as far as Earnscliffe, while in front, across the river, we are surrounded with more or less danger from the enormous piles of lumber on the opposite bank of the Ottawa. Had the wind been in a different direction yesterday, I do not think anything could have saved the greater part of Ottawa, and perhaps these very buildings. Another thing that struck me very forcibly while watching the fire from the terrace was the fact that, owing to the shameful way in which the grounds about the buildings are kept, notwithstanding remonstrances have been made on previous occasions, there is any amount of debris, waste paper, dead branches and limbs piled up and thrown down the lower slopes towards the river. Had any of these lighted pieces of timber which we saw floating down the river yesterday been carried towards the bank, or any sparks flying across fallen in among the inflammable material, the whole of the Lovers' Walk, as it is called, around the cliff and the trees and everything on the slope of the hill would have been swept off, and this place ruined as completely as Nepean Point has been by the construction of the approach of the Interprovincial Bridge. I think there ought to be enough public spirit among the citizens of Ottawa and all who have, as I said before, a stake and interest in the capital of the Dominion to see that something should be done to avert the fearful danger threatening this place by the amount of inflammable material which forms a sort of cordon round the city. Of course, my hon.

friend would have as much difficulty in bringing about any remedy as he had with reference to the sawdust nuisance, but it does not seem to me impracticable to have piling grounds at certain distances from the city, where the lumber could be piled, and to have legal regulations to compel mill-owners to pile their boards there, and I hope that this notice which has been given by my hon. friend Ottawa will bear fruit in the introduction of some legislation on the subject.

Hon. Mr. DRUMMOND—This is an important matter and does not affect Ottawa alone, because when a calamity like the present one overtakes a city, it becomes a matter of national and Imperial interest. Of course, the piling grounds in the very heart of the city are and must ever be a menace to the whole of the property in the city of Ottawa, and the city itself ought certainly to be disposed and impelled to make some regulations to prevent the piling of lumber within such dangerous proximity to the dwelling-houses. It must have struck every one who witnessed the calamity of yesterday that one particular cause of the rapid spread of the fire was the fact that nearly every building in the city is roofed with wooden shingles. As soon as the fire touched the roof, the shingles ignited and the upward draft of the fire carried them in all directions. I myself was witness to the fact that the conflagration leaped from Hull over to the Ottawa side, passing over to the island across the full width of the river, and that there were lumber piles on this side of the river ignited long before the piles on the opposite took fire. Not only that, but any one who saw the conflagration going on must have seen that various points, all in the line and direction of the wind, were burning at the same moment, not directly connected with the conflagration, but ignited by the flying burning material such as the shingles. In the city of Montreal the erection of wooden buildings is prohibited by the city, and the roofing with wooden shingles is also prohibited. I think it is the direct business of the government to endeavour to arrange that the piling grounds shall not be in such dangerous proximity to the city. It is the duty of the city of Ottawa, by municipal regulations, or otherwise, to prohibit, if they can, the roofing of buildings with wooden shingles. It might be a very serious business. Of course it is well to count the cost beforehand, but I do say that if nothing is done, if the old state of things is allowed to be repeated the city of Ottawa will forfeit to a large extent the claim which it now possesses, and which I think will be responded to by the whole Dominion, and not only by the Dominion but by England as well, and I commend it most seriously to the attention of the government and the municipal authorities.

Hon. Sir MACKENZIE BOWELL—I do not intend to pursue the debate upon the line indicated by the hon. gentlemen who have spoken. What they have said has been ample to call the attention of the government and the municipal authorities to the necessity of taking some precautionary measures. While I know it is not in the province of the Senate to act, it may be in the province of the Senate to suggest—and I am sure it would meet the approval of the whole Dominion under the circumstances—were the government to make an appropriation, and it could be done without waiting for the assembling of the House on Tuesday next, because I am sure all would approve of an appropriation in aid of the poor people who have been thrown out of their homes. Thousands have lost their all, scarcely knowing where to get their breakfast, or where to sleep last night. Any one who went into that portion of the city which was destroyed by fire, and saw the hundreds of women and children of the poorer classes, dependent, no doubt, upon their daily earnings for their living, thrown upon the world without a sixpence, would, I am sure, approve of the appropriation, and the whole Dominion would approve if it were made of fifty or one hundred thousand dollars in order to aid these people until they could obtain employment and secure homes for themselves, I offer this suggestion with some diffidence, because I know we have no authority to make it, but while we have no authority we have the right to suggest and throw out a hint as to what we deem the duty of the government in such a calamitous case as this.

Hon. Mr. SCOTT—I am very glad to hear the opinion expressed by the hon. leader of the opposition in reference to the course that the government ought to take in the

contribution towards alleviating, in some degree, the suffering of those who have been burnt out. The government placed ten thousand dollars at the disposal of the committee for the immediate relief of these people, and on the assembling of the House of Commons on Tuesday it is proposed to submit for the approval of that Chamber—and I am quite sure it will be approved of by this House—a vote of one hundred thousand dollars towards the fund. In reference to the larger question to which attention has been called, and which periodically has come to the minds of thoughtful men who have considered the subject during the last thirty odd years—because ever since the erection of those buildings in 1866 the presence of the lumber piles has been a menace—we have all appreciated the fact that the day would come when some terrible calamity would overtake us owing to the piling of lumber within the precincts of the cities of Ottawa and Hull. Several calamities have occurred in the last twenty-five years. Hull has been burnt out on two different occasions. The mills at the Chaudière have been burned out. The lumber piles have been burnt out. Fortunately, the occasions when the fire arose in the past were when the wind was not blowing a gale like it was yesterday, when the great velocity, created largely by the vacuum owing to the ascent of the flames tended to carry the fire long distances beyond what one ordinarily observes on occasions even of great calamities. Some of the burning embers from the piles of lumber were carried a distance of a quarter of a mile to other piles and ignited them. so that it was absolutely impossible for the firemen—even when reinforced, by a considerable number, to cope with the calamity, and we all recognize how important it is that the suggestion of my hon. friends who have spoken, and should receive attention and be reinforced on the present occasion if it is at all possible. Whether this parliament can do it, I am not at all prepared to say. My hon. friend blames the government for allowing the boards to be piled where they were. The boards were piled on private property.

Hon. M. CLEMOW—No, government property.

Hon. Mr SCOTT—Then the lots are held under long leases.

Hon. Mr. CLEMOW—They can be cancelled at a moment's notice.

Hon. Mr. SCOTT—I do not know that.

Hon. Mr. CLEMOW—I know that.

Hon. Mr. SCOTT—The piles of boards, which are the principal danger, are behind the Perley Home for Incurables. Unfortunately, in erecting these buildings wooden tops were put on. The attics of the eastern block and the main building are a mass of wood. In the near future I hope copper tops will be constructed in lieu of the dangerous roofs that cover the public buildings. Hon. gentlemen will remember how hopeless it was, when the western block took fire, with all the firemen concentrated here, to subdue the fire from the Mackenzie portion of the block round the front on Wellington street and up the side facing the square. It was just like one mass of wood. Since that time, it has been constructed of metal and covered with copper, and is now safe, but the eastern block is in the same condition in which it was when erected thirty-four years ago. I do not know so much about the parliament building, although I presume the roofs are in very much the same condition. But the question of parliamentary interference with the piling of lumber within the city limits is a very important one. There is but a small portion of the ground that is leased from the Crown, and that portion has been held for the last twenty-five years under lease. My hon. friend says we could cancel the lease. One does not like to cancel leases.

Hon. Mr. CLEMOW—Why not ?

Hon. Mr. SCOTT—I do not think my hon. friend called attention to it ten years ago when his friends were in power.

Hon. Mr. CLEMOW—I did.

Hon. Mr. SCOTT—I am glad to hear that, but I am sorry his voice was not heard. A menace of that kind should be removed, but piling lumber on private grounds is a matter within the control of the owner, unless municipal regulations prevent it. The only way we could interfere with it—and I presume it would be one of the methods we would have to resort to if it was continued—would be to make it a misdemeanour to pile within a certain distance of those buildings or within a given distance of the capital of

the country. It is a very easy matter to do that. We could stop it in that way, but that is the only way in which it could be done, as far as I can see. The city of Ottawa could stop it under the authority of the municipal regulations. I do not know what the powers of the city of Hull are, and I do not know whether they could stop it or not, but hon. gentlemen know that the influence of men who have such vast sums invested in property of that kind is always an obstacle to municipal bodies interfering. The time has come when prompt action should be taken, and the piling of lumber in the future within a certain distance of these buildings should be stopped, even if it is necessary to make it a criminal offence. The facilities which now exist, owing to the electrict power here and the character of the country round Hull and Ottawa, render it very easy to run the piling grounds out a distance. That can be done as it is in other localities. At one time Ottawa depended on the lumber trade for its industry. There was no other industry here, and the practice of piling boards round here grew from that fact, and men were given bonuses to build mills and no restraint put upon them about throwing sawdust in the water or piling lumber in the immediate vicinity of their mills. Any one witnessing the fire yesterday must have felt that it was simply the direction in which the wind was blowing that prevented the fire sweeping over the city of Ottawa. It was absolutely idle to attempt to cope with a fire which carried embers a quarter or half a mile, and started fires at remote distances. I have no doubt observers at the time thought that it was not possible that such buildings could be reached. Take the gap between Hull and Ottawa. Who would have dreamt of the fire crossing the river? The mills of Lord & Hurdman, on the other side, were burned, but Booth's mill on this side was not burned.

Hon. Sir MACKENZIE BOWELL—Because they had lots of water.

Hon. Mr. SCOTT—The wind cut a swathe in a particular line, but certainly it would not have crossed the Ottawa River if the embers had not been carried from the lumber piles on the other side. I shall be very glad indeed to call the attention of my colleague to the observations made by hon. gentlemen with the hope that the subject will receive due consideration, and if possible, that some proposal will be made which will render it impossible for a similar catastrophe to happen in the future.

Hon. Mr. PROWSE—This is a very opportune time for public opinion to be fully expressed upon this very important subject. I do not think it is desirable to make any extended remarks after what has been said by different hon. gentlemen, and I am only sorry that the hon. gentleman from Ottawa has not embodied the sentiments he has expressed, and which I am sure are entertained by all members of the House, in a resolution. I believe it would pass unanimously in this House. It would have the effect of every member of the House giving his assent to the proposition, and this is the most opportune time to bring such a pressure upon the government, so that they may come to a prompt decision on this matter. We know they have to contend against powerful influences. Money has great influence in this Dominion of ours and all over the world, and those men who are storing their lumber near these buildings are men of very great influence and wealth, as the hon. gentleman who has been fighting the sawdust question for a number of years without success knows. I think at the present time we could bring such influence to bear upon the government that they could act with a firm hand and pass legislation necessary to protect this city and the parliament buildings in connection with it.

Hon. Mr. POWER—I agree with the hon, gentleman from Murray Harbour that it is a good time for speaking out. I quite concur in what has been said with respect to the calamity of yesterday. No doubt the lumber piles very considerably increase the danger, and as suggested by the hon. Secretary of State, it is barely possible that parliament might be able to deal with the question of the lumber piled in these places by making it a criminal offence to pile lumber within a certain distance of these buildings. but we must all realize that if there had not been a lumber pile in Ottawa or Hull the number of persons rendered homeless by yesterday's fire would have been just about the same.

Hon. Mr. PRIMROSE—Oh, no.

Hon. Mr. POWER—Calamities of the same kind happened in Hull on, I think, three dif-

ferent occasions previously. The city of Hull has been nearly destroyed by fire on two occasions within my memory, and when one asks why are not regulations made by the municipality of Hull to prevent the erection of inflammable wooden shanties there, he is told that the people are too poor to build in brick or stone; but I think that as a rule the people who own those wooden buildings are not the poor people who live in them, but comparatively wealthy people who lease the houses to tenants. That is the case on the Ottawa side of the river at any rate, The municipality of Hull may not be willing to act, and I do not think that there is in this parliament any power to compel them to act, but that is not altogether the case with the city of Ottawa. The government have undertaken to do certain things for the city of Ottawa. They are making a large annual payment to the city; and it occurred to me, while this discussion was going on, that in order that the lesson of this fire may be made useful, the payment of this hundred thousand dollars for the relief of the distress in the city of Ottawa might be made conditional on the city council passing regulations to prevent the erection of wooden structures in the city.

Hon. Mr. McDONALD (C.B.)—And Hull also.

Hon. Mr. POWER—There would be the same opportunity to act there. It may seem a heartless proceeding; but it is kinder, in the long run, to insist that those wretched tinder boxes shall not be re-erected. If the town of Hull had been build of brick the conflagration of yesterday would not have taken place, nor the two former conflagrations. As a matter of justice, not only to Hull and Ottawa, but to the country generally, and with a view to preserving this and other public buildings, the government should insist that the city council of Ottawa and the city council of Hull shall pass such regulations as will provide for the construction of less inflammable buildings in the two cities.

Hon. Mr. DEVER—My experience of fire has been similar to this which occurred yesterday, and while I have listened with a great deal of pleasure to the views expressed by several hon. gentlemen, I think a good deal of blame has been laid upon parties who, in my opinion, after all are not so much to be blamed for what has taken place. In 1877 the city of St. John, had one of the greatest fires that ever occurred on this continent. By that fire we lost solid buildings covering an area of two hundred acres. It is well known at that time we had no lumber piles in the neighbourhood. The fire originated in a wooden barn and extended to other wooden houses along the course of that fire. It has been said by some hon. gentlemen who preceded me that sparks were known to float from this fire across the river and ignite houses on the other side. At St. John, where there was no river for the sparks to float over, I have known sparks to fly a distance of nearly a mile from where the fire originated. I was myself helping with other gentlemen to extinguish the sparks that floated through the air and fell on the roofs of buildings, and while I was there I observed a small spark about the size of a honey-bee moving through the air. It lit upon the side of a building and in an instant it broke into a flame as large as a sunflower, and from that spark the fire spread in that locality. From the experience we have had in St. John, where there were no lumber piles, but simply a continuation of wooden buildings, it is necessary to pass a law to prohibit the erection of wooden buildings. As far as I am aware, no authority in Ontario has the power to do that, except the local legislature. I do not think the municipality of Ottawa has such power, unless they got it in the past through the local legislature.

Hon. Sir MACKENZIE BOWELL—The Municipal Act gives the municipalities in Ontario power to pass by-laws.

Hon. Mr. DEVER—It is hardly fair to expect the general government to interfere in a matter such as this, because it is not in their province; but the municipality of Ottawa should make application to the legislature of Ontario for power to enable them to prevent the piling of lumber within the city limits, and also preventing the building of wooden buildings within the city boundaries. But when we take into account the effect on poor people, what are they going to do—they cannot re-erect brick buildings.

Hon. Mr. CLEMOW—Brick is cheaper now than wood.

Hon. Mr. DEVER—I doubt that.

Hon. Mr. CLEMOW—I do not doubt it; I know it.

Hon. Mr. DEVER—We passed a similar law in New Brunswick, and there are sections of our city now in which we cannot build anything but brick covered with slate or gravel. As far as the slates are concerned I think they are a great protection against fire, but gravel roofing, in my opinion, is very little better than shingles. In fact, in the great fire in St. John in 1877, expensive buildings covered with gravel roofing ignited just as rapidly as if they had been covered with shingles, and the consequence was there was nothing left of them after the fire but piles of ashse. The subject is one worthy of a good deal of consideration. Nothing can be done until it is worked out by some commission which will study the question fairly, and bring home to the proper authorities such views as will induce them to adopt laws that will meet the necessities of the case without oppressing the poor. I am very much pleased to hear that the government is about to act in supplying immediate relief for the suffering which must prevail in Hull and Ottawa at present. In St. John when we had that great fire we were very much gratified to receive help from the world. Our fire caused such suffering then that no local aid that we could render was sufficient to supply the wants of those who had been completely denuded of everything they possessed in the world.

Hon. Mr. POIRIER—What was the loss in St. John?

Hon. Mr. DEVER—With a population of 45,000 we lost $27,000,000 in that great fire, we had only $7,000,000 insurance, and the balance of the twenty-seven millions was lost by the people of the city. The loss by fire here will not amount to so large a sum, still it is so general, from what I have observed from parliament hill, the desolation is so extensive that I think it behooves the government to act promptly and see that no hardship from hunger and exposure shall be permitted. I am very much pleased to learn from the remarks of the hon. Secretary of State, that the government have already advanced a small amount which will perhaps meet the immediate wants of the destitute people, but a very large amount, in my opinion, will be required to be of any adequate service, for the large population deprived of their homes and means of living.

Hon. Sir MACKENZIE BOWELL—There is another point to which I should like to call the attention of the Secretary of State. I do not vouch for the truth of it, but I heard it mentioned that the supply of water in connection with this building is so small that there would not have been enough yesterday had it been necessary to utilize the hose which was placed across the lawn in order to put out any fire which might take place amongst the debris on the slope of the hill. I am informed that all the appliances for supplying water in large quantities have been removed, and that we are dependent altogether upon electric power to secure the quantity of water that would be necessary in case of a fire either in the building or on the grounds. The breaking of a wire or the burning down of a pole, of course, would render all the appliances for fighting the fire useless, if they are dependent on electric power generated at the falls. Whether that is correct or not, I cannot say, but it has been so stated on the street and in the press, and if such be the case it is the duty of the government to adopt such means as will prevent us from being at the mercy of the cutting the wires which supply the power to work the fire appliances. There should be, in addition to that, some other power, I saw some men pouring water down the slope yesterday, and I was told that it came from a tank, but that it would be of no use in case of a large conflagration. I thought it my duty to call the attention of the Secretary of State to what is said on the street and in the press, and if any defects of that kind exist they should de remedied.

Hon. Mr. SCOTT—My hon. friend is misinformed. When the western block was destroyed it was found that the supply of water was wholly inadequate.

Hon. Sir MACKENZIE BOWELL—Was it not because the hydrants were frozen up?

Hon. Mr. SCOTT—No, it was because the pipes were too small.

Hon. Sir MACKENZIE BOWELL—It was so stated.

Hon. Mr. SCOTT—The chief difficulty was that the pipe on the north side of Wellington street was entirely too small. An arrangement was made with the city in consideration of the money we are paying them, that a large pipe should be put in exclusively for the use of these buildings, and that has been done, but up to the time of the fire in the western block there was no direct supply. The water was pumped into tanks above. Those tanks were wholly inadequate when the supply was needed, so a direct pressure was obtained from the power house. It is not electric but water pressure, and is not at all dependent on the wires or the poles that hold the wires.

Hon. Sir MACKENZIE BOWELL—Supplied by the water works of the city?

Hon. Mr. SCOTT—Yes, through a large pipe. Ordinarily there is a very good pressure, but yesterday all the hydrants in the neighbourhood of the fire were open, and everybody had opened the faucets who had a faucet to open. Even in lower town, believing the water works might be destroyed, they accumulated a body of water for fear they might need it, and that reduced the pressure considerably, and it would explain why there was no pressure in the hose which the hon. gentleman noticed. Ordinarily we have very good pressure, and the pipe is large—twelve inches I believe, and supplies the buildings from the power house itself.

BILLS INTRODUCED.

Bill (111) 'An Act respecting the St. Clair and Erie Ship Canal Company.'—(Hon. Mr. Clemow.)

Bill (122) 'An Act respecting the Lake Erie and Detroit River Railway Company.'—(Hon. Mr. Power.)

Bill (117) 'An Act respecting the National Sanitarium Association.—(Hon. Mr. Scott, in the absence of Hon. Mr. Mills.)

THIRD READINGS.

Bill (72) 'An Act respecting the Merchants Bank of Halifax, and to change its name to "The Royal Bank of Canada,"' as amended.—(Hon. Mr. Power.)

Bill (82) 'An Act to incorporate the Crown Life Insurance Company,' as amended.—(Hon. Mr. Macdonald, B.C.)

SECOND READINGS.

Bill (M) 'An Act for the relief of Gertrude Bessie Patterson.'—(Hon. Mr. Clemow.)

Bill (N) 'An Act for the relief of Gustavus Adolphus Kobold.'—(Hon. Mr. Clemow.)

CANADIAN LOAN AND INVESTMENT COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (76) 'An Act to incorporate the Canadian Loan and Investment Company.'

He said: I believe there is some objection to this Bill by some hon. gentlemen, but they have come to an understanding with the promoters that they will state their objection before the Committee on Banking and Commerce.

Hon. Mr. ALLAN—I imagine there will be some objection raised to the name, because it is borne by other companies. That can be remedied in committee.

Hon. Mr. McDONALD (C.B.)—This is a very important Bill. It transforms a terminating company into a permanent stock company and the stockholders of the terminating company should be properly protected in the permanent company to be created by this Bill. All that I am interested in is that the rights and interests of the stockholders of the terminating company should be thoroughly protected in this Bill. I think the period of the existence of the terminable company was limited to fifty years. Ten years of that time has elapsed, and any reserve funds or money matters in connection with the old company that the stockholders would be entitled to from now to the end of the term should be secured to the stockholders in the new company. The solicitor of the company is willing to make a concession on this point, but not altogether to the extent that I would wish. I am willing that the Bill should go to the Committee on Banking and Commerce and be discussed there. I have no doubt that the committee will amend the Bill so as to make it satisfactory.

Hon. Mr. POWER—There are some other features about this Bill beside that to which the hon. gentleman from Cape Breton has referred, which deserve the attention of

the Committee on Banking and Commerce The fourth clause of the Bill provides:

Ninety thousand shares of permanent preference stock, which shall be entitled to such cumulative dividend, not exceeding six per cent per annum, as shall from time to time be declared by the directors, and shall be provided for out of the net earnings of the company before any dividends are paid upon the ordinary permanent stock of the company, but the said permanent preference stock shall not be entitled to participation in any further profits of the company.

As I read the Bill, that accumulated preference dividend to all the holders of preference stock—there are ninety thousand shares—takes precedence of the payments to the present holders of the terminating stock of the old company. That is manifestly unjust. The fifth clause of the Bill provides that the terminating stock—that is the stock held by the present members of the company—shall be entitled to such dividends as shall be declared from time to time by the directors. Under the original Act these stockholders were entitled to the whole of the dividends—to all the net profits, and under this fifth clause of the Bill they will be only entitled to such dividends as shall be declared from time to time by the directors, out of the net earnings, and they will be postponed to the payment of the 6 per cent accumulated preference dividend on the ninety thousand preference shares. It is clear that that is a very unfair proceeding. Then the seventh clause says:

The shareholders of the old company holding shares of terminating stock therein are hereby declared to be the holders respectively of shares of the terminating stock of the company to the same extent and with the same amount paid up thereon as they are holders respectively of such shares in the old company.

But there is no protection to the rights of these terminating shareholders which have already accrued. They are left to be dealt with by the directors. The fourteenth clause of the Bill provides a thing which I think is objectionable, that the company may lend upon its terminating stock. I think the general Act prohibits a company from lending on its own stock. I particularly direct the attention of the chairman of the committee to the fifteenth clause. The Loan Companies Act has put wise restrictions on the powers of corporations to lend money. The fifteenth clause of this Bill undertakes to ignore these restrictions. In addition to the securities on which they are allowed to lend by the Loan Act of last year, this clause empowers the directors to lend to any body corporate, or to any municipal or other authority, or to any board or body of trustees or commissioners, upon such terms as to the directors seem satisfactory. There is practically no restriction on the lending powers of the company. There are other clauses, the sixteenth for instance, which are objectionable; but I do not wish to take up the time of the House. I simply wish to emphasize the necessity of considering the Bill with even more than the usual care and attention which the committee bestows upon the Bills brought before it.

Hon. Mr. ALLAN—The promoters of the Bill, and also those who are opposed to the Bill will no doubt be present, and the hon. gentleman's suggestion will be carefully considered.

Hon. Mr. POWER—If the objection of the hon. gentleman from Cape Breton is removed, he naturally does not trouble himself about other things; and very often objectionable provisions escape the attention of the committee if they are not directed to it. I am not a member of the committee.

Hon. Sir MACKENZIE BOWELL—The Act of last year gives power to loan on the stock of a company on certain conditions. This provides for loaning on 80 per cent of stock. The restriction in other companies is, I think, much less. It is also provided that it must be on paid-up stock and not on the full amount of the stock held.

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

AN ADJOURNMENT.

Hon. Mr. SCOTT—Hon. gentlemen will notice that the Minister of Justice is absent from his place to-day. He was slightly indisposed and called in a physician, who advised him to lay up for a day or two. As we shall have very little on the Order paper for Monday, I would suggest that when the House adjourns to-day it stand adjourned till Tuesday. Yesterday the House of Commons adjourned till Tuesday. If this meets with the approval of hon. gentlemen I move that when this House adjourns to-day it stands adjourned till Tuesday at 8 o'clock in the evening.

Hon. Sir MACKENZIE BOWELL—It has been suggested by a number of hon. gentleman around me that it would be much more convenient for them if we could adjourn until Wednesday, as the Commons has adjourned until Tuesday. It would give hon. gentlemen an opportunty to reach their homes and transact any business they require to transact. The chances are we will be here pretty late in the summer. If I thought it would interfere with the business I would not suggest it, but looking at the paper before us we have little to do, and considering the probabilities of the debate continuing in the lower House for some time to come. I throw out the suggestion to meet the convenience of hon. gentlemen.

Hon. Mr. SCOTT—Make it three o'clock.

Several hon. MEMBERS—Eight o'clock.

Hon. Mr. KERR—I think it will suit the convenience of the majority of the House if we ajourn until Wednesday at eight o'clock.

Hon. Sir MACKENZIE BOWELL—If we have to meet at three o'clock on Wednesday it necessitates a night journey to get here, unless we come the day before, and we are all getting so old and feeble we do not want to travel at night.

The motion was amended and agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, May 2, 1900.

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

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (S) 'An Act to secure proportional representation to Shareholders on Boards of Directors of Corporations.'—(Hon. Mr. Lougheed.)

Bill (T) 'An Act respecting Uusury.'—(Hon. Mr. Dandurand.)

THE CASE OF LIEUT.-COL. WHITE.

MOTION ALLOWED TO STAND.

The order of the Day being called:

By the Hon. Sir Mackenzie Bowell, K.C.M.G. :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate all correspondence between the Minister of Militia and Defence, Major General Hutton, Lieut.-Col. Foster, chief staff officer; Lieut.-Col. Holmes, D. O. C. Military District No. 1; the Deputy Minister of Militia or any other official of the Department of Militia and Defence, and Lieut.-Col. W. W. White, of Guelph, Ont., relating to or in any way connected with the selection of and subsequent removal of the said Lieut.-Col. White's name from the list of officers of the Canadian militia to undergo a course of instruction in the duties of general staff officers at the Military College, Kingston.

Hon. Sir MACKENZIE BOWELL—Is my hon. friend the Secreatry of State ready to consider this question?

Hon. Mr. SCOTT—I wrote to Dr. Borden the day that my hon. friend mentioned this matter before, and received the following reply :

The General did not reply direct to the Deputy Minister, so far as I remember. Any communication which he may have made was confidential to myself, and is not on the files of the department. In reference to Lieut.-Col. Holmes, I do not think there is any such letter, probably a simple memorandum on the letter to White. I will, however, make further inquiries.

The motion was allowed to stand.

DREDGING AT ST. MICHEL WHARF.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Did the government cause to be made, during the years 1898 and 1899, any works in the River St. Lawrence, in the neighbourhood of St. Michel wharf, in the county of Bellechasse?
2. To what amount in each year?
3. What is the name of the dredge employed for these purposes?
4. Who had the direction of these works, and what was his share in the amount disbursed?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are : 1. Yes. 2. In 1897-8, $591.92 ; 1898-9, $5,873.86. 3. In 1897-8, the dredge *St. Louis* and the *Twin*, stonelifter ; in 1898-9, the dredge *Nithsdale* and stonelifter No. 1. 4. The work was under the general superintendence of Mr. Jas. Howden and the special supervision of the captain of the dredge—they each received their regular salaries.

PENITENTIARY BINDER TWINE.

INQUIRY.

Hon. Mr. KIRCHHOFFER inquired :

What quality of hemp, sisal or other material has been purchased by the government since the 1st day of July, 1899, for the purpose of manufacturing binder twine in the penitentiaries of the Dominion, the price paid therefor, and the names of the parties from whom said materials were purchased?

Hon. Mr. SCOTT—The answer sent to me by the Department of Justice is as follows :

It is deemed prejudicial to the interests of the department and unfair to purchasers to give information regarding the cost of materials or the prices at which the twine is sold until the output of the year has been marketed. This principle has been adhered to since the inception of the industry.

Hon. Sir MACKENZIE BOWELL—I think there is a mistake in the wording of this motion, and the word 'quality' should be 'quantity.'

Hon. Mr. SCOTT—It is 'quality' in my copy. I have sent the question down to Mr. Stewart who has charge of it.

Hon. Sir MACKENZIE BOWELL—The answer is not pertinent to the question. My hon. friend asks what quantity of material has been purchased. There is nothing in the answer relating to the question.

Hon. Mr. MACDONALD (B.C.)—It refers to quality.

Hon. Mr. SCOTT—There are various qualities.

Hon. Sir MACKENZIE BOWELL—I want to point out that the question asked by the hon. gentleman for Brandon has no reference whatever to the price at which the government has sold it to the parties who are speculating in it. It is simply asking how much raw material has been purchased and the price paid for it and the parties from whom it is purchased.

Hon. Mr. SCOTT—The question is as to quality, and the answer relates to the question.

Hon. Mr. KIRCHHOFFER—I will amend the question, and substitute the word 'quantity' for 'quality.'

Hon. Mr. SCOTT—The same objection would apply as to the price of the article. It is now on the market and it would not be quite fair that the price paid for the article itself should be announced.

Hon. Sir MACKENZIE BOWELL—My hon. friend misapprehends the question. The question is as to the quantity of raw material out of which binder twine is manufactured and the price paid for it, and the parties from whom it was purchased.

Hon. Mr. SCOTT—Then my hon. friend must change his question.

Hon. Mr. KIRCHHOFFER—I will alter the question and make it read in the way suggested.

Hon. Mr. SCOTT—Then I will send it to the department.

The inquiry was allowed to stand.

THE MANITOBA SCHOOL QUESTION.

INQUIRY

Hon. Mr. LANDRY inquired :

Whether, since the commencement of the present parliament, the government, or any one of the members of the present administration, in the name or for the government, has received from the government of Manitoba, or from the Catholic minority of that province, or from the episcopate of any of the provinces or any member thereof, any communication whatsoever, in the form of a demand, of a claim, of a protest, or otherwise, on the subject of the Manitoba school question?

Hon. Mr. SCOTT—I think not, as far as I have been able to find out.

Hon. Mr. LANDRY—How far ?

Hon. Mr. SCOTT—All the inquiry I could make from those who would have the information—from members of the government.

MONTMAGNY POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is the building acquired by the government from the Seminary of Quebec for the use of the post office in the town of Montmagny, by consent of the government simultaneously employed for other uses?
2. To what other uses does the building serve in which the post office of Montmagny is held?
3. Who is the guardian of such building?
4. What is the salary of this guardian?

Hon. Mr. SCOTT—To inquiry No. 1, the answer is, yes. 2. Occupied by town and parish council, a bank and is used as a public hall. 3. John Lespérance. 4. The rents derived from the above leased rooms go to pay the caretaker's salary and minor expenses, &c. The department pays no regular salary.

CONSTRUCTION OF THE STEAMER *MINTO*

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that

His Excellency will cause to be laid before the Senate:

1. Copies of specifications used in making contracts for the construction of the steamer 'Minto.'
2. Copies of all notices calling for tenders for offers to build said steamer.
3. Copies of all tenders received for the same.
4. Statement showing actual cost of said steamer, contract price and extras being stated separately.
5. Statement of extras, showing their nature in detail.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I should like to ask the Secretary of State whether he is prepared to submit the papers moved for some time ago with regard to the supply of oil to the Intercolonial Railway.

Hon. Mr. SCOTT—I have heard nothing more of them. The Minister of Justice wrote to the department about them, and, I think, saw the minister several times. They have not been sent over to me.

Hon. Mr. FERGUSON—Will my hon. friend inquire when they will be brought down ?

Hon. Mr. SCOTT—I shall.

Hon. Mr. LANDRY—I should like to know if the hon. gentleman is prepared to submit to the House the return to the address that I moved for on the 23rd March, relating to the deeds passed by the government and the seminary of Québec for the purchase of the site on which the post office is built at Montmagny, and which was promised.

Hon. Mr. SCOTT—I shall make inquiry.

Hon. Sir MACKENZIE BOWELL—While the hon. gentleman's mind is being refreshed, I would call his attention to the fact that some returns moved for last session have not been brought down. I should like to call his attention to the promise he made lest session that these returns should be brought down before the next election. I suppose if they do not come down this session there will not be an election until after another session. If we are to have an election before another session, I should like to have them this session.

Hon. Mr. SCOTT—I thought the return was brought down ; I know some supplementary ones have been brought down. I make appeals to my colleagues for them, and use every effort I can to obtain them. Will my hon. friend mention what particular ones are still missing ?

Hon. Sir MACKENZIE BOWELL—The Railways and Canals.

Hon. Mr. SCOTT—I think I brought that down.

Hon. Sir MACKENZIE BOWELL—No, not complete.

Hon. Mr. FERGUSON—I think the hon. Secretary of State should join this side of the House in voting want of confidence in his colleagues.

Hon. Mr. SCOTT—If the papers were under my control they would be brought down, certainly.

COMOX AND CAPE SCOTT RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN, in the absence of Hon. Mr. Reid, moved the second reading of Bill (35) 'An Act to incorporate the Comox and Cape Scott Railway Company.' He said : The hon. gentleman from Caribou (Hon. Mr. Reid) has left for home, and will not return this session, and he has requested me in his absence to move the second reading of the Bill.

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

SECOND READINGS.

Bill (88) 'An Act to incorporate the St. Mary's River Railway Company.'—(Hon. Mr. Lougheed.)

Bill (R) 'An Act to incorporate the St. Lawrence Terminal and Steamship Company.'—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (111) 'An Act respecting the St. Clair and Erie Ship Canal Company.'—(Hon. Mr. Clemow.)

Bill (122) 'An Act respecting the Lake Erie and Detroit River Railway Company.'—(Hon. Mr. Power.)

NATIONAL SANITARIUM ASSOCIATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (117) 'An Act respecting the Na-

tional Sanitarium Association.' He said: This Bill consists of two clauses only. Clause one authorizes the company to borrow moneys, and clause two provides for the appointment of trustees. I find that the association was incorporated in 1896. Mr. Massey, of Toronto, Lord Strathcona, Mr. Gage, of Toronto, Senator Cox and other gentlemen were its promoters. It is for a very excellent purpose.

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

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 3, 1900.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE CASE OF LIEUT.-COL. WHITE.

The Order of the Day being called:

By the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, all correspondence between the Minister of Militia and Defence, Major-General Hutton, Lieut.-Col. Foster, Chief Staff Officer, Lieut.-Col. Holmes, D. O. C. Military District No. 1, the Deputy Minister of Militia or any other official of the Department of Militia and Defence, and Lieut.-Col. W. W. White, of Guelph, Ontario, relating to or in any way connected with the selection of, and subsequent removal of, the said Lieut.-Col. White's name from the list of officers of the Canadian Militia to undergo a course of instruction in the duties of General Staff Officers at the Military College, Kingston.

Hon. Sir MACKENZIE BOWELL—The Hon. Secretary of State said yesterday, in the memo. which he read, that the Minister of Militia and Defence would make further inquiry as to the existence of a letter from Lieut.-Col. Holmes.

Hon. Mr. SCOTT—He has not given me further information.

Hon. Sir MACKENZIE BOWELL—Then I shall let this motion stand until Monday.

The notice was allowed to stand.

Hon. Mr. SCOTT.

OTTAWA-HULL FIRE RELIEF BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (147) 'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial year ending 30th of June, 1900.

The Bill was read the first time.

Hon. Mr. SCOTT—This Bill has been introduced for the purpose of giving effect to the proposal of the government to contribute one hundred thousand dollars to the Ottawa-Hull Fire Relief Fund and also the sum of twenty thousand dollars for the erection of a post office in Hull, and twenty-one thousand dollars on account of the iron bridges over the slides, which the government will have to re-construct. With the consent of the House I move that the Bill be read the second time at length presently, suspending Rule 45.

The motion was agreed to and the Bill was read the second and third times and passed.

BILL INTRODUCED.

Bill (121) 'An Act respecting the Ontario Power Company of Niagara Falls.'—(Hon. Mr. McCallum.)

NOVA SCOTIA STEEL COMPANY'S BILL.

SECOND READING.

Hon. Mr. McKAY moved the second reading of Bill (24) 'An Act respecting the Nova Scotia Steel Company.' He said: This Bill is to empower the Nova Scotia Steel Company to dispose of their entire business and also to give them power to sell it, either by accepting stock in another company, or to sell for cash. It also gives them power to wind up the old company without resorting to the Winding Up Act, but it does not go into force until sanctioned by a two-thirds majority of the shareholders. I am told there are some serious objections to the Bill. It accidentally fell into my hands one evening, and I have no instructions about it whatever. The objections I presume can be better laid before the committee than anywhere else, and for that reason I propose to send it to the Committee on Banking

and Commerce, where all persons interested can have due notice of it.

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

Hon. Mr. SCOTT—I understand my hon. friend from Cumberland (Mr. Dickey) had some objection to the Bill, particularly to a clause that he thought gave the company very wide powers of amalgamation. I have not myself looked into the Bill, and am not in a position to make any comments on it.

Hon. Mr. McKAY—I had a conversation with the hon. gentleman from Amherst this morning, and he decided that whatever objections are to be made to the Bill shall be made in committee. I therefore move that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. MILLER—The Committee on Private Bills.

Hon. Mr. McKAY—It is an important Bill, and I think it would be better to send it to the Banking and Commerce Committee.

The motion was agreed to.

LOAN COMPANIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (Q) 'An Act to amend the Loan Companies Act, Canada, 1899.' He said: It will be within the recollection of hon. members that last session an Act was passed respecting loan companies which gave provincial companies power to take out charters under this Act. Under sec. 6 the application may be for power to acquire the franchise and assets, &c. It has been found, in the working of the Act, that a company which has a charter from the province has no authority to transfer the franchise. It can transfer its assets, but not its franchise. The object of this Bill is simply to strike out the word 'franchise' where it occurs in the several sections of the Act. The attention of the Department of Justice was drawn to it by Mr. Lash, who was employed to secure an incorporation under the Act, and it was found that Provincial Loan Companies had not power to transfer franchises, and were unable to secure the benefit of the Act.

Hon. Sir MACKENZIE BOWELL—I would call attention to the second clause which substitutes the words 'assets, rights, credits, effects and property' for the word 'franchises.'

Hon. Mr. SCOTT—In the Bill it reads 'franchises and assets.' I presume assets would cover everything. I regard the words in the second clause as only surplusage. I presume whoever drafted this Bill thought he was going to make it more full by adding those words, but 'assets' includes everything, in my judgment.

Hon. Sir MACKENZIE BOWELL—It would not include credits and rights.

Hon. Mr. SCOTT—Yes, I think it would.

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

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns I should like to inquire of the Hon. Secretary of State if any progress has been made in the preparation of that return which I asked for a month ago.

Hon. Mr. SCOTT—What return does the hon. gentleman refer to?

Hon. Mr. LANDRY—Respecting the deeds and titles of property in connection with the purchase of the Montmagny Post Office by the government.

Hon. Mr. SCOTT—I will make inquiry.

Hon. Mr. LANDRY—The hon. minister took a note of it yesterday.

Hon. Mr. SCOTT—Yes, I have it in my notes in my room and will make inquiry.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 4, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

COMOX AND CAPE SCOTT RAILWAY BILL.

REFERRED BACK TO COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (35) 'An Act respecting the Comox and Cape Scott Railway Company,' without amendment. He said: Being apprised of a mistake in the passage of the Bill, I abstain from moving the adoption of the report, leaving the parties interested to take such action as they deem best on the presentation of the report to the House.

Hon. Mr. LOUGHEED—I move that the report be not now received, but that it be referred back to the committee. I might say that the reason of this is that in the passage of the Bill this morning, an amendment which the promoters desired to incorporate in the Bill was omitted, and this mistake can be rectified by sending it back to the committee.

The motion was agreed to.

COLONIAL LOAN AND INVESTMENT COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee of Banking and Commerce, reported Bill (76), 'An Act to incorporate the Colonial Loan and Investment Company,' with amendments. He said: The first amendment is a change in the name of the company. The House will remember that the Bill, as originally introduced in the House, was entitled 'An Act to incorporate the Canadian Loan and Investment Company,' and this was objected to by a good many other companies whose names are almost similar. The result has been that the committee and the promoters of the Bill have altered the name to 'The Colonial Loan and Investment Company,' so that there may be no confusion as to names. The next amendment is the clause relating to dividends. The words 'on the ordinary shares' were struck out. Two clauses have been added after clause 7. Then the clause which made the by-laws and regulations of the old company subject to repeal is struck out. The clause relating to the agency association is also amended. The Bill, after being discussed in the committee, was referred to a special sub-committee and carefully considered by them, and then submitted to the full committee, approved of by them and concurred in by the promoters, and by those who had been opposing the Bill on several points. Perhaps the House will allow me to move concurrence in the amendments now.

Hon. Mr. CLEMOW—I think we had better have the amendments printed and consider them on Monday.

Hon. Mr. McDONALD (Cape Breton)—This is an important Bill, and the amendments are important, and I think the House would like to have the Bill printed as amended before finally passing it.

Hon. Mr. ALLAN—I move that the amendments be taken into consideration on Monday next.

The motion was agreed to.

HOLINESS MOVEMENT CHURCH INCORPORATION BILL.

THIRD READING POSTPONED.

The Order of the Day being called,

Third reading Bill (51) 'An Act to incorporate the Holiness Movement Church in Canada.'—(Hon. Mr. Lougheed.)

Hon. Mr. MILLS—I wish to call the attention of the hon. gentleman who has charge of this Bill, to some of its provisions. I am not objecting to the Act of incorporation. I think these people are entitled to their Act of incorporation if they desire it, but there are some provisions in the measure which my hon. friend, I think, has not carefully examined. First, with regard to the holding of real estate of a certain value, of course we can clothe a corporation with capacity, but where they acquire real estate the terms upon which they hold it will be determined by the policy of the local authorities. I would call the attention of the promoters of the Bill also to clause seven, which reads:

All conveyances and instruments of the corporation shall be executed by affixing the cor-

porate seal of the Movement and the signatures of the bishop, secretary and treasurer for the time being of the Movement.

I suppose those parties are entitled to say what particular members of the society shall be authorized to make conveyances, but we could not decide what the form of the conveyance should be, except in the Territories. That would be for the legislature of the province, where the property is situated, to decide.

Hon. Mr. LOUGHEED—This does not deal with the form of the conveyance. It only deals with the execution.

Hon. Mr. MILLS—And with regard to some of the provisions of clause five, I think there would be objection. Of course the parties are entitled to take the Bill for what it is worth, but it seems to me that these provisions relating to real estate, only clothe the body with the power to take, but the province is the source from which that power is to be obtained.

Hon. Mr. LOUGHEED—I am quite willing that the Bill should stand, to permit hon. gentlemen to examine its provisions; still I cannot appreciate the force of the contention that this parliament cannot legislate as to the particular manner in which corporations shall execute a deed of conveyance. It is not seeking to legislate with regard to the from of conveyance, but the manner in which the property shall be conveyed. It simply designates the particular officers of the corporation who shall execute the deed of conveyance. It seems to me it is simply a precaution taken by parliament to dispense with any promiscuous way of alienating property.

Hon. Mr. MILLS—I am not going to press the objection.

Hon. Mr. LOUGHEED—I have no fixed opinion on the subject, because I have not looked into it. If my hon. friend desires it should stand——

Hon. Mr. MILLS—No, I am not asking that it shall stand, I am simply calling attention to the matter.

Hon. Mr. POWER—This Bill will come before the Minister of Justice for his report by and by, after it becomes law, and it is possible that then the views which the Minister of Justice has expressed here might prevail, and that would be awkward for the corporation. I make that suggestion to the hon. gentleman from Calgary.

Hon. Sir MACKENZIE BOWELL—It might depend on who the Minister of Justice was.

Hon. Mr. POWER—It does not matter who is Minister of Justice. I think it is better in the interest of the promoters of the Bill, that any doubt as to the constitutionality of their action should be removed.

Hon. Mr. LOUGHEED—I am quite willing that the Bill should stand until Monday or Tuesday, and I shall direct the attention of the Ottawa solicitors who have charge of the Bill, to the suggestion made by the hon. Minister of Justice. I move that the Order of the Day be discharged and placed on the Orders for Monday next.

The motion was agreed to.

THIRD READING.

Bill (77) 'An Act to incorporate the Congregation of the Most Holy Redeemer.'—(Hon. Mr. Bernier.)

BILL INTRODUCED.

Bill (U) 'An Act to incorporate the British American Pulp and Paper Company. (Hon. Mr. Landry.)

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, I should like to inquire of the hon. Secretary of State if he has sent the note, which he took yesterday, to the proper officer to ascertain if any progress has been made in the preparation of the return that I called for?

Hon. Mr. SCOTT—Yes, I have made the inquiry.

Hon. Mr. LANDRY—Has any progress been made?

Hon. Mr. SCOTT—These returns are made up in another department I am dependent entirely on the deputy minister for getting the information.

Hon. Sir MACKENZIE BOWELL—I call the hon. gentleman's attention to the fact

that I moved, on the 2nd of April last, for a return of the number and names of all persons to whom commissions had been given in the Mounted Police. Is there any probability of getting it?

Hon. Mr. SCOTT—I will inquire at once and give the information on Monday.

The Senate adjourned.

THE SENATE.

Ottawa, May 7, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THE CASE OF LIEUT.-COL. WHITE.

MOTION WITHDRAWN.

The notices of motion being called.

By the Hon. Sir MACKENZIE BOWELL:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate all correspondence between the Minister of Militia and Defence, Major-General Hutton, Liut.-Col. Foster, chief staff officer, Lieut.-Col. Holmes, D. O. C. Military District No. 1; the Deputy Minister of Militia, or any other official of the Department of Militia and Defence, and Lieut.-Col. W. W. White, of Guelph, Ont., relating to or in any way connected with the selection of, and subsequent removal of, the said Lieut.-Col. White's name from the list of officers of the Canadian militia to undergo a course of instruction in the duties of general staff officers at the Military College, Kingston.

Hon. Sir MACKENZIE BOWELL, said:—The question involved in this notice has been so thoroughly discussed in the Lower House that I do not think it necessary to proceed with it. I merely take this opportunity of saying that I think if the communication which took place between the Minister of Militia and the Major General was made public, the Major General would not be considered as guilty as those who have opposed him, have lead the public to believe. It will be noticed in the papers laid before parliament that the letter of the Major General written on the 2nd February, giving his reasons for the course which he had pursued, had not been made public when my motion was placed upon the paper, and in that letter, it will be observed, he states distinctly that he approves of the course suggested by the Minister of Militia in removing—I am not sure that is the word he uses, but I have the letter under my hand—the name of Col. White from the list of officers whom he had suggested to take the course at the Military College at Kingston, owing to the fact that they had taken an active part in politics. The redeeming feature, to my mind, in connection with the General is, that he must have had communication from some one that a conversation had taken place between the Minister of Militia and Col. Foster, or that the reason given for the removal of the names of Cols. White and Vince from the list of those who were to take a course at the Military School in Kingston was a pure invention on the part of the General himself. The latter supposition I do not think it possible for any one to conceive or believe. It will be noticed, however, that the Minister of Justice stated, in defence of the Minister of Militia, when this question was under discussion a short time ago in this House, that he ventured the assertion that no conversation had taken place between Col. Foster and the Minister of Militia leading to anything like a supposition that politics was the reason for the removal of these names from the list. The impression left upon my mind, and the impression that must be left upon the mind of any one who reads the remarks of the Minister of Justice on that occasion, is that no communication took place between Col. Foster and the Minister of Militia upon the question. If hon. gentlemen refer to the letter written on the 3rd of February, by the Deputy Minister of Militia, they will find that he states distinctly that there was a communication between the Minister of Militia and Col. Foster. The Deputy Minister states: You were informed of the purport of the conversation that took place between the Minister of Militia and Col. Foster, and therefore the Minister is at a loss to know how you came to the conclusion that these gentlemen were removed for political purposes. Any one reading the papers must come to but one conclusion,

and that is, that there was a conversation between Col. Foster and the Minister of Militia in which the question of politics was discussed. If you want evidence of that, read the speech of the Minister of Militia himself, in which he produces to the House of Commons extracts from different papers that had taken exception to the alleged remarks of Col. Foster at certain public gatherings, which by the by, Col. Foster denies that he ever uttered. That shows this beyond a peradventure, that they did discuss the question of politics, because the minister had in his possession extracts from *La Patrie* and other papers abusing Col. White for the course that he was supposed to have taken on a political question. Then take in connection with that the fact that Col. Foster and Col. Aylmer both wrote letters to the Minister informing him that Major General Hutton had intructed them to inform him of any conversation that might take place between them upon political matters during his absence from the city. Now the inference is clear that Col. Foster, acting on these instructions, reported to the Major General at Halifax what had taken place between the Minister and himself. Based on that, the Major General wrote the letter of the 2nd.

It is intimated to me that His Excellency is waiting to sanction some Bills, and I shall defer any further remarks for the present.

BILLS ASSENTED TO.

His Honour the Speaker informed the Senate that he had been notified by the Secretary of His Excellency the Governor General that His Excellency the Governor General would proceed to the Senate Chamber this day at 3.30 o'clock P.M., for the purpose of giving assent to several Bills passed by the Senate and House of Commons during the present session.

The House adjourned during pleasure.

After some time the House resumed.

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

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

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follow :—

An Act respecting the Kaslo and Lardo-Duncan Railway Company.

An Act respecting the British Columbia Southern Railway Company.

An Act respecting the Montreal and Ottawa Railway Company.

An Act to amend the Dominion Lands Act.

An Act respecting the Canada and Michigan Bridge and Tunnel Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Hereford Railway Company.

An Act respecting the Niagara Grand Island Bridge Company.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

An Act respecting the Canada Southern Bridge Company.

An Act respecting the Pontiac Pacific Junction Railway Company.

An Act to incorporate the Port Dover, Brantford, Berlin and Goderich Railway Company.

An Act respecting the Supreme Court of the North-west Territories.

An Act to incorporate the Canadian Steel Company.

An Act respecting the Members of the North-west Mounted Police Force on Active Service in South Africa.

An Act respecting La Banque Jacques Cartier and to change its name to La Banque Provinciale du Canada.

An Act respecting the Ontario and Rainy River Railway Company.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

An Act to amend the Act to provide for the Conditional Liberation of Penitentiary Convicts.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following :—

In Her Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

May it please Your Excellency :.

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons I present to Your Excellency the following Bill :—

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1900.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :—

In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benovelence, and assents to this Bill.

After which His Excelency the Governor General was pleased to retire, and the House of Commons withdrew.

THE CASE OF LIEUT. COL. WHITE.

Hon Sir MACKENZIE BOWELL—When interrupted I was calling attention to what I considered an important point in connection with the action of the Minister of Militia and also of the Major General. I will read now from the official paper that was laid upon the table of this House. The Major General wrote, on February 2, 1900, as follows :—

In accordance with the wishes of the hon. minister, Lieut.-Cols. White and Vance were removed from the list of officers selected by me for the staff course in consequence of their having taken a prominent part in party politics. I fully concur in the objection raised by the minister on this score, that officers who take a prominent part in politics should not be selected for the staff course, or for prominent positions on the Canadian General Staff, except when unadvoidable, or when it is advisable in the public interest. The two officers in question have been informed accordingly.

If hon. gentlemen will refer to the letter of the Deputy Minister of Militia, written to the Major General the day after the receipt of the General's letter, they will find he uses this language :

I am further instructed to inform you that the reason assigned in his letter for the minister's action is entirely erroneous and misleading.

The party referred to is Col. Foster :

And as the minister understands that Col. Foster reported to you what actually did take place when the minister struck off Lieut.-Col. White's name, he cannot understand why you should have attributed to him the reasons you assigned.

Then he adds :

The minister then told Col. Foster that he struck off Lieut.-Col. White's name because he was obviously unfit for such appointment, having only recently been retired from the Lieut.-Col. of the 30th Battalion on account of his length of service, being too old and maimed.

In the first place, he had not been removed. His time had been extended. In the second place, he had not reached the age when it would be necessary to retire him, being unfit for the position, and in the next place he is not maimed any further than the loss of one or two fingers, and the loss of those fingers occurred some years ago. During the whole time that he had been serving as lieutenant-colonel, this so-called incapacity existed. I know nothing of it beyond what I have been told by lieutenant-colonels of battalions with whom he served in brigade camps a number of years, and he is represented to be most active and energetic, and one of the best colonels there is in the country, but apart from that, it will be seen there was a conversation between Lieut.-Col. Foster and the Minister of Militia upon the question of the removal of this gentleman from the list to take the course at the military school. So that the statement made by my hon. friend opposite, that he did not believe there had been anything of that kind—or rather that he had been so informed—was not correct. I repeat, the fact that the minister had extracts from different newspapers, calling attention to the fact of Lieut.-Col's. White's speech, is an intimation that a conversation did take place, and that politics was one of the reasons why he was to be removed. What does the Minister of Militia say in his defence ? When asked if he gave any instructions upon the question, he repeated two or three times very emphatically in the House that he had given no 'official' instructions to have these names struck from the list for the reason given by Col. Foster. You can only draw the inference from that declaration that though there may have been a conversation, and though that

reason may have been discussed by Colonel Foster and the Minister of Militia, he gave no 'official' instructions to have such a letter written. But the fact remains that Colonel Foster reported to Major Hutton the purport of the conversation which he had had with the Minister of Militia under the circumstances to which I have already alluded, acting under instructions he had had from the Major General some time before the conversation that had taken place. The Minister of Militia, through the Deputy, says distinctly that there was no such reason given, but he does not deny that there was any conversation of that kind which led the General to take the position that he did. Then if hon. gentlemen look at the answer which the hon. Secretary of State read the other day, in reply to a question which I put to him, they will observe that even in that there is not that frankness which should characterize an answer given by a minister. The answer cannot but lead any one to the conclusion that there are reasons for withholding the statement made by the Major General in reply to the Deputy Minister's letter, and that those reasons are such as would bring the Major General and the Minister of Militia into direct antagonism. The minister places in the hands of the Secretary of State a reply which he read on the 2nd May. It appears at page 191 of the unrevised edition of the Senate Debate. It must have been prepared by the minister himself, or under his instruction. The minister says :

The General did not reply direct to the deputy minister so far as I can remember.

Now, is it possible that a minister, the head of a department, was not in a position to say distinctly and positively that there had not been any communication ? All he had to do was to touch the bell, call in the deputy minister and put the question clearly to him : Did Major Hutton ever reply to your letter of the 3rd ? The answer would have been, yes or no. It appears to me the answer given by the minister is evasive. The Major General did not reply direct to the deputy minister, so far as I remember, so says the minister. I can only repeat he could easily have jogged his memory by sending for the deputy or his private secretary. He adds :

Any communication which he may have made was confidential to myself, and is not on the files of the department.

We can easily understand that if there was nothing further than a conversation between these two gentlemen, it would not be on file, but it is due, I think, to General Hutton that the character of that conversation should be made known. I cannot conceive it possible that the Major General, under the circumstances, would desire to conceal any conversation which he might have with the Minister of Militia, dealing with a letter that had been written to him by the deputy minister saying that he had given instructions to write certain letters to these Lieutenant-Colonels upon a false basis. If you look at the correspondence laid before parliament in reference to Colonel Hughes, and the Major General, you will find that Colonel Hughes's private and confidential letters, written not to the department here, but to the commanders at Kingston, are published. Why ? Because these letters would lead the public to form, probably, an erroneous and unfavourable opinion of the action of the Major General. But these letters are published, and if they could be published and sent broadcast throughout the country, though marked private and confidential, why should a conversation between the head of the Militia Department and the Major General, acting under him, be considered so confidential that it cannot be made public ? The reply read by the Secretary of State goes on to say :

In reference to Lieut.-Col. Holmes, I do not think there is any such letter, probably a simple memorandum on the letter to White. I will, however, make further inquiry.

Now, when he was furnishing my hon. friend opposite with this information he could have ascertained in five minutes whether any such letter was on file in the department. I think I intimated, when I called attention to the omission of this letter from the correspondence, that Colonel Holmes's letter might not be on file in the department because it was written from London, and it is based upon a letter written by Colonel Foster, informing Colonel White that he had been removed on account of his political proclivities and the action he had taken at certain meetings. Taking that whole answer, I do not hesitate to say, without desiring to be offensive, that it is evasive in character from beginning to end, and that it is not of that frank nature which should characterize an answer given on such an important ques-

tion. All that the Minister of Militia had to say, if such were the fact, was, there is no such letter in defence of the action of the Major General written by himself, and there is no letter from Colonel Holmes, or there is such a letter. I saw the letter, not in the official record, but it was given by Colonel White in the correspondence which he published, and has been made public in the manner I have indicated. Colonel White, in the letter, repeats what Colonel Foster says, that he was removed for political reasons. I do not propose to pursue this subject any further. It is only to this point I desire to call the attention of the Senate. I hope that in the future we shall not be called upon to discuss questions of this kind, affecting the militia, the volunteer force or the regular force. Notwithstanding the accusation made by the senior member from Halifax, that I have been actuated by political motives in the course I have taken, I am utterly opposed to the introduction of politics in any way, directly or indirectly, into any matter affecting the militia force of this country. It would be ruinous to the force itself. Every man, Liberal or Conservative, no matter what he may be, if a loyal subject, should be treated in precisely the same way under any policy of the government, where the defence of the country is at stake. This whole discussion, to my mind, is exceedingly unfortunate. I know, from what I have heard among the volunteer force that it is likely to do a very great deal of harm. I trust sincerely that we shall never have occasion again, no matter who may be in power, to find fault with the head of the Militia Department, or that any such reason should be given for the removal of an officer from the position he holds. We all know what taking the course of instruction suggested means. It is not for active service. It is more to give advice in case of trouble. Lieut.-Col. White is one of the most active volunteer colonels we have in Ontario. He has devoted his time and money to the maintenance of the force, and when you look at the gentlemen who are on the staff now in South Africa, I do not think you will come to the conclusion that, because a man happens to be fifty-five or sixty years of age, he should be thereby disqualified from taking a course which would enable him to give information and advice in time of need. When you look at the ages of the gentlemen who are serving in South Africa at the present moment, hon. gentlemen will see that age adds at least to their experience, and experience in giving advice to younger men to perform their duties is of equal importance to their fighting capacity, General Buller is sixty-one; Gatacre is fifty-seven, Methuen is fifty-five (the age of Lieut.-Colonel White), Cleary is sixty-two; Kelly-Kenny, sixty; Warren, sixty; White, sixty-five, and Lord Roberts has reached the mature age of sixty-eight, yet he is considered not only sufficiently intellectual and vigorous for his position, but is one of the best generals in the British army, and he is placed in the important position of Commander-in-chief of the whole South African force. I say the whole course pursued by the Minister of Militia in this case—the evasive answers he has given—and I use that word with the full responsibility of its meaning, taking the facts as they exist, is not such as to redound to the credit either of the minister or those who have taken an active part in this matter. Having said this much, I desire to withdraw the motion, for the reason that the correspondence has already been laid before both Houses of parliament.

Hon. Mr. MILLS—My hon. friend has one advantage over me—he has read the correspondence, and I have not seen the correspondence to which my hon. friend has made allusion—but there are certain things that are patent upon the face of this correspondence. The hon. gentleman has stated that the Minister of Militia has refused to permit Colonel White to attend the course of special instruction at Kingston, because he was a political partisan—that this had been stated in a communication which had been made to him. The Minister of Militia has denied that statement, and he denied it as soon as the fact was brought to his notice that it had been made. That statement was denied through the Deputy Minister of Militia. It was stated by him that that was not the reason given by the minister for objecting to Colonel White taking this special course of instruction. The minister himself stated the reason, that he considered Colonel White too old, and that he was maimed. Those were the reasons that were

assigned. The minister also says that he was on the retired list. My hon. friend says Colonel White is not too old, that there are men in the British army engaged on active service in South Africa, some of whom are quite the age of Colonel White and some older than Colonel White. I do not know how that may be, but my hon. friend knows that regulations were made—I believe at the time he was a minister of the Crown, responsible for the advice he gave—which fixed the age for retirement at what it now is.

Hon. Sir MACKENZIE BOWELL—My hon. friend is astray as to the age at which an officer may take the course of instruction suggested by General Hutton.

Hon. Mr. MILLS—I know myself that political considerations did not govern gentlemen in my office. One of the clerks, a man who has always taken a great interest in military matters, holding the rank of lieutenant-colonel was recommended by the Major General to take this course of instruction at Kingston, but he has some fifteen years of life before him, before he reaches the age of sixty, and it is supposed that he could be of some service, I endeavoured to make some arrangements, and did, that the other officers in my department should undertake his work during the four or five months that he would be away in order that he might attend this special course of instruction. He is a Conservative. I did not make any objection to him on that ground. On the contrary, I endeavoured to facilitate his attendance, because I knew that he would like very much to attend, and I believed that he was a good officer and took an interest in the profession. I am quite satisfied that political considerations have never influenced the present minister with a view of doing an injustice to those who are Conservatives. There has been, I know, an anxiety on his part that men who are of the same political opinion as he is himself should have fair consideration, and I have yet to learn that because a man is a Reformer, and because a Reform administration is in power, that therefore he ought to be regarded as disqualified from receiving military employment or instruction. I believe that the present minister has been anxious, most anxious, that men of both political parties should have a fair show in all matters of promotion, and in all matters of employment. What has happened is the best possible evidence of that, and the prompt denial on the part of the deputy minister of the reasons that had been assigned by Colonel Foster for the refusal to permit Colonel White to attend the school is an evidence that that was not the reason assigned by the minister. Further than that, I know my hon. friend opposite well, and when he and his colleagues dismissed large numbers of Liberals from office they never assigned as a reason that they were political opponents. They had more sense than to give any such reason. They stated that such officials were not required in the public service. I might instance scores of cases where that answer was given. I say that it is, on the face of it, an absurd statement that the Minister of Militia should assign as a reason for not permitting Colonel White to be on the list of those who attended the Military College of Kingston to take a special course of instruction, that he was a Conservative. I say the reason itself is preposterous. No minister, if he were to act on that rule, would be disposed to put it prominently forward as a special reason. I say that the reason given by the minister is, I have no doubt whatever, the real reason that actuated him. My hon. friend says the matter must have been mentioned that he was a strong political partisan. It may have been. I do not know, I cannot say whether it was or was not, but what I do say is that it was not stated as a reason on the part of the minister for the course that was adopted.

Hon. Sir MACKENZIE BOWELL—Not an official reason.

Hon. Mr. MILLS—My hon friend alludes to what was said in the papers and to the speeches that Colonel White delivered in which he attacked with a good deal of violence the present administration, and it would not be a matter of surprise if he were regarded as objectionable, after taking the very strong course that he did, and making the very violent speeches which he did make.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend say he did make those speeches ?

Hon. Mr. MILLS—I say it is so reported in the papers.

Hon. Sir MACKENZIE BOWELL—He denies it.

Hon. Mr. MILLS—One of the papers which gives the report is a paper of the same political complexion as Colonel White himself. It is rather an extraordinary thing that a speech should be put into the mouth of a man in two newspapers that are on opposite sides politically, both of which should make the same statement. But I do not care how that may be. It is, in my opinion, a matter of no consequence, so long as it was not the reason which actuated the minister and the reason which the minister himself assigned. I am not going into a discussion of General Hutton's position, or any communication he may have made. I do not know that he made any at all. I have no information upon that subject, further than that he corrected the misstatement upon the communication of the deputy minister. I understand that General Hutton corrected the statement that Mr. White had been refused permission to attend on account of his politics.

Hon. Sir MACKENZIE BOWELL—There is nothing on the record to justify that statement, and, more than that, if my hon. friend will excuse me, the Minister of Militia states distinctly that he knows of no communication of that kind, but that there was a private conversation the purport of which he refused to give.

Hon. Mr. MILLS—I have not followed the correspondence or have not looked at any communication since this matter was up for discussion some time ago, but I understand there was a communication made that Colonel White was informed that that was not the reason for the course that was taken.

Hon. Sir MACKENZIE BOWELL—On the contrary, he is told that that was the reason, both by Colonels Holmes and Foster.

Hon. Mr. MILLS—But the correction was made, so far as the deputy minister was concerned, by a communication to Colonel Hutton.

Hon. Sir MACKENZIE BOWELL—It is evident my hon. friend has not read the correspondence. The deputy minister denies nothing. All he says is, I am instructed by the Minister of Militia to do so and so.

Hon. Mr. MILLS—Certainly. That is all he need say. He is not entitled to say anything except under instruction from the minister, and that instruction is explicit that that was not the reason assigned by the minister for the refusal to put Colonel White upon the list of those who were to attend the Kingston Military College. That I think is perfectly clear. I need not enter into a discussion of any differences that arose between the Minister of Militia and Major General. Of course they are a common occurrence. My hon. friend has been acting Minister of Militia, and I do not think he got on any more smoothly with the Major General at the time than my hon. friend who is now Minister of Militia. There has not yet been a Major General sent out from the War Office for the purpose of appointment here as Major General of the Canadian militia who has got on smoothly with the Minister of Militia.

Hon. Mr. POWER—There was one, General Selby Smith.

Hon. Mr. MILLS—My hon. friend reminds me that General Selby Smith was an exception. That may have been.

Hon. Sir MACKENZIE BOWELL—As to what?

Hon. Mr. MILLS—He had no difficulties or differences with the Minister of Militia. I say that there has been no other Major General who has got on smoothly with the Minister of Militia. Difficulties and differences are matters of common occurrence. If there should be one who would get on smoothly it would be an exception to the general rule. It always has so happened in this country that the party who is selected must have a certain military rank in the Imperial army before he is eligible, and, being selected, he seems to be under the impression that he is here as a military officer and not as a Canadian officer responsible to the Minister of Militia, who is responsible to parliament for everything that is done by the Major General in his official capacity. I say then, that this is not an unusual occurrence. But we have parliamentary government in this country, and where you have parliamentary govern-

ment you have some minister responsible for every act done by every public officer, whether a military or civil officer. And that being so, a minister cannot be held responsible for the conduct of the officer unless that officer is subordinate to him in matter of authority.

Hon. Sir MACKENZIE BOWELL—Nobody denies it.

Hon. Mr. MILLS—My hon. friend's experience all points in the opposite direction and therefore, I say, my hon. friend and every other member of the House ought to take great care and not to criticize unduly and unfairly the conduct of the Minister of Militia, because he requires the support of every hon. gentleman in this country who is anxious to uphold and maintain the principles of parliamentary government. A minister must be responsible for the efficient discharge of his duties, and still it is his duty to listen to everything that the Major General may say with regard to the organization of the force. When it comes to action, when it becomes necessary to make appointments, when it becomes necessary to approve or disapprove of a particular course, he must, after listening to everything that is said by his military officers, be prepared to assume the responsibility of deciding how far he will be guided by their advice. He is the authority whom parliament will hold responsible, and he must decide whether, in his estimation, it is proper advice to follow or not. That being so, I think that my hon. friend has pressed unduly a case against the Minister of Militia. If my hon. friend can show that by leaving out Colonel White, other parties were selected who were less competent, who were his seniors in years and less qualified to take the course which was suggested should be taken at Kingston, he would have made out a case, but to say that Colonel White was qualified, that he was not too old, that the injury which he had received in his hand did not unfit him for the work, is not sufficient. It is necessary to show that the parties who were selected as fit and proper parties to take that course, were less fit and less qualified to do so than Colonel White.

Hon. Sir MACKENZIE BOWELL—I never discussed the question of the responsibility of the minister at all. The only point I attempted to discuss was whether a certain officer was refused a right that was granted to others, on account of his politics. My hon. friend and I will not differ to any very great extent upon the question of ministerial responsibility, but that has nothing whatever to do with the question we are discussing. It is simply a question as to whether Major General Hutton deliberately concocted a scheme by which he would tell a deliberate falsehood and attribute it to the minister, or whether the minister made any statement of the character attributed to him. The minister does not deny that he had a conversation with Colonel Foster in connection with the politics of this gentleman, and I have given instances to show that the probabilities are that he had, from the fact of his producing extracts from the newspapers. Then his denial of the occurrence, that he ever gave any official instructions cannot but leave the impression upon the mind of every one that he did discuss the question of politics when he and Colonel Foster were discussing the question when he ordered the name removed. Do not understand that I concur with the Major General in his approval of the conduct of the minister. I say a volunteer officer of this country, who spends his own money, gives his own time in learning a science which may be required in defence of his country, has a right to express his opinion of any ministry who may be controlling the affairs of this country at the time, without being removed from the position in which he received not one single cent from the government for the services which he rendered. I would claim the right for myself, when I held that position, to express just what opinions I liked, and I did in the House and in the journals I controlled at the time, and on the stump, and in the administration of the affairs of the country, and I hold that no matter what the volunteer officer may be, he has a right to do that. Perhaps it would not be expedient for an officer holding a position in the permanent force to do it, but a volunteer officer who gives his time and spends his money—and I know what it requires to do it—should not be ostracised because he dares to give expression to his views upon political questions.

The notice of motion was withdrawn.

THE MANUFACTURE OF BINDER TWINE.

INQUIRY POSTPONED.

The Order of the Day being called :

By the Honourable Mr. KIRCHHOFFER :

That he will inquire of the Minister of Justice, what quantity of hemp, sisal, or other material has been purchased by the government since the 1st day of July, 1899, for the purpose of manufacturing binder twine in the penitentiaries of the Dominion, the price paid therefor, and the names of the parties from whom said materials were purchased.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Brandon, asked me to make this inquiry for him to-day. It will be remembered that when the question was put before, the word quality was substituted for quantity. The only information sought is as to the quantity, price paid, and from whom purchased.

Hon. Mr. MILLS—I may say that there is some information in connection with this which I have not yet got.

Hon. Sir MACKENZIE BOWELL—I would rather have it all together, so the notice might be allowed to stand.

Hon. Mr. MILLS—Yes. We cannot give the price at which we purchased until after the hemp is manufactured into twine and disposed of. It has always been contrary to the policy of the department to make such an announcement for reasons that are very obvious, and which would govern the case of private parties. The difficulty we may have in getting the information for which the hon. gentleman asks, as to the quantity, is that sometimes the hemp that is purchased in one year is not manufactured until after the beginning of July of the year following.

Hon. Sir MACKENZIE BOWELL—That would not affect the quantity purchased since the first of July.

Hon. Mr. MILLS—No, but the quantity purchased since the first of July might not show the quantity of hemp manufactured and disposed of since.

Hon. Sir MACKENZIE BOWELL—I did not ask that question. I simply want the quantity purchased and price paid and from whom purchased.

Hon. Mr. MILLS—We do not give the price until after the year's manufacture is disposed of. There is very great variation in the price, and has been in the past twelve or fifteen months. At the present time we are unable to purchase sisal for less than 13§ cents, the very lowest figures quoted to us. Other varieties are less, but some that we purchased before may have been purchased at a lower rate, and it would be obviously against the interests of the institution to give at the present moment the prices at which we purchased. We may be obliged to sell at even a lower rate than the price we paid for the raw material, but we do not want to do so if we can help it.

Hon. Sir MACKENZIE BOWELL—I wish to express my very great surprise at the position taken by the hon. Minister of Justice. He says it has been the policy in the past. I never knew it to be the policy in the past to refuse information as to what an article cost that was purchased by the government, and there can be no reason why the people in this country should not know what the government pays for the raw material, what it costs to manufacture and the price at which it was sold, unless there is a combination between the government and the purchasers to enable them to extort from the consumer a larger sum than he should pay. Those are the only conclusions at which any one can arrive, and there is a clause in the Customs Act providing for punishing monopolists by placing articles on the free list if there is a monopoly or combination of that kind. It was only this morning I was reading a case in a work published by Sir Henry Wrixon, probably my hon. friend has had a copy sent to him, on socialism, as a result of his visit to Canada and the United States, in which he gives a case in the latter part of the last century in which a judge in the Superior Court in England severely punished and sent a man to jail for entering into a combination to raise prices at the expense of the consumer. What reason is there why Mr. Hobbs, or any other purchaser, should have the fact kept from the public that he is making 100 or 150 per cent profit upon his purchase ? I cannot see any reason for the course adopted. It is inexpedient and impolitic, and cannot do the government any good to keep this information from the peo-

ple. I might also point out to my hon. friend that all I would have to do would be to investigate the market reports in the Philippine Islands, or wherever the manila or sisal comes from, and ascertain what the price was at the time. That would take some time, and I thought it much easier to get the information by asking the government how much did you pay for it? The trade returns and trade circulars that are issued by boards of trade and by stock exchanges in New York would give me all that information. My hon. friend may say why did you not look there for it? As I have already explained to the House, I thought it easier to ask the government what they paid for it. That is all I asked them, I did not ask what they sold it at. The country has a right to know what they paid for it and at what price they sold it to the farmers. That is a responsibility, of course, that they have assumed and it is their business.

Hon. Mr. MILLS—We assume exactly the same responsibility as the hon. gentleman's government did, and the government which preceded it, and that is to give the price when the article is marketed and not before. We give the price of the raw material and the price at which we have sold it. It is given every year. My hon. friend knows it would be putting the department in a very false position to publish the price at which we purchased the hemp. If we were always able to say, the raw material has cost us so much, the labour is worth so much and the machinery is worth so much, and there ought to be such an allowance for wear and tear of machinery and therefore the article has cost in its production a certain sum and we will sell it at that—if we could do that absolutely, there might be some propriety in what the hon. gentleman suggests. But we cannot do that. We must sell at the market price, and that price may be even less than we pay for the raw material. The government have never made anything in the manufacture of hemp.

Hon. Sir MACKENZIE BOWELL—It was never intended that they should.

Hon. Mr. MILLS—That may be. What we ought to do would be to have the same advantage as any other manufacturer, and prevent its becoming a burden and a loss on the public treasury. We are seeking to give employment to the criminal classes and seeking to do so in such a way as not to add further to the burdens of the community, and in order to do that, we must have the same right of protecting ourselves that any other manufacturer may have. To-day we may pay a very high price for raw material, and to-morrow the manufactured article may fall in price, so that we will get for the manufactured produce no more than the raw material cost us. When that is the case we are manufacturing at a loss. But when the prices are rising and the manufactured article is high, we are enabled to compensate ourselves and to protect the public against the loss that may have been sustained on former sales. We are in the manufacture endeavouring to do the best we can in the public interest, and in order to do that, we must be at liberty to withhold the statement as to the price at which we purchased the raw material until the manufactured product is disposed of, and then the public have both the price of the raw material and of the manufactured product.

The inquiry was allowed to stand.

RAILWAY BRIDGE OVER LACHINE CANAL.

MOTION.

Hon. Mr. O'DONOHOE moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a copy of the communication of J. L. P. O'Hanly, C.E., to the Governor in Council on the dangerous state of the railroad bridge over the Lachine Canal at Wellington Street, Montreal.

The motion was agreed to.

THE MANITOBA SCHOOL QUESTION.

MOTION.

Hon. Mr. LANDRY, rose to

Call the attention of this House to the following facts:

1. On the 2nd day of May, the following question was put by the Hon. Mr. Landry to the government:

'Whether since the commencement of the present parliament, the government, or any one of the members of the present administration in the name or for the government, has received from the government of Manitoba, or from the Catholic minority of that province, or from the episcopate of any of the provinces or any member thereof, any communication whatsoever, in

the form of a demand, of a claim, of a protest, or otherwise, on the subject of the Manitoba school question?'

2. On the same day the following answer was given by the Hon. Mr. Scott, as reported by the Debates of the Senate, May 2, 1900:

'Hon. Mr. Scott—I think not, as far as I have been able to find out.

'Hon. Mr. Landry—How far?

'Hon. Mr. Scott—All the inquiry I could make from those who would have the information—from members of the government?'

And moved—

1. That such an answer does not settle the question, as it gives only what the hon. Secretary of State thinks, and that not further than what he could make out himself from those who would have the proper information, leaving open to further inquiry what may be the limit of the searching powers of the hon Secretary of State.

2. That it is an easy matter to ascertain if the documents asked for do not exist, are or are not in the possession of the government, and that the only proper way to give a proper answer is to say so.

3. That unless the government declare that they are not in possession of any documents of the kind, an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a copy of all communications whatsoever received by the government since the commencement of the present parliament on the subject of the Manitoba school question, from the government of Manitoba, or from the Catholic minority of that province or from the episcopate of any of the provinces or any member thereof.

Hon. Mr. SCOTT—I have to be rather guarded in making statements absolutely in this chamber. The department over which I preside is the ordinary channel through which communications of that kind should be sent to the government. There are not communications of the kind in the department of the Secretary of State. I asked one minister, who might possibly know something about it, and he said he knew nothing about it. Since my hon. friend has referred to the subject again, I have made further inquiry, and I find that a communication has been sent to the Governor General which should come to the Privy Council, or has come to the Privy Council, and I have asked the Clerk of the Privy Council to look it up. I shall bring it down, and also any further papers I find on the subject. Many of these communications are sent to the ministers individually. Really they are not official papers. They are not put on file. They are not papers which are available to some other member of the government Where papers come through the official channel they are regularly filed. A paper coming to the Sectretary of State and intended for any member of the government, or His Excellency in Council, would go to the council in the ordinary way. I have no doubt, in matters of this kind, letters which are semi-official are addressed to individual members, are not put on the file. However, I shall have a careful inquiry nade as to all communications received on the subject.

Hon. Sir MACKENZIE BOWELL—May I ask if the communication is from the hierarchy of the Church or the government of Manitoba ?

Hon. Mr. SCOTT—Not the government. I think there were letters from the hierarchy, or probably individuals, and perhaps school bodies.

Hon. Sir MACKENZIE BOWELL—The reason I asked the question whether any communication has been received from the government of Manitoba was, I saw in the proceedings of the Manitoba legislature that some members of the legislature had moved for correspondence—it was somewhat of an unusual character I admit—between the present Premier of Manitoba and Sir Charles Tupper and Sir Mackenzie Bowell, as individuals, upon the question. All I have to say is I have not the slightest objection that any communications with which I have been connected should be brought down, but it is rather unusual to move for a return of correspondence that has taken place between gentlemen who are not acting in an official capacity. What the Premier will do in Manitoba I do not know. All I know, from reading the proceedings, is that he consented to the passage of the motion, which I presume would lead to bringing down the correspondence, if he has any. I might still further remark, in explanation of the remarks the hon. gentleman has made, it very often occurs that upon important questions of this kind the parties write direct to the Premier

Hon. Mr. LANDRY—Hear, hear !

Hon. Sir MACKENZIE BOWELL—From experience I know that to be the case, and I presume it might be continued in this case, the parties not knowing that the official channel by which to reach the Governor General is the Secretary of State. As a rule parties writing on a subject of this kind write direct to the head of the government. My hon. friend might ask the Premier if he

has the information sought by the hon. gentleman ?

Hon. Mr. SCOTT—I shall make further inquiries.

Hon. Mr. LANDRY—That is why I asked for copies of communications with the government or any member of the administration, because parties might, as the hon. gentleman has said, address themselves direct to the Prime Minister. In that case I think it might be considered official correspondence.

Hon Sir MACKENZIE BOWELL—It ought to be.

The motion was agreed to.

THE POST OFFICE AT MONTMAGNY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY, rose to inquire :

1. What amount has the government collected from the rental of Montmagny post office buildings, year by year, up to date, since the acquisition of said buildings?
2. From that amount, how much was paid to the caretaker of said building?
3. How much for the minor expenses pointed out in the answer given by the hon. the Secretary of State on the 2nd of May, and what are those minor expenses?
4. How much for the 'et cætera, given in the same answer, and what are those 'et cætera?

Hon. Mr. SCOTT—Will my hon. friend let that notice stand ? I sent twice to the department and they have sent me a volume of papers which I am not in a position to examine. The categorical questions might be answered by the department.

Hon. Mr. LANDRY—Perhaps the papers sent are an answer to the return I asked for a month ago.

Hon. Mr. SCOTT—I think I answered that the other day.

Hon. Mr. LANDRY—The minister said he would inquire.

Hon. Mr. SCOTT—This return is not in a form to present to the House. I will present it to-morrow.

Hon. Mr. LANDRY—I shall let my motion stand.

The motion was allowed to stand.

TRAVELLING ALLOWANCES OF JUDGES IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (British Columbia) inquired :

Whether the travelling allowances of the judges of the Supreme Court of British Columbia, withheld for several months on the caprice of the Auditor General, have been paid? If not, is it the intention of the government to bring in an Act of parliament to place this matter beyond the unnecessary interference of any subordinate official?

Hon. Mr. SCOTT—The allowances were paid on the 6th and 7th of April, 1900, the Treasury Board having decided against the contention of the Auditor General.

Hon. Mr. MACDONALD (British Columbia)—I am very glad to hear it. That is satisfactory.

FREIGHT ON THE INTERCOLONIAL RAILWAY.

MOTION.

Hon. Mr. WOOD moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate:

1. A return showing the number of cars that had arrived at Halifax and St. John respectively, previous to April 10 last, and which had not been unloaded at that date.
2. The dates upon which such cars arrived.
3. The names of the consignees of such cars.
4. The stations where such cars were loaded.
5. The names of the shippers.
6. The dates of shipment.

He said: I may say that my reason for making this motion is, as hon. gentlemen know, there have been a great many complaints during the last few months by shippers on the Intercolonial Railway regarding cars. They have found it impossible sometimes for weeks to obtain cars necessary for their shipments. I am informed, whether the information is correct or not, that the practice has prevailed of late of allowing persons to load cars and forward them to their destination, and that they are allowed there to stand without being unloaded for several days. I am told that in some cases they are allowed to stand weeks and even months before they are unloaded. If such practice prevails on the road it is not surprising that there is a scarcity of cars. It would be impossible for any railway com-

pany under such conditions to provide sufficient rolling stock to accommodate its patrons. My object in moving this motion is to ascertain the truth of these assertions. I may say that the complaints do not relate entirely to St. John and Halifax, but to other places along the road. I have only mentioned St. John and Halifax in order to get the return more quickly. I notice that I have omitted the words on the Intercolonial Railway. I do not know whether that is understood.

Hon. Mr. SCOTT—It is understood.

Hon. Mr. MILLS—There can be no objection to the motion which the hon. gentleman has made. I am rather surprised at the statement that a car should stand for weeks and months without being unloaded. Certainly the Intercolonial Railway adopt the same rule that is adopted by other railways, and charge demurrage, and I would not think it would pay any party to allow a car to remain without unloading it where he was compelled to pay for detention, so I think my hon. friend must have been misinformed on the subject. There has been a wide extension of the commercial business of the country, and all the railway corporations of Canada have felt it necessary to increase their rolling stock in consequence. It is not at all surprising that the Intercolonial Railway should have such an extension of business as to be unable to meet the requirements with the rolling stock which it at present possesses. I will obtain for the hon. gentleman the information which he desires.

The motion was agreed to.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are proceeded with, I would call the attention of the Minister of Justice to the fact that I moved on the 2nd of April last for a return showing the number of Bills of provincial legislatures that have been disallowed, and also correspondence in connection therewith.

Hon. Mr. MILLS—I am aware of that, and I have inquired lately. I do not know whether the returns have been prepared or not.

Hon. Mr. LANDRY—I wish to call attention, also, to the motion I made on the 26th of April, for a return of all the correspondence that took place between the government and other parties in connection with the subsidies to the railways in Gaspé. I would ask the government to hasten that return, because we shall need it when we come to discuss the question of the Gaspé short line.

Hon Mr. SCOTT—I shall make inquiry about it and try and get it.

THIRD READINGS.

Bill (O) 'An Act respecting the Western Alberta Railway Company, as amended.'—(Hon. Mr. Lougheed.)

Bill (52) 'An Act to incorporate the Morris and Portage Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (65) 'An Act to incorporate the Quebec and New Brunswick Railway Company.'—(Hon. Mr. Landry in the absence of Hon. Mr. Baker.)

Bill (66) 'An Act respecting the Cowichan Valley Railway Company.'—(Hon. Mr. Macdonald, British Columbia.)

Bill (74) 'An Act respecting the Northern Commercial Telegraph Company, Limited.'—(Hon. Mr. Macdonald, British Coumbia.)

Bill (104) 'An Act respecting the Montfort and Gatineau Colonization Railway Company.'—(Hon. Mr. Clemow.)

Bill (96) 'An Act respecting the Quebec Bridge Company,' as amended.—(Hon. Mr. Landry in the absence of Hon. Mr. Fiset.)

Bill (86) 'An Act respecting the Thousand Islands Railway Company.'—(Hon. Mr. McMillan.)

Bill (84) 'An Act respecting the Bay of Quinté Railway Company.'—(Hon. Mr. McMillan in absence of Hon. Mr. Kerr.)

Bill (91 'An Act respecting the Oshawa Railway Company.'—(Hon. Mr. McMillan in the absence of Hon. Mr. Kerr.)

Bill (88) 'An Act to incorporate the St. Mary's River Railway Company.'—(Hon. Mr. Lougheed.)

Bill (111) 'An Act respecting the St. Clair and Erie Ship Canal Company.'—(Hon. Mr. Casgrain, Windsor.)

Bill (122) 'An Act respecting the Lake Erie and Detroit River Railway Company.'—(Hon. Mr. Casgrain, Windsor.)

Bill 117) 'An Act respecting the National Sanitarium Association.'—(Hon. Mr. Allan, in the absence of Hon. Mr. Cox.)

Bill (2) 'An Act to amend the Loan Companies Act, 1899.'—(Hon. Mr. Mills.)

Bill (76) 'An Act to incorporate the Canadian Loan and Investment Company.'—(Hon. Mr. Clemow.)

ONTARIO POWER COMPANY'S BILL.

SECOND READING POSTPONED.

The Order of the Day having been called

Second reading Bill (121) 'An Act respecting the Ontario Power Company of Niagara Falls.'—(Hon. Mr. McCallum.)

Hon. Mr. McCALLUM said:—When I moved the other day that this Bill be put on the Order Paper, it was an orphan in this House, and I wanted to advance it a stage; but on looking at the matter, I wanted to ascertain, as it was an orphan, whether it was a legitimate one or not. I found that it was not altogether straight. The Bill originated in the House of Commons. It does not call for anything, so far as I can see, except an extension of time. In 1887, the company was incorporated and got three years to go on with the work. They came last year before this House and got the time further extended for two years from July next before the charter runs out. Now, they are making an application to parliament for a four years' extension. They want six years now. It may be all right, but it needs an explanation. There was no petition presented to the House for the Bill. I do not want, at this stage, to take all the objections I have against the extension of time. It is very desirable that we should utilize Lake Erie as a mill pond and Niagara River as a race to develop electrical power in Canada. We know there is great jealousy in New York State against any Canadian company doing work on this side, and now if we are going to give these parties the extension of time that they seek, the people on the other side can afford to deal very liberally with them. They can pay them a large amount of money to block this Canadian enterprise for six years longer. That is my warning. If they want an extension of time (they have two years to run yet) let them come here, and I am sure the House of Commons and the Senate of Canada will give them what time is reasonable and right in order to do the work. Therefore as the Bill is not legitimately before this House, I move:

That the order for the second reading of this Bill be discharged from the Orders of the Day, and that the Bill be referred to the Committee on Standing Orders in accordance with the 59th rule of this Senate.

Hon. Sir MACKENZIE BOWELL—This is another illustration of hon. gentlemen being too courteous and extending too much consideration to Bills that come from the ower House without the parties interested asking senators to take charge of them. A session or two ago I called attention to this, and suggested that when a Bill comes from the lower House, either of a public or a private character, when those who are interested in it have not taken the trouble to extend the ordinary courtesy to a senator to ask him to take charge of it or explain it, it should be allowed to drop. It would teach those who desire to have Bills passed a lesson that probably they would not forget. The motion now made by my hon. friend from Monck, I think is a correct one. He has found out, since he took charge of the Bill, that the parties have not complied with the rules enabling them to come before parliament, and he has taken the proper course in sending the Bill back to committee, and either have the Bill dropped, for the reasons he has already given, or have the rules suspended to enable him to go on with it. I am very much inclined to agree with him that there is something more behind this Bill than appears on the face of it. If the company have two years now to begin work, why should they ask for four years more? I am glad my hon. friend had sufficient industry to look into this Bill, and I hope that we will treat all Bills in future as I have suggested.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, May 8, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (51) 'An Act to incorporate the Holiness Movement Church in Canada.'—(Hon. Mr. Lougheed.)

RENTAL OF MONTMAGNY POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What amount has the government collected from the rental of Montmagny post office buildlings, year by year, up to date since the acquisition of said buildings ?
2. From that amount how much was paid to the caretaker of said building?
3. How much for the minor expenses pointed out in the answer given by the hon. the Secretary of State on May 2, and what are those minor expenses?
4. How much for the 'et cætra,' given in the same answer, and what are those 'et cætera'?

Hon. Mr. SCOTT—The amount of rental is not collected by the department, it is received by the caretaker as a salary for the caretaking of the post office. The minor expenses referred to are petty repairs and supplies in connection with that part of the building which is rented. As this department does not pay for the above repairs and supplies, we have no records showing amount expended.

A CORRECTION.

Hon. Mr. LANDRY—Before the House adjourns I should like to call attention to the minutes of the proceedings of the Senate of yesterday. I made a motion yesterday which was carried and notice of it appears in the minutes to-day. I move, therefore, that an entry be made in the minutes of proceedings of the Senate of Canada of Monday, 7th May, 1900, of the following motion, which was regularly moved in this House on the said date and carried, and that such entry be in the following words :

The Hon. Mr. Landry called the attention of the Senate to the following facts :

1. On the 2nd day of May the following question was put by the Hon. Mr. Landry to the government:

'Whether since the commencement of the present parliament the government, or any one of the members of the present administration in the name or for the government, has received from the government of Manitoba or from the Catholic minority of that province, or from the episcopate of any of the provinces or any member thereof, any communication whatsoever, in the form of a demand, of a claim, of a protest, or otherwise, on the subject of the Manitoba school question?'

2. On the same day the following answer was given by the Hon. Mr. Scott, as reported by the Debates of the Senate, May 2, 1900:

'Hon. Mr. Scott—I think not, as far as I have been able to find out.

'Hon. Mr. Landry—How far?

'Hon. Mr. Scott—All the inquiry I could make from those who would have the information—from members of the government.'

And that he will move—

1. That such an answer does not settle the question, as it gives only what the hon. Secretary of State thinks, and that not further than what he could make out for himself from those who would have the proper information, leaving open to further inquiry what may be the limit of the searching powers of the hon. Secretary of State.
2. That it is an easy matter to ascertain if the documents asked for do or do not exist, are or are not in the possession of the government, and that the only proper way to give a proper answer is to say so.
3. That unless the government declare that they are not in possession of any documents of the kind, an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a copy of all communications whatsoever received by the government since the commencment of the present parliament on the subject of the Manitoba school question, from the government of Manitoba, or from the Catholic minority of that province, or from the episcopate of any of the provinces or any member thereof.

The question of concurrence being put thereon, the same was resolved in the affirmative.

BILLS INTRODUCED.

Bill (V) 'An Act for the relief of William Henry Featherstonhaugh.'—(Hon. Mr. Clemow.)

Bill (W) 'An Act respecting the Red Deer Valley Railway Company of Canada.'—(Hon. Mr. Watson.)

THE COMMITTEE ON BANKING AND COMMERCE.

MOTION.

Hon. Mr. MILLS, moved that the Hon. Senator Power be appointed a member of the Committee on Banking and Commerce in place of Hon. Mr. Lewin deceased.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—I would ask the hon. Secretary of State if there is any news of that report relating to the post office of Montmagny.

Hon. Mr. SCOTT—I am not aware that I have not brought down all the reports about the Montmagny post office.

Hon. Mr. LANDRY—The hon. minister yesterday received the report, but I think he wanted to put it in proper form. If it takes less than a fortnight to put it in form, I might get it to-day ?

Hon. Mr. SCOTT—It was sent here partially prepared and I will bring it in to-morrow.

THE USURY BILL.

SECOND READING.

Hon. Mr. DANDURAND, moved the second reading of Bill (T) 'An Act respecting Usury.' He said: Last year this House passed a Bill limiting the rate of interest upon loans to 20 per cent. I remember that when we first discussed this question, some hon. gentlemen were frightened at the high rate which the Bill would sanction. I explained at the time that to restrict moneylenders to 20 per cent was still doing some extraordinary work in the right direction, because to-day they are lending money at frightful rates, as high as three hundred or four hundred per cent per annum. Some persons were considerably disturbed at the idea that we were laying our hands on their business. Fortunately for them, they got twelve months respite, and have been able to continue to prey on the population and lend money at average rates of from sixty to a hundred per cent per annum. Cases have come to light every week during the last twelve months in the large cities where such extortionate rates have been charged. In moving the second reading of this Bill, which is word for word the one passed by this chamber last session, I have the hope that, as the Criminal Code Bill is now before the House of Commons, the penal clause of this Bill will be incorporated in that measure. If this Bill should share the fate of last year's Bill, and fail to pass through both Houses, we will have the satisfaction of knowing that we will be able to reach usurers through the criminal law. I have every hope of seeing the penal clause of the present Bill incorporated in the Criminal Code amendments. Then we would have of course, to consider those criminal law amendments again in this chamber. I need not dilate upon the details of this Bill. We may examine them anew when we go into committee. I will only say that after three years of arduous labour on the part of a select committee in the House of Lords in England, a Bill, on similar lines to this one, was passed by that House and is to-day before the British House of Commons, and I find the rate of interest is there limited as follows: it is in sterling in the Bill, I shall mention the amount in dollars. On all sums below ten dollars a rate of twenty-five per cent is allowed. On all sums between ten dollars and fifty dollars, a rate of twenty per cent, is allowed, and on all sums above fifty dollars fifteen per cent. I have struck the medium rate of twenty per cent on all transactions. I know that it is an extortionate rate for large sums, but the people we want to protect are the needy ones who have no mortgage to offer, nor very solvent names to give, and these people generally need sums below two or three hundred dollars. I think if we limit the lenders to twenty per cent, that it is not an excessive rate on small loans. Twenty per cent on fifty dollars for a few days does not involve a large amount. I would have no objection to even a higher rate if the lender would content himself with charging that large rate of discount, and not exact at each renewal the same rate. I have found that when a man presents himself for a loan of fifty or a hundred dollars and is asked a large discount, the immorality of the act is not very great, because the lender not only charges interest upon the same loan, but charges for the risk incurred by him in dispossessing himself of his money; but where the immoral act comes in, is when he continues to charge at every renewal which may take place, every thirty days, besides interest, the same premium for the risk which he has already incurred and which has not changed. It is our duty to limit the lender to a certain rate. I find by fixing twenty per cent we will still be far above the rate fixed in very many countries upon such contracts. But this is a new country, with natural resources

undeveloped, with people seeking money in mining districts and ready to pay a high rate, and I think that twenty per cent is not too much.

Hon. Mr. DeBOUCHERVILLE—What will prevent the lender from giving a receipt and taking a new loan? Then you will have interest on the interest which is not paid.

Hon. Mr. DANDURAND—The hon. gentlemen will find, on reading the Bill, that we compute the yearly interest upon not only the note which is in existence, but upon the renewal of the original note, in order to find what interest is charged.

Hon. Mr. DeBOUCHERVILLE—I do not think that meets the case. Suppose a man lends one hundred dollars and takes a note for it. When the note falls due the debtor cannot pay. He says, I cannot allow you to go on, because I will lose that interest. I shall give you a receipt for a hundred dollars, but give me a new note for the principal and interest, and I will renew the loan.

Hon. Mr. DANDURAND—The lawyers in this House, and the Minister of Justice himself, will admit that the provisions of this Bill cover the two transactions and make them but one, so that we could re-open t em.

Hon. Mr. WOOD—I understand the hon. gentleman to say that a similar Bill had passed in the English parliament or was under consideration there at the present time?

Hon. Mr. DANDURAND—I said a Bill on the same lines had passed the House of Lords and had not yet passed both Houses, because it had not time, but that it was at present before the House of Commons.

Hon. Mr. WOOD—Was that the same Bill that was before the House of Lords when this Bill was under consideration here?

Hon. Mr. DANDURAND—It is pretty much the same Bill. I have not examined it. I have just glanced over the Bill, which I obtained through the kindness of the Minister of Justice this morning, and I find it is generally on the same lines. The great difference between the Bill passed by the House of Lords and this one is that there the whole system is organized for the registration of the money lender. I do not know if the conditions there as to the trade carried on by the people are different, but I do not see the necessity of forcing the money lender to register himself. Our money lender is well known. I think we describe him sufficiently, and forcing him to register would simply give us a right to accuse him of a second offence—the offence of not having registered—in addition to the charge of having violated the law. We have described the money lender in a sufficiently clear way to reach him if he breaks the law. The present Bill reads:

> The expression 'money-lender' in this Act shall include any person who carries on the business of money-lending, or advertises, or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than 10 per cent per annum.

So we only reach one class of people—the professional money lenders.

Hon. Sir. MACKENZIE BOWELL—I do not think the hon. gentleman answered the question put by my hon. friend from Montarville. His question was, does the Bill provide for renewal notes by which the man who lends could secure compound interest?

Hon. Mr. DANDURAND—I have answered in the affirmative.

Hon. Sir MACKENZIE BOWELL—Or, in other words, if a man took a note bearing 20 per cent for six months, and at the end of the six months the borrower was unable to pay, could he not give a note for $110? That would be interest which would have accrued, payable in another six months, and at the end of the six months the interest would be concluded on $110 for six months, and that would be added to the original note and continue renewing in that way. I do not think there is any possible way of reaching a case of that kind. Under the present law, we know that mortgages are given with a provision in them that in case the interest be not paid at the time of maturity, then the interest due is to draw the same rate of interest that the principal draws until it is paid. That would be the case, I fancy, under the law even if this Bill were placed on the statute-book. Might I ask, in addition to that, what is the rate of interest which a man may charge, or does this restrict the rate, providing the amount is

over $500? From a cursory glance at the Bill it does not seem to me that it does—you could take any interest you pleased. Apart from that, the provision placed on the statute-book legalizing 20 per cent upon a loan of $100, or $500, is—I would not say an absurdity—is like turning legislation into ridicule. If we are to have a usury law under which the usurer is to be prevented from taking an exorbitant interest, we had better place it at something like a reasonable sum, I think that 20 per cent is an unreasonable sum and would turn the legislation into ridicule, rather than in the direction that my hon. friend desires it to take. I commend him for the course he is pursuing, but I certainly would not sanction a higher rate than ten per cent. If upon a small loan, or any loan under five hundred dollars, a money lender can obtain ten per cent he is doing well. You can get money at four and five per cent on gilt-edged loans. It is only the class to which the hon. gentleman refers, that exists in large cities, particularly in Montreal, in this city and in others, where impecunious clerks and others, who allow themselves to be led into borrowing money at three hundred and four hundred and five hundred per cent, as I have had brought under my notice. These are questions, however, that we can discuss before the Banking and Commerce Committee. I should be very glad to see a restriction to prevent this species of robbery which is carried on throughout the whole country, and if it could go further, as suggested by the hon. gentleman who introduced this Bill, and be made a penal offence in the code now before the Lower House, I should be better pleased. I have always been of this opinion, although free-traders say that money is the same as any other commodity; that is a theory in political economy that I have never been able to accept, because to my mind it occupies altogether a different position, even as a commodity, from wheat, flour, or other articles that we buy and sell, for reasons which it is quite unnecessary to enter into a discussion of at the present time; but I would rather have the law as it is than to see a limitation of 20 per cent placed upon the statute-book, for the reasons that I have suggested.

Hon. Mr. MILLS—My hon friend the leader of the opposition misapprehends the object and scope of this measure. It is precisely the same in its object and scope as the Bill introduced in the House of Lords in England, after very full inquiry and full consideration of the subject. This is not an attempt to deal with ordinary money transactions. There is no intention of interfering with the liberty of contract. If men choose to borrow money at a high rate of interest in ordinary transactions of a commercial character, this measure does not interfere with them. This Bill is intended to give a certain amount of protection to parties whose financial circumstances are such that they are unable to protect themselves. It also recognizes the fact that loans to such parties are, to some extent at least, of a desperate character, and those who make the loans are obliged not only to take the ordinary rate of interest, but also that amount of interest which will insure the principal, so that there is interest and insurance practically charged upon the loan which is made. The hon. gentleman says that 20 per cent is a very high rate of interest—a preposterously high rate. So it would be in ordinary transactions, but a man, for instance, who requires to make a loan for a fortnight is quite ready to pay a higher rate of interest than he would pay upon a transaction where the money was borrowed for a period of twelve months. It is a matter of accommodation to him. It may be a matter of very considerable consequence that he should obtain the money for that short period of time. It may prevent him sacrificing property which he would otherwise be compelled to sacrifice in order to meet the transactions for which he has borrowed the money. But my hon. friend by this Bill aims mainly at meeting the case of parties who are borrowing money under very needy circumstances at a very high rate of interest from parties who do not scruple to charge enormous rates. It is with a view of protecting the men who otherwise are unable to protect themselves, and so he proposes that the rate of interest which the parties obtain shall not exceed the rate of 20 per cent per annum. That rate, I apprehend, covers the rate of interest added to the face of the transaction. At all events, if that is not perfectly clear it can be easily made clear, so that the rate of interest

charged by these professional lenders to persons who are needy shall not exceed the rate of 20 per cent per annum. I believe my hon. friend gave last year a number of instances where very high rates, amounting to over three and four hundred per cent a year, were charged in the city of Montreal in transactions of this sort, and the evidence taken before the House of Lords in England shows that equally high rates of interest had been charged by the ordinary professional money lender there, and the object there is not to interfere with ordinary transactions, but to regulate transactions of that sort and to give protection to those whose pecuniary circumstances have become such that they are no longer able to protect themselves.

Hon. Mr. McMILLAN—It appears to me that it will be necessary to mention the period, and that the rate of interest ought to change with the period of time as well as with the amount. If five hundred dollars is borrowed for five or ten days, it does not mean much at twenty per cent. This Bill does not provide any limit, and twenty per cent can be charged for three months, which means a great deal.

Hon. Mr. SCOTT—It is twenty per cent per annum.

Hon. Mr. McMILLAN—Still that means a great deal. It may be continued for a year at that rate. My hon. friend mentioned that it would be wrong to charge the same rate at the end of the period if the money was not paid, because the risk, according to his idea, would be lessened. I do not think so.

Hon. Mr. DANDURAND—It is the same risk. You insured the risk at the beginning and you should not charge again for that same risk.

Hon. Mr. McMILLAN—But I have taken that risk for three months. At the end of the three months you want me to leave the money with you at the same rate of interest for the next three months. I am running the same risk for the second three months as for the first, and for that reason I cannot see that the risk is lessened. For instance, a man insures his house for one year. The insurance runs out. The risk is not less at the end of the year than it was at the beginning. If it is continued the risk ought to be continued at the same rate. For that reason I will take exception to this Bill, when it goes before the committee and suggest the propriety of having a limited time for a limited amount, if you are to allow the excessive rate of twenty per cent, I look upon twenty per cent as very high, and I repeat, it makes a great difference when you consider the length of time for which the money is loaned. If it is loaned for a short time, it does not amount to much, but if it is loaned for a long period, it makes a serious difference. For that reason I would limit the length of time.

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

Hon. Mr. DANDURAND—Last year the Bill went before the Committee on Banking and Commerce and the rate of interest was reduced to 10 per cent. When the Bill was reported to the House, in committee of the Whole House the rate was increased to 20 per cent. The matter was examined minutely before that committee last year, and I would move that the Bill, be referred to a committee of the Whole House tomorrow.

Hon. Mr. FERGUSON—It would be very much better to pursue the same course that was adopted last year. There will be a great deal more information elicited, and I think the points of the Bill will be far better tested by going before the Committee on Banking and Commerce. It might afterwards be referred to a committee of the Whole House, but it should go to the Committee on Banking and Commerce first. I hope the hon. gentleman who has charge of the measure will accept my suggestion. I would have made some observations on the second reading if I had thought the Bill was not going to the Committee on Banking and Commerce.

Hon. Mr. DANDURAND—After the experience I had last year of the useless work we did in the Committee on Banking and Commerce, I prefer to send it to a committee of the Whole House. Last year we came back to this chamber with a changed jury, or a changed committee, a number of gentlemen we had in the Committee of Banking and Commerce being absent, and we altered completely the measure. We can discuss and sift the measure thoroughly here, now

that it has already passed the Committee on Banking and Commerce, and been considered by a sub-committee of that committee, and I think that we should keep the measure in this chamber.

Hon. Mr. DeBOUCHERVILLE—For my part, I do not object to its going to a committee of the whole. Could the hon. gentleman bring before us the English Bill? Very few of us have seen it. If we had that Bill it would not take long to read it, and we could see any difference there is between the two. They have studied the question more deeply in England than we have studied it here.

Hon. Mr. DANDURAND—I shall have that English Bill here to-morrow if we go into committee of the whole. It is a Bill of only two pages.

Hon. Mr. WOOD—I sympathize with what the promoter of this Bill has said with regard to sending it to the Committee on Banking and Commerce. He has reminded us that the Bill was before the committee last year, and I was on the sub-committee which tried to get this Bill into a shape which would be acceptable to this House. I confess I was one of the members of that committee who had very grave doubts as to the utility of legislation of this kind, but if we are to have legislation of the kind at all, the provisions of this Bill come about as near to what would be useful in this regard as any Bill we can propose. I can hardly conceive that anything very new can be brought before the committee on the subject. It is a very old subject—one that has been discussed before a great many different assemblies. I do think, however, that to consider this Bill to-morrow would be hastening it a little too much. I for one would like to have a little more time than that to consider the measure and particularly to look into the discussions that may have taken place in the House of Lords and to get a better knowledge of what is being done there. The Bill might be taken up on Friday.

Hon. Mr. DANDURAND—I would prefer Thursday.

It was ordered that the Bill be referred to a committee of the Whole House on Thursday next.

The Senate adjourned.

THE SENATE.

Ottawa, May 9, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire of the government if they have the return I moved for concerning the petitions, documents, and all correspondence relating to the Baie des Chaleurs Short Line Railway?

Hon. Mr. MILLS—I have not received anything in relation to that motion.

Hon. Mr. SCOTT—I have received nothing.

Hon. Mr. LANDRY—The motion was adopted on the 26th of April.

Hon. Mr. SCOTT—I will make inquiry.

THIRD READING.

Bill (25) 'An Act respecting the Brandon and South-western Railway Company.'—(Hon. Mr. Kirchhoffer.)

SECOND READING.

Bill (U) 'An Act to incorporate the British American Pulp and Paper Company.'—(Hon. Mr. Landry.)

THE MANUFACTURE OF BINDER TWINE.

Hon. Mr. MILLS—The hon. gentleman opposite (Sir Mackenzie Bowell), asked me for information with regard to the quantity of material purchased for binder twine between the first of July, and the 31st of December. I may say there was purchased of sisal in October, 1899, 53,049 pounds, and in October, 1899, of New Zealand hemp, 55,198 pounds. Of course there was a considerable quantity of raw material on hand at the time the year began. That is not included in this quantity, because it was purchased prior to the first of July, 1899. I have given here what was purchased between the first of July and the 31st of December.

Hon. Sir MACKENZIE BOWELL—That information is satisfactory as far as it goes. The question was not what quantity was on

hand at the beginning of the year. It was simply the quantities that had been purchased since the first of July, which the hon. gentleman has given, but he has not given the price paid for it, nor has he given the name of the party or parties from whom it was purchased, nor the market from which it came.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then the information which the hon. gentleman has given is of very little value so far as the object we had in view in asking the question, is concerned. The Auditor General's Report gives the information which the hon. gentleman refers to—that is, the quantity purchased prior to the first of July, and the price paid for it. What we wanted to know, and what the country would like to know, is from whom sisal and manila have been purchased since the first of July, and the price paid for it. That information I understood the hon. gentleman to say the other day, when referring to this question, it was inexpedient to give for fear the world would know what they paid for it, and the price at which they sold it, as it would interfere with the market price which the parties who purchased would demand from the consumer. Against that doctrine I have already, so far as I am concerned, entered my protest. I think the farmers of this country who consume binder twine, and the people of this country who have to pay the expenses connected with its manufacture are entitled to full information. However, the government have taken the other ground, and we have no means of compelling them to deviate from the policy they laid down. I can only enter my protest against a policy of that kind.

Hon. Mr. MILLS—We have laid down no new principle. The rule was adopted in 1894, when the manufacture of twine was begun, and has been continued ever since, and it is in the public interest that it should be the rule. The men who are, above all others, interested in obtaining information of this sort are the manufacturers who are engaged practically in conducting rival establishments. While we have no desire to injure them, we have no desire to injure a government department by disclosing information of this sort. On the contrary, we purchase our raw material at various prices. Sometimes we get enough at a very low rate, a lot perhaps that has been on hand for some time. We again purchase at a very much higher rate, and people would at once begin to see what you could afford to put the article on the market for. Now, the result is the average for the year, and when we manufacture and market the product there is no objection whatever to giving the prices, both of the manufactured article and the raw material, but I say that no establishment could be conducted, and escape bankruptcy, on the line which the hon. gentleman suggests, and as long as the government are engaged in the manufacturing business, they have to pay the same regard to those principles which every other manufacturing establishment in the country must regard. As I said before, we are not entering on the business of manufacturing to help any particular class in the community.

Hon. Sir MACKENZIE BOWELL—Oh yes, you are.

Hon. Mr. MILLS—The only way we could do that would be to prohibit others from engaging in rival production and undertake to manufacture for the entire community. If we were manufacturing for the whole community, then we could fix the price, and we could fix that price with reference to the raw material. We could charge accordingly, but we cannot do that at the present time. My impression is that there may be a considerable reduction in price before the harvest season arrives, and we may be obliged to sell binder twine at less than the actual value of the article. So that in the manufacture we have to pay some regard, not to what this particular quantity cost us in October, or some other period, but what has been the general cost for the year. At the present time the value of manila is 13½ cents. That is the lowest price quoted to us. We are offering the manufactured article at fourteen cents retail in small quantities to farmers, and it is certain that unless we purchased a portion of the material at less than we are obliged to pay at the present time, we could not offer it at that figure without sustaining a very serious loss, and so the fair way, in the interest of the public—because the public are interested in the conduct of this business—is to

sell on terms which, while not affording to the government an exorbitant profit, will, at all events, protect the department against actual loss. There is no class of the community that constitute a charitable institution: all of them may fairly be called upon to pay what is a fair price for the article which they expect to purchase, and we have no intention, and it is no part of our duty, to undertake to put our products on the market at a rate that would be ruinous to other manufacturers. Hon. gentlemen who have adopted the principle of protection, and who have sought to secure a high market price for manufactured products, can hardly consistently ask us to engage in competition with other manufacturers and produce an article and put it upon the market for less than it has actually cost us. I am perfectly satisfied that if the result of the conduct of our business for a series of years went to show that we were manufacturing at a loss, the department would be blamed for bad management. I wish to escape that censure, and while not charging more than a fair price, considering what the article cost us, I wish that we should by protected against actual loss, and I also think that the public get all the information which they may fairly claim when the article is marketed, when we give the price of the raw material for the year and the price for the manufactured product.

Hon. Sir MACKENZIE BOWELL—After it is sold.

Hon. Mr. MILLS—Yes, that is the right time. My hon. friend knows that that is the principle upon which all business is conducted, and the government must conform to those rules which universal experience shows to be necessary.

Hon. Mr. KIRCHHOFFER—I sympathize with the position which is taken by the hon. leader of the House in not wishing, at the present time, to disclose what the prices are and thus making apparent to the country the profit which is made between the original buyer and price which is paid by the farmers, when this commodity comes into their hands. As the hon gentleman has said very rightly, it is a question of the time when this is to be disclosed, and there may be many reasons which, from his own point of view, it would be inadvisable to disclose it at the present time. For instance, there might be a general election coming on before the government disclosed the price, and it would be advisable for the government not to disclose the price paid by the parties who were the recipients of great favours from the government, and the price paid by the farmers, because that is the most important, as far as we are concerned. At the same time I would point out that there is a part of this question which might be answered, and I cannot see that the country at large would be hurt by our being informed as to it—that is, the names of the parties by whom the materials were purchased, that should be furnished us. There is no disclosure of any secret in giving the names of any of the parties, and I think the hon minister might perhaps give me those names.

Hon. Mr. LOUGHEED—While I regard with a certain degree of reverence the precedent established by the late government, I cannot fully appreciate the precedent already referred to, that there should be no disclosure of the cost of the raw material for the manufacture of binder twine until after the product is marketed and sold. It seems to me that if the government had belonged to the binder twine combination they could not pursue a course more in harmony with the course usually pursued by trusts and combinations than upon the present occasion. I certainly cannot appreciate the logic of the position taken by my hon. friend, and apparently by the late government, in reference to not revealing the cost of the raw material particularly when we take into consideration that the cost of this material is obtainable from a dozen sources. It does not require to be extracted from a Star Chamber institution. One could go to the market, I apprehend, and readily ascertain its cost. But when my hon. friend suggests that there possibly may be a loss by the government in the manufacture of this twine and that the giving of the information might disclose a loss on the part of the government, it certainly, to me, is an astounding revelation, when one takes into consideration the fact that the labour practically costs them nothing for the manufacture of this twine, and I apprehend that labour is the costliest commodity that enters into the manufacture

of this product. This leads us, therefore, to sympathize very deeply with other binder twine industries, and I have been endeavouring to reconcile that statement with the statement that has recently been made in the public press and through several channels, that the Brantford manufactory announced, and also paid, a dividend of 100 per cent on its recent operations. If, therefore, a private institution, like the Brantford company, can pay 100 per cent dividend, and pay the going prices for labour in the manufacture of the product, what then must be the administration of the government in the manufacturing of this product, if on the manufacture of the product itself there is not a profit made, or that the raw material costs more than the manufactured article. It seems to me that the government can only have two objects in entering into the manufacture of binder twine! One is to keep employed the prison labour, and the other is to sell to the farmers a manufactured product at a very low profit. If that be the case, it seems to me there is no necessity for showing the deep solicitude which seems to be shown on this occasion, and by previous governments, with regard to other corporations, or other individuals, who have entered on the manufacture of binder twine. Why this deep solicitude? Why should the interests of a combination, or trust, be consulted with reference to an article which enters into the life and the industry of the agricultural community? It seems to me that unnecessary solicitude has been shown by this government and previous governments with regard to this question, and, certainly, so far as the present government is concerned, I see no reason why it should hesitate for one moment to take, not only parliament, but the public into its confidence with regard to the cost of the raw material, and the profits and the losses which are occasioned in the manufacture of the product.

Hon. Mr. CLEMOW—I must confess that I could never understand the reason why the government should refuse to give us this information. Parties who are engaged in this branch of trade, and other branches of trade, are perfectly well conversant with the prices of the raw material and the finished product, and all circumstances attending the manufacture, and it is utterly impossible to keep from those people the position which the government would occupy with respect to the purchase of this or any other article. We know that every man who is engaged in a certain trade makes himself conversant with every detail and knows exactly the price paid, and puts himself in a position to cope with it, and makes arrangements accordingly.

The government, I presume, take the opportunity of finding out the probable cost of this raw material either at the present time or some future time, and are governed by the circumstances of the case. If they find that the prices are likely to be lower in the future, of course they will naturally say we will abstain from buying at the present time; but we know in some cases the government have not acted in that way. We know at the time of the purchase of steel rails by the Mackenzie government some years ago, the government purchased when the figures were highest and afterwards prices were greatly reduced. At that time we were engaged in constructing waterworks in this city, and had to pay high prices for the pipes that we required immediately, but with our later information we governed ourselves accordingly, and did not buy more than was absolutely necessary. What was the result? Instead of paying sixty dollars a ton for the pipe required, long before the work was completed we bought the same class of pipe at thirty dollars a ton, whereas the government at that time bought the whole quantity of rails required at an excessive price. Therefore, I cannot understand why the government should think they are doing a benefit to themselves or the country by abstaining from giving this information, because in reality it is not withholding information from the parties concerned. Everybody interested in buying sisal or manila knows the prices, and as prudent men they govern themselves accordingly. It might be as well for the government to say we have bought a certain quantity of material, up to the present time, thinking it would not increase in value, or we have bought sufficient to meet our present requirements, trusting to a great reduction in the price in the future. That is a business like view that a business man would take of it, and I cannot understand why the government should, on all occasions,

refuse to give information of this nature. As a business man, I say that is a principle which should govern business men in transactions of this nature. The hon. gentleman says that the same principle was acted on by the Conservative government. We always thought that this government was so opposed to the preceding government that they would take a different course when they found that their predecessors had taken an erroneous one. Those who are engaged in agricultural pursuits are entitled to information in a matter of vital importance to their interest ?

Hon. Mr. MILLS—I do not pretend to say that whatever a Conservative government did was right. I am of opinion that a good many things were done by Conservative governments which were not right, but I have not said that everything that was done by a Conservative government was wrong. My hon. friend (Mr. Clemow), kept quiet a good many years with reference to this policy, while it was pursued by the Conservative government, and it is a rather suspicious circumstance that he complains now.

Hon. Mr. CLEMOW—I never heard of it before.

Hon. Mr. MILLS—My hon. friend is mistaken with regard to this matter. We adopt the same rule that business establishments adopt throughout the whole country in the conduct of their business.

Hon. Mr. CLEMOW—I do not think it.

Hon. Mr. MILLS—I ask the hon. gentleman to say what manufacturing establishment in this country has given the price at which it purchases its raw material ? We have no agents going through the country for the purpose of selling our binder twine. Do we want the agents who are engaged in disposing of the products of various establishments in the country to know the price at which the government purchased the raw material, and say it is an inferior article, you cannot make good twine out of such material ? All sorts of misrepresentation may be made to the disadvantage of the penitentiary.

Hon. Mr. McMILLAN—Is it not really to the disadvantage of manufacturers in the United States ? We have no such thing as manufacturers of binder twine in this country, except at Brantford.

Hon. Mr. MILLS—My hon. friend is mistaken. We have.

Hon. Mr. McMILLAN—Where ?

Hon. Mr. MILLS—At Central Prison.

Hon. Mr. McMILLAN—The others were closed by the abolition of the duty on binder twine.

Hon. Mr. MILLS—It is to the advantage of our establishment that we should conduct it on precisely the same lines on which it has been conducted up to the present time. My hon. friend has said that it might be of advantage in the elections if they had more information. I have no doubt my hon. friend would use any statement I might make, as to the price paid, against the administration, if by any possibility such could be done. My hon. friend has spoken of there being combinations. There is no possible combination on this subject. I have pointed in a small blue-book which I have submitted to parliament, to this fact, that the binder twine of last year was put upon the market at about six cents a pound all over the country. Now, if that were so,—if there had been any combination at that time it would not be amongst the wholesale dealers or manufacturers, whether in Canada or abroad. It could only be amongst the retail dealers throughout the country, and I do not think any hon. gentleman will undertake seriously to argue that there has been a combination amongst the retail dealers to put up the price on the farmer. The truth is this, that while we have offered the article to the farmers, they seldom buy from us. They wait until the harvest season comes on, and then they buy from some retail dealer in their own neighbourhood. That is the way they make their purchases, and the retail dealers everywhere throughout the country purchased the binder twine in the year 1898, as hon. gentlemen will see from the report submitted, at about six cents a pound on the average. That is a very moderate rate, so that it is quite obvious there is no such thing as a combination amongst wholesale dealers. The retail dealers purchase it at a moderate rate, and

sell it at the best prices they can get for it. If the article is scarce, they ask more for it and make a profit on it. If the article is abundant, they take the risk of carrying over to the next year a portion of what they purchased on speculations. That is precisely what is done, and will be done, as long as the business is conducted as it is at the present time. The only way we could put an end to that would be by undertaking to manufacture all that was required in the community. We could not do that at the penitentiary. We do not command a sufficient amount of labour for that purpose. At the present time we manufacture about five hundred tons a year, and there are at least five thousand tons a year consumed in Canada, so hon. gentlemen will see that, even if we offered the article at half its cost, there would be but a very small fraction of the farming population of Canada that would be benefited by an offer of that sort. It is true we might seriously affect the value of the article produced by private parties.

Hon. Mr. McMILLAN—There are no private manufactories.

Hon. Mr. MILLS—There is the Brantford establishment. Does the hon. gentleman say it is any part of our duty to make war on them ? The hon. gentleman favours the principle of protection.

Hon. Mr. McMILLAN—I do not want to favour United States manufacturers and combines and have them raise the price here, the government assisting them.

Hon. Mr. MILLS—The government have not assisted them. The repealing of the duties has not increased the price. The hon. gentleman puts a duty on for the purpose of increasing the price. That is what he has contended for. All the advocates of the national policy have maintained that doctrine. The hon. gentleman talks about the increased price, but the price of the manufactured article has reference to the price of the raw material.

Hon. Mr. McMILLAN—Not when they make a hundred per cent profit.

Hon. Mr. MILLS—That is easily understood. If the price went up after a large portion of the raw material had been purchased, the parties engaged in the manufacture profited on the transaction just as the hon. gentleman does in any business he is engaged in.

Hon. Mr. McMILLAN—What put the price up, last year ?

Hon. Sir MACKENZIE BOWELL—He told us last session. Now he is combating the the reasons then given.

Hon. Mr. McMILLAN—It is the combine in Canada.

Hon. Mr. MILLS—I say there is no combine in Canada. The fact is there are at least three United States establishments selling their goods in Canada, and I took the trouble of going over the list. There is the McCormick Company, the Plymouth Manufacturing oCmpany, and the Deering Company. All those companies, and the Canadian company at Brantford, sold their twine at about the same price. Our average price was about six cents a pound. The lower grades sold at about five and a quarter and the highest at seven and a quarter. We got the full market price for what we sold as compared with the price at which all these establishments that I have mentioned sold their products in Canada. It is as clear as noonday that there could be no combine, and was no combine. But the fact is this, you cannot buy manila at the present time under thirteen cents, 13§ cents is the lowest price at which it has been offered to us, and, that being so, does any hon. gentleman in his senses suppose that the manufactured product could be put upon the Canadian market at the same price at which it was sold on the Canadian market when the raw material was four and a quarter cents a pound ? Is there common sense in maintaining that the present price is the result of a combination when every man must see, by looking at the price at which the raw material is purchased, that it is three times as high to-day as it was in the spring of 1898 ? That being so, the price of the manufactured product is higher, and whether it comes from United States, or whether it is manufactured in Canada, the price must be higher. It seems to me the pettiest kind of politics, wholly unsuited to this Chamber, to undertake to represent the present prices of twine as the result of the repeal of the duties upon the manufactured article. It is not the result of anything

of the sort. It is the result of the very high price and the scarcity of the raw material. The war in the Phillipine Islands, makes it impossible to get the raw material out on the same terms, and with the usual facilities. There is much less of it got out, and the result is the article is scarcer and the prices are higher, and that being so, the public who require it are compelled to pay more than they would pay under other circumstances.

Hon. Sir MACKENZIE BOWELL—We have had a very good lesson as to business transactions in reference to binder twine, which has very little to do with the question put on the paper. The hon. gentleman has stated on every occasion, when attention has been called in this House to the question of binder twine, that he is pursuing the same policy that was pursued by the late government.

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—You did not say that?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then what was the reference made by the hon. gentleman? What I understood the hon. gentleman to say was this, that in refusing to give the information which was asked for, he was pursuing the same policy as the late government.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I ask the hon. gentleman to give this House proof of the statement. Can he point to any order in his department which governs the output of the penitentiary to the effect that he mentioned in this House Can he point to any instance in the House of Commons or this Chamber where such information as this was asked of the late government and refused? If he can, I will accept the statement, but not until then. I kept tolerably well posted in the policy pursued by the late government—at least while I had anything to do with it—and I here state that I have no recollection of any such policy having been discussed or laid down, or of any instance in which information was refused when asked for in either House. I make this statement in justice to the late government, more particularly as the hon. gentleman from Calgary (Mr. Lougheed), and the hon. gentleman from Rideau (Mr. Clemow), seem to have accepted the statement of the Minister of Justice. I put my statement against his, and I do so on the ground that I have no recollection of the question ever having been discussed, or information sought as we have endeavoured to obtain it in this House or in the House of Commons. All the information that we ask for is, how much did you buy? Where did you buy it, and how much did you pay for it? With that information before us, we can draw our own inferences, if there are any to be drawn, as to the policy pursued in selling the binder twine. The hon. gentleman has told us a good deal about combinations that exist, or do not exist. I say no circumstances ever existed, while the late government was in power, that would justify any one in taking the position that we have taken in reference to this question at the present time, and consequently the same statements would not apply to the action of the late government that apply to the actions of the present government. I am not going to enter upon the question of free trade or protection in this discussion. I take issue, however, with the hon. gentleman when he says that in all cases the imposition of a duty increases prices. He asked this question—to my mind a very childish one—of the hon. gentleman from Glengarry: If the hon. gentleman thinks that removing the duty increases the price, why does he not favour free trade? The object of imposing duties is not to increase the price of a manufactured article so as to mulct the people who consume it out of a large amount of money. The object of protection, and of protectionists, in imposing duties, is to encourage the production of an article in the country by our own artizans, instead of importing it from other countries. We go further, and say that after these industries have been established, experience shows that the price goes down lower than before the imposition of the duties. I go further, and say that taking the duties off and admitting the importations free into a country like this, may increase prices because it enables the United States producer to control the market. If the United States producers are sufficiently wealthy and their output is sufficiently great

to crush out the industries in a smaller country like Canada, they can put the prices at what they please. They can combine with the manufacturers in this country, and the admission of their products into this country free puts them in precisely the same position in our market that they would occupy in a state of the neighbouring Union. The only difference in the price would be the addition of the freight in carrying the article from the manufacturing centre in the United States into Canada. I do not care anything about your theories; you may talk of political economy and the theories of political economists as long as you please, but one solid fact which we know to exist will counterbalance all the theories you could preach till doomsday. I have no doubt that sitting down at a table and arguing the general principle, the hon. gentleman might be able to show that free trade is best for the world, but we have not free trade all over the world, and practice has established the position that I take on this question, namely, that the imposition of a duty does not necessarily enhance the price of an article. Situated as we are, in many instances prices are increased by taking off the duty. However, I do not intend to further discuss this question on the present occasion. What I want is evidence of the statement which the hon. minister has made, that the late government pursued any such policy in reference to this question when asked for information as to the value of an article that they may have purchased for any purpose whatever, that they withheld it from either the Senate or the House of Commons. I deny that the late government ever refused such information.

BILLS INTRODUCED.

Bill (79) 'An Act to amend the General Inspection Act so as to provide a grade for Flax Seed.'—(Hon. Mr. Scott.)

Bill (78) An Act to amend the Gas Inspection Act.'—(Hon. Mr. Scott.)

Bill (98) 'An Act respecting the Yarmouth Steamship Company Limited.'—(Hon. Mr. Lovitt.)

DELAYED RETURNS.

Hon. Mr. FERGUSON—I may point out to my hon. friend the Secretary of State that there are two motions for papers, the returns for which have not yet been produced. I refer to the motion for a statement of the earnings of the winter boats on the Prince Edward Island service covering a period of many years. Then there is the question of the supply of oils to the Intercolonial Railway. My hon. friend will, I hope, make a note of both of these, and endeavour to have them brought down as soon as possible.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 10, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

LETTERS SENT TO EUROPE.

INQUIRY.

Hon. Mr. LANDRY inquired.

Out of the number of 150,375,000 letters deposited in the post offices of Canada during the year 1898-9, as given at page xv of the official report, what is the figure representing the number of letters sent to Europe during the same period?

Hon. Mr. SCOTT—The answer I have received from the department is that in the enumeration on which the estimate of 150,375,000, as the total number of letters posted in Canada during the year ended 30th June, 1899, was based, no distinction was made between letters addressed to places in Canada and letters addressed to other countries, and the department is unable, therefore, to supply information as to the proportion of letters sent to Europe, included in that total.

RE-OPENING OF TRADE ON SOUTH EASTERN RAILWAY.

INQUIRY POSTPONED.

The Order of the Day being called.

Hon. Mr. LANDRY inquired:

Has the government or any of the members of the present administration received, at any time from July 1, 1896, to this date, any petitions or communications whatsoever on the part of boards of trade, of municipal corporations or of any private individuals coming from the city

of Sorel, or from the municipalities of St. Michel d'Yamaska, de Yamaska, de St. David d'Yamaska, de St. Guillaume d'Upton, de St. Pie de Deguire, de St. Bonaventure d'Upton, de St. Germain de Grantham and Drummondville, in relation to the re-opening the trade of that part of the South-Eastern Railway which united Sorel to Drummondville and which seems to have been abandoned and not worked since April, 1892?

If in the affirmative, in whose name have these communications been sent?

Hon. Mr. SCOTT—Communications of the nature described in the hon. gentleman's question would necessarily have been intended for the government. None have come to the department of the Secretary of State, nor have any come to the Privy Council office. Without further information I am unable to give my hon. friend any advice on the subject. I will inquire of the Department of Railways and Canals. That is the only other department, I suppose, that would have any other communication. There may be letters to the individual ministers, but of course communications of that kind on questions of policy would be by the minister transferred to the Privy Council office. An exhaustive search has been made there and no communication of the kind has been found. If the hon. gentleman could give me any clue to the inquiry it would help me.

Hon. Mr. LANDRY—As I understand, there is only the Department of Railways and Canals——

Hon. Mr. SCOTT—I think that is the only department that a communication of that kind would go to, and I have not their answer, but communications of that kind, which involve questions of policy, would even if sent direct to the minister, be forwarded to the Privy Council. An exhaustive search in the Privy Council shows that no communication of the kind described in the hon. gentleman's question had been filed there, nor had any come to the department of the Secretary of State.

Hon. Mr. LANDRY—The hon. minister will inquire ?

Hon. Mr. SCOTT—I will inquire of the Department of Railways and Canals. That is the only department to where there would be any use in making a reference.

Hon. Mr. LANDRY—In the future I should like if the hon. minister would inquire before giving an answer.

Hon. Sir MACKENZIE BOWELL—I might call the attention of the hon. Secretary of State to the fact that this inquiry is as to whether any member or members of the present administration have received such documents. What the hon. Secretary of State says is quite correct, as to a change of policy, but that can only be upon the recommendation of the head of the department to which the policy would refer. The Minister of Railways might have received communications and not have made any report to the Privy Council, nor would he do so until he had come to some decision as to the policy which he would recommend the government to take. It seems to me that all the hon. gentleman has to do is simply to refer the question to the Minister of Railways and Canals, and let him say whether these communications have taken place or not. I know that was the old practice.

Hon. Mr. MILLS—That has been done.

Hon. Mr. SCOTT—We will get the answer to morrow.

Hon. Sir MACKENZIE BOWELL—I thought the hon. gentleman said he had referred to the department and got no answer.

Hon. Mr. LANDRY—I understand the answer has not been given yet.

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—We will let the motion stand.

The motion was allowed to stand.

THE OYSTER BEDS IN SHEDIAC BAY.

INQUIRY.

Hon. Mr. POIRIER inquired :

On what dates did the government cause oysters to be sown in the Shediac Bay in New Brunswick?

How much money have these experiments cost in all?

What has been the result of them?

Has the Minister of Marine and Fisheries caused these oysters to be fished for, or does he propose to do it?

What system of fishing does he intend to adopt?

Have other similar experiments been made in Canada, since 1892, elsewhere than at Shediac?

How much money have they cost?

He said: It is with some apprehension that I rise to put this question, remembering my

experience on the last occasion on which I put a question to the government. On that occasion, I had the honour to find out that the hon. minister had not taken the trouble to read my question, and when he condescended to read it, he found out that it was irregular, that it was stating facts, while I had simply asked a question. He went further and once more undertook to look into it closely and I finally got his answer. The matter was in reference to some remarks made by the hon. Minister of Public Works in Toronto, remarks which were rather silly in their nature, but intended to throw discredit on the Senate. I simply asked whether the minister had made those remarks or not. The hon. leader of the government answered that he was not in Toronto. I expect this time as the question is about oysters, that he will answer that he is not in the oysters. However, it is a question of serious importance, and I venture to put it, and I hope that the hon. minister will give me some reply, and, if he condescends to do so, that it will be a proper, a parliamentary and a decent one. The oyster trade is a very important one in the maritime provinces. A very considerable amount of money has been spent in the maritime provinces to cultivate oysters in the same manner as in the old country, France and Belgium, and also in the United States. In the Bay of Shediac, on the coast of which I happen to live, a considerable amount of money has been spent for the purpose of testing whether we could cultivate oysters and replenish the beds. I know personally that experienced men sent by the government worked there for two or three summers. I know that oysters were planted there, but I have not been able to ascertain, after going to the department several times myself, what the government intends to do with those oysters. As a matter of fact, those oysters are matured, and have been matured for several years, and nothing whatever has been done with them. My question is to ascertain if the government have any idea of the result of those experiments, and, if they have not, what they intend to do. I repeat, it is a question of some importance to us, as it means the revival of an industry which has fallen into decay and which is, I believe, susceptible of being made a paying one of great importance to the maritime provinces.

Hon. Mr. SCOTT—The answers of the department are as follows:

1. During the seasons of 1893 and 1894. 2. Several beds were in course of preparation at the same time; and owing to the destruction of the detailed accounts by fire, it is impossible to now give the cost of preparing each bed. The total amount expended for oyster culture in 1893, was $5,-010.00, and in 1894, $6,136.00. 3. Experiment very successful; but good results much interfered with by poachers, owing to neglect or inability of guardians to properly protect the oyster beds. 4. No; but it is proposed to allow them to be fished for. 5. It has been decided to adopt the system which has worked admirably in North River, Prince Edward Island, and to allow licensed oyster fishermen to fish for a certain number of days each season, under the supervision of a fishery officer. 6. Yes. 7. Answered by No. 2.

Hon. Mr. WOOD—Do I understand the hon. gentleman to say they propose to adopt the system of fishing in the Harbour of Shediac that is described in the reply from the department?

Hon. Mr. SCOTT—To what particular question does my hon. friend refer? There are seven questions on this paper. First, as to the season, next the cost of the experiment, then the result, then has the Minister of Marine caused the oysters to be fished for, what system does he propose to adopt? Is that the one?

Hon. Mr. WOOD—That and the next one.

Hon Mr. SCOTT—The answer placed in my hands is as follows:

It has been decided to adopt the system which has worked admirably in the North River, P.E.I., and to allow licensed oyster fishermen to fish for a certain number of days each season, under the supervision of a fishery officer.

Hon. Mr. WOOD—Do I understand from that answer that they intend to adopt that system in Shediac?

Hon. Mr. SCOTT—I am not able to give the hon. gentleman the answer. I am not at all familiar with the question. The hon. gentleman knows far more than I do about

it. The answers are given categorically on the supposition that the hon. gentleman who puts the questions, understands them.

Hon. Mr. WOOD—I understand they all refer to oyster beds in Shediac Habour. My reason for pressing this point is this : I took a good deal of interest in the Shediac oyster beds, and in this experiment to restock them. I had the honour of representing the county at the time the oyster beds were planted, and I followed the reports of Mr. Kemp, who was in charge of the oyster beds, very closely. During the first two or three years the reports were very favourable. The experiment promised to be a very great success. The oysters grew very rapidly, and the report of 1897, that is, covering the season of 1896, reported that the first oysters that had been planted had grown to maturity and were in fine condition and fit for market. In the report of 1898, this same condition of things continued, but he adds that he has discovered a good deal of poaching on the beds. In the report of 1899. I find no reference to the beds in Shediac at all. It is currently rumoured down there, and there is good foundation for the rumour, that the officers in charge have entirely neglected their duties with regard to the oversight of these beds, and they are really being destroyed by poachers, and that the amount of labour and money that has been expended there, which, if followed up might have been a great success, has been an entire failure.

Hon. Mr. SCOTT—The answer to question No. 3, is quite in accord with what the hon. gentleman has said 'Experiment very successful, but good result much interfered with by poachers, owing to neglect or inability of guardians to properly protect the oyster beds.' Then the answer to question No. 5, states that it has been decided to adopt the system which has worked admirably in North River, Prince Edward Island, and to allow licensed oyster fishermen to fish for a certain number of days each season, under the supervision of a fishery officer.

Hon. Mr. FERGUSON—I would remark that the case of North River, Prince Edward Island, is not altogether on all fours with that of Shediac. They were natural oyster beds that had been depleted by fishing.

Hon. Mr. POIRIER—So they are in Shediac.

Hon. Mr. FERGUSON—Are the Shediac beds also natural beds ?

Hon. Mr. POIRIER—Yes.

Hon. Mr. FERGUSON—It is only restocking them ?

Hon. Mr. POIRIER—Yes.

Hon. Mr. FERGUSON—I can bear out what my hon. friend says about North River, Prince Edward Island. The measures adopted there have resulted in reviving the fertility of the oyster in that river, so that excellent results are now being obtained.

Hon. Mr. POIRIER—It is gratifying to me, and I am sure will be to the people of the maritime provinces, to hear from the hon. minister that the government intend to do something to regulate the oyster fisheries. Over eleven thousand dollars have been spent in restocking those natural beds. As a matter of fact, those beds were several years since susceptible of being fished. The oysters were matured for the last four years, and nothing had been done. They had been simply left to poachers who have fished them. It is not very creditable to the department officers who have allowed the results of those experiments to be for the benefit of poachers, when they simply needed an officer and some permission to fish those beds regularly and with profit. I understand that from the actions of poachers which have not been guarded against, those beds are again depleted. As I said before, I went to the department on several occasions and asked them to do something, to adopt some scheme to protect those beds, and not allow that large amount of money and experience to go for nothing, but could get no satisfactory answer. Therefore, again I express my gratification to hear that the government intend to do something, but I would be better satisfied if the hon. minister had told us when the government intend to apply to the Shediac beds those regulations which have been in existence in Prince Edward Island. Let me hope that they will do something this year, before the beds are entirely destroyed.

Hon. Mr. DeBOUCHERVILLE—Does not this oyster ground belong to the local government ?

Hon. Mr. McSWEENEY—Are not the fishery officers the same men that we had under the late government ?

Hon. Mr. POIRIER—No. I have no charge to make against the officers, it is against the department. The officers have been changed, but the former officers had no particular commission to look after the beds, though they had the authority. When the oysters became fit for market, they should have been fished, but they were left to the poachers. It might be as well to allow poachers to fish them by night as to let them rot. The government should have appointed an officer and adopted some regulations, and allowed either the public, or individuals under license, as is now proposed, to fish them, and see what the result of those experiments, which have cost, as we have heard, $11,000, has been. It is not only the money, but the result of a valuable experiment, which is lost to the country.

Hon. Mr. SCOTT—I shall have a copy of the hon. gentleman's remarks sent to the Minister of Marine and Fisheries for his consideration ?

Hon. Mr. SNOWBALL—No doubt those beds at Shediac have been planted, but they were only planted on a very small scale for the large extent of coast suitable for oysters. They should have been allowed to remain. If they are fished out when they came to maturity, how are we going to replant the beds ? I believe we have too many inefficient officers on our coast. The remarks which have been made apply not only to Shediac, but to Buctouche and the whole of the Miramichi. The beds are being destroyed by being over-fished. If the department would appoint efficient officers and allow the oysters to grow to maturity and restock the whole of the bays, as they would do if protected properly for a few years, then they might be fished, but to let the oysters merely come to maturity and then fish them out before the beds are replanted is entirely wrong.

Hon. Mr. WOOD—I might say, in reply to the remarks of the last speaker, a very large area was stocked by the government at Shediac. The first year there were upwards of two hundred barrels of young oysters planted, each barrel containing something like 1,700 oysters. Next year upwards of 300 barrels were planted, and Mr. Kemp's report of 1897, states that the oysters he had first planted were then ready for market and could be fished. The mode of fishing, which the Secretary of State says has been established in North River, Prince Edward Island, should have been adopted in Shediac in 1897-98 and prevailed since; but instead of that, apparently these beds have been almost abandoned. A new officer has been appointed, who certainly had not taken any interest in the matter, so far as I understand. He himself keeps an oyster saloon in Shediac and sells oysters. At all events, the report of Mr. Kemp for 1897-98, was that up to that time he had discovered no signs of poaching, but since then poaching has been carried on, he presumes, during the night season, and the beds have been depleted by poaching. In the report of 1899 there appears to be no reference to it.

Hon. Mr. SNOWBALL—What the hon. gentleman says is quite correct. He says there were 300 barrels placed in the Shediac Harbour one season and 200 another. When I was young, Shediac Harbour was capable of producing 500 barrels a day. If that harbour was capable of producing that amount per season what does 500 barrels put in now amount to ?

Hon. Mr. WOOD—The hon. gentleman might take 500 barrels, and 1,700 oysters to the barrel, and make the further calculation that each female oyster produces something like a million every year, and he could then get the information. If he will examine Kemp's report, he will find that oysters reach maturity in three to four years from the time they are planted. So that these oysters reached maturity, the first in 1896, and the last in 1897.

Hon. Mr. MILLS—In the discussion of this question hon. gentlemen overlook the point made by the hon. gentleman from Montarville, that the proprietary interest in these oyster beds belongs to the local legislature. The question was before the Judicial Committee of the Privy Council, and there is little room to doubt that oyster beds in harbours and oyster beds in bays are under

the local jurisdiction. I am under the impression that the local jurisdiction rests with the territorial right of the province, and that all bays and harbours that may be regarded as territorial waters, as lying within the limits of a province, so called, in the territorial sense, are the property of the province. Whether that could apply to a belt of water which may be commanded by a cannon shot from the shore, and which is held by force of arms, is a matter of which there may be a great deal of doubt. It is a question which has yet to be determined, whether the proprietary interest of the province will extend beyond low water mark. If the belt that surrounds our coast may be regarded as territorial waters in the same sense as a bay or harbour is territorial water, then no doubt the proprietary right would extend to those waters as well as to others, but so far as the bays and harbours are concerned, I think there can be no doubt of the proprietary right of the province, and while parliament has, under the British North America Act, the right to make regulations for the government of the fisheries, which I apprehend would apply also to oyster beds, it has not any proprietary interest in them, and so, until that question is finally determined, so far as the water belt is concerned, we are not supposed to have the same interest in the matter as we had before the recent decision of the Privy Council was given. That decision makes it perfectly clear that in all the fresh waters, in the harbours, the bays, and possibly, in the water belt around the shores, the fisheries are the property of the province. Until that question is determined ultimately, of course we are not in a position to exercise that jurisdiction which was assumed to belong to the Dominion of Canada for the first 30 years of our existence.

LOSS OF THE STEAMER 'PORTIA.'

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a copy of the report of Captain Smith in regard to the loss of the steamer 'Portia' off Sambro, Nova Scotia, on July 10, 1899; together with the evidence taken at the investigation subsequently held regarding the loss of the said steamer.

The motion was agreed to.

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BILLS INTRODUCED.

Bill (142) 'An Act respecting the inspection of foreign grain.'—(Hon. Mr. Scott.)

Bill (31) 'An Act to amend the Land Titles Act, 1894.'—(Hon. Mr. Mills.)

Bill (107) 'An Act to make further provision respecting grants of land to members of the militia force on active service in the North-west.'—(Hon. Mr. Mills.)

Bill (71) 'An Act respecting the Dominion Cotton Mills Company, Limited.'—(Hon. Mr. O'Brien.)

Bill (92) 'An Act to incorporate the Royal Marine Insurance Company.'—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (54) 'An Act respecting the Ontario Mutual Life Insurance Company, and to change its name to the Mutual Life Insurance of Canada.'—(Hon. Mr. Kerr.)

Bill (75) 'An Act to incorporate the Quebec Southern Railway Company.'—(Hon. Mr. Dandurand.)

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to remind the hon. Secretary of State of the fact that I moved for a return in 1898, asking for certain information in reference to dismissals and the cost of the commissions. In the latter part of that session, just about the close, I called the hon. gentleman's attention to the delay in bringing down the return, and he said it was not ready. Looking at the debates, I see that my reply to the hon. gentleman was that if he would have it prepared for the next session—that would be the session of 1899—I would be quite satisfied, providing the dismissals and the expenses of the commissions and the investigations were brought down with it up to date. We are now in 1900 and the return is not here yet. I might add that the hon. Secretary of State did bring down a part of the report from the Department of Railways and Canals, giving certain information. When I called his attention to the incomplete state of the return laid before the Senate, the hon. gentleman agreed with me that it was not in accordance with the motion passed by the Senate, and that he would call the attention of the

department to the fact and have it rectified. Since that period we have had no further returns. If the officials of the Department of Railways and Canals have made up their minds that they will give no further information, and if the minister of that department is sustained by his colleagues in the course which has been adopted, of course it is impossible for this House to compel him to do so. If they decline to give any further information I would ask the hon. Secretary of State to let us have the report as it was presented in its incomplete state.

Hon. Mr. SCOTT—I understand all the reports, except the report from the Department of Railways and Canals, were brought down, and I quite recollect my hon. friend handing the return back to me for the purpose of getting full information. I gave it to the Minister of Railways and Canals, and I sent over for it this session, but it appears they have mislaid or lost it. They state that it cannot be found. I told them that they must have some copy and to prepare me a copy of it. I shall do my best to obtain it.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman ask the department whether they intend to do it, because if I receive an answer that no further return will be furnished, I shall not bother my hon. friend about it any more.

THIRD READING.

Bill (N) 'An Act for the relief of Gustavus Adolphus Kobold.'—(Hon. Mr. Clemow.)

THE PATTERSON DIVORCE BILL.

THIRD READING.

Hon. Mr. CLEMOW, moved the third reading of Bill (M) 'An Act for the relief of Gertrude Bessie Patterson.' He said: This Bill and the report of the committee have been before hon. gentlemen for some time, and every one, no doubt, is familiar with the facts.

Hon. Mr. McMILLAN—I do not wish to be placed in the position of remaining passively opposed to this Bill, as I did with regard to the former one. As the hon. gentleman who moved the Bill said, the evidence has been in the hands of hon. gentlemen for some days, and I have no doubt they have read it carefully. With regard to the first there cannot be any possible objection on the ground of not having made out what would be considered a good case, but I join issue with my hon. friend as far as this Bill is concerned, for I think it is due to this House and due to society generally, that we should not encourage such legislation as this and pass it upon such flimsy evidence as is here produced. The facts are that a young woman, about 18 or 19 years of age, comes before the hon. gentlemen who sat as a committee in this case, and she gives evidence that is damaging to herself, that will ruin her character and put her outside of society for all her life. I have a little experience in this House in matters of this kind. I have been here sixteen years—short years I may say when I look back. I have known females to be brought here from houses of prostitution to give evidence, and it was always with the greatest difficulty that you could get them to acknowledge having had criminal connection with the respondent. What do we find in this case? The young woman, merely upon the advice of the counsel for the petitioner, and upon being served with a subpœna and conduct money, travels all the way from Calgary to give the evidence hon. gentlemen have read, acknowledging criminal connection with this man on several occasions, the first having been an assault. It does not stop there, on the advice of the counsel for the plaintiff, she lodges information before the police magistrate of Calgary, three years after the act had taken place. When she did that, according to the evidence, this man Patterson was in England. The evidence shows that the assault was committed in July, 1896, and on May 30, 1899, she lodges this information before the police magistrate. In the month of June, which may be perhaps a few days after that, he returned from England and went to live with the parents of this young girl, with whom, she said she had had criminal connection. She was asked, when giving her evidence, if you will remember, why the defendant was not prosecuted after he returned from England. She said that this same counsel had told her that there was no use following up the matter; and when pressed still further, she said she was told

he had nothing and therefore there was nothing to be gained by a prosecution. The extraordinary feature of it beyond all is that this man went to live in the house of her parents, remained there for a week, slept there, took his meals there, was in conversation with this girl and on terms of intimacy with the family, and yet no prosecution followed. What are we to conclude from all that? We must conclude that this young girl came here and gave evidence which was entirely false in order to make out a case against the respondent, or that there was connivance and motive in the matter. These are the facts as they appear in evidence. I ask hon. gentlemen if it is not their experience—I am sure it is the experience of most people who have watched cases of this kind—that it is not characteristic of females to give secrets of that kind away; on the contrary, they are more discreet about it while, on the other hand, as is shown in the evidence, men will often boast of such things and brag of what they have accomplished in that direction. Even women of loose habits have to be pressed strongly before questions of that kind are answered. That has not been the case with this girl. She came here and gave her evidence, without hesitation or shyness. I am told that she was a good-looking girl, and apparently respectable; that only confirms the view that I take. If she is the presentable girl that she is described, she would not, if she is in her right senses, give away her character as she did. For these reasons, and for the sake of the Senate, I cannot allow this Bill to pass. I am sure it will be challenged in the other House, and it is our duty to see that it is properly dealt with here, on its merits, upon the evidence as produced by the committee and submitted to the House. I therefore move:

That this Bill be not now read the third time, but that it be read this day six months.

Hon. Mr. KIRCHHOFFER—I have listened with a good deal of regret to the speech which the hon. member from Glengarry has made to the House. He is a gentleman whose opinions I value equally with those of any hon. gentleman who sits in this Senate. He has put the matter before the House in a manner not at all to his own credit. One would suppose, from the hon. gentleman's strictures, that the Divorce Committee was composed of gentlemen who are either interested in passing divorce Bills without proper evidence before them, or else that their judgment is so poor that they are unable to form a correct opinion on the evidence submitted to them. The hon. gentleman said, and I did not like the way he said it, that this divorce Bill was passed by the committee and that the principal witness for the petition was a good looking girl. The inference is, that if a good-looking girl comes before the committee they will, on that account, grant a divorce when they would not otherwise do it. That is the only inference to be drawn from the hon. gentleman's statement. With regard to the remarks which he made on the evidence, every member of the committee, and indeed every member of this House, knows that the evidence which is brought before us does not always come from the very highest class of society, and when he speaks about a respectable woman not wishing to come into court and give evidence to injure her own character, I say certainly a modest and proper minded woman would object to do a thing of the kind. But we are obliged, in most cases, to go below the strata with which the hon. gentleman apparently is best acquainted to get evidence. With regard to the girl Ianson, whose evidence he speaks of, and the course she adopted as to pressing the charge against this man, whether she was induced to delay the charge or withdraw it, is not a matter for us. The question before us is, was the man himself guilty of the offence which we are obliged to find he was guilty of—that is, the evidence of immorality? While some hon. gentlemen may criticise this evidence and cast strictures upon us, the committee is one which takes the greatest care and interest in sifting cases thoroughly and establishing the fact which is necessary for us before we recommend the Senate to grant a Bill of the kind. I say, without fear of contradiction, the members of that committee were in a better position to judge than hon. gentlemen who did not see and hear the witness, and we gave a unanimous verdict on that case. We all believe the evidence given by the girl Ianson with regard to the important fact of her relations with the respondent. But it was not alone upon the evidence of that girl that the re-

lief is granted. It is corroborated by other evidence so entirely satisfactory to the committee that there was not one dissentient voice with regard to what our report should be. I think the attack on the report of the committee and the motion to reject the Bill on such an extraordinary statement as the hon. gentleman has made is one which should not be encouraged in the House, and I should certainly feel it was a very serious blow to the committee if the House, when called upon to adopt this motion, to adopt the six months hoist, were to do so and would not support the committee.

Hon. Mr. KERR—I desire, as a member of the Divorce Committee, to emphasize, if possible, the appropriate and very correct remarks of the hon. Senator from Brandon. As a member of that committee, I may say that I approach every one of these cases with a sense of very serious responsibility, and, I might say, with some reluctance. I sympathize very largely with those hon. gentlemen who have conscientious convictions against granting Bills of this kind. At the same time, I am bound to say in vindication of the action of that committee, that the case was thoroughly sifted, and evidence fully and carefully examined, and not only moral but legal guilt fully established. I am only speaking so much for myself now as for the other members of the committee. A little circumstance occurred which caused myself, at least, personally to take a more active and fuller part in the examination of the witnesses than perhaps I otherwise would, and I have no doubt whatever that the committee came to a very wise and proper conclusion, and I agree with the hon. senator that the adoption of the amendment would be attended with very serious results and would be practically a vote of want of confidence in the legal acumen, and in the fairness and justice of the action of that committee. I hope, therefore, that the amendment will not be pressed. I have great respect for the hon. gentleman from Glengarry, but I am satisfied had he been a member of that committee, he would not have moved this amendment. The members of the committee must be, while they are entrusted with that responsibility, considered proper persons to discharge the duties that are cast upon them. So far they have proved themselves capable, and the same conduct will characterize their course to the end. They will take care that no divorce Bill will be recommended by them unless they conscientiously believe that the evidence adduced before them leaves them no other alternative.

Hon. Mr. BERNIER—It is to be regretted that the case should be put as it has been put before the House by the members of the committee who have spoken. If their theory, that we should not question the action or judgment of the committee, is correct, then the action of no committee could be questioned, and we would have only to adopt the finding of any committee of this House. I do not think that is a right view to take. The committee on divorce is only an investigating committee. The evidence is printed and placed in our hands here. What for? These gentlemen have exercised their judgment. We have no doubt as to their integrity and impartiality, but we also are called upon to exercise our own judgment. Why these gentlemen should take this opposition to their report as a personal reflection on them, I cannot understand. It is nothing of the kind. We are simply exercising our own judgment on evidence which the law obliges them to put before the House. As to the merits of the evidence, I have no hesitation in saying that, as I read the report, it struck me that there was connivance between all these people, and, being of that opinion, why should we be taxed with making reflections on hon. gentlemen when we are simply exercising our own judgment? Such an argument is not justified, and it is deeply to be regretted that it has been used here. We are simply, I repeat, exercising our own judgment on the evidence furnished us by these hon. gentlemen. If the theory they are advancing were to be adopted by this House, we would have no right to take action against the report of any committee.

Hon. Mr. ALMON—I perfectly agree with what has just fallen from the hon. gentleman from St. Boniface. In voting on this question we are not reflecting on the judgment or ability of those gentlemen who investigated the case. The Divorce Committee as now constituted, and Judge Gowan, who is not here this session, deserves great

credit for having brought it into such perfect organization—does its work thoroughly. Its members are no longer appointed at haphazard, but are selected to serve on the committee because they are familiar with the law, and however we may differ from them, we must all acknowledge that the court, as constituted, is as well constituted as it possibly can be. In this case there is evidence from two witnesses against the respondent. One witness repeats a conversation he had with the respondent in which he boasted of having had connection with a woman he met on a Pullman car. The boast does not establish the fact, it only proves that he was a blackguard. The question is, do you believe him ? Then we come to the evidence of this woman Ianson, who swears that the respondent had connection with her on several occasions. Am I to believe a woman who acknowledges that she was assaulted by this man and afterwards had connection with him at various times ? She had no regard for her own character, or religion or anything else. We should look with suspicion at her evidence, and when she swears she has had improper relations wth the respondent, I do not think her evidence is worthy of credence. I have the greatest confidence in the committee, but on this occasion I shall vote for the amendment.

Hon. Mr. MILLS—My hon. friend who has moved the amendment for the rejection of this Bill does not do so upon the statements contained in the evidence, but on the ground that he does not accept the statements contained in the evidence. My hon. friend opposite (Mr. Bernier) says that this is no reflection on the committee. Hon. gentlemen will bear in mind this rule, that with regard to the evidence taken, with regard to the credibility of the witness, you always attach the utmost importance to the opinion of the judge in the first instance who has had an opportunity of observing the witness and hearing the evidence. A court of appeal very seldom undertakes to question the conclusion that the court in the first instance have arrived at upon a question of fact. In this case the parties who heard the witnesses and had an opportunity of observing the demeanour of the witnesses, and of forming an opinion with regard to the credibility of the witnesses from their demeanour and conduct, are the members of the committee who took this evidence, and what my hon. friend (Mr. McMillan) proposes is to set aside the conclusion of the committee and substitute his own judgment upon the evidence without having heard or seen the witnesses. My hon. friend says here is a girl who has come forward and borne testimony to her own misconduct —to her own improper relations with the party who is accused in this case, and that, therefore, she is not to be credited. I do not draw that conclusion. The girl, was still immature, still a child under fourteen—

Hon. Mr. McMILLAN—She is nineteen.

Hon. Mr. MILLS—She was thirteen, according to testimony when she was assaulted by the respondent. A girl's mind was immature, she was under the protection of the Criminal Law, and it is not strange that when she arrived at maturity and formed an opinion of the improper conduct of the man who misled her, and realized the infamy of his conduct, she comes forward and bears testimony to the fact which happened when she was still a child. These are the facts, if you are to believe the witness.

Hon. Mr. ALMON—She swore to having committed adultery with this man long after that.

Hon. Mr. MILLS—That woman, Ianson, swore to having had improper intercourse with this man. Where is he ? Is he living with his wife ? Is he taking care of his family ? Is not his present relation in harmony with the testimony that is given ?

Hon. Mr. McMILLAN—We do not know that.

Hon. Mr. MILLS—The evidence so declares. He is living away from his wife; he is not caring for his family, and all the circumstances go to point out that if he ever had affection for the woman whom he pledged to protect, that affection is gone, his attachments are elsewhere, and the evidence is in harmony with the conduct of the man. I think everything goes to show that the committee arrived, on the evidence given, at a proper conclusion. Holding that view, entertaining the view that the committee formed a proper judgment—and, further than that, I would say they had oppor-

tunities better than I have of determining the credibility of the witnesses—I am inclined to stand by the report which the committee has made to this House.

Hon. Mr. McCALLUM—In this case the woman Ianson was assaulted before she knew the nature of the crime. Can I believe that she came here, all this way, to perjure herself ? Is there anything to show that this woman is not a credible witness ? Members talk here about her good looks. I have not seen her and do not know what she looked like, but I believe her evidence. I do not care for the report of the committee. I have read the evidence and have come to my own conclusion. We are asked why she did not prosecute this man. She was merely a child at the time he assaulted her, and could not do so. Her parents should have done it for her. I do not believe that this woman was brought into this action to perjure her soul by giving false evidence.

Hon. Mr. McMILLAN—She was not obliged to come.

Hon. Mr. McCALLUM—She was subpœnaed. and it was her duty to come here, if she possibly could, and help to punish this man.

Hon. Mr. LOUGHEED—She was compelled to come.

Hon. Mr. McCALLUM—And you say you do not believe her ! I cannot believe that she perjured herself. I have read the evidence for myself and I shall vote to sustain the report of the committee.

Hon. Mr. POWER—I regret that the hon. chairman of the committee and another member of the committee should have felt that the motion of the hon. gentleman from Glengarry was to be looked upon as in any sense a reflection on the committee. These hon. gentlemen are comparatively new members of the Senate. If they had been here some years ago, they would have known that very often we had long discussions and divisions on reports of the Divorce Committee. In the Campbell Divorce Case, the committee reported in favour of granting the divorce to the husband and, if my memory serves me right, the House took the matter in hand and turned the case round about and reported a Bill compelling the man to give alimony to his wife and refusing his petition for divorce. Within the last ten years we have had important discussions, mainly on legal questions it is true.

Hon. Mr. LANDRY—Two years ago a report of the committee was reversed.

Hon. Mr. POWER—I hope the chairman of the committee will disabuse his mind of the impression that seems to be on it that if a member of the House differs from the report of the committee that difference is to be regarded as a censure on the committee. Instead of looking at it that way, the hon. gentleman might look at it in this way, that during all the years he has been here there has been hardly any discussion on the reports of the committee at all. They have gone as a matter of course. Members have accepted the decision of the committee as satisfactory. The hon. gentleman from Glengarry in this case thought that there were certain suspicious circumstances shown by the evidence, and I think he did his duty, as a member of the House, in calling the attention of his brother members to these circumstances. The hon. Minister of Justice made some reference to the fact that this girl who gave evidence was only thirteen years of age. When she gave her evidence she was of the age of eighteen, and the argument of my hon. friend from Glengarry, as to the unwillingness of a woman to give evidence reflecting upon her own character, might not have applied to a girl of thirteen, but it does apply to a young woman of eighteen. As to whether the case has not been fully established or not, I do not propose to say anything, but I think there is a good deal of foundation for the view taken by the hon. gentleman from Glengarry.

Hon. Mr. LOUGHEED—My excuse for making any observations upon this case may be largely due to the fact that the parties affected by it have come from the section of the country in which I live, and I have a personal knowledge of all the parties involved in it. Permit me to say, in the first place, that I quite appreciate the standpoint from which the hon. gentleman from Glengarry has approached the discussion of this matter. I have no doubt—in fact I am sure —that it is from a deep sense of conscientiousness and from conviction, but I cannot

overlook the fact that my hon. friend's article of faith is unalterably opposed to the law of divorce, and it is very natural that any hon. gentleman approaching the consideration of this case from that standpoint of faith must necessarily look at it, in my judgment, from anything but a judicial standpoint. Therefore, I would appeal to that gentleman's generosity, so to speak, or width of view in weighing the evidence which has been placed before him.

Hon. Mr. McMILLAN—I must tell the hon. gentleman that I tried, as far as possible, to discard all feelings of that kind, and I took the evidence as it stood, and read it carefully, and came to the conclusion I did.

Hon. Mr. BERNIER—As a jury.

Hon. Mr. McMILLAN—Yes.

Hon. Mr. LOUGHEED—I quite appreciate what the hon. gentleman says, but yet one cannot shake off convictions of life long standing, and approach a matter of this kind from the standpoint of one who believes in granting divorce under certain circumstances. Let me say, in the first place, that I quite concur in the views which have been expressed relative to this motion of the hon. gentleman from Glengarry being equivalent to a vote of want of confidence in the committee that have sat upon and weighed this evidence, and made its report, which report has been carried by the House. I have had the honour of occupying a seat upon that committee since 1890, and within my recollection no case has arisen in this House in which the Divorce Committee has been attacked, or a want of confidence expressed in them in regard to weighing the evidence. There have been cases in which hon. gentlemen in the House have said that the committee did not draw a proper inference of fact from possibly circumstantial evidence. Hon. gentlemen would be at perfect liberty to take that position, but when hon. gentlemen will say that seven or eight members of that committee sitting round the table cross-examining the witnesses, observing their demeanour, were imposed upon by a girl of seventeen years of age, and were hoodwinked to the extent of believing in her statements when they were absolutely untrue, is certainly, if not impliedly in express terms as direct a vote of want of confidence in the ability and in the competence of that committee as words could express.

Hon. Mr. McMILLAN—I think that is a poor defence. We had better have the committee decide the matter entirely if the hon. gentleman takes that stand.

Hon. Mr. LOUGHEED—Permit me to repeat what the hon. Minister of Justice has said with reference to the trial judge weighing the evidence. There is no better established principle of law than that an appellate court will not review the findings of fact of a jury or a trial judge. I hope that I am not trespassing upon the House in going to the very fountainhead of our jurisprudence in reference to this particular point, but I wish to read from a case of Jone vs. Hough, where Lord Justice Cotton says :

> Of course, I need not say, in all questions of fact, especially where there has been viva voce evidence before the judge in the court below, the court of appeal ought to be most unwilling to interfere with the conclusion which the judge has arrived at when he has had the opportunity, which the court have not, of seeing the witnesses and judging of their demeanour.

And the late master of the rolls, Lord Esher in the case of the Colonial Securities Company vs. Massey, said :

> The judge in the court below may have heard witnesses, and if so the court of appeal would be more unwilling to set aside his judgment, especially if there was a conflict of evidence, than in a case tried on written evidence where the witnesses were not before the court, because of the opportunity afforded of judging how far the witnesses were worthy of credit.

I point out that there has been no conflict of evidence in this case. In another case, which is equaly important, in the Probate and divorce division, the presiding judge said :

> When a case has been tried alone by a judge, without a jury, the court of appeal, following the practice which we have seen is pursued in the analogous case of appeals from the discretion of a judge as to allowing or disallowing amendments, will not, except in an extreme case, reverse the decision of a judge on a question of fact, when he has arrived at a clear conclusion after hearing the witnesses; but this last rule only applies to cases where the judge's decision depends on the credibility of the witnesses as evinced by their demeanour, and not on inferences drawn by him from the facts deposed.

This was a case in which the committee were not called upon to draw any inferences. There was a direct statement made by this witness, and the question is as to whether

that witness was telling the truth or not. There were some experienced lawyers upon that committee. There was the hon. gentleman from Cobourg (Hon. Mr. Kerr) who, I understand, has been Crown prosecutor for a great number of years in Ontario. There was the present Chairman of the Railway Committee, a gentleman who has been engaged in a large and extensive legal practice for years. There was my hon. friend from West Northumberland, and my hon. friend from Victoria, and yet not one member of that committee, after cross-examining the witnesses, disbelieved for one moment the statement made by the witness Ianson. The hon. gentleman from Glengarry seemed to think that before we could place any reliance upon a witness of that nature, the witness should be a paragon of virtue. What did my hon. friend expect ? Did he expect a virtuous woman to come here and give evidence upon this particular question ? Did my hon. friend expect a woman whose character was unimpeachable to come and give evidence as to her chastity having been stolen when she was thirteen years of age ? The very fact of the girl's willingness to come forward and to state openly before that committee these facts, I think should appeal to the House as establishing, beyond all peradventure, the truth of her statements. What were the other facts ? Here is a man, the respondent in this case, who married a girl when she was sixteen years of age, who from that time up to the time he abandoned her, seems from the evidence, to have illused and abused her, made her work as a servant, and in other ways misconducted himself with regard to her. For the last couple of years his whereabouts have been unknown. As the hon. Minister of Justice has said, if this man had not committed this offence which is charged against him, would not the probabilities be that he would not abandon his wife and children and cease to make provision for them ? Hon. gentlemen are asked now to prevent this woman from obtaining a divorce, which, by the law of the land, she is entitled to, and to cast her and her family upon the wide world, without a husband. She knows not his whereabouts. The evidence, both at the hearing and in the earlier stages of the case, established the fact that his whereabouts cannot be ascertained. You are asked to cast that woman and her family upon the world, without any support whatever, and deprive her of any opportunity in the future of being again married. That will be the consequence if the motion made by the hon. gentleman from Glengarry is carried. I, therefore, submit that this evidence not only should be accepted as true by the House, as it was by the committee, but that the House should take into consideration the fact that there was corroborative evidence. There was the evidence of this man's statement to the witness Brown of his having cohabited, for a short time at any rate, with another woman ; there is the fact of his having been seen frequently in the company of the Ianson girl, and there is the further fact, if we are to take the statement made by the hon. gentleman from Glengarry, that when the respondent returned from the old country he put up for a full week at the girl's house. Why did he put up there ? It is an easy matter for hon. gentlemen to draw an inference ?

Hon. Mr. McMILLAN—No. He came back in June. In the first place she lodged this complaint on the 30th of May, 1899. He was back in June last, she says in her evidence. That would be June immediately following the 30th of May, 1899.

Hon. Mr. LOUGHEED—I am alluding to the statement made by my hon. friend that the respondent returned after his visit to England and put up at the house of the parents of the girl Ianson. Will my hon. friend point that out in the evidence ?

Hon. Mr. McMILLAN—Yes, it is in the evidence.

The House divided on the amendment which was rejected by the following vote :

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Hon. Mr. LANDRY—Read the names.

The names were then read by the Clerk.

Hon. Mr. LANDRY—I call attention to the fact that the hon. gentleman from De Lorimier has not voted.

Hon. Mr. DANDURAND—I am not sure that I was in the House when the question was put, and I should like to have given my reasons for my vote if I had voted..

Hon. Mr. LANDRY—And the hon. gentleman from Acadia did not vote.

Hon. Mr. POIRIER—I did not hear the question put, and just arrived as the vote was being taken. I did not listen to the debate and did not think I would be justified in giving a vote where I did not hear the discussion.

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

RED DEER VALLEY RAILWAY AND COAL COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON, moved the second reading of Bill (W) 'An Act respecting the Red Deer Valley Railway and Coal Company.'

Hon. Mr. LOUGHEED—It is not usual for me to oppose a Bill, particularly a private Bill, at this stage, but this is a matter in which I feel, not only personal concern, but in which I feel satisfied that I am representing the views of the people of the section of the country in which I live as to further legislation being granted to this company. Hon. gentlemen who are members of the Railway Committee will doubtless recall the fact that during the last session of parliament the Railway Committee appointed a sub-committee for the purpose of investigating the bona fides of the representations made by this company, relative to their proceeding with the construction of the road and that sub-committee listened to certain representations made by the promoters as to the then immediate construction of the road. I might say that no progress whatever has been made with its construction. In 1897, I presented to the Railway Committee a lengthy resolution of the city of Calgary, signed by the mayor and the clerk, against the continuance of this legislation. This resolution of the city council so clearly embodies the views of the district in which I live and through which the road is projected, as well as the facts relating to the charter itself, that I cannot do better in presenting the case than to read this resolution to the House and ask the House if it will further continue to permit the passing of legislation year after year with reference to this enterprise, thus thwarting public opinion and the progress of that particular district. The resolution of the city council of Calgary reads as follows:

City of Calgary, April 30, 1897.

To His Excellency the Governor General in Council.

May it please Your Excellency,—

We, the council of the city of Calgary, beg to submit the inclosed resolution regarding the application now before the hon. Senate and House of Commons of Canada, for an extension of time of five years to the Red Deer Valley Railway Company, in which to build the said railway from Calgary to Knee Hill coal mines, a distance of about sixty miles.

Reasons Why Extension Should not be Granted.

The present company and their predecessors have held a charter to build the road for about thirteen years; during six years at least of said time, the charter has been in the hands of present company; during the whole of said thirteen years not over $5,000 have been expended in construction work.

The franchise granted by the government of Canada, computing coal and agricultural lands at government price, exceeds one million dollars in value.

This property has been locked-up for thirteen years, and now another period of five years is asked for, in which to build an easily constructed prairie line of only sixty miles.

The company have been asking a government guarantee of 2½ per cent for fifteen years on bonds of the company to the amount of $1,100,000, whereas it can be demonstrated that for $675,000 the whole line can be built and equipped, stations built, sufficient rolling stock provided, and the necessary allowance made for discount on bonds, which we have been assured by London brokers can be sold, if so guaranteed, for 80 per cent of their face value, showing a clear gain of at least $400,000.

Your Excellency's honourable advisers will readily understand that it would be impossible to earn a dividend on the sum of $1,100,000, and

the government would inevitably be called on to make good the guarantee, while the most damaging effect would result against the credit of all such Canadian undertakings.

It has been claimed by a representative of the company, before this council, that they have spent $125,000 on this road, of which $25,000 was paid for the charter and $25,000 on work.

The first statement is probably correct, but there never has been over $5,000 spent on construction.

Therefore, for the foregoing and many other potent reasons that might be cited, your petitioners claim and pray that no extension be granted except on satisfactory proof that construction will be proceeded with this year and a guarantee given of its completion at an early date, and that no government guarantee be given beyond 2½ per cent on $700,000 for a term of fifteen years.

And as in duty bound, your petitioners will ever pray.

WESLEY F. ORR,
Mayor.

CHAS. McMILLAN,
Clerk.

Council Chamber,
Calgary, February 2, 1897.

Moved by Alderman Brown, seconded by Alderman McTavish,—

And resolved, that whereas the government of Canada did many years ago make a large grant of coal and agricultural lands to the Red Deer Valley Railway and Coal Company on the condition that said company would proceed to construct and operate a line of railway from the Knee Hill coal mines to the city of Calgary, a distance of about sixty miles;

And whereas, the said company have not so constructed said proposed railway and the time for building said railway having been several times extended by the government;

And whereas, the company are now asking for a further extension of the time in which to build the line, without giving any guarantee that it will be built;

And whereas, we have good reason to believe that the construction of the line can be secured with a much smaller guarantee from the government than is asked by the London contractors, and at once built, provided the government give a guarantee of 2½ per cent interest on the sum of $700,000 of the company's bonds for fifteen years, instead of on $1,100,000 asked by the London firm.

Therefore, be it resolved, that this council petition the government not to grant the extension of time asked for, except on a substantial guarantee that the road will be built within the year 1897.—Carried.

WESLEY F. ORR,
Mayor.

The history of the road is simply this, that in the eighties a certain promotor secured a charter for the building of this short line of railway which runs from Calgary to a point called the Knee Hill coal mines. Shortly after that English capitalists were induced to put a very considerable sum of money into this particular enterprise, and I think I am right in saying that the credulous English public put almost a hundred thousand dollars into this paper enterprise which has remained on the statute-book for the number of years to which I have alluded. I know that for a very considerable time a coterie of promoters have been practically living upon the profits which have been made upon the various exploitations and floatations of this wretched little charter. Last session of parliament the assurance was given to the committee that an agreement had been arrived at between the promoters of the company and Messrs. MacKenzie & Mann that they would take over the charter and build the road last summer. It was agreed that they would pay something in the vicinity of ten thousand dollars for this charter, which I say to you is simply so much money for so much paper.

Hon. Mr. McMILLAN—How much work has been done on the road ?

Hon. Mr. LOUGHEED—No work has been done.

Hon. Mr. McMILLAN—Are we to understand that the ten thousand dollars was simply for the charter ?

Hon. Mr. LOUGHEED—For the franchise. Some years ago there were about five miles of prairie ploughed up, which, to-day you would not know from the rest of the prairie. It was simply a technical commencement. The prairie was simply ploughed up for the purpose of making a commencement within the Act. Messrs. MacKenzie & Mann were willing to go up to ten thousand dollars for the franchise, and upon the assurance made before the railway committee last session, I and the people of my district felt confident that this promise would be carried out and the road commenced at any rate. During the summer I saw Mr. MacKenzie when passing through Calgary and asked him, in view of the fact that the railway committee had practically taken the assurance that he would build the road in the interval, why he had not proceeded with the work. He told me then that there were different parties interested in the charter, and $10,000 would not begin to purchase it. The $10,000 would have satisfied a small number who thought they controlled the charter, but when he came to deal with the other parties who were alleged to be interested, he found

it impossible to close with them, and these gentlemen now claim that more than $10,000 has been spent already in parliamentary fees for the purpose of keeping the charter alive, and that it was necessary to spend forty or fifty thousand dollars before the charter could be acquired by a substantial and bona fide railway firm able to construct the road. It is simply a question as to whether the Senate will permit itself to be an instrument in the hands of promoters who are not railway builders or capitalists, and who in no sense approach parliament with the idea of building the road itself. I say it reduces itself down to the question whether this parliament will be an instrument for the purpose of assisting such promoters in stripping the credulous English investor of money which he desires to invest in this country and thus injure bona fide enterprises which substantial capitalists may be prepared to proceed with. I might say that during the number of years to which I have alluded, this charter has been, to a certain extent, a derelict in the financial market of London. Different capitalists have been approached with regard to it, and when substantial capitalists from our section of the country go to London to float a bona fide enterprise, this wretched charter rises like Banquo's ghost before them and they find it is almost impossible to float an enterprise within that particular district of the Northwest on the London market. That is naturally the result of parliament year after year, doing more than a decade of years, renewing charters of this kind and permitting an abuse of the legislative functions of parliament with regard to assisting promoters in realizing money on paper franchises. I might further say that this charter has kept falling into the hands of different individuals, and to-day, there is only one gentleman interested in it who appeared as an original promoter of the Bill. So many people have come and gone, and have appeared and disappeared in the handling of this charter, that it is difficult for me to represent to the House the number of gentlemen who have been interested in the scheme. It has become a by-word and a reproach in the money market and has stood in the way of the development of the district of country over which it is projected, and I ask this House to refuse the further extension of time prayed for by the promoters on this occasion, and particularly in view of the fact that good faith has not been observed, by reason of the promises made last session, in the carrying on of the enterprise. Some hon. gentlemen may ask me why I do not permit this Bill to go to the Railway Committee. My answer to that is simply this: I am opposed entirely to the principle of the Bill. It is not such a Bill as the Railway Committee may discuss the details of and make inquiry into. The Bill simply asks for a further extension of time for the construction of the road. The principle of the Bill is extremely objectionable, and in the face of the case which I have already reviewed, and in view of the facts that the city council of Calgary since 1897, have taken this position, and have put their views in the shape of a resolution which is on file in the proper offices here. I ask the House to say that these representations made by parties residing in the vicinity and who have no interest in this charter, except to see the country developed, should have due weight at this time. I therefore move:

That this Bill be not now read the second time, but that it be read the second time this day six months.

Hon. Mr. MACDONALD (B.C.)—I dare say all that my hon. friend has said is strictly accurate, at the same time, I think that this Bill might be allowed to go to the Railway Committee. The promoter of the Bill may have some bona fide scheme to put before us; at all events, no harm can be done to let it go to the committee. For my part, this is the last extension I am prepared to sanction for this project. The promoters may place something before us to show that the road will go on, and for that reason I hope my hon. friend will withdraw his motion and that the House will allow the Bill to go to the Railway Committee.

Hon. Mr. WATSON—It appears to me it would be only fair to the promoters to let the Bill go to the committee, to show why the time should be extended. I quite agree with the hon. gentleman from Calgary that this Bill is somewhat ancient. I can remember some years ago the original Bill was introduced in the House of Commons, but it appears to me that no reasonable argument has been adduced why a further extension should not be given. The hon. gentleman

has read to the House a portion of a petition presented to parliament in 1897, asking that this charter be not extended. I am informed that the mayor of Calgary last year appeared before the Railway Committee and urged the extension of the time. The hon. gentleman has informed us that that section of the country is suffering and being held back because of this charter. He has not offered evidence to show that others wanted to build a road into that country. I am informed that the gentlemen have had difficulty in the past in securing capital to construct this road, but that they have now completed arrangements to build it. They ask for an extension of two years to complete fifty odd miles, and in the event of their doing that, they ask a further extension to complete the road to the Saskatchewan. It appears to me, under the circumstances, we ought to let the Bill go to the committee and evidence will be furnished to show that the extension should be given. The country cannot be developed without a railway. The hon. gentleman from Calgary has not always been so much opposed to the extension of these charters. I have read a speech of the hon. gentleman from Calgary, where he has favoured extensions of time to people who have not given the same evidence of good faith in the expenditure of money in the building of a road, as this company has. I understand they have graded some eight miles of the road. The hon. gentleman says they have done nothing, and that they ask $10,000 for a charter, which is simply a paper charter. It appears to me, if people can get a charter with eight miles of the road graded, they are getting something for their money. I hope the reasons given by the hon. gentleman from British Columbia will prevail, and that the Bill will be allowed to go to the committee, where the promoters can give reasons for an extension of time.

Hon. Mr. McMILLAN—I have a distinct recollection that when this Bill was before the Railway Committee last year an extension of time was granted on the understanding that the company would go on with the construction of the road before now. They only had one year, and if I understand the situation at present, I am told that not a dollar has been spent since then. They have failed in carrying out their pledge before the committee, and there is a good deal of ground for the stand that the hon. gentleman from Calgary has taken, that they do not deserve any further recognition at the hands of the Railway Committee, and that this House should deal with them summariiy. On further consideration, it would be perhaps acting unfairly not to let it go before the committee, because these gentlemen may have some new ideas. They may be quite prepared to go on with the work, because I understand the time that was given to them last year has about expired. It would not be fair, perhaps, to choke them off, and I would ask the hon. gentleman from Calgary, with whom I sympathize in the stand he has taken, to withdraw his motion, and let the Bill go to the Railway Committee.

Hon. Sir MACKENZIE BOWELL—The plea for going before the Railway Committee is a very good one, and under ordinary circumstances, I think, should be accepted. The question is whether this is one or not, and whether the parliament of Canada is to continue the practice of granting paper charters to speculation mongers continually. The question ought not only to be considered now, but considered very seriously. The charge that the hon. gentleman from Marquette has made against the hon. gentleman from Calgary, that he has consented to charters in the past much more objectionable than this, cannot apply to myself. I have objected over and over again in the Railway Committee, since I have been a member of this House, to the extension of charters which appear to be obtained for only one purpose, that is, speculation. The hon. gentleman says that my hon. friend from Calgary has given no evidence that any one is prepared to go on with the construction of this road if the Bill is rejected. If the gentlemen to whom he referred—knowing as we do that they are the most eminent railway builders in this country, MacKenzie & Mann, were willing to invest $10,000 in obtaining the rights which these gentlemen who now ask for an extension have in this road, it is very good evidence, to my mind, that if this Bill be rejected and they get a charter themselves the road would be built without buying out these people.

Hon. Mr. WATSON—I simply pointed out that no one else had asked for a charter to build through that section of country but these people.

Hon. Sir MACKENZIE BOWELL—That may be what the hon. gentleman meant; it is not what he said. Is it likely that any one else would ask for a charter for the construction of this road while another company holds a charter for doing it? The only way possible to get another charter will be to first get this out of the way. I have a distinct recollection, like the hon. gentleman from Calgary, of what took place during last session. I took the same objection then to the extension of the charter that I am taking now, and for the same reasons. The committee was assured and a positive pledge was made that there were gentlemen who were prepared to go on with that work, and names were given to us of men in whom we had the fullest possible confidence, knowing that they are men of enterprise and wealth, and that if they entered into an engagement of that kind, they would carry it out. I shall not mention the names here, but there were others besides MacKenzie & Mann whose names were given—men who are eminent in the financial world, particularly in our provinces, whose names were given to us as a guarantee and assurance that this work would be proceeded with if they were granted the extension of time. Taking their representations at that time that the work would be proceeded with, the extension was granted, and it may be possible that what the hon. gentleman from Marquette says is perfectly true that the mayor of Calgary was willing to give this extension of time. Why was he prepared to give the extension of time? Because the same assurance had been made to him that was made to the Railway Committee when they recommended the extension.

Hon. Mr. LOUGHEED—It was on that assurance.

Hon. Sir MACKENZIE BOWELL—I know it was on that assurance that the action of the committee was taken, and I presume it would be on that assurance, believing as we did, that the mayor of Calgary took the position he did. I think it is high time that we should put our foot down on these speculative operations of men who have no interest in that country except what they can make out of a charter. If what the hon. gentleman says be true, here is a charter in existence sixteen years, which has been hawked about the country from one end to the other, and has been on the financial market of England for years, and it stands as a bugbear against other legitimate enterprises put on the same market. Those who have invested their money in this road in England say 'Here is an enterprise which has taken money out of our pockets.' If it be true as they claim that one hundred thousand dollars has been expended, and nothing done but support a lot of promoters, it is no wonder that railway charters in the British market stink in the nostrils of those who wish to invest in legitimate enterprises. For that reason, I would vote for the six months' hoist. I shall take the same position, I presume, on the committee that I took last year. What evidence has been given that there are any gentlemen of financial means behind the enterprise? Names have been given to me as being interested in carrying out the old enterprise. I know that these gentlemen, while some of them are well off, are not railway men. They do not come into this scheme for the purpose of constructing the road in order to develop that country. They enter into this speculation for the purpose of making money out of it, and if they could get this time for construction again extended, it would be dangled before the money markets of the world by the people who expect to make money out of it. If the representation made here to-day be true, it ought to be a good enterprise. There is a large amount of land locked up for the purpose of building this road. There are representations that there are five or six miles of coal area in it which is very valuable.

If all that be true, and these advantages attached to the charter, the question may be fairly asked, if the men who have had control of the charter in the past are in any better position to carry out the enterprise and develop these coal lands and add to the wealth of the North-west Territories. My own convictions are that if this charter is got out of the way, there will be no difficulty whatever in getting a solvent company to construct the road. For these

reasons, speaking for myself, I shall vote for the six months' hiost, and I repeat, the sooner the parliament of Canada puts a stop, by its action, to this sort of charter-mongering, and taking money out of innocent people who take the word of those who have pledged themselves to us that they would do certain things which they have failed to do, the better. That is one reason why I think we ought to reject this Bill.

Hon. Mr. MILLS—I am not going to question the principle which the hon. leader of the opposition has laid down, that those who are seeking railway charters ought to satisfy parliament of their ability to undertake the construction of the work. But unfortunately that is not a rule which parliament has proceeded on during nearly twenty years of its existence. If I remember right, this charter was granted at the instance, or at all events at a period of time when Mr. Daly was Minister of the Interior.

Hon. Mr. LOUGHEED—No, when Mr. White was Minister of Interior.

Hon. Mr. MILLS—My hon. friend knows how many railways have been projected in the North-west Territories by parties who had no capital to undertake the enterprise, which they sought to obtain control of by a charter from parliament. I know my hon. friend will remember a case in which Mr. Beatty, of Toronto, and Mr. Woodworth were engaged when a dispute arose between them as to the amount of money in the enterprise for 'the boy.' I proposed in parliament many years ago, when I was Minister of the Interior, a measure for the incorporation of railway companies upon the depositing of the necessary plans, and upon the payment of ten per cent, as an evidence of good faith and ability to go on with the work but that proposition I am sure, did not receive the support of my hon friend opposite at the time.

Hon. Sir MACKENZIE BOWELL—That policy was first adopted by the Hon. John Sandfield Macdonald, in Toronto, and I have always supported it as far as I could individually.

Hon. Mr. MILLS—My hon friend will remember I introduced a colonization railway Bill based on that principle, and it did not receive the support of the government of the day.

Hon. Sir MACKENZIE BOWELL—It was not the principle that you have laid down, that we objected to then.

Hon. Mr. MILLS—My hon friend has not looked up the debate on that subject. If he will do so, he will see that it was on that principle largely that that measure was opposed. However that may be, my hon. friend knows that those who have obtained railway charters have been treated with a very great deal of forbearance. Charters have been renewed over and over again, and some of these railway promoters have succeeded in constructing the roads for which they obtained charters—at all events, the roads have been constructed under these charters. As I understand, the company itself has been reconstructed in this case. The charter has passed into the hands of parties who are ready to go on with the enterprise. My hon. friend asks that this charter be brushed aside, and that parties having the means and ability to construct the road may have an opportunity to obtain a charter. I understand that this charter is now in the hands of parties who are able and willing to go on with the construction.

Hon. Sir MACKENZIE BOWELL—So we understood last year.

Hon. Mr. MILLS—My hon. friend will not prevent these parties having a hearing. The committee will have an opportunity of questioning them upon their good faith and ability to go on with the construction of the road, and the information which he would require according to his views, if persons were to come before parliament for the first time, he will have an opportunity of obtaining from the present charter holders in the committee if he gives them an opportunity of going there. I trust, therefore, that the House will not refuse those parties a consideration which has been almost uniformly extended to parties heretofore. If the Bill be allowed to be read and referred to the committee, we can question the parties there, and if the hon. gentleman finds that they have not the ability or the intention of going on with the construction of the road, he can move against it in the committee. He will have there an oppor-

tunity of obtaining the information which we have not at the present time, so I hope that parliament will not do these parties an injustice, for these men would not be heard if they did not feel that they would be able to go on with the enterprise. I trust that the opportunity of being heard will not be denied them by a refusal to read the Bill and refer it to the committee.

Hon. Sir MACKENZIE BOWELL—While I do not change my mind in the least from what I said before, I will suggest to my hon. friend to adopt the policy proposed by the hon. Minister of Justice, for the reason it might be understood that we were preventing certain information being given which would induce us to change our minds. I have to hear something more before I change my mind.

Hon. Mr. DANDURAND—The hon. gentleman speaks of representations made to the Railway Committee last year by these gentlemen: will he dismiss their petition, before hearing them, on the representation they made last year? They may give satisfactory reasons for not having proceeded with their enterprise during the year. We should at least not non-suit them before hearing them.

Hon. Mr. LOUGHEED—Sufficient and satisfactory explanations have been given. Mackenzie & Mann would not give them as much as they wanted for the charter.

Hon. Mr. DANDURAND—If that was substantiated in the committee, I think that this Chamber would be far better enlightened.

Hon. Sir MACKENZIE BOWELL—The explanation is clear enough, that they could not get the money to do it, and they could not sell the charter for enough. That is the explanation that has been made to me.

Hon. Mr. LOUGHEED—In view of explanations which have been made, I beg to withdraw my amendment.

The amendment was withdrawn and the Bill was read the second time.

ONTARIO POWER COMPANY OF NIAGARA FALLS BILL.

RULES SUSPENDED.

Hon. Mr. MACDONALD (British Columbia), from the Standing Committee on Standing Orders and Private Bills, presented their report, recommending the suspension of the rules of the Senate with relation to Bill (121) 'An Act respecting the Ontario Power Company of Niagara Falls.'

Hon. Mr. CLEMOW moved that the rules be suspended in so far as the same relate to this Bill.

Hon. Sir MACKENZIE BOWELL—This is another case—a most extraordinary one—of an extension of the right to commence a work. Here is a company that has two years yet in which to commence operations. They are asking for an amendment extending the time for four additional years, as I understand it, making six years altogether. What reason has been given to induce the committee to ask this House to set aside the rules? My experience is leading me to the conclusion that rules in this House amount to very little, that no matter what any one asks for, the rules are set aside, and all the usages of parliament go for naught, when it is desired to accomplish any particular object, and that is the object of private speculators. I know nothing of the merits of this Bill, beyond the remarks made by the hon. gentleman from Monck, when the question came up a short time ago. It is asked that the rule be set aside to accomplish that which, I suppose, hon. gentlemen had in view, of blocking any further procedure. If an objection to the suspension of the rule has any effect, I shall certainly object to it, and for the same reason which I gave with reference to the other charter, and for the additional reason that the company have two years yet within which to commence work. They are now asking for an additional four years before they shall be asked to do anything, giving them plenty of time to speculate throughout the whole country, endeavouring to sell that charter or hand it over to the gentlemen interested in this great power, in the United States. I do not say that this is the case, but it places them in a position to do that, and the Senate is asked to give the four years more to block an enterprise which must be of importance to this country.

Hon. Mr. CLEMOW—The hon. gentleman is perfectly correct, as a matter of general principle, but I think this Bill is an excep-

tional one. It appears that this company had some difficulty with the Park Commissioners and the Ontario government, and the Ontario government will not let them proceed with their contract unless they obtain additional time for the performance of the work. That is the reason they assigned to us to-day, and that is the reason we ask the Senate to suspend the rules. If their statement is correct, there is no alternative. The Ontario government and park commissioners refused to let them proceed with their contract unless they succeeded in obtaining additional time for the construction. For those reasons the committee made this report.

Hon. Mr. McMILLAN—I want to show my hon. friend the leader of the opposition the inconsistency of the position we are taking. The Committee on Standing Orders recommended that this rule be suspended. Now, certainly if we took that same stand we did on the divorce case, I do not see how we could very well reject it. It would be a reflection on the committee.

Hon. Sir MACKENZIE BOWELL—I must join with the hon. gentleman from St. Boniface upon that point. I never considered it a reflection upon a committee to object to any report they might make, and neither should the committee look upon it in that light. If that principle is to be adopted, there is no necessity for reporting to the House. All the committee would have to do would be to affirm something, and we would have to take it holus bolus, whether we believed it or not. A committee is appointed to do certain work, and the functions of the Senate are to approve or disapprove of it, and if the Senate disapproves of that which is being done, it is their duty to say so, and no reflection is cast upon the committee. I do not wish to say anything disrespectful, but I look upon that suggestion as absurd.

Hon. Mr. MACDONALD (B.C.) I look upon it as no reflection if the House rejects a report of the committee. We make our report in good faith. We are extremely careful not to recommend a suspension of the rules without good cause. When Bills of importance to corporations, or of importance to the Dominion of Canada, have passed the House of Commons and come before us within a few days of the end of the time for receiving them, we recommend a suspension of the rules, where we think the case warrants it, and I think the House always agrees with us. We will only ask for the suspension of the rules, when we think a proper case for it is made out.

Hon. Sir MACKENZIE BOWELL—I object. Rule 17 says:

> Any rule may be suspended without notice by the unanimous consent of the Senate.

Hon. Mr. POWER—I understand the report has been adopted.

Hon. Mr. MACDONALD (B.C.) No motion is ever made to adopt these reports.

Hon. Sir MACKENZIE BOWELL—The motion put by the Speaker was as to whether the report should be received.

Hon. Mr. POWER—I hope my hon. friend will not object to the suspension.

Hon. Mr. CLEMOW—Is not the explanation I gave satisfactory?

Hon. Sir MACKENZIE BOWELL—I did not hear it.

Hon. Mr. CLEMOW—This work had to be commenced at a certain time, but it interfered with the Park commissioners and the Ontario government, who insisted before they went into this contract to have the time extended for four years, and they have no alternative but to come to this parliament and get an extension. They have the contract before them, which is perfectly fair on the part of the Ontario government and the Park Commissioners, and it merely requires this extension.

Hon. Sir MACKENZIE BOWELL—Although I do not know that the explanation is altogether satisfactory, the matter will have to go before the committee, where it can be discussed, and I therefore withdraw my objection.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, I desire to call the attention of one of the ministers of the government to an humble address that was voted the other day for a copy of all letters and correspondence exchanged between the government, or any of its members, and the in-

terested parties on the subject of the Baie des Chaleurs Railway, of the Atlantic and Lake Superior Railway, and of the projected railway under the name of the Short Line Railway of Gaspé, and I wish to inquire if any progress has been made with this return.

Hon. Mr. MILLS—I may tell the hon. gentleman that my secretary has written to the department for the necessary information, but it has not yet come into my possession.

Hon. Mr. LANDRY—Is the hon. gentleman's secretary going to write after dinner?

Hon. Mr. MILLS—The letter has been written.

Hon. Mr. LANDRY—And there is no answer yet?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—Then I will inquire again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 11, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (R) 'An Act to incorporate the St. Lawrence Terminal and Steamship Company.'—(Hon. Mr. Dandurand.)

GAS INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (78) 'An Act to amend the Gas Inspection Act.' He said: The proposed changes are not very great. The Bill will make inspection more frequent during the year, but there will be no further charge upon the gas companies, inasmuch as the Minister of Inland Revenue advises me that it is intended to lower the fees so as to make the proportionate charge about the same as it is now.

Hon. Mr. CLEMOW—This increases the necessity for obtaining certificates?

Hon. Mr. SCOTT—The companies must obtain them more frequently.

Hon. Mr. CLEMOW—It is only required to procure certificates once a month now; under this Bill they must procure them once a week.

Hon. Mr. SCOTT—No. The Act provides that every undertaker shall keep the public informed of the power of the gas supplied by him, and so on. Undertakers having more than 4,000 meters shall procure such certificates once a week.

Hon. Mr. CLEMOW—At present it is once a month.

Hon. Mr. SCOTT—Yes, for that particular class. Those having less than 4,000 and more than 2,000, once in each month. Those having less than 2,000 and more than 500 once in three months. Instead of that, those having 3,000, or more than 2,000 meters, once in each month. The intention is not to increase the charges on the company.

Hon. Mr. CLEMOW—There will be a charge for the certificate?

Hon. Mr. SCOTT—I am told the fees are fixed by order in council and it is intended to reduce the rate so that the charge will be about the same as it is now.

Hon. Mr. CLEMOW—It should be stated in the Bill that there will be no additional charge. I cannot understand why it is necessary to have inspection once a week. It is almost impossible to comply with such a requirement.

Hon. Mr. SCOTT—When the House goes into committee we can consider that matter.

Hon. Mr. CLEMOW—I do not think there should be an additional charge. The charges are sufficiently high at present. I think the gas companies are pretty well fleeced with the present rate, and I do not see the necessity for charging additional rates for these certificates. They are posted up in the offices, and I have never seen a man come to look at them. They get their fee for inspection, and that is the benefit de-

rived by this government. It comes out of the company, and though the companies are obliged to pay enormous increase of cost of coal oil and coal, they cannot raise the price of gas one cent. I think the hon. Secretary of State had better look into the matter and see that there is no additional charge to be imposed on the companies in the future.

Hon. Mr. POWER—I do not think the changes are as great as the hon. gentleman from Rideau imagines. The law now provides that undertakers having more than 4,000 purchasers shall procure said certificate once in each week. That is just what this Bill provides. The changes made as to undertakers having more than 3,000 and less than 4,000 are that under this Bill they would have to get a certificate once in two weeks. At present it is once a month.

Hon. Mr. MACDONALD (P. E. I.)—It bears very heavily on the smaller gas companies. The gas company in Charlottetown do not do a large business, and when they have to pay for additional inspection it becomes a serious charge. I do not think this inspection is any benefit whatever. The gas was just as good before it was inspected as after the inspection. There has been no improvement by the inspection and it is altogether unnecessary. It would be just as well for the consumer if there were no inspection at all. The company would give us just as good a quality of gas and it is not improved by the inspection.

Hon. Mr. SCOTT—It is not at the instance of the department that this change is made, but at the instance of the consumer who has been pressing the change on the department. At the same time the minister assures me that he does not intend there shall be a further tax on the companies, that there will be a corresponding reduction in the fees, so as to make the gross amounts now paid by the companies for inspection no greater.

Hon. Mr. CLEMOW—Let us understand that.

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

Hon. Mr. CLEMOW.

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (79) 'An Act to amend the General Inspection Act so as to provide a grade for flax seed.' He said: In the General Inspection Act no provision whatever was made for the inspection of flax seed. At the time the Act was prepared it was not so important. Its production was not so great as it has been since then in Manitoba and the North-west. The quantity sown in Manitoba was 300,000 bushels last ear. The Board of Trade of Winnipeg strongly advises the passing of an Act to provide for the inspection of flax seed, and it is at the instance of the board of trade at Winnipeg that this Bill has been introduced.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform us why a distinction is made between Manitoba flax seed and flax seed grown in other parts of the Dominion? I think it is not cultivated to any great extent in Ontario; still, it is cultivated in some places. Why is the distinction made between Manitoba flax seed and any other?

Hon. Mr. SCOTT—This was specially intended to apply to Manitoba because it is the only part of the Dominion that has asked for inspection, and they ask that the flax seed that they grow shall be graded. I am not aware that it is grown in any other parts of the Dominion.

Hon. Mr. McCALLUM—It is grown in Waterloo.

Hon. Mr. SCOTT—If others do not desire it, we have no intention of forcing it on them. It is asked for in Winnipeg.

Hon. SIR MACKENZIE BOWELL—By the people who are purchasing it?

Hon. Mr. SCOTT—Very likely.

Hon. Sir MACKENZIE BOWELL—I can understand the necessity and propriety of having a law grading grain of any kind where it is cultivated to any extent. What I cannot understand is why it should not apply to the whole Dominion instead of

confining it to Manitoba. If it be necessary to grade flax in Manitoba, it must be equally necessary to grade it, so as to know its quality and purity, in Ontario, or any other section of the Dominion.

Hon. Mr. SCOTT—I scarcely think so if the quantity grown is infinitesimal. If it is grown in such small quantities they would not desire inspection. If it is asked for at any future time they can have it.

INSPECTION OF FOREIGN GRAIN BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (142) 'An Act respecting the inspection of foreign grain.' He said: This Bill authorizes, when the parties desire it, the inspection of foreign grain. During the last two or three years a very considerable quantity of foreign grain, particularly Indian corn, has gone from the Western States via the St. Lawrence to Europe, and the parties shipping it desire to have it inspected. It goes as foreign corn, and is classified according to its character. The Bill is asked for at the instance of the Montreal Corn Exchange and the trade generally. It is not compulsory, and its object is to identify the grain as grown outside of Canada, and to give it its proper classification.

Hon. Mr. MACDONALD (B.C.)—It applies to United States wheat I suppose?

Hon. Mr. SCOTT—It includes wheat, but is mainly intended for corn.

Hon. Sir MACKENZIE BOWELL—And is intended to prevent an inferior quality of foreign corn being passed off in the European market as Canadian grain.

Hon. Mr. POWER—I wish to call the attention of the hon. Secretary of State to the fact that there is a certain ambiguity about the first clause of the Bill. 'The inspectors of grain shall when required, &c.' It does not say by whom?

Hon. Mr. SCOTT—It could only be by the owner.

Hon. Mr. POWER—It might be required by the Minister of Inland Revenue. I think it would be better to insert some words to remove any possible doubt as to the meaning.

Hon. Mr. SCOTT—That can be done in the committee.

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

MILITIA LAND GRANTS IN THE NORTH-WEST TERRITORIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (107) 'An Act to make further provision respecting grants of land to membesr of the Militia Force on Active Service in the North-west.' He said: This measure is one which has, on many occasions, appeared on the statute-book, as hon. gentlemen will see by looking at the margin—in 1885, 1886, 1891, 1892, 1893, 1894 and 1898, and now again, in order to give the parties an opportunity of complying with the provisions of the law, and in this case especially those who are at the present time in active service and who are not here for the purpose of complying with the law of last year.

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

SECOND READINGS.

Bill (98) 'An Act respecting the Yarmouth Steamship Company, Limited.'—(Hon. Mr. Lovitt.)

Bill (71) 'An Act respecting the Dominion Cotton Mills Company, Limited.'—(Hon. Mr. Forget.)

Bill (92) 'An Act to incorporate the Royal Marine Insurance Company.'—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (54) 'An Act respecting the Ontario Mutual Life Assurance Company, and to change its name to "The Mutual Life Assurance Company of Canada."—Hon. Mr. Kerr.)

REPAIRS TO TIGNISH BREAKWATER.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call the attention of the hon. Secretary of State, who, I think, answered my question, to the fact that the reply which he gave to some questions of mine regarding the Tignish breakwater were erroneous. They were made under an inadvertence of some nature. I think that

the department understood, or at least answered the question as if it applied to a contract on the Tignish breakwater itself. The question was with regard to the breastwork running along the beach from Tignish.

Hon. Mr. SCOTT—What was the date of the motion ?

Hon. Mr. FERGUSON—It is on the Order paper for the 4th of April. I think the question was asked on that date. I am not very sure when it was asked, but the answer entirely refers to the main contract on the breakwater itself, and not to this contract on the beach leading to the breakwater. It appears $1,700 was spent on the work on the beach leading towards the breakwater, which is plainly enough described in my question, and the answer has reference to a large contract which was let to Mr. Burns by tender, and afterwards transferred by him to Myrick & Company. It will be seen that the department misunderstood the question. It did not refer to the main contract let to Burns and afterwards assigned to Myrick, but it referred to extra work done on the beach, another part of the work altogether, for which, it appears by the Auditor General's Report, that $1,700 was paid. If my hon. friend who has this matter in charge will be kind enough to call the attention of the Minister of Public Works to it, and obtain the answer that was sought for by the question, I shall be very much obliged.

REPAIRS TO STEAMER *MINTO*.

Hon. Mr. FERGUSON—I desire to call the attention of the government to the fact that the return brought down with regard to the repairs to the seamer *Minto*, about which we had some observations at the time, are all right as far as they go. I made two motions, one with reference to the repairs to the *Minto*, and another with reference to the first cost of the boat. The information asked for with regard to the first cost of the boat has not been brought down. The information with regard to the repairs has been furnished.

Hon. Mr. SCOTT—I have just received a return moved for by the hon. gentleman showing the expenses and earnings of the steamer *Stanley* while engaged in the winter service during the years of 1894-5-6-7-8-9, and the expenses and earnings of the steamer *Minto*. I have also obtained a copy of the report that was missing last year. I secured it from the Department of Railways. I hope my hon. friend will find it sufficient, because I am afraid it will be all I shall be able to get. I had to make great efforts to obtain even that.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know whether there is any change made in it ?

Hon. Mr. SCOTT—I only received it a few minutes ago, but I do not think there is any change.

Hon. Sir MACKENZIE BOWELL—This is the same return brought down a year ago without any addition or change.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 14, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

RE-OPENING OF TRADE ON SOUTH-EASTERN RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government, or any of the members of the present administration, received, at any time from July 1, 1896, to this date, any petitions or communications whatsoever on the part of boards of trade, of municipal corporations or of any private individuals coming from the city of Sorel, or from the municipalities of St. Michel d'Yamaska, de Yamaska, de St. David d'Yamaska, de St. Guillaume d'Upton, de St. Pie de Deguire, de St. Bonaventure d'Upton, de St. Germain de Grantham and Drummondville, in relation to the reopening the trade of that part of the South-eastern Railway which united Sorel to Drummondville, and which seems to have been abandoned and not worked since April, 1892?

If in the affirmative, in whose name have these communications been sent?

Hon. Mr. MILLS—I have made inquiry and have not yet received an answer. Perhaps my colleague may have received one; he will be here in a few minutes. On Friday last my private secretary asked for the in-

formation, inclosing the question to the department, and up to the present time no answer has come to me.

GASPE SHORT LINE RAILWAY.

Hon. Mr. MILLS—I may say to my hon. friend from Montmagny (Hon. Mr. Landry) that I received from the department a verbal answer to his questions in regard to the Gaspé Railway. The statement given to me was that it would take some time to prepare a return, and they would like a more definite statement from my hon. friend, as to the period from which the information was to begin.

Hon. Mr. LANDRY—That is in relation to the Short Line Railway Bill.

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—That line is not in existence yet. At the opening of this session of parliament, a Bill was introduced for the incorporation of that private company. I should think it would not require a great effort of genius to ascertain from what period they should begin. It is the period from which they first received the documents relating to that proposed legislation.

Hon. Mr. MILLS—I give my hon. friend the answer I received from the Railway Department.

Hon. Mr. McDONALD (C.B.)—I cannot but observe the large amount of work which the Minister of Justice in this House has to do, and the burden which is imposed upon him by his colleagues in the lower Chamber. In his reply to the hon. gentleman he says that his private secretary asked for this information on Friday last.

Hon. Mr. MILLS—And before.

Hon. Mr. McDONALD (C.B.)—And that he has not received an answer, and he is the one that ought to receive that answer. The Department of Customs, I believe, is the department referred to. The question did not involve very much work, and I think it is not showing proper courtesy to the hon. leader of this Senate to furnish him with verbal answers from the other ministers, and I think that he should insist upon his rights. It is impossible for one hon. gentleman in this House to do all the work of thirteen or fourteen ministers in the House of Commons, and the least they ought to do is to give hon. gentlemen in this House, and especially the leaders of this House their answers in writing.

Hon. Mr. SCOTT—On Friday last this question was put on the paper. I answered that I had made careful inquiry in the Department of the Secretary of State, where ordinarily such communications would be received—that I had inquired of the Privy Council Department and the Department of Railways and Canals, and also in the Public Works Department and found nothing in any of them. There is one other department that may possibly know something about it.

Hon. Mr. LANDRY—From the Department of Railways and Canals nothing has been received ?

Hon. Mr. SCOTT—They had no correspondence. I sent specially over to the secretary of the department, and also to the secretary of the Public Works Department, and they have had no communications on the subject.

Hon. Mr. LANDRY—I fancy there will not be any letters in the other departments.

Hon. Mr. SCOTT—There may be private letters to the Premier. I have asked the secretary of the Premier to look in his private correspondence and to let me know if he can find any. Of course it is impossible to trace these matters unless the letters are sent officially to the government. Letters intended for the government are properly put through, and can always be found, but private letters are treated differently and it is only by inquiry through the channels I have mentioned that one can get information.

Hon. Mr. DEVER—An outsider would be surprised to find so many vexations questions asked about a matter dating so far back. I find this refers back to 1892. If the thing is of such importance, I am surprised the hon. gentleman, or some friend on his behalf, did not ask for it in 1893, 1894 or 1895. It looks very strange to me. Of course, the hon. gentleman may be able to explain it, but I should be rather inclined to put it down as trying to be vexatious and annoying, because these questions have

been asked so often. I like to see fair-play. It is high time this Senate should conduct itself in such a manner, especially among certain members, as to appear sincere. Instead of that, it looks as if there was a good deal of desire on the part of certain individuals to irritate, annoy and impede legislation. I hope it will cease and that hon. gentlemen will apply themselves to something practical, and not act in such a captious way by asking petty questions every day. When proceedings come down to be a farce, I think it is time it was ended.

Hon. Mr. LANDRY—My hon. friend should sit on the other side of the House. Before giving us lessons he should take one. If he wants to hit me I do not want to be hit in the back. Let him take a seat on the other side of the House if he wants to attack us on this side.

Hon. Mr. DEVER—Does the hon. gentleman own this side of the House ?

Hon. Mr. LANDRY—I am on this side of the House properly. I beg leave to tell the hon. gentleman he has no right to say I am coming here with vexatious questions. The first thing he should try to do is to understand my question.

Hon. Mr. DEVER—Understand ?

Hon. Mr. LANDRY—Try to understand. If he would read it carefully he would see that I never asked a question relating to anything as far back as 1892. If he had read the question properly he would have found this that I asserted as a fact that the railway had been abandoned since 1892. I did not ask any questions about 1892 or 1893. At all events, if the hon. gentleman thinks he has the department in charge, and that he could give the proper answers, I am willing to let him cross the floor, and sit alongside of the minister, so that I could enjoy myself putting questions. I can assure him I will not ask any vexatious questions. The only trouble will be for him to try and understand them.

Hon. Mr. DEVER—It would be a difficult matter.

Hon. Mr. LANDRY—Yes, a difficult matter for the hon. gentleman. As to the answer given by the hon. ministers, I quite understand that if a positive answer came from the Department of Railways and Canals that they had received nothing, that ends the question, and I take that as a satisfactory answer.

Hon. Mr. SCOTT—I sent to Sir Wilfrid Laurier's secretary, and he promised to look it up. That is the only other one that could possibly have it. He might have received a letter which, not being regarded as official, would not be put on file. I inquired of the Railways and Canals and Public Works Department and they have no communication.

Hon. Mr. LANDRY—With reference to the Gaspé Short Line I would just ask the hon. minister to bear in mind that it is very essential for the legislation to come before us in this House to have the different petitions relating to the Gaspé Short Line, and I shall avail myself of my right, if those petitions are not brought down in time, to ask that the measure be delayed until we have them.

Hon. Mr. MILLS—I will make further inquiry.

CASTINGS FOR PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

Hon. Sir MACKENZIE BOWELL, (in the absence of Hon. Mr. Ferguson), inquired :

1. Were tenders called for the supply of castings for the Prince Edward Island Railway in the present year?
2. Was the call for tenders public, or were offers solicited privately?
3. If the latter, who were asked to tender?
4. What prices per pound is being paid for the said castings?

Hon. Mr. SCOTT—Tenders were called for the supply of castings for the Prince Edward Island Railway in the present year. 2. They were asked by circular dated August 18th, 1899. 3. Circulars were sent to T. A. McLean, A. White & Son, and Bruce, Stewart & Co., of Charlottetown. Bruce, Stewart & Co. were the lowest and were awarded the contract for one year, on the 12th of October. 4. 2¾ cents per pound is being paid for the said castings. The contractor taking it part payment in equal quantity of scrap iron from the railway at $14 per ton of 2,000 lbs.

Hon. Sir MACKENZIE BOWELL—I understand, from the answer, that they were not public tenders.

Hon. Mr. SCOTT—No.

MAILS BETWEEN KENSINGTON AND PRINCETOWN, P.E.I.

INQUIRY.

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

1. If a new contract or renewal of a former contract for carrying the mails between Kensington and Princetown, P.E.I., has been made?
2. Who is the contractor?
3. How much is being paid for the service?
4. Were public tenders called for?
5. Did the department receive offers other than from the present contractor?
6. If so, who were they from, and what amount did they offer to perform the service for?

Hon. Mr. MILLS—A contract was made for the Kensington and Princetown mail service, which went into operation on the 1st of October last. It was made with Mr. Alvin Glover, the brother of the late contractor, and the rate of payment is the same as it has been since the service was established in 1891, viz., $125 a year. Public tenders were not invited, nor was the department in receipt of private offers from any person other than the late contractor. The service was up for public tender in 1895, and it was ascertained then that $125 was the lowest amount for which a responsible person would undertake it, and as the conditions had undergone no change and no complaints had ever reached the department as to the manner in which the late contractor, Mr. John Glover, had performed his duties, a new contract was authorized with him on the same terms and conditions. He died before the contract could be executed with him, and as the inspector reported Mr. Alvin Glover to be a suitable contractor, the contract was made with him.

Hon. Sir MACKENZIE BOWELL—The answer given by the hon. minister is very full, and no objection, I think, has been taken to the policy which has been adopted, but it is, I may intimate, in direct contravention of the policy which was announced to be pursued in the future by the Postmaster General. The answer is a justification of the course formerly pursued by the late Postmaster General, under the late government, in renewing small contracts to parties without asking for public tenders, and it is a very good answer to the policy which was pursued by the Postmaster General, in annulling scores and scores—I think I am safe in stating that—of contracts in the province of Ontario, because they had been let in the manner indicated in the answer given by the hon. gentleman. I know nothing of these cases personally, but I know the policy that was laid down by the Postmaster General. I know the reasons that were given for annulling contracts which were renewed in the same manner and under the same circumstances and for the same reasons by his predecessors, that this has been renewed. What object the hon. gentleman from Marshfield, had in asking the questions I do not know.

Hon. Mr. MILLS—I may say to my hon. friend, that the law does not care for little things.

Hon. Sir MACKENZIE BOWELL—I understand that.

Hon. Mr. MILLS—And I think the Postmaster General has adopted that rule. What was most complained of in the other cases, to which my hon. friend refers, and what the Postmaster General complained of before he came into the government, was that the policy of renewals had been applied to contracts for very large amounts.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—Yes, I am perfectly sure of that.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman mean beyond the limit laid down by the law? The law lays down a limit for tenders. You can renew up to a certain amount. Do I understand the hon. Minister of Justice to say that Sir Adolphe Caron, the late Postmaster General, renewed contracts that exceeded the limitation.

Hon. Mr. MILLS—I think so. I think in the North-west Territories there were several contracts of that sort. That is my recollection, and I know in Ontario there were other tenders offered, not by parties of the political faith of the government, but men of the same political views as the men who had the contract, and where there were three or four parties offering to tender, and some of them tendered at a lower rate than the rate contracted for, although that was perhaps very moderate, nevertheless, it was

thought prudent on the part of the Postmaster General, that fresh tenders should be received, but that was not the case in this instance, and my hon. friend will see that there is a careful statement made in this answer that in that case there had been no complaint and no offer to carry at a less rate.

Hon. Sir MACKENZIE BOWELL—Yes, I accept what the hon. gentleman says, I refer him to the elaborate report on this question in the blue-book. Speaking of my own personal knowledge in the county of Hastings, in which I live, in the riding I represented for a quarter of a century, I know the contracts for carrying the mails were taken from those who were of the same political faith as myself, and given to parties of the political faith of my hon. friend opposite, without asking for any tender—just simply taken away and given to others. That seems to have been much the case here, and the present Postmaster General is adopting precisely the same policy which he has condemned.

A CORRECTION.

Hon. Mr. LANDRY—With the permission of the House, I wish to move a resolution. On the 9th of May, I presented Bill (U) 'An Act to incorporate the British American Pulp Company.' At that time I proposed that the Bill be referred to the standing committee on Railways, Telegraphs, and Harbours, but I was corrected and the Bill was referred to the Miscellaneous Private Bills Committee. Through an error it appears on the Order paper as having been referred to the Committee on Banking and Commerce, I therefore move that the order of Wednesday, the 9th inst., in relation to Bill (U) intituled, 'An Act to incorporate the British American Pulp and Paper Company,' referring the Bill to the Committee on Banking and Commerce, be rescinded, and that the said Bill be referred to the Committee on Miscellaneous Private Bills.

The motion was agreed to.

USURY BILL.

IN COMMITTEE.

The House resolved itself into committee of the whole on Bill (P) 'An Act respecting usury.'

Hon. Mr. MILLS.

On the first clause.

Hon. Mr. POWER—I move that the title of this Bill be amended so as to read 'This Act may be called the money lenders' Act.' The English Bill, of which this is almost a copy is called the money lenders' Act, and it does not deal with usury in a broad sense at all. It simply deals with the transactions of money lenders, and I think the term money lender is the proper term to insert in the title of the Bill.

Hon. Mr. DANDURAND—I do not object to this change in the title, because we are not doing away with all forms of usury. The title suggested by my hon. friend commends itself to me.

The amendment was adopted.

On clause 2.

Hon. Mr. McMILLAN—I move that the rate of interest referred to in this clause be changed from 10 per cent to 8 per cent.

Hon. Mr. DANDURAND—I am afraid if you reduce the rate from 10 to 8 per cent you will disturb business in a considerable part of Canada where the rate at which money is loaned is higher. We have already had usury laws allowing only 6 to 7 per cent, which were repealed in 1854, because they interfered with trade and commerce. But now I want to reach a certain class of money lenders, and I am afraid of too severe a measure.

The amendment was declared lost and the clause was adopted.

Hon. Mr. SCOTT—What is the reason for departing from the English law in making no provision for the licensing of usurers? Would they not be more under control if licensed?

Hon. Mr. DANDURAND—We have completely defined the party we want to reach, the party who makes it a practice of lending at a high rate. If we should declare that such parties must register, if they only occasionally loan beyond 10 or 12 per cent. they may refuse to register, and we would have to establish that they make a practice of lending at 10 per cent, and also that they failed to register, we would simply establish two offences, the fact that they make a practice of lending at more than 10 per cent

and the fact that they have not registered. I do not see the necessity of it.

Hon. Mr. SCOTT—If two or three cases could be proved, would the court construe that into a practice ? I doubt it very much. They will not be found out in all cases. Would the courts construe two or three cases as involving the practice of usury ?

Hon. Mr. DANDURAND—I think that isolated cases would not bring the party under the scope of this law, but the man to be reached is the professional money-lender who lends to the public at usurious rates. I have made it a point to see that no private individual lending to his neighbour, or lending occasionally, doing a good turn to a friend, shall be harassed if he makes a short loan beyond the figure established by this Bill. I am dealing with the man who makes a practice of lending money at a higher rate than 10 per cent. It would be incumbent on the complainant to establish that the party really makes it a business to lend money at high rates.

Hon. Sir MACKENZIE BOWELL—It seems to me that there is a good deal of force in the statement of the hon. Secretary of State. I have received a letter from a gentleman in Montreal, in which he calls my attention to the fact that a friend wanted to borrow a hundred dollars for fifteen days. The writer of the letter does not say that he makes a practice of lending money ; but he gave his friend the hundred dollars and charged and received one dollar. At the end of fifteen days the loan was renewed and the lender received another dollar. You can imagine what rate of interest that would be at the end of a year if the loan were renewed every fifteen days on the same terms. He says 'you can use this fact, only do not use my name.' It is better, he says, that this man should pay a dollar for the use of the money for fifteen days than to have to submit to being sued in court. That is the sort of lender, I take it, that the hon. gentleman wants to exempt from the Bill.

Hon. Mr. DANDURAND—No.

Hon. Sir MACKENZIE BOWELL—He would be exempt, because I am assuming that he does not make a practice of lending money on such terms. It seems to me you should strike out the word 'practice,' and you would avoid the difficulty pointed out by the hon. Secretary of State.

Hon. Mr. DANDURAND—My object is to disturb as little as possible the public at large. I want to reach the usurer, and I think that we would have very much difficulty in passing through both branches of parliament a Bill which would reach people who only occasionally make a loan, and might not notice that what seems a fair rate on a loan for a week or ten or fifteen days, was going beyond the letter of the law.

Hon. Mr. CLEMOW—Would it not be better to compel the man to signify in some way that he is to be considered a money-lender under this Act ? As it is now, it is very indefinite—'Who carries on the business of money-lending' or 'holding themselves out in any way as carrying on that business'—would it not be as well to say that he should be obliged to advertise or publish the information that he was enaged in the business, and then people would know ?

Hon. Sir MACKENZIE BOWELL—That is just what he would not do.

Hon. Mr. CLEMOW—Then he would not come under the provisions of this Bill.

Hon. Mr. POWER—It seems to me the persons who are aimed at by this Bill are really not any more deserving than pawnbrokers are, and if pawnbrokers are obliged to register, the money-lenders should be obliged to register also. As it is now, there is really no sort of restriction over the money-lender. If a chartered bank goes into business, it is subject to inspection by the government, and has to make returns regularly, and is kept under the public eye. It seems to me these money-lenders ought to be kept under the public eye at least as much as the bankers. The English Act provides that money-lenders shall register. With the permission of the committee I shall read the clause in the English Bill :

2.—(1.) A money-lender as defined by this Act :—

(a.) Shall register himself as a money-lender in accordance with regulations under this Act, at an office provided for the purpose by the Commissioners of Inland Revenue, under his own or usual trade name, and in no other name, and with the address, or all the addresses, if more than one, at which he carries on his business of money-lender ; and

(b.) Shall carry on the money lending business in his registered name, and in no other name and under no other description and at his registered address or addresses, and at no other address ; and

(c.) Shall not enter into any agreement with respect to the advance and repayment of money, or take any security for money otherwise than his registered name ; and

(d.) Shall on reasonable request, and on tender of a reasonable sum for expenses, furnish the borrower with a copy of any document relating to the loan or any security therefor.

That all seems very reasonable, and I do not think that the difficulty which the hon. gentleman in charge of the Bill seems to anticipate from causing the money-lenders to register would really be found to arise, because the second subsection of this section of the English Bill says :

(2.) If a money lender fails to register himself as required by this Act, or carries on business otherwise than in his registered name, or in more than one name, or elsewhere than at his registered address, or fails to comply with any other requirement of this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both : Provided that if the offender be a body corporate, that body corporate shall be liable on a second or subsequent conviction to a fine not exceeding five hundred pounds.

Then there is a subsequent clause. The provisions of the English Bill are carefully guarded, and it really would be in the interests of the public that we should adopt the system which they have in England. As the Secretary of State has pointed out, the first thing that a prosecutor would have to do, acting under the Bill of my hon. friend, would be to prove that the person against whom he made the charge practised lending money at exorbitant rates, and that might be a very difficult thing to do, for the people who borrow money would not, as a rule, be very anxious to come forward and disclose the condition of their business affairs to the public, and I really do not see any reason why we should not have the English provision.

Hon. Mr. DANDURAND—The objection that I have to this registration is that if you want to strike at the money-lender because he is not registered, you have to establish that he should have registered because he makes a practice of lending at a higher rate than 10 per cent. That is all I need prove under the present Bill. What I would need to establish the offence for not registering, is just what I would need to bring the offender under the scope of the present Bill, so that really I am simply establishing a second offence against him —that he failed to register. I care not whether he registers or not, if I establish that he is a money-lender under this Bill, then he falls under the provision of the Bill. As a matter of fact, three-fourths of money lenders whom we want to reach, and perhaps 95 per cent of them, will not register. They will try to violate the law as best they can, so that I would have to establish the fact, and at the same time establish the second offence, if the English system is adopted,—the offence of not having registered ; but I would have to make the same evidence to force them to respect the other provisions of the law.

Hon. Mr. POWER—I do not think the hon. gentleman is making his case any better, because if we adopt the principle of the English Bill, then, in the case of every man who has registered, it is unnecessary to prove that he carries on the business. The fact that he has registered settles that question. The hon. gentleman says these men would not register. I think the average man, who proposes to lend money, would register rather than expose himself to the serious penalties for not registering which are imposed by the English Bill. I have not understood that people are in the habit of doing business as pawnbrokers without registering, and one would suppose the temptation to a pawn broker to do business without registering would be as great as to the money-lender. I do not think there is much force in the argument which the hon. gentleman has addressed to the committee. I shall move that the clause of the English Bill defining the money-lender, be inserted in this clause as a subsection.

Hon. Sir MACKENZIE BOWELL—It seems to me that the fact of making them register would destroy the object of the Bill. I can understand the registration of a class of men dealing in money who desire to carry on what might be called a legitimate business. The men whom the Bill is designed to reach do not, and they would evade the law under any circumstances. If you say a usurer must register, he will take good

care not to register, and will loan money surreptitiously, and exact from the borrower still larger rates because he takes the risk of exposure. That was the policy pursued by this class of money-lenders before the usury laws were repealed. From my observation of the matter, the suggestion made by the promoter of the Bill will enable one to reach the usurer much easier than if registration is required.

Hon. Mr. MILLS—I do not know that there is any great harm done in requiring registration, but there is this: the same evidence that would convict under this Bill is required to punish a party for not registering. He may be disposed to take the risk of refusing to register, even though you provide for registration, on the assumption that you may not succeed in proving that he was a money-lender according to the definition in the statute. I can see that if this Bill becomes law, and is found to work on the whole fairly satisfactorily, you may find it necessary to provide for registration, and also find it necessary to provide for inspection. If the inspection were required, then registration would become a matter of very great importance, because your inspector would have to know who were engaged in the business. It would become a necessity, but it seems to me if we get the Bill on the statute-book in its present form, and have an opportunity of observing its operations for the course of a year or two, that parliament will be in a better position to determine whether they ought to go further and provide for registration and inspection of those engaged in the business.

The clause was adopted without amendment.

On clause 3.

Hon. Mr. MACDONALD (B.C.)—If this Bill is intended to curb the usurer, why allow this high rate of interest, 20 per cent? If the borrower refuses to pay and the case goes to court, he only pays 10 per cent from the date of judgment.

Hon. Mr. McMILLAN—I agree with what the hon. gentleman from Victoria (Hon. Mr. McDonald) when he says that 20 per cent is too high. I should say 12 or 15 per cent would be high enough.

Hon. Mr. MILLS—A large portion of that would be insurance.

Hon. Mr. McMILLAN—I stated that I want to limit the time. I would have it read like this:

Notwithstanding the provisions of chapter 127 of the Revised Statutes, no money-lender shall stipulate for, allow or exact on any negotiable instrument, contract or agreement, the principal of which is under $500, a rate of interest or discount greater than 12 per cent per annum, nor shall such loan be made for a longer period than thirty days from the date thereof. And the said rate of interest shall be reduced to the rate of 6 per cent per annum from the date of the judgment of any suit, action or any proceeding for the amount due.

I submit that in place of 20 per cent we should make it 12 per cent, and we should reduce the 10 per cent to 6 per cent.

Hon. Mr. MACDONALD (B.C.)—I will second that motion. I would point out to the promoter of this Bill that clause 3 would have the effect of throwing every borrower into court. Supposing a man borrows money and declines to pay, he goes to court? They would all go to court so as to avoid paying 20 per cent. Then why are sums above $500, liable to 20 per cent? There is no limit.

Hon. Mr. DANDURAND—There were two reasons given which seemed to commend themselves to the judgment of the committee. I have not, in my original draft, mentioned $500, or any sum, but it was represented that parties who were patent inventors, or mine discoverers, who have no capital, and who need a partner will sometimes ask of a capitalist a sum of $5,000, or $10,000, or $15,000, to throw into the venture, the capitalist would lend five, ten or fifteen thousand dollars, but would not accept the responsibility of partnership. He would risk the amount against the other parties work or brain, and would accept, under the form of interest, a share of the profits. There were various other reasons given to limit the amount, and I have no objection to the sum of $500, for the simple reason that the money lender whom I want to reach does not lend sums beyond $500. The usurer lends sums ranging from ten dollars to two hundred and fifty, and perhaps three hundred. The party who can secure a loan of $500 is generally solvent enough to command a low rate of interest. I have no special objection to limit-

ing the sum to $500, or $400, because I know I can reach ninety-nine per cent of the cases where an extortionate rate has been charged.

Hon. Mr. CLEMOW—I have no doubt the hon. gentleman means well, but what is to prevent four or five men combining to borrow $500? Supposing five men want one hundred dollars apiece, and they say, 'We will not go to this man and pay 10 or 20 per cent, but we will make it one lump sum by which we can get a lower rate of interest?'

Hon. Mr. POWER—They would have to pay more.

Hon. Mr. CLEMOW—It would be a combine between the money lender and the people who want to borrow the money.

Hon. Mr. POWER—There is no danger of that. We cannot imagine five men combining in order to be obliged to pay a higher rate of interest. I was present at the meeting of the committee at which this subject was discussed, and the general feeling of the committee seemed to be that if there were no limit, the tendency of this measure might be to interfere with legitimate enterprise. I think it is better not to meddle with the amount. There is a great deal at first sight in the objection made by the hon. gentleman from British Columbia, that if a man is to pay 20 per cent and then, if a judgment is entered up, he pays less, he is likely to contest a claim just in order to reduce the rate. But the fact is that he pays the lower rate only after the judgment has been recovered, and, at any rate, if the sum is less than $500, the cost of the suit would be probably more than the addition to the interest. I think we had better let that clause alone.

Hon. Mr. DEVER—I should certainly like to assist the hon. gentleman promoting this Bill, but I have read the measure with a good deal of care, and have come to a conclusion hostile to the Bill. I am a free trader in money, as well as in other articles. I do not believe in interfering with the business of money lending and putting such restrictions on it, so as to multiply lawsuits. A party comes to me and borrows a certain amount of money. I lend it to him and get a high rate of interest, and why? Because the man could not get the money from the bank. He is not a first class man, and, in consequence of that, I have to run a risk, and I have to charge more interest on that account than the legal interest of the country.

Hon. Mr. DANDURAND—Does the hon. gentleman go beyond 20 per cent?

Hon. Mr. DEVER—No matter what the bargain is, if it is reduced to writing, it should be adhered to. It is wrong to go into court and reduce the interest. I lend my money at a certain rate of interest. Should I be compelled to lend my money for probably three years longer at half the rate because that man goes into court? It is not a business transaction. I was one of the first men in this chamber who took upon myself the responsibility of getting the usury laws of my province repealed since we came into confederation, and the change gives so much satisfaction that we are not anxious to restore usury laws, and this is a usury law. I could not justify myself in voting for it. It would be far better for us to allow the government of the country to be responsible for the proper rate of interest. The people in New Brunswick, do not know that such a Bill is being passed. If we make it a Dominion law, everybody knows of it. I am strongly opposed to restrictions on money lending. Why should not money be as free in the market as any other commodity? Why should not money be bought and sold the same as flour, or any other article of merchandise. I am sorry to see so much interference with the business of the country. At last we will have so many laws restricting business that we will all be driven into one corner. A man does not know where to go to establish a business. Money is an article that might be traded in in this country and a large number of men deal in it to the advantage of the country and to the advantage of the borrower. The hon. Minister of Justice says he thinks that the usurer man should register his business. What ordinary man wants to give out to the public to know his capital? No ordinary individual wants the public to know his means or have parties coming in to inspect his business. No tea merchant would want any inspector to come in and know what capital he has. The banks may do it,

because they are issuers of paper money, floating their notes, and it is necessary that the public should know their standing on a basis of gold? Why should the individual be interfered with? His capital is not paper dollars. He is simply lending his money. He is not asking the public to trust him. He simply has his money, or merchandise, as capital and lends it. Most of the people of this country will not be satisfied with this Bill as it stands at present, and I shall oppose it.

Hon. Sir MACKEIZIE BOWELL—I was going to suggest that if we made the time longer, say ninety days instead of thirty, it would prevent renewals.

Hon. Mr. McMILLAN—I am very willing to make it ninety. I look upon the time as very essential in matters of this kind, because if you close up the deal you will not be so likely to hurt any person as you would be by dragging it along from six months to nine months.

Hon. Mr. POIRIER—I apprehend that clause 3 will cause unnecessary confusion in commercial affairs. I mean that part of it which says that the rate of interest shall be reduced to the rate of 10 per cent per annum from the date of judgment in any suit, action or proceeding for the recovery of the amount due. Perhaps I do not exactly understand the remote meaning of the clause, but if it means that all judgments for debts will hence forward carry ten per cent, I will certainly not vote in favour of that.

Hon. Mr. DANDURAND—There is an amendment proposed reducing the 10 per cent to 6 per cent.

Hon. Mr. POIRIER—I shall vote for the amendment. In New Brunswick, judgment debts carry six per cent. This Bill, instead of reducing interest, would increase it, and I do not believe it is the intention of the promoter to raise the rate of interest. It would be disturbing the whole economy of contracts and money lending and commercial affairs in the country, and most unnecessarily. I shall vote in favour of reducing the interest on judgment debts to the rate existing in the province from which I come. On the face of it, 20 per cent is really usury, but there may be reasons for permitting that, and I would rather have 20 per cent fixed as the limit than to lead the note shavers to charge unlimited interest, which they otherwise could, and it appears they do collect it now, especially in the city of Montreal. I know that many note shavers in the county adjoining the county where I reside, did charge as much as 40, 50 or 80 per cent on renewed papers. Therefore, although 20 per cent seems on the face of it exorbitant, I would be ready to vote for the 20 per cent provided that interest on judgment debts be reduced in all cases to 6 per cent.

Hon. Mr. POWER—I wish to direct the attention of the hon. gentleman who has charge of this Bill to the 8th clause. It says:

> Nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than 20 per cent per annum.

That would cover Ontario.

Hon. Mr. POIRIER—Even then there would be confusion. If money is loaned at 7 or 8 or 10 per cent per annum, it may be a case of litigation to know whether the judgment debt will carry ten per cent after judgment.

Hon. Mr. DANDURAND—I am ready to accept 6 per cent. I accepted 6 per cent last year, but it was raised by the committee to 10 per cent.

Hon. Mr. CLEMOW—What is the rate of interest on judgments in Manitoba?

Hon. Mr. SCOTT—I think it is 6 per cent everywhere?

Hon. Mr. BERNIER—It is 6 per cent in Manitoba.

Hon. Mr. SCOTT—The statute provides that whenever interest is payable by the agreement of parties or by law, and no rate is fixed by law, the rate of interest shall be 6 per cent per annum. That is the rate all over the Dominion.

Hon. Mr. McMILLAN—I will not press the first part of the amendment. I will press the portion fixing 6 per cent after judgment?

Hon. Mr. SCOTT—That is carried.

Hon. Mr. POWER—I sympathize with the hon. gentleman from Glengarry, but it does not seem to me that the language of his

amendment harmonizes with the rest of the clause. There is no provision for a loan in that clause. It occurs to me that if you put in this limitation of ninety days, it will simply give occasion to further difficulty to the borrower. If the borrower is not in a position to repay the money at the end of ninety days, then he has to make another loan at the same rate for a period of ninety days, and he will probably have to pay something for the privilege. He may be referred by the money lender to some friend of his.

Hon. Mr. CLEMOW—He could not charge more. He might render himself liable to prosecution.

Hon. Mr. POWER—If you limit the rate, I think that is really enough.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman withdraw the portion of his amendment relating to 20 per cent?

The CHAIRMAN—Yes, he withdraws that.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman had better adhere to his amendment to change the 20 to 12 per cent, and then make a limitation of the time as well. I think that will meet the approval of the people better than 20 per cent. What is the necessity for that portion of the clause after the words 'per annum,' when you provide in the 8th clause that nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than whatever rate you fix by this Bill?

Hon. Mr. DANDURAND—The interest stipulated by contract continues to be the rate of interest on judgments, in the province of Quebec at all events. I do not speak for the other provinces. That is why you have to-day judgments bearing 5 per cent per month, which the judges are obliged to condemn the parties to pay—equal to 120 per cent per annum. That is of weekly occurrence.

Hon. Mr. CLEMOW—That does not apply to Ontario. I do not think a judgment bears more than 6 per cent in Ontario, no matter what the contract or understanding, or agreement may have been.

Hon. Mr. DEVER—The declaration made by the promotor of this Bill is really surprising. I know a good deal about money lending. I have been many years in business, and in a commercial city all that time, and I never knew any money lender to ask a man 5 per cent per month on the face of a $500 note. For three months 5 per cent is only 20 per cent per annum. If money lenders get 120 per cent in Montreal, there must be something wrong. I have no objection to a Bill being passed relating to Montreal. In my city any man asking for 120 per cent, or half that, would be drummed out of the town. I know a private banker who had $100,000 to loan, and he never charged more than 10 or 12 per cent on any loan, however small the amount or short the time. A man who has the money in his safe is not like a bank. He does not issue paper money. He must get a higher rate of interest, and when he gets 5 per cent off the face of a bill for three or four months, he is not getting too much, because he runs a risk and may have to wait a long time and perhaps have to sue for it, and the consequence is the lender has not a large profit on his loan. It is a great mistake to say that a money lender has an excessive rate of interest. If it is so in Montreal let us know it, but they are not to be found in St. John or Halifax.

Hon. Mr. DANDURAND—If the hon. gentleman will go to the street in front of this building, close his eyes and throw half a dozen stones at random, I venture to say he will strike one of those money lenders.

Hon. Mr. DEVER—I doubt it.

Hon. Mr. DANDURAND—I take exception to the amendment limiting the time to ninety days, because my hon. friend wants to decree that the borrower shall have the money to pay at maturity. My hon. friend wants those loans to terminate at the end of three months. They will terminate if the borrower has the money. If he has not, there will be a renewal. I have stated an annual rate of interest. I do not see how this amendment could be carried out.

Hon. Mr. BERNIER—Would not the borrower be better off if the contract should terminate then?

Hon. Mr. DANDURAND—If it terminates, it can only be by a judgment against the borrower, or by payment of the debt. If my hon. friend means that after three

months the 20 per cent shall no longer run, that it will be the end of the 20 per cent, then we fall upon the legal interest 6 per cent. The party loaning the money will know that he can only claim at the rate of 20 per cent per annum for three months, and that after the three months he will have to content himself with six per cent.

Hon. Mr. McMILLAN—Hear, hear!

Hon. Mr. DANDURAND—If that is what my hon. friend wants, he will have to say it in other words.

Hon. Mr. McMILLAN—I am not a lawyer, and I may not have put it in the right language, but I could not state my views better than the hon. gentleman has stated them himself. I want the contract to terminate at three months, and after that the interest to be 6 per cent. Then parties will not be as likely to be ruined as if the high interest were carried on for term after term.

Hon. Mr. BERNIER—That will be the best check we could put on the usurers.

Hon. Mr. McMILLAN—Yes, the very best check.

Hon. Mr. DANDURAND—I have no objection to turn the screw on them as much as possible, but I should like my hon. friend to put his idea in black and white.

Hon. Sir MACKENZIE BOWELL—Do I understand my hon. friend from Glengarry, to have withdrawn his amendment to fix the rate of interest at 12 per cent?

Hon. Mr. McMILLAN—I do not care to press it. My own feeling is for 12 per cent.

Hon. Mr. CLEMOW—Try 15.

Hon. Mr. MILLS—My hon. friend will see this, that there is a difficulty in fixing a very low rate. No one will borrow under this provision, except some one who is in very needy circumstances, and he has not the security to give or he would get the money at a very much less rate than 12 per cent. What he is obliged to do is, not merely to pay interest, but to give security, or a species of insurance, that he will pay, and so the lender takes the risk, where he has a large number of borrowers, that a sufficient number of them will pay to cover, by this large rate of interest, the loss of the principal in other cases. That is the principle on which these parties are lending. It seems to me that if you make the rate of interest 12 per cent, you simply prevent the desperate class from obtaining loans altogether.

Hon. Mr. CLEMOW—I do not think it.

Hon. Mr. MILLS—I think that would be the case. Further than that, if you limit the time to ninety days, and prevent renewals, you hold out strong temptations to both parties to violate the law, but if you say the rate of interest shall not exceed 20 per cent per annum, and provide that the loan should not be renewable beyond the year, it seems to me you give as great protection as you possibly can. If you go below that, either in the length of time, or the rate of interest, you will have parties evading the law altogether instead of undertaking to comply with its provisions.

Hon. Mr. MACDONALD—That argument simply means that we are asked to sanction the robbing of one man to make up the loss in the case of another man.

Hon. Mr. MILLS—The principle is the same with fire insurance.

Hon. Mr. MACDONALD (B. C.)—The object of the Bill is to crush the usurer, and I would have only two or three lines in that Bill, that no one should lend money at a higher rate than 12 per cent, and that no man should recover principal or interest if money is loaned at a higher rate. I do not care whether he be a usurer or banker, I would limit it to that.

Hon. Mr. DANDURAND—My hon. friend can easily calculate what 20 per cent is upon a small sum for thirty or sixty days. It comes to very little. I think it is simply in accord with the law on the statute-book which allows pawnbrokers to collect 20 and even 24 per cent for the first period, after which it slides down. I think I stated last year that it was 18 and a fraction per cent, and yet the pawnbroker has in his possession an article of furniture, or silverware, or something which absolutely guarantees the loan. The law allows him to collect 18½ per cent on loans absolutely secured, yet he has some obligations to the public. He must pay license, and par-

liament has not thought his rates too high. At all events, no one has to this day complained of the extortionate rates allowed to the pawnbroker. When you come to money lenders, who have no security but the signatures of young men who have, as capital, only their future, you would give that money lender a less rate of interest. I think we should follow the same lines that parliament has fixed for pawnbrokers and allow usurers to charge 20 per cent. Twenty per cent on $50, for one month is a fraction under one dollar. As the hon. Minister of Justice says, the man who loans fifty dollars of his hard-earned money to a needy borrower has, in the first place, to insure not only the collection of this interest, but the collection of the capital he has risked, and I quite understand, when people present doubtful names, that he should go beyond the legal bank rate of interest. On short loans the lender never goes beyond ninety days. I do not think it is extortionate.

The CHAIRMAN—I shall take the sense of the committee on the reduction of the rate from 20 to 12 per cent.

The committee divided on the amendment, which was carried.

Contents 12, non-contents 11.

Hon. Mr. DANDURAND—I would urge a reconsideration of that, because we to-day are facing an unlimited rate of interest, and we have to come back to the usury laws, to a certain extent, and I wonder if we are not imperilling the passage of the measure by making it too harsh. Time will tell, but I thought, as a first step, if we stopped at 20 per cent it would be wiser. Will the hon. gentleman from Glengarry drop the ninety day's clause ?

Hon. Mr. McMILLAN—No, I consider that the most important amendment.

Hon. Sir MACKENZIE BOWELL—To my mind, it is nonsense to say you will prevent renewals. You cannot do it. You have two men in a firm. You borrow from one to-day and from another to-morrow. That can always be done. Speaking of the effect of the operations in Montreal, I know a very respectable man who was driven out of that city. As soon as his employer knew he was in the hands of these sharks, they dismissed him, and he had to come back to Belleville. I would prevent it altogether if I could.

Hon. Mr. CLEMOW—So would everybody?

Hon. Mr. MILLS—There is no doubt every hon. gentleman would like to prevent it, but we are not dealing with usury laws generally. We recognize the right to contract for the use of money, the same as we do for any other article of value, but there are certain parties whose circumstances compel them to pay extortionate rates, and if you limit the rate and the time, it will render it impossible for them to borrow at all.

Hon. Mr. McMILLAN—The time is not of so much importance when the rate of 12 per cent is adopted.

The CHAIRMAN—Is it understood that the 10 per cent is reduced to six ?

Hon. Mr. McMILLAN—Yes.

Hon. Sir MACKENZIE BOWELL—That makes it 12 per cent, and 6 per cent, without the limitation.

The clause as amended was adopted.

On clause 5.

Hon. Mr. POWER—I should like to ask the promoter of the Bill whether bona fide holder means a holder without notice for value.

Hon. Mr. DANDURAND—The bona fide holder is one who has given value.

Hon. Mr. POWER—Would it mean that he was a holder without notice ? A man who had notice that a security was in contravention of this Bill, when it becomes law, would be a bona fide holder for value, but would not be a holder without notice, and if he had notice, he ought not to be allowed to recover.

Hon. Mr. SCOTT—If he had notice he would not be a bona fide holder.

Hon. Mr. BERNIER—It seems to me this clause would afford a way of evading the law entirely. A man cannot be a bona fide holder when a note comes to him bearing on its face a rate of interest higher than is stipulated here. Still, by this clause it is intended that any man holding a note may recover the amount of it, even if the rate of interest is higher than is decreed here.

Hon. Mr. MILLS—No, he could not do that.

Hon. Mr. DANDURAND—If the note bears the rate of interest on the face of it, no one would be a bona fide holder of it, because the rate of interest would be there to be seen. This protects only the party who holds a note which has been discounted at a higher rate than the one allowed by law without showing the rate on the face of it, it is in a measure, concealed by the discount.

Hon. Mr. BERNIER—Then the clause is not sufficient.

Hon. Mr. CLEMOW—Cannot a man agree to pay any amount of interest he likes ?

Hon. Mr. DANDURAND—The amount collectable would be only 12 per cent.

Hon. Mr. POWER—I wish to ask the hon. gentleman another question. Clause 3 refers to a 'negotiable instrument, contract or agreement.' Clause 5 refers only to 'negotiable instruments.' Do you not propose to protect a man who enters into a contract or agreement ? The English Bill makes such provision.

Hon. Mr. DANDURAND—'Negotiable instrument' covers that.

Hon. Mr. POWER—It does not cover the case of a bond or agreement.

Hon. Sir MACKENZIE BOWELL—It strikes me there is a good deal of force in the remarks made by the hon. gentleman from St. Boniface. I understand that if the note shows on the face of it a higher rate than the one allowed by this Bill, the holder of it would not be a bona fide holder ; but if it were given without any rate of interest being mentioned on the face of it, then, though the lender may have exacted 50 per cent, he would be a bona fide holder and could collect it. Or, in other words, if a man gives a note for a hundred dollars and gets but fifty dollars, the lender could sell the note for $75 to another person and he, being a bona fide holder, could collect the full amount.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Would not that have exactly the effect pointed out by the hon. gentleman from St. Boniface ?

Hon. Mr. SCOTT—The borrower could collect the difference from the lender.

Hon. Sir MACKENZIE BOWELL—Could the borrower sue the lender and make him pay that $50, under this clause ?

Hon. Mr. DANDURAND—Certainly.

Hon. Mr. CLEMOW—I do not see how it could be done.

Hon. Mr. POWER—I would ask my hon. friend to make provision for contracts and agreements as well as negotiable instruments.

Hon. Mr. DANDURAND—The negotiable instrument passes from one hand to another simply by endorsement, and we are bound not to disturb banking transactions, so I put in clause 5 in order to protect the bona fide holder. I think he is the only one who should be protected.

Hon. Mr. BERNIER—That is all right. That is the general principle in the transactions. But the result will be that every note will be made in such a way that it may be transferred to a third party, and that third party will be a bona fide holder, and the borrower will be cheated.

Hon. Mr. DANDURAND—The party who pays more money than he should under this law can always reach the shaver, the one who has obtained on the discount of the note more than he was entitled to. He cannot turn round to the second or third holder, who has paid the full amount of the note or draft, and say I will not pay for more than 50 cents on the dollar because it is all I got. He will have to pay him 100 cents, but he can turn round and collect the difference from the usurer.

The clause was adopted.

On clause 7,

Hon. Mr. POWER—Will the hon. gentleman explain this clause ?

Hon. Mr. DANDURAND—This clause covers all notes that have not matured to this date, before the sanction of the Act, but which will mature after the sanction of the Act. The court will not re-open transactions. There will be no retroactive effect, but at maturity they will cease to bear a larger rate of interest than the rate provided by this measure, so that if a note has been discounted at a higher rate of interest than

the rate allowed in this Bill the borrower will not be able to recover it, but the money lender will have to content himself with the rate of interest fixed in this Bill although the note may bear a high rate of interest ?

Hon. Mr. McMILLAN—In other words, they will have to comply with this Act after the maturity of the note ?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. CLEMOW—How will this affect chattel mortgages ? They are a very uncertain kind of security. Then there are warehouse receipts and a variety of transactions of that kind. Will this Act interfere with them ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. POWER—In order to make the meaning of the clause clear, I think the hon. gentleman should insert a few words after the word 'instrument' in the first line. It says : 'In the case of any such negotiable instruments.' What negotiable instruments does that refer to ? We might add the words 'made before the passing of this Act and maturing after the passing of this Act.'

Hon. Mr. MILLS—I think the clause is clear as it is ?

Hon. Sir MACKENZIE BOWELL—In Ontario, if you owe a merchant a debt he takes, sometimes, a chattel mortgage in security for that debt. A man wants to borrow money but he has not security other than a chattel mortgage. If he borrows the money at a higher rate than 12 per cent, would it affect the chattel mortgage to the amount over 12 per cent only ? A man borrows a hundred dollars. The party charges him 10 per cent. He will charge him ten dollars for drawing the mortgage and make the mortgage bear 10 per cent. A man borrows one hundred dollars and the lender, being a lawyer, deducts 10 per cent from the amount and charges $10, for drawing the mortgage, and then makes the mortgage bear 10 per cent interest, so that he gets 30 per cent for the first year. How would this law affect such a case ?

Hon. Mr. DANDURAND—My opinion is that whatever collateral security you give the money-lender, you fall under the operation of this law. If you borrow money under five hundred dollars, whatever the security, let it be chattel or otherwise, this law will cover the contract. But I wonder why a party who gives, in addition to his own signature, a chattel mortgage, should pay a heavier rate than 12 per cent. This law is general. We have clause four which says :

—and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it ; and may set aside either wholly or in part, or revise, or alter, any security given in respect of the transaction.

That may be a chattel mortgage.

Hon. Mr. BERNIER—Supposing a note is given at 50 per cent, and that note matures after the passing of this Act, it seems to me that this Act should be made to apply to that transaction. It seems to me fair, because I consider such transactions are immoral. I should like to call the attention of the hon. gentleman to the drafting of this clause. It says :

In the case of any such negotiable instrument maturing after the date of the passing of this Act.

I quite understand that, but is seems to me there should be something more, because every transaction which originated before the passing of this Act will mature after its passage.

Hon. Mr. DANDURAND—The word 'such' refers to the negotiable instrument in clause six.

Hon. Mr. BERNIER—What is the meaning of the expression 'to be performed after the passing of this Act ?'

Hon. Mr. DANDURAND—There should be an amendment to say they were executed before the passing of this Act. I move that this clause be amended as follows :

In the case of any such negotiable instruments, made before the passing of this Act, and maturing after the date of the passing of this Act.

And I move that the same words be added after the word 'agreements' in the same clause.

The amendment was adopted.

The clause, as amended, was adopted.

Hon. Mr. DANDURAND—I move that the title of the Bill be 'An Act respecting money-lenders.'

The motion was agreed to.

Hon. Mr. McKAY, from the committee, reported the Bill with amendments, which were concurred in.

GAS INSPECTION ACT.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (78) 'An Act to amend the Gas Inspection Act.'

(In the Committee.)

On clause 1.

Hon. Mr. CLEMOW—Did the hon. minister obtain information respecting the point I raised yesterday ?

Hon. Mr. SCOTT—Yes. I have the assurance from the Minister of Inland Revenue that he will propose to council a reduction of the fees, so that they will not be more than the gas companies are paying at present.

Hon. Mr. CLEMOW—Can the hon. minister put a few words in the Bill to that effect ?

Hon. Mr. SCOTT—No, because the statute authorizes it to be done in council.

Hon. Mr. CLEMOW—One company here pays $152 a year for an inspection every three months, and under this Bill they would have to pay every month.

Hon. Mr. SCOTT—How many meters are there in Ottawa ?

Hon. Mr. CLEMOW—Less than a thousand. We have an inspection every three months, for which we pay $152. This Bill would compel an inspection once a month.

Hon. Mr. SCOTT—No, once in two months. At all events, the inspection fees will not be increased.

The clause was adopted.

Hon. Mr. CASGRAIN (Windsor), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (79) 'An Act to amend the General Inspection Act.'

(In the committee.)

Hon. Mr. SCOTT—Flax seed has never been subject to inspection, and there is a quantity of over three hundred thousand bushels of flax seed grown in Manitoba, and the Board of Trade in Winnipeg have asked that it be included in the articles to be inspected.

Hon. Sir MACKENZIE BOWELL—The only objection I have to this Bill is that it is provincial legislation. I do not see why it should be confined to one province. If it be necessary to inspect flax seed grown in Manitoba, it must be equally important that the flax seed grown in the other provinces should be inspected. The hon. gentleman will remember that we had a discussion upon this matter of class legislation sometime ago, in reference to bags. A special size of bags was provided to meet the case of the habitants of Quebec. They were in the habit of purchasing the bags containing sugar, imported from Manilla and other places, which did not hold the quantity that the bags used in other provinces held. I remember objecting to that, not as class legislation, but as provincial legislation exclusively, although perhaps it could fairly be called class legislation. It seems to me that on questions of this kind we should deal with the whole Dominion. What possible harm could arise from striking out the word 'Manitoba' ?

Hon. Mr. SCOTT—The answer to it is this, that in the case of bags they are in universal use.

Hon. Sir MACKENZIE BOWELL—No, not universal.

Hon. Mr. SCOTT—They are used all over the Dominion. Flax seed is grown only in Manitoba to any extent.

Hon. Sir MACKENZIE BOWELL—That is a mistake.

Hon. Mr. SCOTT—It is grown in very small quantities elsewhere. The other provinces do not want inspection and there is no reason why we should force it on them. Flax seed has been mentioned in our Inspection Act. It is an exception to the general rule. If other provinces want it at any time, we can amend the law, but until they do, we should not force it on them.

Hon. Mr. McMILLAN—I cannot see what harm it will do. If they want inspection, it will be on the statute-book, and I think the Secretary of State would be very much surprised if he knew all the flax seed that is produced in Ontario. I agree with the hon. leader of the opposition that the law should be made to apply to the whole Dominion, if it is any good at all.

Hon. Mr. ALMON—Hear, hear!

Hon. Mr. McCALLUM—I know there is a good deal of flax seed raised in the province of Ontario, and I do not see why the farmers of the province of Ontario, if they want clean flax seed, should not have this law as well as the people of Manitoba. What have the people of Ontario, Quebec and the Maritime provinces done that they are to be excluded from the operation of this Act? The Secretary of State says they do not want it. Does he mean to tell us that he never gives people what they do not want? It is his duty, when making the laws, to do justice to all.

Hon. Mr. SCOTT—The people of this country have been consulted time after time with reference to the Inspection Act. It has been on our statute-book for probably twenty years. They have never thought proper to include flax seed, because it has never been of sufficient importance to be included. I do not believe in forcing it upon parts of the country where it is not required.

Hon. Mr. DEVER—We are all against multiplying officials. If we extend this Bill to the other provinces, where so small a quantity of flax seed is grown, we shall be imposing more officials on them. I think it is judicious on the part of the government to have inspection only in the provinces where large quantities of this seed are grown.

Hon. Mr. WATSON—The reason for asking for this Bill is, that flax seed is grown in Manitoba for the sake of the seed. It is grown in Ontario for the fibre as well as the seed. The seed is sold on sample and shipped to Ontario, and they want to establish a grade on which they can sell the seed. It is not unusual for this parliament to legislate for Manitoba especially. For instance, the grades of wheat which apply to Manitoba do not apply to the other provinces. Purchasers in Manitoba have found difficulty in placing flax seed upon the market and have asked for this legislation. It is similar to the Act in the United States which applies to the Western States, where flax is grown for the seed and not for the fibre. This legislation will give our flax seed a standing on the market. It has been asked for by the board of trade of Winnipeg.

Hon. Mr. McCALLUM—The hon. gentleman is mistaken when he says that flax is grown in Ontario for the fibre only. Farmers in Ontario raise flax seed for the oil and for feed. We do not object to Manitoba getting this amendment to the Inspection Act, and I do not see why my hon. friend should so far forget himself as to object to this Bill applying to the whole Dominion. Flax seed is grown in Ontario to some extent for the fibre, but the seed is also used extensively. Manitoba wants everything. All its geese are swans. It seems to me they should allow us to have something too. I wish them to prosper, but they cannot prosper much if they deny to others what they want for themselves.

Hon. Mr. WATSON—I do not for a moment suggest that flax was not grown in Ontario for commercial purposes. I said that it was grown for fibre as well as for the seed. In Manitoba the flax is grown for the seed exclusively, which is shipped to the oil factories in Ontario, and they want to establish a grade by which they can sell it. I must admit what the hon. gentleman says, when Ontario geese come to Manitoba they become swans, they are so well fed and cared for. But there is no use in objecting to our getting this legislation simply because other provinces don't need it.

Hon. Mr. McCALLUM—We do not object; we want to give it to you.

Hon. Mr. WATSON—As soon as the boards of Trade of Ontario want such legislation they will ask for it. This is asked for by the Corn Exchange and the Board of Trade of Winnipeg, and by grain dealers generally, and it is but right and proper that we should pass an Act to facilitate the handling of flax seed which is raised and sold in Manitoba.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is arguing on false pre-

mises altogether. No one is objecting to Manitoba getting this legislation. What we objects to is that it should be confined to one province. Flax has been raised in Canada for a great many years. When I was Minister of Customs the question was brought under my notice scores and scores of times as to the duty on flax seed and fibre also. What they do with fibre in Ontario I do not know, but I know there is an oil factory in the County of Waterloo, run by the member from South Waterloo, and there are hundreds and hundreds of acres of flax raised annually, more for the seed than for the fibre, and for that reason I contend that the law of inspection should apply to the whole of Canada and not to one province only. The analogy the hon. gentleman tries to draw between the grades of wheat and flax seed is not applicable at all. We know that Manitoba hard wheat and the mixed and soft wheat are altogether different from wheat produced in the other provinces; ergo, there should be a special provision for the inspection of Manitoba hard and the different grades which would not apply to wheat grown in Ontario, or in any other part of the Dominion. As to the inspection of flax seed, I do not know whether there is more oil in the seed grown in Manitoba than there is in that grown in Ontario; my only objection to this Bill is that its provisions are confined to one province when they should be applied to the whole Dominion.

Hon. Mr. MILLS—It is a question of fact whether it should be applied to every province or not. There is no doubt that flax seed is more extensively grown in Manitoba, apparently at all events, than in any other province. It is also true that in Manitoba the season is shorter—that the autumn is followed by an earlier winter than in Ontario.

Hon. Mr. PERLEY—Some parts of it.

Hon. Mr. MILLS—In some parts of it I know. We never have had anything said in Ontario about an inspection of flax seed. In west Ontario, so far as flax seed is grown, it is only in limited quantities for the purpose of feeding stock. The autumn is long, and I do not know that I ever heard of an inferior grade of flax seed. I do not know that I ever heard of flax seed being injured by immaturity, or frost, or an early winter season.

Hon. Mr. McMILLAN—Oh, yes.

Hon. M. McCALLUM—It needs to be cleansed like other grain.

Hon. Mr. MILLS—It is generally sold, where it is sold, to the hardware men, who purchase clover and timothy and seed wheat.

Hon. Mr. McMILLAN—Don't you sell the fibre ?

Hon. Mr. MILLS—It is sometimes sold, but it is sometimes wasted. We have had no inspection, so far as I know, of timothy and clover seeds, and I do not see any necessity for the inspection of flax seed. At all events, if there was a very great difference in the varieties produced, the quantity is so small that it would not pay the public to appoint an inspector for the purpose of grading it. We can hardly provide for the appointment of an inspector of flax seed in every section of the Dominion, without having applicants for the position, and my hon. friend will know whether in his section of the country it would pay the public to provide for the appointment of an inspector of flax seed. I do not think it would in my section at the present time, because we go more extensively into other lines of production which are found more profitable to the farmer.

Hon. Mr. McCALLUM—Corn, for instance.

Hon. Mr. MILLS—Yes, corn. On account of the extent to which flax is produced in Manitoba, there is a necessity at the present time for an inspection of flax seed in that province. I doubt if there is a necessity for it elsewhere. As soon as any one can show a necessity for the appointment of such an inspector in any other province, I shall be prepared to make provision for it. My hon. friend, like myself, is inclined to follow British practice. That practice is practically not to say good morning to the devil till you meet him, and we provide for the evil when the necessity arises. At the present time, I do not think that necessity has arisen, and my hon. friend is hardly serious in his criticism of the Secretary of State in the submission of this Bill—he is rather amusing himself, because he thinks we have not a great deal to do.

Hon. Mr. ALMON—I have a very great objection to any difference being made between the provinces of the Dominion to which we belong, and of which we are so proud. This Bill being confined to Manitoba implies that we cannot raise flax in Nova Scotia. On the contrary, the production of flax was in the early years of the history of Nova Scotia, one of its principal productions. The production of flax seed has fallen off as this Bill would indicate, but the measure should apply to Nova Scotia. I understood the Minister of Justice to say that it might involve unnecessary expense. They need not appoint an inspector until his services are required. I believe even New Brunswick can produce flax seed, much as it has been decried by this Bill. Therefore, I shall oppose it unless it is made to apply to every province of the Dominion.

Hon. Mr. DEVER—Nova Scotia can raise flax on the north shore, of course, but not in large quantities. I have seen linen made there from native flax. The argument of the Minister of Justice is so powerful that I should think no one would care to oppose it. He has shown that there is no necessity for applying this legislation to any other province than Manitoba.

Hon. Mr. McCALLUM—I move that the word 'Manitoba' be struck out of the Bill.

Hon. Mr. PERLEY—I have no objection to the Bill passing if it is to apply to the whole Dominion. Though I live in the North-west Territories, I might want to buy flax seed from Ontario.

Hon. Mr. POWER—You would be foolish to buy flax seed in Ontario, when you can get it in Manitoba.

Hon. Mr. PERLEY—If I buy it in Ontario, I want to know what I am buying. If this Bill applies to the whole Dominion, I would have my redress if an inferior article were sold to me.

Hon. Sir MACKENZIE BOWELL—This regulates the weight of flax seed to the buyer. There is no regulation in the law regarding the weight of flax seed in Ontario, or any other part of the country?

Hon. Mr. SCOTT—There has been no law hitherto on the subject.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—You are enacting that a bushel of flax seed in Manitoba shall weigh fifty pounds, but if, as my hon. friend from Wolseley says, a man wishes to buy flax seed in Ontario, he should know what it is. There is no provision in this Bill to regulate what the weight of a bushel of flax seed should be in any part of Canada outside of Manitoba.

Hon. Mr. SCOTT—No, it only applies to Manitoba.

Hon. Sir MACKENZIE BOWELL—If you strike out the word 'Manitoba' there will be no difficulty about it. It cannot possibly hurt Manitoba to apply the Act generally.

Hon. Mr. SCOTT—For the last twenty-five years we have been going on without the inspection of flax seed in Ontario. No one has ever suggested, when the Inspection Act was before parliament, that flax seed should be inspected. It is very curious this new-born zeal to introduce it now when it is found to be a commercial necessity in Manitoba. Manitoba grows four times more flax seed than all the rest of the Dominion. The quantity grown in Ontario is nominal.

Hon. Mr. McKINDSEY—How much is grown in Ontario?

Hon. Mr. SCOTT—It has diminished rather than increased in twenty-five years. To apply the Act generally would involve the appointment of inspectors in different districts of Canada.

Hon. Mr. POWER—If I were the Secretary of State, I would let the majority of the House have its way. The inspection is not compulsory, and it is hardly worth discussion.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State is surprised at our new-born zeal. He should remember that the hon. gentlemen who take the position we do are progressive reformers, and I am rather surprised that he has become an old fogey Tory, and wants to stick to the practice of twenty-five years ago. Liberal-Conservatives like progress wherever it is necessary.

Hon. Mr. MILLS—Both parties are represented in the House of Commons. The public are there represented. The gentlemen who sit in the House of Commons are

specially interested in meeting the public wishes and public requirements.

Hon. Mr. PERLEY—No more than we are.

Hon. Mr. MILLS—The obligation rests on them more than it rests on us.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Mr. MILLS—I dissent from that view entirely. The point is that these men are elected there, and if they do not meet the wishes of the people who sent them to parliament, they will incur the public censure. If the Conservative party, or the Liberal party, in the country want an inspection of flaxseed in Ontario, or New Brunswick, or Nova Scotia, or Quebec, or in the Yukon country, they will make a representation to that effect. Will my hon. friends opposite tell me, who in the House of Commons, one party or the other, has asked for a measure like this, beyond the district covered by the Bill? It is proposed to inspect flaxseed grown in Manitoba, because there it is a general article of merchandise. It is not so anywhere else, and, of course, this is a government measure, proposed by the Department of Inland Revenue, and if my hon. friends opposite think that for that reason it ought to be amended——

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. McCALLUM—The government is not in danger.

Hon. Mr. MILLS—No, and not likely to be for some time to come.

Hon. Mr. LANDRY—Not before the end of the session.

Hon. Mr. MILLS—And it does seem to me that it is scarcely fair opposition to undertake to amend this Bill as proposed.

Hon. Sir MACKENZIE BOWELL—I do not want to interrupt too often, but I take exception to the statement made by the hon. Minister of Justice. He has no right to impute to the members of this House a motive which does not actuate them.

Hon. Mr. MILLS—I have a right to draw an inference.

Hon. Sir MACKENZIE BOWELL—If the doctrine of the hon. Minister of Justice is accepted, that when the government bring a Bill before us, all we have to do in future, is to swallow it without comment. The question of party has nothing whatever to do with this matter. I started out with the declaration that I was opposed to provincial legislation for any one section of the country, when it can apply, with the same reason, to all other sections of the country. The question of party had nothing whatever to do with it. This is no attack upon the principle of the Bill. It is a mere detail. If we were objecting to the principle of the Bill, the Bill being a government measure, he might accuse us of party feeling and motives. But we are simply dealing with the details of the Bill, and advocating an amendment that does not affect the province that the measure is intended to benefit. All we ask is to extend the same privilege and the same benefit to other sections of the Dominion, in case it may be required. It does not follow that the government must appoint a number of inspectors. If there are inspectors of grain, they will perform the duties that an inspector of grain would perform in Manitoba. There is no necessity for any new officers under the Bill. The board of trade of Ontario have something to do with the appointment of inspectors. If it be necessary to inspect wheat, oats and barley, they can do the same with regard to flaxseed. In every case where we take exception to the wording of a government Bill we are told that we are obstructing. For my part, I repudiate any such charge.

Hon. Mr. MILLS—My hon. friend has not stated my position quite accurately. I did not simply say that hon. gentlemen were opposing the government measures on every occasion, nor have I contended that verbal suggestions or changes were objectionable. I have not taken that position, but I have pointed out that here is a measure in which both great parties in the state, elected by the people and interested in meeting the wishes of the people, did not propose to extend the measure further than it is extended by the provisions of the Bill. There are two classes of flaxseed mentioned in this Bill, one weighing fifty-three pounds, and the other fifty pounds, and anything less than that cannot be graded. That may be the weight of the flaxseed in Manitoba. I do not know what the weight of flaxseed in On-

tario is, nor do I know that it is the same in the eastern portion of Ontario as in the western portion. I do know that a bushel of oats will vary several pounds in weight. We have a different weight in Prince Edward Island from what we have elsewhere, and I venture to say to my hon. friend opposite, who is proposing to amend the Bill, by striking out Manitoba and inserting Canada, that he does not know whether a bushel of flaxseed, of good quality, will weigh five pounds more or five pounds less to the bushel in Ontario than in Manitoba. I have not that information, and I do not know that any hon. gentleman here has it, and without that information you could not legislate intelligently, if legislation were desirable. In Ontario the quantity produced is so limited that to appoint an inspector would be improper.

Hon. Mr. LANDRY—The government might do in this case, as they do with my inquiries. Where I put a question, and they have not the information, the matter stands. I think this measure should stand until they obtain the information.

Hon. Mr. McCALLUM—The hon. minister says that no hon. gentleman in the House knows the weight of flaxseed, and he does not even know it himself. Before my hon. friend undertakes to classify any grain for inspection, he should establish the number of pounds a bushel should contain.

Hon. Mr. MILLS—We are doing it in Manitoba.

Hon. Mr. McCALLUM—Well, do it in every part of Canada. The hon minister gives us a lecture about what the House of Commons does. I have every respect for the House of Commons. I was there for a long time myself, but I do not think the hon. minister should claim that the House of Commons is the best judge of every measure the government lays before this House. I am not going to accept that as gospel. With all my respect for the Minister of Justice, I will not swallow that doctrine. I respect him very much. Before my hon. friend undertakes to establish a grade for flaxseed, he should state the number of pounds a bushel should contain. He could get that knowledge from the Department of Inland Revenue. This is a very important measure, but let us pass a uniform law, to apply all through this Dominion and not have one law for one place, and a different law for another place. We have 60 pounds to the bushel for wheat all over. Talk about expense; even in Manitoba it should not cost anything to inspect the flaxseed, because those that inspect wheat should have power to inspect flaxseed. It should involve no additional expense to the country, and no additional expense to the government. I insist upon dividing the committee on my amendment.

The committee divided on the amendment, which was lost on the following division:—

Yeas, 12; Nays, 14.

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

BILLS INTRODUCED.

Bill (113) 'An Act to confer on the Commissioner of Patents, certain powers for the relief of the Frost & Wood Company, Limited.'—(Hon. Mr. Power.)

Bill (102) 'An Act to confer on the Commissioner of Patents, certain powers for the relief of James Milne.'—(Hon. Sir Mackenzie Bowell, in absence of Hon. Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 15, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

NOVA SCOTIA STEEL COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (24) 'An Act respecting the Nova Scotia Steel Company, Limited.'

Hon. Mr. DICKEY—I take the earliest opportunity of expressing to the House my very deep regret that I had no notice of the meeting at which this report was agreed to, and had no expectation that the meeting would be held. In the absence of the chairman, I understood that the meeting would not be held. I make no charge against anyone; at the same time, although I am not a

member of the Banking Committee, I had mentioned to several members that I had objections to this Bill. It is a very important measure, and I should have liked to be present. I do not rise for the purpose of making any charge against any one, but to express the opinion that this Bill ought to receive the attention of the members of the government, who are mainly, although not exclusively, responsible for the legislation in this chamber. I state this in view of a precedent which has occurred this session on the same subject, the subject of steel companies, in which the hon. Secretary of State denounced, in the strongest terms, these enactments for the amalgamation of two or more companies of this great vital interest, and this House acted, as the House of Commons had previously acted, upon the Bill which was the subject of the debate, by striking out a clause which enabled them to do what this Bill enables this company to do, and that, when it came up here, after consideration was unanimously struck out of the Bill. There is, therefore, a great question about the true policy of legislation at stake in this matter, but fortunately there will be an opportunity before the third reading to consider the matter. I mention it now, I hope in no offensive terms to any one, in order that the government may have an opportuuity of stating their policy upon the subject, whether it is really to give legislative sanction to what I consider dangerous combines, or what is their policy upon the subject, so far as this Bill is concerned, I do not desire to repeat myself, but will resume my seat expressing my very great regret that I was not present. It certainly was not my fault, for I knew nothing of the meeting. I had no notice of it, and no expectation that it was to be held. I do not mean to say that I was entitled to a courteous notice that a Bill, in regard to which I had expressed a desire to be heard, was to come before them, but, as it happens, I have neither the strength nor the inclination to initiate a debate upon this very vexed question of combines and competition. Every hon. gentleman must act upon his own responsibility, and I discharge mine when I call the serious attention of the government to this measure, and I trust before the third reading they will state what their policy is, and with that statement I shall be quite content.

Hon. Mr. ALLAN—I have no intention of discussing the merits of the Bill. The committee have passed upon the measure and I have presented the report which they desired me to make, but I must correct a statement which my hon. friend has made, which will produce an erroneous impression upon this House. In the first place, it is perfectly well known to most members who take much interest in the business of the House that the Committee on Banking and Commerce meets on Tuesdays and Thursdays, whenever there is any business to be done, and the Railway Committee meets on Wednesdays and Fridays. This Bill had been on the Order paper of the Committee on Banking and Commerce for some little time. When I was leaving last week, not wishing to leave any work undone if there was work to be done, I was anxious to ascertain whether there would be any Bills before the committee on Thursday, if I remained here. I spoke to my hon. friend about the Bill and found from him that he was not at all anxious for that Bill to come up, or to be pressed, and therefore that removed any trouble on that score. I knew that that Bill would not come up on Thursday, but I told my hon. friend then that I should be back before the next meeting of the committee, when this Bill would come up as a matter of course, and therefore I supposed, if he followed the business of the House at all, he would be perfectly well aware that when the next meeting of that committee was held this Bill would be on the Order paper. Not only that, but when the committee met I sent a messenger twice to see if he could find the hon. gentleman from Amherst. Not knowing that he did not come up to the House in the morning, I sent a messenger to his room next to the post office, and he was not there. My hon. friend the leader of the opposition, will bear me out in that statement. My hon. friend could not be found and the committee decided to go on with the consideration of the Bill. That is all I have to say. It was certainly not from any want of consideration due to my hon. friend, who is the last man to whom I should be desirous of seeing any want of courtesy or consideration shown.

Hon. Mr. POWER—I am rather pleased that this little difficulty has arisen, because it has given the House an opportunity to

hear my hon. friend from Amherst once again in the Chamber, where he was so prominent a member for many years, and I think the little speech he has made goes to show that if he would take the trouble he would still be nearly as valuable a member of the House as he was in former years. I can assure the hon. gentleman that there was no desire on the part of the committee to show want of courtesy to him, and also that the objection which the hon. gentleman has taken to this measure was taken in the committee and was discussed there. Of course it might have been taken in a more effective manner if the hon. gentleman had been present, but the objection was taken and was discussed, and I really do not think that, under the circumstances, he would have continued to press his objections. The condition of things is this, that in Sydney there are at the present time two large undertakings, the Dominion Coal Company, and the Dominion Steel and Iron Company, both controlled to a very considerable extent by capitalists belonging to the United States. These two corporations will probably work harmoniously, because the shares in the two corporations are held largely by the same persons. The gentlemen who compose the Nova Scotia Steel Company, whose property is dealt with by the Bill which has just been reported, have large works at Ferrona in the county of Pictou. They are desirous of competing with the United States companies in Sydney, and in order to enable them to compete on even terms with the other companies, they have entered into an arrangement with the owners of what are known as the Old Sydney Mines, so that this company, when they begin their works at Sydney, will have the same advantage in the way of coal as the existing companies possess. This steel company, and the owners of the Old Sydney Mines, have entered into an arrangement to pool their interests, and are securing a charter, or have already secured a charter in England, and they propose to establish at North Sydney works which will compete with the works now conducted—chiefly by United States capitalists—in other portions of Cape Breton. I do not see why this House should interfere, particularly as the interests of the shareholders of the Nova Scotia Steel Company are carefully guarded. There is a provision made for paying them all off at par. It was shown that common stock of this steel company has not cost the present holders anything like par. They are to get par for it, and the whole thing is put under the control of the existing shareholders of this company, because the amalgamation cannot take place without the consent of two-thirds in value of the whole stock of the company. The General Mining Association own North Sydney mine, and their incorporation is in England. I presume the English authorities will look after that; so I do not think there is very much substantial foundation for the dread of my hon. friend, particularly as the Bill provides, as I say, that the shareholders of this steel company should be paid in full at par.

Hon. Mr. PRIMROSE—I might say, in addition to the remarks of the hon. gentleman from Halifax, that the promoters of this Bill appeared before the committee this morning and stated that 80 per cent of the shareholders were in favour of the provisions of the Bill, and I think that is a pretty good endorsation of it.

Hon. Mr. SCOTT—While the principle stated by the hon. gentleman from Amherst is a sound one, that parliament does not, as a rule, authorize a company to amalgamate with any other company they may select, in this instance the company is named, so the objection is removed. I suppose there is no objection to the amalgamation with this particular company.

Hon. Mr. POWER—The proposal is to construct a new company out of two existing companies.

Hon. Mr. De BOUCHERVILLE—Is there anything in the Bill to prevent them from amalgamating with another company after this amalgamation? If it only applies to these two companies there is no objection.

Hon. Mr. MILLS—There is a difficulty suggested by the Bill, but it is one for the companies to consider, and one which existed in our Loan Companies Bill last year, and which we have met by an amendment to the Act this year. In the Loan Companies Act of last year we provided for taking over, not only the assets, but the franchises of other companies, which were, for the most part, incorporated by the provinces. It

is pretty clear that, while we could take over the assets, we could not take over the franchises, because the franchises had their origin with another parliament. In this case, I understand, the coal companies have their franchises from the parliament of Nova Scotia or the Imperial parliament.

Hon. Mr. McDONALD (C.B.) Both.

Hon. Mr. MILLS—This company might lease, sell, transfer and convey the whole, or part, of its property or business, but I do not see how it can convey its franchise. It could, of course, take over its property. It could take over its business and it would cease to be the business of this company; but to take over its franchise, its political powers, is something wholly different. For instance, you have two corporations, one originating in the province and another in this parliament. You agree by a Bill here that there should be a union. That union may extend to the property and assets of the companies, but they must be under the one charter or the other. The charter does not cease to exist with the company that is practically being wiped out. It still continues to exist. Here you propose to effect, not merely a union, so far as assets of the two companies are concerned, but so far as the franchises are concerned. If they have not a common origin, I do not see how that is to be done. This parliament can provide for the union of the two companies, and for the franchises of both being possessed by one of them, or by the new company that has taken the place of both, but I do not see how it is to do that with a franchise obtained from the province. But that is something which concerns only the parties who are interested in the business.

The Bill was ordered for third reading tomorrow.

ROYAL INSURANCE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (92) 'An Act to incorporate the Royal Marine Insurance Company,' with amendments. He said: There are only three amendments to this Bill. The first one is as to the capital stock. It was thought by the committee that the amount of capital stock was altogether too small for the large business which the company propose to carry on, and therefore they raised the amount from $100,000 to $150,000. Then they have increased the number of shares which a shareholder must hold to be a director from ten to twenty, and, seeing the amount which had to be paid before the company commenced the business of insurance, they altered that in proportion to the increased capital from $15,000 to $17,500. These are the only alterations.

The Bill was ordered for third reading tomorrow.

BRANCH RAILWAYS IN PRINCE EDWARD ISLAND.

MOTION.

Hon. Sir MACKENZIE BOWELL, (in the absence of Hon. Mr. Ferguson), moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate copies of all petitions, memorials or other communications received by the government since 1895, in regard to the construction of branch railways in Prince Edward Island.

The motion was agreed to.

THE P. O. BUILDING AT CHARLOTTETOWN.

INQUIRY.

Hon. Sir MACKENZIE BOWELL, (in the absence of Hon. Mr. Ferguson), moved:

1. Were tenders called for the plumbing work now being done to the post office building at Charlottetown?

2. If so, what tenders were received, and what was the amount of each tender?

Hon. Mr. MILLS—The answers that have been put in my hands are as follow: 1. Yes. 2. T. A. Maclean, $1,925; Shaw & Beairsto, $2,180. As the lowest tender exceeded the amount voted some $2,000, neither tender was accepted.

BILLS INTRODUCED.

Bill (109) 'An Act to incorporate the Manitolin and North Shore Railway Company.'—(Hon. Mr. Watson.)

Bill (34) 'An Act respecting the incorporation of Live Stock Record Associations.'—(Hon. Mr. Scott.)

SEED GRAIN INDEBTEDNESS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (143) 'An Act to

amend the Act respecting securities for seed grain indebtedness.'

The Bill was read the first time.

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

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain the Bill ?

Hon. Mr. SCOTT—At present, the security is held in addition to the land and it is releasing the bondsman. It is found quite unnecessary to continue to hold the bondsman.

Hon. Sir MACKENZIE BOWELL—But not releasing the lands ?

Hon. Mr. SCOTT—No, not the land.

Hon. Mr. PERLEY—Does it release everybody, or is it at the option of the minister ?

Hon. Mr. SCOTT—It appears to be limited to sureties.

Hon. Mr. PERLEY—But it is in the discretion of the minister.

Hon. Mr. SCOTT—It does not say so. It is the Governor in Council.

Hon. Mr. PERLEY—Is it imperative that all parties should be discharged ?

Hon. Mr. SCOTT—I should say so. Whatever rules are applied to one should be applied to all. I will ascertain from the department what their view of it is. Of course it would be uniform.

Hon. Sir MACKENZIE BOWELL—This gives the Governor in Council power to discharge or release any or all of the sureties. Clause one reads :

> The Governor in Council may discharge from liability persons who are liable to the Crown as sureties upon bonds given to secure repayment for seed grain furnished by the Crown to persons in the North-west Territories.

It will be the prerogative of the Governor in Council to say whether or not they will release them, and consequently they can release some of the sureties and refuse to release others. That is generally done, or will be done, at the discretion of the Minister of the Interior. In fact, no action will be taken under this Bill except upon the recommendation of the Minister of the Interior, who can recommend whom he pleases ; but it does not follow that the Governor in Council will adopt the recommendation. As a rule, it is adopted. He may exercise favouritism or he may not.

Hon. Mr. MILLS—That is true of every administrative Act. You have to leave it to the discretion of the minister. It is some years since the advancing of seed grain commenced, and now the land itself is ample security, and those who became sureties may fairly be discharged.

Hon. Mr. LOUGHEED—It would facilitate the discussion of this subject if my hon. friend, when he again comes down with additional information upon the subject, would ascertain whether there is any dissimilarity with reference to the various guarantees given by the different sureties. If they are all placed upon an equality, if they are all in the same position, it seems to me that the statute should make it imperative that they should be released. It seems to me it is not a case for the exercise of the discretion of the minister or the Governor in Council.

Hon. Mr. MILLS—Unless the security is insufficient.

Hon. Mr. LOUGHEED—If they are not all upon the same plane, then I can understand the necessity for exercising such a discretion as is outlined in the Bill. There is another phase of the subject, and that is that the government have always forced many sureties to pay the amount in default. Will those parties be indemnified, or will they have the same justice meted out to them as is proposed by this Bill to be meted out to the others ?

Hon. Mr. SCOTT—I will make the inquiries from the Department of the Interior.

The motion was agreed to.

EXPERIMENTAL FARM STATION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (135) 'An Act to amend the Experimental Farm Station Act.'

The Bill was read the first time.

Hon. Mr. MILLS, moved that the Bill be read the second time to-morrow.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain the character of the Bill ?

Hon. Mr. MILLS—I will read the Bill so that hon. gentlemen will understand it. It is as follows:

Sections 5 and 6 of the Experimental Farm Station Act, chapter 57 of the Revised Statutes, are hereby repealed, and the following substituted therefor:

5. The said farm stations shall be under the direction and control of the minister, subject to such regulations as are made by the Governor in Council.

2. The Governor in Council may appoint, and fix the remuneration of, a director and such chief officers as are necessary for each farm station.

3. The minister may employ, and fix the remuneration of, such other officers and employees as are necessary for each farm station.

4. Such remuneration, and all expenses incurred in carrying this Act into effect, shall be paid out of such moneys as are provided by parliament for that purpose.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman inform the House what was the character of the provisions under the old Act which this will amend? How were the directors appointed, and how were they paid under the old Act?

Hon. Mr. MILLS—I have not the Act here, but will give the explanation to-morrow.

The motion was agreed to.

VOTE OF RESIDENTS IN NORTH-WEST TERRITORIES.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I desire to invite the attention of the Minister of Justice to a matter which requires an amendment. There is an amendment here to the Franchise Act, but that does not affect us in the North-west Territories. We have manhood suffrage there, and have no property qualifications for electors. A man must be a resident of the Territories for twelve months preceding the date of the issuing of the writ, and must be a resident of the particular district in which he is voting for three months immediately preceding the date of the writ. A great number of our people come down to Ontario and the Eastern provinces in the winter time. The Canadian Pacific Railway issue excursion tickets, which enable farmers to come down East for a three months' visit. Supposing an election comes on within a short time after that, as was the case in 1896, these farmers cannot take the oath. I went up to vote, and a gentleman challenged me and said I could not take the oath and vote. The returning officer put the bribing oath to me instead of the qualification oath. I was sharp enough to detect the difference and was able to take that oath, but I could not have taken the other oath, which was as follows:

I, W. D. Perley, do hereby state that I am a male British subject by birth and naturalization, that I am not an unenfranchised Indian, that I am of the full age of twenty-one years, that I have resided in the North-west Territories for at least twelve months, and in this electoral district for at least three months immediately preceding the present time, that I am a resident of this polling division, and that I have not voted at this election either at this or any other polling place.

A great many persons in the North-west, as well as other parts of Canada, object to taking oaths in any case, particularly at elections, no matter how well qualified they may be. They say that if they cannot vote without taking an oath, they will not vote at all. Take the case of a farmer who has resided in the country fifteen years. I have been there since 1883, and if this oath was put to me, that I have been a resident for three months immediately preceding the date of the issue of the writ, perhaps I could take it, but a great many men would refuse to take that oath. They would not care to do it. If they had put the proper oath to me, I could not have taken it, or would not have taken it, because people might have said to my family 'Your father took a false oath and said he was up here when he was down in Ottawa., I think the oath should be amended so as to remove any doubts. In December last the trains were loaded for a number of days with farmers coming to Ontario. They had a limited ticket for three months, and then they returned. An election comes on and I see a man who is going to vote against me as I think, and I say 'Swear that man.' He has to swear that he was in the electoral district for at least three months immediately preceding the date of the issue of the writ, and the man will not take the oath. I think the Minister of Justice should see that the law is amended so that those people who visit the Eastern provinces will be able to vote when we have an election this summer, as we may have. There are many men who will not take that oath if they are required to do it. I call the attention of the hon. Minister of Justice to these facts in order that the oath may be altered so that one man cannot say to another that he has taken a false oath.

Hon. Mr. MILLS—The oath is clear as it is. A man being out of the Territories for three months, or six months, if his domicile is in the Territories, does not cease to be a resident of the Territories because he has been away. My hon. friend may be five months in Ottawa, but he is still a resident of the Territories, and if he were describing himself in any conveyance, or document, he would describe himself as a resident of the Territories, not as a resident of Ottawa, simply because he happened to be here for three or four months. It is the place where he has his residence, whether he is present at that place constantly or not. He is entitled to vote at that place and entitled to take that oath even though he be away twelve months in Europe.

Hon. Mr. MILLER—It is where a man's domicile is.

Hon. Mr. MILLS—Until he acquires a new domicile, he must be a resident of that place, but if a man has no home, if he is a labourer, or a man who is in the employ of another, and he ceases to have employment and goes elsewhere, his residence accompanies him. He resides where he happened to be for the time being. Practically, he is a nomad and will be counted in law as a resident of the place where he is for the time being. But that does not apply to a man who has a real home in any section of the country.

Hon. Mr. PERLEY—It says 'Three months immediately preceding.' That will prevent a great many people from putting the same interpretation on it that my hon. friend does. Besides, I may say that people in the Northwest have been largely trained to regard residence as being right on the spot. Now, for instance, I know of my own knowledge several men who have made application to get their patents. They have resided six months and some even three years on their land. I know lots of cases where a man has gone ten miles away to work for his neighbour, and come back to his home and family on his place. Mr. Morgan, in my district was living on his land, and his team and sons were working it, and he could not get his patent because he went away a few miles to work for another man. The people are trained to believe that you have to be on the land in order to count residence. This oath is worded very strongly. If you put some other wording to take away this meaning, it will be all right. For the benefit of a man who is not willing to take the oath on trivial matters, the Act should be made plain so that any man could conscientiously take the oath. When you say 'the three months immediately preceding' this time, it is too definite.

Hon. Mr. MILLS—I should mention what my hon. friend has stated to the Solicitor General in the other House. My hon. friend will see this, that you do not want to make a change in the Bill that will put a man, who has no actual domicile in the territory, on the footing of a man who has been there and may be absent for two or three months.

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to inquire from the Secretary of State if he has any news from the Prime Minister about the document he was to search for. I am speaking of the Sorel and Drummond Railway.

Hon. Mr. SCOTT—No, I have not received any yet. They were to make a search for the paper. I gave the motion to the secretary of the Prime Minister with a request that he would look among his own private papers to see if there was anything of a public nature on the subject.

Hon. Mr. LANDRY—And the secretary has done nothing yet?

Hon. Mr. SCOTT—He has not sent anything to me yet.

Hon. Mr. LANDRY—While I am on my feet I should like to know, also, if there is anything about the petitions in the Gaspé Short Line question.

Hon. Mr. SCOTT—Yes, I am having them copied and will bring them down in a few days.

Hon. Mr. LANDRY—There is another item which should not be forgotten. The other day I made an inquiry, and the hon. gentleman told me that a paper had been laid before the Privy Council on the school question. Of course he did not know what was the nature of the paper, because it did not pass through his hands, but as it came to the Privy Council perhaps he might know.

Hon. Mr. SCOTT—I do not know really what the hon. gentleman is referring to.

Hon. Mr. LANDRY—I asked the other day if any correspondence had taken place between the Manitoba government, the hierarchy, or any municipal institution or corporation whatsoever and the federal government relating to the school question, and the hon. minister told me first that there was none, and, subsequently, that he had cognizance of a paper that had been placed before the Privy Council.

Hon. Mr. SCOTT—There was a document sent to the Governor General, and there were some documents or papers or letters sent to Sir Wilfrid Laurier. Those I have found. There were none sent officially to the Secretary of State or to the Governor in Council. I am having those copied and will bring them down in a day or two.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Minister of Justice if he is preparing that return of the disallowance of provincial Acts.

Hon. Mr. MILLS—I gave instructions to my deputy to have the return made up. I have not spoken to him lately on the subject.

THIRD READING.

Bill (T) 'An Act respecting Usury.'—(Mr. Dandurand.)

INSPECTION ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (79) 'An Act to amend the General Inspection Act so as to provide a grade for flax seed.' He said: There seems to be an opinion in the minds of some hon. gentlemen that this Bill is a departure from a principle which is always recognized in passing Acts of parliament, but there are exceptions to that rule, and this is one of the exceptions that I think, is only proper to be made. I explained, when the Bill was before the House at a previous stage, that it could properly only be applied to Manitoba. In the general inspection Act we find there are special grains known as Manitoba grains. The fact is that the soil and climate of Manitoba differ very materially from soil and climate of other parts of this wide Dominion, and therefore the standards which are established for Manitoba would be altogether unsuited to the whole Dominion. Apart from that, the quantity of flax-seed grown outside of Manitoba and the North-west is very small. I am advised by Mr. Livingston that the whole quantity grown outside of Manitoba is only 75,000 bushels. The Bill was first asked for by the Dominion Oilcloth Company of Montreal. They are purchasers of the Manitoba flax seed, and they first brought the subject under the notice of the Department of Inland Revenue, which is charged with matters of that kind. Mr. Livingston, of Livingston Bros., the head of the firm, is a member of the House of Commons. The firm have an establishment in Ontario.

Hon. Mr. McCALLUM—They did have. They have not now.

Hon. Mr. SCOTT—I was under the impression that it was being continued. At all events, I was led to believe that those were the only two large purchasers of flax seed. The standard required for the flax seed grown outside of Manitoba would be very different from the standard that could be laid down in Manitoba, just as the standard for Manitoba is different from the standard of wheat in other parts of Canada.

Hon. Mr. McCALLUM—What is the authority for that?

Hon. Mr. SCOTT—For instance, there is Manitoba fife wheat. There is no fife wheat graded outside of Manitoba. Parliament has thought fit to grade that grain for Manitoba. There is just the same principle applied to flax. We recognize a departure from the general in defining standards for our grains. We recognize that this is a very wide country, extending four thousand miles from east to west, and therefore what would be a suitable standard for one part of the country would not be a suitable standard for another.

Hon. Mr. POWER—There is one point on which I am anxious for information. This Bill says Manitoba flax seed No. 1 shall weigh not less than 53 pounds to the bushel. No. 2, not less than 50 pounds to the bushel. Can the hon. gentleman tell the House whether the flax seed of Ontario weighs the same as Manitoba flax seed or not?

Hon. Mr. SCOTT—I am advised that it does not. I stated yesterday most emphati-

cally that the flax seed grown in Manitoba was very superior in quality, and it would be manifestly unfair to require the grower in other parts of Canada to accept that standard. It is not grown in sufficient quantities to justify the grading outside of Manitoba.

Hon. Mr. CLEMOW—How does the hon. gentleman know that ?

Hon. Mr. SCOTT—I got the information from the officer of the department who is specially charged with the study of this question, and he informs me, on the authority of Mr. Livingston, that the whole quantity grown outside of Manitoba is about 75,000 bushels, and it is an inferior grain as compared with the flax seed of Manitoba. It would be manifestly unfair to force on the growers of flax seed outside of Manitoba standards that they did not desire. They sell it for what the purchasers choose to pay.

Hon. Mr. PERLEY—How many pounds of flax seed constitute a bushel.

Hon. Mr. SCOTT—It is fifty-three pounds under this Bill.

Hon. Mr. PERLEY—In the Act generally ?

Hon. Mr. SCOTT—This is the first time that flax seed has been introduced in the Act. It was never graded or recognized as one of our regular grains, for the reason that it was grown in comparatively small areas.

Hon. Mr. PERLEY—I thought a bushel of flax seed weighed 56 pounds.

Hon. Mr. McCALLUM—Who asks for this inspection—the purchaser or consumer ?

Hon. Mr. SCOTT—It is asked for by both. The grain trade of Winnipeg and purchasers of the Manitoba grain outside of Winnipeg. Both parties want it graded in order that, in giving orders, they may know exactly what they are obtaining. I do not know that there is anything more to be said on the subject than to call attention to the fact that we recognize the same principle in grading wheat. We have the red fife wheat graded for Manitoba only. The soil and climate of Manitoba are peculiarly suited for the production of flax seed, and therefore it is only reasonable that the particular grain which is grown there to greater perfection than elsewhere, should have a standard. If it were grown widely outside of Manitoba, it might be desirable to establish a grade, but you might find it impossible to establish a grade that would be satisfactory. Under the circumstances, the House, I hope, will have no hesitation in passing the Bill in its present shape, because it would be inflicting a great injury on people who grow flax seed outside of Manitoba to reject it.

Hon. Mr. McCALLUM—I cannot understand what is to prevent the grading of flax seed anywhere in the country where it is grown. I venture to say it is the consumer that wants this flax seed graded. The hon. gentleman speaks of Mr. Livingston as an authority. He may know a good deal about growing flax seed, but when he says that only 75,000 bushels of flax seed were produced last year in this country outside of Manitoba, I ask where does he get the information ? Flax seed is grown all over the province of Ontario. At one time there was a great deal more grown than there is now, and if the hon. gentleman will think for a moment he will see why. While cotton was dear, flax was used a great deal, but since cotton got cheap, there is not so much flax used. I cannot see why the government should make an exception in favour of Manitoba against the balance of this Dominion, and I cannot sanction anything of the kind while I am here as a representative of the people. I want equal justice to all and special favours to none. I therefore move

That this Bill be not now read the third time, but that it be referred to a Committee of the Whole with instructions to strike out the word 'Manitoba' and insert 'Canada' in lieu thereof.

Hon. Sir MACKENZIE BOWELL—I do not propose to argue the question, but simply to call attention to the reasoning of the hon. Secretary of State. In the first place, he tells us that if this amendment be adopted it will inflict great injury on the people of Ontario ? If there is no flax seed of any consequence grown in Ontario, how is the injury to arise? It is not a very difficult problem to solve. When we are told that it is not necessary to apply this to Ontario because there is no flax seed of any consequence grown there, how then can it be of any great injury? The hon. Secretary of State called our at-

tention to the fact, in reply to the hon. gentleman from Halifax, that there might be a difficulty in determining the weight, and that the seed which is grown in Ontario is not of the same quality as flax seed grown in Manitoba, in weight. Supposing that to be true: apply the same reasoning to oats, and what is the result? We know that Prince Edward Island is pre-eminently fitted for raising a certain quality of oats. We know that if anything a better quality is produced in the North-west, heavier grain and a greater quantity to the acre than we can produce in Ontario or Quebec. I cannot speak of Nova Scotia and New Brunswick, because I have no information on the subject. We know that you can get oats in Ontario that will not weight thirty pounds to the bushel. You can get oats in the North-west Territories and Prince Edward Island, that will far exceed the weight required under the law, to constitute a bushel of oats. If you measure a bushel of oats in the North-west Territories or Prince Edward Island, you will find it to go as high as thirty-six or forty pounds. You do not buy oats by measurement, but by weight, and the same principle will apply to flax seed.

Hon. Mr. MILLS—My hon. friend will see that the first grade for flax seed is fifty-three pounds, and the second grade fifty pounds.

Hon. Sir MACKENZIE BOWELL—I understand that. It only makes a provision that does not exist in reference to oats. You may have a crop of oats one year, owing to drought and other conditions, that will not have the weight required by law to the bushel. Another year it will far exceed it. In the article of flax seed you recognize that principle, you sell it by weight, and if it be of an inferior quality you require more of it to make the necessary weight. My objection, as the House knows, to this kind of legislation is, that it is local in its application. If we establish a grade for Manitoba, it cannot do any possible injury to other sections of the country if the law is made applicable to the whole Dominion. If we in Ontario do not grow as good a quality as they do in Manitoba, we must make up the difference. I can see no logic or reason in the argument of the Secretary of State.

Hon. Mr. McMILLAN.—I think the admission made by the Secretary of State, that this Bill has been asked for by the consumer, is an admission that goes to show that they want to get the benefit of it as introduced here, and that it is to the disadvantage of the farmers who may grow flax seed in Ontario. Grade one brings such a price; grade No. 2 brings a lower price, but the farmer in Ontario, who may grow flax seed, cannot have it graded at all. For that reason, he is at the mercy of the purchaser and must sell his flax seed at whatever price the purchaser may give him. This Bill ought to be amended so that no advantage can be taken of those who produce flax seed in Ontario and Quebec. As the hon. leader of the opposition has said, I cannot see why the Bill could not be amended so as to apply to the Dominion generally.

Hon. Mr. WATSON—The argument advanced by the hon. leader of the opposition would go to show that, in his opinion, because a bushel of oats might weigh forty pounds in the west, and thirty-four in the east, so long as they are sold by weight, it does not make much difference. He ought to know that a bushel of flax seed weighing fifty-three pounds is worth more than fifty-three pounds of flax seed which weighs only fifty pounds per bushel.

Hon. Mr. McMILLAN—It is the same with wheat.

Hon. Mr. WATSON—Yes. This Bill does not take away from the value of flax in Ontario, but simply facilitates the handling of flax seed. The dealer wants a grade to know what he is buying from the producer in Manitoba.

Hon. Mr. McMILLAN—If an order is received in the province of Ontario for a thousand bushels of No. 1 flax seed, can that be filled?

Hon. Mr. WATSON—No, it could not be filled under this Bill. You could not get a thousand bushels of flax seed in Ontario when the flax is pulled green to secure a better quality of fibre, that would weigh fifty-three pounds to the bushel. Flax in Manitoba is grown exclusively for the seed. It is allowed to mature, and is only cut when it is ripe. In Ontario it is grown for the fibre as well as

the seed, and as it produces a better fibre when it is pulled on the green side the seed does not fully mature. In Manitoba, the flax is ripened and harvested. The crop in Manitoba last year amounted to 275,000 bushels. The total crop of Ontario last year, on the authority of Mr. Livingston, who is in a position to know, only amounted to 75,000 bushels, against 275,000 bushels in Manitoba. The Bill does no injustice to the producer. It was suggested by the consumers in Ontario and Quebec for the purpose of enabling them to buy on grade. The standard bushel of flax seed is fifty-six pounds to the bushel. The fifty-three pounds mentioned in this Bill is only for the purpose of ascertaining the value of the flax by grading it. If the hon. gentleman's amendment should prevail, the government, who have charge of this Bill, might feel disposed to drop it altogether, because it would, in effect, force an inspection in the other provinces, outside of Manitoba, which would be altogether unsuited to the grain grown there, and which they had not asked for. The only reason why it is necessary to have an inspection of flax is the fact that probably no grain that is grown is marketed in as dirty a condition as flax. It is only by cleaning a small quantity, and ascertaining the quality in that way, that its value can be arrived at. This Bill does no injustice to the other provinces. As the Secretary of State has said, it is in line with standards in other Inspection Acts which have been passed, and which apply exclusively to the grain of Manitoba. The flax seed of Manitoba is of better quality than the flax seed of Ontario. It produces more oil. A bushel of Manitoba flax seed will produce a pound and a half more linseed oil than Ontario flax will. I daresay, if the farmers of Ontario paid as much attention to the growth of flax as the farmers of Manitoba do, they might produce as good a quality of seed. There is not sufficient moisture in Manitoba to rot the fibre, and consequently it is used exclusively for the seed. It is cut and harvested the same as an ordinary grain crop. Last year there was about seventy-five cars of flax seed inspected by the grain inspector, by mutual consent of the buyer and seller, for the purpose of facilitating trade in that particular quantity from Manitoba. There was no Act to guide the inspector, but the grain inspector at Fort William did inspect it and gave it a value, and his inspection was accepted by the buyer and seller, and the figures arrived at are set forth in this Bill, as the figures recommended for No. 1 flax by the inspector as the result of the inspection of seventy-five cars last season. It must be very nearly right. I hope that the House will not insist on making the proposed change, because it appears to me if they did, the government being responsible for the legislation, would be inclined to drop the Bill altogether, and in the interest of the people of Manitoba, not only the buyers and consumers, of flax seed, but also the producers, the Bill should pass. It is impossible for the farmer in Manitoba to sell his flax seed in the same way as the farmer of Ontario—that is, on samples, because the farmer in Ontario has opportunities to take a sample of his grain to the people who use it, and sell it on sample. In Manitoba it would be impossible to send down samples to the consumer of flax seed in the east, in sufficient time to be in a position to make shipments before the close of navigation, but having a grade, the purchasers will know exactly what they are buying and what it is worth. I hope this Chamber will not see fit to adopt the amendment.

Hon. Sir MACKENZIE BOWELL—Are there no oil mills in Manitoba?

Hon. Mr. WATSON—Yes, there is one.

Hon. Sir MACKENZIE BOWELL—They manufacture linseed oil from this seed?

Hon. Mr. WATSON—Yes, but only a very small portion of the seed grown in Manitoba. This year there will be a much larger crop of flax seed than before, not only on account of the early spring, but on account of the rise in the price of flax seed. Flax seed is worth $1.50 a bushel, I understand.

Hon. Mr. McCALLUM—You get an inspection under this amendment.

Hon. Mr. WATSON—The hon. gentleman is mistaken in his ideas. He is under the impression that he is doing something in the interest of the people of Ontario. But he is not. If the farmers of Ontario found their flax seed would have to be inspected,

they would not have a bushel of first quality. It is better to let the Bill apply only to Manitoba, or, if the hon. gentleman wishes it, he can consult with those who understand the trade before applying it to his province, the same as the Act for the inspection of wheat, which was prepared by men who knew something about it. He ought to get his—

Hon. Mr. McCALLUM—I will do my duty without the hon. gentleman telling me what I ought to do.

Hon. Mr. WATSON—That ought to be done with flax seed as well as with wheat. A fair grade should be arrived at after a careful investigation.

Hon. Mr. BOLDUC—Supposing the law were made general, will the hon. gentleman tell me how it would affect Manitoba ?

Hon. Mr. WATSON—Not at all.

Hon. Mr. BOLDUC—Then there can be no harm in the amendment.

Hon. Mr. BERNIER—I may be mistaken, but it seems to me that the argument of the hon. gentleman from Marquette (Hon. Mr. Watson) is more against Manitoba than in favour of it. What is the object of grading the grain ? It is to establish the relative value of all grain produced in the country. If any province outside of Manitoba has a chance to produce a superior kind of grain, should not that province have the advantage of it ? On the other hand, if Ontario, Quebec or any other province produce an inferior quality of grain, let them take their inferior rank, and let them do the best they can with it. I do not see how, in making it general, we can hurt Manitoba. If Manitoba produced superior flax seed, then the whole advantage would be in favour of Manitoba, and the trade itself would be in a better position to deal with it. The objection of the hon. gentleman from Manitoba is solely that he is afraid that the government will drop the Bill. I have more confidence in the government. I think they will try to do justice to Manitoba, and all the other provinces, and the government will not drop this Bill simply because we happen to be of opinion that the Bill would be a better one if the law was general ; but they will at least try to have it passed, and give it a trial and if experience shows it is impossible to work it out as it is proposed, then we might further amend it.

Hon. Mr. MILLS—The hon. gentleman says that the proposed change will do Manitoba no harm. That is not the question. The question is, is it going to do Manitoba any good ? Does the hon. gentleman deny that the Bill, as it now stands, is not a proper Bill for Manitoba ?

Hon. Mr. PERLEY—No.

Hon. Mr. MILLS—The hon. gentleman cannot call that in question. It is all right, so far as Manitoba is concerned, and it is framed upon Manitoba information, and is suited to the climate and circumstances of Manitoba. It is not suitable to the climate and circumstances of the province of Ontario. If my hon. friend, when the Bill relating to the San Jose Scale was before us, had insisted that it should be extended to the Yukon Territory, and refused to support the Bill relating to diseased peach trees because it did not extend to the North-west Territories, and the Yukon, he would be adopting quite as rational a course as that which he is taking now with reference to this Bill. Would the hon. gentleman not have objected to it because the Yukon was not mentioned ? If the Yukon had been excepted from the Bill, would any wrong have been done to the public ? Let us see how this measure stands and upon what theory and information it is framed. The people of Manitoba last year produced about three hundred thousand bushels of flax seed. They were interested. They had a sufficient quantity of flax seed produced for the purpose of inducing them to look for a market. They gave information with regard to the flax seed. They point out what the difficulties sometimes are in the flax seed that is to be marketed and they give information as to the weight of the flax seed per bushel, and what the weight ought to be in order that that flax seed might be of the first grade and what the weight ought to be of the second grade. Have we that information with regard to any other portion of the Dominion ? Are the people of this Dominion in the province of Ontario, or Quebec, or the maritime provinces, sufficiently interested in finding a market for flax seed to come to the government or to any board of trade and give in

formation as to the districts in which it was grown, and its weight per bushel, in order that a proper grade may be established for any other portion of the Dominion ? I say no such information has been given, and therefore the grades established in this Bill are suited to the climate and circumstances of Manitoba and the North-west Territories. They are not suited to the climate and circumstances of Ontario. My hon. friend, the leader of the opposition, says what matter does it make whether the flax seed in Ontario weighs fifty pounds to the bushel or less than that ? It makes all this difference, that if the flax seed in Ontario to the measured bushel weighs less than 50 pounds, it could not come under the first or the second grade. It could not be graded at all.

Hon. Sir MACKENZIE BOWELL—Yes, it could.

Hon. Mr. MILLS—I should judge that my hon. friend has not read the Bill. The Bill says that No. 1 Manitoba flax seed shall be mature, sound, dry and sweet, free from mustiness and containing not more than 10 per cent of damaged seed, and weighing not less than fifty-three pounds to the bushel. If it weighs less than that, it would not come under that class. No flax seed would come under that class, as the Bill stands, unless it weighs fifty-three pounds to the bushel. Then No. 2 Manitoba flax seed shall be mature, dry, sound, and sweet, free from mustiness and containing not more than 20 per cent of damaged seed, and weighing not less than 50 pounds to the bushel. Supposing Ontario flax seed weighs 48 pounds to the bushel—and if I remember well that is its ordinary weight—it could not be graded as first or second class.

Hon. Mr. McMILLAN—Supposing it is sound, dry, sweet, free from mustiness and comes up to the standard in every respect except that it does not weigh fifty pounds, where would it be classed ?

Hon. Mr. MILLS—It could not be classed under this Bill. My hon. friend from Monck has proposed an amendment, to substitute Canada for Manitoba. Supposing we make the amendment, then if the flax seed in Manitoba weighs forty-eight pounds it is not in either of these classes. The hon. gentleman would require to make some further amendment to make it apply.

Hon. Mr. McCALLUM—I will do that.

Hon. Mr. MILLS—I do not possess the information to do it. I pointed out that in discussing this Bill there was no objection made to the Bill by any one of the friends of the hon. gentlemen who have supported this proposition. If it had been a matter of great consequence to Ontario, these gentlemen would have more information with regard to it. I do not say that there ought not to be a classification for Ontario. I do not think it would do much practical good, because it is not one of the cereals that is produced in the province to any extent, and put upon the market as an article of merchandise that is being sold. Nobody has felt sufficient interest in the matter to give the government information, or to give hon. gentlemen in this House or in the other House the information necessary to make a general Bill. We have that information in the case of Manitoba.

Hon. Mr. McCALLUM—Where did the hon. gentleman get his information ? He had none yesterday.

Hon. Mr. MILLS—We have the information and this Bill was based upon the information we possessed, and it was confined to Manitoba because our information related to Manitoba and not to any other province, and by the provision of the Bill it is stated that flax seed of the first class shall weigh fifty-three pounds, and flax seed of the second class fifty pounds, and Manitoba does not want a lower standard, because the quantity of oil produced from a bushel of flax seed that will weigh 53 pounds is more than will be yielded by that which will weigh 50 pounds, and the quantity of oil produced from flax seed weighing fifty pounds is more than would be produced from flax seed weighing forty-eight pounds. What is guarded against by this inspection ? In the first place, it is to see that the flax seed is not foul, to see that there is not a large percentage of inferior foul seed in the sample. Then there is the further provision which relates to the short season of Manitoba and to the moist climate in the autumn season, which we do not have in Ontario. Our seed may have merits of another sort,

but that is due largely to the fine autumn we have here.

Hon. Mr. McCALLUM—Not in the case of flax seed.

Hon. Mr. MILLS—Yes. The next provision in the Bill reads :

All flax seed which is immature or musty, or which contains more than 20 per cent of damaged seed, and which is not too damp or unfit for temporary storage, shall be graded as 'rejected.'

That is the third grade. That is a defect that does not exist in the case of flax seed grown in Ontario. That is a defect which is an incident of the short season in Manitoba.

Hon. Mr. DeBOUCHERVILLE—Is the flax seed in Ontario grown for the fibre or for the grain ? If people in Ontario grow for fibre, thy cannot get the same grain.

Hon. Mr. MILLS—I may say to my hon. friend that they grow for the fibre. A great many farmers grow a small quantity for the grain and use it to mix with their oats to feed to the horses to keep them in better condition. Therefore, it is not an article of merchandise, and they do not care whether it is graded or not, and I apprehend it is the same in Quebec and the maritime provinces. When the time comes when there is any considerable quantity of flax seed grown in Ontario and Quebec, those who produce that seed, and those who purchase it from the producers, will have an interest in grading it, and that grade will have relation to the circumstances under which it was grown. But this provision has no suitable application to the flax seed that may be grown in Ontario or other portions of the Dominion, and therefore, I trust that hon. gentlemen will not undertake to support the amendment, or vote to amend the Bill in this particular. That amendment would, in a measure, destroy the Bill, because it would make it impossible to meet the wishes of the people of Manitoba without doing serious injury to the few parties who may produce seed for sale in the province of Ontario.

Hon. Mr. CLEMOW—I consider the whole difficulty has arisen from the fact that the government did not take sufficient pains to ascertain the position of this matter in Ontario and Quebec and other provinces before they framed this Bill. It was their duty to make all these inquiries and to be in a position to state distinctly to the House the circumstances under which this Bill was framed, and why they did not include the other provinces in it. It appears to me that the Inland Revenue Department fritter away time in proposing Bills of all kinds and natures, and some of them very silly ones. They might have taken more trouble and found out the position of affairs and saved us the necessity of amending this Bill. It was their duty to do it. They should go to the people and find out the circumstances of the country in every particular, and it was their bounden duty to find out whether an inspection of flax seed was necessary or not.

Hon. Mr. MILLS—My hon. friend is assuming that responsibility, and he should have that information.

Hon. M. CLEMOW—No, I am merely giving my opinion. I am told I am debarred from expressing my opinion because the matter has received the sanction of the lower House, and I must simply say amen to it.

Hon. Mr. MILLS—Nobody said that.

Hon. Mr. CLEMOW—As long as I occupy a position in this Chamber, I want to have an opportunity to express my opinion. I was told yesterday that because the Bill had passed the House of Commons we had to assent to it.

Hon. Mr. MILLS—Who said that ?

Hon. Mr. McCALLUM—I understood the hon. Minister of Justice to say it.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—No, he said that because it was a government measure and the opposition suggested a change, we were exhibiting partizanship.

Hon. Mr. CLEMOW—I have been told time and again that because a measure received the assent of the government, as at present constituted, I was debarred from saying a word in opposition to it. I have my own opinion, if it is worth anything. As long as I am asked to give an opinion I will do it fairly and conscientiously. This is an important matter. A large combine of flax seed men will take place in the United States in a few days. A company is being incorporated with a capital of $8,000,000. This Bill, if applied to Ontario and

the other provinces, will increase the standard of flax seed raised in these provinces. Is that not a desirable object to obtain? I think it is the duty of the government to ascertain everything which is in the interests of the country, and if it is going to promote the welfare of the country to have an inspection of flax seed, I think the government should grant it.

Hon. Mr. DeBOUCHERVILLE—It seems to me there is only one question before us. Everybody admits that an inspection is desirable. The government wants this inspection, which everybody admits is a good thing, to take place in the province of Manitoba only. Why not give the good thing to every other province? If the government think that flax seed cannot be grown in the province of Quebec, they are mistaken. People seem to think that it is only Ontario that can come in competition with Manitoba. I can remember the time when flax seed was grown in Quebec, but they used it only for the fibre. After a while the price was raised, and it sold for two dollars and two and a half. Subsequently it came down and lost its price, and finally was given up. Some people grow it at present, but not very many. The hon. gentleman from Manitoba has told us that flax seed sells for $1.50 a bushel. If that price were to hold on, we would have plenty of flax seed in Quebec. How can the government say that the flax seed in Quebec is not as good as the flax seed grown in Manitoba? How do they know that? If it is a good thing to have an inspection in Manitoba, why not give it to the other provinces as well?

Hon. Mr. MILLS—Because we have not the information.

Hon. Mr. DeBOUCHERVILLE—If flax seed is grown in Ontario and Quebec, why should we be placed in a worse position than Manitoba? It is well known that people from the United States and England will be purchasers. If they find that there is only an inspection in one province, they will come to the conclusion that the grain grown in the other provinces is inferior to that grown in the province where there is an inspection. I do not see why the government should not make it applicable to the other provinces.

Hon. Mr. MILLS—In the Wheat Inspection Act we mention the different varieties in Manitoba, and the different varieties in Ontario. With regard to flax seed, we have not the information with respect to the other provinces, and the people produce so little that they have not interested themselves in getting a grade.

Hon. Mr. BERNIER—Does the Act provide a different grade of wheat for Manitoba and Ontario? Is there any different grading for the same kind of wheat in the different provinces?

Hon. Mr. SCOTT—There is a special grade of wheat for Manitoba.

Hon. Mr. MILLS—And a special grade of oats for Prince Edward Island.

Hon. Mr. BERNIER—I think it is a wrong principle to have a different grade of the same variety of grain for the different provinces.

Hon. Mr. McCALLUM—The Minister of Justice thinks it would be a grand thing for Manitoba to have this grading of flax seed. What harm will it do to have it applied to the other provinces, even if there is no flax seed to be inspected? It costs nothing. I do not credit one-tenth part of what I have been told about flax seed in Ontario not weighing what it does in Manitoba. I have not very much knowledge about flax seed, but what knowledge I have does not lead me to that conclusion. The hon. Minister of Justice tells us about the climate of Manitoba, the frost getting in and freezing a good deal of it. In Ontario we do not have very much frost, and flax will mature all right. We are told that we should pass this Bill in order to give an advantage to Manitoba, that the rest of the Dominion will not have. To-day the government have a lot of knowledge about flax seed, but they did not have so much yesterday. I do not know where they got it. They should have obtained the knowledge before they prepared the Bill. I know that the time of the Minister of Justice is fully occupied. I regret very much that his health has been impaired so that he has not been able to attend to this personally; but we are not to take his dictum when he says that because the House of Commons has passed this measure, we should pass it

without question. He speaks of his friends in the House of Commons. I hope I have friends there on both sides of politics. I used to have, and I hope I still have. If we took the dictum of the House of Commons where would we be? If we had passed all the measures sent to us from that Chamber, Canada would be a poor country to-day.

Hon. Mr. ALMON—Hear, hear!

Hon. Mr. McCALLUM—And I cannot see why they object to have this measure apply to the whole Dominion. I respect very much my hon. friend from Manitoba, but I am surprised that he wants to deny us what we are perfectly willing to give him. He talks about what they have, and I know what they have, and I am willing to extend this legislation to his province: but I cannot understand an hon. gentleman coming from Manitoba saying that they will not give Canada the same advantages that they have.

Hon. Mr. WATSON—Because it does not suit Ontario.

Hon. Mr. McCALLUM—If the hon gentleman knows what suits Ontario better than I do, all right. But I know what the people of Ontario want, and I take it that the hon. gentleman knows what Manitoba wants, and I am willing to take his word, but he is not willing to take mine. This Bill is submitted to us before the government have given mature consideration to the subject, and they could not at first explain it. I venture to say I am as good an authority on flax seed as some of these gentlemen the government have been consulting. I am asking for the people of this country equal rights. I want no favours for Ontario, Quebec or any other province. I want them all treated alike. The representatives of Manitoba want this legislation, and they have the assurance to come here and say that the rest of the Dominion should not have the same advantage that they seek for themselves. I do not want to see anything of the kind.

Hon. Mr. McDONALD (C.B.)—What about the Territories?

Hon. Mr. McCALLUM—My hon. friend opposite (Hon. Mr. Perley) will look after that. I suppose they grow flax seed in the Territories too. I do not know whether he is favourable to the balance of Canada having equal rights or not, but judging from his course last year, I think he is liberal enough to give others what he wants to give Manitoba.

Hon. Sir MACKENZIE BOWELL—I want to call the attention of the Minister of Justice to the fact that he was in error when he stated just now that there were different grades specially in Prince Edward Island for oats. I hold the statute in my hand, the grades No. 1, 2, and 3 of oats apply to the whole Dominion.

Hon. Mr. MILLS—I was mistaken. I know when a Bill was before us a proposition was made by some members from Prince Edward Island, that No. 1 oats should be forty pounds.

Hon. Mr. McMILLAN—The Bill was amended in that direction, so this should be amended now.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman stated if the article did not come up to a certain standard it could not be graded at all.

Hon. Mr. MILLS—No, I did not say that.

Hon. Sir MACKENZIE BOWELL—If I understand the object of grading it is that the weight shall govern the quality. If a bushel should weigh thirty-four pounds, and it weighs only thirty-two, you make up the difference by adding two pounds. In the North-west, where the grain weighs forty pounds, you would not fill up the measure, but reduce it to the extent of six pounds. It would be just the same in flax seed.

Hon. Mr. POWER—What is the use of a bushel measure if you have to take six pounds out of it?

Hon. Sir MACKENZIE BOWELL—The law makes that provision.

Hon. Mr. POWER—The hon. gentleman from Monck said he thought that enough had been said about this Bill. I agree with him. I sympathize with the hon. gentleman and the leader of the opposition in thinking that our legislation should not be local, but should extend to the whole country, and if we had in our possession the information necessary to frame a general Bill for the inspection of flax all over the coun-

try, I should be quite prepared to support the hon. gentleman's amendment; but I wish to direct the attention of my hon. friend to the fact that his amendment will not do what he wishes to accomplish. What he wishes to do is to provide for the inspection of Ontario flax seed. Now, Ontario flax seed, as I understand, does not weigh fifty-three pounds to the bushel.

Hon. Sir MACKENZIE BOWELL—How does the hon. gentleman know that?

Hon. Mr. POWER—That has been stated on very good authority. The hon. gentleman is not in a position to say that the authority is not correct. He simply says he does not think so. I am surprised that the hon. gentleman should try to impose a law on Ontario which he does not know would suit the people of Ontario. I do not believe that Ontario flax seed weighs fifty-three pounds to the bushel. I very much doubt if it weighs fifty pounds, and if it does not weigh fifty pounds to the bushel, you place the Ontario farmer in the position that he cannot get his flax seed graded at all. I think it is a great misfortune that an hon. gentleman who wishes to be a friend of Ontario should propose an amendment which would place the Ontario farmer in a worse position than he occupies to-day? He would do better to move that the Bill be referred back to the committee for further consideration. Coming to the province of Nova Scotia, I complain of this proposed extension on a different ground. I have no doubt, although my knowledge of flax seed is not extensive, that first quality flax in Nova Scotia weighs at least fifty-five pounds to the bushel, and I do not wish to have the flax seed of my native province degraded. As we are not ready to give this Bill to the whole country, we might as well give those people in Manitoba what they want, and next year, when the hon. gentleman from Monck, and gentlemen from other provinces come back loaded with information, we can extend the measure to the whole Dominion if it is thought advisable to do so.

Hon. Mr. McCALLUM—The hon. gentleman from Halifax suggests that I had better do so and so. I usually take his advice, and I consult him very often. He says I should refer the Bill back to committee? When we get into committee, he can move any motion he likes. When the hon. gentleman undertakes to tell me that I am working against the interests of the farmers of Ontario, he forgets himself. I do not think I have shown that I worked against any interest that is for the welfare of this country. I am surprised not only that he says I am doing so now, but that he should advise me. I do not know very much about flax, and do not consider that I am to be monarch of all I survey like some people, but I have my own opinions, and I am not going to be advised by the senior member from Halifax as to what I should do about this Bill. I shall not shed any tears if the government carry their Bill, but I say it will be against the interests of this country. I am satisfied that I am standing up on behalf of the farmers of Canada. It is in the interests of Manitoba, as well as in the interest of everybody else, that we should have uniform legislation that applies to the whole country rather than have legislation of one kind for one part of the country, and a different legislation for other parts. I shall stand to my guns.

Hon. Mr. ALMON—The speech which was made by the hon. member from Manitoba showed a great knowledge of flax seed in general, and of the capability of his province to raise it, but I do not think it had any bearing on what is now before the House, that is, the amendment proposed by the hon. gentleman from Monck to extend the provisions of the Bill to all the other provinces. Flax seed, as the hon. member from DeBoucherville has said, was extensively cultivated in the province of Quebec, and the only thing that prevented its extensive cultivation from being continued was that for a time it did not pay. How do we know that flax may not again be raised extensively in Quebec? Nova Scotia when it was first settled, raised a great deal of flax. It raises very little now, but the production may be increased. The Minister said wait until that takes place. Do the government always wait until laws are required? I wish they did. They built an elevator at Halifax for which the city had to pay $50,000. Our city now is taxed more than it can stand—in fact, is almost ruined by civic taxation, yet two years ago the government got the city to vote $50,000 towards this

elevator. I ask, what have they done with that elevator for the past two years ? Does any grain go down to it ? I think not. Why build an elevator before you have the grain ready ? I wish the hon. gentlemen had carried out the principle they lay down to-day when they undertook to build that elevator.

Hon. Mr. POIRIER—On the general principle I agree with the hon. member from Monck, that the laws should be uniform in Canada, but in this particular case, before it is proven to me that flax seed grown in Ontario and New Brunswick can come up to the standard of fifty-three pounds to the bushel, I do not see that I would be justified in voting for the amendment. On principle, my hon. friend is right, but in its application in this case I shall have, with regret, to vote against the amendment, because I am not at all satisfied that we in the lower provinces can come up to that standard, and if we cannot do so, the law will be detrimental to us. My hon. friend who proposes the amendment is not very sure about Ontario himself. Therefore, while I have no advice to give to anybody, I believe we might in the meantime pass the Bill as it is, and see what investigation can be made, and if we find that the rest of the Dominion can produce flax seed that will grade as well as Manitoba flax seed, we can then make the law uniform. As it stands now, it does not discriminate against any province.

Hon. Mr. McCALLUM—How does the hon. gentleman know what the grade is until he tries it ?

Hon. Mr. POIRIER—This Bill applies to Manitoba only and does not discriminate against the other provinces. Therefore pending further knowledge of the matter, I shall vote against the amendment.

Hon. Mr. PERLEY—I think the argument of the Minister of Justice is a little weak with respect to the seasons in Manitoba. He says because of the shortness of our seasons the flax seed is better. I think the long season produces the best quality, and therefore Ontario should produce the best flax, because flax like buckwheat, requires but a short season. I would judge so from the fact that this Bill does not make any provision for frosted flax seed. I am sure the flax seed of Ontario, New Brunswick and the other provinces is quite up to the standard and quality of Manitoba flax seed. Manitoba seed may yield more oil ; if so, that is the only advantage in it. They would be more likely to have musty flax seed in Ontario than in the North-west, because our climate is drier. Ontario needs her flax seed graded the same as Manitoba does. I think the proper weight for a bushel of flax seed is fifty-six pounds. The hon. gentleman justifies the weight by saying they have to cut the flax on the green side. The Bill should apply to the whole of Canada and I cannot see how the eastern provinces can suffer in the least by it, for I believe they can produce as good flax seed as Manitoba. There is a disposition sometimes not to grade products in Ontario. Take the item of apples ; if they would apply the same inspection to the fruit that is sent west that they do to fruit that is sent across the ocean we woud get better value for our money. I cannot see why my hon. friend from Marquette is so opposed to having Ontario included in the provisions of this Bill. I bought some flax seed the other day and had to pay a high price for it. When I buy flax seed, I want to know what I am buying. If I send word to Ontario to buy oats, I know I get thirty-four pounds to the bushel. If I send for flax seed, I do not know what sort of trash I am getting, I cannot see, as a western man, any reason why Ontario should not have this legislation.

The Senate divided on the amendment which was lost on the following division.

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The Bill was then read the third time and passed.

INSPECTION OF FOREIGN GRAIN BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (142) 'An Act respecting the inspection of foreign grain.'

(In the Committee.)

Hon. Mr. SCOTT—The Bill provides for the inspection, when required, of foreign grains. There is a considerable amount, particularly of corn, shipped through Montreal.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain to the House why this Bill is asked for?

Hon. Mr. SCOTT—Because there is a considerable quantity of foreign grain going by Montreal, and the parties interested desire to have it go forward as inspected, and it is an advantage to us to have it known that it is foreign grain. It is only when the parties themselves require it, however, that it is inspected.

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

The Bill was then read the third time and passed.

LAND GRANT TO MEMBERS OF THE MILITIA FORCE IN THE NORTH-WEST BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole House on Bill (107) 'An Act to make further provision respecting Grants of Land to members of the Militia Force on Active Service in the North-west.'

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—This applies exclusively to the volunteers who served in Manitoba during the late troubles?

Hon. Mr. MILLS—My hon. friend will see that this was, in 1885, enacted in precisely the same words that it is here, excepting the date that the Act was to operate, and it has been re-enacted at the various times mentioned in the margin in precisely the same words, and now is being enacted again. I have no doubt we may have to re-enact it further to enable them to complete their titles to their property.

Hon. Sir MACKENZIE BOWELL—I understand it applies to those who were on active service, not to those who are on active service now.

Hon. Mr. MILLS—Yes, to those who were in active service during the rebellion of 1885.

Hon. Sir MACKENZIE BOWELL—And who have not yet obtained their scrip?

Hon. Mr. MILLS—Yes.

Hon. Mr. POWER—After the statement made by the hon. Minister of Justice, that it is probable another Bill will be introduced for the purpose of extending this period of time, would it not be well to limit it to any one who may make the application before the day of judgment?

Hon. Mr. MILLS—My hon. friend will see that it is proper legislation.

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

The Bill was then read the third time and passed.

PROPORTIONATE REPRESENTATION OF SHAREHOLDERS BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading (Bill S) An Act to secure proportionate representation of shareholders on boards of directors of corporations.—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED said: I move that the Order of the Day be discharged and placed on the Order paper for Tuesday the 4th of June. I have to apologize for asking the indulgence of the House so frequently, but I have been in communication with parties in various states of the neighbouring Union where the system has been in force, and I should like to obtain information as to its operation there.

The motion was agreed to.

A PROPOSED ADJOURNMENT.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend, the leader of the House, when the adjournment, of which notice has been given, will take place?

Hon. Mr. MILLS—There is a notice that will appear on the paper to-morrow for an

adjournment on Thursday, and I hope we will make such progress with the business before us that we will be enabled to adjourn then, perhaps for a little shorter time than is mentioned in the motion.

Hon. Mr. ALMON—I hope the matter will be left in the hands of the government. I am not going to give up my opinion when a government Bill is presented to us, and will vote against it if I think proper, but as to adjournments, I think the matter should be left to the government. If the hon. leader of the House says our adjournments will not interfere with the business of the House, then I shall vote for them, but I should like to know explicitly from him that our adjournment is not going to interfere with business.

Hon. Mr. MILLS—I will say to my hon. friend that he, with many others, holds the government responsible for the legislation, while he would deny to us all power in the matter. But on the subject of adjournment, in which the government are in the hands of the House, he wishes to put it entirely at the disposal of the government.

Hon. Mr. ALMON—I may be charged with being captious, but I think the leader of the House knows, better than any one else, the business that will likely be brought before us and the time it will take, and therefore I will insist on leaving it entirely with him, and will insist also on my right to vote against any government measures of which I do not approve.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice has drawn an altogether improper deduction from the remarks of the hon. junior member for Halifax. The government should know what business is coming before us better than any other member of this House, and I am quite prepared to accept the statement of the hon. leader of the House as to the adjournment. At the same time, I would not give up my own individual opinion as to what I consider right and wrong. If the business will not justify it, we should not have a long adjournment; and for my own part, I think the proposition in the notice is far too long a period. I think if we adjourn till the 28th, which is the Monday after the 24th, that there would be business here from the other House for us. But if the hon. minister thinks we will not have business to do then, we might as well adjourn till a later date. If we say Monday it will necessitate a large number of members leaving home on Sunday.

Hon. Mr. MILLS—Wednesday would suit the members from maritime provinces better than Monday or Tuesday. We can discuss that matter when the time arrives. I hope that we may have some further business coming up from the House of Commons that we can dispose of before the adjournment. Of course, the House of Commons have the estimates to pass, which do not occupy very much time here, and so they necessarily require more time for the consideration of public measures than we do here, and the adjournment does not at all imply that there may not be important matters to be dealt with that will occupy the attention of the other House. I do not wish to keep this House in session, when members perhaps feel that they could make a better use of their time elsewhere, longer than is necessary, and I felt myself that the government measures should come up to this House early now, so that we might dispose of them, and then we would have but little to do at the end of the session, because there would not be a very great deal beyond the estimates, and three or four government measures, which I apprehend will not occupy a very great deal of time in this House. That we can consider better on Thursday, when we see what the state of public business is.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 16, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

MOTION ALLOWED TO STAND.

Hon. Mr. CASGRAIN (Windsor), moved:

That when the Senate adjourns to-morrow, it do stand adjourned until Monday, June 4, at three o'clock in the afternoon.

He said: I do not want the business of the country to be neglected, and I leave this

motion entirely in the hands of the leader of the Senate. We have been here three months and a half, and I think, by the looks of things, we are going to be here two months more, and probably we could have the adjournment and return and finish the work in ample time.

Hon. Mr. ALMON—The hon. gentleman could not have read this morning's paper in which it is stated that the government are not going to allow the investigations into the Ontario election fraud to be proceeded with. That would have occupied some time and prolonged the session.

Hon. Mr. MILLS—It is premature to propose this motion at the present time. We certainly could not answer the hon. gentleman until to-morrow, and I think that we will not be able to adjourn before Friday. There are some officers for whose payment it is necessary to make provision, and I apprehend the Auditor General will not agree to make payments until after the appropriation is made, and that matter is coming up for discussion in the House of Commons to-day. I think it will be necessary to get fresh supplies to pay the officers of this House and to pass the appropriation before an adjournment can take place.

The motion was allowed to stand.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire from the hon. minister if he has any return to the address voted some time ago in relation to the Gaspé Short Line.

Hon. Mr. MILLS—No, I have not. If the matter was in my own department, I could give a specific answer and let the hon. gentleman know when he might expect it, but the matter is in another department, and the pressure at the present time, on account of the number of returns and deputations and matters to be considered, has delayed the preparation of the return for which my hon. friend has moved. I will, at a very early day, make inquiries with a view of meeting my hon. friend's wishes. I am anxious that his wishes may be met.

Hon. Mr. LANDRY—I suppose we may expect that after the adjournment all those papers will laid on the Table.

Hon. Mr. MILLS—All I can say to my hon. friend is that I hope that may be the case.

Hon. Mr. LANDRY—I will renew my declaration that I will oppose the Bill taking any further step until those petitions are brought down. I should also like to inquire of the hon. Secretary of State, if he has laid his hand on a petition that was brought before the Privy Council on the School Question?

Hon. Mr. SCOTT—Yes, I gave instructions about it. I do not do those things personally. I have not time.

Hon. Mr. LANDRY—Then there is a chance for us to expect that it will be brought down, if the hon. minister has laid his hand on it.

Hon. Mr. SCOTT—Yes, I hope it will be brought down before the adjournment.

Hon. Mr. LANDRY—And the Prime Minister had in his possession, or might have had in his possession, petitions regarding the road from Sorel to Drummond.

Hon. Mr. SCOTT—Yes, I will make inquiry about that.

NOVA SCOTIA STEEL COMPANY'S BILL.

THIRD READING POSTPONED.

The Order of the Day being called.

Third reading Bill (24) An Act respecting the Nova Scotia Steel Company (Limited).

Hon. Mr. MILLS said: I would ask my hon. friend not to press the third reading of this Bill to-day. I have no doubt that if the Bill is got through immediately after our meeting again, it will be sufficient for the hon. gentleman's purpose, and at the special request made by the hon. gentleman from Amherst (Mr. Dickey), I thought that I would like to look with some care into the matter, in order to satisfy his wishes.

Hon. Mr. McKAY—I have no personal objection to let it stand over, but the promoter in the other House urged me to press it through, because he wished to telegraph to parties in London.

Hon. Mr. POWER—It was stated before the committee that gentlemen are now in London, including the late member for the county of Halifax, making final arrange-

ments with capitalists there to float the new company, and people in England are slow to go into large undertakings of that kind unless they are quite sure as to the legislation on this side, and I think that the minister must see that it may cause very serious inconvenience, perhaps cause the arrangements to go over altogether, if these gentlemen are obliged to wait three weeks until we meet here again.

Hon. Mr. MILLS—I will say to-morrow.

Hon. Mr. POWER—I was just going to say if the hon. minister would ask to have the Bill stand over until to-morrow, it would probably meet the purpose.

Hon. Mr. MILLS—I shall try and look into it by to-morrow.

The Bill was ordered for third reading to-morrow.

THIRD READING.

Bill (92) 'An Act to incorporate the Royal Marine Insurance Company,' as amended, (Hon. Mr. Power, in the absence of Hon. Mr. Dandurand).

ONTARIO POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (121) 'An Act respecting the Ontario Power Company, of Niagara Falls.' He said: I suppose it will be necessary to give some reason why this Bill is introduced on this occasion. I have been innocently brought into the matter, I knew very little about it, but when I attended the Standing Orders Committee I found that the Bill was all right, and I consented to become its mover in this House. I know there is opposition from a gentleman for whom I have the greatest respect, and I shall bow with great pleasure to any motion he may make or any desire he may express in order that the Bill may receive proper consideration in this House. Perhaps the best way would be to let the Bill go to the committee to which I propose to refer it, and he can there make his objections. If he consents to that, I shall not go into particulars here.

Hon. Mr. McCALLUM—Let us have the particulars.

Hon. Mr. CLEMOW—I have here a statement of the whole case from its inception to the present time.

Hon. Mr. POWER—Dispense.

Hon. Mr. McDONALD (B.C.)—We can have that in the committee.

Hon. Mr. McCALLUM—I want to hear it. If you put it in the *Debates* it will be information for the committee when they get the Bill before them.

Hon. Mr. CLEMOW—I am in the hands of the House. The case is as follows:

Incorporated to develop power by using waters from Welland River discharging into Niagara River.

It is necessary that the canal for the discharge should pass through Queen Victoria Niagara Falls Park controlled by the government of Ontario through the park commissioners.

By contract with the park commissioners approved of by the Ontario government, dated April 7, 1892, the Canadian Power Company had the exclusive power for twenty years to use the said park for works to generate water power and discharge waters into the Niagara River through said park.

By Act of the parliament of Canada of last year the time to complete the Ontario Power Company's works so as to develop 15,000 horse-power was extended until 1902, but work could not be begun in said park without the consent of the park commissioners and the government of Ontario.

The park commissioners and the Ontario government had always refused permission to work in the park owing to the above twenty years' contract with the other company.

Until after the session of the Ontario legislature of 1899 the Ontario government and the park commissioners had no power to break that twenty years' contract, and give the right to work in the park to any other company.

By that Act the government was given that power.

Immediately thereafter the Ontario Power Company applied to be allowed to work in the park, and ever since negotiations have been going on to get a contract made with the park commissioners and the Ontario government.

The company cannot undertake to complete its works for 10,000 horse-power in less time than six years.

The company satisfied the Ontario government and the park commissioners of this fact and they gave that time by their contract.

As the company has only two years by the Act of 1899 the counsel for the Ontario government and the park commissioners advised that the company should apply to the parliament of Canada for a six years' extension as mentioned in the contract.

The company's hands were tied until it got permission from the park commissioners and the Ontario government to enter the park, and only on March 15, 1900, after many interviews and much information had been obtained, were the terms of an agreement arrived at between the park commissioners and the government and the Ontario Power Company.

One of the terms of that agreement is that the company must complete the development of

10,000 horse-power within six years from the date of the contract, besides doing other work.

Immediately thereafter notice was given of an application to this parliament for further time to complete the works.

Annexed hereto is a copy of a letter from the counsel for the park commissioners and the Ontario government, stating that they wish the Bill now before the Senate to pass.

The clauses as to commencement and completion of the work in the Ontario Power Company's contract with the Ontario government, dated April 11, 1900, are as follows:

31. The company undertake to begin the works hereby authorized within two years from the date of this agreement and to have proceeded so far with the said works on or before April 1, 1906, that they will have completed within the park water connections (that is to say: headrace, forebay, penstocks and tailrace) for the development of 25,000 horse-power, and have actually ready for use, supply and transmission 10,000 developed electrical pneumatic horse-power by said last mentioned day, and if not then completed, the Lieutenant-Governor in Council may declare this agreement, the liberties, licenses, powers and authorities so granted and every one of them to be forfeited and void, and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

Provided always that unless the company has on or before the 10th day of July, 1902 completed works capable of delivering at least 15,000 horse-power, or unless the time for the completion of such works, limited by section 2 of chapter 105 Dominion Statutes of 1899, is duly extended by the parliament of Canada, the Lieutenant-Governor in Council may, on and after the 10th day of July, A.D. 1902, declare this agreement and the liberties, licenses, powers and authorities hereby granted, and every of them, to be forfeited and void, and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

Provided always, that no extension of time by the parliament of Canada shall extend or affect the time for completion under this agreement beyond the 1st day of April, 1906.

Toronto, April 18, 1900.

The Honourable the Chairman,
Private Bills Committee,
House of Commons, Ottawa, Ont.

Re Ontario Power Company of Niagara Falls.

Sir,—Under instructions from the government of Ontario and as counsel for the commissioners, Queen Victoria Niagara Falls Park, acting in connection with the agreement between the park commissioners and the above company, I beg to say that an agreement dated April 11, 1900, between the above company and the park commissioners has been executed, and with the approval of the Lieutenant-Governor in Council of Ontario.

One of the clauses of the agreement requires the company to have completed certain works within the park on or before April 1, 1906. As the time for the completion of their works, limited by section 2 of chapter 105 of the Dominion statutes of 1899, will expire on July 10, 1902, I suggested to the counsel for the company that it was necessary to obtain from the parliament of Canada an Act extending the time under this section for four years longer.

The government of Ontario and the commissioners authorize me to assure you and your committee that it is desirable that the Bill to extend the time for the completion of the works by the company should be passed.

I have the honour to be, sir,
Your obedient servant,
(Sgd.) ÆMILIUS IRVING.

Those are the facts connected with this case, so far as I am advised, and I think, under all the circumstances, that their request is reasonable, and I see no reason why it should not be granted. However, the matter is in the hands of the House, and I shall have much pleasure in hearing the objection of the hon. gentleman from Monck, and if the House thinks proper to refuse the Bill, it will be thrown out and not allowed to go to committee. But if it is referred to the committee, they will inquire into all the circumstances and decide upon the question in a satisfactory manner.

Hon. Mr. McCALLUM—This is a very innocent little Bill, merely an extension of time. These gentlemen have had thirteen years already within which to complete this work. My hon. friend did not tell us whether they had made a start yet. We chartered this company in 1887. We extended the charter from time to time until to-day, and now they have three years from the 10th of July next.

Hon. Mr. CLEMOW—Two.

Hon. Mr. McCALLUM—I said two the other day, but I was mistaken: I should have said three. My hon. friend has been quoting here from an agreement with the Ontario government. The Ontario government is very much mixed up in this project. Why do not these gentlemen go to the Ontario government? I do not think they should come to this parliament for their charter. I know some of my hon. friends will talk about our constitutional power, but I stand here as a layman and I venture to assert that they should go to the local legislature of Ontario for legislation. The local government are mixed up with the undertaking and are the proper parties to give the company relief.

Hon. Mr. McMILLAN—I do not understand the matter. The hon. gentleman says there is a charter in existence that this company obtained in 1887 from the Dominion parliament. What is the objection to their continuing to come to this parliament for a renewal of their charter? Why does the hon.

gentleman want them to go to the local legislature ?

Hon. Mr. McCALLUM—They have an agreement with the province of Ontario. It is a local work. Why should they not get their legislation there ? These people have been getting money from men on the other side of the line. It has been a mine for them. I can trace back what they have received. They have obtained $110,000, and the amounts of two years I have not yet been able to get. I sent to headquarters and the information has not yet arrived. I asked the hon. gentleman from Rideau yesterday privately, if he would postpone the second reading of the Bill, to see if I could not get that information. He kindly promised to do so, and from the way he speaks to-day, I think he would be willing to postpone it still further. I do not want to take the company short, but what have they done ? These people have had a charter for thirteen years with three years still to run, making sixteen years, and they have done nothing. When this Bill first came to the House it was an orphan. The company had not even petitioned the Senate to pass it. They treated the Senate with contempt, and the other day, in the kindness of my heart, I thought I was doing good to some one by advancing the Bill a stage, and I moved that it should be read on a certain day. After I had taken charge of it, I wanted to see what it was, and I found out that it was not legitimate. If it is a proper Bill why smuggle it in the House like this ? Why should they travel all the way to Nova Scotia to entrust this Bill to a friend in Yarmouth. It does not look well. That was the first incident that aroused my suspicions about it. I do not want the Senate to accept my statement, but I want them to look into the matter themselves. I know the hon. Minister of Justice will contend that this is the proper place to come for this legislation, but I do not think so. Hon. gentlemen will remember the Cataract Power Company Bill. I took an active part against that Bill, and succeeded in defeating it, and why ? Because I thought they were destroying the Welland Canal. They were taking ten thousand cubic feet of water out of the Welland Canal, and then, when they did not get the power here what did they do ? They got it from the local legislation. What is there to hinder these people to go to local legislation if they cannot complete their work within the remaining three years ? There is something mysterious about this Bill which I do not understand. I have searched the sessional papers of the province of Ontario as far as I could, and it is very hard to get them, because there is not an Auditor General in Ontario. If we have an Auditor General, we have no Auditor General's report ? I see that in 1893, the government of Ontario got $35,000, from the people across the river.

Hon. Mr. McMILLAN—For what ?

Hon. Mr. McCALLUM—To not allow that work to go on, and they kept doing that until it got so hot for them in Ontario that they had to stop. Now they want to come here and get us to help them out of the scrape. I could not get any figures for 1894, and that is why I want the hon. gentleman to postpone the Bill. I have no figures for 1894-5. In 1896, they got $25,000, in 1897, $25,000, in 1898, 25,000, making in all $110,000. The Ontario government got all that from United States people across the river, besides the payments in two years that I cannot trace, for keeping back this improvement. But they could not delay the work any longer. The people were up in arms against it; but they still want to get more money out of it. As far as I am concerned, there is no man in this country to-day who is more desirous of having the power used for electric purposes than I am. But why come here at all. Why not go to the local legislature ? I know very little, but what I do know I know, and I am perfectly satisfied to follow precedent. We ought to defeat this Bill and send it to the local legislature, particularly when they have three years from the 10th of next July, to go on with their work, and they have had thirteen years already, and they have not stuck a spade in the ground yet. It is trifling with parliament. They do not even send in a petition, and some of them have the assurance to say it is not necessary. Their solicitor says it is not necessary to do so, because the Bill has passed the House of Commons. Are we to accept what the House of Commons may do ?

Hon. Mr. CLEMOW—There was a petition to the House of Commons.

Hon. Mr. McCALLUM—We know there was, but there has been none sent here, and that is why the Bill is an orphan here. As far as I am concerned, I would prefer to have a day or two before the second reading of the Bill. I should not move the six months' hoist if the hon. gentleman will postpone the second reading until after the adjournment. Nobody will be hurt by it, for this reason, the company has three years from the 10th of July, to do this work, and if we refuse to give them this Bill, they have the local government of Ontario to fall back on, and the local legislature ought to deal with it.

Hon. Mr. CLEMOW—The committee will have an opportunity to hear all evidence. It could not come before the committee untill after the adjournment.

Hon. Mr. McCALLUM—Postpone it until after the adjournment.

Hon. Mr. CLEMOW—I am in the hands of the House.

Hon. Mr. POWER—This is a case where the question can be better fought out in the committee than in the House. The strongest point made against the second reading of the Bill is that the charter has been in existence for thirteen years, but the paper which the hon. gentleman from Rideau division read, on moving the second reading, shows that it was only the other day that the road was made open to this company to do the work—that another company had a charter to do the work, and the Ontario government would not allow this company to proceed until after the other charter had expired.

Hon. Mr. McCALLUM—Who gave the other charter ?

Hon. Mr. POWER—That is not a matter of any consequence. We are dealing with the conduct of this company. They are not to be blamed for not going on with the work when they were prevented from doing so by the Ontario government. I am surprised that a gentleman so fair-minded generally as the hon. gentleman from Monck, should attribute blame to this company for not going on when they could not do so, because their work was stopped by the existence of the other company. Now, the other company is out of the way, and this company have made a contract with the Niagara Falls Park Commission and are ready to go on, and it seems essential, in order to complete this contract, that they should have the time they ask for. The details of the Bill can be better fought out in the committee than here, and as the hon. gentleman from Rideau does not intend that the committee should consider it until after the adjournment, I think the views of the hon. gentleman from Monck are met.

Hon. Mr. McCALLUM—When my hon. friend says I am fair-minded, I would be very sorry indeed if I was not as fair-minded as he is. I have already stated that I am not going to divide the House on the second reading. I appeal to the generosity of the hon. gentleman from Rideau to postpone the Bill, and I stand by that. If he insists that the Bill should be read the second time now, I say amen ; but I would prefer him to put it off until we can get more information.

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

SECOND READING.

Bill (102) 'An Act to confer on the Commissioner of Patents certain powers for relief of James Milne.'—(Hon. Mr. Loughreed.)

FROST & WOOD CO.'S RELIEF BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (113) 'An Act to confer on the Commissioner of Patents certain powers for the relief of the Frost & Wood Company, Limited.' He said : This is a Bill somewhat similar to the one that has just had its second reading. Under the patent law an inventor has an exclusive right in his invention for eighteen years, but in this particular case the fee was paid only for the first six years, and then the patentee had the right to extend for an additional twelve years by paying the fee. The patent was originally owned by some person in the United States, and was purchased by the Canadian concern whose names are mentioned in the Bill. The expiration of the first six years was not noticed by the Canadian purchasers. They spent a good deal of money in erecting works and machinery for the purpose of manufacturing the pat-

ented article, a kind of harrow, I believe, and they discovered that the six years had expired. Since that discovery they made application to the patent office and offered to pay the fee for the additional twelve years. The officer told them that he was not in a position to accept the money, unless the patent was extended by Act of parliament. The object of this Bill is simply to put the company in the same position they would have been in if they had paid the money at the proper time, saving the rights acquired by any person.

Hon. Sir MACKENZIE BOWELL—Does not the Bill go further ? In the second clause it guarantees any right that may have been acquired 'by assignment, user, manufacture or otherwise any interest or right in respect of such improvements or invention.' If I understand the words 'user' and 'manufacture,' they would apply to some firms that have had a privilege from the patentee to continue the manufacture of this article by paying to him a royalty. The patent having expired a few days before the patentee applied for the renewal, would leave that manufacturer, who formerly paid a royalty to the owner of the patent, the right to continue it. If that be the case, we would deprive the patentee of the rights which the law is supposed to give him as the owner of the invention. I call the attention of the House to it, so that when the Bill goes to committee it may be considered. In the Bill which has just passed its second reading, the wording of the clause is not, I understand, the same as it is in this Bill. It simply grants the request of the patentee who is asking for the renewal, and reserves the rights of those to whom the patent may have been assigned, either partially or whole. The House will see the effect of this if the Bill becomes law. I am simply calling attention to the wording of this clause and the effect which it may have in case it is not amended in committee.

Hon. Mr. POWER—I am unable to see any difference between the language used in the Bill before the House and the language used in the Bill which has just been passed. They both include 'assignment, user, manufacture or otherwise.' The wording is exactly the same, and that provision is inserted in all Bills of this kind, because it would be very unfair that any person who had lawfully and properly begun to use the invention, when the right of the patentee was in abeyance, should be interfered with afterwards. It would simply be making him suffer for the negligence of the patentee. A provision of the kind is inserted in all these Acts, and I think very properly.

Hon. Sir MACKENZIE BOWELL—The matter may be discussed in committee better. In the one Bill there was no right given by royalty or otherwise to continue the manufacture, and the party claiming the extension of the patent, in the one case, applied before the expiration of his patent. In this case, as I am informed, through neglect, the patent had ceased to have force and effect for a few days before the attention of the patentee was called to it, and the party who was manufacturing the article, paying a royalty, ceased to do so the moment the patent expired, and not until he had called the attention of the owner of the patent to the fact that it had expired, which the patentee did not know.

Hon. Mr. MILLS—In clause 2 the hon. gentleman will see that there is protection to the parties who hold any right by assignment or had acquired it by user or manufacture.

Hon. Sir MACKENZIE BOWELL—Or otherwise.

Hon. Mr. MILLS—I do not know just in what other way it could be acquired, but, at all events, if there is any other way than the three mentioned it will be protected by this. For instance, when a patent is assigned to a man and he acquires a right by that assignment, that right, by the revival of this, is not taken away, and I do not see that there would be any continuous right if the assignment, after the period for which the patent was issued, had expired. If it had expired and the party continued to manufacture the article, my impression is that his right to manufacture would be a matter of use or of manufacture. If he had not any assignment and begun his manufacture, then he would have that, because there was no impediment in his way, and this clause, as it stands, I take it, protects him, no matter how he acquired the right to manufacture in the first instance because there was no right standing

in his way, or because he obtained an assignment he will continue to have the right notwithstanding the revival of the patent under this Bill, and that is all the interest there is to protect. Of course, after this Bill is passed no one could acquire by manufacture or user a right to manufacture, because the right is absolutely vested in the party who has obtained its revival, except as against those who had a right by assignment to use or manufacture before the revival, and I think these three parties, or users, are protected by this Bill.

Hon. Sir MACKENZIE BOWELL—If the man is manufacturing under the royalty which he pays to the owner of the patent, would he have the right to continue the manufacture of articles without paying the royalty? I infer, from the argument of the Minister of Justice, that he could continue the manufacture without paying the royalty after the passage of this Bill.

Hon. Mr. MILLS—Without the payment of the royalty.

Hon. Sir MACKENZIE BOWELL—What I should like to know from the minister is this: would he have the right to continue, independent of the owner of the patent, by paying the royalty? If the patent lapses and the man commences to manufacture, he has the right to continue that unless he is prevented by law?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Would the case of the man who is manufacturing under circumstances I have indicated, that is paying the royalty, have the right to continue after this law passes, though the application for manufacture was not made until after the expiration of the patent?

Hon. Mr. MILLS—To my mind, it is clear that the moment the period for which the patent was issued, his duty of paying royalty to the original patentee would come to an end. He may continue, therefore, to manufacture without the payment of any royalty, the same as the manufacturer who has acquired his right by use. He does not stand in a different position. There would be no difference between him and any other person who had a right before the revival of the patent.

Hon. Mr. SCOTT—This patent appears to have expired on the 6th of June last. After that it was free to anybody to manufacture. If anybody did commence to manufacture and use, that person can still continue to manufacture, notwithstanding the passage of this Bill.

Hon. Mr. CLEMOW—For how long?

Hon. Mr. SCOTT—For all time.

Hon. Sir MACKENZIE BOWELL—Unless you prevent him.

Hon. Mr. SCOTT—This does not interfere with him. It only interferes with those who are not within the exceptions.

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

LIVE STOCK RECORD ASSOCIATIONS' BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (134) 'An Act respecting the incorporation of Live Stock Record Associations.' He said: This Bill authorizes the incorporation of any five persons to become a live stock record association. It is for the purpose of giving facilities for the formation of these associations over the whole Dominion. By filing an application in the Department of Agriculture and conforming to some ordinary regulations they become incorporated for any special breed—short-horns, Ayrshires or any other breed of live stock. There is a provision that if they do not go into operation, or if they cease acting for a year, the charter expires. It is simply for the purpose of giving facilities to persons to form an incorporation of the kind.

Hon. Mr. McMILLAN—Is this for the whole province?

Hon. Mr. SCOTT—Anywhere in the Dominion; any five persons can associate themselves together and make application to the minister to be registered as an association for short horn cattle for the Dominion.

Hon. Mr. LOUGHEED—What particular cause has given rise for this Bill? Wherein should this particular industry be treated differently from others, thus dispensing with all the requisites of other corporations?

Hon. Mr. SCOTT—It is a very important one, and it is not one of pecuniary benefit specially to the parties. It is to keep up particular breeds of animals, in which men are known to take particular interest. The whole public are interested in our having excellent breeds. They are improving Canada, and this is rather to stimulate associations of the kind in order to keep a proper record of high bred animals.

Hon. Mr. McMILLAN—If I understand the Bill properly, it is to be for a province. Agricultural associations, as a rule, have provincial exhibitions. I cannot understand how we can have an organization of that kind that will extend all over the Dominion.

Hon. Mr. SCOTT—It has nothing to do with county associations. It does not interfere with them.

Hon. Mr. McMILLAN—I know that, but I thought it would be a provincial matter instead of a Dominion matter.

Hon. Mr. MILLS—Take the case of a wealthy farmer residing in the North-west Territories. He writes to a friend in Ontario, and says: Will you go into an arrangement with me for the purpose of importing a certain stock from England.' And another man may write from Quebec, making the same request.

Hon. Sir MACKENZIE BOWELL—This is done now by some association, is it not ?

Hon. Mr. MILLS—Largely.

Hon. Sir MACKENZIE BOWELL—There is a Canadian stock book which contains the pedigree of each animal. I understand that is done by the Provincial Agricultural Associations.

Hon. Mr. SCOTT—I do not know how many corporations there are now, but there are certainly some corporations with reference to certain special breeds, but not of all the breeds. This is for the purpose of enabling those who are taking an interest in any particular breed, whether of cattle, sheep, hogs, or horses, to unite together, and keep up the record of that particular breed.

Hon. Sir MACKENZIE BOWELL—That is done now. I have in my library a stock-book of horses, cattle, sheep and swine, and if I want to trace the pedigree of any animal I look in these books for it. I understand this is simply to organize a company for the purpose of doing that.

Hon. Mr. SCOTT—I am not aware that there is any regular organization for all breeds. There may be of some.

Hon. Mr. LOUGHEED—I am endeavouring to elicit information. I am not opposed to the principle of the Bill, but the Bill seems to be entirely without machinery for raising sufficient funds for accomplishing the object in view. There are no provisions with reference to the subscription of stock or obtaining capital in any way except by membership fees.

Hon. Mr. SCOTT—Fees that they regulate by themselves.

Hon. Mr. LOUGHEED—It will be very difficult to carry out such an object as the Bill has in view by membership fees; that is to say, such an association can scarcely contemplate what its outlay during a current year might be, and how they will arrive at the amount to be raised, by simply fixing a membership fees. It seems to me there should be a greater elasticity about it than the payment of fees. If liabilities are contracted, there are no means, apparently, of collecting from the association. I notice that the members are simply held liable for the amount of their membership fee. It seems to me that this is establishing a precedent extremely dangerous, and liable to abuse. If they contract a liability, that liability should be placed upon some shoulders by which the creditor may be able to recover the amount due him.

Hon. Mr. SCOTT—When the Bill goes to committee we can further discuss the details of it.

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

EXPERIMENTAL FARM STATION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (135) 'An Act to amend the Experimental Farms Station Act.'

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.)

Hon. Mr. MILLS—I may say to hon. gentlemen that this Bill repeals sections 5 and 6 of the Revised Statutes of Canada, Chapter 57, and substitutes the brief provisions contained in this Bill in place of those two sections. The sections in the original Act are very brief. Section 5 reads as follows:

The same farm station shall be under the control and direction of the minister, subject to such regulations as are from time to time made by the Governor in Council, and the Governor in Council may appoint a director, and such officers and employees as are necessary for each farm station.

Section 6 reads:

The Governor in Council may fix the rate of remuneration of the directors and officers and employees of each farm station, and such remuneration and all expenses incurred in carrying this Act into effect shall be paid out of such moneys as are provided by parliament for the purpose.

The Bill before us reads as follows:

1. Sections 5 and 6 of the Experimental Farm Station Act, chapter 57 of the Revised Statutes, are repealed and the following is substituted therefor:

5. The said farm stations shall be under the direction and control of the minister, subject to such regulations as are made by the Governor in Council.

2. The Governor in Council may appoint, and fix the remuneration of, a director and such chief officers as are necessary for each farm station.

3. The minister may employ, and fix the remuneration of, such other officers and employees as are necessary for each farm station.

4. Such remuneration, and all expenses incurred in carrying this Act into effect, shall be paid out of such moneys as are provided by parliament for that purpose.

Hon. Sir MACKENZIE BOWELL—There is very little change. Perhaps the hon. gentleman could explain why the changes are made?

Hon. Mr. MILLS—My hon. friend will see that there are subordinate duties connected with these farm stations, and it is simply provided that the minister shall not be obliged to go to council with every detail. It is made an administrative act on the part of the department, instead of being compelled, as under the provisions of the existing law, to go to council. It is simply to facilitate the work of administration. Instead of the Governor in Council making the regulations, and also carrying them out, the minister carries them out.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—The regulations must be adopted by the Governor in Council. Then the administration of the Act devolves upon the minister under regulations. The change is in the third clause, which reads:

The minister may employ and fix the remuneration of such other officers and employees as are necessary for each farm station.

That gives him the administrative power of making an appointment and fixing a remuneration without going to the Governor in Council. The fourth provision is the corollary of the other. The salary must be paid out of the money voted. It is a question of policy altogether as to whether the minister should have the individual power of making these payments without consultation with the Governor in Council. There are many reasons why this sytem should be adopted. There are reasons which I could give why they should not be adopted, but it is quite unnecessary to do so now. It is a question that occupied the attention of the government very many times in the period during which I had anything to do with it. It is a power that, if properly exercised, should, I think, be in the hands of the minister. It is a power that may be—and I have known it to be—fearfully abused. However, the minister must take that responsibility, and be held responsible to parliament for any abuse of that power.

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

The Bill was then read the third time, and passed under a suspension of the rules.

MANITOULIN AND NORTH SHORE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (109) 'An Act to incorporate the Manitoulin and North Shore Railway Company.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain where this road is to be built and its purpose?

Hon. Mr. WATSON—I may say to the hon. gentleman that I know very little about it. The Bill comes from the House of Commons, and I understand any neces-

sary explanations will be made in the committee.

Hon. Mr. SCOTT—Is this the Bill Mr. Clergue is interested in, from Sault Ste. Marie ?

Hon. Mr. DANDURAND—No, it is not. I was in the Commons when this Bill came before them, and I may inform the House that the road starts from Manitoulin Island, and the intention is to build it as far as Sudbury, in order to allow the ore to come to the water front, and to develop that part of the country. Manitoulin Islands have been clamouring for a number of years for railways which would bring them in contact with civilization. For a number of months they cannot cross over to the mainland and they hope by the construction of this railway to see their fertile lands settled to a considerable extent

Hon. Sir MACKENZIE BOWELL—Do they propose to bridge the portion of the Georgian Bay at Little Current ?

Hon. Mr. DANDURAND—Yes.

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

THE POST OFFICE AT MONTMAGNY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What part of the Montmagny post office is rented, and on what flat are the rooms that are leased?
2. What is the amount of the rental?
3. What are the names of the parties who have leased those rooms, and how much each of them do pay?
4. Are there any other parts of the Montmagny post office which are occupied by parties who pay nothing for such occupation?
5. Who are such parties, and what rooms do they occupy?

Hon. Mr. MILLS—I have received the following answer to the hon. gentleman's question : The following rooms are rented—viz. : Ground floor. One room to 'La Banque Nationale.' Rent, $60.00 per annum. One room to Council of St. Thomas Parish. Rent, $30.00 per annum. First floor. One room to Catholic Order of Foresters. Rent, $30.00 per annum. There is also on this floor a large room which is rented, from time to time, as a concert hall. Two rooms on ground floor are occupied, free of charge, by the Municipal Corporation of Montmagny one as the Municipal Council Hall, and the other for housing the fire apparatus of the town. As per arrangement contained in Order in Council dated April 14, 1898, the Corporation of the Town of Montmagny retained the right to occupy two rooms in the building, as above stated, in consideration of a free transfer of lot on which the building is situated.

BILLS INTRODUCED.

Bill (114) 'An Act respecting the Toronto Hotel Company.'—(Hon. Mr. Allan.)

Bill (101) 'An Act respecting the Nipissing and James Bay Railway Company.'—(Hon. Mr. McMillan.)

Bill (139) 'An Act to amend the Land Titles Act, 1894.'—(Hon. Mr. Scott.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 17, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (H) 'An Act respecting the Great Eastern Railway Company.'—(Hon. Mr. Owens.)

Bill (I) 'An Act respecting the Montreal Bridge Company.'—(Hon. Mr. Owens.)

Bill (73) 'An Act respecting the Restigouche and Western Railway Company.'—(Hon. Mr. McKay.)

Bill (71) 'An Act respecting the Dominion Cotton Mills Company, Limited.'—(Hon. Mr. Forget.)

Bill (35) 'An Act to incorporate the Comox and Cape Scott Railway Company.'—(Hon. Mr. MacDonald, B. C.)

Bill (98) 'An Act respecting the Yarmouth Steamship Company, Limited.'—(Hon. Mr. Lovitt.)

BRITISH AMERICAN PULP AND PAPER COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. LANDRY moved concurrence in on Miscellaneous Private Bills, reported Bill (U) 'An Act to incorporate the British American Pulp and Paper Company' with amendments.

Hon. Mr. LANDRY, moved concurrence in the amendments.

The motion was agreed to.

Hon. Mr. LANDRY moved the suspension of rule 70, so far as the same relates to this Bill.

Hon. Mr. POWER—I regret that I should be called upon to do anything that might cause the hon. gentleman from Stadacona any dissatisfaction, but I feel it my duty to object to the suspension of the rule in this case.

Hon. Mr. LANDRY—If the hon. gentleman objects, I shall withdraw the motion.

Hon. Mr. POWER—I was going to say why I objected. The committee have made improvements in the Bill, but this House should consider whether they should allow a company, incorporated for the purpose of conducting pulp manufacturing, to build railways in various portions of the province of Quebec, and it is in order to give hon. gentlemen an opportunity to consider that question that I take the objection.

Hon. Mr. LANDRY—In answer to the objection made by the hon. gentleman, I call his attention to the fact that that power has been taken out of the Bill. They are now limited to a tramway to connect one mill with the other. They have no right to build an ordinary railway from one point to another. If that is the only objection the hon. gentleman has, he might drop it. However, the hon. gentleman has a right to object, and if he insists upon his objection, I shall move that the Bill be read the third time to-morrow.

Hon. Sir MACKENZIE BOWELL—This is one of the cases where necessity exists for an explanation of the character of a Bill when it is introduced by any member of the Senate. When the hon. gentleman moved the second reading of the Bill he proposed it should go to the Committee on Railways, Telegraphs and Harbours. The Senate, having no information as to the full character of the Bill, said: No, we will send it to the Committee on Private Bills, it being a Bill simply to incorporate a pulp company, but when the committee considered the Bill this morning, they found there was a clause in the Bill giving very extraordinary powers for the construction of tramway lines to be worked by electric power. It went so far as to give power to this company to construct these roads from Chicoutimi to Montreal, through different parts of the province of Quebec. That was objected to. Then the hon. gentleman from Stadacona waived the right to go to Montreal, limiting the balance of the clause for the construction of railways in connection with their enterprise.

Hon. Mr. MILLS—One mill might be many miles from the other.

Hon. Sir MACKENZIE BOWELL—To what extent that power would enable them to go, I am not prepared to say. That question was not discussed. The hon. gentleman from Stadacona probably could inform the House: but I merely rose to call attention to a request that I have individually made very often, when a member is introducing a Bill, that he should explain to the House the full powers asked for under the Bill. The hon. gentleman admitted, in the committee to-day, that in the notice asking for incorporation of this company nothing was said about the railway; consequently, there may be other railways which would be affected by the power given under the clause in the Pulp Mill Bill. These are deductions one may draw without knowing all the facts. Perhaps by to-morrow the hon. gentleman may be able to satisfy the Senate that there is no extraordinary power given by the Bill.

Hon. Mr. LANDRY—When I introduced the Bill, as the hon. leader of the opposition has said, I proposed to refer it to the Committee on Railways, because last year that Bill was brought up in the last days of the session, and was referred to the Railway Committee, and therefore I took a similar course this year. It was not passed last year because the committee could not get a quorum. It came up again this year.

and I adopted the same course that was followed last year in referring it to the Railway Committee. In reply to the hon. leader of the opposition, I may say that I never admitted in committee what he says I admitted, that the public notices did not cover the Bill. It was not this Bill. It was another one.

Hon. Sir MACKENZIE BOWELL—I stand corrected.

Hon. Mr. LANDRY—I move that the Bill be read the third time to-morrow.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. CASGRAIN moved :

That when the Senate adjourns to-day, it do stand adjourned until Monday, the 4th of June, at 3 o'clock in the afternoon.

He said : The hon. leader of the House, promised to give an answer to-day whether we should adjourn or not.

Hon. Mr. MILLS—I see at present no objection to adjourning to-day when the House adjourns, until Wednesday the 30th of May, at 3 o'clock in the afternoon. We have been in session for a long time—since the first of February. The House of Commons, so far, has not been making very rapid progress, but for the remainder of the session they may get on very rapidly, and we have several Bills that require careful consideration. For instance, the measure relating to the elections, which is a somewhat long Bill, although there are not many new features in it ; the Bill relating to the Banking Act, which will occupy a good deal of time, and also a measure relating to the warehousing of the grain of Manitoba and the North-west Territories. All these Bills are pretty long, and will require considerable attention on the part of the Senate. Therefore, while I should be pleased to adjourn until the date mentioned by the hon. gentleman, I understand that it does not make very much difference to the maritime men whether we adjourn to May 30, or June 4 : if we adjourn only until the 4th of June they would be obliged to leave home nearly as early as if we adjourned until Wednesday the 30th of this month. However, I am not wedded to that particular day. Within that period we are in the hands of the House and our wish is to meet the expectation of hon. gentlemen.

Hon. Mr. DEVER—Gentlemen who go to the lower provinces could not very well get here on Monday, unless they left their homes on Saturday. I would say Wednesday the 6th of June—either that or the proposition of the Minister of Justice.

Hon. Mr. MILLS—I might say, further, the reason I spoke about sitting longer than to-day was that I hoped that a Supply Bill would be presented to-morrow for our approval. Of that there is not any prospect now, unless we remain here until Monday. I have no doubt, if the payment of certain officers can be made without the formal sanction of this House before we meet again, as they are officers in the public service, that the proposed payment, with the approval of the Auditor General, will be sanctioned by the Senate. Although the proceeding is not strictly regular, it is, nevertheless, one which I presume they will approve of as a matter of course. If that statement is concurred in by the House, perhaps the Auditor will venture to carry out the wishes of the House without its being put in the form of an Act.

Hon. Sir MACKENZIE BOWELL—I do not think any possible objection would be taken. I have made some inquiry to-day of members of the House of Commons as to the probable length of the debate in the other Chamber, and from what I can learn, if we wait until that supplementary estimate comes down, we shall remain here until the 24th of May, and perhaps longer. There is no telling when the debate will end. Then, I learned, as the Minister of Justice has told us, that the appropriation for legislation—not for the ordinary civil service, but for carrying on legislation—had been exhausted, and that the sum asked for is to pay the officers of both Houses. If the Auditor General has qualms of conscience as to whether he would be justified in advancing the sum until the Senate had approved of the appropriation, I do not think the Senate would object, under the circumstances, to indemnify him if it should be necessary to do so, and therefore that need not stand in the way of an adjournment as proposed by the hon. gentleman opposite ; whether it should be to the 30th of May or the 4th of

June is a matter for the House. I think the Auditor General may rest assured that any appropriation of that kind which comes up will be voted by the House without any difficulty.

Hon. Mr. BOLDUC—From the remarks made by the leader of the opposition, it seems to me we will be sitting here for a couple of months more. If the discussion going on at present in the House of Commons should last a couple of weeks, then July will see us here, and I would suggest instead of June 4 that it should be Wednesday the 6th of June.

Hon. Mr. BAKER—The question of adjournment was discussed in the Railway Committee this morning informally, and in anticipation of the action of the Senate, it was thought that the longest adjournment would be to the 5th of June, and it was decided that a Bill, which is engaging the attention of a good many people, would be taken up on the 6th. Notice has already been given to the parties to that effect, but I can change that notice.

Hon. Mr. CLEMOW—I should like to bring to the notice of hon. gentlemen the fact that there is a divorce Bill which has been hung up for the necessary time.

Hon. Mr. LANDRY—The relief cannot be given until the Governor General sanctions the Bill.

Hon. Mr. CLEMOW—I do not like to see those Bills treated as they have been. The people pay their money and, as we all know, it is an expensive business to get a divorce Bill, and their cases ought to be considered. I mention it, so that they will know, if any obstruction takes place owing to this adjournment, who are to blame for it.

Hon. Mr. LOUGHEED—It is not the fault of the Senate that this Bill has been delayed, but the fault of the applicants. They were late in their notice of application; consequently the Senate is in no way involved in the delay.

Hon. Mr. CLEMOW—That is true, but the Bill has been hung up for fourteen days. If there should be sufficient time to get the Bill through the House of Commons after we meet again, I have no objection.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. BOLDUC—I move that Wednesday, the 6th day of June be substituted for the 4th day of June in the motion.

The amendment was agreed to, and the motion as amended was adopted.

BILLS INTRODUCED.

Bill (151) 'An Act to amend the Act relating to Ocean Steamship Subsidies.'—(Hon. Mr. Mills.)

Bill (112) 'An Act to incorporate the Quebec and Lake Huron Railway Company.'—(Hon. Mr. Landry.)

QUEBEC SOUTHERN RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders and Private Bills, presented their 20th report recommending the suspension of rule 54 so far as it relates to the Bill (75) 'An Act to incorporate the Quebec Southern Railway Company.' He said: In regard to this Bill, no peitition for it was sent to the Senate. It was explained to us that by mistake the petition was sent to the House of Commons, and the Committee recommend that the rule be suspended and that the Bill be allowed to pass.

The report was adopted.

BRITISH-AMERICAN PULP AND PAPER COMPANY'S BILL.

THIRD READING.

Hon. Mr. POWER—At the request of the hon. gentleman from Stadacona (Hon. Mr. Landry) who has charge of this Bill, I wish to say that I withdraw my objection to the third reading.

Hon. Mr. LANDRY—I tender my thanks to the hon. gentleman, and I move that the Order of the Day fixing the third reading for to-morrow be reconsidered and that the Bill be now read the third time.

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

NOVA SCOTIA STEEL COMPANY'S BILL.

THIRD READING.

Hon. Mr. McKAY moved the third reading of Bill (24) 'An Act respecting the Nova Scotia Steel Company.'

Hon. Mr. DICKEY—I would like to ask the hon. Minister of Justice if the government has taken into consideration and is prepared to-day to give a decision with regard to this measure ?

Hon. Mr. MILLS—I have looked over the Bill with a good deal of care, and it does not seem to me to go further than some of our Bills which have been introduced here before, so far as the general principle or policy is concerned. Last year, in the general Bill for the union of loan companies, we gave powers similar to those conferred by this Bill. Whether the policy of uniting mining companies would be advantageous or not, I am not going to discuss at all. All I can say is that parliament has heretofore, on many occasions, permitted this: The only thing that I see in the Bill that seems to me questionable is a question of ultra vires that arises with reference to the proposed transfer of franchises, which, on a reconsideration of the General Loan Companies Act of last year, I came to the conclusion—and that view is supported by eminent lawyers—that we cannot transfer franchises that have been conferred by another legislative body.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. MILLS—That I think is very clear. The franchise conferred by the province is a distinct franchise from anything that can be conferred by us, and we cannot, under one charter, unite those two franchises and constitute a single company. The franchises will still be the franchise of the companies incorporated by the province, but you can authorize such an incorporation to transfer its property and business and rights, so far as assets are concerned, to another company incorporated by another body, but the company, in the abstract, as created by the Act of Incorporation, would remain, if it were a company incorporated by another legislative body. As I understand it, some of these companies have been called into existence by the local legislature. Their franchises are derived from the local legislature, and they cannot be transferred to a company created by the Dominion, unless the legislature that called into existence the company were to give power to the company to do an act of that sort. I think that all that could be done, without some special authority of that sort, would be to transfer the property and assets and business. That, I understand, is practically what will be done in this case, and I understand that it is a matter of great interest, that negotiations have been carried on, and there is a large amount of money ready to be invested, and that it was almost vital to the parties that this measure should not be further hindered or delayed, and under these circumstances I do not feel warranted in delaying the measure. All I do is to call the attention of the promoters of the Bill to the fact that if the union is to be effected between companies incorporated in England and the Dominion, or of companies incorporated in the provinces and the Dominion, that the franchises of the different corporations cannot be united under the jurisdiction of one company—that a Dominion company cannot have its franchise enlarged in that way.

Hon. Mr. LOUGHEED—While I agree with the doctrine laid down by my hon. friend generally, with regard to the question of franchises, yet I think my hon. friend has taken too comprehensive a view of the construction that would be placed by, say, a court of law upon the Bill before us. It does not purport to say, or this Bill does not give it power to absorb the franchises granted by a local legislature, and, therefore, I think the canon of construction which would be applicable to this Bill would be that this parliament meant, or intended, that it would only acquire other franchises granted by the federal parliament and not by a local parliament. It seems to me that in the absence of any express provision as to its power to acquire local franchises, no other construction could be placed upon the Bill than that which I have indicated, that that it would be necessarily limited to that.

Hon. Mr. DICKEY—Is there, or is there not, any objection on the part of the government to the Bill being carried ?

Hon. Mr. MILLS—No, the government does not make any objection.

Hon. Mr. DICKEY—The House will recollect that, on the former occasion on which I had the honour to address it, I stated that it was a point of state policy, and that I should leave the matter entirely in the hands

of the government who have assumed the responsibility and acted upon it, and as the government are not asking the House to reject the Bill, I shall certainly not feel myself warranted in taking any further action in the matter.

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

SECURITIES FOR SEED GRAIN ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (143) 'An Act to amend the Act respecting securities for seed grain indebtedness.' He said: Last session an Act was passed authorizing the Minister of the Interior, when he was satisfied that the land which had been given as security for the advance of money to purchase seed grain was a sufficient protection to the Crown, to discharge the sureties. That was a permissive power, and it is proposed now by the Bill that the sureties in all cases shall be discharged, retaining only the land as a security for the original grant. I find, on looking over the records of the debt, that there has been a very considerable absence of any principle that has prevailed. I have a short summary in my hand with reference to dealing with the seed grain indebtedness. In 1886-7-8, advances of seed grain were made to settlers, the government taking bonds. They did not always take sureties. Sometimes they simply took the land as security. These transactions were carried on at Winnipeg and not at the head office. In 1894, advances of seed grain were again made to settlers, secured by liens and bonds, as was done in 1886. In many cases the sureties have left the country, and in other cases they were insolvent, and it is found that the fairer way will be to release the sureties in all cases, holding only the lands where the lands are held by the Crown, and in order to remove any question as to the discretion of the minister I propose, when the Bill goes to committee, to insert the word 'all' in the Bill, so that it will read in this way:

The Governor in Council may discharge from liability all persons who are liable to the Crown as sureties upon bonds given to secure payment for seed grain furnished by the Crown to persons in the North-west Territories.

Hon. Mr. DICKEY.

Hon. Sir MACKENZIE BOWELL—Would it not be better to substitute the word 'shall for 'may'?

Hon. Mr. SCOTT—My hon. friend knows what the word 'may' in an Act means. The Crown never use any other word than 'may.' All persons will be on the same plane. The Bill consists of only four lines, and perhaps, by permission of the House, we might take the second and third readings to-day.

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

Hon. Mr. SCOTT moved that the Bill be read at length at the Table, and that the word 'all' be inserted in the Bill before the word 'liability.'

Hon. Mr. PERLEY—I quite agree to the Bill as it now stands. I was proposing to offer an amendment, but after the explanation given by the hon. Secretary of State, I have nothing to say.

The Bill was then read at length at the Table.

Hon. Mr. SCOTT—My hon. colleague suggests that it would be more correct that the House should go into Committee of the Whole on the Bill.

Hon. Mr. McCALLUM—What is the great hurry?

Hon. Mr. SCOTT—It is only four lines.

Hon. Mr. McCALLUM—We might as well leave it till we meet again.

Hon. Mr. PERLEY—Some importance is attached to the Bill, from the fact that persons cannot obtain their patents until they are relieved from this security.

Hon. Mr. McCALLUM—Then, in that case, let us go on with the Bill.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—Has it been the practice of the department to refuse the issue of a patent to a settler who had become security for another settler, though his full time had expired which was necessary under the law to entitle him to a patent? I understood from the hon. gentleman behind me just now that that was

one of the reasons why he was urging the passage of this Bill at once, so as to enable the sureties who had complied with the laws in every other respect to obtain their patents.

Hon. Mr. SCOTT—I questioned Mr. Rothwell, the solicitor of the department, and he tells me that the practice has not been uniform. They had not sufficient data to guide them. The records in Winnipeg had not been kept with care in former years. In many cases, the patents have been issued, and the sureties practically discharged, and it was thought proper to place them all on the same level.

Hon. Mr. BERNIER, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed.

TORONTO HOTEL COMPANY'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (114). 'An Act respecting the Toronto Hotel Company.' He said: I desire to give the reasons why, though it appears to be a private Bill for the incorporation of a hotel company, this Bill should be presented to this parliament. There are provisions in the Bill affecting loan companies and the banks. There are certain loan companies who have, as I am informed, made loans on portions of the property which this hotel company proposes to purchase, and also the banks have made advances on them. The Bill gives power to the loan companies and to the banks to continue their loans on the hotel property. Therefore, I propose to refer it to the Committee on Banking and Commerce, because it refers particularly to money matters and commerce.

Hon. Mr. MILLS—It practically amends the charters of other companies, and authorizes the dealing with trust funds, a very important matter for the Banking and Commerce Committee to consider.

Hon. Mr. McCALLUM—The hon. leader of the opposition has told us that all private Bills introduced here should be explained at the second reading. I am not satisfied with his explanation of this Bill. Why does this Bill come here at all? It is a local matter altogether. It is a matter affecting Toronto. Why not get a charter there to carry on the business without coming to parliament?

Hon. Sir MACKENZIE BOWELL—It comes here because, as the hon. Minister of Justice has just stated, it interferes with the loaning powers of banks and loan companies acting under Dominion charters. If it were merely a local Bill, for the purpose of purchasing property and erecting a hotel in the city of Toronto, then there would be no necessity for coming to this parliament for a charter; but it interferes with the operations of banks and loan companies acting under Dominion charters.

Hon. Mr. McCALLUM—That explanation is satisfactory as far as it goes. I think it would be a bad thing for the people of Canada that these financial institutions should get power to build hotels. I do not think it is right that they should have that power. I do not happen to have much bank stock, but I know some who have, and I do not think it is right to give those banks power to invest the stockholders' money in hotel speculations. If we adopt the motion for the second reading of the Bill, we adopt the principle of it. Now, I protest strongly that this Bill should not come here at all. It is a matter altogether for the local legislature. The Bill provides:

> The Ontario Companies Act (chapter 191 Revised Statutes of Ontario) shall apply and relate to the said company as if the several provisions thereof were incorporated herein, excepting sections 9, 10, 12, 14, 15, 23, 24, 98, 99 and 101.

My hon. friend did not tell us what effect this has. I am sure I do not know, and before supporting the second reading of the Bill, we should know something about it. I do not intend to oppose the second reading, but I think we should have an explanation, according to the doctrine laid down by my hon. friend. I may have a Bill here some day myself. It may be an orphan, and my hon. friend may expect me to give all possible explanations about it. I wish to protest against the bankers of this country taking the money of the people and speculating with it in hotels. It is a principle which should not be allowed.

Hon. Mr. POWER—Although I am strong in my own faith, I agree with my hon. friend in being a strong protestant on this subject.

Hon. Sir MACKENZIE BOWELL—I am not going to prolong the discussion. I was asked to move the second reading by my hon. friend from Toronto (Hon. Mr. Allan) who made this explanation to me. The clauses of the Act to which he refers, as I understand them, are to give additional power to the banks and to the loan companies to loan money, or to take security for loans of money, on this building which is to be erected. As far as the principle of the Bill is concerned, I am very much of the opinion of the hon. gentleman who has spoken, and I told one of the directors from Toronto, when he spoke to me a short time ago, that I had very grave doubts as to the propriety of allowing loan companies, who are handling the money of other people, to invest in hotel property. The reason I gave for it was, that some of the largest and most extensive hotels in the Dominion at the present time had been unprofitable for a great number of years, and if loan companies cannot obtain some return for the money they invest, the stockholders must necessarily suffer. So far as I understand the Bill now, I am very much inclined to the opinion of the hon. gentleman from Monck, and that is one reason why I shall ask the House, when the time comes, to refer it to the Committee on Banking and Commerce, which deals exclusively with banking and loan companies.

Hon. Mr. CLEMOW—I agree entirely with the remarks of the hon. leader of the opposition. If we carry this principle further, almost every transaction would come under our jurisdiction. Banks give accommodation and get security. The banks have sufficient power now, under the Banking Act, to carry on the legitimate business of banking. I do not think they should go beyond it. This is purely and simply a local Bill, which should be dealt with by the legislature at Toronto. I strongly believe it will not be assented to by the Committee on Banking and Commerce.

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

The Senate adjourned.

Hon. Mr. McCALLUM.

THE SENATE.

Ottawa, Wednesday June 6, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

LAND TITLES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (139) 'An Act to amend the Land Titles Act, 1894.' He said: This Bill is of a somewhat technical character, and has been asked for by the lawyers in the North-west. It is amending and explaining various clauses of the Land Titles Act, fifty-four different sections. Probably the better way to proceed will be to give the explanation in committee. The first clause removes doubts which existed since the repeal of the Title's Act, in 1894, as to the proper proceedings for discharging mortgages and loans on land. The second clause provides that writs against land which have been registered in the district shall not bind the land for a longer term than two years, unless renewed from that date.

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

LIVE STOCK RECORD ASSOCIATIONS INCORPORATION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (134) 'An Act respecting the incorporation of Live Stock Record Association.'

(In the Committee.)

Hon. Mr. SCOTT—This Bill is asked for at the instance of the live stock associations, particularly that association having in view the improvement of high class live stock. It appears the pedigrees are not recognized in the United States where companies are incorporated under provincial register, and it is for the purpose of overcoming that difficulty. It does not interfere in any degree with the live stock associations that are already incorporated. It in no way disturbs or affects them. It simply gives to a Dominion association the

right to associate as they please for the benefit of the individual and for no other purpose. It is a formal Bill, simply giving an opportunity for breeders to associate themselves under letters of association from the Minister of Agriculture.

Hon. Sir MACKENZIE BOWELL—The the object is, I suppose, to have an authorized stock-book ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—So that we can trace the pedigree of all cattle presented therein—a stock-book similar to that which exists in the United States and England?

Hon. Mr. SCOTT—Yes, that is it. The United States will not recognize pedigrees unless they are verified by the association.

Hon. Sir MACKENZIE BOWELL—Have we not a Canada stock-book now ?

Hon. Mr. SCOTT—I do not think they are incorporated by the Dominion. I think they are incorporated under general laws in the province of Ontario. I do not think there is any special Act.

Hon. Mr. KIRCHHOFFER—Are these the same people that are in the other associations who are now applying for incorporation ?

Hon. Mr. SCOTT—It is open to any parties who are interested in live stock to form an association under this Bill.

Hon. Sir MACKENZIE BOWELL—I intended to look at some two or three volumes of stook-books that I have at home, in which are recorded the pedigrees of cattle in Canada, but I must confess that I forgot to look at it to see how far this Bill would affect it, or whether it would establish an additional record of the stock for the whole Dominion. I do not know that any harm will come of it.

Hon. Mr. SCOTT—It is a permissive Bill for those who choose to take advantage of it. It does not affect any other corporation.

On clause 4,

Hon. Mr. WOOD—If I understand the hon. gentleman aright, clause 4 is not intended to interfere with any of the associations that are formed now.

Hon. Mr. SCOTT—It does not affect them.

Hon. Mr. WOOD—The associations now in existence are not under this Act, but if another association should be formed under this Act, would it not interfere with the existing one ?

Hon. Mr. SCOTT—If, for instance, breeders of Ayrshire cattle all over the Dominion wished to associate themselves together as one body, they could incorporate under this Bill, and so with any other stock breeders. This Bill enables those who are interested in a particular breed of cattle to associate together for the purpose of keeping up the record of that particular breed.

Hon. Mr. WOOD—I understand that, but the minister did not catch the point I was making. Take, for instance, the Ayrshire breed. I think there is an association now in existence of Ayrshire breeders, and a stock-book. I know there is a Shorthorn association, because I am connected with it.

Hon. Mr. SCOTT—They would not want to come under this.

Hon. Mr. WOOD—The point I was making was this, that under this Bill there could be another association formed? The association in existence is not under this Bill. There could be only one under this measure. Where an association is already in existence, you authorize another one under this Bill.

Hon. Mr. SCOTT—This is for the whole Dominion. It is asked for by those who want a Dominion association for the benefit of any particular breed.

Hon. Mr. McMILLAN—Can you have more than one ?

Hon. Mr. SCOTT—No, not of that particular class of animals. It is limited to one.

Hon. Mr. KIRCHHOFFER—Will not the two clash, those in existence now and those to be formed under this Bill ?

Hon. Mr. SCOTT—The object of this association, as I have explained, is that the breeders of each particular class of animals can form a Dominion Association if they like. It does not interfere with any existing associations, or any which may be formed in

the future under provincial laws. It is entirely at the instance of special breeders that this has been asked for. It can do no harm to others.

Hon. Mr. KIRCHHOFFER—Probably of persons who could not get their cattle into existing stock registers. They will perhaps be able to run in animals that fault was found with and which could not be registered in other herd-books.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Westmoreland asks a pertinent question. I do not think the Secretary of State quite understood it. He says there is an association now of cattle breeders of Shorthorns, to which he himself belongs.

Hon. Mr. MILLS—Dominion or local ?

Hon. Mr. WOOD—Dominion.

Hon. Mr. SCOTT—They would not come under this.

Hon. Sir MACKENZIE BOWELL—Suppose parties in New Brunswick form another association under this Bill, with books that are printed giving a record of the particular class of cattle which the incorporation gives them power to establish, which record book is to be the authorized reference if a man is buying and desires to have a pedigree of his purchase ? A man may have an animal that the present association would reject and would not record as a pure-bred animal, and might gain admission to the new association. How is the purchaser to know which is the proper register ? I think the present registration gives general satisfaction, I am at a loss to know why the individual breeders of any particular class of cattle require a special association and a special record of the cattle they raise. The book that is now printed and has been printed for some years, if my memory serves me right, by the Provincial Agricultural Association of Ontario, contains a record of the pedigrees of the particular classes of cattle in which people deal. Now, you are going to have a lot of separate associations throughout the Dominion in the different districts, and the idea suggested itself to me before, but has been more clearly defined by hon. gentlemen around me, as to the conflict which might arise and the difficulties it would raise in securing a proper register of pure bred cattle.

Hon. Mr. SCOTT—I have here a memo. from Mr. Fisher on the subject :

> In negotiations with the United States to secure recognition by their customs authorities of our registration of live stock, so as to secure free entry for thoroughbred stock, they refused to recognize our provincial associations, but I have reason to believe they would recognize a Dominion association. My live stock commissioner, Mr. Hodson, has been discussing this matter with the live stock men of Ontario, and has their endorsation of the request.

This Bill does not interfere in any way with the various provincial associations, which can still go on with their work, but provides for their becoming Dominion associations, if any of them choose, or they all choose, by means of a combination. At present, most of the live stock associations in Canada are entirely Ontario ones, and they have expressed at meetings held this winter, at which Mr. Hodson was present and discussed the matter, their approval of this Bill. It seems to me this Bill is in the interest of breeders.

Hon. Mr. WOOD—I would suggest that this clause 4 should stand for the present, and the minister's attention be called to it. I am really raising the objection in the interest of the Bill. If the clause said that an association should not be incorporated under this Act where a Dominion association already exists, I could understand it.

Hon. Mr. SCOTT—There is no other Dominion association that I am aware of. If there is such a one, this Act does not interfere with it at all. For instance, if there is already a Shorthorn association prevailing over the Dominion, the minister would not permit an incorporation under this Bill. There would be no reason for it. It is only where none exists, and it must be limited to each class of animals.

Hon. Mr. WOOD—The difficulty might arise with persons dissatisfied with the present association, who might wish to form an association under this Act, and they could do so.

Hon. Mr. SCOTT—Does the hon. gentleman wish the clause to stand ?

Hon. Mr. WOOD—Yes.

The clause was allowed to stand.

Hon. Mr. TEMPLEMAN, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

OCEAN STEAMSHIPS SUBSIDIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (151) 'An Act to amend the Act relating to Ocean Steamship Subsidies.' He said: This Bill provides for a renewal, for a further period of ten years, of the contract for steamship services between British Columbia, China and Japan.

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

SECOND READINGS.

Bill (112) 'An Act to incorporate the Quebec and Lake Huron Railway Company.'—(Hon. Mr. Landry.)

Bill (101) 'An Act respecting the Nipissing and James Bay Railway Company.'—(Hon. Mr. McMillan.)

Bill (75) 'An Act to incorporate the Quebec Southern Railway Company.'—(Hon. Mr. Dandurand.)

BILLS INTRODUCED.

Bill (170) 'An Act to amend the Act respecting the Merchant's Bank of Halifax, and to change its name to the Royal Bank of Canada.'—(Hon. Mr. Power.)

Bill (125) 'An Act respecting the Algoma Central Railway Company.'—(Hon. Mr. Watson.)

Bill (149) 'An Act respecting the inscribed stock of Canada in the United Kingdom.'—(Hon. Mr. Scott.)

Bill (150) 'An Act respecting the Salisbury and Harvey Railway Company.'—(Hon. Mr. Baird.)

Bill (100) 'An Act respecting the Buffalo Railway Company (foreign).'—(Hon. Mr. McCallum.)

Bill (146) 'An Act to enable the city of Winnipeg to utilize the Assiniboine water power.'—(Hon. Mr. Watson.)

Bill (20) 'An Act respecting the British Yukon Mining Trading and Transportation Company, and to change its name to the British Yukon Railway Company.'—(Hon. Mr. Clemow.)

Bill (81) 'An Act to incorporate the Accident Guarantee Company of Canada.'—(Hon. Mr. Casgrain, de Lanaudiere.)

Bill (55) 'An Act to incorporate the Canadian Banker's Association.'—(Hon. Mr. Kirchhoffer.)

Bill (161) 'An Act to amend the Acts respecting interest.'—(Hon. Mr. Mills.)

THE NICKEL STEEL COMPANY OF CANADA INCORPORATION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (68) 'An Act respecting the Nickel Steel Company of Canada.'

The Bill was read the first time.

Hon. Mr. KIRCHHOFFER moved that the Bill be read the second time on Friday next. He said: When my name was first mentioned in connection with this Bill, I had a vivid recollection of the last great steal that was before this House, and I objected to taking charge of it, but I observe that the word is spelled 'steel' in the present Bill, and I therefore have no objection to it.

The motion was agreed to.

COLD STORAGE CONTRACTS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (152) 'An Act to authorize contracts with certain steamship companies for cold storage accommodation.'

Hon. Mr. SCOTT—This measure authorizes the government to enter into contracts with the Allan and the Reford companies for this year and next year.

Hon. Sir MACKENZIE BOWELL—Only for two years?

Hon. Mr. SCOTT—Yes, only for two years.

Hon. Sir MACKENZIE BOWELL—Are the contracts confined to any amount?

Hon. Mr. SCOTT—Not to exceed $28,750 a year.

The Bill was read the first time.

EXPROPRIATION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (160) 'An Act to amend the Expropriation Act.'

Hon. Mr. SCOTT—The Bill simply reduces the rate of interest to be paid, from 6 to 5 per cent, in accordance with another Bill which is before parliament reducing the rate of interest on claims of that kind.

Hon. Sir MACKENZIE BOWELL—I understood that the Bill introduced by the Finance Minister reduced the legal rate of interest from 6 per cent, to 5 per cent in case of a judgment, and where no bargain was made ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Then it would not be under similar circumstances. This Bill is to place judgments obtained through the Exchequer Court in the same position as though they were under the general Act.

Hon. Mr. SCOTT—This applies to cases where an expropriation is made and the Crown takes possession of the property and does not pay over the money at the time. The Crown is liable to pay 5 per cent, instead of 6 per cent as heretofore.

Hon. Mr. McMILLAN—It is not retroactive ?

Hon. Mr. SCOTT—No.

The Bill was read the first time.

DOMINION ATLANTIC RAILWAY COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (83) 'An Act respecting the Dominion Atlantic Railway Company.'

Hon. Mr. POWER moved that the Bill be read the first time.

Hon. Sir MACKENZIE BOWELL—I see this is a voluminous Bill, and I should like to know what its object is ?

Hon. Mr. POWER—It is simply intended to consolidate the existing Acts relating to the Dominion Atlantic Railway Company in Nova Scotia, and to make some changes in the law.

The Bill was read the first time.

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to know, from any one of the ministers, if that return to an address for all petitions and correspondence in connection with the Gaspé Short Line Railway, for which I moved some time ago, has been prepared ? If not, can any of the ministers say whether it will be ready before the Railway Committee meets ?

Hon. Mr. MILLS—We promised the hon. gentleman to bring the return down. I will make immediate inquiry; I have not received it.

Hon. Mr. LANDRY—An address was voted by this House for the return.

Hon. Mr. SCOTT—What department would it be with ?

Hon. Sir MACKENZIE BOWELL—It ought to be with the Department of Railways.

Hon. Mr. LANDRY—I should like to know, also, if that solitary document which the vigilant eye of the Secretary of State caught one day on the table of the Executive Council has been found, and if we can expect to have it placed on the Table of this House during the present session ?

Hon. Mr. SCOTT—Which one was that ?

Hon. Mr. LANDRY—The correspondence relating to the Manitoba school question.

Hon. Mr. SCOTT—Since the last return was brought down ?

Hon. Mr. LANDRY—Yes. Perhaps, also, the hon. minister would be good enough to complete the return which he submitted the other day in connection with the Montmagny post office. The deed has been produced, but the titles which the deed recites are missing.

Hon. Mr. SCOTT—That would be in the Post Office Department, I suppose ?

Hon. Mr. LANDRY—In the Public Works Department.

Hon. Mr. SCOTT—I will inquire about it.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 7, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

ROYAL TRUST COMPANY'S BILL.

WITHDRAWN.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, to whom was referred Bill (D) 'An Act respecting the Royal Trust Company,' reported that the promoters desired not to proceed further with the measure this session, and recommended that the fees paid by the promoters of the Bill be refunded, less the expense incurred in printing the Bill.

The report was received.

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

The motion was agreed to.

THE POSTMASTERSHIP OF NEW WESTMINSTER, BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL, in the absence of Mr. Macdonald (B.C.) inquired:

If Mr. Brown, who has accepted a provincial office, has resigned the postmastership of New Westminster, British Columbia? If so, has it been accepted unreservedly?

Hon. Mr. MILLS—I may say that Mr. Brown, the late postmaster in New Westminster, B.C., resigned the postmastership of that office. In reply to the second portion of the question I may say that his resignation has been accepted unreservedly.

CLAIMS OF MACKENZIE & MANN.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired:

1. Has any claim or claims been made by Messrs. Mackenzie & Mann for compensation, by the government, for alleged expenditure incurred by them on account of the non-ratification by parliament of a contract entered into by them and the government for the construction of a railway from the waters of the Stikine River, in British Columbia, to the waters of Teslin Lake?

2. Does the government admit or recognize that any legal or equitable claim exists on the part of the said Mackenzie & Mann, arising out of the non-ratification of the said contract?

3. What sum has been claimed in payment of such expenditures, disbursements and losses, and what evidence has been laid before the government sustaining such claims?

4. Has the government taken any action in connection with such claims? If not, do they propose doing so?

Hon. Mr. MILLS—I may say, in reply to the first question of my hon. friend opposite, that the answer is yes. In answer to the third question, I may say that the amount and interest is $303,433.24. The evidence produced in support of the claim consists of vouchers duly certified, approved and receipted and in nearly all cases the retired bank cheque is attached. In answer to the fourth question, I may say that no decision has yet been arrived at in respect of this claim, and therefore my hon. friend will see that I am not in a position to answer the second question.

Hon. Sir MACKENZIE BOWELL—Then the matter is still under consideration?

Hon. Mr. MILLS—The matter is still in the hands of the government and has not yet been concluded.

SENATORS GOWAN AND SULLIVAN.

Hon. Mr. MILLS—Before the Orders of the Day are called, I might say a word or two which, I am sure, will meet with the hearty approbation of hon. gentlemen on both sides of the House. I am pleased to see that my hon. friend, the Senator from Barrie (Hon. Mr. Gowan), and my hon. friend the Senator from Kingston (Hon. Mr. Sullivan), both of whom have been somewhat indisposed for some time, are able to be present here with us again. The hon. gentlemen have performed, both of them, long and important public services as members of this body, and I am sure that I but express the sentiment of hon. gentlemen on both sides of the House when I say we are pleased to see them here, and it will be a matter of congratulation with every member of the Senate that those hon. gentlemen should long enjoy such health as will enable them to adorn the positions which they occupy in this House. (Applause).

LAND TITLES ACT AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole on Bill (No. 139) 'An Act to amend the Land Titles Act, 1894.'

(In the Committee.)

On the 1st clause,

Hon. Mr. SCOTT—Some doubts have existed whether the repeal of what was known as the Territories Real Property Act of 1894, affected proceedings that were then being enforced for the payment of judgments in existence, and it was thought best to remove any doubts, and the object of the first clause is to remove any doubt that proceedings can be continued, notwithstanding the repeal of the Act.

Hon. Mr. KIRCHHOFFER—I have looked over the Bill, and it seems to me to be necessary.

The cause was adopted.

On the second clause,

Hon. Mr. SCOTT—This clause is for the purpose of limiting writs filed in the reigstry office to two years, unless they have been renewed. It would be improper to allow them to remain if the amount were really discharged. If the amount has not been paid, the writ must be renewed to keep the claim alive.

The clause was adopted.

Hon. Mr. SCOTT—I propose to add two amendments to the Bill. The hon. gentleman from Calgary had a Bill which was promoted by Mr. Davin in the other House. It came here, and it was rather uncertain whether the language of that Bill was really in accordance with what the parties desired, or in accordance with the practice in the North-west. It has been a subject of a good deal of discussion, and Mr. Bradshaw and one or two judges of the North-west have been in communication with the solicitor of the Interior Department on the subject. I propose to add, as clause 5, the following :

5. Subsection 1 of section 89 of the said Act is hereby repealed, and the following subsection substituted therefor:

89. Whenever the owner of any land, for which a certificate has been granted, dies, such land shall be subject to the provisions of this Act, vest in the personal representative of the deceased owner, who shall, before dealing with such land, make application in writing to the registrar to be registered as owner, and shall produce to the registrar the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing him to administer the estate of the deceased owner, or a duly certified copy of the said probate, letters of administration or order, as the case may be; and thereupon the registrar shall enter a memorandum thereof upon the certificate of title, and for the purpose of this Act the probate of a will granted by the proper court of any province of the Dominion of Canada, or of the United Kingdom of Great Britain and Ireland, or an examplification thereof, shall be sufficient.

I thought it proper, before the Bill was read the third time, that we should have this amendment and another amendment printed, so that members of the profession, interested in the North-west should have an opportunity to read them, and see if they meet with their approval, and settle matters that have been the subject of a good deal of discussion.

Hon. Mr. POWER—Why are letters of administration omitted in the last provision ? For instance, if a party dies in England and administration is taken out, why should not an exemplification of letters of administration taken out in England be recognized as well as if taken out in one of the provinces ?

Hon. Mr. SCOTT—Because they may be open to question, and may require to be confirmed. That has been the feeling of the Bar, that while they were quite prepared to accept an authenticated copy of a probate of a will they were not ready to accept the probate of a letter of administration.

Hon. Mr. POWER—As I understand, the Bill provides that copies of letters of administration granted in any province of Canada will be accepted.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—I do not see that there is any greater objection to accepting letters of administration taken out in the United Kingdom than there is to accepting letters of administration granted in one of our provinces.

Hon. Mr. SCOTT—I have not undertaken myself to judge this question. It has been the subject of a good deal of correspondence between Mr. Bothwell, the solicitor of the department, and persons in the North-west Territories. I move the adoption of the amendment.

Hon. Mr. KIRCHHOFFER—I think it was considered that there would be opportuni-

ties for verification here that would not be had in England.

Clause 5 was adopted.

Hon. Mr. SCOTT—I would just call the attention of my hon. friend from Brandon (Hon. Mr. Kirchhoffer) to another new clause which I propose to add to the Bill. It is as follows:

6. It is hereby declared to have been the intention of the Acts known as the Territories Real Property Acts, chapter 26 of the Statutes of 1886, and chapter 51 of the Revised Statutes, and of the Acts amending the latter Act, as well as that of the Land Titles Act, chapter 28 of the Statutes of 1894, and of any Act in amendment thereof, that land in the Territories devolving upon the personal representative of a deceased owner thereof, shall be dealt with and distributed as personal estate, and that shall be taken and held to have been the law and the true intent and meaning of the said Acts from the date upon which the said first-mentioned Act, chapter 26 of the Statutes of 1886, came into force, that is to say, the 1st day of January, 1897.

I understand there has been some doubt on the subject, and the Deputy Minister of Justice, to whom the matter was referred, thought it would be advisable to remove all doubts. There is no doubt as to what the intention was, that land was to be treated as personal property, and whether the language fully expressed that or not, I am not going to discuss the point; but the opinion of some lawyers is that it is not as clear as it ought to be.

Hon. Mr. KIRCHHOFFER—That is in the Territories?

Hon. Mr. SCOTT—Yes.

Hon. Mr. KIRCHHOFFER—It is assimilating it to the province of Manitoba.

The clause was adopted.

Hon. Mr. BAIRD, from the committee, reported the Bill with amendments, which were concurred in.

LIVE STOCK RECORD ASSOCIATIONS INCORPORATION BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (134) 'An Act respecting the incorporation of Live Stock Record Associations.'

(In the Committee.)

On clause 4,

Hon. Mr. SCOTT—I was looking up the point whether the shorthorn associations have been incorporated by the Dominion, and I find they have not been.

Hon. Mr. WOOD—That is quite correct. I thought they were incorporated by a Dominion Act, but on looking up the matter I find they are incorporated under an Ontario Act although their membership extends over the whole Dominion.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—We have all been turning our attention to it. I find that my understanding of it was correct, in regard to the herd book for Ontario. The first herd book was printed in 1867. There are nine volumes extending up to 1886, it was then called the Canada herd book. After 1886, the title of the work was changed to that of the Dominion herd book, of which there are five volumes under the latter title, but none of these works have any reference to any breed of cattle other than shorthorns. Now, that I understand the measure, I may say that I think it is a very good one. In the library we have some United States herd books, and also English herd books, giving the pedigrees of all kinds and classes of cattle, but I found that we have nothing of that kind in Canada, very much to my surprise.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. Secretary of State to a change which has been made. It is true it might be called a clerical error, but it would have an important bearing on many a Bill—the changing of the word 'and' to 'or.' Using the word 'and' might be interpreted to include the whole. The word 'or' would mean an association, perhaps for each. The change being of that character, is it not proper that it should be sent back to the Commons as an amendment rather than that we should just call it a clerical error?

Hon. Mr. SCOTT—No. The Commons intended that the association should be limited to each breed, or they could not have an aggregate. They could not in-

clude several in one. The Ayrshires must be distinct, and the pigs, or sheep, must be distinct. The word 'or' is in conformity with the meaning.

Hon. Sir MACKENZIE BOWELL—The point to which I called the attention of the Senate was as to whether we should make an important change without reporting it to the Commons. The hon. gentleman says the intention was so and so. I do not know that we have to deal with the intention of the Commons. We have to deal with the fact as it comes before us in the Bill.

Hon. Mr. SCOTT—I think it is one of those changes that the law clerk usually makes in the final preparation of the Bill.

Hon. Sir MACKENZIE BOWELL—I do not think so.

Hon. Mr. POWER—As the hon. leader of the opposition has pointed out, the amendment makes a very serious change in the meaning of the Bill, and unless the thing is done in a regular way there would be no authority for the clerk to alter the Bill, and as there is plenty of time, I think the wiser way is to place ourselves on the safe side. The clerk would have no authority to alter this Bill unless there was an order of the House. It is a matter of some little consequence, and there is no necessity to rush the Bill through.

Hon. Mr. SCOTT—It is quite clear that in issuing letters of incorporation they would only issue them in accordance with the Bill. They could not include swine and sheep in one class. The minister would understand what parliament meant by it. It is an incorporation for each particular class of animals, not for a number in the aggregate.

Hon. Sir MACKENZIE BOWELL—No harm could possibly arise by calling it an amendment; what necessity is there for leaving any doubt?

Hon. Mr. SCOTT—Very well.

Hon. Mr. TEMPLEMAN, from the committee, reported the Bill with an amendment, which was concurred in.

SECOND READINGS.

Bill (V) 'An Act for the relief of Wm. Henry Featherstonhaugh.'—(Hon. Mr. Clemow.)

Bill (146) 'An Act to enable the city of Winnipeg to utilize the Assiniboine River water power.'—(Hon. Mr. Watson.)

Bill (81) 'An Act to incorporate the Accident and Guarantee Company of Canada.'—(Hon. Mr. Snowball in absence of Hon. Mr. Casgrain, de Lanaudière.)

Bill (68) 'An Act respecting the Nickel Steel Company of Canada.'—(Hon. Mr. Kirchhoffer.)

OCEAN STEAMSHIP SUBSIDIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (151) 'An Act to amend the Act relating to Ocean Steamship Subsidies.'

(In the Committee.)

On clause 2,

Hon. Mr. MILLS—I propose to strike out of clause 2, the quotation marks.

Hon. Sir MACKENZIE BOWELL—That simply makes it a new Bill containing the same principle?

Hon. Mr. MILLS—Yes; as it stood it would be a Dominion Act from 1899.

Hon. Sir MACKENZIE BOWELL—What a valuable body this Senate is!

Hon. Mr. POWER—Has the hon. Minister of Justice considered the important question as to whether we can originate a money Bill?

Hon. Mr. SCOTT—We are not originating it.

Hon. Mr. MILLS—My hon. friend will see we have not altered or amended a Bill in any way as respects money appropriations. It is practically correcting a clerical error.

Hon. Sir MACKENZIE BOWELL—The Bill did not originate here.

Hon. Mr. LANDRY, from the committee, reported the Bill with amendments which were concurred in.

ROYAL BANK OF CANADA BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (170) 'An Act to amend the Act respecting the Merchants' Bank of Halifax,

and to change its name to the Royal Bank of Canada.'

Hon. Sir MACKENZIE BOWELL—I find that this Bill is a material amendment to a Bill that has already passed both Houses of parliament this session. This, being a new Bill, should have been referred to the Committee on Standing Orders before the principle of the Bill is adopted by the second reading. We passed Bill No. 72 a short time ago, when it came up to us from the House of Commons, changing the name of the Merchants' Bank of Halifax, to that of the Royal Bank of Canada. The second clause of that Bill reads:

2. Before this Act shall take effect, a general meeting of the shareholders of the said bank shall be called for the purpose of considering it, and a resolution accepting and approving thereof shall be passed by the shareholders present or represented by proxy at such meeting, and a certified copy of such resolution shall, within fifteen days after the passing thereof, be transmitted to the Secretary of State of Canada, and shall be by him published in the 'Canada Gazette,' and this Act shall take effect from the date of such publication.

Now, a Bill is introduced to repeal that section and substitute the following:

2. The first section of this Act shall come into force upon its publication in the 'Canada Gazette,' and the Secretary of State of Canada shall cause it to be so published upon receiving a certificate under the hand of the president of the said bank and the seal of the said bank certifying that the said Act has been approved by a vote of the directors, and upon receiving a sum sufficient to pay the cost of such publication.

The change is to take the power out of the hands of the shareholders, as I understand it, to bring it into force, and place it in the hands of the directors. The point I want to call the attention of the House to, is this: No notice having been given that such a Bill was to be introduced, and no petition having been presented praying for this change, should we not send the Bill to the Standing Orders Committee, who could recommend that compliance with the rules be dispensed with, in order to allow the Bill to be proceeded with? I do not know that there is any objection to the Bill. I merely pointed out what the changes are, and I ask whether the point I have taken is correct or not?

Hon. Mr. POWER—I know that in the House of Commons this Bill, which is now before us, passed through all its stages under a suspension of the rules, in order to allow it to go through. The original Bill only provided for changing the name of the bank. It did not affect the position of the shareholders or creditors, or any other person interested, in the slightest degree. I suppose it would involve a good deal of expense and trouble to have a general meeting of the shareholders of the bank for the purpose of ratifying what, I understand, the shareholders had already agreed to at a previous meeting. It simply provides, in order to avoid expense and trouble, that the Bill may become law upon the receipt, by the government, of a report that the directors have passed the necessary resolution. If it affected in any way the interest of any other persons, there would be a great deal of force in what the hon. leader of the opposition says, but inasmuch as it is a mere change of name, which I understand had been agreed to by the shareholders previously, it seems to me that there is no object in raising any serious question about it, particularly as, in the House of Commons, where the matter was discussed, this Bill was put through all its stages with wonderfully rapidity.

Hon. Sir MACKENZE BOWELL—I am not objecting to the change made by the amendment, taking the word of the hon. gentleman that the shareholders had already approved—

Hon. Mr. POWER—I do not pledge myself to that.

Hon. Sir MACKENZIE BOWELL—I am only suggesting that we are not complying with the rules relating to the introduction of private Bills.

Hon. Mr. ALLAN—If the Bill were referred to the Standing Orders Committee, they could report that it would be a proper measure to pass.

Hon. Mr. POWER—I move that this Bill be referred to the Committee on Standing Orders and Private Bills, in compliance with rule 59.

The motion was agreed to.

INSCRIBED STOCKS OF CANADA IN THE UNITED KINGDOM BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (149) 'An Act respecting the in-

scribed stock of Canada in the United Kingdom.' He said: This Bill authorizes the Governor in Council to direct that any part, or the whole of the funded debt of Canada may be inscribed in registry books to be kept in the United Kingdom, for the purpose of further securing the co-operation of the Imperial government, and the recognition of the Canadian funded debt as capable of being used for investing what are called trust funds. Hon. gentlemen are aware that a very large amount of money is held in England by trustees. Those trustees are limited now as to the particular channels in which they can invest moneys, and it would be a very great advantage to our securities if they were authorized to invest in Canadian securities when offered any of them. It has been discussed for the last twenty years, and efforts have been made to secure that advantage to Canada. I do not know what particular difference it would make, or that it would make a marked difference in the rate we would be able to float our loans at. Correspondence has been going on between the government of Canada and the Imperial government on the subject, and the Imperial government have finally acquiesced in recommending to the Imperial parliament an Act authorizing Canadian securities, under certain conditions, to be listed for the investment of trust funds. They conform to an old Act known as 'The Colonial Investment Act,' under which we have to give security that if a judgment be rendered we shall see that it is paid. That is not a very onerous condition; as hon. gentlemen will see, the third clause of the Bill provides:

3. The Minister of Finance and Receiver General may, out of the Consolidated Revenue Fund of Canada, pay, satisfy and discharge any judgment, decree, rule or order of the court in England, which under the provisions of section 20 of 'The Colonial Stock Act, 1877,' is to be complied with by the registrar of the inscribed stock of Canada in England.

The Imperial legislation has not taken place. I believe that a Bill is now before the Imperial parliament, but we require to give authority to the Governor in Council to complete the arrangement when the Imperial Act has been passed.

Hon. Sir MACKENZIE BOWELL—I congratulate Canada on having obtained another concession from the Imperial government that will no doubt be of great advantage, as pointed out by the Secretary of State, to this country when it is asking for a loan in England. It has been a source, not only of correspondence, but of very earnest effort during the last ten or fifteen years by our late High Commissioners, and more particularly by Sir Charles Tupper, to obtain this concession from the Imperial government. They have steadily refused it in the past. The concession made to-day is another evidence of the confidence which the people of England have in the securities of their colonies, and more particularly of Canada, and I am very glad to know, from the correspondence which has taken place, that the present government have continued, under their present High Commissioner, to press the same demand on the Colonial Secretary and that it has been acceded to. It will be, as the Secretary of State points out, of great advantage to us from a pecuniary standpoint. It must give every Canadian a great deal of gratification to know that we are gradually obtaining the same position in the money market in England in respect to our securities that the Imperial government itself has, and when they have gone so far as to consent to pass a special Act of the Imperial parliament granting this concession, which has been refused for very many years past, I think we may congratulate ourselves on another step towards the confederation of the empire.

Hon. Mr. MILLS—I am pleased to hear my hon. friend congratulate the government on the success of this matter.

Hon. Sir MACKENZIE BOWELL—Why should I not? We have been fighting for it while I was in office.

Hon. Mr. MILLS—I think it is very commendable. I cannot suppose for a moment that the Imperial government, during the past few years, while this subject was under discussion, could have had any doubt as to the character of the securities that Canada afforded, and not having any doubt, it has always been a matter of surprise why they should hesitate to permit investments being made in these securities. But there is no doubt of this, that the government there has been subjected to pressure, as every government is, by those who feel that the larger the number of

securities in which parties may be permitted to invest, the greater is the extent to which those which are purely local in the United Kingdom are affected. Of course people would not invest in Imperial securities, if they felt that those of Canada were perfectly safe at higher rates, and I am sure that the action of this country in reference to matters which concern vitally the empire, has had its influence upon the Imperial government itself, and it did not feel that it could fairly hold the people of Canada at bay any longer in this regard.

Hon. Sir MACKENZIE BOWELL—There is no doubt of it.

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

ALGOMA CENTRAL RAILWAY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 125) 'An Act respecting the Algoma Central Railway Company.'

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain the nature of the Bill ?

Hon. Mr. WATSON—The Bill is simply making some amendments with reference to the terminals of the road. The charter was granted some two or three years ago.

Hon. Mr. SCOTT—The road starts now from Sault Ste. Marie ?

Hon. Mr. WATSON—Yes.

Hon. Mr. DANDURAND—A survey was made lately, and it was found that the terminals mentioned in the Bill could not be reached because of obstacles in the way, lakes, and so on, and they asked for a change in the route.

Hon. Sir MACKENZIE BOWELL—It is a good job some hon. gentlemen knows something about the Bill.

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

COLD STORAGE ACCOMMODATION CONTRACTS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (152) 'An Act to authorize contracts with certain steamship companies for cold storage accommodation.' He said: In 1897 parliament gave authority to the government to make contracts with a number of steamship companies for the providing of cold storage. The amount paid last year, I find, was $47,000. The period was limited for the three years. It was thought then that the amount advanced by the government to assist in putting in order the necessary changes required for the cold storage would have been sufficient to have justified the steamship company to have continued to provide the cold storage without any additional subsidies. However, in consequence of a large number of vessels having been taken off the regular route last year, owing to the war in South Africa, it has been found that there is a considerable deficit, and it is necessary now to make further provision. It is proposed under the Bill to limit the amount to $28,750. The amount paid last year was $45,695, by the Auditor General's Report.

Hon. Sir MACKENZIE BOWELL—Was that all for 1899, or part of it for 1898 ?

Hon. Mr. SCOTT—I presume for the third year, 1899. The Auditor General's Report could only be down to 30th June.

Hon. Sir MACKENZIE BOWELL—But there might be a payment in that sum for a debt due in 1898 ?

Hon. Mr. SCOTT—It was assumed that a sum of $10,000 would be necessary to equip certain steamers. For steamers going to another port, I think it was $13,000, and the government were to pay one-half, divided over the three seasons. The three seasons had terminated, and looking up the Auditor General's Report, I find that last year the amount paid was $45,695. It will be observed that this Bill limits the power of the Lieutenant-Governor in Council to a payment of $28,750, in any one year, and the Bill is confined to 1900 and 1901.

Hon. Sir MACKENZIE BOWELL—That is $19,850 less than was paid last year ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman state the average amount paid for cold storage during the last two or three years ? The hon. gen-

tleman understands what I mean. I asked if that $45,000 was for the service of 1899, or whether any portion of it was for a debt due for services rendered in 1898. Perhaps the hon. gentleman could find that out when we come to the third reading?

Hon. Mr. SCOTT—The payments were to extend over three years, 1897-8-9, so that it would make very little difference, so far as the Auditor General's Report is concerned. All the payments would be made after the last session of parliament. Under the arrangement the government paid in three equal annual instalments. The Allan & Torrance line had four steamers. The Allan & Thomson line three steamers, the Reford two steamers, the Elder Dempster five. That makes fourteen steamers. Then there was a steamer to Avonmouth, and that steamer was allowed the high subsidy, for some reason which I cannot explain, of $13,325. The government, as I said, were to pay one-half. The total amount, exclusive of the Prince Edward Island service, as I make it out, would be $76,662. One-third of that in each year would be $25,554. But from the Auditor General's Report the sum of $45,695 has been paid. That does not cover all the items that are chargeable against cold storage, because my hon. friend knows there were advances made to the railway companies to put on the refrigerator cars, and then the creameries were subsidized to put in cold storage, and in a variety of ways the amount was swollen very much larger than $45,000. The gross amount in the Auditor General's Report was $83,000; but that included many things outside of cold storage. It included spraying and trial shipments, and a variety of things. But the real cold storage items were limited on the steamships to $45,000.

Hon. Mr. WOOD—May I ask the hon. gentleman if the subsidies proposed under this Bill are to be paid to the same steamers receiving them in the past?

Hon. Mr. SCOTT—No, it is limited to the H. & A. Allan, and the Robert Reford line. Evidently the Elder Dempster line are not in it. It may be that all the other vessels running to Canada are provided with cold storage accommodation. When the contract was made three years ago, the government paying one-half, extending over three years, they were then to continue providing the cold storage, and I assume that is the reason, although I do not know.

Hon. Mr. WOOD—If the steamers which have been doing this work, and are already fitted, are to continue running without any subsidy, is it proposed to fit out a new lot?

Hon. Mr. SCOTT—Additional steamers are wanted.

Hon. Mr. WOOD—Can the hon. Secretary of State say how many additional steamers they intend to fit up?

Hon. Mr. SCOTT—The amount is limited to the $28,750 in any one year. That is the whole sum that will be allotted in the present year, and a similar sum for next year. I noticed in the public press a considerable amount of butter was delayed, and I think a remark was made in the other House, when this Bill was before them, that a considerable amount of butter had not gone forward owing to lack of cold storage. It was all due to the large number of steamers taken away to South Africa.

Hon. Sir MACKENZIE BOWELL—No. It was due to the negligence of the Minister of Agriculture in not renewing the contracts.

Hon. Mr. SCOTT—Because the Minister of Agriculture had not foreseen that President Kruger was going to kick up a row? Is that it?

Hon. Mr. WOOD—I confess I do not quite understand the hon. gentleman yet. These steamers that have been fitted up with cold storage, where the government bore half the expense of fitting them up, I presume were under contract to run in service during the season. Surely those steamers could not have been taken away to South Africa after they were fitted up with cold storage?

Hon. Mr. SCOTT—Yes. The contracts were only for three years, and we had no control over them. We are now in the fourth year?

Hon. Mr. WOOD—And have those steamers all been taken away?

Hon. Mr. SCOTT—Some of them have.

Hon. Mr. WOOD—And those that have not been taken away will run without any subsidy?

Hon. Mr. SCOTT—I presume so. I do not really know.

Hon. Mr. WOOD—I do not wish to appear to be too captious. I am asking for information. If there are a number of steamers which have already been fitted up, and which will continue to run without subsidy, then this appears to be a very large amount to be voting for fitting up additional steamers, because the amount, if I understand the figures which the hon. gentleman has mentioned, is larger than the average amount which has been paid during the last three years, and I presume would fit up a larger number of steamers than we have had running in the last three years, and that in addition to those we have already fitted up. It appears to me that it is a very large amount, until I hear further explanations.

Hon. Mr. SCOTT—I will inquire from the Minister of Agriculture and will be able to advise the hon. gentleman at the next stage of the Bill. The contracts were made for three years on the assumption that, having once been provided with cold storage, the trade would be sufficient to justify their continuing cold storage, and after that the enterprise would take care of itself, that there would be so much demand for it that the steamers would keep it up. I do not know what the result has been, but I see by the newspapers that there is a shortage in the cold storage accommodation.

Hon. Sir MACKENZIE BOWELL—I hope before the next stage of the Bill, that the hon. Secretary of State will procure the information as to the number of vessels proposed to be subsidized, and the amount of cold storage upon the ocean, exclusive of creameries and railways to which the hon. gentleman has called attention, which make up a very large amount. This Bill confines the subsidy for cold storage to the steamship service. The hon. gentleman might also let us know the amounts that have been paid for the last three years, and, if he can, give us an explanation of why it was not continued. From the debates which have taken place, and the articles in the press, it would appear that the fact of the expiry of the contract had been overlooked by the hon. Minister of Agriculture. If hon. gentlemen will refer to the *Hansard* of the House of Commons they will find that the Minister of Agriculture acknowledged it himself, and it is owing to that negligence that the loss, to which the hon. Secretary of State refers, has occurred. They were unable, from the subsidy not having been revoted, to carry the butter and other articles.

Hon. Mr. SCOTT—I do not think my hon. friend is quite clear. The Act of 1897 was perfectly clear. It authorized the Governor in Council to enter into contracts and to pay subsidies for three years, and I remember distinctly that at that time it was thought that if we paid one-half of the cost of fitting up cold storage, the trade in the third year would be sufficient to justify the steamers in continuing. It was never intended that we should vote a further subsidy at the end of three years. It is owing to the condition of things at present existing that it is necessary to supplement the amount, because had the war in South Africa not occurred, and had all the steamers which were provided with cold storage still continued to run to Quebec, there would be no necessity for this legislation. I think that is a fair deduction to draw. It was supposed that the enterprise would be sufficiently supported to justify the steamers in continuing after the third year. In 1897 we did not propose to continue the subsidy beyond three years.

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

EXPROPRIATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (160) 'An Act to amend the Expropriation Act.' He said: This is a very small Bill. It is simply changing the rate of interest that will be allowed hereafter to parties whose lands are being expropriated by the Crown, limiting the rate of interest that will be paid to them, in case the Crown does not promptly pay the money. They will be entitled to draw 5 per cent instead of 6 per cent, as at present. It is following a Bill which the hon. Minister of Justice has charge of, and which will come before us in a few moments, authorizing the payment of 5 per cent instead of

6 per cent on claims established in the Exchequer Court.

Hon. Mr. PROWSE—I wish to make one remark in reference to this Bill. I think it is a question worthy of consideration whether in changing an enactment of this kind, the whole section should not be repealed and a new section put in its place, instead of simply changing the word 'six' to 'five.' Unless hon. gentlemen have the original Act before them, they cannot understand the Bill. If the original section was repealed, and a new section, with the amendment embodied in it substituted, it would be very plain to ordinary men as well as to lawyers themselves. While I am on my feet I may compliment my hon. friend, the hon. Secretary of State, on giving the explanation which he has made, because without that explanation it would be quite ambiguous to all persons who had not heard his remarks, and I think that we are getting into a very loose habit in this House in reference to motions that are made for the second reading of Bills. In the good old days it was generally understood that a Bill should be explained by the gentleman who has charge of it at the second reading, but it is the exception now to give an explanation at that stage. I must except the hon. Secretary of State in this regard, because he has given the explanation, but in many other Bills the motion has been made for the second reading to-day and no explanation given at all. In many sessions past we have motions made in the same way for a second reading, and then a motion to refer to a certain committee, and we are not all members of that committee, and really we are largely in the dark in reference to the nature of the Bill.

Hon. Mr. ALMON—Might I ask the hon. Secretary of State why the government should not pay their debts when they are due, and why they should come here and ask to have the interest reduced from 6 to 5 per cent? Why not pay their debts when due? Some land of mine in the North-west was taken for government purposes, and I had to wait for months before getting paid. I think I should have got the money as soon as the land was taken.

Hon. Mr. SCOTT—The hon. gentleman is quite right: the government ought to pay its debt as soon as the award is made, but unfortunately for the government delays arise through red tape. As far as I am concerned, I do not consider 6 per cent is too high where the government defer payment. However, the rate of money has gone down now, and 5 per cent is considered a good investment, and it seemed right that the law should be brought in harmony with a law to be passed during the present session.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman expresses no opinion in reply to the hon. gentleman from Prince Edward Island.

Hon. Mr. SCOTT—I have no objection to making the change that he suggests. I presume we shall have a revision of the laws in a very short time, and I have no objection, if it is the desire of the House, to rearrange the Bill in the way indicated. I shall have the change made for to-morrow.

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

INTEREST ACTS AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (161) 'An Act to amend the Acts respecting interest.' He said: The House will see, in looking at the provision of the Bill, that it refers to the particular Acts where the rate of interest is mentioned as 6 per cent, and it is a substitute of 5 for 6. The matter is very simple and requires no further explanation than that which I have already given. In the consolidated statutes, chap. 127, the rate of interest mentioned is 6 per cent, and then in the Act of 1889, the rate of interest is mentioned as 6 per cent. In the Act of 1894, the rate is mentioned at 6 per cent, and in the Act of 1897, at 6 per cent. I propose, by this very brief Bill, in each of these statutes to substitute 5 for 6.

Hon. Sir MACKENZIE BOWELL—It is simply making the legal rate of interest, where no contract exists, 5 instead of 6 per cent.

Hon. Mr. MILLS—Yes.

Hon. Mr. CLEMOW—Will this affect the rate of interest that banks can charge?

Hon. Mr. MILLS—No.

Hon. Mr. CLEMOW—They can still charge 6 per cent ?

Hon. Mr. SCOTT—They can take all they can get.

Hon. Sir MACKENZIE BOWELL—I understand they can get any rate of interest they please, provided they make a bargain.

Hon. Mr. CLEMOW—They have a right now, I understand, to charge 6 per cent. According to this amendment it will be reduced to 5 per cent.

Hon. Mr. MILLS—On all judgments, after the passing of this Bill, the rate of interest will be 5 per cent.

Hon. Mr. CLEMOW—The other day we passed the Usury Bill, allowing 6 per cent.

Hon. Mr. MILLS—The statute of 1899 provides that the rate shall be 6 per cent until the judgment is satisfied. If this becomes law, every judgment debt shall bear interest at the rate of 5 per cent until settled.

Hon. Mr. CLEMOW—Then the Usury Bill which we passed the other day will have to be amended.

Hon. Mr. MILLS—Not at all.

Hon. Mr. WOOD—As far as I am personally concerned, I am opposed to this Bill. I do not see the necessity of it. I do not believe it is demanded by the people of Canada generally, by the commercial community or any other class that I know of. I have not seen the subject referred to in the public press. I am not aware that there has been any discussion of the subject, and the public generally are not aware that such a Bill is before parliament, or is likely to be passed. I desire to call the attention of the House to this fact, that in the different sections of the Dominion—at all events wherever I have been, or have any acquaintances with business transactions, the legal rate of interest is always 6 per cent. The public generally have learned to regard that as the legal rate, and I do not see what object there is in changing it. I do not know of any part of the Dominion where the 6 per cent rate is considered unjust or oppressive. In the Maritime provinces, at all events, 6 per cent is not regarded as too high a rate of interest to be paid on ordinary business transactions. There are securities on which you can obtain loans at 5 per cent, and some at 4 or 4½ per cent, but they are a special class of loans and the securities on which they are made are of a very high character. Usually, such loans are made by trustees of estates, or persons having money to invest in exceptionally good investments for a number of years. I shall regret very much if this Bill passes into law this session. I think public attention should be directed to it, so that public sentiment could be more fully expressed with regard to it. I think we should hesitate before making what I regard as a revolutionary change in the method of doing business, in this hasty way, without public attention being more generally directed to it, and without obtaining a more general expression of public opinion on the subject.

Hon. Mr. POWER—I was very much surprised to find that the hon. gentleman from Sackville objected to this Bill. I was expecting that the hon. leader of the opposition would have congratulated the government on having introduced a Bill to which no exception could be taken.

Hon. Sir MACKENZIE BOWELL—Don't you think one congratulation is enough for one day ?

Hon. Mr. POWER—The government should be congratulated as often as they deserve it. The hon. gentleman does not confine his condemnations to one per day ; and he should not confine his congratulations either. It is perfectly true, as the hon. gentleman from Sackville has stated, there has not been much agitation or discussion of this measure, simply because there are no politics in it. Probably if there had been politics in the measure there would have been agitation or discussion. It is not a matter out of which newspapers can make much capital. It is business and common sense, and those do not often lend themselves to politics ? The hon. gentleman has surprised me. This Bill does not at all interfere with the right of parties to make any bargain they please with regard to the rate of interest; it simply provides that, where no bargain is made,

the rate of interest shall be 5 instead of 6 per cent. There is not a gentleman in this House who knows better than the hon. gentleman from Sackville that 5 per cent today is a higher rate for money than 6 per cent was twenty years ago.

Hon. Mr. CLEMOW—We all admit that.

Hon. Mr. POWER—In the province of Nova Scotia the legislature has acted on that general feeling and has reduced the rate of interest, where no contract exists, from 6 to 5 per cent. I think the government would have been justified if they had reduced the rate to 4½ per cent, because 4½ is as much as 6 per cent was twenty years ago. It does no injustice to anybody. In the province of Nova Scotia, at any rate, it is very difficult now to get 6 per cent on a real estate loan if the security is at all good. The regular rate is 5 per cent. In the cities it is very difficult to get even that. Money is often loaned at 4, and large quantities at 4½. If the rate were left at 6 per cent we would have this consequence. A loan is bearing a rate of 5 per cent. The creditor secures judgment, and the rate becomes 6 per cent. That is most unfair to the debtor. I think the general feeling throughout the country, whatever the feeling of the hon. gentleman from Sackville may be, is that this is a step in the right direction, and that the government might have gone further without doing injustice to anybody.

Hon. Mr. PERLEY—I think the biggest farce in the country is the interest law. We have been discussing and legislating on the subject of interest for many years, and today we have to pay as much for money as one's necessity demands. If you are a poor man you have to pay a high rate of interest, regardless of the laws on the statute-book. We have in the North-west private banks which do not pretend to loan for less than 10 or 12 per cent. If one man has money and another has not, and has to borrow, he must pay what the lender wants in the way of interest. The rate is governed by a man's necessity. It is the same all over Canada. The moment a man who has money finds that another wants it, he fixes his rate. If you could make a penalty for exceeding the rate, it would be all right, but you leave a loop-hole through which the lender can escape, so that all this kind of legislation is a farce.

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

DOMINION ATLANTIC RAILWAY BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (83) 'An Act respecting the Dominion Atlantic Railway Company.' He said: I find that I was in error yesterday when I answered the hon. leader of the opposition with respect to this measure. The substantial object of this Bill is to validate two agreements which have been entered into by the Dominion Atlantic Railway Company with other parties. The Bill appears to be voluminous, but it is not. The schedules are voluminous, and they can be considered by the committee to which the Bill will be referred.

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

BILL INTRODUCED.

Bill (115) 'An Act to incorporate the Canadian National Railway and Transport Company.'—(Hon. Mr. Clemow.)

GRAIN TRADE INSPECTION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (141) 'An Act respecting the grain trade in the inspection district of Manitoba.'

Hon. Mr. SCOTT moved that the Bill be read the first time.

Hon. Sir MACKENZIE BOWELL—I would ask the hon. Secretary of State what effect this Bill will have on our present trade?

Hon. Mr. SCOTT—It arose out of an agitation in the North-west to establish what are called flat warehouses instead of elevators, and allowing the farmers to insist on having one flat warehouse at least at each station, and afterwards increasing the number.

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

BANK ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (163) 'An Act to amend the Bank Act.'

Hon. Mr. MILLS moved that the Bill be read the first time.

Hon. Sir MACKENZIE BOWELL—This is a very important Bill. Are there any material changes made in the law? Of course, we all know that the bank charters expire at the end of every ten years, and that this is a renewal of the bank charters. I presume experience has led to some material changes in order to protect depositors and others. Are there any greater restrictions or any greater liberties given to the banks?

Hon. Mr. MILLS—I shall give full explanations when I move the second reading, but the hon. gentleman will find, on examination of the Bill that it is substantially the same as the law is now. The principle is exactly the same. There are very few alterations, and those are of a subordinate character. But the banking association is given some supervision over the issue of notes so as to prevent some of those frauds which have been committed under the present law.

Hon. Sir MACKENZIE BOWELL—Will the bankers' association have power to regulate the issue, and relieve the government of the responsibility now devolving on them to see that the law is carried out?

Hon. Mr. MILLS—No.

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 8, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

TORONTO HOTEL COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (114) 'An Act respecting the Toronto Hotel Company,' with amendments, and moved that they be concurred in. He said: There are just two amendments made to the Bill, in conformity with the views expressed by the committee. The one is that the site on which this hotel is to be built shall be more definitely set forth, and this amendment describes exactly where the hotel is to be placed. The other amendment is in reference to the subscription to the stock on the part of banks and corporate companies, and the committee required that in any case where subscriptions of that kind were given by a bank, or corporate company, the matter should be submitted to the shareholders, either at a general or a special meeting. The second amendment embodies that.

Hon. Mr. POWER—As this is a measure about which there was a good deal of difference of opinion, and as it is not always easy to catch the exact nature of an amendment when it is simply read at the Table, I should ask the hon. chairman of the committee if he will not defer the consideration of the amendments till Monday?

Hon. Mr. ALLAN—The two amendments are very simple. The committee objected to the site being mentioned in general terms. The amendment states exactly where their building is to be erected. I will read the amendment again so that there will not be any mistake about it. The site the building is to occupy is to be within the area in the city of Toronto bounded on the north by King St., on the east by Leader Lane, on the south by Colborne St., and on the west by Yonge St. Anybody who knows the locality at all will see that it is as distinct as it can be. The other amendment reads:

> In the case of any such corporation, so subscribing, whether before or after the passing of this Act, if the assent of its shareholders or any proportion of them would otherwise have been necessary to validate such subscription, then the approval of such subscription by a majority of the votes of the shareholders present or represented by proxy at the annual meeting or at a special general meeting shall be requisite in order to bind the corporation as a party to the agreement.

I submit that makes it perfectly clear.

Hon. Mr. CLEMOW—There is no doubt the amendments proposed are improvements upon the Bill, but I oppose the measure on general prinicples. I consider that it is establishing a very bad precedent for the future. It is a kind of discrimination of which I cannot approve. The banks and these people who are now interested in this

project are very wealthy men and the country has every confidence in them, but there is no guarantee that other men, who are not of the same character as these parties, will not apply for similar privileges in the future. I think it is wrong in principle, and I hope it will not have a detrimental effect upon the banking institutions of this country. So far we have been very fortunate in our banking affairs with very few exceptions, and I should regret exceedingly if we should do anything whereby the stability of these institutions should be impaired. That is my chief reason for opposing this measure. I look upon it as a local Bill, and I think the matter should have been decided by the local authorities if it was possible. I have no doubt that they will get a meeting of the shareholders, but it will be a meeting of such men as are interested indirectly in the acquisition and increasing the value of this property for the purpose of building the hotel. The great majority of the people who subscribed for stock in the past were not aware at the time that such a privilege was to be granted to the banks. I do not know what the effect might have been, whether it would have been injurious to them or not, or whether they would have taken stock, knowing that this power was to be granted to the bank. However, there is the naked fact that the great majority of the stockholders of this company are scattered over the whole world, and it is utterly impossible that these matters can be brought to their knowledge by a meeting in compliance with the requirements of the Act, but three or four men, controlling as they do the majority of the stock, will meet and take upon themselves to say that they acquiesce and agree to this resolution introduced by my hon. friend from Toronto. I oppose this measure in all sincerity, and with the full knowledge of the responsibility of parliament in reference to the banks of the country. I think it is a discrimination of the worst kind. It is true, a great many parties are interested in this Bill, but whether it is going to be a general benefit to the city of Toronto or not, I do not know and do not inquire, but I know that they are doing something now which they could not have done without this Bill. It is contrary, in my opinion, to the best interests of the country and our financial institutions. It is establishing a bad precedent which may hereafter be acted upon. I intend to oppose this measure on the motion for third reading. I do not oppose the amendments, because I think they are an improvement. At the third reading we will ascertain the opinion of the House as to whether my view is acquiesced in by a majority of the members.

Hon. Mr. McCALLUM—I hope that this measure will be allowed to stand over until next week. I was not at the meeting of the Committee on Banking and Commerce. I am not a member of that committee, but I have strong convictions on this question, and I hope that concurrence in the report will be postponed until some time next week, so that we can have an opportunity to see what we are asked to do. If I understood the chairman of the committee aright, he says they have fixed the area in the city of Toronto where the hotel should be built. Is not that presumption on the part of the Senate of Canada to say where the company shall build a hotel in the municipality of Toronto? We assume too much responsibility. I have no objection in the world to these people, who are wealthy men, subscribing their own money to build hotels, if they want to do so. I agree with my hon. friend from Rideau (Mr. Clemow), on principle, in objecting to banks speculating in hotels with the stockholders' money, and I ask the chairman of the committee to postpone the consideration of the amendment until next week. I am proud of the banking institutions of this country, and what they have done. They have enough to do legitimately, without speculating in hotels, and asking the Senate of Canada to fix the area in the municipality of Toronto where a hotel should be built. I hold the Minister of Justice responsible for this measure. He knows whether there is power enough in the municipality of Toronto or in the local legislature to fix the site for a hotel in the city of Toronto, without coming to this parliament. I want to hear his opinion, and I should be guided a good deal by it. I agree with my hon. friend from Rideau division, on the general principle, in opposing this Bill. It is wrong to come to parliament and get a privilege to speculate with other people's money, when they do not risk their own. If the chairman

of the committee persists in pressing concurrence in the amendments now, I shall have to oppose the motion.

Hon. Mr. DANDURAND—It is but just to the committee to say that what we authorize these institutions to do, is mentioned in the Bill, and so stated as to give us an idea of the responsibility that they will assume. The committee took the Bill as it came from the House of Commons, but went still further, and in order to protect the vested rights of the shareholders in these companies, have made it imperative that the directors shall consult the shareholders. Although the Bill is exceptional, it seems there is no very strong objection to allowing those flourishing institutions to contribute to the progress and prosperity of the city of Toronto.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman who has charge of this Bill will consent to the request made, to put off the consideration of the amendment for a day or two. I would also suggest that the amendments be printed in the proceedings, so we can study them. I agree with the hon. gentleman from Monck (Mr. McCallum), in saying that it seems presumptuous to define the area in which the hotel shall be built. The promoters did not ask to have it described, but in compliance with the wish of some of the members of the committee, it was done. I also took exception to investing the money of banks in the manner proposed in this Bill, and in order to remove the objections which I and others had to the Bill, as proposed, the promoters consented to submit the question of subscription by these different institutions to the approval of the stockholders, and a motion was made by myself, that before any subscriptions would become valid, made by any of the corporations mentioned in the Bill, it should first receive the approval of the stockholders at a special or general meeting. That amendment the promoters of the Bill also accepted. The committee were informed that the stockholders had in many cases, he believed, approved, but the committee deemed it advisable that there should be no possible misunderstanding upon that point—that an institution which had to deal with large sums of money owned by the stockholders, who might be living in all parts of the world, should not be permitted to divert any of the funds from the purposes for which the institution was organized, unless it received the approval of the stockholders themselves. That amendment was accepted, and that, as my hon. friend has explained, is the purport of the amendment. The first amendment is to locate the hotel.

Hon. Mr. McCALLUM—You located it without being asked to locate it.

Hon. Sir MACKENZIE BOWELL—The committee insisted upon it. The promoters did not ask for it.

Hon. Mr. DANDURAND—It was done because the area had been fixed by the House of Commons.

Hon. Sir MACKENZIE BOWELL—The Bill restricts the corporations who are empowered to invest money in this undertaking, which are doing their business within a radius of one mile. The principal amendment—I think the Senate will concur in that view—is the one which I am about to read. After stating that certain corporations may have power to subscribe a certain amount of money, to the extent of $2,500 per annum, for twenty years, it says: 'In case any such corporation shall subscribe, whether before or after the passing of this Act'—that was in order to include the subscriptions which have already been made, the Bill as introduced would validate those subscriptions without the consent of the stockholders—'that in the case of any such corporation so subscribing, whether before or after the passing of this Act, if the assent of its shareholders, or of any proportion of them, would otherwise have been necessary to validate such subscriptions, the approval of such subscription by a majority of the votes of the shareholders present, or represented by proxy, at the annual meeting, or at a special general meeting, shall be requisite in order to bind the corporation as a party to the said agreement.'

I think that protects properly the interests of the shareholder. Had not that been put in, I think the committee would have rejected the Bill.

Hon. Mr. ALMON—I think notice of this Bill should have been published in the *Canada Gazette*. If the directors choose to risk the money of a bank in such a doubtful venture as a hotel, I think it should be made public. It does not follow that a majority

of the stockholders present at the annual meeting, represents the vast majority of the shareholders. I know from experience, that the annual meeting seldom calls out anything like a majority of the shareholders. If proper notice has been given, and no objection has been taken, then I have no objection to the bank acting with the consent of their shareholders.

Hon. Mr. ALLAN—I have no objection to allowing the report to stand over until tomorrow. In answer to the hon. gentleman from Halifax, I may say the law provides the way in which notice shall be given.

The report was allowed to stand until Monday next.

THE MANITOBA SCHOOL QUESTION.

INQUIRY POSTPONED.

The notice of inquiry being called :

By the Hon. Mr. Landry, that he will inquire of the government :

1. Did the Governor General in Council, on the 21st March, 1835, render judgment upon the appeal brought before his tribunal by the Catholic minority of Manitoba, and is that judgment known under the name of 'The Remedial Order.'
2. Did not that judgment order the legislature of Manitoba to do justice to the recognized grievances of the Catholic minority of that province
3. Has the legislature of Manitoba complied with that judgment, and has it remedied the grievances of the Catholics?
4. If justice has not yet been rendered to the minority injured in its rights, does the government intend to exact that the judgment rendered shall be executed, and is it going to take the steps to have it executed?
5. The case which this school question caused to rise having been appealed to the federal tribunal, and a judgment having been rendered by that tribunal, is it not precisely upon that tribunal and upon no other that the obligation falls of causing its judgment to be respected?
6. When is the government going to cause the constitution and the judicial decrees to be respected, and when will the Federal government, which, by law, is constituted the protector of the rights of minorities, treat this school question from the point of view of right and duty, and not at all as a question serving as a stepping-stone for certain politicians?

Hon. Mr. MILLS—I should like to have that motion stand until Monday or Tuesday next. I have only partly looked for the information for which the hon. gentleman asks, and I have been far too much engaged to complete my investigations. I find, for instance, the hon. gentleman refers in his question to a judgment of March 21, 1885.

Hon. Mr. LANDRY—That should be 1895. The original notice was correctly written and printed in French, and it was translated for the purposes of this House by one of the clerks. I am not responsible for the error in translation.

Hon. Mr. MILLS—My hon. friend will see I am getting my information from what stands on the paper.

Hon. Mr. LANDRY—The hon. gentleman does not need to lose any time looking for a judgment in 1885, when it was given in 1895.

Hon. Mr. MILLS—I am looking in 1895. I apprehended that it was intended for 1895, but there are a number of other matters connected with the hon. gentleman's questions that I wish to look further into, and up to the time the House met, I had no opportunity to get the information which will enable me to give a satisfactory answer to the hon. gentleman's questions.

Hon. Mr. LANDRY—I suppose the hon. minister is not confounding that first question with the other one ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—Because the first one requires only one search of that judgment. There was only one judgment, and it was in 1895. It should not take twenty-four hours to find it out. If the hon. gentleman wants it, I can give it to him immediately.

Hon. Sir MACKENZIE BOWELL—The date is 1895 in both these notices.

Hon. Mr. LANDRY—That is in the other motion to be called on Monday next, but it is the same judgment as the one referred to in the first notice. In the English edition it is 1885, but it should be 1895. I think the hon. Minister of Justice should be the last one to shelter himself behind a clerical error.

Hon. Mr. MILLS—I am not sheltering myself at all. I called the hon. gentleman's attention to that, but I am telling the hon. gentleman I have been engaged all morning, meeting various parties who have been before me, and have not had an opportunity to examine into the questions that the hon. gentleman has put on the paper, and I have asked him to let it stand until Monday or Tuesday.

Hon. Mr. LANDRY—I misunderstood the hon. gentleman. I thought he said he had

been taking a great part of his time searching for a judgment of 1885. I hope he will not lose his time searching for a judgment in that year, but will take it for 1895. Will Monday be a suitable day for the hon. gentleman? If not, Tuesday will be satisfactory to me.

The notice was allowed to stand.

A SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (178) 'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending June 30, 1900.'

The Bill was read the first time.

Hon. Mr. MILLS—This Bill contains the suplementary estimates for the balance of this month, and if the House has no objection, I will move the suspension of the rules, and have the Bill passed to-day.

Hon. Sir MACKENZIE BOWELL—What is the amount voted? If I understand the Bill correctly, it is to pay the salaries due the officials of both Houses?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Are we to understand that these estimates are for the sessional staff, in addition to the sessional clerks, during the present session, and the estimates necessary to meet the expenses of the staff as laid before parliament, of $18.278, are in excess of the amount voted at the last parliament for their services? Last session I understood that the same amount was voted that was necessary for the staff the year previous. Then this is an increase in the expenditure in that particular branch of the service, of $18,278.

Hon. Mr. MILLS—Part of the estimate last year, I think, was a supplementary estimate for this purpose. The ordinary estimate for sessional purposes was for a period of about three months. With the ending of this month we will have been exactly five months in session, so that the expenditure for such a purpose is always a little more when the session is very long.

Hon. Sir MACKENZIE BOWELL—We are likely to be a month longer, I suppose.

Hon. Mr. MILLS—It may be.

Hon. Mr. PERLEY—Will they increase the members' indemnity accordingly?

The Bill passed through all its stages, under a suspension of the rules.

THE WAR IN SOUTH AFRICA.

MOTION.

The SPEAKER—A message has been received from the House of Commons which reads as follows:

To the Queen's Most Excellent Majesty:

Most Gracious Sovereign,—We, Your Majesty's dutiful and loyal subjects, the House of Commons of Canada, in parliament assembled, desire to offer to Your Majesty our heartfelt congratulations on the approaching termination of the war in South Africa, as foreshadowed by the recent successes, culminating in the fall of Pretoria, which have attended the British arms.

The feelings of pride and satisfaction with which we hail every fresh addition to the long and glorious roll of deeds wrought by British valour and resource, are enhanced on the present occasion by the proud consciousness that through the active co-operation of her sons on the battlefield, Canada is entitled to share in a new and special manner in the joy of the present triumph.

We rejoice that the conflict, now happily drawing to a close, will result in the removal of those disabilities under which many of our fellow-subjects have laboured for so long, and we cannot doubt that the extension of Your Majesty's gracious rule over the whole of South Africa will be attended by those blessings which flow from a wise and beneficient administration of just and equal laws.

We pray that for your people's sake the blessings of Your Majesty's reign may long be continued.

Hon. Mr. MILLS—I move the adoption of this address by this honourable body, seconded by my hon. friend opposite, the hon. leader of the opposition. I think there will be no dissenting voice in this House. We all rejoice at the prospect of an early peace. I do not think that this war in any degree had its origin in a jingo spirit.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. MILLS—There was no one within the limits of the British Empire, so far as I know, who desired that a war should be undertaken against the Orange Free State or against the Transvaal Republic for the mere purpose of conquest. We know that the vast majority of the people of this country desired that the empire should remain in security and at peace, but no one who has read the correspondence that has taken place between the Transvaal

Republic and the Secretary of State for the Colonies, and the High Commissioner in South Africa, can fail to see that it was impossible that peace could be maintained without British subjects within that republic being subjected to very gross injustice, to tyranny and to oppression, and the British government and nation being placed before mankind in a position of humiliation, utterly incompatible with the independence and sovereignty of the great empire. (Hear, hear.) The people of the Transvaal Republic acquired the limited independence which they possessed upon certain conditions, which were set out in what is called the Sand River Convention, subsequenty in the convention at Pretoria, and lastly in 1884 in the convention at London. Those Boers, a population of Dutch origin, were British subjects by birth. They were as much the subjects of Her Majesty as any part of the population in this Dominion. They emigrated from Cape Colony because they were dissatisfied with the abolition of slavery, and with the amount of compensation which they received when their slaves were liberated. The views which prevailed in the parliament of the United Kingdom in respect to the subject of slavery, were views which they did not adopt and with which they did not sympathize, and so they moved beyond the limits of Cape Colony with the expectation that they would be in a larger degree at liberty to exercise a control over the dark races that surrounded them, that they could not if they remained within the limits of the British Empire. But there is no principle of our law better settled than that a subject of the British dominions cannot divest himself of his allegiance and of his responsibility as a subject by going beyond the territorial limits of the empire. So that these people when they crossed the Orange River, and when they crossed the Vaal, were still the subjects of the King of England and of Her Majesty after she succeeded to the Throne—as much so as they had been when they remained within Cape Colony. After the Sand River Convention their independence for the purpose of local self government was recognized. They were not recognized as a sovereign state having the right to enter into treaties or negotiations with the sovereign countries of Christendom. Before 1877 they had entered into conflict with the Zulus and with other native tribes and nations, and they were defeated on three successive occasions. Their government was disorganized. They were without the necessary revenues to sustain their government. They were in a condition of chaos and disorder and when Sir Theophilus Shepstone came into the country they, practically without protest, acquiesced in his proclamation embracing the territory within the British dominion. From 1877 until 1881 they acquiesced in that state of things, but when the British army defeated King Cetywayo and the Zulus, and when they were no longer in danger from the attacks of native tribes, they again sought their independence. They surprised and defeated some British troops that were scattered through the country, and the British government of the day, not being anxious to undertake to govern any section of the people of South Africa against their will, acquiesced in the understanding that was arrived at in the convention, negotiated in 1881, at Pretoria. Any one who will take the trouble to read over the convention that was agreed upon on that occasion, and the declaration of facts upon which that convention was based, will see that it was understood, both upon the one side and the other, that the two European races that were found in the country, the English and Dutch, were to stand upon a footing of perfect equality. That was the declaration of the Dutch delegates. That was the basis upon which the negotiations proceeded. It was upon that basis that, so far as these two populations were concerned, the treaty was agreed to. Hon. gentlemen will also see that there was a declaration made to native chiefs who were present on that occasion, and in that declaration to the native chiefs the British commissioners announced the condition upon which the authority of the Boer population of the country, or of the native population of the counrty was again re-established. They were told that their rights were secured, that they were not to have those rights encroached upon, and that if there was any departure from the principles that were agreed upon, and upon which they should be treated, the British government would intervene for the purpose of protecting them. That right of intervention was reserved again under the London conven-

tion of 1884, and it is very difficult to see how, in the face of a declaration made by the British delegates in the presence of the Boer delegates and acquiesced in by them, in which it is clear that the suzerainty of Her Majesty was asserted, that that suzerainty can be subsequently, with any degree of force and reason, called in question. After the convention of London was agreed to, there is no doubt the reserved power to the British authorities was greatly restricted. It was restricted by the concessions made from what had been reserved under the convention of Pretoria, but it was not until after that second convention was agreed to, not until the gold mines began to be worked and a large European population floated into the country that the Boers, through their legislature, undertook to restrict the rights and liberties of the English-speaking population and place them in a condition of marked inferiority to those who were Boers. It was before understood that any British subject who became a resident of the country, and who swore allegiance to the government, should be at liberty to exercise all the rights of citizenship. But that period was first increased to five years, and then increased to fourteen years, and then at the end of fourteen years, without the concurrence of a majority of the Boer population of the district in which the English resident had taken up his abode, he could not be admitted to full citizenship; so that at the end of two years he was required to take an oath of allegiance to the authority of the Transvaal, that he was to wait twelve years longer, and after he had denationalized himself and become a subject of the Boer authorities and was liable to perform all those duties which they chose to impose upon him, then he might perchance be entitled to the full right of a burgher, if the majority of the burghers in his locality chose to confer those rights upon him or to acquiesce in them. Not only were disabilities imposed in that regard, but we find that in the matter of education the same policy which had been adopted towards the French settlers, while the territory was still a Dutch colony, was adopted in the Transvaal towards the English. After the English children had passed the third form in the school, they received no English instruction. In the city of Johannesburg 19-20ths of the European population were English. The children of English parents heard nothing but English spoken. They were sent to schools taught by men from Holland. They were taught in schools in which the teachers were natives of Holland who had spent three months in England, as a qualification to teach English, who scarcely knew a word of English, and who were, therefore, utterly incapable of giving instruction to children of English birth, who spoke English, and who knew no other language than English; and although the English population were subject to an enormous tax for the purpose of maintaining the schools in the district in which they resided, they were utterly incapable of availing themselves of the schools which had been so established, and were obliged to establish schools supported by their own voluntary contributions in order that their children might be educated at all.

Hon. Mr. LANDRY—Was that a wrong?

Hon. Mr. MILLS—Then there were not only the disabilities in this way, but there were also disabilities with regard to their legal protection. The courts were placed absolutely under the control of the president and the Volksraad, and the Volksraad resolution was to rank above the constitution and the judges who were not disposed to acquiesce in this tyrannical regulation were compelled to obey or were expelled from the bench. That was not all. We find they had frequent quarrels with their neighbours and the English population were commandered, as it was called, the moment they arrived in the country, which was wholly contrary to their obligation under international law. British subjects were compelled to enter into the active militia service of the Transvaal Republic. They were sent to fight the natives who were in arms against the oppressive measures of the republic, and they were subjected to military duties from which the Dutch population themselves were exempted. There were regulations exempting Frenchmen who were in the country, and exempting Portuguese and Germans, but there were no regulations to exempt the English population, and that exemption unquestionably they were entitled to under the well-settled rules and principles of international law. In one instance it was reported that a cripple from

Cape Colony was ordered to the north, commandered by one of the cornets. He refused to go. The cornet was on horseback armed with a long leather whip, with which he flogged him along the street. the man being a cripple, utterly incapable of resisting; and when the cornet was called to an account they did not object to executing the law against him so far as bringing him to trial was concerned—so far as imposing a fine upon him—but they put their hands into the public treasury and paid the fine that this ruffian had incurred under the law as it then stood. Now, that is but a single instance of the sort of treatment, the vexatious administration of the law, the tyranny and the oppression practised towards the English population, and here was a great powerful empire having a colony alongside in which Dutchmen and Englishmen stood upon a footing of equality, in which, in the Dutch districts, all schools were conducted in the Dutch language, in the courts of justice men were allowed to plead in the Dutch as well as in the English language, and in the legislature they could speak the Dutch as well as the English; but in the Transvaal the English was not permitted to be used, and a magistrate, who understood both languages, and who, for the purpose of convenience, took the evidence of the witnesses in the English language, was fined for having done so, because the law required that his record of the proceedings of his court should be kept in Dutch. Now, I say I cannot understand how any man, or any number of men, in this country could have any sympathy with a population who undertook to conduct a government upon the lines which have been adopted by the government of the Transvaal under the presidency of Mr. Kruger. A more narrow-minded, a more heartless tyrant has not governed a civilized community during the present century. (Hear, hear). I think it is impossible to read the proceedings of the legislature and the executive government of the country and come to any other conclusion. I say, therefore, that I am pleased that the British troops are in possession of the capital of the Orange Free State. I rejoice that they are in possession of the capital of the Transvaal Republic (cheers), and I shall still further rejoice when British troops are in the peaceful possession of every town and hamlet within the limits of these two republics. (Renewed cheers). I trust that no hysterical sympathy will permit any section of the British people to oppose the permanent establishment of British authority in these two republics. We can give them a better government under our system than they have hitherto had—a less corrupt government than that which they have had in the Transvaal republic. No one desires to deprive the Dutch population of the freedom which they possess and to place them in a position of inferiority as Dutchmen. I would rejoice to see them in the possession of all the rights that belong to an Englishman, an Irishman, a Scotchman, or the citizen of any other country who would become a resident and citizen of that country, but I do not want to see power put into the hands of men who, instead of undertaking to carry out the authority of the government under the sovereignty of the Queen, undertake to use the power with which they are possessed to intrigue against the government of Her Majesty, and overturn her authority in South Africa. There is but one thing possible, and that is the paramountcy of the British government must be established in that country. (Cheers). It is necessarily the half-way house between the British islands and Australia and India. It is essential to the maintenance of the integrity of the empire, and in the maintenance of that integrity, I believe that the people of this country feel just as keen an interest, no matter whether they be of English or French origin, as do the people of the United Kingdom. There was a period in the history of this empire when we thought we were like a family—that the government in the British islands were the parent government of the empire, and we would all grow up and reach maturity and that each one would politically set up, each section in business for itself. That notion prevailed at one time in the United Kingdom. It is elaborately and very ably argued in John Stuart Mill's work on representative government; but I apprehend there is no leading statesman, whether Liberal or Conservative, in the United Kingdom, who subscribes to those notions to-day. (Cheers). We occupy a higher eminence politically than those who stood at

the head of affairs twenty-five or thirty years ago. We have a clearer view of what the constitution of the empire is. Since then great and powerful states have grown up, have assumed large proportions, and the very necessity of our existence, if we are to remain an independent and self governing people, capable of protecting ourselves, imposes upon us the duty of holding together. That being so, I feel that all the people of this country will be disposed to cordially acquiesce in the sentiments expressed in this address. We congratulate Her Majesty. Every person is loyal and devoted to Her Majesty. Every person recognizes that she stands easily first of all the people who for a thousand years have been charged with the government of the British Empire. (Cheers). Her influence has always been an influence in favour of virtue and against vice—in favour of honesty and against dishonesty, in favour of liberty as against oppression, and it is because of the character of Her Majesty, perhaps even more than on account of her position as sovereign in the empire, that the people in every portion of the empire are devoted to Her Majesty as much so as a child is devoted to the parent that he loves. I therefore move the adoption of this address, which is seconded by my hon. friend who sits opposite. (Cheers).

Hon. Sir MACKENZIE BOWELL—I am relieved to a very great extent from making any lengthened remarks after the speech which has just been delivered by the hon. Minister of Justice. He has dealt with the question in such a lucid manner, particularly with the historical portion of it, that it would be a waste of time to add anything to that branch of the subject. I shall, however, revert to one remark that he made in which I anticipated, and on which I thought he would have elaborated a little more. He referred to the conduct of the Dutch in South Africa prior to the British government obtaining possession of that section of Africa. The conduct of the Boers towards the French population at that time was precisely the same as that which the English population have been to the present time subjected to. I heard Sir Henry de Villiers, whom we all had the honour of meeting during the colonial conference, make the statement in the province of Quebec, when calling attention to the loyalty of the Dutch population and of the French who inhabited Cape Colony under British rule, he attributed it in a great measure to the liberty which was given to and enjoyed by all classes of the community, no matter of what race, no matter what religion they might profess, while the disloyalty that existed prior to the acquisition of that country by Great Britain arose from the tyrannical administration of affairs by the Dutch in refusing to the French portion of the population the right to speak their own language, and even the right to enjoy their own religion, so that that race, at one period of the history of the world, occupied about the same position towards the Dutch rulers in Cape Colony that the English people have of late occupied towards the Boers in the Transvaal. I have very great pleasure in seconding an address of this kind. I would have still greater pleasure if we were enabled to congratulate Her Majesty upon the end of the war. I am not of those who think that the struggle is not yet over. There may be a system of guerilla warfare carried on under the direction of the ex-presidents of the Orange Free State and the Transvaal. However, I have not the slightest doubt as to the ultimate result, and that is, that the British flag will float over the whole of that portion of South Africa, and that when it does so, and peace is obtained, I think the people of Canada will agree with the utterance of Lord Salisbury and Mr. Chamberlain, when they said that England canont allow that country to remain in a position to repeat the experiences of the last twelve months—which simply means that the two republics—the Orange Free State which has already been annexed to Great Britain under the proclamation issued by Lord Roberts, and another one which I hope soon will make its appearance annexing the Transvaal—will be brought under the British flag, and that when peace is proclaimed, these portions of South Africa will be placed in the same position now occupied by Cape Colony; and that so soon as they are prepared for it will receive that measure of self government which we enjoy in Canada. (Cheers). Until that is done, I have very little hope of tranquility existing in South Africa? While regretting sincerely

the loss of life and the circumstances which compelled the taking up of arms and the sending of a large force into that country by Great Britain, I am not prepared to say that in the end it will not be without benefit to the civilized world. It will show to the nations—as it has done already to those who have been jealous of the power and prestige of Great Britain—that ours is a united empire, that when necessity requires it Britain can defend herself and her colonies; and what is of a still greater source of gratification to every lover of his country, the war has tended to unite the empire in one indissoluble whole. (Cheers). There was a time, not far distant, when the outside world looked upon England as a nation of shop keepers, that Britain was becoming effete—that she would not be able, under such difficulties as have recently arisen, to defend herself, and that the colonies had not any attachment to the empire. All this the events of the last year have proved to be not only an absurdity but a fallacy. The war has tended to bring together the subjects of Her Majesty, no matter in what part of the world they have taken up their abode. It has shown to the world that whenever the centre of the empire is attacked, Her Majesty's subjects in all sections of the globe are ready to rush to the rescue and defend her even at the risk of their lives. It will have the effect of preventing war, which otherwise might possibly arise between European nations, and which we have been fearing for so long a period, for this reason: they have learned the important fact that if war does break out, no matter with what nation it may be, British subjects as a whole, from whatever race they may have sprung or whatever religion they may profess, will be ready to defend the empire at all hazards. One reason why I am gratified particularly at the results so far, of the war, is that Canada, as an important portion of the empire, has lent her aid in securing the victory. What will be equally gratifying to us as Canadians is the fact that one of the boldest dashes made in the whole war, and which led to the capture and surrender of Cronje and his army, was led by Canadians. (Cheers). Showing, as the Premier very justly said in the few remarks he made when moving this address, that the same blood courses through the veins of the present generation as coursed through the veins of their ancestors, when they achieved victory in almost every contest that they had in every portion of the world. I am delighted to know that the end of the war is approaching. There may be, and I have no doubt there will be, struggles in the future, but that the end must soon come, I think is beyond a doubt. We have had battles in the past. We have had contests of which we British subjects often boast at our convivial meetings. In past wars in which Canada was interested, when backed by a few British soldiers, Canadians showed that they were able to defend their own borders. Events have shown that the same feeling which existed in the past continues to exist. As the age advances we advance in thought. The ideas of British statesmen of twenty-five years ago of the value of the colony no longer prevails. The Manchester school of politicians has died out, and it has been brought home to British statesmen that if Britain is to maintain her supremacy in the world she must be backed by what are termed her outlying dependencies. The time has arrived when we no longer will be looked upon as a dependency, but as a part and parcel of the empire. The word colonist will cease to have any application to us, and we shall be properly designated British subjects, and that alone. Nothing has done so much to unite the people of the empire as this war, and I believe that the result, sad though it is that so many lives should be sacrificed, will be the strengthening of the empire. I second the motion with pleasure, and I hope that ere another session of parliament takes place—I might say before this closes if it should last a month longer—we may be able to pass a resolution congratulating Her Majesty and the British Empire on having obtained a complete and absolute victory over the Boers, and that peace may reign for many years to come. (Cheers).

Hon. Mr. LANDRY—I rise, not for the purpose of making a speech, but simply to offer a suggestion to the hon. minister who has introduced this motion for the adoption of an address to Her Majesty. I have listened with great attention to the speech he has made. I did not find that it had great relevancy to the

subject before this House. I thought it was a chapter from the book which he is now preparing as a maker of history, but what amused me very much was when the hon. gentleman found tears to show the deplorable position in which the Uitlanders of the Transvaal were placed in regard to their schools and their liberties, and I thought to myself of that passage of the scripture where it is said to the daughters of Jerusalem 'do not weep for me but weep for your own sins.' If the hon. gentleman had looked not far away over the sea, but on this continent, he would have seen the same condition of things for which he found such pathetic words to express his feelings, existing in this country, and I would suggest that he should add to the address the following words if it be possible :

We rejoice also that the example given by the people of this Dominion in co-operating with the empire for the removal of those disabilities under which the Uitlanders of the Transvaal have laboured so long, will be looked upon as a precedent applicable to our own country, and we feel assured that the present government will take necessary and urgent measures to grant to the Catholic minority of Manitoba the restoration of the rights, recognized by a decision of your Privy Council, the execution of which will be attended by the same blessings which flow from a wise and beneficient administration of just and equal laws.

I suppose the hon. gentleman, who stands up here in the name of justice and liberty, will accede to my suggestion and will have those words placed in the address.

Hon. Mr. GOWAN—I rise with great pleasure to concur in the address to Her Gracious Majesty congratulating her on the success of British arms in South Africa. That it has the full concurrence of the people of Canada no one can doubt who has followed the events of the last few months. From the Atlantic to the Pacific the people of Canada spoke out loyally, intelligently, plainly and emphatically. They remembered the obligations they owed to Great Britain—that they were protected in their infancy by Great Britain,—that they had the institutions of Great Britain to look to in all that made for the peace and prosperity of the empire. Take our commerce. We boasted, and with truth, at one time that our commercial navy was amongst the first of the world ; our ships traversed every sea, and with safety, and why ? Because British ironclads were on every sea, and if our ships were interfered with, would have asked the reason why. We owe a deep debt of gratitude to the mother country for the way in which we have been protected and fostered, so to speak, to nationhood by the motherland, and it well becomes us to feel as we do, and the resolutions I think fitly and wisely express the sentiments of the people of Canada. They desire, we desire all of us, peace, but peace with honour. There can be no peace in South Africa until British rule is there supreme. The Boers have been tried. My hon. friend the Minister of Justice and my hon. friend the leader of the opposition have brought out clearly the unfitness of the Boers to rule a free people. They never will have in South Africa a free government until the British flag waves supreme. History shows that wherever that flag floats it is the emblem of freedom, civilization and justice, that freedom which is calculated to ennoble a people, and when that flag floats supreme in Africa, I have no doubt the day will come when a government will be granted to the whole of South Africa as a united country, confederated under a common sovereign, and that such rights and privileges will be granted to them as may be compatible with the existing condition of things there, and will lead ultimately to the establishment of a free government as we have it in Canada. I said we owed much to Great Britain from the very first—from 1792, I think it was when we were granted a constitution, which, in the words of Governor Simcoe, was the very image and transcript of the British constitution, finally responsible government was conceded. We worked under that for some time, and now, the government in accordance with the well understood wishes of the people as expressed through their representatives is firmly established. Under that government we have lived and flourished, and I hope and trust the day is not far distant when we shall have closer relations with the mother country even than we now enjoy The British constitution is not a thing merely of parchment. It is not a matter of writing. It consists in the aggregation of principles brought out from important events and doings, and any one who studies the British constitution will see that the *agenda* of ages and dynasties have been the bases which have established the great principles of the British constitution, and so it will be with regard to an Imperial

constitution. I believe that when the government of this country listened and responded to the mandate, the clear mandate of the people, and with, I will say, all reasonable despatch—at least that is my view seeing the matter was of first instance and paramount importance—and when they acted and obtained the sanction of parliament to their acts from that moment the foundation of an Imperial constitution was laid, and when our gallant fellows stood beside the soldiers of the Queen, prepared to shed their blood in defence of the empire, that moment their blood sealed the compact of the foundation and beginning of an Imperial constitution. It will grow. Events will spring up from time to time and I believe that it is not by proposing this scheme or that scheme that it will come, but by acting upon the clear feeling of the people of this country, which is loyal to the empire which recognizes the overpowering advantages of Imperial Federation. That will develop in time into the formation of an Imperial constitution, and my own deliberate impression is that it would be unwise by any act of ours to try to prematurely force the result. Some have put forth the view that we should have a representation in the British House of Commons, but that never could be accomplished. Another scheme is that we should have a representation in a certain council representing the whole empire. That may be feasible but it is beset with innumerable difficulties. Time and the feeling of the people of United Canada will accomplish it, because I believe there is no difference of opinion with regard to it. It has been said that in some parts of the country there is a want of such feeling, but I cannot believe that there is. The people are accused of certain want of loyalty and want of love for the mother country, and attachment for the empire, but they cannot fail to remember that the treaty made by Britain was religiously and faithfully kept, and rights guaranteed to them which exist in no other province of United Canada, and they cannot fail to bear in mind that if their place was in the United States, the moment there was a population far and away beyond them of different nationalities, their guaranteed rights would not stand for an hour. But it is not considerations of that kind which will alone be operative with a chivalrous people. They feel and know the grandeur, the safety and the advantage of being part and parcel of the greatest empire the world has ever known. We cannot fail to appreciate the immense advantage of being a colony of England. I am one of those who think that ere long the whole family will be united, all who have become part and parcel of the British Empire will be one people, and wherever the British flag floats it will be a true emblem of rational liberty.

The motion was agreed to.

Hon. Mr. MILLS moved that His Honour the Speaker do sign the said address on behalf of this House.

Hon. Mr. LANDRY—Before that motion is carried I would ask if that address, which will be signed by the Speaker, is to be sent to the Queen ?

Some hon. MEMBERS—Yes.

Hon. Mr. LANDRY—Then I would call the attention of the House to the fact that the French translation is very poorly done and contains grammatical faults.

The motion was agreed to.

THIRD READINGS.

Bill (54) 'An Act respecting the Ontario Mutual Life Assurance Company, and to change its name to "The Mutual Life Assurance Company of Canada."'—(Hon. Mr. Kerr.)

Bill (134) 'An Act respecting the incorporation of Live Stock Record Associations.'—(Hon. Mr. Scott.)

Bill (151) 'An Act to amend the Act relating to Ocean Steamship Subsidies.'—(Hon. Mr. Mills.)

Bill (149) 'An Act respecting Inscribed Stock of Canada in the United Kingdom.'

BUFFALO RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (100) 'An Act respecting the Buffalo Railway Company (Foreign.)' He said : I must say, in looking over the Bill, that without further explanation I should not be favourable to it, but I think hon. gentlemen will be kind enough to let it be

referred to the Committee in Railways. The company are asking too much and offering too little. They want to control a lot of railways on this side of the line. They want to control the franchise and good will of the Niagara Falls Railway Company and the Queenston Heights Company and a Bridge Company. It may be all right, and no doubt they will furnish us with any necessary information when it comes before the committee. They should let us know who the stock-holders of this company are. We know nothing of them. This country was invaded by foreigners not long ago, and we do not wish that class of people here, but at the same time in order to do justice to all I think we should read the Bill a second time now. I do not bind myself to support the measure, but merely ask that it be sent to the committee as a matter of form.

Hon. Mr. ALLAN—If the hon. gentleman is not the father of the Bill he must be the step-father ; otherwise he would not have given us so many reasons why we should not pass the measure.

Hon. Mr. POWER—I was wondering, when I looked at this Bill, what sort of a speech the hon. gentleman from Monck would make in its favour ; and I must say that he has preferred to be consistent rather than to vigorously support his own measure. I think it is safe to let it go to the committee with the endorsation the hon. gentleman has given it.

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

SECOND READING.

Bill (20) 'An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the British Yukon Railway Company.'—(Hon. Mr. Clemow.)

CRIMINAL CODE AMENDMENT BILL.

CONSIDERATION OF AMENDMENTS POST-POSTPONED.

The Order of the Day being called,

Consideration of the amendments made by the House of Commons to (Bill K) 'An Act to further amend the Criminal Code, 1892.'—(Hon. Mr. Mills.)

Hon. Mr. MILLS—I had not been able to consider the amendments made to this Bill, and I therefore move that this Order of the Day be discharged and placed on the Orders of the Day for Tuesday next.

Hon. Sir MACKENZIE BOWELL—If hon. members of the House are in the same position as the hon. Minister of Justice, and have not looked at the amendments, I should like to call attention to one or two changes which it would be well to consider. The House of Commons has made a number of amendments to the Bill to which I think the concurrence of the House would be readily given, but it is a question whether we should accept some of the other amendments. I am calling attention to them now, so that members may consider the question of the rejection of the amendments or concurrence in them. In the first place, there is a provision that the Bill shall not come into force until the first day of January next. I cannot understand why that provision is added to the Bill. If there are clauses in the Bill which are intended to prevent immorality and swindling which is being carried on in the way of lotteries, it should come into force at once, because these evils should be stopped. They have struck out of the Bill the clause which was inserted at the instance of the hon. senior member for Halifax, providing that in cases of seduction there should be corroborative evidence. That is struck out of the Bill. They have also added to the Bill that short proviso which was struck out by the Senate, on the motion of the hon. gentleman to whom I have referred, and supported by the Senate, which exempts certain trades union from the effect of combinations ; rejected on the ground, I take it, that there should be no class legislation. No matter what the other branch of parliament may do for the sake of securing votes, by passing measures which are really class legislation, the sooner this House puts a stop to this kind of legislation the better. That which is wrong when committed by one class of the community is equally wrong when committed by another class, though they may have the greater number of votes at an election. For that reason I opposed it years ago, and I think we should continue in that line. The clause providing for the whipping of children is

also struck out of the Bill, and there are a number of other amendments, which are of a technical character, affecting legal proceedings in courts, of which I have no knowledge, and which the legal members of the House must deal with when the matter comes up. I dare say the Minister of Justice will be able to explain these amendments, but I thought it well to call attention to the important changes which have been made, in order that members who have not taken the trouble to study them may be in a better position to give an intelligent vote when the Bill comes before us.

The motion was agreed to.

COLD STORAGE ACCOMMODATION ON STEAMSHIPS BILL.

POSTPONED.

The Order of the Day being called,

Committee of the Whole House on Bill (152) 'An Act to authorize contracts with certain steamship companies for cold storage accommodation.'—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—I have not been able to obtain the information asked for when this Bill was read the second time, and I move that the Order of the Day be discharged, and placed on the Orders of the Day for Tuesday next.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman would be good enough to lay on the Table of the House on Monday the information asked for, we would be able to look at it, and consider it intelligently.

Hon. Mr. SCOTT—The hon. gentleman from Westmoreland asked a question with reference to the vessels which had been subsidized continuing to provide cold storage in future. Their contract was limited to three years. I do not know what they are doing. My hon. friend inquired what position they were in, and whether they would continue to afford the cold storage.

Hon. Mr. WOOD—Yes, and how many? I also desired to know if the minister could give us the number of additional steamers it was proposed to subsidize under this Bill.

Hon. Sir MACKENZIE BOWELL—Yes, and how much it cost last year?

Hon. Mr. SCOTT—From the Auditor General's Report, under the head of subsidies for steamships for cold storage, I find an amount of $45,695.

Hon. Sir MACKENZIE BOWELL—Was that exclusively for steamships?

Hon. Mr. SCOTT—Yes, it is put down as expended entirely on steamships.

Hon. Mr. WOOD—The hon. minister stated that the expenditure for the three years had been some $76,000.

Hon. Mr. SCOTT—That is the calculation that I had made up, of what was expended in 1897. When the Act of 1897 was passed, there were resolutions laid on the Table in answer to a request from this House, or the other Chamber, giving the steamers in which cold storage facilities were to be constructed, and four vessels were to be constructed. Allan and Thompson three, Allan and Reford two, Elder Dempster five. On that the cost was assumed to be $10,000, and the government was to contribute one-half, and it was to be spread over three years, and I made up the calculation, taking the fourteen steamers, that the government's portion would be $70,000. Then there was a steamer to Avonmouth, for which a larger sum was to be paid. I made it up at $76,000. Looking at the Auditor General's Report I found the amount was very much larger than had been contemplated.

The motion was agreed to.

INTEREST ACTS AMENDMENT BILL. BILL.

POSTPONED.

The Order of the Day being called,

Committee of the Whole House on Bill (160) 'An Act to amend the Expropriation Act.'—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—The hon. gentleman from Prince Edward Island objected to the figure '5' being substituted for the figure '6,' and suggested that the section of the Act had better be recast, and I have framed the Bill in that way. I move that the Order of the Day be discharged, and placed on the Orders for Monday next.

The motion was agreed to.

INTEREST ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (161) 'An Act to amend the Acts respecting interest.'

(In the Committee.)

Hon. Mr. MILLS—I may say to my hon. friend that I thought perhaps it would be well to amend this provision by excepting transactions where the interest had already begun to run, and to confine the Bill to liabilities hereafter to be created. That would not affect transactions of which any person could complain. After the word five I propose to add the following:

Provided this statute shall not apply to liabilities created before the passage of this Act.

Hon. Mr. POWER—Does not the hon. minister think that too wide an extension is likely to be given to the word 'liabilities'? I can understand that the law should not apply to instruments made before the passing of this Act; but supposing a debt is maturing after the passing of this Act, the liability exists, but the debt may not be in the form in which it bears interest. I do not think this Act should be made applicable to such a case.

Hon. Mr. WOOD—I would suggest to the minister that he should give notice of this amendment, and have it printed in the minutes of proceedings, and bring it up another day. It is a matter of importance, and it is difficult to say just what the effect of the wording would be when it is not before us, and we have not had time to consider it.

Hon. Mr. POWER—When the committee reports the Bill we shall have an opportunity to see it, and have time to consider it before the third reading.

Hon. Mr. WOOD—I think it would be a better way of proceeding to give notice of the amendment and have it printed in the minutes, and let us have an opportunity of considering it.

Hon. Sir MACKENZIE BOWELL—If I understand the amendment, it is simply to confine it to future operations, and not give it a retroactive effect of any character. Is that the object of it?

Hon. Mr. MILLS—That is the object.

Hon. Sir MACKENZIE BOWELL—I think it is a very good provision, so as not to affect existing contracts, or existing debts. It comes into operation when sanctioned by the government and not before. If I understand the decisions given in Ontario on this interest question, say you have a mortgage or note drawing 8 per cent; if it is not paid at maturity the lender can only collect 6 per cent afterwards, and in the case of a note, even if you say 'until paid,' the decisions have been that you can draw only 6 per cent. Under this measure you can draw only 5 per cent. You have to specify distinctly that unless the amount of the note is paid at maturity, and the interest which it is provided to be paid on the face of the note shall be the interest to be drawn until it is paid, it cannot be collected. It has to be peculiarly worded if I recollect right.

Hon. Mr. MILLS—I take it if we were to pass the Bill as I introduced it without any amendment, after it becomes law, the rate of interest on all transactions, where there is no agreement as to the rate would be 5 instead of 6 per cent; and if the rate of interest had been running at 6 per cent, it would cease at that point, and begin then to run at 5. The amendment I suggested would have this effect, that with regard to all transactions, where the rate of interest has not been agreed upon, they will continue to draw 6 per cent and the 5 per cent rate would operate after the sanction of this Act to all future transactions.

Hon. Mr. WOOD—So far as I have been able to study the Bill since yesterday, I think it goes even further than the Minister of Justice says. If I read the Bill correctly, and the statute which it amends, on any contract or agreement where the interest is already running at 6 per cent, it would not stop when this Bill was passed, but it really would have the effect of making the rate of interest, from the time that contract was made 5 per cent until the transaction was closed—that it not only has the effect of changing the rate at the time of passing the Bill, but has a retroactive effect, and makes the rate 5 per cent from the date of the transaction.

Hon. Sir MACKENZIE BOWELL—That is what the Minister of Justice wants to prevent.

Hon. Mr. WOOD—The amendment of the Minister of Justice certainly makes the Bill more acceptable, so far as I am concerned. I feel that it is a matter of importance that the wording of an amendment of this character should be carefully considered. It is very evident the Bill passed through the

House of Commons without receiving full consideration.

Hon. Mr. POWER—That is a reflection on the House of Commons. The hon. gentleman's opinion happens to be different from the opinion of the House of Commons.

Hon. Mr. WOOD—I am not here expressly to please the hon. gentleman from Halifax. I cannot say that I have any more respect for his opinion than for those of other hon. gentlemen. Although he feels it his duty, when I make a suggestion, to interject remarks before I have explained my views, I think I have a right to express my opinions. I only regret that they are so very often resented by the hon. gentleman. I should like to again ask the attention of the Minister of Justice to the suggestion that I have already made, that a notice of the amendment which he proposes should be placed upon our proceedings, so that we should have an opportunity of fully considering its effect.

Hon. Mr. POWER—The hon. gentleman has undertaken to say that I wish to interfere with his freedom of action in this House. The hon. gentleman is quite wrong. He undertook to say that he was satisfied, from the character of this Bill, that it had not been considered by the House of Commons. That is a reflection on the action of the House of Commons that I do not think the hon. gentleman, as a member of this House, has a right to make.

Hon. Mr. CLEMOW—He did not mean that.

Hon. Mr. POWER—Whether the hon. gentleman meant it or not, he said it; and further, it is a reflection on the government who introduced the measure. The hon. gentleman is a wise man; still I do not think he embodies in himself all the wisdom of both branches of parliament.

Hon. Mr. CLEMOW—Is this the proper time to introduce this legislation? Interest has gone up in England. We want to induce capitalists to come to this country. Will it have the effect of bringing capital into this country when we reduce the rate of interest?

Hon. Mr. SCOTT—A man can make his own contracts.

Hon. Mr. CLEMOW—Those people do not know that. At this time we want to bring in capital. Will capitalists have the same advantage with this reduced rate of interest? It is well to bring the matter before the House in order that they may consider it. I agree that the rate of interest should be changed, and probably 5 per cent is enough at the present time; but is it wise or prudent to make a change when we know that money in England has been quoted as high as four and a half per cent?

Hon. Mr. PROWSE—We do not want the votes of the people of England just now.

Hon. Mr. CLEMOW—We might want their money.

Hon. Mr. MILLS—This is not the time to discuss the principle of the Bill or its opportuneness or inopportuneness, because that we passed upon when we read the Bill the second time; nor do I think it is a matter merely of public opinion, because hon gentlemen know right well that it would be the duty of parliament in this matter to ascertain what is the ordinary average rate of interest and approximately to fix that as the rate where no rate of interest has been agreed upon. Every one knows that six per cent was fixed at a period when the profits of money in the form of interest was considerably more than it is at present; so if six per cent was a proper rate twenty years ago, five per cent is quite high enough to fix at the present time, and what I propose is this; as the Bill stands it was suggested to me that we ought not to touch transactions where the rate of interest had already begun to run. That seemed to me not an unreasonable proposition. They will stand undisturbed, and the only transactions affected by the Bill will be those transactions which will arise after the measure goes into operation, so I thought an amendment such as I suggested would meet the requirement. I would suggest that the amendment be adopted, and I shall ask the committee to rise and report the Bill as amended and treat it as a tentative proposition to be considered before the Bill receives its third reading.

The amendment was adopted.

Hon. Mr. BERNIER, from the committee, reported the Bill with an amendment.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 11, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

SECOND READING.

Bill (55) 'An Act to incorporate the Canadian Bankers' Association.'—(Hon. Mr. Lougheed in absence of Hon. Mr. Kirchhoffer.)

GRAIN TRADE IN MANITOBA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (141) 'An Act respecting the grain trade in the inspection district of Manitoba.' He said: Hon. gentlemen are aware that for very many years a considerable amount of dissatisfaction and discontent has prevailed in the North-west and Manitoba between the farmers and the elevator people. The farmers had a number of grievances that from time to time had been pressed on the attention of the government, but up to the present time no actual legislation has been enacted. In October last the government appointed a commission to inquire into those grievances. That commission consisted of the late Judge Senkler, and the gentlemen associated with him, Mr. Slocum and Mr. Casault. They issued notices to the farmers of Manitoba and the North-west to meet them at a number of centres, and a considerable amount of evidence was taken on the points at issue. Unfortunately, Judge Senkler died before very much progress had been made, and a chairman was appointed in his place, who is now the present Judge Richard, of Winnipeg. The result of their inquiry was embodied in a return which I think has been laid before parliament, and has been printed. I have not a copy of it now myself, but this Bill is the outcome of the suggestion made by the commission. I may say that the grievances of the farmers of Manitoba and the North-west might be placed under three heads. One was that the vendor of the grain, the farmer, was subjected to an unfair and excessive dockage at the time of the sale of his grain and the reception of it at the elevator. This dockage means the amount of inferior grain or seeds in wheat, or broken wheat, which of course were objectionable, and had to be removed. There was a method of removal, not by actually testing the quantity of foul seeds or defective wheat that was in the aggregate quantity, but by testing with a sieve, which was known as the dockage tester. This had often proved very unsatisfactory, and the farmers objected to its continuance. They objected, also, to the fact that they had not those ample opportunities that are usually afforded in matters of trade between people, of witnessing the weighing of their grain, and a good deal of dissatisfaction arose from that cause. A third was that, as the trade was carried on under the elevator system, it practically gave to the owners of the elevators a monopoly of the purchase of grain. The farmer practically, when he came to the railway station, had no alternative but to hand over his grain to the elevator, and he was from that time powerless to remonstrate in any effective way with the results that were handed out to him, either as to the quantity or the quality of his grain; and as the farmers maintain, whether rightly or wrongly, they were, under those conditions, forced often to sell their grain at less value than the market price justified. One of the proposals under this Bill, therefore, is to authorize any ten persons to unite together and construct what is called a flat warehouse, where the grain may be housed in separate bins in the name of each owner of the grain, awaiting shipment to a terminal elevator, or such other disposition as the farmer might wish to make of it. One would readily recognize that the shortest, cheapest and easiest way to deal with the grain is to have it weighed, cleaned and distributed through the elevators if the terms were reasonable, rather than have it housed in a flat elevator where the labour of housing it would be greater than placing it in an elevator, and where the labour of removing it to a car would be greater than taking it from the elevator. When this Bill passes, its provisions may be such as to really avoid the necessity for the construction of those flat elevators. That, I should hope would be the result, though, as a relief to the farmers, they are now authorized under this Bill to construct one flat elevator or

more, if the commissioner, who is charged with the carrying out of the provisions of this Bill, is of the opinion that more than one flat elevator is wanted. The Bill authorizes the appointment by the Governor in Council of a skilled person, known as a warehousing commissioner, for the inspection district of Manitoba, which would of course embrace Manitoba and the North-west. He also would have the power, under this Bill, to inquire into the various grievances that are now unsettled between the farmer and the elevator man. The difficulty probably arises from this fact: The building of elevators is rather over done. The amount of wheat produced in Manitoba and the North-west is not equal to the capacity of the elevators now in existence. At present the number of the various kinds of elevators is 447, and in the opinion of the commissioners who inquired into the subject, in order to pay a fair dividend on the outlay, each elevator would be required to be filled at least three times during the season. As we all know, the season in Manitoba and the North-west—particularly the remote parts of the North-west—is very short, and the rush is in all cases, to get the grain to tide-water or some point where it can be regarded as cash before the navigation closes in order to avoid the carriage by rail—to get it down to Fort William so as to have it sent to Montreal, Buffalo, New York, or whatever point it is destined for. The time is very short, and therefore the chance of filling the 447 elevators three times during the brief season is not to be hoped for under present conditions. Therefore, the elevator men, I presume, feel that the investment has not been to them as profitable a one as they expected it would be in the beginning. We must all concede that, so far as the opportunities for the buyer and seller to watch the weighing of the grain, the widest and most ample protection should be afforded by some official examination that would prevent anything like a difference of opinion based upon facts. Therefore, this Bill provides that the freest facility must be given to the seller at the time his grain is being weighed. Beyond the general points to which I have adverted, the Bill is replete with very many details which can be much better explained and examined when the House is in committee.

Hon. Mr. SCOTT.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that the building of elevators had been overdone?

Hon. Mr. SCOTT—Yes. In the report the commissioners put down the number of elevators of various kinds at 447. Two large milling concerns own each between forty and fifty of those elevators. In other cases they are put up by companies, and in some cases by parties who trade in wheat, and when the farmers come the effort is to force a sale to the elevator. Practically, at present the only way the elevator man can be recouped on his outlay is by purchasing the grain and taking advantage of the market.

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

EXPROPRIATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (160) 'An Act to amend the Expropriation Act.'

(In the Committee.)

Hon. Mr. SCOTT—When this Bill was up for second reading the hon. gentleman from Prince Edward Island expressed some criticism, which I think was fairly well founded, that in Bills of this kind it would be much more satisfactory if, instead of altering one word in a section, where the word was of so important a character, it would be better to substitute the section with the altered word in it. Therefore, instead of the first clause of the Bill reading simply that the word 'six' be struck out and 'five' inserted, without explaining what the object and purpose of the Bill was, I have had it recast in the direction the hon. gentleman suggested. As the House will probably remember from the explanation given when the Bill was up for second reading, it is to adopt the rate of interest in the Bill that, I suppose, will be passed by parliament, reducing it from 6 per cent to 5, so far as government payments are concerned, and in cases where no previous contract or agreement had existed. Under the Expropriation Act, where the government takes possession of a man's land before the final settlement, it is only reason-

able that he should receive interest on the amount of the purchase. The rate of interest heretofore has been 6 per cent. It is proposed now to reduce the rate to 5 per cent.

Hon. Mr. LOUGHEED—I do not know whether it is the intention of my hon. friend that the effect of this clause should relate back to the time when the money was tendered to the parties from whom the land was expropriated.

Hon. Mr. SCOTT—It should not affect any transaction now pending.

Hon. Mr. LOUGHEED—I fancy the intention of the government is not to make it retroactive, but would point out that the language of the Bill will clearly make it retroactive. By this Bill we now enact, in specific terms, that the principal money shall bear interest from the time the land was expropriated or injuriously affected, at the rate of 5 per cent. It seems to me that the Bill ought to provide that it should bear 5 per cent from the passage of this Act and not from the date of the tender of the money.

Hon. Mr. SCOTT—I think the better way would be to add a clause that the Bill shall not apply to any case where the land had been expropriated before the passing of this Act. I move that the following be added as an additional clause:

This Act shall not apply to any case where the land has been expropriated prior to the passing of this Act.

In all cases where expropriation proceedings have been begun they will get the benefit of the 6 per cent.

Hon. Mr. LOUGHEED. The hon. gentleman should add 'or injuriously affected.'

Hon. Mr. SCOTT—Yes, I will add those words.

Hon. Mr. MILLS—That might enlarge the provisions of the law beyond what it has heretofore been. Where a property is injuriously affected by a railway running near it, but not touching it, it has been held that the party has not been entitled to recover.

Hon. Mr. LOUGHEED—I am only referring to cases dealt with by sections 29 and 30.

The amendment was agreed to, and the clause as amended, was adopted.

Hon. Mr. BOLDUC, from the committee, reported the Bill with amendments.

INTEREST ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved concurrence in the amendments made in Committee of the Whole House to Bill (161) 'An Act to amend the Acts respecting interest.'

The motion was agreed to.

The Bill was then read the third time, and passed.

CANADA NATIONAL RAILWAY AND TRANSPORT COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (115) 'An Act to incorporate the Canada National Railway and Transport Company.' He said: This Bill is to provide for the construction of a line of railway from Toronto to Collingwood, to connect with a line of steamers, for the purpose of inducing, if possible, a large amount of traffic along the St. Lawrence route to the ocean. It has received the endorsation of the cities of Hamilton, Toronto and Duluth, and is looked upon as an important Bill in this country.

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

TORONTO HOTEL COMPANY'S BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. ALLAN moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to Bill (114) 'An Act respecting the Toronto Hotel Company.'

Hon. Mr. McCALLUM—I have considered these amendments, and it appears to me that we are undertaking to do something which we should not do. We are undertaking, by an Act of parliament, to locate a site for an hotel in the city of Toronto. Now, we all know that that is local work. I have the British North America Act in my hand, and if any hon. gentleman can show me that we have the power to do what we are doing by this Bill, I should be

very glad to support it. What powers have we ? This matter belongs entirely to the local legislature, and these people simply come here in order that they may obtain power from this parliament, so that the banking and money institutions of the country will invest money in the hotel. When the parliament of Canada undertake to select a site for a hotel in the city of Torornto, they are doing what, in my opinion, they should not do, and I am sure that the hon. Minister of Justice, who knows the constitution and who understands all about this matter, will not give his sanction to anything of the kind. What matters can we legislate on ? The British North America Act tells us that we can legislate on the regulation of trade and commerce, the raising of money by means of taxation, borrowing money, postal service, military service, naval service, and things of that kind. I might go through the whole chapter, and there is not one word that we should legislate about property and civil rights. That belongs to the local legislature altogether, because the Act says : 'Property and civil rights in the province.' That is where we stand exactly. I therefore, move that the said Bill be referred back to the Standing Committee on Banking and Commerce with instructions to strike out the words:

Bounded on the north by King Street, on the east by Leader Lane, on the south by Colborne, and on the west by Yonge Street.

It is the local legislature that should deal with this matter, if it is to be done at all. They should not come to the Dominion parliament to ask us to do it.

Hon. Mr. ALLAN—I will venture to suggest to the hon. gentleman, to save the necessity of referring the Bill back to the committee, that I am perfectly willing that that amendment should be struck out. I was obliged to report the amendment to the House, because the committee adopted it, but so far as the interests of the Toronto Hotel Company are concerned, I am willing that the amendment should be dropped, rather than to send the Bill back to committee. If the hon. gentleman has no objection, I will move that that amendment be not concurred in.

Hon. Mr. McCALLUM—I shall be most happy to accept that suggestion. Drop that amendment from the Bill and it will be perfectly satisfactory to me. As for the remainder of the Bill, we may discuss it on the third reading. I am opposed to the principle of the Bill, but I do not think the other part is so objectionable as this. If the hon. gentleman is willing to drop that first amendment, it is perfectly satisfactory to me, and I hope it will be satisfactory to the people of this country.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman had better change his motion, and simply move that the first amendment be not concurred in.

Hon. Mr. MILLER—The motion has been made by the hon. promoter of the Bill to concur in the amendment. A vote can be taken on that motion.

Hon. Sir MACKENZIE BOWELL—The motion is to concur in the amendment. There are two amendments, and if you act upon the suggestion of the hon. gentleman from Richmond, then you defeat the second amendment, which is very essential for the safety of the shareholders.

Hon. Mr. MILLER—I know there are two amendments, but the proper course is to move concurrence in the amendments consecutively.

Hon. Mr. ALLAN—That being the proper course to pursue, I move concurrence in the first amendment.

The motion was declared lost.

Hon. Mr. ALLAN moved concurrence in the second amendment.

Hon. Mr. MILLER—I might say, with regard to this Bill, at first blush I was opposed to it ; I considered it should be a measure for the local legislature, but when it was explained to me that there was a doubt to be removed in connection with the Bill which could only be done in this parliament, then I thought it assumed a different phase before the Standing Committee on Banking and Commerce. My second objection to the Bill in the committee was that it contemplated appropriating the stock of shareholders of banking corporations without their authority. That was amended by making it necessary that all such subscriptions to the stock of this hotel should receive the approval of a meeting of shareholders before it became binding on

the corporation. I thought that amendment removed the most serious objection to the Bill. I must say that the objection taken by my hon. friend did not appear to me to have any great force. I did not consider there was anything unconstitutional in the first amendment, or that it was a matter which called for much discussion; but the important feature was the appropriation by the directors of the stock of the company without the sanction of the shareholders. That was amended by the resolution moved by the hon. leader of the opposition in the committee, and which made the Bill satisfactory to me, and I think to the whole committee.

The motion was agreed to.

Hon. Mr. ALLAN—Perhaps if I move the third reading of the Bill the hon. gentleman from Monck will be ready to state his objection to it now.

Hon. Mr. McCALLUM—There is no hurry about it.

Hon. Mr. ALLAN—It has to go back to the House of Commons.

Hon. Mr. McCALLUM—I know it has. There will be time enough. I am sure we will not get away from here for a month yet. Better postpone the third reading until to-morrow.

The Bill was ordered for third reading to-morrow.

COMPANIES CLAUSES ACT AMENDMENT BILL.

Hon. Mr. MILLS introduced Bill (X) 'An Act to amend the Companies Clauses Act.' He said: This Bill consists of two clauses. It was introduced in the House of Common by Mr. Gilmour, was considered in committee, and reported, and is on the list of Public Bills, and therefore, is not likely to be reached this session. The Bill is a very proper one, and I thought that it could be introduced here and passed and sent to the House of Commons. The Bill authorizes companies to change their head office, with the consent of their shareholders?

Hon. Mr. DEBOUCHERVILLE—Could they change their head office anywhere, say in the United States for example?

Hon. Mr. MILLS—Certainly not. We cannot authorize them to do a thing which is beyond our control. My hon. friend will see that the general Act makes provision, and that this does not in any way alter the general Act in that respect.

Hon. Mr. CLEMOW—Could they change an office from Montreal to Toronto?

Hon. Mr. MILLS—Yes, if the shareholders approved.

Hon. Sir MACKENZIE BOWELL—Would it not also enable them to change their head office from Montreal or Toronto, to London, England?

Hon. Mr. MILLS—No, that is outside of our jurisdiction.

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 12, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

1. Does the government know that the Catholic minority of Manitoba contends that it has been injured in the exercise of its rights with respect to the maintenance of its schools, and that it has demanded, as a remedy for its grievances, three things:
   (a) Separate schools.
   (b) A grant to sustain them.
   (c) Exemption from taxes for the maintenance of Protestant schools?
2. By the judgment rendered on January 29, 1895, by the Lords of the Judicial Committee of the Privy Council and by the order in council of Her Majesty the Queen in Council, dated February 2, 1895, is it decreed that the Catholic minority of Manitoba has just grievances, the redress of which, as a question of appeal to be decided, falls within the jurisdiction of the Governor General in Council?
3. Did the Governor General in Council, by an order dated March 21, 1895, order the legislature of Manitoba to modify its school legislation in such a way as to give the Catholic minority in Manitoba:
   (a) The right to construct, maintain, furnish, manage, conduct and sustain Roman Catholic schools in the manner provided for by the Acts which the statutes of 1890 have repealed;

(b) The right to share in any subsidy made out of the public funds for the needs of public instruction;

(c) The right of the Roman Catholics who shall contribute to sustain the Roman Catholic schools to be exempt from all payments or contributions destined for the maintenance of other schools?

4. Has the legislature of Manitoba conformed with these prescriptions of the remedial order?

5. Has not the legislature, on the contrary, answered in the negative:

(a) By a first refusal given on July 25, 1895;

(b) By a second refusal given on December 21, 1895, rejecting an attempt at reconciliation;

(c) By a third refusal of the propositions made by the delegates sent to Winnipeg on March 28, 1896?

6. In the face of this triple refusal, did not the Conservative government propose for adoption by the Canadian parliament certain legislation, called remedial legislation, substituting the Canadian parliament for the Manitoban legislature in the measures of justice to be granted the Catholic minority of Manitoba for the redress of their grievances?

7. On March 22, 1896, did not the House of Commons accept the principle of federal intervention in the settlement of the Manitoba schools difficulty by adopting, by a vote of 112 to 94, the second reading of the Remedial Bill?

8. On April 14 of the same year, did not Sir Charles Tupper read to the House of Commons the following telegram from Monseigneur the Archbishop of St. Boniface, making known the adherence of the Catholic minority to the remedial measure:

Montreal, April 13, 1896.

In the name of the Catholic minority of Manitoba, that I represent officially, I ask the House of Commons to pass the whole Remedial Act as it is now amended. It will be satisfactory to the said Catholic minority, that will consider it as a substantial, workable and final settlement of the school question according to the constitution.

(Sgd.) ADELARD LANGEVIN.

9. Was not the final adoption of the Remedial Bill prevented only by an interminable discussion, which was prolonged until the last days of parliament?

10. In the general elections of 1896, did not the Liberal party make to the electorate the solemn promise to render full and entire justice to the Catholic minority, as appears, amongst other things, by the following declarations published by the press and brought to the knowledge of the voters:

(a) Extract from a speech made by the Hon. Mr. Laurier at Jacques Cartier Hall, in Quebec, May 7, 1896, as published by 'L'Electeur' of May 8, 1896:

(Translation from the French.)

'Do not misunderstand my intentions. I repeat here that I wish the minority in Manitoba to obtain entire justice. It is a principle written in letters of gold in the programme of my party that the rights of the minority must be respected. . . . .

'If the people of Canada bring me into power, as I have a conviction they will, I will settle this question to the satisfaction of all parties interested. I shall have with me in my government Sir Oliver Mowat, who has always been in Ontario, at the peril of his own popularity, the champion of the Catholic minority and of separate schools. I will put him at the head of a commission where all the interests at stake shall be represented, and I affirm to you that I will succeed in satisfying those who are suffering at this moment. Is not Sir Oliver Mowat's name alone a guarantee of the success of this plan?

'And then, finally, if conciliation does not succeed, I shall have to exercise that constitutional recourse which the law furnishes, a recourse which I shall exercise completely and entirely.'

(b) Declaration signed by the Hon. Charles Fitzpatrick:

'Being sincerely disposed to put aside all party spirit and all questions of men, in order to secure the triumph of the Catholic cause in Manitoba, I, the undersigned, promise, if elected, to conform myself to the bishops' mandement in all points, and to vote for a measure according the Catholics of Manitoba that justice to which they have a right by virtue of the judgment of the Privy Council, provided that the measure be approved of by my bishop. If Mr. Laurier reaches power, and does not settle the question at the first session, in accordance with the terms of the mandement, I promise either to withdraw my support or resign.

'(Sgd.) C. FITZPATRICK.

'Ste. Marie, June 6, 1896.

'Copy compared with original.

'B. PH. GARNEAU, Priest.
'Secretary of the Archbishop of Quebec.'

(See also House of Commons Debates, 1897, page 163.)

(c) Declaration of the Hon. Mr. Geoffrion, published in 'Le Soir' newspaper, of Thursday, June 11, 1896, reproduced in the House of Commons 'Hansard' of 1896 (2nd session), page 230:

'I am here to make the declaration imposed upon me by my bishop in the mandement which has been read in all the churches of the province. That mandement presses upon the voters the duty of registering their vote only in favour of those candidates who shall take the solemn and formal pledge of supporting an adequate remedial law, restoring to the Catholic minority the rights which have been taken away from them. Now, gentlemen, I am here to publicly make in your presence the declaration imposed upon me by my bishop, and I now take before you a solemn pledge to that effect. I shall vote in favour of a remedial law such as required by the bishops, an operative law restoring to Catholics of Manitoba all the rights adjudicated upon by the Privy Council judgment, but at the same time I declare that I shall see to it that their rights and not crumbs be given back to them, for the Catholics do not ask charity, they are not mendicants, they claim their own rights.'

11. After the general elections, during the first session of the eighth parliament, did not the Hon. Sir Charles Tupper, the leader of the opposition, on August 24, 1896, from his place in the House of Commons, make the following declaration, to be found in the Official Report of the Debates of the House of Commons of Canada, vol. xliii., column 57:

'In the future, as in the past, the cardinal principle with the great party to which I have the honour to belong, will be: Equal justice to all, without respect to race or creed. I am glad to know that the responsibility of settling this question—an important question, although not so gravely important as I had supposed—I am glad to know that the responsibility rests no longer upon my shoulders, but upon those of the hon.

gentleman who is now the First Minister of the Crown. I can only say that I trust and sincerely hope that he will be most successful in obtaining such a settlement of this question as will do justice and give satisfaction to all parties. I can assure the hon. gentleman not only that he has my most cordial wishes for a happy, and early, and fair settlement of this important question, but that anything that I can contribute to that end will be at all times most cheerfully done.'

12. Has the present government availed itself of this offer of the leader of the opposition, and has it profited by it to settle the Manitoba schools question in such a manner as to render justice to the minority?

13. If not, why not ?

14. Did the hon. the Secretary of State, on May 2, 1898, make the following declaration to the Senate:

'Hon. Mr. SCOTT.—The present government have settled the school question with Manitoba. They adopted the same channels to settle that question as the late government did. The late government sent delegates to Manitoba and had a conference and failed to come to any agreement. The present government had a conference with representatives of the government of Manitoba, and they came to an agreement, which was confirmed by the Manitoba legislature, and that is the end of it, so far as the public are concerned.'—(Senate Debates, 1898, page 663.)

15. Was not the Hon. Sir Wilfrid Laurier reported by 'La Patrie' of September 28, 1899, to have uttered at Drummondville, on September 26 last, the following words :—

(Translation.)

'You know that in 1896 an irritating question was causing trouble in the country. It was a question where religion and politics were confounded. We came into power. We have promised to settle the question in six months. You are witnesses that this promise has been fulfilled to the letter. The school question does not exist any longer, although our friends the Blues seek to bring it up again.'—(House of Commons debates, 1900, March 28, rev. ed., col. 2749.)

16. What is the position taken by the federal executive towards the parties in the case, the government of Manitoba of the one part and the Catholic minority of Manitoba of the other part, in that understanding which was officially announced by the hon. the Secretary of States on May 2, 1898? Is it the position of a judge before whose tribunal the question in litigation had already been brought, and who had rendered a decision known as the remedial order?

17. Did the present government, when holding a conference with the government of Manitoba, simultaneously treat with the other party in the case, the Catholic minority?

18. Was that minority a party to the said conference, and has the arrangement which was made been accepted by the Catholic minority?

19. On the contrary, has not the arrangement in question been repudiated and denounced—

(a) By the head of the Catholic Church;

(c) By the Catholic minority of Manitoba ;

(b) By the episcopate ?

20. Has the government ever taken knowledge of the following words of Leo XIII., in his encyclical letter ('Affari Vos', of December 8, 1897, concerning 'the understanding ratified by the legislature of Manitoba,' of which the hon. the Secretary of State speaks:

'The law which they have passed to repair the injury is defective, unsuitable, insufficient. The Catholics ask, and no one can deny that they justly ask, for much more. . . . . In a word, the rights of Catholics and the education of their children have not been sufficiently provided for in Manitoba.'—(See House of Commons Debates, 1898, column 5338.)

21. Is the government ignorant that the Canadian episcopate has pronounced in an unequivocal manner upon the value of the Laurier-Greenway arrangement, and has it read the following declarations:

(Translation.)

'(a) A new government replaced the old one, and one day we learned that between it and the government of Manitoba an understanding had come about. a compromise had been drawn up.

'This compromise was not the restitution of the violated rights, it was not even an amelioration which might be reconciled with the formal prescriptions of the church. How could the episcopate approve of it? It therefore declared it unacceptable, and the Catholics of Manitoba continued to maintain their own schools at the price of the greatest sacrifices.'

'The agreement effected between the federal authorities of Ottawa and the provincial government of Winnipeg, an agreement to which they would like to give the name of settlement of the school question, is declared' (by the Holy Father) 'defective, imperfect, insufficient, and therefore cannot be accepted as an equitable solution of the question. It is, therefore, with reason that that agreement has been repudiated by the episcopate, and that the Manitoban minority would not submit thereto.'—(Pastoral letter of Mgr. Begin, dated January 6, 1898.)

(See also House of Commons Debates, 1898, column 5342.)

'(b) The negotiations which have taken place between the local authorities of Winnipeg and the federal authorities of Ottawa, have ended in an understanding which is given as the settlement of the grave school question. First of all, I protest against this word settlement. In a question in litigation, nothing is settled if the two interested parties do not agree at all between themselves.

'What is the contract that it is wished to impose upon us?

'The sum of the eight articles concerning religious instruction is the official proclamation of the principle of common and neutral schools. . . . . Let me tell you immediately that common and neutral schools have been condemned by the church. . . . . No Catholic, therefore, can approve of these schools unless he wishes to separate himself from the centre of unity.'—(Sermon of Mgr. the Archbishop of St. Boniface, dated November 22, 1896.)

'(c) As you know, quite as well as I, in spite of so many emphatic promises, the Manitoba school question has not been settled at all according to the rights of honour and justice. The understanding come to between the representatives of the central government of Ottawa and of the local government of Manitoba is only a sacrifice of the rights and interests of our co-religionists of this province, without an acceptable compensation. Also, have not the terms and conditions of this understanding, which is only a cowardly and shameful capitulation, accomplished in the shadows and in secret, been revealed to the public when its authors had acquired the certainty that the enemies of our religion and of our race would aid them to impose upon a minority which had been persecuted and despoiled for six years past. . . . Let it suffice me to draw your attention to the

fact that the pretended settlement of the Manitoba schools question does not mean anything definite, but the criminal sanction of the establishment for the Catholics of this province, "of neutral schools," which the Holy Church has always repudiated and condemned.'—(Circular of Mgr. Blais, Bishop of Rimouski.)

'(d) Like my venerable colleagues, I do not hesitate an instant to disapprove of it absolutely myself (the Laurier-Greenway settlement), and I add, with Mgr. Begin, that no bishop will or can approve of the so-called settlement of the Manitoba schools question, which is not definitely based upon anything but an unjustifiable abandonment of the best established and the most sacred rights of the Catholic minority.—(Circular of Mgr. Laflèche, bishop of Three Rivers, February 11, 1897.)

'(e) All the bishops of Canada, after receiving the encyclical, 'Affari Vos,' unanimously repudiated and denounced the Laurier-Greenway arrangement in the terms employed by Mgr. Begin.'

22. Does the government not know that in a memorandum prepared for the Holy See by the Hon. Sir Wilfrid Laurier, and signed by him, and bearing date November 23, 1896, it is written:

'The population of Manitoba at the last census was 152,506, of whom 20,571 were Catholics, disseminated over ninety municipalities.'—(See House of Commons Debates, 1898, column 5378.)

And is the government ignorant that out of these 20,571 Catholics of ninety different municipalities, only forty-one Catholics have made known their approval of the present Laurier-Greenway settlement in a document produced before parliament, whilst the Catholics of Winnipeg, Ste. Pierre Joly, Ste. Anne des Chênes, St. Charles, Lorette, Ste. Agathe, &c., have made indignant protests and passed resolutions condemning the pretended arrangement, copies of which protests and resolutions have been laid upon the Table of this House.—(See Document No. 35, second session, eighth parliament, 60-61 Vict., 1897.)

23. In the face of multiplied condemnations, does the government really think that an arrangement to which the Catholic minority has not even been a party, but which was concluded without its necessary participation, without its knowledge, and contrary to its interests, can be considered as an arrangement putting an end to the Manitoba schools difficulty, as the government, by the mouth of the hon. Secretary of State, has declared it to be?

24. Cannot the present government, which has regarded neither pecuniary sacrifices nor the more severe sacrifice of human lives, when it was a question of causing a coercive policy to be adopted, and imposing by force of numbers on a South African people the obligation to grant British subjects advantages which they did not have, now find the moral sense, the energy and the means, and can it not submit itself to the imperative duty of imposing upon those who violate the treaties and misuse the constitution the obligation of respecting both, by granting the British subjects established in Manitoba the exercise of their religious rights, and especially of granting to fathers of families the sacred right of bringing up their children and having them instructed in conformity with the dictates of their consciences?

25. Does the government wish to continue to ignore the decrees of the Privy Council in England and the obligations of the remedial order, which exist in all their force and fulness, or does it intend to put them in force in accordance with the promise so to do, solemnly made to the electorate by him who is to-day Prime Minister of this country, and upon whom is incumbent the duty of safeguarding the rights of the minority and not prostituting the honour and dignity of the Crown?

I may also put the second question now, since it relates to the same subject:

1. Did the Governor General in Council, on the 21st March, 1895, render judgment upon the appeal brought before his tribunal by the Catholic minority in Manitoba, and is that judgment known under the name of 'The Remedial Order?'

2. Did not that judgment order the legislature of Manitoba to do justice to the recognized grievances of the Catholic minority of that province?

3. Has the legislature of Manitoba complied with that judgment, and has it remedied the grievances of the Catholics?

4. If justice has not been rendered to the minority injured in its rights, does the government intend to exact that the judgment rendered shall be executed, and is it going to take the steps to have it executed?

5. The case which this school question cause to rise having been appealed to the Federal tribunal, and a judgment having been rendered by that tribunal, is it not precisely upon that tribunal and upon no other that the obligation falls of causing its judgment to be respected?

6. When is the government going to cause the constitution and the judicial decrees to be respected, and when will the federal government, which, by law, is constituted the protector of the rights of minorities, treat this school question from the point of view of right and duty and not at all as a question serving as a stepping stone for certain politicians?

Hon. Mr. MILLS—I intend that the answer which I shall give the hon. gentleman shall be an answer to the series of questions which he has put and also to those questions which are still on the paper to be put to me, as they relate to the same subject and in order that there may be no misapprehension as to what my answer is, I shall read it to the House for its information. It is as follows: The hon. senator has put to me a very long series of questions containing a great many details. These questions do not relate to matters of information that are within my special keeping, or within the special keeping of the government, but with regard to what has transpired in the legislature of Manitoba, in the parliament of Canada in former times, in the Judicial Committee of the Privy Council, and in the Privy Council of Canada.

The hon. senator, I think, entirely misapprehends the law of parliament in respect to questions put to ministers of the Crown. Sir Erskine May, in his 'Parliamentary Practice,' says: 'Questions addressed to ministers shall relate to the public affairs

with which they are officially connected, to proceedings pending in parliament, or to any matter of administration for which the minister is responsible.' The questions which the hon. senator has put, do not come within any of these provisions of the law of parliament.

If the hon. gentleman is not satisfied with the settlement of the school question in Manitoba, he may, upon a substantative motion, bring the matter before the Senate for discussion. This he has not chosen to do, but to put a series of questions to me, as if I were a witness summoned before him for examination, compelled to answer questions relating to matters that are not before parliament. The matter about which the hon. senator makes inquiry in this long series of interrogatories, is one which led to a very great deal of acrimonious discussion, and to not a little political excitement; and as I am not seeking any official appointment at the hands of the hon. senator, nor do I know that any member of the government is, it is not necessary that I should undertake to pass an examination upon the list of questions which he has submitted to me, and to which he demands an answer. Every member of this House, including the hon. senator, knows something of the discussions that took place on the question of separate schools in Manitoba just as well as they are known to the government. The hon. senator has made long quotations from various speeches and papers, whether accurately made or not, I do not know. Nor is it at all my duty to inquire for the purpose of answering the hon. member's question.

The hon. senator knows what the line of action, which was proposed by a former administration, was. He says that it was approved of by a majority of the members of the House of Commons in 1896. That may be so. But it did not become law. It was made an issue in the elections, and upon that issue those who favoured the policy which the hon. senator favours were, as a ministry, defeated, and a majority returned favourable to a different mode of settlement.

The hon. gentleman ignores the fact that Sir Charles Tupper has said on this subject: 'Under these circumstances, as I say, I find that I attached much greater importance to this question than the result of experience has shown to belong to it.'

Sir Charles Tupper, after the elections were over, also said that he was defeated by the division of his own party on this question, and that 'a large section of independent, intelligent, able men all over the Dominion thought that the government had taken a wrong step, and,' he added, 'I am not going into that question to-night, because it is a dead issue, and is past and gone, therefore there is no occasion to go into it.' The hon. leader of the Conservative party, in stating that it was a 'dead issue,' also intimated that he was not going to fight for a policy which those who were affected by it did not sustain him in pursuing.

In August, 1896, Mr. Taylor, the whip of the Tory party, at Owen Sound, said, 'the Conservative party is now through with remedial legislation.' He said: 'That the circumstances of this campaign were different from the last, as the Remedial Bill was no longer a part of the Conservative policy. Sir Charles Tupper had sent word by him to this effect to the electors of North Grey: That good feeling had now been restored between Sir Charles and Hon. Clarke Wallace and the other anti-remedial Conservatives.' And the Hon. Clarke Wallace said on the same occasion: 'It has been announced that the erroneous policy of forcing separate schools on Manitoba had been abandoned. The gentlemen who lent themselves to this policy were seeing the errors of their ways. He was rejoiced to know it; he would take them back into the Conservative party, and use them well.'

Mr. McLean, Conservative M.P. for East York, in speaking at Henley's school house, Grey County, in August, 1896, said that Sir Charles Tupper had personally informed him: 'We have got rid of the question of the Remedial Bill for ever.'

It is not necessary that I should undertake to discuss the Remedial Order, and the legal objections which may be made to the course of action therein suggested. The hon senator knows what the line of action was that was proposed by the present administration, and acted upon, in conjunction with the government of Manitoba. He knows that the entire Roman Catholic population outside of the city of Winnipeg have come

under the provisions of the amended school law of 1897, which superseded the Act of 1890. It is reported to me that there were eighty-one (81) Roman Catholic schools outside of Winnipeg, and that all these have accepted the settlement effected by the Act of 1897, and have no desire to return to the condition of things existing before 1890. In the city of Winnipeg, in principle, the settlement has been effected. There has been some hitch in undertaking to carry out its details. My information is that under the Act of 1897, the trustees of the school in this city have not the power of binding themselves by compact, that none but Roman Catholic teachers shall be employed in certain schools. As a matter of fact, I understand they are prepared to do this, and this is, so far as I know, the only point at issue there, and, indeed, in the whole province.

I have no doubt that if the parties are left alone, this matter will be arranged, and the features of the settlement that may at the present moment be attended with some friction, within the city of Winnipeg, may be safely left to the softening influence of time, and to those concessions being made in a period of quiet which are not so likely to be carried out satisfactorily in a period of excitement. I am sure that the hon. senator's line of action upon this subject cannot be otherwise than injurious to the minority whose privilleges are affected. The course which the hon. gentleman is endeavouring to take, not in the interest of the minority, but most mistakenly with the view of serving the interest of party, is one that is in the highest degree mischievous; and I feel that I best serve the public interest, and especially the interest of the minority, by declining to submit myself for an examination by the hon. gentleman in the various questions which he has proposed, but which are wholly outside of any right that the law of parliament confers upon him.

Hon. Mr. LANDRY—If the hon. minister, who has just read his written answer, thinks that I am influenced by political motives, and not by a desire to serve the interest of the minority, he is mistaken. If he thinks his assertion is true, I might say that he opens himself to the same accusation in his answer to me. The answer given cannot come from the Minister of Justice, nor from a minister of the Crown; it is the answer given by a man who puts aside all sentiments of justice and fair play to work in the interest of his own political party. That is what he does to-day in this chamber. And what do we see? The Minister of Justice declares himself unable to ascertain if a speech made by the chief of his party, the Prime Minister of this Dominion, has ever really been delivered to the electorate of this country. He is unable to ascertain if declarations made by his colleague in this House, the hon. Secretary of State, are true or false. He is unable to ascertain if the voice of the Catholic minority in Manitoba has been heard in the councils of the nation. He is unable to ascertain all those things, but what he is willing to find out is what Mr. Taylor, Mr. Wallace and Mr. McLean said in different parts of the country. But why does he not tell us that those three men are precisely those who voted against the Remedial Bill in 1896? The principle of the Remedial Bill was adopted in the House of Commons on the second reading, and those three gentlemen, whose remarks have been quoted by the hon. Minister of Justice, are amongst the Liberals who voted against that measure. They were defeated, defeated with the Liberals who opposed the Conservative policy, and to-day the hon. Minister of Justice brings before this House the sayings of those gentlemen to prove what? Is it to prove that justice has been done? No. What does he want to prove? I fail to see; perhaps he does not see himself, but blinded by the interests of his party, he comes with quotations which set forth the views of those who were, like the honourable minister's friends, opposing the measure of justice submitted to parliament. But all what said those opponents are not at all satisfactory answer to the question. I claim that my questions are fully in line with all the authorities on the matter. I have alluded to a public question, and the hon minister ought to know or ought to acknowledge, because he knows better, that this Manitoba school question is still before the government. He ought to acknowledge that the government of this country, acting in a judicial manner, rendered a judgment. Has that judgment been complied with? Is that judgment wiped away now? It still remains, and is still an

obligation resting on the ministry of the day, and it is their imperative duty to see that the judgment rendered by the judicial committee of their administration should be complied with. They have addressed themselves to the legislature of Manitoba. Manitoba gave its answer. Manitoba refused on three different occasions to comply with the judgment which has been rendered. That refusal placed the question in the hands of this parliament, and it is now the bounden duty of the ministry to see that the constitution of this country is vindicated—to see that the judgment of the Privy Council, in England, and of their own Privy Council should be executed. They have failed in their duty. They do not want to discharge their duty? True, the hon. Secretary of State told us that the question was settled. settled by whom? By a compromise that took place between whom? Between the government, which was the judge, and the legislature of Manitoba, one of the parties. But where was the other party? Was the other party asked to assent to that compromise? Never. When the delegation, sent by the former government, left Ottawa, in 1896, and went to Winnipeg, to try and make a compromise which would be acceptable to both parties and acceptable to the minority, they failed in their mission, but their instructions obliged them to consult the minority and to assent to nothing that that minority would not be prepared to accept. Nothing of the kind was done by the present administration. This new government made a compromise, but made a compromise behind the back of the minority, against their interest, without asking the interested party to accept or to refuse the compromise. What have we seen? We have seen the Catholic minority rejecting that compromise, and to-day if the hon. minister is not deaf—if he wants to listen to the voice of the minority in Manitoba, he will hear the representatives of that minority crying out that justice has not been rendered yet. He will hear the representatives of that minority telling him that that question has not been settled yet. The hon. minister refers to what took place in the last election in the province of Quebec, but he seems to be mixed up and to ignore totally what took place. In our province the question put before the electors was very clear and well defined. The Prime Minister, at that time the leader of the opposition, said: 'Sir Charles Tupper and the Conservative party have tried to settle the Manitoba school question by a Remedial Bill, but that Remedial Bill was not worth the paper on which it was written. I will do better. I will give to the Roman Catholic minority of that province all its rights and if I cannot succeed by conciliation, I will have recourse to what the law empowers me to do.' The hon. gentleman promised the province of Quebec that he would do better than his predecessors, and the vote of the province of Quebec was given to Sir Wilfrid Laurier. Why? Because he promised to do better than Sir Charles Tupper and the other leaders of the Conservative party. In the province of Quebec all the candidates of both parties were in favour of the remedies that were asked for the Roman Catholic minority in Manitoba. The elections of 1896 were not a condemnation of Sir Charles Tupper's policy. If Mr. Laurier secured a majority in his favour, it was solely because he promised that he would do more than Sir Charles Tupper had done, and yet the hon. minister says that the province of Quebec and the majority in the other provinces condemned the course taken by the late government. It might be that persons who know nothing may, at first sight, look at those elections as a condemnation, but how could they at the same time ignore that the people that were elected were obliged, in order to be elected, to sign a declaration by which they pledged themselves to grant more than was promised by the late government. Does the hon. minister ignore those facts? If he ignores them, he is not fit to occupy the position he occupies as one of the advisers of the Crown.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—If he does not ignore them, why does he try to-day, by his answers to serve the interests of his own party against all notions of justice, by a fantastical relation of facts which did not happen? That Manitoba school question brought the hon. minister's party to power. We can see now in what way. The hon. gentleman says no. What was the division in all the Dominion? Setting aside for the moment the province of Quebec, both par-

ties in the rest of the Dominion were about equally divided. The majority gained by the government in the elections of 1896, was composed of precisely the majority obtained in Quebec. That was their position and we see now how their majority was obtained. Will the hon. gentleman now deny that he did not come into power solely by that question? I will venture to make a prediction to the honourable minister; I can tell him that he will go out of power on the same question. His party promised justice. What has it given? It has given us stones in place of the bread promised not only to the people of Quebec but to all the provinces. Those flagrant violations of their most solemn pledges will turn against the Liberal party. The hon. ministers to-day are unable to face the situation. They have failed in all their efforts to try to remedy that question. And why? Because they did not accept the offer made by them by the chief of the Conservative party in the House of Commons, when Sir Charles Tupper rose in his seat in the House of Commons to promise to the Prime Minister to give him all his help to settle that question. Here is without any possible doubt a question of public policy. It was put to the hon. minister, and I ask him why did not the Prime Minister accept this offer? What is the answer of the hon. minister? The only answer he gave was to tell us that Messrs. Taylor, Wallace and McLean have made certain declarations on another subject. We know all that, and it is a very childish answer from the Minister of Justice, who has a reputation to sustain, to come and tell us that the parties who are against the Remedial Bill, who voted against the Remedial Bill, persist in the position they took at the time.

Hon. Mr. MILLS—They took Sir Charles Tupper back into the fold.

Hon. Mr. LANDRY—He did not go back into the fold. He wanted and he offered to assist the Prime Minister and the hon. minister refused his help. The hon. minister may laugh, but is there any reason in that laughing? Does he find his smile an intelligent one?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—I am happy to hear that the hon. Minister of Justice is judge in his own case and that he finds when he laughs that his smile is very intelligent. If any one else does not give him that certificate, at least he finds in his conscience sufficient to tell him that he is intelligent. Where are the others who will find his smiles so intelligent? I tell the hon. gentleman that the stand taken to-day by the ministry will be its own condemnation. They know they have not settled the question. They know they have refused the opportunity they had in their life to remedy the injustices perpetrated against the Catholics of Manitoba. The hon. gentleman might rise once more and recite one of the chapters of the book he has written on the Transvaal. He may boast of the willingness of his government or of the country to run to the Transvaal and take up arms and fight for the Uitlanders there. But we have Uitlanders here in Manitoba, and before going abroad to find grievances to be redressed why did not the government settle similar matters in this country? I was very much amused the other day when the hon. minister said that a burgher had been condemned to pay a fine because he whipped a man, but that the government had taken money out of the public treasury to pay the fine at the expense of the public. But what do we see in this country? Nothing else, or nothing less, when the ministers of the present administration are found remitting fines to persons who have violated the law of the Inland Revenue? When they are remitting such fines what are they doing? They are taking the public money to support their own friends and why? Why should a man who is writing history, who is supposed to have the calm judgment of a historian, should come here and make out a great case against a foreign government when he is doing precisely the same thing? I hope that the government will see its way to do justice. I hope against all hope that the government of the day, containing persons who, one day, pretended themselves so devoted to the interests of the minority, as the hon. Secretary of State, the hon. Prime Minister and the Minister of Public Works, did on more than one occasion will find out what are their present obligations and will be able to fulfil them. Let us all hope that if ever again a man like Sir Charles Tupper offers to aid them they will not commit the blunder to refuse such a help. In 1896,

when the present administration came to power, they were offered the best opportunity to settle that school question immediately and for ever. Sir Charles Tupper had made of that school question a plank of his platform when he went before the people. The people who elected the supporters of Sir Charles Tupper had elected men who were naturally disposed to settle that question as the law of the country indicated, and these hon. gentlemen all were in the House of Commons, when Sir Charles Tupper offered his support and the support of his party to settle that question. Not a dissenting voice was heard. I say that the government of the day committed the greatest fault they could commit, in not accepting the aid of Sir Charles Tupper and of his party to settle that question definitely. The question is not settled, and it will not be settled if justice is not done to the minority. It is because they are a minority and have rights that the majority is bound to give them full protection. I hope that the people of this Dominion will see, not only by the events which have taken place, but especially by the answer given to-day by the hon. Minister of Justice, that no justice whatever will ever be rendered to them by the Liberal party. Such is the public declaration, made in this House to-day, by a man who is not, as his title should indicate, a distributor of justice, but who is degrading his position in playing the mean game of party interests.

QUEBEC BRIDGE.

INQUIRY POSTPONED.

The Order of the Day being called:

By the Hon. Mr. Landry:

That he will draw the attention of the government and of this House to the following part of a speech made, on the 27th January, 1897, by honourable R. R. Dobell, one of the ministers in the present cabinet, at a meeting of the Chamber of Commerce of Quebec, published in "Le Soleil" of the 1st March, 1897, and reading as follows:—

(Translation from the French.)

'It is the time for you to act,' said he. 'You have a government which is decidedly favourable to you. I do not say that out of political feeling. If you wish to take the initiative in the way of progress, not only in order to build a bridge, but also for the accomplishment of other great enterprises, let me assure you that the government will do more than its part to aid you But, in the case of the bridge, I must tell you that the governement will object to a company in name only; it must have a company in good faith, a company which will give a guarantee to do it duty. I recently learned at Ottawa that great efforts were being made to continue the building of the Intercolonial to Montreal. Halifax is in favour of this project. Now if Quebec does not hasten to build its bridge, the construction of the Intercolonial to Montreal will be accomplished, and then utility of a bridge in front of the city will disappear, perhaps for ever. For the commerce between the West and the Provinces will take this new way.

'Let me tell you that I will not amuse you with false hopes. When I left Ottawa to come down to Quebec, the Hon. Mr. Laurier told me that I could announce to you that the Federal Government will give $1,000,000 for the construction of the Quebec bridge. The city of Quebec will subscribe $500,000: the local government has promised $1,000,000. There, then, are $2,500,000. The railway companies of Canada will subscribe the balance by taking capital stock. . . . . As you see, we can build this bridge as soon as you like, for we have funds ready.'

And that he will ask:

1. Was it in the name of the government and as authorized by it that the Hon. R. R. Dobell put forth the propositions hereinabove enumerated?

2. Was he, at least, speaking in the name of the Prime Minister, and had the latter really charged the Hon. R. R. Dobell to announce what the Federal Governement would do for the construction of a bridge in the neighbourhood of Quebec?

3. Is the extension of the Intercolonial from Lévis to Montreal now an accomplished fact, since the acquisition of the Drummond County Railway and the making of the contract with the Grand Trunk Company for the use of its line from Ste. Rosalie to Montreal?

4. If the extension of the Intercolonial to Monreal is an accomplished fact, what does the governement think of the utility of a bridge at Quebec in face of this general declaration of Mr. Dobell:

'If Quebec does not hasten to build its bridge, the construction of the Intercolonial to Montreal will be accomplished, and then the utility of a bridge in front of the city will disappear, perhaps for ever. For the commerce between the West and the Provinces will take this new way.'

5. Do not the authorities of the Intercolonial at present make, and will they not always make, every effort to secure at Montreal the trade of the West and direct it towards the Maritime Provinces by way of the Drummond County Railway?

6. Has not the policy of the government, in acquiring the Drummond County Railway and thus extending the Intercolonial to Montreal, given a fatal blow to the interests of Quebec, and gravely compromised, in the words of at least one of the members of the government, the question of the construction of a bridge in front of, or in the neighbourhood of Quebec?

7. If the government has decided to seriously aid in the construction of the Quebec Bridge and to promote the commercial interests of that city, is it at least going to give the necessary instructions in order that the Intercolonial shall not persist in turning away from Quebec all the traffic which would pass over the proposed railway if the terminus of that railway were at Lévis in place of being in the very heart of the city of Montreal, that mighty abductor of the traffic from the West?

8. Has the government assured itself as to the amounts of money which are to be furnished respectively by—

(a.) The government of the province of Quebec;

(b.) The city of Quebec;

(c.) The Canadian railway companies which must use this bridge for the passage of their traffic?

9. Does it know that the expectations of the Honourable Mr. Dobell have not been realized, and that the government of the province of Quebec has not been able to give $1,000,000; that the city of Quebec, by its council, has not contributed $500,000; and that not a single railway company has yet subscribed a single penny to aid in the building of the bridge in question?

10. Could not the government, in order to ensure the building of the bridge, ask from parliament an additional grant equal at least to the amount of the differences between the amount of the subscriptions announced by Mr. Dobell and the real amount subscribed or voted by the city of Quebec, the government of the province of Quebec, and the railway companies interested?

Hon. Mr. LANDRY—I do not know if the hon. minister will find this question is of public interest.

Hon. Mr. MILLS—I told the hon. gentleman that I intended the answer which I gave to be a reply to both questions.

Hon. Mr. LANDRY—It will not apply to the Quebec Bridge.

Hon. Mr. SCOTT—Neither myself nor my colleagues have received any answer to this question. Perhaps the hon. gentleman will let it stand for a day or two. It was not noticed that it was not a part of the other question.

Hon. Mr. LANDRY—There are many other things that the hon. minister has not yet noticed.

The motion was allowed to stand.

BILLS INTRODUCED.

Bill (112) 'An Act respecting the safety of ships.'—(Hon. Mr. Mills.)

Bill (108) 'An Act to confer on the Commissioner of Patents certain powers for the relief of J. W. Anderson.'—(Hon. Mr. Perley.)

Bill (120) 'An Act to incorporate the Ottawa, Brockville, and St. Lawrence Railway Company.'—(Hon. Mr. Clemow.)

Bill (116) 'An Act to incorporate Acadia Mortgage Corporation.'—(Hon. Mr. Loughheed.)

INCOMPLETE RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I want to direct the attention of the hon. ministers to a return brought down on the 6th June in reply to an address of which I gave notice and which was moved in my absence by the hon. leader of the opposition. It was for a return of petitions, memorials and other communications received by the government since 1885, in relation to branch railways in Prince Edward Island I find that some papers have been brought down, but I notice that most of them are papers that belong to the year 1895, that were brought down long ago, brought down during the time of the last parliament, with some others belonging to the year 1896-7 and 1897, but to my knowledge quite a considerable number of petitions, memorials and other documents that were directed to the Secretary of State, which I should think have reached the government, are not included in these papers. I heard it stated at a public meeting in New London, P.E.I., that a petition signed by some five hundred of that locality on the 6th March last had been read at a public meeting, and sent in to the hon. Secretary of State. I am told that other petitions, one carrying for a branch railway to Crapaud, another to Westgate and several other petitions and documents have been sent to the Secretary of State's Department within the last two or three months. It was not to get these old papers that had long since been brought down, and with which we were perfectly familiar, that I made this motion. It was to get modern documents which relate to the question as it stands at the present moment. I hope my hon. friend will look into the matter.

Hon. Mr. SCOTT—I am quite aware that a number of petitions have been presented, because they passed through my hands and were sent to the Privy Council Whoever got up that return must have omitted applying to the Privy Council. I know there are several of them, because they passed through my hands. I did not, of course, examine the return. I do not examine the returns because there are too many for one person to look over. I will see that the papers are brought down. I know that since the month of March quite a number of petitions have been received.

Hon. Mr. FERGUSON—That explanation would apply to comparatively late petitions,

but I cannot conceive how it can explain why this petition from New London, which I know is three years old, and which was made at the time, should have been omitted.

Hon. Mr. SCOTT—Of course I did not examine this return. I never look at these returns except my attention is called to them. This return evidently was sent to the Railway Department, because I see they are addressed to Mr. Blair. None of the petitions referred to by my hon. friend are included in this return. That is quite evident.

Hon. Mr. FERGUSON—I cannot quite understand why this petition from New London, of which I spoke, and which I think was sent to the government nearly three years ago, having passed through my hon. friend's department, and passed through the Privy Council, is not in the Railway Department. Is it possible that it never was referred to the Railway Department? If the documents in this return come from the Railway Department, and that is all they have, it is clear that this petition from New London, signed by some five hundred persons, has not reached the Railway Department yet. It is a petition praying for a railway from Emerald Station to Stanley Bridge. I think, the petition was sent in as long ago as 1897—certainly as far back as 1898.

TORONTO HOTEL COMPANY'S BILL.

THIRD READING.

Hon. Mr. ALLAN moved the third reading of Bill (114) 'An Act respecting the Toronto Hotel Company,' as amended.

Hon. Mr. CLEMOW—I have already stated my objection to this Bill. I do not know what the effect of the action of yesterday, in withdrawing one of the amendments reported by the Committee of Banking and Commerce, may be, and therefore I am not going to continue my opposition any further, only to say that I regret extremely that a Bill of this sort has to pass this House. I think the effect will be bad—that the principle is pernicious, and that the precedent will be dangerous. If when the Bank Act was passed some twenty years ago we had incorporated this provision, I do not believe it would have passed. It is a mistake to place the stockholders at this great disadvantage. However, I do not suppose there is any necessity of continuing the opposition further, only I consider it my duty to give expression to the warning I have given so that should the stockholders be affected injuriously by this legislation, the responsibility will not rest with those who have taken the view that I take with respect to the passage of this Bill.

Hon Mr. McMILLAN—The object of bringing this Bill before the Senate of Canada was to enable these monetary institutions in Toronto to take stock in this hotel. The title of the Bill is, therefore, misleading. It reads 'An Act respecting the Toronto Hotel Company.' The title ought to be changed so that any party looking into the matter could more easily ascertain the real object of the Bill. It ought to be called 'An Act for the purpose of empowering certain monetary institutions in Toronto to take stock in a hotel company.' That is really the object for which the Bill was brought here. I do not wish to make a motion to that effect, but I suggest that the Bill should be so amended by the hon. gentleman who has it in charge?

Hon. Mr. McCALLUM—I agree with the hon. gentleman from Rideau division: I do not approve of this Bill. I look upon it as bad legislation to permit the banks of this country to become interested in the building or running of hotels. My hon. friend from Glengarry (Mr. McMillan) says that the title of the Bill, should be changed. I agree with him. It should be named a Bill to enable bank directors to improve their own property in the city of Toronto and to injure other people who have spent their own money in establishing hotels without assistance from the banks or anybody outside. Hon. gentlemen think they did wonders in the Railway Committee when they provided that the banks must have the consent of the stockholders before engaging in this hotel business That is a step in the right direction, but what does it amount to? The stockholders of these monetary institutions are scattered all over the world. Many of them will not attend, or even send proxies, and we know that these monetary institutions can get anything done that they want. I have an instance in mind now,

the Canada Life Company when it came here for legislation. I am a policy holder in the Canada Life. They were to have held a meeting before exercising the power granted them in their Act, and I have never received a notice of such a meeting as the Bill called for. That should be a warning. We say to these banks you must have the consent of the majority of the stockholders. I have no doubt they will get that. It is said the subscription is merely a bagatelle: that any institution can subscribe twenty-five hundred dollars. But the Bill does not say whether they have to consult the stockholders annually or not. It looks to me that any monetary institution which will take stock in this hotel, will have a loss of $2,500 a year, for how long ?

Hon. Mr. CLEMOW—Twenty years.

Hon. Mr. McCALLUM—I venture to say, in view of what has taken place in this country in reference to hotels, they will not see one cent of return from this investment in that time. It looks to me that if you get the consent of the stockholders once, it is enough—they can keep on subscribing for twenty years. I am not going to show any further opposition to this Bill, but I am opposed to it on principle. It is wrong that the bankers of this country should combine to improve their own property in a certain portion of the city of Toronto at the expense of the stockholders and destroy other people's property when their capital is invested in hotels I would not consider that I was doing my duty if I did not raise my voice against the principle of this Bill. I hope this legislation will not have a bad effect. We have opened the door in one case; when are we going to close it ? Others will apply for similar legislation and this will be quoted as a precedent, but I hope it will not be allowed to be made a precedent. The only excuse the bankers have for coming here at all is to get the privilege of taking stock. All the rest they can get at Toronto. The chairman of the Banking Committee having accepted my amendment yesterday, I am willing to let the Bill go. Those who will live longer than I am likely to live will see the bad effect of this legislation.

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

Hon. Mr. McCALLUM.

COLD STORAGE ACCOMMODATION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (152) 'An Act to authorize contracts with certain steamship companies for cold storage accommodation.'

(In the Committee.)

Hon. Mr. FERGUSON—I was not in the House when this Bill was read the second time and possibly some explanation may have been made, but I should like to be informed, before voting for this first clause, whether the amount proposed to be expended for this service is the same as was paid in former years, or whether this Bill provides for any larger amount.

Hon. Mr. SCOTT—My hon. friend will see that for the seasons of 1900 and 1901 the amount is limited to $28,750. When this Bill was up for second reading it was pretty well discussed and such information as I could furnish was given. I stated then that the amount expended last year was $45,695, as appeared by the Auditor General's Report. I was asked to give a statement of the number of vessels that would be employed under the provisions of this Bill, and I am advised that they will number five to Liverpool, five to Glasgow and six to London. The six to London belong to the parties who will receive this subsidy, the Allans and Refords. So that practically it means sixteen vessels. In the years 1897-8-9—the three years in which cold storage was in operation and subsidies were granted—there were altogether seventeen steamers employed. The contracts were made for three years under the impression that at the end of that time the companies would find it so profitable that they would continue to furnish cold storage, and so they would had it not happened that the war in South Africa diverted a very considerable number of them, particularly the vessels belonging to the Elder-Dempster Company, to the South African trade. I am advised that the vessels which had been fitted up with cold storage accommodation, that are now on the routes between Montreal and Halifax and British ports, would still continue to furnish cold storage accommodation. The government, however, have no

control over the rates on the vessels now on the routes between Montreal and British ports, which had entered into contracts in 1897, as the time has expired. However, they will control contracts made under the present Bill, and it is not at all likely, therefore, that the vessels that have already gone to the extent of furnishing cold storage will charge any higher prices than the rate under the government subsidies. The total number of vessels, as I am advised at present, not counting the Elder-Dempster vessels, a considerable number of which it is hoped will be put on the route when relieved from carrying troops and supplies in connection with the South Africa campaign, under which the government will be able to control the contract, is twenty-three. In addition to that, there are ten steamers still on the route, but the government have no control over the rates of the ten. That would be altogether thirty-three vessels at present engaged on the route between Canada and British ports, having cold storage accommodation. On twenty-three of them the government have a voice in the extra rate charged for cold storage, limiting it, I think, to somewhere about twelve to fifteen shillings a ton. I think that is all the information I could possibly give, that was asked for at the former stage of the Bill.

Hon. Mr. FERGUSON—If I understood my hon. friend right, the fleet of steamers equipped with cold storage for the present season will be quite equal to that of former years ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I understood my hon. friend to say that there will be altogether thirty-three steamers equipped under contracts with the government of Canada.

Hon. Mr. SCOTT—No, twenty-three under contract, and ten not under contract, inasmuch as the contracts for those ten had expired.

Hon. Mr. FERGUSON—There is no contract with those ten steamers and they may or may not continue to furnish cold storage.

Hon. Mr. SCOTT—They do furnish it, but the government have no control over the rates.

Hon. Mr. FERGUSON—Has the government any power to insist that they shall furnish it ?

Hon. Mr. SCOTT—No, only they are likely to furnish it.

Hon. Mr. FERGUSON—I am told that the Furness line, after placing cold storage in one of their boats removed it, although still under contract with the government. The cold storage was merged into the general space although there was actually a contract at the time. What we have now furnished is twenty-three boats under contract with the government, and as regards the other ten, they are equipped for cold storage, but may or may not continue to furnish it. The government is under no contract as to the rates they may charge, but there are arrangements as to the twenty-three boats that my hon. friend has referred to. These boats are not all from Montreal, I suppose : some are from other ports.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I have understood from discussions in another place and in the press, that the amount to be paid by the government of Canada for cold storage this year is largely in excess of former years.

Hon. Mr. SCOTT—No, it is named in the Bill, a sum not exceeding $28,750.

Hon. Mr. FERGUSON—Are not the rates that these steamers are allowed to charge higher than those in former years ?

Hon. Mr. SCOTT—I am not advised that they are.

Hon. Mr. FERGUSON—I did not expect this question to come up to-day, and have not looked into it carefully. However, when it was discussed elsewhere, I was strongly of the opinion then that owing to the fact that the Minister of Agriculture did not renew those contracts early last autumn, or some time before they had actually expired, having left the matter until now, finds himself entirely in the hands of the steamship owners, and the minister is obliged to come under contracts by which he pays larger amounts than formerly and larger freight rates are charged for the use of this cold storage space in the boats. That is my opinion and I think it is right. I think

my hon. friend will find, whatever may be the cause of this over-charge to the government and to the producers of this country,—whether due to the negligence of the Minister of Agriculture or to other causes that the charges for this year are very much higher for the same service than they were in former years. While calling the attention of the House to this point, I wanted also to ask my hon. friend what the government are doing in this connection in furnishing communication by steam from the port of Charlottetown to a British port. We were promised two years ago that we were to get five departures from the port of Charlottetown. In 1898, three departures were made. I remember very well when the mayor of Charlottetown and the president of the board of trade, and other gentlemen came up here to press the matter upon the ministers, that they were confronted with the inquiry as to what the trade would actually be—what freights would be furnished, and before the government would be prepared to go into the question of subsidy, or encouraging the placing of steamships on that line, they wanted to have some assurance from those who had the right to speak with authority in Charlottetown, as to what the trade would likely be. Representations were made on that point and made very modestly, and it turned out when the steamers came, there was more freight offered than they were able to carry. Three trips were made and I had the satisfaction of being able to compliment the Secretary of State and the government across the floor of this House last year on the very great success that had attended the departures of these steamers from Charlottetown during the season of 1898, and of expressing the great regret that was felt there that the full complement of five trips had not been furnished. Last year the government promised that we would get the five trips, but they dwindled down to one, and there was a great deal of dissatisfaction and a great deal of loss caused thereby to shippers who had actully provided cargoes for one or two subsequent departures after the *Lake Huron* left Charlottetown. A great deal of loss was occasioned by the failure to furnish the other departures from that port. The experience we have had in regard to those ocean steamers from Charlottetown has been highly satisfactory, so far as providing cargoes is concerned. It has been proved, beyond a doubt, that cargoes can be furnished on short notice for at least six departures between summer and autumn, and it has given us a better market for the products of that province and proved in every way advantageous. In connection with this question of cold storage, I may say also the departures we have had have not been satisfactory, in this respect—at least two of them, the steamer *Gaspesia*, although ostensibly provided with cold storage, was not provided with anything that was entitled to the name, and shippers who had been led to believe that they were having their perishable goods carried by cold storage, were really deceived in the matter, and very serious loss resulted in consequence of that. The cold storage facilities on the *Lake Huron* were not up to the assurance given in that respect. However, I shall call my hon. friend's attention to this subject on the third reading of this Bill. There is a great deal of interest felt on this question in Prince Edward Island. It scarcely can be conceived by gentlemen that do not live on the island how heavy the freights are to us to make connection with any steamer, whether at Halifax or at St. John. We encounter a short haul rate in Prince Edward Island,and another rate on the steamer connecting with the mainland. Until very recently they would not give a through rate at all. And then we encounter a short haul rate on the Intercolonial Railway, so that the rate to be paid before we get to Halifax and St. John is more than the people of the western part of Ontario have to pay. They can really get their products carried to these ports at a cheaper rate of freight than we have to pay. It seems almost intolerable, considering we are so near these ports, that this should be the case, but we have been protesting and pleading for better rates, and have not got them yet. I can assure my hon. friend that four or five departures from a port in Prince Edward Island of good steamers, furnished with cold storage, will be of incalculable benefit to the people of that province. I wish to impress that upon my hon. friend. It is early yet in the season, but it is not so essential that we should get these departures at this season of the year if they begin in September and follow to the

close of navigation, they are what will meet the requirements of the province, and I hope my hon. friend will take early action in the matter and that there will be the required departures from Charlottetown during the present season.

Hon. Mr. SCOTT—Referring to my hon. friend's remarks, in which he seems to criticize the action of the Minister of Agriculture, charging him rather with an omission of duty, I think it will be in the memory of hon. gentlemen that when the proposal was first made in 1897, it was announced publicly that the contracts were made only for three years. It was predicated on the assumption that, having given a bonus for that period of three years, the vessels having been fitted up, it would be in their interests to continue the trade, and therefore the government, in 1897, did not contemplate that those subsidies were to continue. It never was announced as a part of the government policy. I recollect distinctly what was said when the question came up in 1897. And therefore, it can scarcely be said that the Minister of Agriculture had omitted or forgotton to renew the contracts. He had not intended to renew them. It was not part of the public policy to do so. The war in South Africa disturbed matters very much, because it was the cause of withdrawing from the Canadian trade a very large number of vessels. I think all the Elder-Dempster vessels are still engaged to carry supplies to South Africa, and it would be scarcely fair to hold the hon. Minister of Agriculture responsible for an event which he could not possibly have foreseen. The destination of the new vessels, as I am advised, would be six to London, five to Liverpool, and five to Glasgow. There is a contract existing with the Manchester line, and they carry from Montreal to Manchester. There are three vessels from Halifax to London and there is one from Halifax to the West Indies. I fully appreciate all that my hon. friend has said in reference to Prince Edward Island and to the value of developing the trade. No doubt Prince Edward Island is admirably adapted for the production of two important articles, cheese and butter, and the exports from that island stand very high in point of value. My hon. friend remembers that when he brought up the question in 1898 and 1899, there really was a serious difficulty in getting a vessel to call at Charlottetown. The argument my hon. friend used was, that a full cargo could not be obtained there. I think that was shown to be without foundation. But we were obliged to give $1,000 extra to the vessels that called at Charlottetown. I do not know whether it continued last year, or whether it was limited to 1898. I shall certainly call the attention of the hon. Minister of Agriculture to my hon. friend's observation, and I sincerely hope there will be a proper supply of vessels for any cargo that may be at Charlottetown. I can quite recognize the handicapping it is to have the cargoes sent to Halifax. It must be a considerable charge, and must depreciate the goods, because there is no cold storage between those points, because taking such perishable products as cheese and butter out of the cold storage and having them exposed to the atmosphere for a time, would very seriously affect their quality, and I shall be glad indeed if the hon. gentleman would make arrangements to meet the wishes of his friends.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. Secretary of State could ascertain before the third reading of the Bill whether the charges, as intimated by my hon. friend on my right, are to be higher under the present subsidized steamers than under the former. That is information which it would be well for those more particularly interested in the trade to know. There is another remark which fell from the hon. gentleman which was rather surprising to those who have watched events as they are passing, and who have paid any attention to the boasting of the Minister of Agriculture and many others on behalf of the government of what they were doing in the way of cold storage in order to assist the producers to place perishable articles on the market in such a state as to command the higher prices. The hon. gentleman has told us that the contracts formerly made would expire at the end of three years, and that it was not the policy of the government to continue those contracts. That justifies the charges which have been made over and over again against the government of neglecting to do that which was most in the interests of this country, and if the statements which have been made in the public

press, and by persons who have denied them, that nearly three quarters of a million has been lost to this country from the time that the subsidies that were paid to the steamers that were obliged to procure cold storage, and the time at which they were renewed would be fully verified by the statement made by the hon. gentleman. The hon. Minister of Agriculture himself confessed, in the debates of the other House, that he neglected to attend to his duty, and that the result had been that this great loss has accrued to the farming community, and to the dairy interest especially. The excuse made on his behalf is that it was not the policy of the government to continue this cold storage and consequently was not personally responsible for that neglect. It is well that the statement has been made, and in future we may not expect to hear from ministers such boastings as have taken place in different parts of the province, of what they had done in the agricultural and dairying interests in this particular. If I understand the position of the government at the present time, it is that the contracts which were entered into with steamers for procuring cold storage expired, that they were not renewed, that those steamers which were subsidized, and which had furnished the cold storage, are not now to receive any subsidy under this Act, for the reason, I suppose, that they have been, in the opinion of the government, amply repaid for expenses which they occurred in placing cold storage in their vessels, but that they have now subsidized some twenty-three additional ones. That would be twenty-three additional to the ten which were formerly subsidized, and which are supposed to have the present cold storage. That is what I understood the hon. gentleman to say, that ten were formerly subsidized, which had furnished the necessary requirements for carrying goods in their vessels in cold storage, that the contracts having ceased they were not renewed.

Hon. Mr. FERGUSON—More than ten.

Hon. Mr. SCOTT—Ten not renewed.

Hon. Sir MACKENZIE BOWELL—I am dealing with what the hon. gentleman says, and that is, that these ten are not to be re-subsidized, but are supposed to be charging what they please for carrying perishable goods, which is quite correct, because if the government give them nothing, they have no right to control the rates. But, with twenty-three additional steamers, which the hon. Secretary of State says have been subsidized, it is their duty to regulate the rates which are to be charged for carrying goods.

Hon. Mr. SCOTT—That is quite correct.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform us, before the third reading, what the rates are, whether they are higher than were charged on the steamers subsidized in 1897, or about the same?

Hon. Mr. SCOTT—I think they are the same. I will get more positive information. I was told by Prof. Robertson that the extra charge per ton for cold storage was fifteen shilings. That is the addition to the regular freight rates, which we do not control. We simply control the charge for the cold storage, and I am advised by Prof. Robertson that we are still largely below the rate charged from New York.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say that the rate is to be fifteen shillings per ton in excess of the regular rate, or fifteen shillings per ton in excess of what was charged by the companies formerly subsidized?

Hon. Mr. SCOTT—No, it is fifteen shillings per ton over and above the ordinary freight rate. I will verify my statement as to that. It may be a few shillings more or less than that this year, but that is what they have been paying.

Hon. Mr. FERGUSON—Is the charge for cold storage space under this new contract greater than the charge under the three years contract which has expired?

Hon. Mr. SCOTT—I will answer that question on the third reading.

Hon. Mr. FERGUSON—I am surprised to hear, on the authority of Prof. Robertson, that the charges are less than from New York, because it is a matter of constant complaint among Canadian shippers that we pay very much higher rates from Canadian ports than are charged from United States ports. I know that in Nova Scotia the fruit-growers last year found they could actually send apples by the trains and the

boats to Boston, and ship them from Boston at a cheaper rate than they could ship them from Halifax, although the Furniss line are largely subsidized.

Hon. Mr. SCOTT—I said from New York. I did not mention Boston.

Hon. Mr. FERGUSON—I mentioned Boston because it was the port through which these shipments were made, but the general impression among shippers is that the charges from New York are very much less than from Canadian ports.

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

A SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (179) 'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending June 30, 1900.'

The Bill was read the first time.

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

Hon. Sir MACKENZIE BOWELL—I do not think there will be any objection to the motion. This is the third Supply Bill we have had this session.

Hon. Mr. MILLS—I thought His Excellency would sanction the last two Bills at the same time.

Hon. Sir MACKENZIE BOWELL—It is well that the House should know what is in the measure before the second reading takes place. I will not say that this Bill is an extravagance. In the Department of Agriculture they want an additional $36,000, for the Paris exposition. Can the hon. minister give us any information as to the probable cost in connection with that exposition ? It seems to me, from what I can learn from the debates on the estimates which have already been placed before us, that it will amount to from half to three quarters of a million: whether we are going to receive a benefit commensurate with that amount of money can only be ascertained in the future. Then there are other items here, printing for Patent Record, $4,500 ; superintendents experimental farms, $8,000; drainage at Agassiz, $4,000. I suppose that is the Experimental Farm in British Columbia. Then there is the purchase of books and publications for patent library, etc, $673. What books are these which are necessary to be purchased in connection with the patent library ? I supposed there was sufficient information in connection with a department that has been in operation for so many years without additional works. Then there is the fumigation of stations or nursery stocks, $1,600. That is a good expenditure. Then, under the head of quarantine there is an item for tuberculosis. Immigration, $75,000 in addition to what we have already expended. Militia and Defence, $125,000. That is for the annual drill. Further amount required for the June camps. Can the hon. gentleman tell us the amount that will be required for the camps during the present year for militia purposes ? Repairs to sheds, $500. Central Experimental Farm, Ottawa, balance due contractors for construction of laboratory, etc., a total of $4,600. Then there is $6,000 to be paid for the commission in reference to the half-breed claims, in other words Mr. Côté and Mr. Dionne, civil servants, are paid regular salaries and are to be paid another $3,000 in connection with the investigation of the half-breed claims. I suppose their salaries, as civil servants of this department, were continued and paid during this time.

Hon. Mr. MILLS—With regard to the Patent Record, the expense incurred in the publication of that, of course, was charged against the expenditure of the department, but the revenue received from the publication of that Record is handed over as a portion of the public revenue, and I understand the revenue will far more than pay the expense associated with it; so that in reality it is a question of book-keeping. If they were allowed to retain the money derived from the publication of the Record there would be really a surplus. But it is paid into the public revenue, and the charges made is for the actual cost of publication.

Hon. Sir MACKENZIE BOWELL—No, this is for the purchase of books.

Hon. Mr. MILLS—I am speaking of the Patent Record, the item before that.

Hon. Sir MACKENZIE BOWELL—I do not find fault with that.

Hon. Mr. MILLS—I am making this statement to show that it is not really an addition to the public expenditure, but as the Record increases in bulk and the amount of engraving connected with it increases, of course it will increase the cost from year to year, or will diminish it. With regard to the purchase of books, I understand that Mr. Kaye is a permanent official connected with the patent office, that the books required have really been purchased by himself, and they have been in use there for some time, and so it was only fair to him to take over the books relating necessarily to carrying on the office of the department and to pay him for them.

Hon. Sir MACKENZIE BOWELL—Are they placed in the library archives and become the property of the government?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—Then there is the Paris exposition.

Hon. Mr. MILLS—Yes, and the militia charges. I understand that the charges of the campaigns for this year will be somewhere in the neighbourhood of $50,000. The leader of the opposition speaks of our expenses in connection with the Paris Exposition as being between half and three quarters of a million. I do not think the cost will be one-half of the smallest sum he has mentioned. I need not discuss that now, but my hon. friend will have an opportunity of fully considering it when the main estimates are before us. With regard to immigration, I feel that there is no expenditure made by the government that is more defensible than the expenditure on immigration.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MILLS—We spent millions of money in the building of railways through the Great Lone Country in the west. We did that for the purchase of furnishing facilities for those who would enter that country for the purpose of taking up land and making the country their home and becoming Canadians. That can only be a proper expenditure upon the condition that the country will be settled up and that the railways will be utilized for traffic and travel, and that they will assist in developing that country. We have a great many people who come to this country at the present time who are not wealthy, some of whom we are obliged to assist, but they have become good settlers. They are being gradually incorporated into the population of the country. We are not establishing additional and distinct communities to those that already exist within our borders, but we are introducing into the country people who are becoming merged into the existing population. I remember last year, when I was up at Yorkville, among Doukhobors and Galicians, who had been in the country for only a short time, most of them for a less period than a year, and there were children ten and twelve years old to whom one could speak in English, who understood a little English and were capable of answering in the language of the country. Of course their English was not always excellent, but they were rapidly learning, and I said to myself at the time 'those boys and girls, by the time they grow up to be men and women, will know nothing of the country from which they came and will be as completely Canadians as those born in this country.' We have an area of three million square miles of territory, the greater portion of which may be occupied either as mining territory or for agricultural purposes, and it is of the greatest importance, in my opinion, to secure the settlement of that country. We make our country defensible by the settlement of those unoccupied lands and by the cultivation of the spirit of patriotism which is abroad in the country. We are doing the best to make it a permanent portion of the great empire of which we are a part, and so far as I am concerned, I rejoice to see people coming from the British islands, from the neighbouring republic from the continent of Europe, all actuated and animated by the same spirit, to cast in their lot with those who are already in the country and to contribute towards the increase of its wealth, its commerce, and its influence. So that if my hon. friend will look at the large number of people who have come here, and the growth of our commerce which is an indication of the fact of their being here—because they are contri-

buting to swell the amount of products,—he will see that there is no money appropriated for any purpose that will yield a more satisfactory return than that which has been expended on immigration.

Hon. Mr. ALLAN—I also earnestly hope that the Minister of Justice's anticipations with respect to the absorption of foreign immigation into the great body of the people may be fully realised. I very much doubt it myself. It has not been the experience of the United States. We know that the labour troubles and other disorders that have occurred in that country have almost invariably been traced to the foreign elements there—the Hungarians, Poles and others who have come out, in some instances largely induced to do so by the employers of labour, and who certainly had not amalgamated to any extent with the native population of the country, and are confessedly, by the people of the United States themselves, found to be in many parts of their country a very turbulent element of the population. I quite agree that money could not be better spent than inducing people to come out to this country and settle upon the extensive and splendid lands of Manitoba and the North-west, but I should very much prefer to see that immigration more largely composed of people from the British Islands than from the continent. As to making the country more defensible, I do not know that we can get much from the Doukhobors, beause they never take up arms.

Hon. Mr. MILLS—There are two means of defence. There is production as well as fighting.

Hon. Mr. ALLAN—I hope, for the future at all events, we shall see a much larger proportion of our own English speaking people coming out and settling in the North-west than has been the case within the last year or two, and fewer from these foreign elements on the continent.

Hon. Mr. ALMON—I am very much pleased to hear what fell from the hon. Minister of Justice, because I know, from what he has said, there will be nothing done to increase the tax on Japanese and Chinese. They are honest, sober people. They have not settled in this country, because they have not been able to bring their wives with them. We tax their wives and they cannot afford to bring them, and as our women will not marry them, eventually they go back to their own country. They are honest. They do not drink, and they have every element to make them good labourers. Therefore, instead of increasing the tax I should prefer to see it removed entirely, and let Chinese be admitted in the same way as Doukhobors and Galicians. We pay large sums to encourage the immigration of people who are not nearly as useful labouring men as the Chinese. I do not know that the Chinese have learned to drink, but they will likely do so after they acquire the virtues of Anglo-Saxons. The Chinese take opium. When they do they sleep and do not paint the town red as Anglo-Saxons do. I am very much pleased to hear what the Minister of Justice has said, and I am sure the hon. gentleman from Sarnia will join me in congratulating him on his speech.

Hon. Mr. LOUGHEED—I cannot take the view the Minister of Justice does as to the assimilation of the foreign elements in the North-west. My hon. friend is willing to postpone that happy consummation of affairs, apparently, until the second generation grows up and the children become qualified to adapt themselves to the condition of that country.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. LOUGHEED—My observation has been, with most of those foreign elements, that it is utterly impossible to have them apply themselves to the development of the country the same as the Anglo-Saxon and French speaking races who settle there. It has always appeared to me that the action of the Department of Immigration, whether under this government or under the late government, has been impelled by anything but an intelligent force. It has always seemed to me, and I speak now after a close observation of the action of the Department of the Interior, or Department of Agriculture when immigration belonged to that department, that the transportation companies, particularly the steamship companies, were the force behind the immigration policy of the Dominion government. Almost every year one will observe in the public press that the agents of the tran-

sportation companies have met in the city of Montreal, or elsewhere, and decided practically on a policy of immigration to this country. Hon. gentlemen who have acquainted themselves with this very large question cannot fail to be aware of this fact. Now, what is the object of these transportation companies—those interesting themselves in so large a subject? Not that this country may be settled by an intelligent class of people from foreign countries, but rather, that they may be able to participate in the profits which must necessarily ensue from the transportation of large bodies of settlers from the most distant points. We know that the most distant points where immigration can be secured will result in the largest compensation to the companies to which I have alluded. It is very seldom that you find railway companies in the Dominion interesting themselves in this great question. Why? Because it does not mean the same large source of revenue to them that it does to the steamship companies. What is the result? The best class of settlers this country could secure are naturally omitted from the programme of the government. I say it advisedly, there are several millions of Canadians to-day in the United States, who could be induced to become settlers in the Dominion of Canada if the same expenditure for transportation and expenses were made.

Hon. Mr. McSWEENEY—Why did the Canadians leave Canada?

Hon. Mr. LOUGHEED—Because they thought they could better themselves in the United States, but they found their mistake. The reason they are not repatriated is that no adequate effort has been put forward commensurate with the task to induce them to return to the Dominion. The very best settlers who are going into the North-west Territories are Canadians who settled a generation or so ago on the other side of the International boundary. The men who are possessed of the best experience—the settlers who have the most capital to invest in the North-west to-day among the various classes of settlers coming in, come from the United States. I regret very much to see that there is not the same expenditure of effort and capital made to secure those people as we find expended in securing foreigners from Europe. I am not captious in finding fault with the course that is pursued by the government in bringing in foreign settlers, but I point out a fact, which has obtruded itself on the attention of people in the North-west, that the steamship companies have been for some years past at the bottom of the immigration policy, not only of this government, but of the last government, and they did not care what class of immigrants they got, or where they settled, whether in Canada or the western states. I therefore simply suggest to my hon. friend opposite that this is a matter worthy of consideration. It cannot be impressed too strongly on the government that the attention of the government of Canada cannot be too strongly called to the necessity of expending more effort amongst those in the United States who are anxious to settle in Canada, and who, I may state, could be secured by thousands if attention were directed to the advantages of this country, and any inducements of settlement presented to them.

Hon. Mr. ALMON—I have no doubt the hon. gentleman from Calgary will be glad to hear that Preston, who has been on the other side of the great fish pond to secure emigrants from Europe, will likely be on the other side of the border, when the election investigation comes on, and will probably be able to get some of those desirable immigrants.

Hon. Mr. PROWSE—It is unfortunate that we have not had this Bill distributed before this discussion. I am very much obliged to the leader of the opposition for mentioning the items which the leader of the House failed to give us when he introduced the Bill. In reference to the question of immigration, it appears to me that the interests of Canada will be served better by the public men of the Dominion paying more attention to the reputation and character of our immigrants than to the number they bring into the country. I do not think that it would be in the best interests of Canada that we should flood our country with an undesirable class of immigrants. The hon. leader of the House referred to the charming and interesting Doukhobor girls and boys he met in the North-west. I take it that their knowledge of English has been brought about by these people being mixed up with the English speaking classes; but if you bring large

colonies of Doukhobors, Galicians, or other foreign speaking people into the country, and place them in colonies by themselves, they will keep up their own language and become a source of weakness to Canada instead of a benefit. However, that is not the question I rose to speak of. It is the $30,000 that is asked for the Paris Exposition. I think the House is entitled to a little explanation in reference to that subject. We know that the head of our department in the exposition is controlled by the Minister of Public Works, a gentleman occupying a position, which one would suppose would have demanded his full attention and effort to manage it thoroughly, and represent in parliament. I heard that my hon. friend from New Brunswick was to be appointed to that position some months ago, and I am sure he would have filled the position in a satisfactory manner. The Minister of Public Works should have been retained in his position here, and be in his place in parliament to answer for his department. I am sure if my hon. friend from New Brunswick occupied that position to-day, he would give greater satisfaction and inspire greater confidence in the people of Canada than the present representative. What do we see in the press? That the present commissioner in Paris—I do not know what he insisted upon for Canada, whether it was to be recognized as a separate nation or not—but he threatened to lock up the Canadian section of the Paris Exposition unless his department was placed in a different position from that of other portions of the British empire. He brought the president of the French Republic to his knees and made him apologize. He did not exactly succeed in carrying out his policy with regard to the opening of the doors on Sunday: the pressure was too strong from Canada for that. The Paris Exposition is likely to prove expensive: $50,000 was granted a little while ago; $30,000 is granted now, and we should know something more about what Mr. Tarte is going to do, and what the money is required for, and how much more money will be required and if it is really his intention to close up the exhibition until he can have his views prevail in every instance.

Hon. Mr. PERLEY—I suppose this Bill applies more to Manitoba and the North-west Territories than to any other part of Canada. There has been a disposition on the part of some people in the North-west Territories to ask for moneyed men to come to the country. If the immigration were of that character we would not have enough labourers. So far as my observation goes, in East Assiniboia, and I have endeavoured to look over the situation favourably, I find that a good labouring man is about as good a settler as you can bring to the country. In harvest time, if it were not for the efforts generously made by the Canadian Pacific Railway in bringing people from Ontario into the country for a small fare, we could not possibly run our farms, and a great deal of the crops would be lost. I have seen a good many of the Doukhobors in my district. I do not hesitate to say that although they do not speak our language, they are nevertheless good workers. I have not had any of them on my farm, but one of them worked on a farm near mine last summer, and he was the best man employed on that farm. The Galicians are a class by themselves. They have good horses and stock and are doing well. If we encourage a good labouring class of people to come to this country, we are getting about as good immigrants as we can secure. A man might have a pocketful of money, but if he could not hold a plough or feed stock, he would not amount to much in the North-west. We cannot expect all our people back from the United States, because those who emigrated there in years past were young men full of enterprise, and they occupy positions which were not available at the time in Canada. They have made money and have acquired good positions in the United States, and I do not believe you could get one of them back again. A few years ago, a gentleman in my town was appointed, partially through my efforts, to go down to Minnesota to secure quite a number of French settlers who had gone there from Quebec. He brought some fifteen or twenty back with him, and I think they have all gone back to the United States again. They did not prove to be half as good setlers as people coming from Europe. Take an Englishman or Scotchman who comes to the North-west; he is not as good a settler as a Canadian, because he does not understand the work as well. There is quite a large colony of Germans in my district, and they are the best settlers we have there now. They

were very poor when they came, but they have, by industry and frugality, got on very well, and they supply a good class of labour that we could not possibly do without to-day. I am in favour of the government bringing in working classes. No doubt there will be a certain number of inferior characters amongst them. We find it with our own people, but on the whole, so far as I am concerned, I think a good class of working men, whether they speak English or not, would be desirable. I would say further, that if there were some attention paid to securing servant girls it would be a great advantage to that country. We find it very difficult in the North-west to get help of that kind, and it is a great want in the North-west to-day. Girls would get plenty of work, good pay and husbands. I want to call the attention of the government to this fact: they are spending large sums of money to bring immigrants into the country. Along the lines of railway the lands are occupied, or in the possession of the railway companies, and consequently are not available for poor people to settle on, and those people have to go to more remote districts. They must have roads and bridges built to give them facilities to get to the railway stations. We have now a good school system in that country that requires a good deal of money to maintain. The point I want to make in this connection is that the government should furnish our North-west government with ample funds to educate those people and place them on an equality with other settlers, by furnishing them with roads. A man who is living far from a railway is at a great disadvantage in the North-west and requires a better road than the man living near by. A matter of equal importance to bringing settlers into the country is this question of roads. I hope when the estimates come in next year, whatever government is in power, they will have an appropriation made for this purpose.

Hon. Mr. WATSON—In the matter of immigration I heartily agree with the hon. gentleman from Wolseley. I think he has taken the right view of the matter. The government of the day deserves all credit from the people of Canada for the class of immigrants they are bringing into the North-west. At no time in the history of that country has there been so large a number of immigrants and of such a desirable class as during the last two years. The hon. gentleman from Calgary refers to the number of Canadians residing in the United States and the desirability of repatriating them. Last year about the largest number of immigrants we have had coming into Manitoba and the North-west came from the United States through the efforts of the agents appointed by the Immigration Department. As a member of the late government of Manitoba, interested in the matter, I know what has been done by the department in that regard. The best immigrants we get are from the United States. A large number of them are Canadians who are returning to Canada. I noticed only two weeks ago, while up west, a number of those people coming over into our country to become prairie farmers. I noticed at one place, which until recently was considered unfit for settlement, where an immigrant from the United States had taken up two sections, and had ten teams at work breaking up the land. A large portion of the vacant lands south and west of Winnipeg is being occupied by settlers from the United States. Some reflection has been thrown on the Doukhobors and Galicians. I have simply to repeat what has been stated by the hon. gentleman from Wolseley when he commends the government for the class of people they have brought into the country. Those who disparage the Galicians and Doukhobors do not know what they are talking about. They cannot know those people, I can corroborate what has been said by the Minister of Justice, when he speaks of the children he met at Yorkton? Doukhobors who have only been in the country three or four months speak fair English. Those people want to get away from the old world and become citizens of Canada. That is particularly so in the case of the Galicians. I have conversed with many of them who had been only a few months in the country, and they spoke good English. We in Manitoba have no objection to the class of immigrants being brought into the country. They are poor, but they are able to take care of themselves, and there is no class of people who can assimilate themselves to the conditions which prevail in our province as quickly as the Galicians. They

are all industrious. The women work as well as the men. All you have to do to settle a Galician in that country is to put him on land with a sack or two of corn meal or flour. He sets up poles and builds a mud house, and the Galician himself works out to earn money and procure supplies that could not otherwise be had. Last year's harvest could not have been saved had it not been for the Doukhobors and Galicians, notwithstanding the fact that some 10,000 people from Ontario were brought up to help us. These immigrants have been settled by the government in separate sections of Manitoba—that is the Galicians, because the Doukhobors are all in the North-west Territories, though some come down to work in Manitoba. But the Galicians have been settled in a portion of the province of Manitoba that would not have been occupied or taken up by people from the United States or by Canadians. It is a rough country, but I have no hesitation in saying that these people will make prosperous farmers, and in a very few years will be not only independent but wealthy, because they are all workers and they are great people to take care of stock. About the first thing a Galician does when he earns a little money is to buy a cow. They take such care of their cattle as people here would take care of thoroughbred horses. They groom them and keep them in good shape. I have no doubt that large sections which would not be settled for many years by people from the United States or Canada will be settled by those people, and will be converted into prosperous settlements. I cannot understand how any person coming from the west, who has any knowledge of the immigration work that has been going on for the last fifteen years, can criticise the government for the way they are handling that department to-day. In no year in the history of the country has the immigration work been conducted so well as during the last two or three years. Everything has been favourable towards them. It was probably just the right time to make an extra effort to induce people to come to this country, and I desire to say here now that this class of people who have been talked about, the Doukhobors and Galicians, have not cost as much per capita to bring them into this country as the ordinary immigrant from the United Kingdom. Take the Doukhobors; the amount of money paid to the steamship company was given directly to the Doukhobors. It was not paid to the steamship company, and that was set aside to assist the people after they came to the country. That has worked well. I would also say that other desirable settlers we have in Manitoba, that is being assisted by this present government and was assisted by the Manitoba government are the Icelanders. I might say, in connection with that work, in one year the Manitoba government saw fit to make an advance of $7,000, to bring some Icelanders to this country. To the credit of those people, every dollar, within a few hundred dollars, of that seven thousand dollars has been repaid. They are a desirable class of people, and too much attention cannot be paid to the settlement of our Canadian North-west with such settlers. Some people say we had better have a good class than numbers. I do not think any fault can be found with the class coming there and the numbers are not too great. In fact, we have room for millions. The efforts that have been made of late will be fully appreciated by the people of the North-west, and that must be satisfactory to the people in the east, because it appears to me the future of Canada depends to a great extent on the settlement of the North-west. The people of Canada have undertaken great burdens for the purpose of opening up and developing that country by building railways, and as has been said by the Minister of Justice, the only way they can be repaid is to have that country settled at an early date.

Hon. Mr. FERGUSON—I am not sufficiently acquainted with the success of the importation of the foreign elements of population into the North-west Territories within the last two or three years to give opinions of my own upon the subject. I understood the hon. gentleman from Manitoba (Hon. Mr. Watson) to say that they are the best class of immigrants that have been brought into that country for a long time, and that the introduction of them had been a success, and that they had repaid the amount advanced in connection with them——

Hon. Mr. WATSON—I referred to the amounts advanced by the local government to assist Icelanders. I was giving an illus-

tration of what might be derived from assisting good people, and I did not say that the Galicians and Doukhobors were the best classes. I said the people who came to Manitoba were the best classes on the whole.

Hon. Mr. FERGUSON—I understood the hon. gentleman's remarks were complimentary to the Doukhobors, the Galicians and the immigrants generally brought into the North-west within the past two years.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. FERGUSON—I must say that my hon. friend's testimony is quite different from what we see in the press, and what we hear from the representatives of the North-west generally. My hon. friend from Wolseley, certainly says that some of those with whom he has come in contact work well on the farms on which they are employed, but the testimony as to their moral character and their adaptability for facing the conditions which exist in the North-west is not at all in accordance with what my hon. friend has stated. As showing that this movement has not been so very successful, and that the foothold that has been obtained in that country for these people is not so great as my hon. friend represented it to be, I may mention the fact that the government of this country has had to invoke the Alien Labour laws to prevent these people going away. I have been a little amused at the discussions which have been engaged in for the last hour or more over this little Supply Bill which is before us. When we remember that this is the last item in the supplies for the year ending the 30th June of the present year, and when we remember that the parliament of Canada has voted over sixty millions already without making many very weary faces over it, I imagine that we can let the tail go with the hide and pass this $271,000 without very close discussion, particularly when we have the assurance of the hon. Minister of Public Works that this is a small thing compared with what is coming. 'Wait till you see us next year' is the assurance of the hon. minister, and therefore I do not think it is necessary to discuss this little Supply Bill, which I suppose is the last of the supplementary estimates for the current year. I want to refer to one item in this Bill, and my object is not to criticise the amount at all, or to find fault with the way which the money has been applied. It has already been expended or pre-empted in some way, and it is not at all my object to find fault with the way in which this particular sum of money may have been applied. The item in question is the $5,000 for tuberculosis in connection with quarantine, and I think it is time that this question received more consideration than has been given to it. I refer to tuberculosis in live stock in Canada. The veterinary and medical professions in Canada are, to my mind, pushing the government and corporations of cities into extreme positions on the tuberculosis question, and a great deal of trouble is arising over this scare. It is largely a scare which is being raised in the country over bovine tuberculosis. It has gone so far in some of the maritime provinces that the people are afraid to consume cows' milk, one of the best of all human foods. The professions and men officially promoting the interests of agriculture are pressing this imaginary danger of human infection from the milk of the cow entirely beyond the point to which it should be carried. I am quite confident that there is too much being made of it, and that that danger is not at all so great as is being represented—in fact, that it is not very great at all. One would think to hear some of our medical men talk, that nearly all the tuberculosis to-day in the human family comes from the milk of the cow. Down in our provinces we have only to run around and look at the Micmac Indians who have not enjoyed that food because they have not been able to keep cows, and their children have not been able to drink the milk of the cow, and we find they are dying out of consumption, while the white population, who exist largely on milk as compared with the Indians, are comparatively exempt from tuberculosis. I raise this point because it is being pressed in an extreme degree, and I do not know that we have any distinct medical data to trace tuberculosis to the milk of the cow, and on that ground I think it would be well to call a halt and to be careful what we are doing on this subject. Very much more harm will be done by alarming people and depriving them of that excellent food for their children and themselves, than is likely to be done by tuberculosis caused by the consumption of milk.

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

The Bill was then read the third time and passed.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns. I should like to know from the hon. ministers whether there is any prospect of getting that return which I asked for in relation of the Manitoba school question. The hon. Secretary of State saw it one day on the table of the council room, and since that time we have never heard of it. If he could hunt it up and bring it down we would be very thankful.

Hon. Mr. SCOTT—I had it ready to bring down, and was advised that the address was sent to a gentleman, and subsequently a letter was sent to a party who inclosed the address to say that it was confidential. Whether it will be so regarded, I cannot say.

Hon. Mr. LANDRY—I think the hon. Secretary of State would be to blame because he gave to the public something which was confidential.

Hon. Mr. SCOTT—I just stated the fact.

Hon. Mr. LANDRY—Can the hon. gentleman state another fact ?

Hon. Mr. SCOTT—I do not know. It depends what it is ?

Hon. Mr. LANDRY—I want to know if all those petitions that have been sent, either to the Governor General in Council, to the Senate or the House of Commons, against the Gaspé Short Line Railway have been brought down before this House according to an address voted by this House some time ago.

Hon. Mr. SCOTT—I do not know that there was an address voted by this House. I think the hon. gentleman put a question to me.

Hon. Mr. LANDRY—If the hon. gentleman does not know it I do, and therefore, I have the advantage of him. If he does not know, he might take the advice of those who do know. I know that an address was voted and I know I put the question more than once to the hon. Secretary of State, and that the hon. gentleman on every occasion said that it was the first time he heard of it, and I know that nothing yet has been done. And another thing I know is that we want that for to-morrow, and if we do not obtain it for to-morrow, the hon. minister will take the consequences.

Hon. Mr. ALMON—Perhaps those papers were burnt or destroyed by spontaneous combustion, as the ballots in one of the Ontario elections were.

Hon. Sir MACKENZIE BOWELL—The government will understand the importance of having those documents before the committee.

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—There is a great deal of importance attached to the proposition which is made to buy out one line and to leave another, and I know that I have a volume which has been sent to me from that section of the country pro and con, and any official documents that are in possession of the government pertaining to the Baie des Chaleurs Railways are of such importance that they should be laid before the Senate before a final decision is arrived at.

Hon. Mr. MILLS—The Railway Departmen was notified of this matter some time ago and we expected the return would have been submitted to the House long before this. I understand there is a Bill coming before the committee to-morrow in considering which it is important to have this correspondence before the committee. I shall draw the attention of the Minister of Railways to the matter, and if it is possible to meet the wishes of hon. gentlemen we will do it.

Hon. Sir MACKENZIE BOWELL—I regret that this is not the first time we have had to complain of the discourtesy of the Railway Department. I know that the petitions referred to are of a somewhat voluminous character, and it is impossible to understand the petitions when we meet in committee to discuss the provisions of a Bill of that character and ascertain what the views of the people affected by the railway are. The Railway Department has not only studiously set the orders of this branch of the legislature at defiance, but has treated them with contempt, and the sooner we resent that

the better. I do not know any better way in which that could be done than to stop legislation until they give us the information which is necessary in order to deal with the question intelligently. I do not throw out that suggestion as a threat, but I see no other way of meeting the case we are now considering. We are entitled to this information. We are one of the legislative branches of the country. We have to deal with these questions, and are responsible for what we do, and we should be in possession of such information as will enable us to deal intelligently with them. I do not blame my hon. friends opposite. I am satisfied that they have acted in compliance with the requirements of the Senate by notifying the departments that certain returns are ordered, but these departments pay no attention. The hon. ministers had better inform them that unless the Senate get this information they will have difficulty in having the legislation passed. I am prepared to assume that responsibility, grave though it be, unless we obtain those returns.

Hon. Mr. SCOTT—I think if we look into the matter we will find that this administration has furnished the Senate with many more returns than the previous administration. When I had a seat on the other side of this chamber, I know that on many occasions we could not obtain returns.

Hon. Mr. McCALLUM—That does not justify the present government in refusing to give returns.

Hon. Mr. SCOTT—No, I am not justifying it. As a rule, the same officers are responsible for it as were responsible with the other administration.

Hon. Sir MACKENZIE BOWELL—No, the heads of the departments are responsible, and not the deputy heads.

Hon. Mr. SCOTT—My experience is that it is the chief clerks and the deputy heads. They hesitate about the enormous expense. The expense this session goes up into the tens of thousands of dollars for returns that are not looked at. I brought up a return about eighteen inches thick, which must have cost $400 or $500, which will never be looked at. It was moved for by Mr. Davin. If hon. gentlemen look up the report of the Printing Committee they will see two or three pages of rubbish which has been demanded and brought down, but the Printing Committee would not order the printing of it because it was only of interest to the individual asking for it. I do not justify the withholding of returns. I think the Senate are entitled to the fullest information. We have certainly time and again begged and pleaded with the minister to order these returns to be furnished, and they have sometimes given the order, and were surprised that the work had not been done.

Hon. Mr. FERGUSON—I must dissent from the views of the hon. Secretary of State, that because the Printing Committee does not order the printing of a return, therefore it is rubbish. Copies are supplied to members, and a member ventilates the information on the floor of the House and furnishes it to the press, and in these ways the information goes out. Apart from information which in that manner finds its way to the country, the asking for returns and bringing them down has a wholesome effect on the government of the day, and certainly the Printing Committee, under instructions from this House, and with a due regard to every public interest involved, exercise a reasonable discretion as to what shall not be printed, and what shall be for distribution, but that decision does not imply that these returns are not valuable.

Hon. Mr. MILLS—I think it involves it in a very large degree. There are many returns which are proper and the information necessary, and I do not know that any return has been moved for by the Senate which is not of importance, but in my experience in parliament there are a good many returns that are really of no practical value to the public.

Hon. Sir MACKENZIE BOWELL—They are of value to the individual member who moved for them.

Hon. Mr. MILLS—Possibly, but where a matter is of interest to an individual member it would be better to let him examine the files of the department than to prepare a return. In many cases that has been suggested by the minister and it has been done. The policy of the government is wholly under the control of the ministers, and not under the control of the deputies, but it is

impossible for the minister to look after the administrative work of the department, and in that he must depend upon the fidelity, the diligence and the attention of the officers under him.

Hon. Sir MACKENZIE BOWELL—It is his duty to give the order.

Hon. Mr. MILLS—But when an order is passed in this House, it is the business of some one in every department of the government entrusted with looking after this matter to look at the Orders of the Day and the proceedings of the House, and see that everything carried in the form of an address for papers, or in answer to a question, is prepared, without the minister referring to the matter at all. For instance, my hon. friend may make a motion here to-day for papers, say in the office of the Postmaster General. It is not the special business of the Postmaster General to look after that. It is not a question of policy. It is the duty of some one in the office, either the deputy or some clerk who has been named to look after these matters, to see that that return is prepared, and if it is not prepared he is the officer that should be censured for it, and the minister is only responsible when he has not exercised due diligence in giving the orders. That would be his own act and he would be highly censurable for not giving an order. If he wishes to oppose a motion, he should oppose it in the House, but if it is carried in the House it is the duty of some officer in the department to see that the work is done, and he should do that without reference to his chief, because the chief has enough to do without looking after these matters.

Hon. Sir MACKENZIE BOWELL—I have a word to say about the doctrine laid down by the hon. Minister of Justice. It is quite different from that which was followed by the government of which I was a member. The private secretary's duty was, on instructions from his minister, to examine every morning the records of the Commons and the Senate, and if anything affecting the department to which he belonged appeared on the records, then he was to call the attention of the minister to it, and the deputy head was also instructed to look at the Votes and Proceedings every morning to see if any return was ordered affecting his department, but it was always the duty of the minister, and the minister always did, instruct that the return be prepared at the earliest possible moment. It was alleged that the deputy heads controlled the departments. I combated that statement in every instance, and in the government of the late Sir John A. Macdonald the minister called attention of his deputy to a motion of this kind, and told him positively and distinctly that that return must be prepared for parliament.

Hon. Mr. MILLS—How does my hon. friend account for the scores of motions for returns carried in this House that were never furnished?

Hon. Sir MACKENZIE BOWELL—I do not admit that there were motions for returns carried which were not complied with. I know in my own department they were all prepared and brought down. A voluminous return was once moved for by the hon. gentleman from Halifax. When brought down, it was nearly as high as my desk, but the order was complied with and it created amusement when I brought the documents before the House. I do not say that those returns were rubbish. There was valuable information in them. I am glad that this discussion has taken place, because it may facilitate the business of parliament in future. I know that the hon. Secretary of State very often tries to justify the neglect to furnish returns on the ground that the late government did the same thing. It is a pity the hon. Secretary of State did not follow the policy of the late government in other respects. I should like to compare his present speech with the condemnation of Mr. Pope's policy on emigration. I will have to congratulate the hon. gentleman on his change of opinion.

Hon. Mr. MILLS—The hon. gentleman does not refer to me.

Hon. Sir MACKENZIE BOWELL—To the hon. minister's colleague. We will discuss it on some other occasion.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 13, 1900.

The SPEAKER took the Chair at Three o'clock.

Prayers and Routine Proceedings.

GASPE SHORT LINE RAILWAY COMPANY'S BILL.

REPORT OF RAILWAY COMMITTEE ADOPTED.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (70) 'An Act to incorporate the Gaspé Short Line Railway Company' reported as follows:

Your committee have, in obedience to the Order of Reference of 26th April last, examined the said Bill, and now beg leave to report that the preamble thereof has not been proved to their satisfaction.

The grounds on which your committee have arrived at such decision are, that the Bill contains provisions of which notice has not been given in the notice published of application to parliament therefor and which are not asked for in the petition presented to the Senate praying for the passage of the Bill; and further, that the passing of the Bill would not be in the public interest.

Hon. Mr. MILLS—This Bill is one in which, I understand, there is a good deal of interest taken by the public, and the hon. chairman of the committee might, perhaps, inform the House more fully what are the objections to the Bill. I perhaps did not catch the exact force of the statements in the report, but I understand that one of the objections is that the Bill contained provisions of which notice had not been given. I apprehend that a committee, when a Bill is before it, has power to amend it, and such amendments may be much broader than any notice given with reference to the Bill. The concluding paragraph of the report stated that the measure was not in the public interest. That is a very important objection if it is well founded, but I apprehend that hon. gentlemen would like to know upon what ground that view was taken.

Hon. Mr. BAKER—I have not had the advantage of being able to hear distinctly the observations made by the hon. leader of the government in this House, but I gather from a portion of his remarks that he wished to have some explanations as to the specific reasons which guided the committee in arriving at the conclusion embodied in the report. Clause 14 of the Bill reads as follows:

14. The company may acquire and operate all or any part of the railways of the Baie des Chaleurs Railway Company and the Atlantic and Lake Superior Railwway Company, and——

Clause 15 embodies provisions that were not contemplated by the notice published, and not prayed for in the petition, something entirely apart from the statements in the notice. There was nothing whatever to justify the insertion of these important clauses in the Bill. The notice and the petition were read before the committee, and there was no pretense, on the part of any one who was promoting the Bill, that the provisions of the Bill were justified either by the notice or the petition. Under those circumstances, it appeared to the committee that there was but one course to adopt and that was to find, as they did find, that the preamble had not been proven. I may say further, there was a most vigorous opposition to the passage of the Bill; in fact, there never has been a Bill presented to the Railway Committee of the Senate, to which there was such vigorous opposition. I may say, without impropriety, that it was made to appear that the object of the promoters of that Bill was to divest creditors of their established rights. No other conclusion could be drawn. Apart from these—I will not call them informalities, because they are more than informalities—apart from these matters, there was very good reason, as stated in the last section of the report, for declaring that the Bill was not in the public interest.

Hon. Mr. DANDURAND—I regret that the committee has not seen fit to pass over whatever informalities may have existed in the procedure, or find a way of remedying them, for it seems to me, that any substantial company that will undertake to carry out the demand of that section of the country, which has been clamouring for years and years for a railway, should have been welcome. This company wanted powers to build a line which will ultimately reach Gaspé basin. It has, at the same time, power to purchase the Baie des Chaleurs Railway. I understood that some safeguards had been placed in the Bill for the protection of the creditors of the Baie des Chaleurs Railway. If those safeguards had not been deemed sufficient, I wonder whether

it would not have been possible to add greater safeguards when the measure was before the committee. I will speak my mind very clearly on the subject now. I have been acquainted with the doings and the actions of the principal promoter of the Baie des Chaleurs Railway Company, Charles N. Armstrong. He is an impecunious railway promoter. I will not say anything disagreeable, nor do I want to say anything disagreeable about impecunious railway promoters, for I know that this country owes very much to men having simply their brains and their energy, who have succeeded in interesting capitalists in building railways, and who have done good work for the country. But I may say in this present case, Mr. Armstrong, active, intelligent, and enthusiastic as he is, and more optimistic than any gentleman I have ever met, has nevertheless been an utter and absolute failure in railway building in the province of Quebec. Wherever he has passed, ruin has followed his path. It was a common by-word in the province of Quebec, that Charles N. Armstrong could not walk in three or four places in the province of Quebec, for fear of being boycotted or stoned by the population. I do not know of an undertaking of Charles N. Armstrong, wherein the government has not been asked to step in to pay the creditors. The Baie des Chaleurs Railway has been his undertaking, and I may say that I cannot give that party a single hope or vestige of hope that a railway company or a railway undertaking should be carried on or managed by him. He has been for about twenty-five years railway building or railway promoting, and my experience does not go perhaps beyond the last twenty years, but wherever he has undertaken something, clamours have been heard around our court-houses from the creditors claiming their dues. I represent creditors of the Baie des Chaleurs Railway. I do not know that there is a law firm in the city of Montreal that does not represent creditors of that company. So that if this House knew thoroughly how absolutely impossible it is to confide to that gentleman a railway undertaking, in view of his past, I think that by giving all due safeguards to the honest, substantial creditors of the Baie des Chaleurs Railway, we should welcome any solid company that would undertake to come to the rescue of the Baie des Chaleurs Railway, and the Gaspé Railway, which have been for the last twenty-five years absolutely in the hands of that impecunious railway contractor who has not been able to do anything else but build a few miles of railway, let them rot there, prevent them from being operated, only operating them during a few months. Therefore, I beg to move :

That this report be not accepted, but that it be referred back to the committee for reconsideration.

Hon. Mr. THIBAUDEAU—I am sorry that my hon. friend for Delorimier should have thought proper to make such an uncalled for accusation against Mr. Armstrong, or against any of the enterprises he may have undertaken. The hon. gentleman has gone so far as to say that Mr. Armstrong could not move round in Quebec without being stoned. A more unwarranted statement could not be made. Mr. Armstrong can go anywhere in the province of Quebec, except among certain people, where he cannot go, because they remember certain accusations that have been made against him in that city, and since that time they have retained their hatred against him, and these accusations are carried on by misrepresentation continually. All the accusations that have been made, either in the press, in this Chamber, or in the Lower House, are made by a clique who have undertaken to ruin him, or any enterprise he is connected with. If this House were better acquainted with the province of Quebec, they would see it was the work of a clique and not of good, reasonable men, and I hope that this Senate will stand by the decision of the committee.

Hon. Mr. LANDRY—I think the hon. gentleman from Delorimier, when he accused Mr. Armstrong of being a failure in railway business, forgot entirely that incident which took place in the province of Quebec, when a man called Mr. Ernest Pacaud took out of the pocket of Mr. Armstrong the proper means that the government had to secure the construction of the railway.

Hon. Mr. DANDURAND—Was that a satisfactory transaction ?

Hon. Mr. LANDRY—I think it was very satisfactory for Mr. Pacaud, and for all the members who endorsed at the time Mr. Pacaud's promissory notes, which were paid out of this money.

Hon. Mr. McCALLUM—What did Mr. Pacaud do with the money after he got it?

Hon. Mr. LANDRY—The hon. gentleman from Delorimier might tell us what Mr. Pacaud did with the money. That money was taken away from Armstrong and used for election purposes, to promote the interests, not of the country, but of a political party. I think the hon. gentleman has quite forgotten that incident, or he would not have risen in this House to recall past events.

Hon. Mr. DeBOUCHERVILLE—I should like to ask a question of the hon. leader of the government of this House. Is this motion supported by the government? Is it considered as a government motion?

Hon. Mr. MILLS—No.

Hon. Mr. McKAY—I should like to call the attention of the House to the fact that there has been no motion to adopt that report.

Hon. Sir MACKENZIE BOWELL—Before the motion it put, I should like to know what is to be accomplished by referring this back to committee. The rules governing this House are pointed and distinct, that under certain circumstances, affecting private Bills, certain notice must be given to enable the committee to entertain any Bill which is brought before them. Now, here is a Bill in which the notice given was simply for the construction of a railway from Gaspé basin to, I think, Causapscal, asking for the necessary power to carry on the enterprises, that are contained in the Railway Act. Now, the Bill that came before the Railway Committee gave powers far beyond those asked for. The point is whether in amendements to the Bill you can go beyond the notice and the petition, particularly when the additional clauses affect materially the private interests of another corporation or of private individuals; and, as the chairman has said, the new additions would affect the creditors of the Baie de Chaleurs Railway, as well as giving the company additional powers to do that for which they had never asked. There are other reasons why many would oppose the Bill which it is unnecessary to discuss now. I do not propose to go on discussing the powers which the committee have under the rules of this House. If you admit the facts, as intimated by the Minister of Justice a few moments ago, that you can amend the Bill which is before you, giving additional powers and adding to the clauses powers which would enable them to do other things than those which they asked for, the public not having had notice, would not that be a violation of this rule? If you admit the right to any extent at all you can go to the fullest possible limit and enable them to carry on any business they please providing they declare it is in the interests of the railway itself. They might erect mills and enter into manufacturing industries as well as build railways, and it was on that ground, and not the one intimated by the Minister of Justice, which I think the chairman did not hear when he called attention to it, in which they declared the preamble was not proven. The preamble points out certain things, and when you look at the clauses of the Bill it goes far beyond them; consequently the committee say the preamble is not proved and we cannot report the Bill. The question whether it was in the interest of the country that this road should be built was not discussed at all.

Hon. Mr. MILLS—Which is the primary question?

Hon. Sir MACKENZIE BOWELL—The provisions of a private Bill and what it proposes to do may be of paramount interest to the community, but if it affects the rights of individuals or corporations, no such Bill could be passed through parliament without violating all the rules of parliament, unless notice had been given in the *Official Gazette* and local papers that such powers were to be asked for; there would be no safeguard for private rights otherwise. I take it that all railways are in the interest of the public, because no railway can be built without developing some industry? Whether there is any return from the investment or not, is not the question. All public works will benefit somebody, and one might fairly say are in the general interests of the community. I have given the reasons why the committee reported against this Bill, and even if the House sends it back to committee it would be rejected on the same principle. Does this company wish to invade the rights of another company—I am not vindicating the Baie des Chaleurs Railway

or defending the interests of anybody—when it goes back to committee, if it should go back, I venture the prediction that it will receive the same fate as it is likely to receive to-day.

Hon. Mr. BAKER—To make the proceedings regular, I move the adoption of the report.

Several hon. GENTLEMEN—Call in the members!

The SPEAKER—Call in the members!

Hon. Mr. MILLS—I wish to discuss the question of order that has been raised. There was a motion before the Chair and that motion has not been declared out of order.

Hon. SIR MACKENZIE BOWELL—The members have been called in.

Hon. Mr. MILLS—Called in for what?

Hon Sir MACKENZIE BOWELL—To vote.

Hon. Mr. MILLS—For what?

Hon. Sir MACKENZIE BOWELL—The adoption of the report. The hon. gentleman is out of order.

Hon. Mr. MILLS—I am quite in order.

Hon. Sir MACKENZIE BOWELL—The members having been called in, the hon. gentleman has no right to speak.

Hon. Mr. MILLS—There was a second motion made which has not been declared out of order, and we must know on which motion we are to vote.

Hon. Sir MACKENZIE BOWELL—I rise to a point of order. Has the hon. gentleman a right to address the House after the members have been called in?

Hon. Mr. MILLS—The question has not been put.

Hon. Mr. MILLER—The motion of the chairman of the committee was that the report be adopted. Now, if my hon. friend behind me (Mr. Dandurand) had moved directly in opposition to that, that it be not adopted, it would have been out of order, because the negative of one would be the affirmative of the other, and the sense of the House would be taken equally well on either motions. But my hon. friend went further, and moved that the motion be not adopted, but that the report be referred back to committee. That goes further and entitles his motion to be put.

The SPEAKER—My opinion is that the question of order can be discussed.

Hon. Mr. MILLER—The question ought to be on the amendment.

Hon. Mr. POWER—On the question of order, I wish to say that the regular proceeding should have been that the motion of the chairman of the committee should be put first. The practice in this House is not as rigid as it might be, and the hon. gentleman did not make that motion when the hon. gentleman from Delorimier moved his amendment, it should have been in amendment to the motion to adopt the report. Then the hon. chairman of the committee, noticing his omission, in order to put himself right, moved the adoption of the report. The regular course now would be for the hon. gentleman from Delorimier to move his amendment after the motion to adopt the report.

Hon. Mr. MILLER—That is the way the matter stands now.

Hon. Sir MACKENZIE BOWELL—Can that be done after the members have been called in? The hon. gentleman has stated the facts as they really are.

Hon. Mr. DANDURAND—I beg to correct the hon. gentleman. The chairman of the committee wished to make the proceeding regular by introducing his motion after mine. The chairman of the committee said, in order that the proceeding should be in order I beg to move, with the permission of the House, the motion that I should have moved in the first place—a motion that he should have introduced before my amendment. I think it was the intention of the chairman of the committee, that my amendment might be voted upon.

Hon. Mr. MILLS—Let me say further, I certainly purposed calling attention to the matter if the chairman had not made the motion that it was important that the motion should be made for the adoption of the report before my hon. friend made his proposition. So what I desired to say, when my hon. friend questioned my right to say

anything, was that we would vote now upon the amendment moved by the hon. senator from Delorimier in order that the matter might appear regularly upon the journals.

Hon. Mr. ALMON—I rise to a question of order. I want to ask whether this discussion, after the members have been called in, is not out of order? Is it not out of order for a member even to leave his seat after the members have been called in?

Hon. Mr. BAKER—I wish to state, as an excuse for my apparent neglect to move at the proper moment, that I was under the impression that, the preamble of the Bill not having been proven, the Bill became defunct, and therefore there was no necessity for making a motion; but at the suggestion of one of my hon. friends near me, after the motion of the hon. gentleman from Delorimier was made, it occurred to me that perhaps my impression was wrong, and therefore, to set myself right and to make the proceedings regular, I asked permission of the House to move the adoption of the report, thinking, as a matter of course, that having made that motion my hon. friend would move his as an amendment. But I am still of the impression that, the preamble not having been proved, there is no necessity to move the adoption of the report. I speak subject to correction, however.

Hon. Mr. DeBOUCHERVILLE—The question is a very simple one, though it has become complicated by the motions which have been made. The position is this: the hon. chairman of the Railway Committee made his report. He did not move its adoption? Then the hon. gentleman from Delorimier made a motion that the report be not adopted, but that it should be sent back to committee. Then the chairman of the committee made a motion which became an amendment to the motion of the hon. gentleman from Delorimier, and it is on that question that the Speaker called in the members, and therefore no one had a right to speak.

The SPEAKER—According to rules when members have been called in no further debate is to be permitted—but in my opinion it is within the right of any member to call the attention of the House to the fact that the proceedings are irregular, and when the leader of the House stated that the proceedings was irregular, though the members had been called in, it should not be considered as a debate, and the Senate in my opinion ought to hear the reasons of the hon. leader, the matter began very irregularly. The proper course would have been for the chairman of the committee to have moved the adoption of the report That motion was not made in time. The hon. member from Delorimier moved that the report be not now adopted, but that it be referred back to committee. Immediately afterwards some member remarked that this was not the proper way to proceed, and it was suggested to the chairman of the committee to make a motion for the adoption of the report. This motion was made with the consent of the House, so I put the motion, and then, after that, the hon. gentleman from Delorimier had the right to make his motion in amendment that the report be not now adopted, but be referred back to committee. I really believe that the House should take the vote on the amendment of the hon. gentleman from Delorimier.

Hon. Mr. MILLER—I do not wish to be understood as saying I consider a motion was necessary on the part of the chairman of the committee, but having made the motion, I think the sense of the House should be taken on the amendment moved by the hon. gentleman from Delorimier.

The Senate divided on the amendment which was declared lost on the following division:

Contents:

Hon. Messrs.

Burpee,	Mills,
Casgrain (de Lanaudière)	O'Donohoe,
Cox,	Power,
Dandurand,	Scott,
Dever,	Shehyn,
Gillmor,	Snowball,
Kerr,	Wark,
Lovitt,	Watson,
McSweeney,	Young.—18.

Non-Contents.

Hon. Messrs.

Aikins,	Macdonald (P.E.I.),
Allan,	McCallum,
Almon,	McKay,
Baird,	McKindsey,
Baker,	McLaren,
Bernier,	Merner,
Bolduc,	Miller,
Bowell (Sir Mackenzie),	Montplaisir,

Carling (Sir John),	O'Brien,
Casgrain (Windsor),	Owens,
Clemow,	Perley,
Cochrane,	Prowse,
Ferguson,	Thibaudeau (Rigaud),
Landry,	Vidal,
Lougheed,	Wood.—30.

The motion to adopt the report was agreed to on the same division reversed.

ONTARIO POWER COMPANY OF NIAGARA FALLS BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (121) 'An Act respecting the Ontario Power Company of Niagara Falls,' and moved the adoption of the report.

Hon. Mr. McCALLUM—I do not intend to move strongly against the adoption of this report, but I raised the question, and I say here now that I am satisfied in my own mind that this Bill should not come here at all. It is a matter which should be dealt with by the local legislature of Ontario, because they are very much mixed up in this question. They granted a charter to another company, years and years ago, with equal or greater privileges than they are granting under this Bill, and they received $35,000 a year from that company for a long time in order that they should show them how not to do it. In fact, as far as this company is concerned, I have nothing more to say about it. I hope that water power will be developed, but I must say that I am still of the opinion that it is the duty of the local legislature to grant them the powers that are necessary. However, the committee has decided against my opinion; therefore, I must submit. I am not going to push my opposition any further, because the excuse is given that we have granted this power to this company for thirteen years. If we have been doing what we had no right to do for thirteen years, I say it is about time we stopped, and let the local legislature do their own business. They should not use the fingers of the Dominion parliament to take the chestnuts out of the fire. I hope when the extension of time granted this company expires they will have completed the work and will not have any need to come here again. In fact, the contract with this company, by the local legislature and the park commissioners provides that we are not to grant any further legislation if they fail to act under this. They undertake to tell us what we shall or shall not do. I am not going to divide the House on the Bill. I hope it will turn out all right, though in my opinion parliament is not doing what is right in granting this charter at all.

The motion was agreed to.

THE QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY rose to:

Draw the attention of the government and of this House to the following part of a speech made on January 27, 1897, by the Hon. R. R. Dobell, one of the ministers in the present cabinet, at a meeting of the Chamber of Commerce of Quebec, published in 'Le Soleil' of March 1, 1897, and reading as follows:

(Translation from the French.)

'It is the time for you to act,' said he. 'You have a government which is decidedly favourable to you. I do not say that out of political feeling. If you wish to take the initiative in the way of progress, not only in order to build a bridge, but also for the accomplishment of other great enterprises, let me assure you that the government will do more than its part to aid you. But, in the case of the bridge, I must tell you that the government will object to a company in name only; it must have a company in good faith, a company which will give a guarantee to do its duty. I recently learned at Ottawa that great efforts were being made to continue the building of the Intercolonial to Montreal. Halifax is in favour of this project. Now, if Quebec does not hasten to build its bridge, the construction of the Intercolonial to Montreal will be accomplished, and then the utility of a bridge in front of the city will disappear, perhaps for ever. For the commerce between the west and the provinces will take this new way.

'Let me tell you that I will not amuse you with false hopes. When I left Ottawa to come down to Quebec, the Hon. Mr. Laurier told me that I could announce to you that the federal government will give $1,000,000 for the construction of the Quebec Bridge. The city of Quebec will subscribe $500,000; the local government has promised $1,000,000. There, then, are $2,500,000. The railway companies of Canada will subscribe the balance by taking capital stock. . . . . As you see, we can build this bridge as soon as you like, for we have the funds ready.'

And that he will ask:

1. Was it in the name of the government and as authorized by it that the Hon. R. R. Dobell put forth the propositions hereinabove enumerated?

2. Was he, at least, speaking in the name of the Prime Minister, and had the latter really charged the Hon. R. R. Dobell to announce what the federal government would do for the construction of a bridge in the neighbourhood of Quebec?

3. Is the extension of the Intercolonial from Lévis to Montreal now an accomplished fact, since the acquisition of the Drummond County

Railway and the making of the contract with the Grand Trunk Company for the use of its line from Ste. Rosalie to Montreal?

4. If the extension of the Intercolonial to Montreal is an accomplished fact, what does the government think of the utility of a bridge at Quebec in face of this general declaration of Mr. Dobell:

'If Quebec does not hasten to build its bridge, the construction of the Intercolonial to Montreal will be accomplished, and then the utility of a bridge in front of the city will disappear, perhaps for ever. For the commerce between the west and the provinces will take this new way'?

5. Do not the authorities of the Intercolonial at present make, and will they not always make, every effort to secure at Montreal the trade of the west and direct it towards the maritime provinces by way of the Drummond County Railway?

6. Has not the policy of the government, in acquiring the Drummond County Railway and thus extending the Intercolonial to Montreal, given a fatal blow to the interests of Quebec, and gravely compromised, in the words of at least one of the members of the government, the question of the construction of a bridge in front of or in the neighbourhood of Quebec?

7. If the government has decided to seriously aid in the construction of the Quebec bridge and to promote the commercial interests of that city, is it at least going to give the necessary instructions in order that the Intercolonial shall not persist in turning away from Quebec all the traffic which would pass over the proposed bridge if the terminus of that railway were at Lévis in place of being in the very heart of the city of Montreal, and there be a mighty abductor of all the traffic from the west?

8. Has the government assured itself as to the amounts of money which are to be furnished respectively by—

(a) The government of the province of Quebec;

(b) The city of Quebec;

(c) The Canadian railway companies which must use this bridge for the passage of their traffic?

9. Does it know that the expectations of the Hon. Mr. Dobell have not been realized, and that the government of the province of Quebec has not been able to give $1,000,000; that the city of Quebec, by its council, has not contributed $500,000; and that not a single railway company has yet subscribed a single penny to aid in the building of the bridge in quesetion?

10. Could not the government, in order to ensure the building of the bridge, ask from parliament an additional grant equal at least to the amount of the differences between the amount of the subscriptions announced by Mr. Dobell and the real amount subscribed or voted by the city of Quebec, the government of the province of Quebec, and the railway companies interested?

Hon. Mr SCOTT—I have shown the question to Mr. Dobell, and he says it is asolutely incorrect, and he declines to be catechised on a speech which was not accurately reported. He calls attention to the fact that he never made the statement that the government had promised a million dollars. The speech was alleged to have been made two years and four months ago. However, Mr. Dobell's recollection is, that the speech as quoted is not accurate.

Hon. Mr. LANDRY.

Hon. Mr. LANDRY—Is that all the answer I am to get?

Hon. Mr. SCOTT—That is all I can give my hon. friend.

Hon. Mr. LANDRY—It is very short. I want to know what the policy of the government is?

Hon. Mr. SCOTT—The hon. gentleman put the question and I decline to answer it.

Hon. Mr. LANDRY—Has the government assured itself as to the amounts of money which are to be furnished respectively by the government of the province of Quebec, the city of Quebec, and the Canadian Railway Companies?

Hon. Mr. SCOTT—I have no information on the subject. That is mere matter of opinion and not a matter of policy.

Hon. Mr. LANDRY—It is a matter of fact and not a matter of opinion at all. If the government has not the accurate information, we might perhaps give them the accurate information. Could the hon. gentleman answer this question?

Could not the government, in order to ensure the building of the bridge, ask from parliament an additional grant equal at least to the amount of the differences between the amount of the subscriptions announced by Mr. Dobell and the real amount subscribed or voted by the city of Quebec, the government of the province of Quebec, and the railway companies interested?

Hon. Mr. SCOTT—No. It is quite impossible for me to answer that question. It is the first time I have ever heard it referred to.

Hon. Mr. ALMON—I do not wish to impugn at all the accuracy of Mr. Dobell's denial. He, no doubt, thinks that he never made that speech, but it was made two years and a half ago. I think we all remember that Mr. Dobell's memory is not a very correct one. I dare say the hon. Minister of Justice will remember that there was a telegram sent by Mr. Dobell which two days after he had forgotten all about. I do not say that he was not perfectly correct in what he said, but his memory is very treacherous.

Hon. Mr. LANDRY—He denied having sent a telegram, and two days afterwards acknowledged it.

Hon. Mr. ALMON—Therefore one cannot blame him for forgetting what he said over

two years ago. I rise to defend Mr. Dobell against an imputation that he is stating what he does not think is right, but still we must remember that he forgot in two days about sending a telegram. We certainly must pardon him for forgetting about a speech made two years and a half ago.

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State is quite correct in declining to give any further information so far as relates to Mr. Dobell. That is based upon the denial by Mr. Dobell that he ever made any speech of the kind. The hon. Secretary of State gave Mr. Dobell's answer, and consequently removed all the answers which he would necessarily have to give if the statement were true. But are there not other questions which the government should answer in justice to the hon. gentleman who has asked them? Apart from any thing, Mr. Dobell may have said, the hon. gentleman from Stadacona asks:

Is the extension of the Intercolonial from Lévis to Montreal now an accomplished fact?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Since the acquisition of the Drummond County Railway and the making of the contract with the Grand Trunk and the use of the line from Ste. Rosalie to Montreal, an affirmative answer could be given to that question.

Hon. Mr. MILLS—It is not a proper question to put to the government.

Hon. Sir MACKENZIE BOWELL—I do not admit that. It is a simple question as to whether an enterprise which has been entered into by the government in the purchase of a road from one company and making a lease with another company has been accomplished. We all know that such is the fact, but there is the question asked. The hon. Minister of Justice says it is not a proper question.

Hon. Mr. MILLS—Supposing the hon. gentleman put the question: 'Is the earth round.'

Hon. Sir MACKENZIE BOWELL—That would be a proper question if the hon. gentleman had constructed the world. The hon. gentleman would say that so far as philosophy teaches us it is round.

Hon. Mr. MILLS—It would not be a proper question.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman asked:

If the extension of the Intercolonial to Montreal is an accomplished fact, what does the government think of the utility of a bridge at Quebec in face of this general declaration of Mr. Dobell.——

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I do not know that the government would be obliged to state what they think as to the utility of a bridge, because that is a debatable point. The hon. minister might decline to answer that. Then the next question is:

5. Do not the authorities of the Intercolonial at present make, and will they not always make, every effort to secure at Montreal the trade of the west and direct it towards the maritime provinces?

Hon. Mr. MILLS—That is not a proper question.

Hon. Sir MACKENZIE BOWELL—It is a proper question, because they have spent a large amount of money for the purpose of making the connection between the terminus of the Intercolonial Railway at Lévis and Montreal, and it is very natural to suppose they would not have spent the money unless they intended to divert the trade in that direction. I think it answers the questions he desires to know as to whether the government built the road for that purpose, and I do not see any impropriety in saying that the government did. The next question is of the same character. Then he asked:

Has the government assured itself as to the amounts of money which are to be furnished respectively by—
(a) The government of the province of Quebec;
(b) The city of Quebec;
(c) The Canadian railway companies which must use this bridge for the passage of their traffic.

The hon. gentleman might have put that in different language. The government, if I understand it, appropriated a million of money for this purpose. That was voted upon the presumption that the Quebec government and the railway companies and the city of Quebec would increase that amount by additional subsidies, and the question is simply has that been done, or does the government know whether that has been done, and if it has not been done, then the question is proper to know whe-

ther the government intend to do anything further in order to effect the construction of that bridge ?

Hon. Mr. MILLS—My hon. friend will see that the answer is assumed in the next question, so that the question is not asking for information.

Hon. Sir MACKENZIE BOWELL—The next question refers to Mr. Dobell, and the hon. gentleman has repudiated the statement attributed to him, therefore it does not call for a reply. If the hon. gentleman had accepted the statement made by Mr. Dobell as correct, then the ninth question, would have answered the eighth, but as the hon. gentleman repudiated it, then it is not answered. The tenth question refers also to Mr. Dobell. There are points in that question which are answered by the denial that Mr. Dobell made that statement, but there are other questions which, in my mind, should have been answered.

Hon. Mr. MILLS—I am not going to argue the question with my hon. friend and I can hardly think that he is serious. He is playing the part of an advocate, or counsel, defending a friend who has put himself in rather an awkward predicament.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. gentleman to a simple rule which guides the proceedings in parliament, and which he grossly violated yesterday and is violating to-day, and that is that it is not parliamentary to impute motives to hon. members. If it is done again I shall bring it to the attention of the hon. Speaker. I have a right to express my opinions without being accused of being an advocate of any one.

Hon. Mr. MILLS—My hon. friend is grossly violating one of the rules in discussing what happened in the House yesterday. These are not proper questions to be put. They are not parliamentary questions, they are not questions that a minister could be called upon to answer, and I am quite sure that my hon. friend who has put those questions must himself be satisfied that he is altogether departing from the ordinary practice of parliament when he puts such a series of questions as he has been putting on several occasions this session ? What is the object ? I quoted from May, yesterday, a statement as to the limit of authority with regard to parliamentary practice.

Hon. Mr. LANDRY—The hon. gentleman has no right to refer to a past debate.

Hon. Mr. MILLS—I am referring to May. The rule laid down in May is as follows :

> Questions addressed to ministers shall relate to public affairs with which they are officially connected, to proceedings pending in parliament, or to any matter of administration for which the minister is responsible.

Supposing one undertakes to try the questions put by the hon. gentleman by these rules, he asks if the extension of the Intercolonial Railway to Montreal is an accomplished fact. Is that a matter within the special keeping of the government ? Is that a matter about which the hon. minister has any more information than my hon. friend who travels over the road ?

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MILLS—The hon. gentleman knows he might as well ask whether the earth is round or whether the Atlantic lies between the American continent and Europe. Then the hon. gentleman asks :

> 5. Do not the authorities of the Intercolonial at present make, and will they not always make, every effort to secure at Montreal the trade of the west and direct it towards the maritime provinces by way of the Drummond County Railway?

Is that a proper question ?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—I say that if the hon. gentleman is serious in making that statement he has yet to learn the first principles of parliamentary usage and practice with regard to questions that are proper to put upon the paper.

Hon. Mr. LANDRY—Who is working the railway ?

Hon. Mr. MILLS—It does not matter who is working it. He is not asking about the working of it. He is asking if the extension to Montreal is an accomplished fact. Every other question the hon. gentleman has put is a question of the same sort. They are not questions for papers. They are not questions with regard to what the govern-

ment has done in a particular matter in which the House is interested, and which the government ought to deal with, or which the hon. gentleman desires the government to deal with. They do not relate to the business of the House in any way. There is no matter before the House, and there is no matter which the hon. gentleman himself has submitted in which the answer to these questions would in any way be a matter of interest to the House. If a question is put to me, it must relate to something affecting my department as Minister of Justice, or some matter within my department. It may be for papers in a particular case. It may be with regard to some correspondence relating to a particular question which was decided and decided improperly, in the opinion of the hon. member, or which is yet before the department for consideration, and that is true of every other department, and if my hon. friend were serious in putting these questions, it would only go to show that the rule which authorizes a member to put questions has not been properly apprehended by the hon. gentleman.

Hon. Mr. ALMON—I was going to ask the hon. Minister of Justice, seeing that Mr. Dobell has denied those grave assertions which have been made in the papers, and which have not been contradicted up to this date, what he thinks of himself in accusing Sir Charles Tupper, yesterday, or the day before, of telling a whole string of things which he said Sir Charles has said. Does not the hon. gentleman think it is very possible that if the newspapers misrepresented Mr. Dobell, was he not very wrong yesterday in quoting what the newspapers stated Sir Charles has said? I have noticed a great many times how differently the hon. gentleman regards this matter. Sometimes the newspapers, in his opinion, are infallible; sometimes you cannot quote from them, they are so unreliable. If the hon. gentleman would lay down a rule by which one would know when a newspaper is to be trusted and when it is not, members like myself who are getting old, would be obliged.

Hon. Mr. FERGUSON—The hon. leader of the House, whenever he ventures on a discussion of questions of this kind, seems to live in the past. He seems to be living back thirty or forty years ago, when he was lecturing boys in a school house. He lectures members of this House as though he were at liberty to upbraid and taunt them as he pleased. The hon. gentleman referred to question No. 5 in the notice of the hon. gentleman from Stadacona. He referred to that question as one that was quite unparliamentary and improper to be put by a member of this House. He asked was it a proper question. I said yes, and he tells me across the floor of the House that if I say so and think so, I have yet to learn the first principles of parliamentary procedure, or something of the kind. That is not the proper way to discuss these questions. We are entitled to our opinions. Even though we may not come up to the high standard of the hon. gentleman, we have our rights. I thought the question was reasonable and should be answered. I held that opinion, and I hold it still, notwithstanding the very high authority of the hon. gentleman who reprimanded me in the manner he did. The question is:

5. Do not the authorities of the Intercolonial at present make, and will they not always make, every effort to secure at Montreal the trade of the west and direct it towards the maritime provinces by way of the Drummond County Railway?

Last year we had a great deal of discussion in this House and elsewhere over a traffic agreement entered into between the Intercolonial Railway and the Grand Trunk Railway with regard to traffic going east and west. A part of that traffic agreement was, that all traffic going eastward to the maritime provinces was to be handed over to the Intercolonial Railway at Montreal, and this question after all, stripped of verbiage, is, are you living up to that agreement? Are you securing this trade at Montreal? Is that your policy or is it not? I conceive the question to be a highly proper one. I do not know what object my hon. friend had in asking it, but whatever object he had, I presume that the question was really thought out in a different language and had to be translated by my hon. friend. I am not saying that he is not as adept in the English language as any of us, but I can always discover a tendency to use the idiom of his own language. After all, this question is simply limited to asking whe-

ther the Department of Railways is living up to that traffic agreement of which we heard so much last year, and if all this traffic is being handed over at Montreal. Notwithstanding the very severe taunt and lecture which the hon. gentleman threw across the floor of the House to me, I insist that the question was in that respect a very proper one.

Hon. Mr. LANDRY—I ask the hon. Minister of Justice if the working of the Intercolonial Railway is affecting the public interest, and who is working that railway? If it is the government, I am asking what is their policy in working that railway. Is not that a question that I could properly put before this House, and could I not claim an answer to it? Is my question unparliamentary?

Hon. Mr. SCOTT—Yes, quite unparliamentary.

Hon. Mr. LANDRY—Why? The mere fact of saying so does not make it unparliamentary. I am putting a question that relates to a matter of public interest. The government is working the railway, and I put a question about that railway, and I am told that it is unparliamentary to ask a question about it. When I ask if it is unparliamentary the Secretary of State says 'yes,' and the other minister does not know what to say. If I were to ask the government if aid was to be given to build the Quebec bridge, would that be unparliamentary? Yes, or no? They do not know. The government say themselves that they are in a hole.

Hon. Mr. MILLS—No, it is the hon. gentleman.

Hon. Mr. LANDRY—If the hon. minister knows he is in a hole, it is all right. I am inquiring from him if it is an unparliamentary question to ask the government if they are prepared to give supplementary aid to the Quebec bridge? I think that is a parliamentary question.

Hon. Mr. SCOTT—I answered that question.

Hon. Mr. LANDRY—I want to know what is the policy of the government on that question?

Hon. Mr. MILLS—My hon. friend answered that part of the question, because that was a proper question to put; but the hon. gentleman will see that the parts that I read are very different.

Hon. Mr. LANDRY—Is it an unparliamentary question to ask the government if the railway they are working in a certain way is——

Hon. Mr. SCOTT—I think the character and standing of this Senate is degraded——

Hon. Mr. LANDRY—By the answers given by the government.

Hon. Mr. SCOTT—By the questions put by the hon. gentleman from Stadacona. I am sure when my hon. friend opposite (Sir Mackenzie Bowell) was in power, had any one on our side of the House put such questions to the government, he would have been censured. The Intercolonial Railway has been governed for years by Mr. Schreiber and Mr. Pottinger. That this government knows anything about the management of the railway is idle to assume. We interfere only with the general policy. As the hon. gentleman from Prince Edward Island says, the general principles governing the Intercolonial Railway are laid down by parliament in an agreement adopted some two years ago. Whether that is interpreted correctly or not, I am not in a position to say. If some breach of that agreement were pointed out, and the government were asked whether they approve of it, I could understand it would be proper to call the attention of the minister to it. But my hon. friend must see, in reference to the traffic from day to day which prevails on the Intercolonial Railway, which has connection with many other lines in this country, it is scarcely fair to say that it is a question which the government should be expected to answer—a question relating to matters over which they have no control, and in which they do not interfere. The question whether the government will give an additional grant to the bridge is a proper one. I answered that. I said that it had never been considered by the government. I am always anxious to answer any question in reason—even beyond what is reasonable, according to the interpretation of parliamentary principles, but I think my hon. friend rather exceeds in that direction, if he will look back at the questions he has been putting on the paper.

BILL INTRODUCED.

Bill (100) 'An Act to incorporate the Dominion of Canada Rifle Association.'—(Hon. Mr. Scott.)

THIRD READING.

Bill (V) 'An Act for the relief of William Henry Featherstonhaugh.'—(Hon. Mr. Clemow.)

CRIMINAL CODE AMENDMENT BILL.

COMMONS AMENDMENTS CONSIDERED.

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to Bill (K) 'An Act to further amend the Criminal Code, 1892.'

Hon. Mr. MILLS said : The first of these amendments is that this Act shall not come into force until January 1, 1901. That seems to me a long time to wait. Some little time ought to be allowed for the distribution of the law throughout the country, because every one is supposed to know the law, and that which is an offence under the law ought to be fairly known to people in every part of the country ; but unless we suppose parliament is going to sit for a long time before the Royal assent can be had to these Bills, there is no reason why so long a delay should take place and it seemed to me that the first amendment was the most objectionable one that the other House has sent up—in fact, the only one to which I desire to call the attention of the Senate. I should be inclined to say that the Act should go into effect on October 1.

Hon. Mr. LANDRY—September 1.

Hon. Mr. LOUGHEED—The statutes will not be distributed until almost the end of the year.

Hon. Mr. LANDRY—They are published in the *Gazette*.

Hon. Mr. MILLS—I do not object to September 1, as suggested. The population is spread over a great extent of territory, and it would be hard to punish a person in Dawson, say, for an offence committed under this measure, if there was not sufficient time to permit it to reach that country. I think October 1 would be about right.

Hon. Sir MACKENZIE BOWELL—We might accept that. My own impression was at first that it ought to go into operation immediately, but, as the hon. gentleman says, there should be some time given to enable parties to ascertain what the law is. Bills affecting the liberty of the people, are generally published in the *Gazette* immediately after they are sanctioned by the Governor General, which, I presume, would be the case here ; and then they find their way into the newspapers of the country. I approve of either September or October 1, as suggested by the hon. minister.

Hon. Mr. LOUGHEED—The *Official Gazette* is not a popular periodical.

Hon. Mr. GOWAN—I know of no precedent for putting off the coming into force of a law like this for so long a period. No doubt the Bill has been distributed months ago throughout the whole country, and while there is a good deal of force in what the Minister of Justice says about not bringing it into operation immediately, certainly I should not be disposed to put it off even as long as he suggests. I should have thought September 1 would have been sufficient.

Hon. Mr. SCOTT. This amendment has been made in the House of Commons. We ought to agree to a reasonable compromise. They are evidently of the opinion that it should not go into operation until it is well understood. I thought October 1 would be a reasonable period.

Hon. Mr. CLEMOW—This Bill ought to come into force as soon as possible, to put an end to those gambling transactions in Montreal. July and August are the worst months for these gambling transactions which are condemned throughout the whole country. September 1 would, in my opinion, be sufficient notice to give to these people. They all know about this measure now, and we might as well let it go into operation as soon as it receives the assent of the Governor General.

Hon. Mr. MILLS—If that is the opinion of the House, I will move :

That the amendment of the House of Commons be amended by substituting September 1, 1900, instead of January 1, 1901.

The motion was agreed to.

Hon. Mr. MILLS—The next amendment is :

Page 7, line 29.—After 'labour' insert the following :

'By inserting immediately after section 359 the following section:

'359a. Every one is guilty of an indictable offence and liable to one year's imprisonment who, in incurring any debt or liability, has obtained credit by means of false pretenses or by means of any other fraud.

This amendment was suggested by some practitioners in Toronto. I did not accept it when I was preparing the Bill, because it seemed to me that a purchaser, who is anxious to sell goods would, perhaps, after he found he had sold them to a customer from whom he was not likely to receive compensation, would interpret or strain the words used by his customer to embrace him within a section of this sort, and I thought it was rather dangerous legislation. But as it has been proposed in the House of Commons, and carried there, I am not disposed to move to strike it out, although I would have preferred it should not have been embraced in the Bill.

Hon. Mr. LOUGHEED—Does not the hon. gentleman consider that the present provision in the law against false pretenses is sufficiently wide to cover such cases ?

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—Is not section 358 sufficiently wide ?

Hon. Mr. MILLS—I do not think it would include a case of this sort. At all events, it has been so held, and that is the reason why this proposition is made. I consulted my officers with regard to it. We discussed it, and concluded that it was rather a dangerous sort of paragraph to insert in the Criminal Code. However, the parties were more successful in the House of Commons than they were with us, and I do not propose to strike it out. I will ask the House to concur in the amendment.

Hon. Sir MACKENZIE BOWELL—It depends in a great measure, I think, upon the interpretation of the words as to whether it could be abused or not. Lawyers who have had practice will be able to give a more correct interpretation of the words than laymen. What constitutes false pretense ? A man goes to a shop and buys goods on a promise to pay in ten days, and he does not pay in ten days, would that be a false pretense?

Hon. Mr. SCOTT—It depends upon the representations he made.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—He might say a certain sum of money was due him ; if it turned out that there was nothing due to him, would it be a false pretense?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—But supposing the money was due him and he failed to get it in time, the question might arise with the magistrate, whether that would be declared a fraud. He might know the character of the man, and say that he knew very well when he got the goods he would not pay for them. It is creating a new offence, and the only point is whether the law of false pretenses does at the present moment go far enough. We ought to be careful in the enactment of provisions creating new offences, that we do not go so far as to place it in the power of ignorant justices of the peace to commit a great wrong. When I read the amendment first, I thought it a good provision, but when I considered the extent to which the abuse of power vested in a justice of the peace might be carried, I had doubts as to the propriety of the clause. I submit my opinion in this matter with deference to the gentlemen learned in the law. In reading the debates of the other House, I find the basis upon which the argument was founded was that many people go to boarding houses and hotels and incur bills, and go away and do not pay them. Is that obtaining goods under false pretenses? I shall be very glad to hear from gentlemen who have had experience in these matters.

Hon. Mr. GOWAN—This has been argued very fully, and I think there has been some decision that false pretenses would come under the common law. If my memory serves me, the courts were not favourable to the view, and thought it might be attended with some danger. I am not strongly against this provision, although I do not quite like it.

Hon. Mr. LOUGHEED—I must confess that I fail to see a very broad distinction between the law as it at present stands and the proposed amendment. The present definition in the code of false pretenses reads as follows :

A false pretense is a representation, either by words or otherwise, of a matter of fact either present or past, which representation is known to the person making it to be false, and which is

made with a fraudulent intent to induce the person to whom it is made to act upon such representation.

I cannot at the present moment conceive of a class of cases that would not come within that, but of course the courts often put a very narrow and limited construction upon statutes, thus occasioning a broadening of the statutes, and without having that class of case before them, it is difficult to say whether the law is sufficiently wide to cover it.

Hon. Mr. MILLS—If it does cover it then this clause does no harm.

Hon. Mr. POWER—It seems to me it would be better to leave these parties to their civil rights than to make this offence a criminal one, and I think the deliberate judgment of the Department of Justice, arrived at, after full consideration, is more likely to be wise and sound than the decision arrived at in the other Chamber, where perhaps there was not a great deal of discussion over it, and probably where only one side of the question was very strongly put. This amendment does not alter the definition of a false pretense. Section 359 of the Criminal Code reads :

Every one is guilty of an indictable offence and liable to three years' imprisonment who, with intent to defraud, by any false pretense, either directly or through the medium of any contract, obtained by such false pretense, obtains anything capable of being stolen or procures anything capable of being stolen to be delivered to any other person than himself.

This amendment says that the man who has obtained credit by means of false pretense is guilty of an indictable offence as well as the man who has got an article capable of being stolen. I think it would be wiser to be conservative about this matter and not to change the law.

Hon. Mr. MILLS—It is not my view, but I would rather accept it than have it sent back the third time. I am anxious that this measure should become law because many of the provisions are very necessary.

Hon. Mr. MACDONALD (P.E.I.)—I think it is rather an exacting provision of the law : A man may go into a store and obtain goods by representations that he believes at the time to be correct, but which may turn out afterwards to be incorrect. He obtains these goods, and is liable to be sued and to be compelled to pay for them, and I think that that is sufficient punishment, because it may be that the man who obtained the goods in this way was justified in making the representation, although he really had no solid basis for it.

Hon. Mr. POWER—In addition to that, the probabilities are that this enactment will lead to a great deal of perjury. The man whose debtor has failed to pay will find in this section a strong inducement to remember, perhaps, rather more than actually took place when the contract was made, and I therefore move :

That this amendment be not concurred in.

Hon. Mr. CLEMOW—There is no doubt that parties going to Montreal to purchase goods will make the best representation they can for the purpose of obtaining credit. They may do it with perfect good faith, but their calculations may not be carried out in the future, and this clause may be an instrument by which the man who sells these goods may oppress the party under the threat that he has obtained the goods by false pretenses. I know that parties go to Montreal and make all sorts or representations. Those representations should be put in writing and made before witnesses, so that there will be no mistake in the future. A man goes to Montreal and says to a wholesale man : 'I expect to sell some property and will realize a certain amount of money, and out of that I will pay you.' The man says afterwards : 'You made that representation and did not pay me, and I will invoke this clause of the Criminal Code against you.' I know from personal knowledge that the buyer time and again makes these representations to the seller.

Hon. Mr. SCOTT—I think it is an innovation and liable to cause serious injury to innocent parties. I do not favour the clause at all and the more we discuss it the more I am against it. I suggest to my hon. colleague that we drop it. The provision is liable to be abused.

Hon. Mr. MILLS—That is the view taken by my department, but it has been put in by the House of Commons. I am not disposed to press the adoption of a clause that is at variance with my own judgment, unless the Senate concurs with the view of the House of Commons on the subject. I gather from the opinion expressed that this House adheres to its original view.

Hon. Sir MACKENZIE BOWELL—I will second the motion of the hon. senior member from Halifax, that the amendment be not concurred in.

The motion of Mr. Power in amendment was agreed to.

Hon. Mr. MILLS—Then on page 8, line 34, the following amendment has been added by the House of Commons :

Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workman or employee.

That was in the Bill as it was introduced in this House, but was struck out by us. It has been restored in the House of Commons. I thought it was an unobjectionable provision, and I therefore move that the House concur in this amendment.

Hon. Mr. POWER—I doubt the wisdom of our concurring in this amendment. As has been pointed out, the Trades Union Act, the chapter of the Revised Statutes which deals with trade unions, offers every reasonable protection to the members of trade unions, and this amendment appears to me to go further than is necessary or desirable. Looking at what is happening across the line now, and the violence which so often accompanies the difficulties between union workmen and their employers, it is not desirable to single out the workmen of these unions as the objects of special favourable legislation. They should be allowed to take their chances under the Trades Union Act, and in other respects they should be on the same footing as other members of the community. I move in amendment :

That this House does not concur in this amendment.

Hon. Mr. MILLS—I cannot agree with the view of my hon. friend. This clause reads :

Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

If they have combinations which are not reasonable for their protection they would not be protected. I think this is a reasonable amendment. It allows them to combine in reference to matters that are within their proper powers as an organization. It is not unreasonable and I do not think that it goes beyond the spirit of what is intended by the Trades Union Act.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—It is difficult to understand why there is any necessity for this provision. It declares any one guilty who——

Unduly limits, &c., the facilities for transporting, producing, manufacturing, suplying, storing or dealing in any article or commodity which may be a subject of trade or commerce.

But it shall not apply to trade unions who combine for their own reasonable protection. What combination is there that could exist for their own reasonable protection that would interfere with, or affect that clause ? Then the next subhead is :

To restrain or injure trade or commerce in relation to any such article or commodity.

Then the next is :

To unduly limit, lessen the manufacture or production of any such article of commodity, or to unreasonably enhance the price thereof.

Why is that done ? It is done for the protection of the business in which they are engaged, in order to obtain more money. Under this clause it exempts the combination of men or employees who combine for their reasonable protection. How can it affect them, and if it does not affect them what is the necessity for it ? It is making a special provision to protect a certain class of people against doing that which you declare to be wrong in another class of people. That is the objection I have to this amendment, and I think that the Trades Union Act, which gives them full power to organize and adopt rules and regulations for their own protection, goes far enough. But the great fear on the part of some of these people is that something may possibly be done to interfere with another class of the community. In putting a law upon the statute-book, it seems to me that it should apply to all classes. If it be wrong in one it necessarily cannot be right in another, and as the hon. gentleman for Halifax has just pointed out, the occurrences going on in St. Louis at the present time should make us pause before going too far in the direction which this amendment would lead us. It looks like pandering to a sentiment which is detrimental, when reduced to practice, to the well-being of society at the present time. No one would go further than I would to protect workmen in their rights, but it is going altogether too far to adopt this clause, and, thinking as I do, and having a decided objection to what

I consider class legislation, I shall second the motion that this House do not concur in this amendment.

Hon. Mr. GOWAN—I am decidedly in favour of accepting the amendment made by the House of Commons. I think it might be safely left to the judiciary to say what is for the reasonable protection of workmen. The judges will be able to deal with the matter.

Hon. Mr. LOUGHEED—The amendment proposes to take it out of the hands of the judiciary. It does not propose to have a judicial construction of it.

Hon. Mr. MILLS—My hon. friend will see that he is mistaken. The amendment reads:

> Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

It is of the very essence of the working of the organization that they should have the opportunity of combining. If you take away that right, you practically abolish the Act by which it is intended to recognize their right to organize in that way.

Hon. Mr. CLEMOW—No, no.

Hon. Mr. MILLS—'To unduly limit the facilities for transporting produce' and so on. Supposing a railway company propose to reduce their rate of wages twenty-five cents and the workmen strike and the operation of the road is stopped for the time being. These workmen are, within the literal meaning of the Act, unduly limiting the facilities for transportation. That is an undue limitation. The transportation is stopped. While you would not give to the railway company the right to refuse to carry forward the products and passengers, so far as it was necessary, you do give that right to the union, because if you do not give them that right, you absolutely take from them all their organization and all their power to protect themselves.

Hon. Sir MACKENZIE BOWELL—And the right to strike.

Hon. Mr. MILLS—If you can show that what they are doing is unreasonable, supposing they undertake to prevent others going in or otherwise seeking employment, or putting impediments in the way of the road being operated at all, then the court would be at liberty to hold, upon the presentation of those facts, that what they were doing went beyond what was necessary for their own reasonable protection, and they would come under the operation of the law. They are in a different position from the manufacturer or the carrier, because in the one case what they propose to do is absolutely necessary for their existence; it is not so in the other.

Hon. Sir MACKENZIE BOWELL—Is not that word 'reasonable' subject to all kinds of interpretations by the different parties who would have to construe its meaning? The hon. minister could not possibly have given better reasons for the rejection of this clause. He says a certain combination has, for its own protection, the right to strike and to prevent the carrying on of any business. We know what the consequence of such strikes are. We read the other day the results of that which the hon. gentleman is arguing in favour of, the protection of strikers who have stripped women of their clothes and tarred and feathered them in the street. He says that is right. He says if the combination got together and demand a certain increase of wages, or if a railway company, from its lack of receipts, think it is necessary to reduce the wages for the time being because they cannot afford to pay them, they say: 'We must reduce your wages ten per cent,' then they are to be protected in that business whatever it may be; then a strike follows, and business is stopped. I think that is sufficient without going further to prove my argument. If it is not right in the railway people to say 'We cannot afford to pay you what you demand,' is it right for any party to prevent others from working. If it is criminal for the railway company to say that, then it is equally criminal for a combination to say: 'Then you shall not carry on business.' I believe, honestly, from what I have read, and statistics which have been published in the different magazines in reference to strikes, that they have been detrimental to the working classes in Europe and everywhere else, from a pecuniary standpoint, an actual loss; figures will demonstrate that. I am not arguing in favour of oppressing the working man, but what is right for one class of the community is right for all others, and what is

wrong and criminal in one class cannot possibly be right in another.

Hon. Mr. LOUGHEED—The present law has been upon the statute-book for eight years. This exception has been introduced. We have had the law in operation since the passage of the Criminal Code, and in no case can my hon. friend point out that the courts have held that this section applied to ordinary trade unions. Unless my hon. friend can point out to the House that the law, as it has stood for the last eight years, has been oppressive upon the workmen, there is no reason why we should change it.

Hon. Mr. MILLS—My hon. friend is arguing that they have the power already.

Hon. Mr. LOUGHEED—Which power?

Hon. Mr. MILLS—This immunity.

Hon. Mr. LOUGHEED—The law as it stands to-day does not deal with the exception of workingmen. It is proposed to tack on to the section an exception exempting workingmen from this particular clause, and as I said before, taking it away from the courts. You have tacked on to this clause an exception in favour of workmen.

Hon. Mr. POWER—The second section of the Trades Union Act, chapter 131 of the Revised Statutes, says:

> In this Act, unless the context otherwise requires, the expression 'trades union' means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

The law now exempts that. Then section 22 reads:

> 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.

I think these provisions amply protect the trade union. Then this section 520 says:

> Every one is guilty of an indictable offence, and liable to a penalty not exceeding $4,000 and not less than $200 or two years' imprisonment, or if a corporation, is liable to a penalty not exceeding $10,000 and not less than $1,000, who conspires, combines, agrees or arranges with any other person or with any railway or steamship, steamboat or transportation company:
>
> (a) To unduly limit the facilities of transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce.

The elder hon. gentlemen will remember that in 1877, the men on the Grand Trunk Railway struck, and hon. gentlemen will remember the very serious inconvenience the whole community was put to because they interfered with the running of the trains on that line and stopped traffic altogether. The public have an interest greater than that of any trade union in seeing that the business of the country is allowed to proceed. Supposing a member of a trade union is indicted under this section of the code for having entered into a combination to unduly and unreasonably interfere with transportation, where will the jury be found to convict him? That is just the point. There would be grave difficulty in obtaining a jury to convict a member of a trade union for conduct of that kind, no matter how clearly unreasonable his conduct had been, and I think the better way is to let them stand in the same position as others.

Hon. Mr. GOWAN—It is left to the court to determine what is the meaning of reasonable protection. The keynote to the clause is the reasonable protection.

Hon. Mr. MILLS—I am astonished by the line of argument pursued by the senior member for Halifax. He says the Trades Union Act already does what is proposed to be done.

Hon. Mr. POWER—I said it went far enough.

Hon. Mr. MILLS—My hon. friend read it and the words are almost the same. What is the difference? In the first place, that provision is a provision inserted in the statutes passed some years ago. The provision of the law, without this subsection, is inconsistent with that. Does my hon. friend not see that? Then, in the next place, that was the trades union. This provision would apply to voluntary association of workmen, and so, men who are not in the trades union and who prefer the liberty they have outside, will be protected to the same extent as the trades union people.

Hon. Sir MACKENZIE BOWELL—They have no business to be.

Hon. Mr. MILLS—And so I say, going no further, being subsequent in point of time, it re-affirms the law as far as the trades union is concerned, and it would also afford the same protection that the Trades Union Act affords to other workmen. It changes the law as it stood for the last eight years.

Hon. Mr. MILLS—No. You are proposing here to legislate and make the law more strict than it was before—at all events more precise,—and the result may well be that if the other provisions of the section were to be affected, that provision of the Trades Union Act would be merely repealed so far as they are concerned, and it would not, at all events, extend to any other class of workmen. This would put all associations of workingmen on the same footing.

Hon. Mr. CLEMOW—Will it not cause additional associations to be formed ?

Hon. Mr. MILLS—I do not think so.

Hon. Mr. CLEMOW—We have sufficient now, and I do not want to increase the number. You are going to give them additional facilities. In place of having to deal with one set of unions, you will have to deal with a dozen.

Hon. Mr. MILLS—So much the better.

Hon. Mr. CLEMOW—I do not think it. We have had a strike here within the last few days, and we know the inconvenience it has caused to the public. I want to give those parties the same rights and privileges they have enjoyed up to the present time, although they have enjoyed too many, but I do not want to increase the number of those associations. We know they will have their presidents, vice-presidents, secretaries, and all will have to be paid out of the earnings of the workingmen. I do not believe you are going to benefit that class of people by interfering with the law as it stands.

The Senate devided on the amendment of Mr. Power, which was adopted by the following vote :

Contents :

Hon. Messrs.

Allan,	Lovitt,
Almon,	Macdonald (P.E.I.),
Bowell (Sir Mackenzie),	McKay,
Clemow,	O'Brien,
Ferguson,	Power,
Landry,	Prowse.—13.
Lougheed,	

Non-Contents :

Hon. Messrs.

Baird,	Mills,
Burpee,	Scott,
Dever,	Vidal,
Gowan,	Young.—9.
McSweeney,	

Hon. Mr. MILLS moved concurrence in the following amendment :

Page 14, line 22.—After 'holiday' insert the following:

'Section 744—by repealing subsections 1 and 2 thereof, and substituting the following:

'744. If the court refuses to reserve the question the party applying may move the Court of Appeal as hereinafter provided.

'2. The Attorney General or party so applying may on notice of motion to be given to the accused or prosecutor, as the case may be, move the Court of Appeal for leave to appeal. The Court of Appeal may upon the motion and upon considering such evidence (if any) as they think fit to receive, grant or refuse such leave.'

Hon. Mr. POWER—This is a matter of some little consequence, and in my humble judgment, the amendment made by the House of Commons is not a desirable one. Every hon. gentleman must recognize how important it is that the decision of a criminal court should be final and that we should not increase the facilities for appeals in criminal cases. One of the features which distinguish our administration of the criminal law in this country from the administration of criminal law in the adjoining republic, is that, as a rule, when a case is tried here that is the end of the matter; and I do not think we should do anything which would increase the facilities for appeal. The practice in the past has been that if the court refuses to reserve a question of law which the counsel for the prisoner asks to have reserved, the party may apply for leave to move in the court of appeal, but he has to get the consent of the attorney general of the province or his representative, to make that motion, and I think that is a reasonable restriction. The attorney general of a province has no personal interest or feeling in the matter ; he has no animus against the criminal, and if there is a good ground around for allowing an appeal he will allow it. There have been one or two recent cases in Montreal which, perhaps, have led to the introduction of this measure. I have an impression that this amendment was made at the instance of legal gentlemen concerned in a recent important trial in Montreal, the result of which is that some gentlemen who had been connected with a

certain bank in that city are now in prison. It is a good thing that no facilities for appeal or delay in the infliction of punishment in that case exist; and I think we had better stick to the law as we have it now.

Hon. Mr. MILLS—I do not understand this amendment precisely as the hon. gentleman does. At present the practice is to apply to the Division Court, and sometimes the judge has refused an appeal, and this takes away the power that previously existed to apply to the Division Court in the province of Quebec, and makes it necessary to apply to the court of appeal, and so the decision on the subject of hearing the points reserved will always be uniform. We have sometimes had one division deciding one way, and another another way, and so it was necessary to go to the court of appeal for a decision. That will be rendered unnecessary by this provision. Under this second provision there will be permission also to the attorney general, if he is dissatisfied with the ruling of the court, say in favour of a prisoner, the counsel shall have leave to appeal to settle what he considers an erroneous view of the law, as the other party may have the right to appeal and have the question settled possibly in favour of the accused before the court of appeal. You put the Crown and the prisoner in this regard—in respect to appeal—upon a footing of equality, and that is all that is accomplished by the provision.

Hon. Mr. LOUGHEED—I think it is desirable myself. I never could reconcile the opposition which has so often been expressed with reference to appeal in criminal cases. It seems to me the liberty of the subject is the most priceless matter which could possibly be dealt with even by the highest court of the realm. You provide a whole gamut of appeals for trifling civil cases. You can start in the lowest court, and, on some questions, go to the highest court, and yet where the liberty of the subject is involved you are bound by the decision of the first court. Why should not the subject be placed in precisely the some position as the attorney general or the Crown itself. Under the law as it stands, the attorney general has the right to go to the court of appeal, whereas the subject has not that right. He must get the consent of the attorney general. It seems to me that the court of appeal is better able to determine question of appeal than the attorney general, who, in many instances, cannot be expected to go as fully as a judge or a court into matters involving the trial of a criminal case. The law, as it at present stands, is very expensive. It multiplies litigation. If the judge refuses to reserve a case you have to fight that out before the attorney general before you reach the court of appeal. The attorney general cannot give a proper opinion on the subject without the evidence before him, and unless it is argued by the parties before him, and that involves expense. If he gives leave to go to the court of appeal you can go and ask leave to appeal. This amendment dispenses with the necessity of going to the attorney general to endeavour to obtain the right to appeal. I think the amendment is highly desirable.

Hon. Mr. POWER—The first and second subdivisions of section 744 read as follows:

If the court refuses to reserve the question, the party applying may, with the leave in writing of the Attorney General, move the court of appeal as hereinafter provided.

The amendment is to strike out the words:

With the leave in writing of the Attorney General.

The attorney general, I think, could usually be trusted to give leave to appeal where there was good ground for appeal. The second subsection is:

The Attorney General, or any person to whom such leave as aforesaid is given, may, on notice of motion to be given to the accused or prosecutor, as the case may be, move the court of appeal for leave to appeal.

I only express my opinion. I do not propose to divide the House on it.

The amendment was concurred in.

Hon. Mr. MILLS—The next amendment is:

Page 19, line 10—Leave out from 'defrayed' to ot 'property,' inclusive, in line 34.

That clause was framed upon a decision given by the judicial committee of the Privy Council, in 1893. Since then there has been an amendment to the Imperial Statute making the law as it would stand without this section. I received some communications, which I put in the hands of the Solicitor General, and we thought it was safe to follow the English legislation, and so this clause has been struck out.

Hon. Sir MACKENZIE BOWELL—This amendment then makes our law in unison with the Imperial legislation ?

Hon. Mr. MILLS—Yes.

The amendment was concurred in.

Hon. Mr. MILLS—The next amendment is:

Page 21, line 10.—Leave out from 'suit' to '186,' inclusive, in line 32.

Hon. Mr. POWER—That is the clause with respect to whipping, the clause introduced by the hon. gentleman from York?

Hon. Mr. MILLS—Yes. I think it was a very proper provision. Since this Bill came up here, I had a letter from a police magistrate stating that some eight or ten boys had been engaged in stealing iron and brass, and he hardly knew how to deal with them, because they ranged from ten to fourteen years of age. It seems to me that if the law had only permitted what this clause proposes to give the boys a switching and send them home, it would have been a better and wiser course than possibly to send them to a reformatory for some years.

Hon. Mr. ALLAN—I can only repeat what I stated when this clause was before the House. The experience of those who have taken the greatest possible interest in the reforming of juvenile offenders, all points in the same direction. In many cases an immense amount of mischief is done by sending young lads to jail, out of which they come worse than when they went in. If they were whipped, this harm would not be done, and they would not appear as heroes in the eyes of their companions. I think it is a great pity that the clause has been struck out, but I suppose there is no use in reinserting it.

Hon. Mr. CLEMOW—Can we not reinsert it ?

Hon. Mr. MILLS—Of course we can send the Bill back again, and if we desire to retain the clause we can refuse to concur in the amendment. All I can say is that I am quite ready to strike out the clause. I would rather do that than jeopardize the Bill. I have not read the proceedings of the House, and I do not know how unanimous the feeling was against the view taken by a majority of the Senate with reference to this provision, but I am in the hands of the House.

Hon. Sir MACKENZIE BOWELL—I think there was in the House of Commons a general feeling that it was wrong to place the power in the hands of a magistrate to whip anybody's child. That was the sentimental reason which led them to strike it out.

Hon. Mr. CLEMOW—I think it would be a deterrent. I do not think they would require to use the power of whipping except in a very few instances.

Hon. Mr. MACDONALD (P.E.I.)—I agree with the opinion of the hon. gentleman from Rideau division. An instance has occurred, within a few days, in the city of Charlottetown, in which it would have been infinitely better for the magistrate, or the person having jurisdiction, to have juvenile offenders whipped than to send them to jail for any period of time. Three or four little boys, to whom a whipping would be a deterrent from engaging in crime again, had committed burglary there, not only in one store, but in two. They were led to this by another youngster who had been convicted and sent to the penitentiary, and had returned within a few days ? Those three lads will probably be convicted and sent to jail to associate with hardened criminals and people from whom they certainly would learn nothing for their advantage or benefit. It would be a thousand times better and more conducive to the morality of those children, and would enable them perhaps to grow up to be good citizens, if they got a sound whipping and were returned to their parents. It is the greatest cruelty possible to send offenders of that kind to jail where they associate with hardened criminals.

Hon. Mr. POWER—Some hon. gentlemen think that children can be sent to reformatories, but there are only half a dozen reformatories in the country. As a rule the juvenile offender is sent to associate with hardened criminals, and the chances are he is ruined for life. With respect to the action of the House of Commons, our action is not quite final yet. If they adhere to the amendment the Senate has an opportunity to recede after this, but considering that we sent down a Bill to amend the Criminal Code in 1897, and sent another one down in 1899, I think we might claim that what we do this year is entitled at

all events to fair and reasonable consideration.

Hon. Mr. PROWSE—I opposed this new proposition when the matter was before the Senate a few days ago, and I have seen no reason to change my views in reference to it. I consider that the system of flogging children with birch rod belongs to the past—that we are in advance of that age at present. And although I agree with some of the remarks of the hon. gentleman from Charlottetown, that there may be cases where a switching—but not with a birch rod, I would say with a birch switch—might be better for the culprit than to send him to the common jail. But this Bill applies not only to cities and towns, but to rural districts also where every Tom, Dick and Harry is appointed constable, and to place it in the power of such men to whip boys with a birch rod would be a mistake. The constables are generally young men, and these young men being instructed by the magistrate to beat their neighbour's child of ten or fourteen years of age with a birch rod, possibly having some little personal spite against the family, is calculated to raise strife and turmoil in a community which would do far greater injury than to commit the child to jail. I think the House of Commons has taken a very proper view of the question in eliminating this clause from the Criminal Code. There ought to be some other way, by very short confinement, and giving them some sort of punishment in the prisons if you do not send them to the reformatories. I do not think they ought to be subject to punishment with a birch rod in the hands of an ordinary country constable.

Hon. Mr. GOWAN—Speaking from a long experience of the criminal law, I am decidedly in favour of this clause which has been struck out by the House of Commons. I find in various quarters a strong opinion amongst members of the other House in favour of striking it out, and I should not like to see the Bill endangered by running counter to the very decided opinion in the other Chamber.

The amendment was concurred in.

Hon. Mr. McKAY—Before we depart from this Bill, I should like to ask the House to go back to clause 449. Perhaps, I do not understand the true meaning of it, but if I do it is going to do harm. Subsection 2, provides :

> 2. The using by any manufacturer, dealer or trader other than such other person of any bottle or siphon for the sale therein of any beverage or the having upon it such trade mark or the name of another person, buying, selling or trafficking in any such bottle or siphon without such written permission, such other person or the fact that any junk-dealer has in his possession any such bottle or siphon having upon it such a trade mark or name without such written permission, shall be prima facie evidence that such use, buying, selling or trafficking or possession is unlawful within the meaning of this section.

Junk dealers are going around the country buying junk, and they pick up ale bottles with Carling's or other trade marks on them. If a junk dealer was carrying home a bottle with one of these marks on it, he would render himself liable to prosecution under this clause.

Hon. Mr. POWER—The necessity for this provision has arisen from the practice of persons who make up certain kinds of mineral and other waters using the siphons and bottles bearing the trade mark of the person who has manufactured that which was in the bottle first, and it is really a sort of forgery. If one wishes to use a bottle which has contained Carling's ale, he can wipe the label off, but this is intended to meet the cases of bottles and siphons which have the original maker's name stamped on the bottle or siphon, and one can readily understaud how fraud is perpetrated by selling an inferior article with one of these trade marks on it.

Hon. Mr. McKAY—Bottlers of aerated waters and that sort of thing buy all the bottles in the country and take the labels off and put their own names on instead. The label is taken off, but the name may be impressed in the glass.

Hon. Mr. SCOTT—Then they should not use it.

Hon. Mr. MILLS—I move that the further consideration of this report be postponed until Friday next. It will be necessary to report to the Commons our reasons for rejecting the amendments.

Hon. Sir MACKENZIE BOWELL—Does that require a reconsideration of the amendments ?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—We return the Bill, agreeing with some of the amendments, and disagreeing as to the others; then the House of Commons will say whether they concur in the amendments we have made, and if they do not, they will send the Bill back saying they do not concur, and it will be for us to say whether we recede or not.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 14, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF GOVERNOR McINNES.

Hon. Sir MACKENZIE BOWELL, gave notice that he would

Call the attention of the government to the following statement reported in the Victoria 'Times' of the 2nd of June inst., to have been made by Mr. William Wallace Burns McInnes, son of the Governor of British Columbia, at a public meeting:

'With reference to his father's position, he would let the audience into a little family secret. For the past two years his father had been in communication with the authorities at Ottawa in relation to resigning, being sick and tired of the worry.

'Mr. Turner.—That is untrue.

'Mr. McInnes.—That is not an untruth, and the records at Ottawa will bear me out.'

And inquire whether the Hon. Thomas R. McInnes, Lieutenant-governor of British Columbia, has sent in his resignation to the government, or intimated to the Premier or any of his colleagues a desire to be relieved from the responsibilities of the office he now holds If so, has the government taken any action in the matter? If not, do they intend doing so?

He said: I should not have put this notice on the paper, being a citation from a newspaper, were it not that young Mr. McInnes says that the records in Ottawa will bear out the statements which he has made. It is easy for the government, when the time arrives, to state whether that be the fact or not, because the action of the lieutenant-governor of British Columbia, without commenting upon it, has attracted a very great deal of attention, as we all know, during the last two years, and it is very important, not only to the Dominion generally, but particularly to the people of British Columbia, to know whether he is to be relieved from the responsible duties which he has not been properly performing in the past.

THE MANITOBA SCHOOL QUESTION.

MOTION RULED OUT OF ORDER.

The notice of motion being called:

By the Hon. Mr. LANDRY:

1. Did the Governor General in Council, on March 21, 1895, render judgment upon the appeal brought before his tribunal by the Catholic minority of Manitoba, and is that judgment known under the name of 'The Remedial Order'?
2. Did not that judgment order the legislature of Manitoba to do justice to the recognized grievances of the Catholic minority of that province?
3. Has the legislature of Manitoba complied with that judgment, and has it remedied the grievances of the Catholics?
4. If justice has not yet been rendered to the minority injured in its rights, does the government intend to exact that the judgment rendered shall be executed, and is it going to take the steps to have it executed?
5. The case which this school question caused to rise having been appealed to the federal tribunal, and a judgment having been rendered by that tribunal, is it not precisely upon that tribunal and upon no other that the obligation falls of causing its judgment to be respected?
6. When is the government going to cause the constitution and the judicial decrees to be respected, and when will the federal government, which by law is constituted the protector of the rights of minorities, treat this school question from the point of view of right and duty, and not at all as a question serving as a stepping-stone for certain politicians?

Hon. Mr. MILLS—I might call attention to the fact, Mr. Speaker, that this question appeared on the paper the other day and was answered, and it is not regular that it should be placed on the orders again.

The SPEAKER—When I saw that notice on the paper, I inquired of the clerk why it had been placed on the paper the second time, and was informed that some one had given instructions to one of the clerks to put it on the Orders of the Day without his knowledge. I thought that this inquiry had been answered, so that it is irregular to place it on the Orders of the Day again.

Hon. Mr. LANDRY—I suppose I can give it as a notice of motion?

The SPEAKER—I do not think that the hon. gentleman can place on the Order paper again a question which has been answered by the minister.

Hon. Mr. LANDRY.—That might be so if the question had been answered; but supposing the question has not been answered?

The SPEAKER—I may say to the hon. gentleman that I think it is for the minister to say whether he has answered the question. If he says he has no further answer to make, that is an end to the matter.

Hon. Mr. LANDRY—I accept the ruling of the Chair, and will give another notice.

Hon. Sir MACKENZIE BOWELL—I think it is quite competent for a senator, or a member of the House of Commons, to put a question on the Order paper, and receive an answer. After that answer has been given, he cannot repeat the question, but he can make a motion for papers, and bring the matter before the House, based upon the answer which has been given. That is the course which has been pursued in the House of Commons repeatedly, because questions are asked in order to obtain information, and upon that information a notice for papers has been based. What the proceedings have been in this House, I am not prepared at the moment to say, because it has never been brought under my notice before, but I know it is a common occurrence in the House of Commons.

The SPEAKER—The hon. gentleman will allow me to remark that the inquiry in question was identically the same as the former inquiry appearing under his name.

Hon. Sir MACKENZIE BOWELL—I am not objecting to the ruling. I was simply pointing out that the question having been answered as decided by His Honour the Speaker, that the hon. gentleman could formulate a motion hereafter in order to obtain the information which he sought by the question. That is the only point I wish to raise.

HILLSBOROUGH RIVER BRIDGE.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate copies of all plans, specifications, profiles, estimates of cost, and all other papers relating to the construction of the proposed bridge over the Hillsborough River, at Charlottetown, P.E.I.; said papers to include the contract entered into between the government of Canada and that of Prince Edward Island regarding the said bridge; also all correspondence on the said subject between the two governments; and also any Order in Council or of the Department of Railways settling the site of the said bridge.

Hon. Mr. LANDRY.

He said : In making this motion I may explain to hon. gentlemen that the Minister of Railways has given a notice in another place of a Bill dealing with this question, and that I am quite well aware that the Bill is to be submitted to this parliament and is expected to be passed during the present session dealing with this subject, and it will therefore be necessary that we should have these papers before the Bill reaches us. The members of the government in this House will know about what time the Bill will reach us. I make this motion because it is important that we should have those papers before we can properly consider the Bill.

The motion was agreed to.

LAND TITLES ACT AMENDMENT BILL.

THIRD READING POSTPONED.

The Order of the Day being called.

Third reading of Bill (139) 'An Act to amend the Land Titles Act, 1894,' as amended.

Hon. Mr. SCOTT said : The third reading of this Bill has been postponed in order that my hon. friend from Calgary might be here, as a clause was added to the Bill on the advice of the law clerk of the Interior Department, to meet a difficulty that was intended to be provided for by Bill No. 31, which was in charge of the hon. senator from Calgary. I am advised that the provision made in subsection 5, of this Bill as now reprinted, covers the point in a satisfactory manner. It would so appear from correspondence received from some solicitors in the North-west. I should be glad to hear the opinion of my hon. friend on the subject.

Hon. Mr. LOUGHEED—I regret that I was not present when the Bill reached its committee stage. I had intended discussing some of the provisions of the Bill with the law clerk of the Department of the Interior, which department was in charge of the measure. I may point out that a rather serious omission is to be found in clause 4 of the Bill, inasmuch as it is not sufficiently comprehensive to apply to all the lands in the territories. The hon. Secretary of State will notice that it was the intention that this Bill shall apply to all lands regarding which the ordinances of the North-west Territories, dealing with the Municipal

and School Act apply. There are other ordinances dealing with lands, such for instance as special charters granted to municipalities, which ordinances are not included in the Municipal Act, and are entirely distinct from it. Consequently, you would eliminate those lands from the operation of this measure if you adhered to the expressions in clause 4. If my hon. friend will permit the Bill to stand until to-morrow, I will point out to the law clerk of the Department of the Interior wherein the infirmity exists, and doubtless he will at once appreciate the suggestion I am prepared to make. I might say, with reference to clause 5 of the Bill, in my judgment it is more desirable than Bill 31 which was intended to deal with the same subject. I therefore think if these suggestions are embodied in the Bill it will be highly desirable.

The Order of the Day was discharged, and the Bill was ordered for third reading to-morrow.

THIRD READINGS.

Bill (121) 'An Act respecting the Ontario Power Company of Niagara Falls.'—(Hon. Mr. Clemow.)

Bill (112) 'An Act to incorporate the Quebec and Lake Huron Railway Company.'—(Hon. Mr. Landry.)

Bill (101) 'An Act respecting the Nipissing and James Bay Railway Company.—(Hon. Mr. Landry.)

Bill (160) 'An Act to amend the Expropriation Act.'—(Hon. Mr. Scott.)

SECOND READINGS.

Bill (108) 'An Act to confer on the Commissioner of Patents certain powers for the relief of J. W. Anderson.'—(Hon. Mr. Perley.)

Bill (116) 'An Act to incorporate the Acadia Loan Corporation.'—(Hon. Mr. Lougheed.)

Bill (150) 'An Act respecting the Salisbury and Harvey Railway Company.'—(Hon. Mr. Baird.)

Bill (170) 'An Act to amend the Act respecting the Merchants Bank of Halifax, and to change its name to the Royal Bank of Canada.'—(Hon. Mr. Power.)

OTTAWA, BROCKVILLE AND ST. LAWRENCE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill 120, 'An Act to incorporate the Ottawa, Brockville and St. Lawrence Railway Company.' He said: This Bill is for the purpose of constructing a line of railway from Ottawa to Brockville, through the counties of Carleton, Grenville and Leeds. It has undergone some change in the House of Commons since first introduced. The company asked for power to operate an electric railway between the cities of Brockville and Ottawa. This was objected to in the House of Commons and removed from the Bill, and there is now no objection to it.

The Bill was read the second time.

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

After some time the House resumed.

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

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

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follow :—

An Act to incorporate the Congregation of the Most Holy Redeemer.

An Act to incorporate the Morris and Portage Railway Company.

An Act to incorporate the Quebec and New Brunswick Railway Company.

An Act respecting the Cowichan Valley Railway Company.

An Act respecting the Northern Commercial Telegraph Company (Limited).

An Act respecting the Montfort and Gatineau Colonization Railway Company.

An Act respecting the Thousand Islands Railway Company.

An Act respecting the Bay of Quinté Railway Company.

An Act respecting the Oshawa Railway Company.

An Act to incorporate the St. Mary's River Railway Company.

An Act respecting the St. Clair and Erie Ship Canal Company.

An Act respecting the Lake Erie and Detroit River Railway Company.

An Act respecting the National Sanitarium Association.

An Act to incorporate the Holiness Movement Church in Canada.

An Act respecting the Brandon and Southwestern Railway Company.

An Act to incorporate the Crown Life Insurance Company.

An Act respecting the Merchants Bank of Halifax, and to change its name to 'The Royal Bank of Canada.'

An Act for the relief of Edwin James Cox.

An Act to amend the Gas Inspection Act.

An Act to amend the Loan Companies Act, Canada, 1894.

An Act to amend 'The Admiralty Act, 1891.'

An Act to incorporate the Colonial Investment and Loan Company.

An Act to amend the General Inspection Act so as to provide a grade for Flax Seed.

An Act respecting the Inspection of Foreign Grain.

An Act to make further provision respecting Grants of Land to members of the Militia Force on Active Service in the North-west.

An Act to amend the Experimental Farm Station Act.

An Act respecting the Restigouche and Western Railway Company.

An Act respecting the Dominion Cotton Mills Company (Limited).

An Act respecting the Yarmouth Steamship Company (Limited).

An Act respecting the Nova Scotia Steel Company (Limited).

An Act respecting the Quebec Bridge Company.

An Act to incorporate the St. Lawrence Terminal and Steamship Company.

An Act for the relief of Gustavus Adolphus Kobold.

An Act for the relief of Catherine Cecilia Lyons.

An Act respecting the Western Alberta Railway Company.

An Act to incorporate the Royal Marine Insurance Company.

An Act to incorporate the Comox and Cape Scott Railway Company.

An Act to amend the Act respecting Securities for Seed Grain Indebtedness.

An Act for the relief of Gertrude Bessie Patterson.

An Act respecting the Ontario Mutual Life Assurance Company, and to change its name to the 'Mutual Life Assurance Company of Canada.'

An Act respecting Inscribed Stock of Canada in the United Kingdom.

An Act to amend the Act relating to Ocean Steamship Subsidies.

An Act respecting the incorporation of Live Stock Record Associations.

'In Her Majesty's name, His Excellency the Governor General doth assent to these Bills.'

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:—

May it please Your Excellency:

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency two Bills—'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending June 30, 1900;'

'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending June 30, 1900,' to which Bills I humbly request Your Excellency's assent.'

To these Bills the Clerk of the Senate, by His Excellency's command, did thereupon say:—

'In Her Majesty's name, His Excellency the Governor General thanks her loyal subjects, accepts their benevolence, and assents to these Bills.'

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

PROPORTIONATE REPRESENTATION OF SHAREHOLDERS BILL.

BILL DROPPED.

The Order of the Day being called:

Second reading (Bill S) 'An Act to secure proportionate representation of Shareholders on Boards of Directors of Corporations.'—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED said: As this Bill would involve a very considerable change in the existing law relating to corporations, I was very anxious to obtain all the information I could upon similar laws in force in the United States, and I am not in a position up to the present time to secure the information which I so much desire. Pending the obtaining of that information, I move that the Order of the Day be discharged.

Hon. Mr. POWER—I regret that the hon. gentleman has decided to drop the Bill at

the present stage. I had hoped that he would, at any rate, have explained to the House the reasons why he was in favour of this measure. That would have given us something to go upon at another session. I may say, for one member of the House, that I cordially agree with the object of the Bill. I think it is calculated to introduce a much better system in carrying on the business of corporations than exists at the present time, and I trust the hon. gentleman, in letting it drop for the present does not propose to abandon it, but that he will return with renewed strength.

Hon. Mr. LOUGHEED—I might say, in explanation of the motion which I have just made, that I would not consider that I was treating this House fairly if I proceeded with so important a measure, involving, as I have already said, such very radical changes in the law of corporations with regard to the election of directors, without securing all the information that might be obtainable on such a measure. As I have already mentioned, a law similar to that proposed in this Bill obtains in many states in the union. I understand that that law has been in operation for many years in several of the United States, and I have been placed in communication with gentlemen who profess to say that it has worked satisfactorily in many of the states. I will be candid with the House in saying that I have also received information to the contrary, and therefore, I do not desire to go into the consideration of the measure without having all the information possible, particularly in the case of such an important measure as this. I therefore consider, in justice to myself, in justice to the House, and in justice to the institutions which this Bill will affect, that I should be able, at the time I introduce it seriously, to place the House in possession of the fullest information possible. Hon. gentlemen will therefore appreciate the position I hold with regard to the Bill. My withdrawal of it for the present does not mean that I intend to drop it, but when I secure the information which I am seeking, I shall ask the House to again permit me to place the Bill upon the Order paper.

The motion was agreed to.

BANK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (163) 'An Act to amend the Bank Act.' He said: In moving the second reading of this Bill, it is not necessary that I should detain the House for more than a very few minutes. There is no new principle involved in the measure. There is no radical departure from the banking system which at present prevails in this country. Our banking system has grown to what it is by slow degrees. It was not, in the first instance, based upon any abstract theory of banking, but was such as experience suggested as suited to the circumstances of the country. Ten years ago certain amendments were made in the Act, and now the time has come when it is necessary to consider what further changes experience has pointed out as necessary to our banking system. Perhaps in no country in the world has any system of banking worked more satisfactorily than that which has prevailed in this Dominion. We have had a few banking institutions that have failed. That must always happen under any conceivable state of things. You cannot devise a system of banking so perfect that it will obviate the necessity of good business habits as well as high character on the part of those who have the management of those institutions. Hon. gentlemen who have been obliged to consider the failures that have taken place in the case of a few banks in this country during the past ten years, know very well that those failures were not due to any defect in the general system of banking that has been adopted. Our system has, in fact, sprung from the commercial life of the community. It has been carefully considered by those who are interested in it, and who have been carrying it into operation. Experience from time to time suggested the necessity of changes, and the altered circumstances and conditions of the country may suggest further change as well. The changes that are proposed in the Bill, the second reading of which I have moved, are changes, not of principle, but of certain details, and those details can be best considered in committee. There is no general principle running through the vari-

ous amendments that have been suggested, and so there is no general principle to discuss in connection with the proposed changes. Each is important in itself. Each is easily understood, and I would, therefore, move the second reading of the Bill, and ask for the consideration of each of its clauses when the House goes into committee, and with the indulgence of the House I shall ask that we proceed into committee after the Bill has been read the second time.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman having intimated his intention to go into committee at once, with the consent of the House, it will not be necessary for me to ask one or two questions that I intended to ask. It has been represented to me that in one of the clauses there are certain returns asked for from the banks which it is impossible for them to give, and I intended to ask the hon. gentleman whether he intends to make any amendment that would relieve the banks from the penalty which would be incurred by not complying with the provisions of the clause. It is very important that all the information possible that is in the possession of the banks should be given, in order that the country may know exactly the position in which banks stand. I may add, however, parenthetically, that Canada has been singularly fortunate in the past in her banking institutions, and the management of them. Whereas hundreds of banks have failed in other countries, and in some of the colonies, the banks of Canada have stood the test, and gone through the severe ordeal of depression in trade and failures all over the country, and still remained solvent. One or two banks, to which the Minister of Justice has referred, have failed, not through the system, but, to use a very strong expression, through the rascalities of those who were managing them. I know that under some legislation in the province of Ontario, calling for returns from loan companies and companies of that kind, it has been impossible to give proper answers, and what was the most objectionable part was the fact the officers of the companies were asked to swear positively to the correctness of the returns. I know instances in which the presidents and managers—the presidents in particular—could not by any possibility know the details of the working of their institutions and they refused pointedly to make the affidavit. I know, speaking for myself, that when the affidavit was represented to me which presidents are required to make, I would not under any circumstances do it, and so changed it as to add to the affidavit 'so far as I know,' or 'to the best of my knowledge.' I may add that the Ontario government accepted that. I suppose, looking at the provisions of the Act which they had passed, they found that anybody having any conscience to satisfy would not make the affidavit required. If there is a clause in this Bill, as has been pointed out to me, that cannot be complied with, it would only require a few words to make the change, and I would ask the hon. gentleman whether it is his intention to make that slight amendment.

Hon. Mr. MILLS—If the changes are very slight. I did not think it necessary to mention it at the second reading of the Bill, but the suggestion has been made, and I am prepared to accept the very slight change that is proposed. It is in clause 21.

Hon. Sir MACKENZIE BOWELL—It is a very slight change, but a very important one to the man who has to make the return.

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

Hon. Mr. MILLS moved that the rules be suspended so far as they relate to this Bill.

The motion was agreed to.

The House resolved itself into a Committee of the Whole.

(In the Committee.)

On the third clause:

The expression 'warehouse receipt,' defined by subsection (d) of section 2 of the Bank Act, includes receipts given by any person in charge of logs or timber in transit from timber limits, or other lands, to their place of destination.

2. The word 'manufacturer,' defined by paragraph (f) of section 2 of the said Act, includes a manufacturer of logs, timber or lumber.

Hon. Mr. CLEMOW—This is additional power given to the banks. They have not this power at present.

Hon. Mr. MILLS—That is a matter of doubt. The clause removes that doubt.

Hon. Mr. CLEMOW—I always understood they had not that power. The hon. minister thinks it desirable that they should have that power ?

Hon. Mr. MILLS—I do.

Hon. Mr. CLEMOW—The lumber trade is an intricate trade and it is a matter of doubt whether the bank can carry it out as it has been carried out in the past.

Hon. Mr. MILLS—They have carried it out in the past, acting under the theory that the law is as it is proposed in this Bill to make it.

Hon. Mr. CLEMOW—Does the hon. gentleman declare that that is the case ?

Hon. Mr. MILLS—It is not necessary for me to deliver a judgment upon it. They have not suffered by it. Experience has shown that it is a necessary provision, and we undertake to make clear what might be a matter of doubt under the present law.

Hon. Mr. CLEMOW—I know there is a divergence of opinion with respect to the tenure of this property, whether it is leasehold——

Hon. Mr. LOUGHEED—The hon. gentleman is referring to standing timber. This clause does not deal with standing timber.

Hon. Mr. SCOTT—This refers to timber in transit.

Hon. Sir MACKENZIE BOWELL—It is supposed to be in the warehouse, and the warehouse would consist of that portion of the Ottawa River on which it was carried until it reached Quebec, and the bank would hold it as security for advances made the same as if it were in the warehouse. The warehouse may be a thousand miles long.

Hon. Mr. LOUGHEED—I think a warehouse receipt to-day will cover that class of property. In the Act the expression 'warehouse receipt' means any receipt given by any person for any goods, wares or merchandise, in actual or continual possession. Goods in transit may be in a man's possession just as much as if he had his hands upon them.

Hon. Mr. MILLS—The language is broad enough to cover it and it does not require to be in a warehouse.

The clause was adopted.

On clause 15,

Hon. Mr. MILLS—Subsection 2 is a re-enactment without change of the provision to the present section 7 of the Bank Act, declaring that the bank is not to hold real property, except such as is required for its own use, beyond a period of seven years, but with an additional provision, following the Loan Companies Act of last year, that the Treasury board may extend the time for sale from time to time up to a period not to exceed five years more, making twelve years altogether. Then there is a provision that if the property is not sold and the Treasury Department gives notice that a sale must be effected or the property will be forfeited, then the bank has six months within which to sell it.

Hon. Sir MACKENZIE BOWELL—Forfeited to the Crown, I suppose, and not to the individuals ?

Hon. Mr. MILLS—To the Crown? Yes.

The clause was adopted.

On clause 16,

16. The bank may lend money upon the security of standing timber, and the rights or licenses held by persons to cut or remove such timber.

Hon. Sir MACKENZIE BOWELL—This is new ?

Hon. Mr. MILLS—Yes.

Hon. Mr. SCOTT—But the banks have been doing it for a long time and they have a prescriptive right to it.

Hon. Mr. FORGET—They were never caught.

The clause was adopted.

On clause 21,

Hon. Mr. MILLS—The change of which my hon. friend opposite spoke on the motion for second reading is supposed to be made in this section.

We propose to amend this clause and make it read as follows :

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 drafts or bills of exchange.

Then, I strike out the words 'or any other negotiable instruments of the bank.'

Hon. Sir MACKENZIE BOWELL—That is not here ?

Hon. Mr. MILLS—It was struck out. I am reading from the House of Commons Bill as amended.

Hon. Mr. LOUGHEED—The hon. gentleman is reading from the original draft.

Hon. Mr. MILLS—The remainder of the clause reads as follows:

Issued by the bank to any person and remaining unpaid for more than five years prior to the date of such return.

Subsection 2 reads:

Such return shall be signed in the manner required for the monthly returns under section 85 of the Bank Act, and shall set forth, so far as known, the name of the person to whom, or at whose request, such draft or bill of exchange was issued, and his address, the payee thereof, the amount and date thereof, and where the same was payable, and the agency of the bank from which the same was issued.

Hon. gentlemen will see that I have inserted the words 'so far as known,' and I have struck out the words 'if known.'

Subsection 3 reads:

Every bank which neglects to transmit or deliver to the Minister of Finance and Receiver General the return referred to, so far as known, within the time above limited, shall incur a penalty of $50 for each and every day during which such neglect continues.

We have struck out the words 'if known.' The banks shall set forth so far as known the character of the papers for which no demand has been made, and the other expression 'if known' refers to the address.

Hon. Mr. LOUGHEED—But the whole thing is 'so far as known.'

The amendment was agreed to, and the clause, as amended, was adopted.

On clause 24,

Hon. Mr. POWER—I should like to have some information respecting this clause, which enables the bankers' association to appoint a curator in case a bank suspends.

Hon. Mr. SCOTT—The necessity for this has arisen from the fact that a suspended bank issued notes after its suspension, and this is to enable the bankers' association to appoint a curator to prevent anything of that kind.

Hon. Mr. CLEMOW—The curator has nothing to do with the management of the bank?

Hon. Mr. SCOTT—No. He is to prevent the frauds which have been practised.

The clause was adopted.

Hon. Mr. SNOWBALL, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time, and passed under a suspension of the rule.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 15, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

FAST ATLANTIC SERVICE AND PACIFIC CABLE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL, rose to:

Call the attention of the government to the following:

'(Special by cable from the special correspondent of the Montreal 'Star' in London.

London, June, 13.—Hon. Clifford Sifton, speaking at the Mayoral banquet at Cardiff, said that the fast Atlantic service and the Pacific cable were destined to be accomplished in a very short time.'

And to inquire whether the government has any information other than that already laid before parliament, by correspondence or otherwise, relating to an early commencement of the laying of the Canadian-Australian Pacific cable, as indicated in the cable despatch quoted above. If so, will it be laid upon the Table of the Senate at an early day?

He said: My only object in asking this question is to ascertain whether the government have had any correspondence with the High Commissioner through which they might have obtained further information as to the progress made by the board appointed for the purpose of facilitating the construction of this cable. The country, as we all know, is very much interested in this great work, connecting, as it would, the two continents, and any information which the government have on the subject would be acceptable to those who take an interest in the project.

Hon. Mr. MILLS—Since the last correspondence brought down to this House, there has

been no further information in the possession of the government on this subject. Mr. Sifton may have discussed the matter with Lord Strathcona, or Mr. Chamberlain, and they may have expressed to him their opinions or expectations or hopes, and he may have given expression to the view set forth in the paragraph in the *Star*, although I do not know. We have no correspondence and no information beyond what, I think, is already in the hon. gentleman's possession.

Hon. Sir MACKENZIE BOWELL—I was under the impression, or it was intimated to me, that further information had been received by the government, but as the hon. gentleman says there has not, that ends the matter.

THE POLITICAL CRISIS IN BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Call the attention of the government to the following statement reported in the Victoria 'Times' of June 2 inst., to have been made by Mr. William Wallace Burns McInnes, son of the Governor General of British Columbia, at a public meeting:

'With reference to his father's position, he would let the audience into a little family secret. For the past two years his father had been in communication with the authorities at Ottawa in relation to resigning, being sick and tired of the worry.

'Mr. Turner.—That is untrue.

'Mr. McInnes.—That is not an untruth, and the records at Ottawa will bear me out.'

And inquire whether the Hon. Thomas R. McInnes, Lieutenant-governor of British Columbia, has sent in his resignation to the government, or intimated to the Premier or any of his colleagues a desire to be relieved from the responsibilities of the office he now holds. If so, has the government taken any action in the matter? If not, do they intend doing so?

He said: I think it would be interesting to know whether the lieutenant-governor of British Columbia has intimated to the government at Ottawa, his desire to be relieved from the responsible duties which have devolved upon him since he has occupied that position. All of us who read the newspapers know that he has played a most extraordinary part as lieutenant-governor. His first act was to dismiss his ministry before the elections, which had just taken place, had really closed, and before any one could know whether the ministry was sustained or defeated. Another government succeeded. That government he also dismissed, when he desired to get rid of them, in the face of a clear majority of seven of the legislature in their favour. Then we had the humiliating spectacle of a lieutenant-governor going down to the legislative hall to prorogue parliament, and every member of the House, with the exception I think of Mr. Martin, whom he had called upon to form a government, leaving the place hooting and jeering at the ruler of the province—ruler, I think, I may term him in every sense of the word—absolute ruler. If it be true, under these circumstances, that he has been seeking relief from his responsible duties, and that he is sick of the worry attending his position, the government, I think, would not only have been performing their duty, but would have been pursuing a course that would have met the approbation of every sensible and reasonable man in British Columbia. A statement of this kind coming from the lieutenant-governor's son, induced me to put the question to the hon. minister, in order that the country might know why his resignation has not been accepted, if he sent it in, or if he intimated to the government that he desired to be relieved. I am quite sure it would be a great relief to the people of British Columbia if the government would act upon the suggestion.

Hon. Mr. MILLS—I have received no such communication, nor do I believe has any of my colleagues, as mentioned by Mr. McInnes, jr. His honour the lieutenant-governor of British Columbia has not written to any member of the government intimating his desire to retire, or to resign his position as lieutenant-governor of British Columbia. Of course, I can conceive of conditions where a man might offer to retire from office in case he received some other appointment, which would be a very different thing from what has been suggested here.

Hon. Sir MACKENZIE BOWELL—I never supposed that the lieutenant-governor would write to the Minister of Justice on a question of this kind. He would write to the Premier of the Dominion.

Hon. Mr. MILLS—Quite so.

Hon. Sir MACKENZIE BOWELL—I understand my hon. friend to say that the Premier has received no such intimation ?

Hon. Mr. MILLS—None whatever.

THE MINUTES OF PROCEEDINGS OF THE SENATE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to invite the attention of the House to a new departure in the recording of our minutes of proceedings. It has been usual, in past years, and it was so at the beginning of this session, when a motion was made calling the attention of the government to certain facts, that that motion was recorded in the minutes and proceedings. I find, at page 75 of this year's record, that the Hon. Mr. McDonald, of Victoria, B.C., called the attention of the government to Asiatic emigration to Canada. I could cite quite a number of such entries, but I shall only mention one in each year. The year before last, on May 26, Mr. Landry made a motion to place the Speaker's ruling on record. Last year, on April 18, Sir Mackenzie Bowell called the attention of the government to a telegraphic despatch which was published in the *Evening Journal*, quoting the whole article, and ending with an inquiry. It is a well-established rule that all those motions made in this House are put on record in the Minutes and Proceedings. Of late, not one has been put upon record. I do not know who gave the instructions to have those motions omitted from the Minutes of Proceedings, and I should like to know if a new rule has been adopted. There must be some authority. Has the Clerk of the House taken it upon himself to do so, or has he received orders from any authority? At all events, I call the attention of the House to the matter, and I hope that the two questions put to-day by the hon. leader of the opposition will appear in the Minutes and Proceedings. I think the few rights left to us should be kept intact without interference.

The SPEAKER—I do not know anything about what the hon. gentleman is speaking of. If he had been kind enough to communicate his objections before the meeting of the House, I would have inquired; but, as it is, I do not know why the motions have not been put in the Minutes. I shall inquire later, and inform the hon. gentleman.

Hon. Mr. LANDRY—I took the same course to-day that I took yesterday. I did not inquire before, nor did I inquire to-day. I was attacked yesterday, and I expected to be attacked again to-day.

COLD STORAGE ACCOMMODATION BILL.

THIRD REARDING.

Hon. Mr. SCOTT moved the third reading of Bill (152) 'An Act to authorize contracts with certain steamship companies for cold storage accommodation.' He said: An hon. gentleman desired to know the prices that had been paid for cold storage over and above the ordinary rate last year and the present year. There are twenty-three vessels under what is called 'control'—that is, controlling the rates and the space. Seventeen of those charge fifteen shillings per ton of 2,240 pounds. The charge last year was ten shillings. Freights are higher this year. Of the twenty-three, there are six vessels that are still working under the old contracts, and the charge with them is the ten shillings as before.

Hon. Sir MACKENZIE BOWELL—That is the continuation of the contract into which they entered?

Hon. Mr. SCOTT—I was asked if I could furnish the rates which is charged from United States ports. I have appealed to Prof. Robertson, and he says the rates from United States ports vary from twenty-five to thirty-five shillings in addition to the ordinary freights. Our rates for cold storage are so much less that, if we did not control the space, the United States exporters would occupy the whole of it, and the vessels would be glad to get it, as they could charge more than they are now receiving.

Hon. Sir MACKENZIE BOWELL—The United States vessels to which the hon. gentleman refers receive no subsidies from their government?

Hon. Mr. SCOTT—No. I am illustrating the question which was put to me as to whether rates were higher or lower than from United States ports, and I have given the information I received from Prof. Robertson.

Hon. Sir MACKENZIE BOWELL—It is satisfactory, but it is only fair to state that the charges, varying from twenty-five to thirty-five shillings, are made by vessels

receiving no aid from the government, while the new contracts into which the government has entered cost the shippers fifteen shillings a ton, while the extra charge was ten shillings under the old contract.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (P.E.I.) I should like to inquire whether the fifteen shillings a ton charged by these seventeen vessels is in addition to the regular freight ?

Hon. Mr. SCOTT—Yes, that is above the ordinary freight rates.

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

THIRD READINGS.

Bill (68) 'An Act respecting the Nickel Steel Company of Canada.'—(Hon. Mr. Kirchhoffer.)

Bill (55) 'An Act to incorporate the Canadian Bankers' Association.'—(Hon. Mr. Lougheed.)

Bill (113) 'An Act to confer on the Commissioner of Patents certain powers for the relief of the Frost & Wood Company, Limited.'—(Hon. Mr. Power.)

LAND TITLES ACT AMENDMENT BILL.

RECOMMITTED AND READ THE THIRD TIME.

The Order of the Day having been called,

Third reading of Bill (139) 'An Act to amend the Land Titles Act of 1894,' as amended.

Hon. Mr. SCOTT moved that the Bill be referred back to Committee of the Whole for the purpose of striking a clause out of the Bill. He said : I will explain why in committee.

The motion was agreed to.

(In the Committee.)

Hon. Mr. SCOTT—The attention of the department has been called by the hon. gentleman from Calgary, who is familiar with the working of the laws in the North-west Territories, to the fact that section 4, will conflict with the laws of the North-west Territories, inasmuch as they have made provision for the evidence upon which the judge may confirm a tax sale, and it would only be interfering with the law already in existence there. I may say the clause was introduced at the instance of a leading lawyer in the North-west, and at the instance of one of the North-west judges. Probably they overlooked this fact.

Hon. Mr. LOUGHEED—It is needless to say that the Municipal Act provides as to what assessors shall do, and how land shall be assessed, and how notice shall be served upon the parties assessed, and then the extraordinary remedy is given to a municipality to sell the land in relation to which there has been a default in the payment of taxes. This clause provides that the judge may waive all these formalities and practically confirm the tax sale to the purchaser. It seems to me that, in view of the fact that an extraordinary remedy is given to a municipality to sell the land for taxes, and the lands are invariably sold for a paltry sum, all the formalities should be strictly complied with by the municipalities, so that parties owning land may feel that with reference to the assessments, all the formalities have been complied with, and that their lands are not bartered away through the incompetence of some official —who has made a defective assessment. That, in addition to the other defect which my hon. friend has mentioned, I think should warrant this clause in being struck out. I may say that, although I have had considerable experience in reference to tax sales, I have not found or observed the necessity for such a broad and sweeping section as this particular one under consideration.

The motion was agreed to.

Hon. Mr. BERNIER, from the committee, reported the Bill with an amendment which was concurred in.

Hon. Mr. SCOTT moved that the Bill be read the third time.

Hon. Mr. LANDRY—Suspend the rule !

Hon. Sir MACKENZIE BOWELL—The rule says that where a Bill is reported from committee without any amendment being made, it can be read the third time, but not under other circumstances.

Hon. Mr. SCOTT—It is all right if no objection is made.

Hon. Sir MACKENZIE BOWELL—I do not object to the third reading, but the rule should be complied with, in order to keep our records correct.

Hon. Mr. LANDRY—I do.

Hon. Mr. SCOTT—The hon. gentleman from Stadacona objects.

Hon. Mr. LANDRY—I asked if the rules were to be suspended.

Hon. Mr. ALLAN—We have had Bills reported from committee and read the third time the same day; at other times, when Bills were reported and the third reading was objected to, it was postponed till the next day. As I understand the rule, if a Bill is reported with no amendment, there is nothing to prevent it being read the third time that same day. But it has been objected to, and Bills have stood over for third reading till the following day. In the present case the Bill is amended in committee and the third reading is moved for without a motion for the suspension of the rules.

Hon. Mr. POWER—There is a difference in the rules as to private Bills and public Bills. A private Bill shall not be read the third time the same day it is reported from committee, and a public Bill should not be read the third time where an amendment has been made; but I would direct attention to the fact that this Bill hardly comes under that rule, because it was set down for the third reading to-day, and when the Order of the Day was called, the Secretary of State moved that the Bill be referred back to the committee. That would show the wisdom of not having read it a third time on the previous day, but I contend that the amendment that was desired having been made, it is in order to read the Bill. At the same time, I should think there was no objection to letting it stand.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman from Halifax had read the rule he would not have arrived at the conclusion he has reached. It is true it was set down for the third reading to-day, but was re-committed for amendment, and consequently, when the committee reports the Bill, it reports a Bill with an amendment. Rule 41 says:

No Bill shall be read twice the same day. No Committee of the Whole House shall proceed on any Bill the same day the Bill is read the second time, and no Bill shall be read the third time the same day that the Bill is reported from the committee when any amendments have been made in committee.

That is just what we have done. It is clear enough.

Hon. Mr. MILLS—That rule, although universal in form, applies to public Bills.

Hon. Sir MACKENZIE BOWELL—This is not a private Bill.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—It is a public Bill, and that makes my point the stronger.

Hon. Mr. SCOTT—It is scarcely within the category, for the reason that it has been amended in committee already and set down for third reading. It would be quite in order to make the ordinary motion, that the Bill be not now read the third time, but that it be amended by striking out this clause, and no exception could be taken to that. But I have often heard it expressed by members of this House that they would rather the Bill should be sent back to committee. However, I will change my motion, and move that the Bill be read the third time on Monday next.

The motion was agreed to.

COMPANIES CLAUSES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (X) 'An Act to amend the Companies Clauses Act.' He said: The object of the Bill is to confer upon a company the power to change its head office. The Bill provides that this may be done by by-law, but that this by-law must receive the assent of two-thirds in number, and at least three-fourths in value of the shareholders of the company, and it subsequently must receive the sanction of the Governor in Council. It is provided by section 2, that this Act shall apply to companies incorporated heretofore, as well as hereafter, but shall not apply to any insurance company, nor to any company which, under its Act of incorporation, or any amendment thereto, has power to change its head office or chief place of business. We do not propose to deal with those who have already this power, but to confer it upon other companies ex-

cept those mentioned in subsection 2. It was introduced in the Commons by Mr. Gilmour without much chance of its getting through, and we put it on the government orders so as to facilitate its passage.

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

SAFETY OF SHIPS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (12) 'An Act respecting the safety of ships.' He said: This Bill consists of a single clause. It is an amendment of the Act passed last session, which also contained a single clause. The Act of last session reads as follows:

> Notwithstanding anything to the contrary contained in section 7 of the Act respecting the safety of ships and the prevention of accidents on board thereof, chapter 77 of the Revised Statutes as enacted in section 3 of chapter 44 of the statutes of 1894, steamships sailing from any port or place in Canada on or before the 12th day of October in each year to any port or place out of Canada, shall not be subject to any of the restrictions therein provided as to deck-loads, and no master of any steamship so sailing shall be liable for any of the penalties therein prescribed.

The Bill before the House reads as follows:

> 2. Notwithstanding anything to the contrary contained in section 7 of the Act respecting the safety of ships and the prevention of accidents on board thereof, chapter 77 of the Revised Statutes, as enacted by section 3 of chapter 44 of the Statutes of 1894, steamships sailing from any port or place in Canada between the 16th day of March and the 12th day of October in each year to any port or place out of Canada, shall not be subject to any of the restrictions therein provided as to deck-loads, and no master of any steamship so sailing shall be liable for any of the penalties therein prescribed.
>
> 3. Chapter 33 of the Statutes of 1899 is repealed.

Hon. gentlemen will see that in this Bill we mention the period in the year at which this Act is to begin, as well as the period at which it is to close.

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

DOMINION OF CANADA RIFLE ASSOCIATION INCORPORATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (169) 'An Act to incorporate the Dominion of Canada Rifle Association.' He said: Hon. gentlemen are all aware that for many years there has been an association kept up in Canada known as the Dominion Rifle Association. Its benefits have been very apparent, particularly in the last six or eight months. It has had the effect of stimulating the practice of sharpshooting. If our contingents in South Africa have been successful, it is largely due to the fact that they were not mere automatons, that each man exercised a degree of intelligence which he had acquired by the practice, which practice he followed up in the corps and practising at marks. We know very well that the most deadly fighting in South Africa was sniping,—men cutting off each other by sharpshooting at considerable distances, and it is quite important that we should all favour and patronize the extension and enlargement of the sphere of the Dominion Rifle Association. The Bill was regarded as a public one because it was asked for by the gentlemen who have themselves been the leading patrons of the association, and who have, no doubt, spent a good deal of time and money in furthering the objects of the association. It is with a view of giving it corporate powers, to enable it to work more satisfactorily by having rules and by-laws.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 18, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired:

> Has an appeal of the Manitoba school question been submitted to a Federal tribunal?
>
> What was the Federal tribunal?
>
> Has that tribunal rendered judgment upon such case?
>
> Has the government any intention to have that judgment executed?

Hon. Mr. MILLS—I may say to my hon. friend, with regard to this matter, that

under the 22nd section of the Manitoba Act it is only when it is impossible to secure a settlement by negotiation that it is necessary to have recourse to the coercive measures that are provided by the British North America Act and by the Manitoba Act. That question, as to which was the preferable method of settlement, was a question that was at issue at the time that the remedial order was under the consideration of parliament. The remedial order was not adopted by parliament before the time for the continuance of that parliament had expired, and in the elections those that favoured a settlement by negotiation succeeded. Negotiations were had and a settlement was arrived at, and that settlement has been carried into effect from time to time as the opportunity has offered. So far as the rural districts were concerned, there were eighty-one schools in which the system of separate schools had existed, as I understand, prior to 1890. All those schools have accepted the terms of settlement, and I am told are entirely satisfied, and would not return to the former system if they were asked to do so, preferring the system which has been adopted under the settlement which was reached. In the city of Winnipeg there has been no difference in principle, as I understand, between those who supported separate schools and those who supported the national system. The difference has reference solely to the terms. I understand the supporters of separate schools asked that, in taking over those schools, the school board should agree absolutely to the employment of none but Roman Catholic teachers in certain schools, and to carry on the teaching as it was being carried on in the rural sections. The school board were of the opinion that they had no power to agree to that arrangement, although, as a matter of fact, they were prepared practically to carry such an arrangement into effect, and so the matter stands in that way at the present moment. I have no doubt that terms and conditions will ultimately be arrived at, if the friends of separate schools have confidence in the board, that practically will meet their wishes.

Hon. Mr. LANDRY—If instead of my question, I had placed an invitation on the paper, and asked the hon. minister to make a speech, I should have succeeded, but I should like to have an answer to my inquiry. I asked the hon. gentleman if there was an appeal submitted to a federal tribunal. Was there an appeal submitted to a federal tribunal?

Mr. MILLS—The hon. gentleman puts a question to me, and I have had the courtesy to answer him in the way that I thought was proper. Now my hon. friend puts to me a question categorically, 'was there an appeal.' The hon. gentleman knows as well as I do whether there was or not. I have no special information on that subject to communicate to the hon. gentleman. He knows the facts. Then he asks what was that federal tribunal? The hon. gentleman knows that also. Then he asked has the federal tribunal rendered a judgment upon the case? The hon. gentleman knows that as well as I do. I have answered the inquiry in general terms suitable to the requirements of the——

Hon. Mr. LANDRY—Of the situation.

Hon. Mr. MILLS—Of the general information which he seeks, and in conformity with the law of parliament.

Hon. Mr. LANDRY—I think the hon. minister, in his answer, has mixed up the remedial order with the Remedial Bill. He told us a moment ago, that the remedial order had been before the House of Commons and failed to become law. That was never the case. If I want an answer, let the hon. gentleman at least give me the correct answer in conformity with the facts. He says that I know all that, but he speaks in a way that leads me to believe that he does not know a word of it himself. If he is unable to answer these very pertinent questions, let the hon. gentleman say he is unable to answer. It is not because I know, or do not know a thing, that justifies him in refusing to answer a pertinent question. I asked him if that tribunal had rendered a judgment. I did not get an answer.

Hon. Mr. MILLS—I say that the hon. gentleman has no right to put these questions, so far as the rule of parliament is concerned—he has no right to put questions about matters which are not in the custody of the government, but matters of general notoriety, and on which the hon. gentleman ought to be as well informed as myself.

Hon. Mr. LANDRY—I deny the assertion of the hon. gentleman. I say it is his duty to answer those questions. It is strange, if the hon. gentleman can rise and give his ipse dixit, and thinks we must be satisfied with it as a proper decision to be given settling a question of order. Let him quote Bourinot or May. He will find, in those quotations, ample reason why he should answer. The other day he quoted May, but he skipped a line or two. We never saw those two lines he omitted. Let him read further, and he will see what May says. I deny the authority of the hon. gentleman to decide whether I am right or wrong in my question. Let the Speaker decide. I will not take my ruling from the Minister of Justice.

Hon. Mr. BERNIER—I beg, with the indulgence of the House, to say a few words, not to discuss the matter before the House, because I do not think it is the time to discuss it, but to give the hon. Minister of Justice a flat denial of his statements. He says there has been a settlement of the Manitoba school question. There has been no settlement at all, and consequently the remedial order is still in force, notwithstanding the hon. gentleman's statement. The schools have not adopted the so-called settlement as satisfactory justice extended to them. They are not satisfied as the hon. minister says. The Roman Catholics have put themselves under the public school law, under protest, simply because they were financially unable to support their own schools, and because they wanted their children to have some instruction, but they have not accepted that so-called settlement, which settles nothing. Again, I say, the Roman Catholic minority of Manitoba are not satisfied. Everything that has been done, has been done under protest. The hon. gentleman says we have no right to put those questions. I say that we have the right. There has been a judgment. The remedial order passed in March, 1895, is a judgment, and that judgment has not been executed yet, and we have a right to ask the government whether they intend to execute that judgment or not. The hon. gentleman should have some consideration for his own position, and opinions, when he speaks to the House and to the country on this question. He should not answer hon. gentlemen only with the idea of defending the policy adopted by the government of which he is a member; he should rise above such a disposition, and inform the House and country on the subject.

Hon. Mr. DANDURAND—Before the hon. gentleman from St. Boniface made the statement he has made, and the affirmation that this government should go further than it has gone, it would have been his duty to tell us, on behalf of the Roman Catholic minority of Manitoba, in whose name he, as well as the hon. gentleman from Stadacona, desires to speak, whether since the change of government in Manitoba, the present government has been approached in a conciliatory spirit, to ascertain if the policy of Hugh John Macdonald is different from the policy pursued by the Greenway government. I was present in Montreal when Mr. Greenway, a couple of years ago, said that some concessions had been made to the minority. I know that under these concessions, over 150 schools have been reopened and maintained their Roman Catholic autonomy. Mr. Greenway, in his speech, declared that if these concessions were not deemed sufficient, he was ready to go further. I do not know how often meetings have taken place between the Roman Catholic authorities and Mr. Greenway since he made that declaration, but I know one fact—that he is no longer in power there, and I should like to know from the champions of the Roman Catholic minority, if Mr. Macdonald has been appealed to by the representatives of the Roman Catholics to redress the grievances of which the hon. gentleman complains? If Mr. Macdonald says he accepts the situation as it is to-day, and will not go any further, then I can understand, if there are grievances which cannot be remedied in Manitoba itself, why they should look elsewhere for redress, but I have not heard either hon. gentlemen say that they cannot get full justice from the present government of Manitoba?

Hon. Mr. LANDRY—The hon. gentleman who rises to answer for the government is very much mistaken. A judgment has been rendered by the Judicial Committee of the Privy Council here and in England.

Hon. Mr. MILLS—In England.

Hon. Mr. LANDRY—And here. There is the remedial order.

Hon. Mr. MILLS—That is not a judgment.

Hon. Mr. BERNIER—It is a judgment.

Hon. Mr. LANDRY—It is a judgment rendered on an appeal.

Hon. Mr. MILLS—A judgment does not require an Act of parliament to enforce it.

Hon. Mr. BERNIER—In this case it does.

Hon. Mr. MILLS—It is not a judgment.

Hon. Mr. BERNIER—It is a judgment to all intents and purposes.

Hon. Mr. LANDRY—It is not a judgment, in the judgment of the hon. member.

Hon. Mr. MILLS—Or anybody else.

Hon. Mr. LANDRY—The hon. gentleman is very much mistaken. A judgment has been rendered, a decision given, and Manitoba has been served with a copy of that judgment, or decision, and put in a position to comply with it. Manitoba has refused to comply. Where is the judgment now? Where is the promise of the government to do justice when the local government does not give that justice to which the minority is entitled? There is a duty devolving upon the government. Is the government to-day doing its duty? Not at all. Yet the hon. minister gets excited, and tries to lecture us because we are asking him what is the intention of the government in the matter. The hon. gentleman from Delorimier told us that Mr. Hugh John Macdonald is now obliged to settle that question. That is not the case. The prime minister of the day in Manitoba has nothing to do with the question at the moment. The Manitoba legislature has given its answer. It is the government of the day here that should act. The refusal of Manitoba has been given. Why should this government wait any longer before taking action? Three, four, five or six ministeries might pass away in Manitoba without anything being done to remedy the grievance of the minority, if the government have decided to wait for the decision of each new administration. There would be no end to the farce; therefore, action should have been taken after the first refusal of the Manitoba legislature. I cannot congratulate my hon. friend from Delorimier (Mr. Dandurand), on having attended that dinner given to Mr. Greenway in Montreal. I know it was made with great display. All the members of the Liberals went, and kissed his hands there, and I suppose the hon. gentleman from Delorimier is one of those who kissed both his hands, as we can see by his course here to-day.

Hon. Mr. BERNIER—I might say one word, in answer to the hon. gentleman from Delorimier. As usual, the hon. gentleman has tried to make political capital again. He has tried to remove the responsibility which rests on this government and to place it on other shoulders. It matters not to the Roman Catholic minority of Manitoba whether they receive justice from this government, or from the local government. What we want is justice at present, and for the last four years this governmnent have been derelict in their duty, and we are right in continuing to ask from them full justice, and to use the best means we have to obtain it. The Premier of this government repeatedly said in the campaign of 1896, that he would obtain justice for the Roman Catholic minority, and, if necessary, would have recourse to the means which the constitution places in his hands. That he has not done.

Hon. Mr. DANDURAND—If conciliation failed.

Hon. Mr. BERNIER—I beg your pardon. He said if conciliation failed he would use the means placed in his hands by the constitution. Well, conciliation has failed entirely.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BERNIER—So much so, that Mr. Greenway, in the last local election, declared in his address to the electors, and in his speeches, that the law as framed by the so-called settlement in 1897, was there to remain so long as he would retain the confidence of the people of Manitoba. Far from being disposed to make any amendment and give justice to the minority of Manitoba, the question now stands in that shape unsatisfactory. I must say that I do not agree entirely with the hon. gentleman from Stadacona. My contention is that this government, and the other government also, at present have jurisdiction. The local government in Manitoba can, of its own motion, give justice to a minority.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. BERNIER—But if it does not, this government is in duty bound to come to the rescue of the minority by passing remedial legislation.

Hon. Mr. WATSON—This is a matter that has engaged the attention of this House, of the House of Commons, and of the people generally throughout Canada for a number of years, and I am rather surprised at the remarks of the hon. gentleman who has just resumed his seat. He tells us that the Manitoba government have this matter entirely in their own hands.

Hon. Mr. BERNIER—Not entirely.

Hon. Mr. WATSON—I claim they have it entirely in their own hands. It is a matter affecting the province, and until the minority can show they have a grievance of sufficient importance——

Hon. Mr. LANDRY—Hear, hear. What did the Privy Council say ?

Hon. Mr. WATSON—That matter has been decided by the House of Commons and sanctioned by the Senate, and the hon. gentleman knows that when Mr. Greenway made that statement in his address, he made it believing he was right. The settlement of 1897 had been accepted and practically every school that was a Roman Catholic separate school previous to the legislation of 1897, has come in and accepted that settlement, all except the separate schools in Winnipeg, and the friends of the hon. gentleman from St. Boniface. The Roman Catholic minority in Winnipeg have interviewed Hugh John Macdonald. Have they obtained any satisfaction from him ? He said : 'No,' he would not pay any attention to their representation until he heard the other side. If it had not been for the liberal treatment extended by the Greenway government to the Catholic minority of Manitoba, that government would be in power there to-day. The Greenway government were attacked by Hugh John Macdonald and his friends, who said that they had been too lenient with the Roman Catholics of Manitoba. My hon. friend took part in that campaign, and he knows that. One of the strong grounds advanced by Mr. Hugh John Macdonald and his friends, during the election in December last, was that the Greenway government had been too liberal to the Roman Catholic minority in Manitoba, and I believe that reason tended more to the defeat of the Greenway government than anything else. That is one question upon which the people of Manitoba will not have any trifling. They said it was their right to govern their own country. They stood by the Greenway government in two elections on that question, and it was claimed by Hugh John Macdonald and the Conservative press in Manitoba that the government administered that law so leniently that they should not have the confidence of the people of Manitoba. That is the condition of affairs. In Winnipeg, if the Roman Catholic minority were reasonable, there would be a settlement. I claim that they are not reasonable. The Catholic minority have asked the school board to take over their school and administer it as a public school. The school board are willing to do that under the Act, but the Roman Catholics ask that these schools be maintained with Catholic teachers. The school board, of course, had no power to make such an arrangement to bind the school board of another year. More than that, they asked, as they are practically all Catholic children that go to these schools now, that Protestant children should be excluded. That is unfair, unreasonable, and not within the spirit of the Act, and they cannot agree to that. If the Roman Catholics of Winnipeg are prepared to turn over those schools to the school board of Winnipeg, the school board are prepared to accept them ; that is that secular education shall be taught up to half past three in the afternoon, and then, as in all other schools, they can have their religious teaching. But the Roman Catholics are not prepared to accept that, and I think any reasonable man inside this chamber, or outside it, will say that the position taken by the school board is reasonable and liberal, and there is no doubt at all that with the experience they have had in the settlements where those separate schools existed previous to 1890 and 1897, they would not return, under any circumstances, to the state of things previous to that time. The children are being taught with competent teachers—teachers who are qualified. Previous to that they were not.

Hon. Mr. BERNIER—I beg your pardon.

Hon. Mr. WATSON—I know whereof I speak, that a great number of the schools

before that time were taught by persons who had no certificates, and were not competent. Now they have competent teachers, and come under the law, and the children are being educated, and outside the city of Winnipeg there is very little dissatisfaction. The best evidence of that is that they have complied with the regulations, and have taken the public school grant.

Hon. Mr. BERNIER—I am somewhat under a disadvantage, because I have to speak by the indulgence of this House on this occasion and be brief. I suppose we are not going to begin again the political campaign that took place in connection with the provincial election which the hon. gentleman has brought into this debate.

Hon. Mr. SCOTT—Who brought it in ?

Hon. Mr. BERNIER—The hon. gentleman says the Greenway government was defeated on account of its policy in school matters.

Hon. Mr. WATSON—To some extent.

Hon. Mr. BERNIER—I may say there were many other things beside the school question for which that government should be condemned, and it has been condemned, fortunately for the province, and there are certain matters which have come before the public since which justify me in speaking in that way. But I leave that aside. The hon. gentleman says that if the Roman Catholic minority could establish a reasonable grievance, that his government would have remedied it. But I should like to ask the hon. gentleman whether he knows something of the pronouncement of the Privy Council, which stated that the grounds taken by the Roman Catholic minority were just. That pronouncement goes on to say that the remedy must be given to the grievances of the Roman Catholic minority. The hon. gentleman is not willing apparently to accept the decision of the Privy Council, but I hope the majority of this House will recognize that when the lords of the Privy Council, after going into the matter thoroughly, decided that we had a grievance, that they will accept such judgment. As a matter of fact, we relied upon that. The Catholic minority always proceeded with prudence and according to the constitution. It was asked of us that we should refer our grievances to the tribunals of the country. We did so and we have had a judgment in our favour, but now we have a large section of this country, a great political party, not wishing to accede to the judgment of the highest tribunal of the empire, and they persist to stand in defiance of the law, of the constitution, and of the command of Her Majesty. The hon. gentleman disparagingly speaks of the Roman Catholic teachers, and says he knows whereof he speaks. I regret to say in this instance that his statements are not accurate. He is misleading the House and the public. The teachers of the schools of the minority were capable, and, with very few exceptions, qualified teachers from our province, or from other provinces, and consequently he is misleading the House and the country when he speaks in the way he has spoken.

Hon. Mr. WATSON—The hon. gentleman says I am misleading the House. I may say that was one of the reasons why a clause was put in that agreement of settlement, that the Manitoba government would issue permits to those teachers who were not qualified until they could get qualified teachers. There were many that were not qualified, and could not pass an examination, and that clause had to be inserted in the agreement that the government should issue permits until they could get qualified teachers.

Hon. Mr. BERNIER—Here again the hon. gentleman is misleading the House.

Hon. Mr. POWER—The hon. gentleman has no right to say that the hon. gentleman from Winnipeg is misleading the House.

Hon. Mr. BERNIER—I withdraw that expression, but I will not change my opinion. However, I will state a fact which disproves the assertion of the hon. gentleman. Most of those teachers who were teaching when that law came into force ceased to teach as the time was going on, and by the time the issuing of permits was inaugurated by the government, it was almost a new set of teachers with whom they had to deal.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. BERNIER—But these people to whom they issued permits were not as a rule the teachers who had been there before. The hon. gentleman in his remarks

said that they wanted to maintain the spirit of the Act, and he says also, that the Roman Catholics of Manitoba are not reasonable in demanding certain things. That shows this House the difficulty as it stands in our province. It shows the disposition of the Liberal government and of these gentlemen who have always persecuted the minority. What they want is to maintain the spirit of their law, and they want us to capitulate before their exacting policy.

Hon. Mr. WATSON—Hugh John Macdonald can give you all you want.

Hon. Mr. BERNIER—This interruption shows how matters go. They want to make political capital out of the school question. They want to throw the responsibility on Mr. Hugh John Macdonald, so as to get rid of theirs. It does not matter to us whether justice is rendered by a Conservative or a Liberal government. We are ready to accept justice from which ever hand it may come, but justice must be rendered, and it is only a way of shirking responsibility to speak of Mr. Hugh John Macdonald in this way. We may ask justice from Mr. Hugh John Macdonald, as we do from this government, but I say that notwithstanding the recourse we may have against the local government, the Dominion government has still full jurisdiction in this matter under the constitution. The hon. gentleman will be held responsible not only in the political arena, but also in history. Every one here, no doubt, has had an opportunity of seeing the letter of His Grace the Archbishop of St. Boniface, in the public press. The Archbishop of St. Boniface has declared that this so-called settlement is not worth the paper on which it is written, in so far as justice to be extended to the minority is concerned, and that all that has taken place, contrary to what has been said here, has not been done with the view of adhering to the so-called settlement, but the schools have been put under the Public School Act under protest, and simply wait until better times, which better times I hope will come soon.

Hon. Mr. PROWSE—It is not my intention to discuss the separate school question of Manitoba at this time. I think the less that question is discussed in this House, the better it will be for the country, and the better for the peace, order and good government of the province of Manitoba. I cannot congratulate the leader of this House upon his diplomacy in his answers to the question submitted to him by my hon. friend from Quebec. If he had spoken more mildly and answered the questions as they appeared on the Order paper, this rather heated discussion would have been unnecessary and avoided. The first question is :

Has an appeal of the Manitoba school question been submitted to a federal tribunal.

The answer to that is yes. The next question is :

What was that federal tribunal?

I think every one knows that tribunal was the Governor in Council. The third question is :

Has that tribunal rendered a judgment upon such case ?

I think the answer to that is yes, the judgment was the remedial order. That is a simple answer. The next question is one which the government should answer. The answer to that inquiry may possibly settle the question from one end of the Dominion to the other, but I do not remember the government answering it at all. The question is :

Has the government any intention to have that judgment executed?

The formal questions are matters of history, and perhaps the hon. gentleman was right in saying he should not be called on to answer them, but this last question is not so well known to private members as to members of the government. If the government answer no, so far as this government is concerned, at all events it settles that question. If they say yes, we want to know in what way they are going to do it. It is not for us to know what the intention of the government is. We should have a direct answer to that question, and it would have a tendency to settle the matter, and until it is answered decidedly by the government, the parties interested will not be satisfied.

Hon. Mr. POWER—I agree with the hon. gentleman from Prince Edward Island to a large extent, but I do not agree with the hon. gentleman from Stadacona. The opinions which that hon. gentleman seems to entertain with regard to parliamentary practice, are, to say the least, peculiar. The

object of addressing questions to the members of the government is to obtain from those members information which is peculiarly within the hands of the government, not information as to whether the sun rose yesterday morning, or questions which every one knows as much about as the government do; and I would direct the attention of the hon. gentleman from Stadacona to the fact that when these matters to which the first three questions refer took place, the present government were not in power, and the hon. gentleman's friends were in power, and he was really in a better position to know what was done than the hon. gentleman who is now Minister of Justice. As to the answers, the hon. gentleman from Murray Harbour is not satisfied with that which the Minister of Justice has given to the last question. If the hon. gentleman from Stadacona and the hon. gentleman from Murray Harbour will take the pains to consult the authorities on parliamentary practice, they will find that a large discretion is given to a minister as to the manner in which he will answer the question. I think the answer of the Minister of Justice was, on the whole, a satisfactory one. He pointed out what the policy of the government had been, and what had been the result of the policy in the past, and what he hoped would be the result of it in the future. I do not think that any substantial fault can be found with that, and if the hon. gentlemen will consult the authorities, they will find, as I have already stated, that considerable latitude is allowed to a minister in replying to a question. The hon. gentleman from St. Boniface has told us that the minority in Manitoba have not in any sense accepted the Act of 1897 as a settlement of the question, but the hon. gentleman does not deny the fact that nearly all the schools outside of Winnipeg--all the schools frequented by the children of the minority there, have come in under that Act of 1897, and are now operated in a satisfactory manner.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. POWER—That is a substantial and important thing. The action of the people who are interested directly is the best criterion as to whether the legislation has been satisfactory or not. As to what has taken place in the city of Winnipeg, I confess I only know from what has been stated by hon. gentlemen here. I do not know about it myself, but I know this, that in other places, in the city of St. John, in Charlottetown, and in Halifax, a system which is satisfactory to the minority has been operated under just such terms as, I understand, were offered to the minority in the city of Winnipeg.

Hon. Mr. MACDONALD (P. E. I.)—I hope the hon. gentleman will not include the city of Charlottetown, because there are grievances there.

Hon. Mr. POWER—We do not hear much about them. The hon. gentleman is the first we have heard from on that point. I know in St. John and Halifax, and I have always understood in Charlottetown, there may be minor grievances, but, on the whole, both parties, the majority and the minority, are satisfied. It is perfectly true that the school board of Winnipeg could not make an agreement which would be contrary, on the face of it, to the law, but they could give the minority practically what the schools outside the city had, and I trust, as the Minister of Justice says he trusts, that an arrangement will ultimately be come to. The hon. gentleman from St. Boniface is, I think, in a rather awkward position? He must have felt that, or he would not have deemed it necessary to make three speeches on this question to-day. The hon. gentleman in his first speech stated quite correctly that the remedial order was still outstanding and might be obeyed. If the remedial order is outstanding, as the hon. gentleman says, then his political friends who are led, in the province of Manitoba, by Mr. Hugh John Macdonald, can come in and obey the order and remove the grievance which the hon. gentleman says exists.

Hon. Mr. LANDRY—And if they do not, what is your duty?

Hon. Mr. POWER—We have not heard yet that there has been any official application. We had not heard what their answer is, and it will be quite time enough to talk about another remedy when it has been stated that Hugh John Macdonald and his friends will not do anything. The hon. gentleman from St. Boniface spoke as though it was the government, or the friends of the government, who were agitating this

question. He said they were endeavouring to make political capital, but it is not generally the man who sits still and says nothing that is trying to make political capital, but the man who complains of grievances, and it is the hon. gentleman and his friends who are trying to make political capital. As history shows, the Conservative party, to which the hon. gentleman belongs, made capital out of this question in Manitoba by condemning the Manitoba government for doing too much for the Roman Catholics, and the hon. gentleman comes into this larger arena and tries to make political capital by claiming that the Liberal government should do more for the Roman Catholics. That is a position, it seems to me, which is rather hard to defend. The hon. gentlemen are apparently making an effort to set the country on fire again for the purpose of doing something to help the party to which they belong. After all, the only substantial grievance now is in the city of Winnipeg, and if things are let alone there I believe honestly before another year is out the difficulty will have disappeared altogether, and the country will be at peace.

Hon. Mr. BERNIER—Could I say one word——

Hon. Mr. POWER—Surely the hon. gentleman is not going to make a fourth speech?

THE SPEAKER'S RULINGS ON INQUIRIES.

MOTION.

Hon. Mr. LANDRY moved:

That an entry be made in the Journals of the Senate of the ruling of the Chair on a question of order raised by the Honourable Mr. Mills, and which is to be found in the following extract of the Debates, 14th June, 1900:—

Hon. Mr. MILLS—I might call attention to the fact, Mr. Speaker, that the question appeared on the Paper the other day and was answered, and it is not regular that it should be placed on the Orders again.

The SPEAKER—When I saw that notice on the paper I inquired of the Clerk why it had been placed on the paper the second time, and was informed that some one had given instructions to one of the clerks to put it on the Orders of the Day without his knowledge. I thought that this inquiry had been answered, so that it is irregular to place it on the Orders of the Day again.

Hon. Mr. LANDRY—I suppose I can give it as a notice of motion?

The SPEAKER—I do not think that the hon. gentleman can place on the Order paper again a question which has been answered by the minister.

Hon. Mr. LANDRY—That might be so if the question had been answered; but supposing the question has not been answered?

The SPEAKER—I may say to the hon. gentleman, that I think it is for the minister to say whether he has answered the question. If he says he has no further answer to make, that is an end to the matter.

He said: I have moved this motion, because the decision which it recites settles a very important question, and I should like that such a decision be on record in our minutes. It would be a guidance for us in our future deliberations, and one might feel it convenient to have that decision readily available in case of emergency, (no food in that). The question settled is this, if I understand the decision given by the Speaker: A member of this House has no right to put on the Orders of the Day, or give notice in other words, of a motion for an inquiry which has already been answered; that is the first question that this decision of the Speaker settles. It is no more the Speaker in the House, but the leader of the government who will in the future be called to decide. Heretofore a question may have come up in the House and be debated, and the Speaker having decided, his decision would settle the matter. But now all is changed. A question which is on the Order paper in the regular way, and comes for the second time before the minister, though it has no original defect, is liable to become an irregular question by the decision of the minister. If the minister says: 'I have already answered that question,' and as soon as he gives his judgment—I may call it a judgment, because we do not want an Act of parliament to put it in force—as soon as he gives his decision, the matter is at an end. The question becomes irregular by the decision of the minister. This is a very important decision, which should be put on the journals of the House, so that a member need not put a question a second time when he knows that the Minister of Justice can stand up in his might and deliver a judgment declaring that as soon as he opens his mouth the question becomes irregular. I hope there may not be any objection to this motion being put on the journals of the House, because it will settle once and for ever those questions of regularity or irregularity.

Hon. Mr. MILLS—This matter is already settled, and the speech of the hon. gentle-

man is out of order and the notice on the paper is out of order. The hon. gentleman invites a discussion on a past debate, and makes quotations from that past debate, which took place a few days ago, for the purpose of assisting him in making this a subject of discussion. Now, in the first place, if the hon. gentleman was desirous of taking objection to the ruling of the Speaker, or wanted the reasons put on the journals, he ought to have made that motion, at the time. If made at the time, then his request would have been a proper request, and would have been in order, but now it is days after that debate is over of which it forms, if it exists at all, a necessary part. Now let me refer, and I perhaps am out of order in doing that much, to the statements that the hon. gentleman makes in this motion. The hon. member had on the paper at the time a notice consisting of a great number of questions which, in my opinion, were altogether unparliamentary and which the usages of parliament did not warrant him in putting.

Hon. Mr. LANDRY—Will the hon. minister allow me to ask what questions he alludes to ?

Hon. Mr. MILLS—I refer to the questions the hon. gentleman asked at that time. There were two notices on the paper. This is what I said :

I intend that the answer which I shall give the hon. gentleman shall be an answer to the series of questions which he has put and also to those questions which are still on the paper to be put to me, as they relate to the same subject and in order that there may be no misapprehension as to what my answer is, I shall read it to the House for its information.

Now, the question which I answered on that occasion, the hon. gentleman puts on the paper again ? That is clearly contrary to the settled rules and usages of parliament, even if the question had been a proper one.

Hon. Mr. POWER—There is another point with respect to this notice. The hon. gentleman from Stadacona said it was desirable to have a decision which would form a precedent. If the hon. gentleman will turn to page 846, of the Senate Debates for 1898, he will find a precedent exactly in point.

The Hon. Mr. Landry moved :

That an entry be made in the Journals of the Senate of any ruling of the Chair on questions of order, and that the following special ruling given on Monday, the 9th instant, be put upon record, so as it may read as follows, immediately after the word "Debated," in the 44th line of page 386:—

And a question of order being raised, the Honourable the Speaker ruled:—

The SPEAKER—When a minister is asked a question and when he declares to the House that he has answered it, and professes to have answered it fully, I know of no rule by which the Speaker could coerce a minister to answer any more questions, and I believe that all other questions which follow that are entirely out of order.

Now, the hon. gentleman himself made this motion in 1898, and set a good precedent when this decision of the Speaker, on a similar question to this one, was entered on the journals. The Speaker gave a decision which I am not going to read, because I think the House is not anxious that there should be a long discussion on it. His Honour the Speaker also read a long communication from Bourinot, showing that there was no authority whatever for entering on the journals the decisions of the Speaker, given on questions, not decision ruling motions out of order ? Those are part of the proceedings of the House and must appear, but there was no authority whatever for saying, that the decisions of the Speaker as to questions should go on the minutes of the House. There was some discussion on the matter and it was made clear that it was quite out of the power of the clerks of this House to enter the questions of order which arose in the course of debate. We would have to employ another clerk whose sole duty it would be to listen to what was going on and to take down the words used by His Honour the Speaker in giving decisions. The hon. gentleman says that he wishes to preserve these decisions for future reference ? These decisions are preserved in the best possible place, the most proper place, in the reports of our debates. In 1898, the hon. gentleman did not force the House to a division on the question, and I assume that he will not force it now. It would be most inconvenient and contrary to all precedent to say that the ruling of His Honour the Speaker in a case of this kind should be placed on the minutes. It goes in the report of our debates, and every hon. gentleman can refer to it there.

The motion was declared lost on a division.

CORRECTING THE MINUTES OF PROCEEDINGS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to have an explanation on the question I raised the other day about the entries in our records of motions that are put before the House. I think there were two of last Friday which were not entered in the Minutes of Proceedings in the Senate, put by the hon. leader of the opposition, and I should like to have information of what has been decided on that question. As I have already pointed out, last year and the year before, and in previous years all similar motions were recorded in the Minutes of Proceedings, but a new departure has taken place this year, and since the beginning of the session, because a motion was made here in the first days of the session by the hon. senator from British Columbia, was reported, and similar questions are no more reported in the minutes. Two motions made last week by the leader of the opposition, calling the attention of the leader of the government to certain facts set forth in the notice of motion, were not recorded in the minutes.

The SPEAKER—In answer to the hon. gentleman from Stadacona, I am informed that the clerk inquired of the leader of the opposition if he should enter the notices, and the hon. leader replied that he did not claim that it should, did not care for it and did not want it.

Hon. Mr. LANDRY—The same courtesy should have been extended to myself. I do not see why the clerk should apply a different rule towards me. I am entitled to the same courtesy as the hon. leader of the opposition. If he wished to dispense with his duties and ask permission of the mover of a motion it is all right, but I never was approached and never asked to do so. He should not take one course for one member, and another course for another member.

THE BUFFALO RAILWAY COMPANY'S BILL.

A QUESTION OF PRIVILEGE.

Hon. Mr. McCALLUM—Before the Orders of the Day are called, I desire to rise to a question of privilege. Bill No. 100, incorporating the Buffalo Railway Company, has appeared under my name so far, and I wish to state that I do not desire it to be continued in that way, as I am not favourable to the measure. I have consulted the promoters of the Bill and they desire to give it to the hon. gentleman from Brandon (Hon. Mr. Kirchhoffer) and I wish that alteration made, because, when I am opposed to the Bill it would not look well that my name should appear in connection with it on the Order paper. I want to act consistently in the matter, and on the third reading of the Bill I shall explain my opposition to it.

Ordered that the minutes be altered accordingly.

BILL INTRODUCED.

Bill (110) 'An Act to amend the Weights and Measures Act.'—(Hon. Mr. Mills.)

OTTAWA AND HULL FIRE RELIEF ACT.

FIRST AND SECOND READINGS.

A message was received from the House of Commons, with Bill (175) 'An Act respecting the Ottawa and Hull Fire Relief Fund.'

The Bill was read the first time.

Hon. Mr. CLEMOW moved the second reading of the Bill. He said: This is a Bill for the purpose of incorporating certain parties, to act in the distribution of this fund. These parties were named at the time of the great fire by a vote of the citizens of Ottawa. At the time they did not consider that the amount that would be realized would be as large as it has turned out to be, and therefore they think it necessary, in the interests of themselves, and in the interests of the parties who so generously contributed to this fund, that a Bill should be passed empowering them to dispose of this money in such manner as in their judgment seems meet. The Bill contains other provisions for the purpose of guiding them in all the operations connected therewith. We must all feel that, as the public has contributed to this fund in a generous way, it is right and proper that every means should be taken to make a fair and honest distribution. These gentlemen were considered to be, and are generally known throughout

the city as being, most discreet, and in every way properly constituted for carrying out this undertaking. The fire has caused an immense amount of trouble to the inhabitants of this district, and the committee are now industriously employed in trying to arrive at some means whereby an equitable and fair distribution can be made. People on the other side of the Atlantic, as well as on this side, have contributed to this fund. I ask now that the Bill be read a second time, and referred to a Committee of the Whole, and then read the third time, so that there will be no delay in allowing them to proceed with their work. I do not think this will be objected to. The Bill is framed with the best motives, and I know that these men will perform their duty in an honourable and proper manner. It is not necessary to go into the matter further at the present time, but I may say, in reference to this awful fire at Ottawa, that I was under the impression at the time that some steps would be taken for the purpose of preventing, as far as possible, a repetition of the conflagration which took place about two months ago, but nothing has been done, and nothing is likely to be done, and we are in the same position to-day as we were before the great fire. Situated as we are here, with a vast amount of public property, we are peculiarly interested in seeing that certain safeguards should be provided so that if another fire took place it would not be as disastrous as on the recent occasion. Therefore, I call the attention of the government to the fact that nothing has been done, and nothing is likely to be done, by the city of Ottawa. I leave it to the government to say whether they cannot introduce some legislation to protect the property of the public. In a variety of ways it could be done. The city council framed a by-law and it was very nearly carried, but there was some hitch at the last instant. It was describing a fire area where houses of a certain character should be erected and providing that the piling of lumber should be confined to certain distances, which would render another such fire impossible. It would be in the interest of the whole Dominion that some such law should be passed. These buildings belong to the whole Dominion, and the government are deeply interested in having a law passed by which the safety of these buildings will be ensured. Frame structures should not be erected in the city, and the lumber should not be piled in such a way and locality as would intensify the danger from fire in the future. These are matters for the consideration of the government, and I hope I am not out of place at the present time in giving warning that something should be done for the protection of these buildings. If the wind had changed on the occasion of the last fire, I believe we would not be in a position to-day to occupy these buildings. It is a matter that requires consideration, and I am not in a position to say whether it can be done or not. I ask the government to give this matter their best consideration, and, if they think it advisable that such a law should be passed, to make it mandatory not to erect wooden buildings in situations where they may entail serious loss to the public of this country. I think it is very opportune that this matter should come up now when the question of the fire relief fund is before us. Probably I am not in order, but I take a great interest in this question. I have tried to get the city corporation to pass a by-law, which I think is necessary, but they have not done it. If they had passed that by-law, which was framed for the purpose, I would not have one word to say, and we would not have had any further trouble. We all know that a pile of lumber contiguous to the buildings is very dangerous. At one time there was a lease of the land around the Lovers' Walk to some lumberman. I believe it has been cancelled, but there are other places where such piles should not be permitted, such as Mr. Perley's yard, and other places equally dangerous, in proximity to these buildings. Now is the time that action should be taken, and I urge upon the government the necessity of looking into the matter, and if they consider there is nothing in my remarks to induce them to take measures which would have the desired effect, then I leave it in their hands. However, there can be no objection to this Bill being passed immediately, and I ask that the rules be suspended, and the Bill read the second time now.

The motion was agreed to and the Bill was read the second time under a suspension of the rules.

The House resolved itself into Committee of the Whole.

(In the Committee.)

Hon. Mr. LOUGHEED—Does my hon. friend insist on going on with the Bill without copies being in our hands ?

Hon. Mr. CLEMOW—It has not been changed in the Commons.

Hon. Mr. LOUGHEED—But we have not seen the Bill. My hon. friend is not in such a great hurry as that.

Hon. Mr. CLEMOW—It is an extreme and urgent case, and every hour counts.

Hon. Mr. SCOTT—The Bill has been distributed in the House of Commons form.

Hon. Mr. McKAY—I understand this Bill was opposed in the other Chamber, and I think it is a little dangerous to put it through in this form. I think it should be sent to the Private Bills Committee, and if there is any objection to it, the matter can be discussed there.

Hon. Mr. CLEMOW—There were no amendments made in the House of Commons.

Hon. Mr. DOBSON—But objections were raised.

Hon. Mr. CLEMOW—Yes, but if the Bill is read by the Chairman, I do not think he or any other member will object to it.

Hon. Mr. LOUGHEED—If the Chairman reads the Bill at length, I suppose it will be all right.

On clause 5,

Hon. Mr. MACDONALD (P.E.I.)—Under this clause I understand that if the committee make any mistake whatever, either before or after the passing of this Act, they are not to be responsible in any way. I think that is giving an extreme indemnity to the persons who are taking charge of this matter. It appears to me we are rushing the Bill through without much consideration. It is certainly an important question—a question in which the people of Ottawa have a deep interest, and it should be considered with a very great deal of care, and the clause which has just been read states that the commission are not to be responsible whatever for any error.

Hon. Mr. CLEMOW—The gentlemen who are undertaking this work are doing it as a matter of love, without any reward, and it is nothing but right that they should not be responsible for anything they do, unless there is fraud in it. I do not think any one will object to that. They will carry out the law to the letter, and I do not think they should be held responsible for any act, unless there is fraud in it.

Hon. Mr. SCOTT—It must be remembered that the persons named here have not sought this position. It has been forced on them. They are anxious to withdraw, and they will be only too glad, if objection is made to the Bill, to withdraw from it, because they are annoyed by the appeals made to them and the insinuations to which they are exposed. It is impossible to satisfy the great body of the people, and they will be only too anxious to get rid of the responsibility. It would be a dreadful calamity to everybody if they were to drop out. The selection was a very wise one. It was made by the council of the city of Ottawa first, and then a meeting of citizens of Ottawa was called and the selection was confirmed. Under these conditions, I do not think we ought to hesitate about passing the Bill.

Hon. Mr. ALLAN—For such objects and under such circumstances, I do not think it would be fair that such a body of gentlemen should be made responsible for anything but fraudulent acts.

Hon. Mr. SCOTT—They are giving up a great deal of time to the work.

Hon. Mr. MACDONALD (P.E.I.)—I do not know these gentlemen. They may be all that is claimed for them. I believe there is an ssociatiion here in Ottawa called the Trust Company, which was willing to undertake the management and distribution of this fund without any reward whatever. It is a responsible association in which the moneyed men of Ottawa are interested. That is the only reason I have for making these remarks at all.

Hon. Mr. CLEMOW—The Trust Company could not attend to the matter. There are 2,900 applicants waiting for assistance to build their houses and there is urgent need for this legislation. Not an hour should be lost. These men are doing charitable work,

and should receive every consideration from parliament and the people of this country.

The clause was adopted.

On the 16th clause,

Hon. Mr. LOUGHEED—What do the corporation intend to do with this fund? Do they intend to loan it out or distribute it?

Hon. Mr. CLEMOW—To distribute it as a gift. The donors have given that money for the relief of these people, and it is intended to give it out in good faith for the relief of those parties who have suffered by the fire.

Hon. Mr. LOUGHEED—I do not doubt the good faith of the corporation, but it is a matter of good policy or judgment whether they could not loan this more judiciously.

Hon. Mr. CLEMOW—No, it is not to be a loan. It is to be a free gift. Every dollar of it is deposited in the bank, and it is to be drawn out by the chairman and secretary of the company, and a perfect record of the whole thing is to be made out by a board approved of by the Governor in Council and published for the information of the people.

Hon. Mr. LOUGHEED—Is it intended to apply this fund to the rebuilding of houses which have been burned, or has any definite line of policy been laid down?

Hon. Mr. CLEMOW—No, not yet.

The clause was adopted.

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

THIRD READINGS.

Bill (109) 'An Act to incorporate the Manitoulin and North Shore Railway Company.'—(Hon. Mr. Watson.)

Bill (75) 'An Act to incorporate the Quebec Southern Railway Company.'—(Hon. Mr. Landry.)

Bill (146) 'An Act to enable the city of Winnipeg to utilize the Assiniboine River water power.'—(Hon. Mr. Watson.)

Bill (125) 'An Act respecting the Algoma Central Railway Company.'—(Hon. Mr. Watson.)

Bill (20) 'An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the British Yukon Railway Company.'—(Hon. Mr. Clemow.)

Bill (83) 'An Act respecting the Dominion Atlantic Railway Company.'—(Hon. Mr. Power.)

Bill (139) 'An Act to amend the Land Titles Act, 1894,' as further amended.—(Hon. Mr. Scott.)

LAND TITLES ACT, 1894, AMENDMENT BILL.

WITHDRAWN.

The Order of the Day being called.

Second reading Bill (31) 'An Act to amend the Land Titles Act, 1894.'

Hon. Mr. LOUGHEED moved that the Order of the Day be discharged.

The motion was agreed to, and the Order was discharged.

GRAIN INSPECTION BILL.

POSTPONED.

The Order of the Day being called.

Committe of the Whole House on Bill (141) 'An Act respecting the Grain trade in the inspection District of Manitoba.'

Hon. Mr. SCOTT moved that the Order of the day be postponed until Wednesday next.

Hon. Mr. LOUGHEED—Why?

Hon. Mr. SCOTT—There are some gentlemen who are particularly interested in the matter that wish to see me to-morrow about this Bill. I am not sure whether I shall be able to meeet them or not. However, I will set it down for to-morrow, with the understanding that if I do not meet these gentlemen the Bill will be further postponed.

The Order of the Day was discharged, and made an order for Wednesday next.

COMPANIES CLAUSES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (X) 'An Act to amend the Companies Clauses Act.'

(In the Committee.)

Hon. Mr. LOUGHEED—Is it intended that this Bill shall apply to companies with special acts of incorporation to which the Companies Clauses Act does not apply?

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—Has my hon. friend considered whether this should not be made also an amendment to the Companies Act in addition to the Companies Clauses Act. I have not had time to examine it myself, but it seems to me the Joint Stock Companies Act should also be amended. The letters patent issued under the Companies Act designates where the head office should be, and this Bill applies only to the Companies Clauses Act.

Hon. Mr. MILLS—I think that this is sufficient. However, we can make an amendment another session if necessary.

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

SAFETY OF SHIPS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (12) 'An Act respecting the safety of ships.'

(In the Committee.)

Hon. Mr. FERGUSON—May I inquire what change this makes ?

The CHAIRMAN—It is only stating when the Act shall commence to have force.

Hon. Mr. MILLS—The Act has no meaning as it now stands. It states when the period shall terminate, but not when it shall begin. This is to state when the Act commences to operate.

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

DOMINION OF CANADA RIFLE ASSOCIATION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (169) 'An Act to incorporate the Dominion of Canada Rifle Association.'

(In the Committee.)

Hon. Mr. ALMON—I believe the hon. Judge Gowan has given a very handsome cup to be competed for by this association. It would not be a bad thing to have it put on the table so that we can all see it. The hon. gentleman has been not only remarkably generous, but judicious in the way he has distributed his generosity. I think we should tender him a vote of thanks for his generosity.

Hon. Mr. LOUGHEED—We will take it as laid on the Table.

Hon. Mr. SCOTT—Is it in Ottawa at the present time ?

Hon. Mr. MILLS—Yes, in the Militia Department.

Hon. Mr. SCOTT—We will postpone the third reading of the Bill until to-morrow, so that we can see the trophy.

On clause 8,

Hon. Mr. POWER—I do not see why these prize competitions should necessarily be at or near Ottawa. It might be desirable to have them at Montreal or Toronto, or, as the country grows, at Winnipeg.

Hon. Mr. SCOTT—At present the headquarters are here.

The clause was adopted.

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

CRIMINAL CODE, 1892, AMENDMENT BILL.

RETURNED TO HOUSE OF COMMONS WITH AMENDMENT DISAGREED TO.

The Order of the Day being called.

Further consideration of the amendments made by the House of Commons to (Bill K) An Act to further amend the Criminal Code, 1892.

Hon. Mr. MILLS said: There is no consideration, I believe, of these amendments, except the reasons to be given for refusing to concur in some of them. I move :

That a Message be sent to the House of Commons by one of the Masters in Chancery, to acquaint that House :

1. That the Senate hath agreed to their 2nd, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th amendments to the Bill (K) intituled : 'An Act further to amend the Criminal Code, 1892.'

2. That the Senate hath amended the first amendment of the House of Commons by striking out 'the first day of January, 1901,' and inserting in lieu thereof 'the first day of September, 1900' :

Because it is desirable that the improvements made in the criminal law by this Act shall go into operation at the earliest date convenient with the due publication of its provisions.

3. That the Senate hath disagreed to the third amendment for the following reasons :—

(a.) The proposed section 359a would offer great inducements to perjury on the part of vendors ;

(b.) It would give a creditor, who claimed or asserted that there had been a false pretence on the part of the purchaser, an opportunity to practically coerce such purchaser into giving such creditor an undue preference over his other creditors ;

(c.) It would injuriously interfere with the ordinary and long established methods of conducting business between vendors and purchasers ;

(d.) No act should be declared a statutory crime where there is a substantial doubt as to the desirability of such declaration.

4. That the Senate hath disagreed to the fifth amendment for the following reasons :—

Because 'The Trades Union Act,' ch. 131 of the Revised Statutes, gives the necessary protection to combinations of workmen, and because there does not appear to be any substantial reason why any class of persons should be exempted from the operation of section 520 of the Criminal Code.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. FERGUSON—I should like to ask my hon. friend, the Secretary of State, whether he is prepared to bring down the petitions regarding the railways which were not correctly brought down on a former occasion.

Hon. Mr. SCOTT—I gave orders to collect them, and they have been collected. I thought they would have been sent to me to-day. I will see that they are brought down to-morrow. They must be ready. They were distributed and sent to the wrong department.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 19, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

ACADIA LOAN CORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (116) 'An Act to incorporate the Acadia Loan Corporation' with amendments. He said : There are two clauses amended in this Bill. One is amended to give power to the company to prescribe what remuneration should be given to directors who may perform duties in respect of the company that are outside their ordinary duties as directors. The other amendment is in the clause which makes certain sections of the Loan Companies Act to apply to this Bill which was thought to be put in better shape in reference to the clauses referred to, and that has been done in the amendment to that clause.

Hon. Mr. WOOD moved that the amendments be concurred in.

The motion was agreed to.

THE QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY rose to :

Call the attention of the government to the following facts, namely :—

1. That on the 13th day of June, 1900, an inquiry was made by the Hon. Mr. Landry concerning the Quebec Bridge, and certain declarations attributed to the Hon. Mr. Dobell by the 'Soleil,' the French recognized organ of the Liberal party in Quebec.

2. That in answer to such an inquiry, the following statement was made, and reads as follows:

'Hon. Mr. SCOTT.—I have shown the question to Mr. Dobell, and he says it is absolutely incorrect, and he declines to be catechised on a speech which was not accurately reported. He calls attention to the fact that he never made the statement that the government had promised a million dollars. The speech was alleged to have been made two years and four months ago. However, Mr. Dobell's recollection is that the speech as quoted is not accurate.

'Hon. Mr. LANDRY.—Is that all the answer I am to get?

'Hon. Mr. SCOTT.—That is all I can give my hon. friend.

'Hon. Mr. LANDRY.—It is very short. I want to know what the policy of the government is.

'Hon. Mr. Scott.—The hon. gentleman put the question, and I decline to answer it.'

3. That further on during the debate, the following statement was made:

'Hon. Mr. LANDRY.—I am inquiring from him if it is an unparliamentary question to ask the government if they are prepared to give supplementary aid to the Quebec Bridge. I think that is a parliamentary question.

'Hon. Mr. SCOTT.—I answered that question.

'Hon. Mr. LANDRY.—I want to know what is the policy of the government on that question.

'Hon. Mr. MILLS.—My hon. friend answered that part of the question, because that was a proper question to put.'

And that he will ask:

What assertion is true? The assertion given by the Hon. Mr. Scott that he declines to answer to that part of the question referred to in the present statement, or that other positive affirmation given by the Hon. Mr. Mills, that the hon. Secretary of State has answered that part of the question?

If an answer was given, where is the answer?

Hon. Mr. SCOTT—The placing on the records of this Chamber of the involved questions which the hon. gentleman from Stadacona persists in submitting leads not only to a great deal of trouble, but I think is highly improper and ought not to be persevered in. When a minister, who is a member of another Chamber, at a public gathering three and a half years ago makes a statement to his constituents in no way affecting the policy of the government, I think it is highly improper that a colleague in this Chamber should be called upon to give an explanation of that gentleman's speech. When I submitted this long proposition of the hon. gentleman's, which was placed on the minutes on June 13, to Mr. Dobell, he said: 'Why I am not correctly reported,' and gave an illustration why he was not correctly reported from his own words that he never said the local government had promised a million dollars. He could not speak for the local government. He was addressing his own constituents at the time, and it was a matter which this parliament had nothing whatever to do with, what the provincial government chose to give; and to show how unfortunate the putting on the paper of those long questions is, I am falsely reported too in saying, as the hon. gentleman states here, that the parliament of Canada would not give a million dollars, whereas, as a matter of fact, parliament has voted a million dollars. I could not, therefore, have made that blunder. I remember saying that Mr. Dobell denied that he had said that the provincial governmeut would give a million dollars, whether he did or did not is a matter of no public consequence. It has no bearing whatever on any question of policy as to whether this government is going to supplement the aid to the bridge. It is premature to ask the question. Parliament has voted a million dollars and the bridge has never been built. I do not know what its financial arrangements are, but certainly we are not in a position to answer any questions as to supplemental aid. The government have never been asked for supplemental aid, and therefore it is a question that could not be answered. If the hon. gentleman would exercise a little judgment it would make it very much pleasanter for members in this House, because it is very unpleasant to rise and contradict statements made by hon. gentlemen which must be contradicted. The hon. gentleman has brought up this matter, but it is a question that is not relevant in any degree to any act of policy of the government.

Hon. Mr. LANDRY—I think the hon. minister did not read my question. If he did, he did not understand it. I am not speaking of the million dollars promised to be granted by the province of Quebec nor of the assertion made by the Hon. Mr. Dobell, that the province would give a million dollars: I am simply asking an explanation of the occurrence reported here. The Hon. Mr. Scott said that he declined to give me an answer as to what may be regarded as the general policy of the government on that question for the future. The hon. Minister of Justice said that the Secretary of State had answered. I want to know where is the truth. If the hon. Minister of Justice said rightly that the hon. Secretary of State had answered, I want to get the answer. If the hon. Minister of Justice said a thing which the hon. Secretary of State cannot back, let him tell me so. The hon. Secretary of State has either answered or not answered. If he answered, where is his reply? If he did not answer, why did the hon. Minister of Justice say that he had answered? Can the hon. gentleman get out of that dilemma? Unable? There is one of them who is deceiving this House, I do not know which one. A thing cannot be at the same time true and untrue. I should think the ministers would have force enough to answer that question. They might take a little emergency food. Can't they give me sixteen per cent out of the answer they are keeping in store? Is the public interest of Canada preventing one of the ministers from answering? I am waiting for a reply. If the hon. ministers are taken by surprise, I am willing to postpone my inquiry. They can have time to look over the matter. Surely this time they cannot cast the blame on an officer of the department. One of the two is guilty. Which of them will sacrifice himself for the other? Neither? One hon. minister said the other day that the spectacle furnished to this House every day was degrading; I say now that they themselves are presenting a degrading spectacle to-day, for either of the ministers has stated

wht is incorrect. I think they are unable to answer and that they feel ashamed. They cannot deny their statements, because there are they in black and white in the Senate Debates, and here we find that one of them is misleading the House. I move that they should take a little invigorating feed—something to give them force.

AN OMISSION FROM THE MINUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know why the minutes of yesterday do not contain the motion which was made by me yesterday, and which was declared lost on a division. I think it should have been put in the record, and I want to know why it has been omitted.

The SPEAKER—If the hon. gentleman's question is addressed to me, I beg to say that it was omitted because it is not customary to insert such motions, and unless it is ordered by the House it will not be done.

Hon. Mr. LANDRY—I will cite a precedent. It occurred two years ago, and is just a similar case to the one now under debate. The hon. senator from Halifax was good enough to quote it yesterday. I find at page 236, of the Senate journals of 1898, the following:

Thursday, May 26.

The Hon. Mr. LANDRY moved that an entry be made in the journals of the Senate of any ruling of the Chair on questions of orders, and that the following special ruling given on Monday, the 9th instant, be put upon record, so that it may read as follows, immediately after the word 'debated,' in the 44th line of page 368:

'And a question of order being raised, the hon. the Speaker ruled:

'The SPEAKER.—When a minister is asked a question, and when he declares to the House that he has answered it, and professes to have answered it fully, I know of no rule by which the Speaker could coerce a minister to answer any more questions, and I believe that all other questions which follow that are entirely out of order.'

The question of concurrence being put thereon, the same was, on division, resolved in the negative.

Here was a motion made to the House and declared lost, and which was put in the minutes. Basing my action on this precedent, I moved yesterday to have the decision of His Honour the Speaker placed on the journals of this House. My motion was declared lost: have I not a right, under the rules of this House, to have it entered? I do not know who assumes the right to dictate what shall go upon the records of this House and what shall not. There are general rules which must be followed, and those rules have always been followed in the past? Why this new departure? Why am I deprived of the right to have a motion made on the floor of this House inserted in the minutes? It is the first time that we are told we must appeal to the House to know if a motion, made in the House, is to appear in the minutes. If any such doctrine is to be accepted what may we not expect in the future? If an hon. member does not like a motion to be inserted he need only ask the Speaker, or the clerk at the table, to omit it from the minutes. I am claiming a right which every member possesses, a right which cannot be subject to the good or bad will of any official of this House. The motion must be entered, and I ask the hon. Speaker to give the proper orders so that an entry may be made in the minutes. If not, I shall take the necessary measures to have it entered.

Hon. Mr. MILLER—The motion having been put to the House and declared lost, it should be recorded in the minutes. There is no doubt about that. How the omission occurred I do not understand, but it can be easily remedied when the journals are made up.

Hon. Mr. MILLS—I did not understand that there was a motion put to the House.

Hon. Mr. MILLER—I understood that there was a motion and that it was declared lost.

Hon. Mr. MILLS—I understand the hon. gentleman submitted a proposition to the House, but it was not seconded.

Hon. Mr. LANDRY—I made a proposition to put it on the minutes, and it was declared lost.

The SPEAKER—The hon. gentleman read his motion, but I never stood up to put it, because some one spoke, and before the motion could be put the hon. gentleman from Stadacona himself declared it lost on a division, and I said 'lost.'

Hon. Mr. MILLER—Did the hon. gentleman make a motion?

Hon. Mr. LANDRY—I made a motion.

Hon. Mr. MILLER—If he made a motion it should appear in the minutes whether it passed in the affirmative or the negative. As to the seconder, a seconder is not required in this House.

Hon. Mr. LANDRY—I made the motion. As the hon. Speaker has stated, it was not put by the Chair—I admit that—but I have a way to have it put on the records.

Hon. Mr. MILLER—The motion was not made if it was not put from the Chair: it was incomplete, and I doubt if there was any reason for putting it in the minutes.

Hon. Mr. LANDRY—The Speaker declared it lost.

Hon. Mr. MILLS—The hon. gentleman himself declared it lost.

Hon. Mr. LANDRY—I was willing to have it declared lost on a division. I will give notice of it again, and it will go in the minutes. I will not be treated in that way.

BUFFALO RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. LOUGHEED, in the absence of Hon. Mr. Kirchhoffer, moved the third reading of Bill (100) 'An Act respecting the Buffalo Railway Company. (Foreign.)'

Hon. Mr. McCALLUM—I had some little connection with this Bill. The petition was handed to me by a member of the other House, and I presented it to the Senate. I was not satisfied with it then, but he urged me to take it, and I presented it to the House, and said the matter would be explained before the Bill was put through. I explained, on the second reading of the Bill, when it was referred to the committee, that I hoped we would get the explanation that was necessary then, in order to pass the Bill. When the Bill came up from the committee I still had charge of it, and I moved the third reading of the Bill for to-day to see if I could not get the explanation that was necessary before I could consistently support the measure. I did not wish to have anything further to do with the Bill, and I consulted the promoters, who desired that I should name the hon. gentleman from Brandon to take charge of the Bill. I did so yesterday. In the first place, I will ask who compose this Buffalo Railway Company? Is there any proof before this House that such a company is in existence? I have been unable to get any such proof; and if there is any such company in existence, what is the motive power? Is it electricity or steam or horse power?

An hon. GENTLEMAN—Electricity.

Hon. Mr. McCALLUM—Some hon. gentleman says electricity, but there is nothing before this parliament to show what its power is, and there is nothing before us to show who the parties are. It is merely the Buffalo Railway Company, in the state of New York. It does not even say 'one of the United States of America." There is nothing before parliament to show why we should hand over the property of the people of this country to that company, without knowing who they are. I did my best to get that information, and, as I tell the House, I was unable to obtain it. I did it because I considered it my duty. I endeavoured, according to rule 63 of the Senate of Canada, to get that information before the committee. Did I get it? I do not wish to reflect upon the committee; far be it from me to do so. There are plenty of members on the committee who profess to know more about legislation than I do, but they do not know it all. Now, let us look at this rule:

> All persons whose interests or property may be affected by any private Bill——

I think this is a private Bill——

> —shall, when required to do so, appear before the standing committee to which such bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the committee. And in every case, the committee upon any Bill for incorporating a company may require proof that the persons whose names appear in the Bill as composing the company are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

Have we got this proof? I say there is not a tittle of evidence before the parliament of this country under this rule. Let us consider the matter. This is an international question. Are we going to hand over the property belonging to the people of this country to a foreign corporation, whom we do not know? I presume they are United States men. But we do not know them. They are not here before us. I suggested that I would send the Bill to the Supreme

Court, but on further consideration, I found that the parliament of Canada could do mostly anything. The parliament could make away with the property of the country almost, if they wanted to. At the same time, I thought I would point out to the House what effect the Bill has. It is a question of internal economy. I will read the Bill, and comment a little on it. We are going to hand over to this foreign company the whole Niagara frontier, and we do not know who compose this company. They are not British subjects. I presume they are United States gentlemen, because the law of the United States will not allow any foreigners to hold property or anything of that kind there. What are we doing? Clause 2 of the Bill reads:

The company may purchase the entire assets and acquire and undertake the whole or any part of the business, undertaking, property and liabilities, and the name, franchise and good-will of the Niagara Falls Park and River Railway Company (whose work is hereby declared to be for the general advantage of Canada), the Queenston Suspension Bridge Company, the Queenston Heights Bridge Company, the Clifton Suspension Bridge Company, or of any of such companies.

That is a queer Bill to pass through parliament—"any such other companies." What does that mean? And where? Anywhere in Ontario or in Canada. This is a curious Bill for us to pass. I am a living witness to what took place on the Niagara frontier in 1865 and 1866, when the people of the United States encouraged some of their citizens to invade Canada, giving them money and arms, and encouraging them to drill while they watched them from day to day. We have peace to-day with the United States, and there is good feeling. I hope it may long continue. It may not always be so. But is it prudent or expedient that we should hand over the avenues of this country to United States citizens, when we do not know who they are? I say that it is not. To-day not one of us could go to the state of New York and hold real estate there, without becoming a United States citizen. A poor Canadian who wishes to cross the river to work and earn his living by the sweat of his brow, is turned back and not allowed to remain there. We are asked to grant this legislation to a United States company, without rhyme or reason, and we are to give them the avenues of this country. I suppose there are some men in Canada who wish to make a little money out of it. We should guard against this. I would be ashamed to go home and face my people if I allowed such a Bill to pass parliament, without raising my voice against it. Therefore, I move:

That this Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. MILLS—It is somewhat unusual, after a Bill has passed the committee stage, to reject it without some consideration of its provisions. I have not given much attention to the matter, but I understand that the Buffalo Railway Company is a company incorporated in the state of New York, and in their corporate capacity have bought up the rights and interests of several companies mentioned on the Canadian side of the river, and that they are seeking to have those companies practically consolidated into one company, and it seems to me that that is not an unreasonable proposition. Of course, it was open to the committee, if they desired it, to ask that information should be given, and a schedule might have been attached to the Bill, stating who the incorporators were, but hon. gentlemen know that in every railway company in every country in Christendom, it is possible for a party to sell out his shares, and so the parties who are shareholders to-day may not be shareholders six months hence, so that you would not get a great deal of information by having that fact stated.

Hon. Mr. McCALLUM—The rule says that it shall be stated.

Hon. Mr. MILLER—I do not see what application that rule has at all.

Hon. Mr. MILLS—I think my hon. friend has taken a somewhat extreme position in asking for the rejection of this Bill. I understand that there has been a good deal of difficulty in the way of securing any action for some period of time, owing to the interests of the local government in the park there, and owing to the interests that these parties are desirous of acquiring. Those difficulties, I believe, are removed, and it is possible to secure united action for the first time. Whether it can be thought objectionable that a railway company in New York should become the corporate holder of the interests of these various companies

on the Canadian side of the river or not, is a question open for discussion, but I do not understand that there has ever been any serious objection to anything of that sort. In the great railways of the United States, although the corporation itself may be a state corporation, the actual proprietors are persons who live in Germany, in France, in England, and in various parts of the world, and they retain their interest as long as they feel it is to their advantage to do so; and the New York company who have acquired an interest in these various companies on the Canadian side, and are seeking, by this Bill, to consolidate and unite them together, is simply a foreign corporation having a corporate interest in these various institutions that are mentioned. It seems to me that that is not a good reason for rejecting the Bill. I suppose they will run these roads in their own interest and seek all the profit they can out of the enterprises so far as we, by our regulations, will permit them. I do not think it desirable that we should undertake to deny them the right to incorporate under these circumstances. I dare say there are many who would feel some objection to permitting these various institutions to fall into the hands of one company, making the control common on both sides of the river, but that is a matter which ought to have been provided against in the local corporations that are about to be absorbed into one corporation under this Bill. We are simply enabling the company to increase the efficiency of its management and to discharge in a more satisfactory way the duties that devolve upon it as a corporation, by allowing it to combine all those corporations into one.

Hon. Mr. MILLER—And it gives the same right to aliens and foreigners.

Hon. Mr. MILLS—No difference in that regard.

Hon. Mr. WOOD—I should like to call the attention of the minister to the 7th clause, which reads as follows:

> Nothing in this section shall relieve the company from the observance of the laws of Canada or Ontario, as the case may be, except in so far as such laws are inconsistent with the acquisition and operation of the undertaking as hereby authorized.

That clause leaves it open to the inference that there is something in the laws, either of Canada or of the province of Ontario, which this law is overriding. I do not know what that may be. It should be pointed out whether there is any legislation, either of the province or of the Dominion, which this law is overriding?

Hon. Mr. MILLS—All I understand that provision to refer to is that this is a special Act of incorporation, as every Act of any railway company is. You bring it under the operation of the General Railway Act, but you must also provide in every Act of incorporation that the General Railway Act shall be applicable to this corporation in so far as it is not inconsistent with the provisions of this Act of incorporation. That is the rule in clause 7, only some of these corporations were called into existence or may have had their rights limited by some Act of the provincial legislature as well, and it seems to me that clause 7 is intended for no other purpose than to say that the laws of Canada and the laws of Ontario applicable to this case—that will be the General Railway Act in each case or any subordinate Act as far as Ontario is concerned—shall apply in so far as the provisions of those Acts are not inconsistent with the powers conferred by this legislation. I do not think that provision goes beyond that, and therefore, it is a provision similar to the provision that is inserted in almost every Railway Incorporation Act.

Hon. Mr. MACDONALD (C.B.)—I wish to call the attention of the hon. Minister of Justice to line 22. In dealing with the Nova Scotia Steel Company's Bills two weeks ago, I think the Minister of Justice decided that this parliament had no authority to authorize the transfer of the franchise of any corporation to any new company. Line 22 in this Bill gives authority to transfer, sell the assets, business, property, name, franchise and good will to the company. It gives power to the local companies affected by this Bill to transfer their franchises to this new company, which is inconsistent with the position assumed by the hon. Minister of Justice.

Hon. Mr. MILLER—If they have not power it carries nothing.

Hon. Mr. MILLS—I was about to say that. A franchise that cannot be transferred really

transfers no power, and they take it for what it is worth.

Hon Mr. DeBOUCHERVILLE—If this Bill passes, it seems to me the result will be that the Canadian companies will be under the control, and become part of the United States companies, and the directors of this United States company may not be British subjects. Is that not the position ?

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—For some years we have insisted in the incorporating of all those companies, more particularly the railway companies, that the majority of the directors should be British subjects. In this company there will not be one British subject concerned in the control of the road, so that I think the objection made by the hon. gentleman (from Monck) is very strong.

Hon. Mr. MACDONALD (P.E.I)—I think the principal objection to this Bill is that it is transferring to a foreign company some of the most important bridges between Ontario and the United States. These are very important avenues of trade and commerce between Ontario and the State of New York, and the effect of this Bill is to amalgamate all these into one company, which is not a Dominion company, but a foreign company. That is an objectionable line of policy for the Dominion to adopt.

Hon. Mr. LOUGHEED—In the absence of the hon. gentleman from Brandon I asked the House to read the Bill the third time, and I did not make any explanation at the time, but I desire to point out that there seems to be, in my judgment, a grave misapprehension of facts with relation to this Bill in the minds of many hon. gentlemen. I might preface what I am about to say by the statement that the Buffalo Railway Company has already acquired all the interests of the companies which they are proposing to absorb or to amalgamate with. Let me observe here that on the Niagara frontier if there is to be a development of the natural resources and the public interests of that particular district, hon. gentlemen must recognize that the development of any international problem cannot be accomplished alone by Canadians. It must necessarily involve the co-operation of United States capital and capitalists. Another proposition is involved in the development of any international project, and that is that one or the other side must have a dominant interest in the enterprise. While I attach very great importance in regard to what my hon. friend from Monck has advanced with reference to the necessity of our conserving Canadian interests on the Niagara frontier, I cannot overlook this fact, that since I have had the honour of a seat in this House I have noticed that my hon. friend has exerted a vigilance over the Niagara frontier, which, if it had been followed by this House, would have precluded much development in that district of country. I can recall quite clearly that session after session the hon. gentleman from Monck, in his judgment, has considered it advisable to oppose many of the public franchises which have been obtained and are being obtained on the Niagara frontier.

Hon. Mr. McCALLUM—Name them.

Hon. Mr. LOUGHEED—I cannot recall them at the present, but I could make up quite a list of public enterprises which have met with the vigorous opposition of my hon. friend. It does not require any demonstration to point out that it is in the interest of our people that this undertaking should be made a success on this side of the line, that it should be run for the advantage, not only of those who are directly interested, but of the Canadian public. It is not necessary that I should point out, because it is a well known fact, that most of the enterprises which this company proposes to absorb, and which have been acquired by this company, have been failures in the past. Surely the people on the Canadian side of the line are not opposed to the successful operation of those lines. In the committee to which this Bill was referred, the hon. gentleman from Monck was the only one who expressed dissent to this proposition, on the ground that it was against the interests of that particular district. I am unaware, and I think my hon. friend does not know—and if he does he has not stated it—that any individual or corporation, or public interest is suffering in any way from the acquisition of these franchises by the Buffalo Railway Company.

Hon. Mr. McCALLUM—I do not know that there is such a company as the Buffalo Railway Company.

Hon. Mr. LOUGHEED—If private and public interests in that particular railway district are thoroughly satisfied with this legislation, why should any hon. gentleman here so seriously object to it? If United States capital is to come into the Dominion of Canada and make successful Canadian enterprises which heretofore have proved a failure, surely the people of Canada should not object to such an advent. With reference to the doubt which exists in my hon. friend's mind as to the Buffalo Railway Company having an identity, I would point out to this House that we are not confiscating the interests of Canadian companies. We are in no way interfering with them. We are creating a Canadian corporation of a company known as the Buffalo Railway Company. If hon. gentlemen will look at clause 1 of the Bill they will see that the parliament of Canada makes a Canadian corporation of this company, bringing them under the laws of Canada, and it will be as much a Canadian corporation as if every individual in it were a British subject.

Hon. Mr. PERLEY—Who is the president of the company?

Hon. Mr. LOUGHEED—I cannot tell my hon. friend. I doubt if any hon. gentleman here to-day is familiar with ten per cent of those who constitute the directorate of the various corporations incorporated by the parliament of Canada. That is something into which we seldom make inquiry. So long as the parliament of Canada is satisfied of the good faith of the persons making application for charters of incorporation, they very naturally grant a charter for the carrying out of any enterprises they may have in view. I apprehend the Buffalo Railway Company is a well-known corporation. It might not be amiss for me to say that when this Bill was before the House of Commons it was referred to a sub-committee of the Railway Committee, consisting of the present Minister of Railways, the hon. Mr. Haggart, late Minister of Railways, Mr. Borden, Mr. Gibson, who is the member for the district, Mr. Osler, and Dr. Russell, of Halifax. I understand that this Bill was very closely scrutinized by those gentlemen, who are quite competent to protect not only the interests of the Dominion, but to pass judgment on any Bill that may be brought before them. Under these circumstances, what would be the result if my hon. friend's motion should carry? This company, as I have stated, have acquired the assets of the local companies. It would simply place the citizens of the Niagara district, or those having interests in that locality, at a very considerable disadvantage. It would relegate the undertaking to practically the unfortunate position in which it has been, namely, part of it being successful, part of it being a failure, and the results satisfactory to no one. As I understand it, the undertaking is a self-contained undertaking, a loop-line running partly on the United States and partly on the Canadian side, and therefore it must be an advantage to the residents on the frontier that such a railway should be under one management, under efficient management and should have the necessary financial backing to make it a success in all its branches. Under the circumstances, I am satisfied the House will not hesitate to give a third reading to the Bill. If it is any advantage to the House to know it, there are precedents for this. I could point out a list of thirty or forty Acts of incorporation of which this is but a parallel.

Hon. Mr. PERLEY—Down to what year?

Hon. Mr. LOUGHEED—Down to 60-61 Victoria, when the American Bank Note Company was incorporated. If hon. gentlemen will peruse the statutes they will find that since confederation to the present time we have been chartering companies similar to the one whose Bill is now before us.

Hon. Mr. MILLS—Or permitting them to lease roads. The Grand Trunk Railway Company leases the Portland road, and the Canadian Pacific Railway Company, the Short Line Railway.

Hon. Mr. LOUGHEED—The Canadian Pacific Railway and the Grand Trunk Railway are in a very similar position. In fact, there is not an important undertaking in Canada having international dealings with our neighbours, but has found it necessary to obtain legislation of a similar character. All the legislation in this House with regard to international bridges has involved similar measures for Canadians in the United States, and for United States capital-

ists in Canada. No international legislation can be carried out otherwise.

Hon. Mr. CLEMOW—I am inclined very much to agree with the views expressed by the hon. gentleman from Monck. It appears to me that this Buffalo company should have sent a copy of their Act of incorporation, to give us an idea of the conditions imposed upon them by that Act of incorporation. In the committee they endeavoured to find out who was incorporated, their position, and whether they were able to carry out the undertaking. I cannot believe in this company delegating and transferring to a foreign company the exclusive jurisdiction over our highway. It may be law on this side of the border, but if any of us went to the other side of the line and asked the people of the United States to give us similar provisions, I do not believe they would accede to it. I think they would tell us that we were British subjects, and that we could not hold property in that country, and, therefore, they could not give us the exclusive right to manage affairs that pertain to people in the United States. That is the policy they have observed. We all know what the Alien Labour Law is. A Canadian nurse, cannot be employed to work in a United States hospital without being sent back out of the country. I believe we ought to treat our neighbours as they treat us. I do not believe in giving them privileges in excess of what they give us in their country. That is why I object to this Bill. They say in this Bill, that they are bound to comply with the laws of Ontario, but what power have the laws of Ontario over citizens of the United States who do not reside in this country ? They reside on the other side of the line, and we cannot enforce the laws of this country there at all. This is hasty legislation. The promoters should have given us more information and show us that the company can manage the road on this side of the river as well as it has been managed in the past. I do not believe in transferring our lines to a foreign company. We are granting privileges to this company, and by a stroke of the pen they are absorbing our railways. It is unfair to the people of this country, and I hope that something will be done to prevent this in the future. This Bill has passed the House of Commons. I have no doubt it was well scrutinized, but unfortunately the information has not been placed before this House.

Hon. Mr. LOUGHEED—To what does my hon. friend allude ? The petition of the Buffalo Railway Company was before the committee, assigned by its officers.

Hon. Mr. CLEMOW—You mean the Act ?

Hon. Mr. LOUGHEED—No, the petition.

Hon. Mr. CLEMOW—The petition is in general terms. I want to judge for myself whether they are being given excessive power.

Hon. Mr. MILLER—Why didn't you move for it in the committee ?

Hon. Mr. CLEMOW—I did ask for it.

Hon. Mr. MILLER—There was no motion for it.

Hon. Mr. CLEMOW—I want full information before I can give an intelligent decision on any question.

I asked who was incorporated, and they would not give any names. I know nothing about the men. I know nothing about their corporate power, and I am in the dark as to whether we are granting them power in this country that is in excess of what we could obtain in the United States. If they had come forward with necessary information there might have been no opposition to this Bill ; but in the absence of it, I am not prepared to say that these powers should be given to this company.

Hon. Mr. LOUGHEED—I find that upon the petition presented to the committee for this legislation all these companies are owned by the same parties, and this is a matter simply of internal economy by which all the companies are placed under one company, so as to dispense with the cost of management. Instead of there being officials for the three or four companies involved, there will be one set of officials for the whole of the amalgamated companies. They are all the same parties owning the properties.

Hon. Mr. CLEMOW—They are a combine in the interest of certain parties.

Hon. Mr. McCALLUM—Who presented those petitons ?

Hon. Mr. LOUGHEED—They came before the Standing Orders Committee. They do not come before the Railway Committee.

Hon. Mr. MILLER—That is the right place for them.

Hon. Mr. McCALLUM—There was not a word said about it.

Hon. Mr. MILLER—It went through the House, and was sent to the Standing Orders Committee and reported back.

Hon. Mr. McCALLUM—This Buffalo Railway Company is a corporation we are legislating for—if there is such a thing in existence. We have no proof yet that they are in existence.

Hon. Mr. SCOTT—This is a purely sentimental question? It is unfortunate that the name is the Buffalo Railway Company. It appears that for some years United States capitalists have been investing in railways on the Canadian side, and for economy's sake they have decided that it would be very much cheaper to run all those companies under one charter. That is the whole object of this Bill. As to the precedent for it, you have not to travel far from the Niagara frontier. The Canada Southern is owned entirely by a United States company, the Vanderbilts. Their presence in Canada makes them subject to our laws, but their management is entirely in the United States. It has not hurt anybody I presume. Another road was started as a Canadian enterprise—the Toronto, Hamilton, Buffalo and New York Railway—but capital could not be found to take it up. United States capital came and took it up, and it is owned entirely by United States capitalists. It is subject to our laws within the borders of Canada, as this railway company will be subject to our laws. We have a general law passed by the parliament of Canada, authorizing the government of Canada to issue to any foreign corporation the power to come into Canada and do business in Canada, and all they have to do is to name an agent in Canada who will accept service of papers should it be necessary to take legal proceedings against the company. We have in our general policy invited foreign corporations to come into this country. It helps to develop the country, and it does not matter where they come from. In commercial matters of that kind we never hesitate to get foreign capital. On the contrary, we are constantly inviting foreign capital to come in. I do not regard this Bill from the dangerous standpoint that my hon. friend does. It is liable to our laws. The part of it within Canada cannot escape that. It is simply the name that is rather unpleasant to our ears at the present time. The United States policy has not been very satisfactory to Canada, and there is a disinclination to give privileges to those who have treated us in an unneighbourly spirit.

Hon. Mr. ALLAN—There is information desired by some members of the House, and I am sorry to say I cannot give it myself. No doubt the hon. member from Calgary can do so. He has alluded to certain railways, and to the Buffalo Company as being, in fact, the owners of those roads. What some of our members want to know is, not about the railroads but the bridges. It is proposed, as far as I can understand the Bill, to allow four of the bridges across the Niagara River to be acquired by the company.

Hon. Mr. LOUGHEED—Two of the bridges.

Hon. Mr. ALLAN—Are those steam railway bridges?

Hon. Mr. LOUGHEED—No, they are electrict railway bridges. I might say, in connection with those bridges, that according to the charter under which they have been built, the company has a perfect right to dispose of the bridges to whomsoever they may see fit.

Hon. Mr. ALLAN—Then the bridges are in connection with the road?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. ALLAN—They were built to carry the electric cars over them?

Hon. Mr. LOUGHEED—Yes, they were built specially for those roads.

Hon. Mr. SCOTT—The stock of the Queenston Heights Company and the Clifton Company, is held almost exclusively by United States capitalists.

Hon. Mr. McCALLUM—I have made a substantial motion against this in order to have a word in closing. My hon. friend from Calgary suggests to this House that I am always obstructing legislation which may benefit the Niagara district.

Hon. Mr. LOUGHEED—I did not say obstructing—I said opposing charters.

Hon. Mr. McCALLUM—I have always acted, and shall always act, in this House, independently of the wishes of my hon. friend whom I respect very much, because I profess to have as much knowledge of the Niagara district as he has. But here we are getting information now. I have got more information, since this discussion commenced, than I ever had before about this Bill. I never had any before. What is the information we have now ? It is all hearsay. Is there any proof ? Talk of sophistry ! The Minister of Justice comes and lectures us here about what has been done. I am dealing with this Bill, and I say we have not the proper information to support it. It has not been proved to this House whether it is a steam railway, an electric railway, or a horse railway. It has not been proved that the company is qualified to go on with the work. We are handing over the whole frontier of the Niagara district, which is a beautiful country, and the bridges over the Niagara River to United States capitalists. It looks very innocent. My hon. friend talks about a loop-line. I do not see where a loop-line comes in. Where are they going to cross ? At Clifton or Queenston ? The most objectionable part of the Bill is we hand control of those bridges over to a foreign corporation. That was the objection that I made to the member for Lincoln when he urged me to present the petition to the House. He said that would be explained. Have I got the explanation ? I have asked for it, and have been unable to get it. I had the Bill postponed a day in order to get an explanation, and it is only now dribbling out from some members of the House. I want to do my duty to the Niagara district, to Canada and to the empire. I remember what took place in 1865-6. I know that I stood up once on behalf of this country to be shot at, and I do not know but I shall have to do it again—to be shot at by these very people who will not allow us to go across the river and get a day's work—who will not allow us to hold an acre of land there. I would be less than a man if I did not raise my voice against this iniquitous Bill. I have been thirty-three years in parliament, and as far as my knowledge goes, I never saw such a measure presented to parliament before. If we pass this Bill in its present shape it will not redound to the credit of the people of Canada. The hon. gentleman from Calgary says that the House of Commons has consented to this Bill. How much attention does he pay to other Bills that the House of Commons pass We are here to do our duty, and I wish to do mine, as far as in my power lies. I hope that there is independence enough in this Senate to show that we will not hand over the whole of the Niagara frontier to United States citizens, not knowing who they are. They may be anti-British, for all we know, and they may possibly be our best friends, but they are not British subjects.

Hon. Sir MACKENZIE BOWELL—This is an illustration of history repeating itself. I dare say the Minister of Justice will remember that fifteen or seventeen years ago, when the hon. member from Monck and the Minister of Justice and I were in the House of Commons, I then took very strong objection to a Bill which was introduced to incorporate an iron company giving it all the corporate powers which the State of Ohio could give it, and the parliament of Canada incorporated that company without even knowing what the powers were that were given by the State of Ohio. It recognized the existence of the company. It gave them the powers that the company had in that state to carry on mining operations in my own county and in my own riding ; that is, the development of the iron ores and the bringing them to the front, and certain other powers. I took very much the ground then that the hon. gentleman from Monck has taken, but you can look at the different Acts of parliament and you will find quite a number of them of a similar character. As has already been pointed out, in their charters they are simply described as the corporation of New York, the banking company of New York, or some description like that. They are given certain powers. Their names are not mentioned, but simply the name of the company to carry on the engraving of bank notes, or something of that kind The other one to which I allude goes a little further than this ; whether the hon. gentleman from Monck remembers that or not I do not know, but I have a distinct recollection from the fact that the operations that were to be carried on by this company were in the riding I then represented. In the present

case we are asked to give powers to a company in Canada to do a business legally and under the supervision of the laws of this country, which they are now doing without an Act of parliament to incorporate them. I do not know who compose this Buffalo company, and I do not know whether there are Canadians in it. The old bridge that united the Canadian side of the Niagara River with the United States side, known as the Grand Trunk bridge, formerly the Great Western before the Grand Trunk Railway acquired that line of railway, belongs exclusively to the Grand Trunk Railway. That is a Canadian company, in existence through English capital. Then the Cantilever bridge, immediately to the west of it, I understand, belongs exclusively to the Vanderbilt system. It is built by United States capital and enables the Canada Southern railway, which takes its western terminus at Detroit, to cross over into the state of New York. The Suspension bridge that connects Buffalo with the Canadian side belongs to the Grand Trunk Railway principally, and certain United States capital I believe is invested in its construction; and then, again, whenever a bridge is built across the Niagara River, whether it be built by Canadian enterprise or by United States enterprise, it has first to receive the sanction of both governments before it can be constructed. The question of where the money comes from to build it has never been one that has been considered, so far as my recollection serves me. We have an instance of it at this moment in that bridge at Cornwall between Ontario and the State of New York. I believe nearly all of that capital is United States capital, though the parliament of Canada did bonus the road which runs from Cornwall into the city of Ottawa; but the rest of the capital used in building the road is United States capital. If I thought that this was handing over the great highways of this country to a foreign company, which they could control at any time to the disadvantage of Canada, as seems to be impressed upon the mind of the hon. gentleman from Monck, I think the Senate would go just as far as the hon. gentleman himself to prevent any evil of that kind being perpetrated upon us. But to my mind the whole thing is in a nut shell. I took the same view the hon. gentleman did when I first began to consider it. Here is an electric railway built by Canadian and United States capital. I think our railway magnates in Canada invested a good deal of money in it. I know my hon. friend who sits behind me—had an interest in it, because I laughingly chaffed him in committee about how much he had made out of it. That road has not proved a financial success. They have lost most of the money which they put into the road at Queenston running up to the park. The United States corporation had a road running from Niagara Falls. I believe it has been since extended to Buffalo, and extends eastward down the gorge of the river to the rapids, at the foot of the hill running to Queenston, whilst the road on the Canadian side is on the top of the bank. They have amalgamated their different interests. This Buffalo company, which I suppose is composed of United States capitalists, have acquired all the interests and rights of the Canadians who held stock in the Electric road in Canada; and now they say, 'owning all this, and owning the bridges as well—because the bridges belonged to these private companies —we want to unite our different interests in one, so that we can carry on our business subject always to the laws of Canada so far as our operations in Canada are concerned.' That is the way I understand the matter, and that being the case, I should not like to see the Bill thrown out. It has been asked if the bridges are the ordinary railway bridges over which the Grand Trunk Railway or the Canada Southern pass ?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—I have been over the bridges, and they are purely for the purposes of the electric railway and carriageways and ordinary passenger traffic. That is what the bridges were built for and used for, and not as ordinary railway bridges. The railway companies have their own bridges ; that is the Cantilever bridge owned by the Canada Southern, and the old bridge that has existed there for a long time, and a new one has been constructed lately owned by the Grand Trunk Railway Company. Then the one at Buffalo is owned jointly by the different railway interests in Canada, and they run over it. These are the facts connected with this company. I should like to see, in all these Bills where powers are given to foreign

railways, a schedule showing what powers they have in the other country.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Providing we attempt to give them similar powers here. But all we are asked to do now is to enable them legally to take possession of the different enterprises and works on this side which they have acquired and subject them to our laws. The question is whether we should prevent that or not. If we prevent it, they will go on and do business just as they have done, and nobody will interfere with them. They have the bridges and will use them to the best possible advantage. They have acquired all the interest in the Canadian electric railway, and they will run that to the best advantage and perhaps at a greater cost, and perhaps not in so legal a manner as under this Bill. Under those circumstances I should not feel satisfied in voting for the six months hoist.

Hon. Mr. O'DONOHOE—I rise for the purpose of removing what I believe is a misapprehension in regard to the present Bill. From the arguments advanced by my hon. friend behind me (Hon. Mr. McCallum) it would seem as if we were substituting one set of stockholders for another. If we were going to change the lie of the land, going to change the roads, or going to change anything, it would be a different matter. All that we are asked to do, as I understand it, is to permit several corporations, who now possess the very same field that will be possessed by the corporation contemplated by this Act, to combine, and form one corporation.

Hon. Sir MACKENZIE BOWELL—That is it.

Hon. Mr. O'DONOHOE—The several companies now existing find, as a good many other companies have found, that several companies cannot be managed as economically as one company can. We find our large monetary institutions amalgamating, and they do not change their stockholders, or capital, or offices. All that is done is that the parties concerned come together and say: 'We can manage those five or six corporations by one corporation for much less than we are paying.' We are not changing those corporations that exist at present. We are not taking the capital from the United States and bringing it into Canada, nor are we taking capital out of Canada and placing it in the United States. The capital will be precisely the same after the Bill has become law as it is at present. There will be no change made in it, except a change for economy: and is this parliament to object to the parties who are interested making the most economical arrangement for the management of their concerns? Surely not. We do not do it in any other instance. The proximity of one country to the other at that point has nothing to do with the question. It will not change the banks of the river or the river itself, or change the railway. It will do nothing more than make a large corporation out of several corporations that exist now. That is, as I understand, what is contemplated by this Bill. If that is so, why should we draw the distinction in this case, and not treat them the same as any other corporations coming before us for amalgamation All that they ask for is amalgamation. They do not ask a change of stock, or change of place, or anything else. All that is asked is that we give them leave to operate under one charter, to make it less expensive and more profitable to the owners. As to the other matters spoken of foreign to this transaction, it seems to me to be a misapprehension, and we should endeavour to find what the point is that this Bill asks for. The point is that there are five or six small corporations, losing money, perhaps, by the expensiveness of their management, and the people whose money is invested in these corporations come before us and ask to be allowed to amalgamate so that they can make more money, and make the business more profitable. I should say it is impossible for any reasonable man to draw a distinction between the amalgamation sought here and any amalgamation that is sought under any Act of incorporation in the whole Dominion. In Toronto we find four or five monetary institutions, one of them up in the millions, coming before parliament for power to amalgamate, and in no case have they been refused the right: and the chief reason advanced for the amalgamation sought is that the operations of one corporation can be more cheaply conducted than

the operations of several companies. There are less leaks and more profit, and no people can understand better what is to their interest than those whose money and capital are invested, and those people who invested their money are the people who are before us to-day asking to be allowed to amalgamate.

Hon. Mr. McCALLUM—Who are they ?

Hon. Mr. O'DONOHOE—I know a good many of them, but I do not think it is necessary to state their names. If we were making a change of stockholders or anything of that kind, it would be a different matter. But we are not doing that. We will have the same stockholders and the same parties interested under the new company as are now engaged in the several corporations. I think the real question here is, are these people entitled to the amalgamation asked for by this Bill ? If they are we should give it to them without regard to where they live or where they come from.

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

Contents :

Hon. Messrs.

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Clemow,
Cochrane,
Landry,
Macdonald (P.E.I.),
McCallum,
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Montplaisir,
Perley,
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Non-Contents :

Hon. Messrs.

Allan,
Almon,
Bolduc,
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Burpee,
Carling (Sir John),
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Gowan (C.M.G.),
King,
Kirchhoffer,
Lougheed,
Lovitt,
McDonald (C.B.),
McKay,
McKindsey,
McSweeney,
Miller,
Mills,
O'Brien,
O'Donohue,
Power,
Primrose,
Prowse,
Scott,
Snowball,
Templeman,
Vidal,
Watson ,
Wood,
Young.—33.

Hon. Mr. LANDRY—Read the names.

The Clerk then read the names.

Hon. Mr. LANDRY—I call attention to the fact that the hon. gentleman from St. John has not recorded his vote. He must have some constitutional reason for not doing so.

The motion for the third reading of the Bill was agreed to on the same division, and the Bill was read the third time and passed.

COMPANIES' CLAUSES ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (X) ' An Act to amend the Companies' Clauses Act.'

Hon. Mr. LOUGHEED—In supplementing what I pointed out to my hon. friend last night I would point out that since yesterday I looked into it and I find that this Act will not extend to the companies incorporated under the Companies Act.

Hon. Mr. SCOTT—It applies to companies incorporated by charter.

Hon. Mr. LOUGHEED—It does not extend to companies incorporated by Letters Patent ?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—Not intended so to do ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Does not the Companies' Act give power to companies organized under Letters Patent to change the number of directors, and also to make any other amendment they desire to make ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I know it does as far as the reduction of the numbers of directors is concerned. I know that from experience. All you have to do in that case is to give notice in the *Official Gazette* that you desire to make this change. We had the same thing in a company with which I am connected. We reduced the directors to three, but we could not do that without first advertising in the *Gazette* what we intended to, and then call a meeting of the directors and pass the by-law. My impression is that if you desire to change the head office from the city of Ottawa to the city of Toronto, for instance, you can do it in the same way, although I am not positive.

Hon. Mr. MILLS—I cannot say as to that. My hon. friend mentioned the matter yes-

terday, and I was too much engaged to look up the statute.

Hon. Mr. LOUGHEED—I understood from my hon. friend yesterday that the Bill was of sufficiently wide scope to cover companies incorporated under the Companies Act, and I mention the matter for that reason.

Hon. Mr. SCOTT—We embody what is called the Companies' Clauses Act in our own legislation here. They are not necessarily embodied in the powers given to companies that are incorporated under Letters Patent.

Hon. Mr. LOUGHEED—They are not embodied at all.

Hon. Mr. SCOTT—The Companies' Clauses Act Bills are introduced for the purpose of shortening legislation. We name certain sections and exclude certain sections. Companies incorporated by Letters Patent would have the power themselves to change their head office from time to time. They have powers for regulating the allotment of transfer, declaration of dividends, term of service and so forth.

Hon. Mr. LOUGHEED—What does the hon. gentleman refer to ?

Hon. Mr. SCOTT—That is the Act incorporating companies by Letters Patent. They regulate the time and place for the holding of the annual meetings of the company, and calling of meetings, regular and special, and so on. They have all those powers. This Act is not disturbed in its provisions by the amendment made by my hon. friend. They are limited to what is called the Companies' Clauses Act.

Hon. Sir MACKENZIE BOWELL—There was another point to which attention was called: that is whether under this 6th clause the head office of the company could be changed to a city or town out of Canada. It seems to me a little ambiguous. The clause reads :

> The company may, from time to time, by by-law, change the locality of its head office or may change its principal place of business.

That is they can change the office or they can change the principal place of business, but it says when you change the place of business in Canada—do the words 'in Canada' apply to the head office ?

Hon. Mr. MILLS—I think that is perfectly clear, because it says head office, or principal place of business.

Hon. Sir MACKENZIE BOWELL—One or the other.

Hon. Mr. MILLS—These are not put as two distinct places, but two alternative names for the same place. The principal place of business is the head office, and that being in Canada, it may be changed to any other place in Canada, but not out of Canada.

Hon. Mr. DeBOUCHERVILLE—If there is a doubt about it, we might add the words 'provided the change takes place in the Dominion of Canada.'

Hon. Mr. MILLS—That would imply that the words in the Bill would mean somewhere else, without that addition. If the House thinks it is not sufficiently clear as it is, I do not object to try to make it clearer, but I think it is clear that the head office or place of business may be changed to another place in Canada, and not to a place outside of Canada, say to the United States.

Hon. Mr. DeBOUCHERVILLE—Take any company acting here ; its place of business is in Canada. You say it can change its place. What is to prevent it going to New York ?

Hon. Mr. MILLS—Because it is changing it out of Canada.

Hon. Mr. LOUGHEED—We could not say a company had power to change its place of business from Canada to some other country.

Hon. Mr. DeBOUCHERVILLE—There is nothing to prevent it. There is nothing to prevent a Canadian company having its head office in London. We have a company like that already.

Hon. Mr. MILLS—No Act of the parliament of Canada can operate as an Act outside of the boundaries of Canada. I think that is perfectly well settled.

Hon. Sir MACKENZIE BOWELL—Does that prevent a company organized in Canada establishing their head office outside of Canada ? Because the Grand Trunk Railway is operating under a Canadian charter while its head office is out of Canada.

Hon. Mr. SCOTT—They are permitted to have their head office out of Canada.

Hon. Mr. LOUGHEED—The whole of the Grand Trunk corporate machinery must be England, and its legislation is necessarily Imperial.

Hon. Sir MACKENZIE BOWELL—They are not organized there as a company, I think.

Hon. Mr. MILLS—The Privy Council has held that an alien who has become domiciled in a colony, and become a citizen of that colony, at once becomes an alien when he goes beyond the limits of where citizenship was conferred upon him. For instance, a man from France, a Huguenot, settled in Virginia, and became a British subject under the laws of that colony, and built a ship there and put on board a cargo of tobacco, and took her to London. She was seized in London as a ship owned by an alien trading between a colony and the mother country.

Hon. Mr. DeBOUCHERVILLE—How long ago ?

Hon. Mr. MILLS—A good while ago, but the doctrine is the same to-day, that a colonial statute does not operate beyond the province in which it has been made law. When you go three miles out at sea, you are from under the jurisdiction of that statute, and come under the jurisdiction of the Imperial parliament. That was decided in the case of Rutlidge and Low.

Hon. Mr. DeBOUCHERVILLE—If you go out three miles to sea you are a British subject still ?

Hon. Mr. MILLS—If a man is made a British subject by a colonial statute, unless there is some Imperial statute declaring that it shall operate to make him a subject beyond the province, he is an alien when he goes beyond the limits of the province. A United States citizen coming into Canada before the Act of 1871, and becoming a British subject, on going beyond the bounds of Canada would be a United States subject again.

Hon. Sir MACKENZIE BOWELL—Then if he went to England he would not be a British subject.

Hon. Mr. MILLS—No. That has been made right by modern legislation.

Hon. Sir MACKENZIE BOWELL—By what right does the Grand Trunk Railway Company hold its head office in London, unless by an Imperial statute ? I never heard that they had any Imperial legislation.

Hon. Mr. LOUGHEED—They have issued all their debentures in England, and they must necessarily have Imperial legislation.

Hon. Mr. MILLS—We may give them the capacity when we incorporate them, but it is simply an enabling power so far as we are concerned.

Hon. Sir MACKENZIE BOWELL—As there is a doubt about this, why not make it plain ?

Hon. Mr. LOUGHEED—Why not say : 'to any other place in Canada' ?

Hon. Mr. MILLS—I have no objection at all.

The Bill was amended accordingly, and read the third time and passed as amended.

THIRD READINGS.

Bill (12) 'An Act respecting the safety of ships.'—(Hon. Mr. Mills.)

Bill (169) 'An Act to incorporate the Dominion Canadian Rifle Association.'—(Hon. Mr. Scott.)

Bill (175) 'An Act respecting the Ottawa and Hull Fire Relief Fund.'—(Hon. Mr. Clemow.)

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (110) 'An Act to amend the Weights and Measures Act.' He said : This Bill deals with two or three matters which are outside of the ordinary affairs regulated by the Weights and Measures Act. The first is with regard to the character of apple barrels. The second is with regard to the selling of eggs by weight. The third is with regard to the length of binder twine in a ball, and penalties for contravention. The fourth matter relates to salt—the quantity that constitutes a barrel of salt, and also a provision requiring that salt in bags should be weighed and the net weight

marked upon the bag. These are all the matters that are dealt with in the Bill. I have not compared the provisions with regard to the size of apple barrels with the provision of section 18, which, I think, can be more conveniently done when we go into committee on the Bill. I have contented myself with ascertaining what are the general provisions of the Bill, and in what respect it undertakes to amend the Weights and Measures Act.

Hon. Mr. FERGUSON—This question, especially in its reference to the size of the barrel, coming before us now, is enough to convince hon. gentlemen in parliament that it is not desirable that the House should take too much on trust from departmental officials or anybody else, because when we do we often find that we are passing something that we have not correctly appreciated. I remember when a Bill on this subject was before us last year, chapter 28 of the statutes of last session, that after looking at the Bill I came to the conclusion that it was prepared by those who knew a good deal more about the subject than we did, and therefore we could assume it was right. It was found, soon after last year's Bill became law, that we had actually legalized a barrel for the sale of apples in Canada larger than the barrel authorized in the United States and larger than the Ontario flour barrel. It was difficult to understand why such a barrel should have been attempted to be legalized. It was nevertheless legalized by the Act of last year, but which does not come into effect until the first July of this year, and therefore parliament has still the matter in its hands to provide for a different barrel before that Act comes into operation. I have given this a good deal of consideration, and consulted with parties in Nova Scotia and Prince Edward Island who are engaged in the apple industry, and who understand this question very well, and with regard to the barrel authorized in the Bill now before us. I find that there is a very general satisfaction with the description of barrel contained in this Bill, and the objection they have, and which I think, is a very strong one, that it permits of the use of a larger barrel, and admits possibly of a barrel of apples meaning one thing in one part of Canada and something else in another part of Canada. The barrel described in clause one of this Bill is described very exactly and appears to be a barrel which meets the requirements of the business, altogether, but it is permitted that parties may use a larger one.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—That being the case, it will not ensure that uniformity—that clear understanding that it is desired to have in the transaction of business, if it is possible that a barrel may mean a different capacity in one part of the country from what it does in another. I understand that a good deal of pains has been taken to get the views of those dealing in apples, potatoes and other things as well in different parts of the country, and to endeavour to secure unanimity of opinion with regard to the size of the barrel that should be used. I find, however, that in the Bill, that point has not been reached, and that it is permissible to use a larger barrel. We find section 18 reads :

> 18. All apples packed in Canada for export for sale by the barrel in closed barrels shall be packed in good and strong barrels of seasoned wood, having dimensions not less than the following, namely: twenty-six inches and one-fourth between the heads, inside measure, and a head diameter of seventeen inches and a middle diameter of eighteen inches and one-half, representing as near as possible ninety-six quarts or three bushels.

I think this conforms to the barrel used in packing apples in the United States ? It is a great pity that we could not settle on one barrel for the whole of Canada, and then we should have a uniform barrel in Canada and the United States. I do not see why we could not get perfect uniformity as to the size of the barrel. I notice subsection 2, of this clause goes on to deal with quinces, pears, potatoes, &c. It says :

> 2. When apples, pears, quinces or potatoes are sold by the barrel, as a measure of capacity, such barrel shall not be of lesser dimesions than those specified in this section.

and subsection 3 provides :

> 3. When potatoes are sold by weight, the weight equivalent to a barrel shall be 175 pounds.

By reading that section in connection with subsection 1, this barrel is to hold ninety-six quarts, or three bushels. I think we should say, when speaking of the weight of potatoes, that a barrel should be one hundred and seventy-four pounds, or three bushels. If it is three bushels when filled

with apples, it must be three bushels when filled with potatoes.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—My reason for taking that view is, that already, in the first section describing a barrel as holding as nearly as possible ninety-six quarts or three bushels, we have thereby settled what a barrel of this capacity shall hold—it is ninety-six quarts or three bushels. When we come to potatoes we say the weight of a barrel—I presume the same barrel—shall be one hundred and seventy-four pounds. Why not go further and say that that shall be three bushels? I know the objection that will come in here will be that in the Weights and Measures Act section 16, provides that the weight of a bushel of potatoes shall be sixty pounds, and sixty multiplied by three would be one hundred and eighty pounds, and consequently six pounds more than this barrel is stated to contain, and this would be a discrepancy, but there is a discrepancy any way. By subsection 1 of this Bill before us we provide that a barrel of these dimensions shall hold ninety-six quarts, or three bushels. Further down we are providing that that barrel, when filled with potatoes, shall weigh one hundred and seventy-four pounds. We are therefore declaring that a bushel of potatoes shall be less than sixty pounds?

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—What barrel is referred to? Surely it does not mean any barrel, but the barrel we have been describing. Therefore we should, to make the matter consistent, say that that should be three bushels the same as when the barrel is filled with apples, and amend section 16 of the Weights and Measures Act by making the weight of a bushel of potatoes correspond with what they are doing in this Bill. That is my view. I think really sixty pounds is too much for a bushel of potatoes, for this reason: if hon. gentlemen will turn to section 19 of the Weights and Measures Act they will find it states that the measure shall not be heaped, but filled as nearly to the level of the brim as the size and shape of the article permits. This renders heaping illegal. I know the Imperial bushel, unless it is heaped, cannot be made to contain sixty pounds of potatoes; but the practice in our province has been to heap the bushel. It is strictly at variance with the Dominion statute which says it shall not be heaped. Under these circumstances, I think it would be well, when this Bill is before us, to try if we could not get these discrepancies, which are plainly to be found, removed, so that a bushel, as fixed in section 16 of the Weights and Measures Act, and the barrel described in the first subsection of the Bill now before us, and the barrel spoken of in subsection 3 of the Bill, should be harmonized both for apples and potatoes. It may be that this measure has received all the consideration it could get at this time, but I hope it may be possible to go over the matter perhaps with still greater care, and that we may get legislation on this subject which will remove all discrepancies, and particularly those I have just now referred to. With regard to the other parts of the Bill I have no comment to make, with the exception of the second section—the standard of eggs:

> When eggs are described as sold by the standard dozen, the dozen shall mean one pound and a half.

I have no precise information on this subject. I hope, however, that we are not legislating in the dark on this subject, as we evidently were on the apple question last year, and while it may be a very good thing to recognize the proper weight of a standard dozen of eggs, so that those who produce a breed of poultry of such a character as will produce larger eggs for the market will be encouraged, and will receive as they should receive, a price in proportion to the size—while it is desirable that should be done, I hope that care has been taken that the weight, as compared with the dozen, may be approximately accurate as relating to the average of eggs produced in this country.

Hon. Mr. MILLS—The hon. senator has referred to the defects in the Act of last year. The Act of last year was made precisely what apple producers asked for. They passed a resolution and made representations to the department, and the department made the barrel to suit them. The hon. gentleman shakes his head, but I am giving information which I obtained from my colleague, who, when this matter was under discussion, referred to the representations

made to him, and the legislation that was had in accordance with those representations; so that if there was a mistake last year, it was a mistake of the apple-growers, and the mistake of the department was simply in conforming to their wishes. The hon. gentleman has expressed his regret that the barrels are not of uniform size. We could make them uniform by declaring that the flour barrel should be the apple barrel as well. That is not what the apple-growers of the maritime provinces are asking for, but it is what the apple-growers of the province of Ontario are asking for. We do in Ontario what our friends do not do in the maritime provinces. We produce a very considerable quantity of wheat for the market, which is converted into flour, and there are, in the towns and villages where the manufacture of flour is being carried on, also establishments for the manufacture of flour barrels. It is easy for a farmer who has a large orchard to go to a manufacturer and buy barrels made for the purpose of packing flour, and they serve his purpose for packing apples; but if he were to ask for apple barrels specially he could not get them. The manufacturer would not take the trouble to make them for him—at all events, manufacturers have not done so heretofore, and it is a matter of great convenience to the apple-growers of the west, who are a numerous class and produce immense quantities of fruit in some seasons, to be able to get barrels for the purpose of packing their apples—a decided advantage to be able to get them from those who make flour barrels. It was a necessary provision, if the law is to conform to the wishes of the population instead of the population being made to conform to a hard and fast law. Now, with regard to the measurement of potatoes, sixty pounds are declared in the statute to be a bushel. I do not think that weight is excessive. If my hon. friend were undertaking to buy very large potatoes by the quart, he would find a good deal of difficulty in not having more space unoccupied in his quart than he would like to have occupied by the potatoes. And so it must be borne in mind that ninety-six quarts represents salt measure, or dry measure, or liquid measure, and so of the barrels spoken of would hold ninety-six quarts of water or spirit, and it will hold, according to its measure of capacity, ninety-six quarts of potatoes. But there is a good deal of unoccupied space, especially if the potatoes are large: and the average weight of a barrel of potatoes, the barrel itself containing a space of ninety-six quarts, will not be more than 174 pounds: and so it was declared that when potatoes are put up in barrels, as you put up apples, barrels of a capacity of ninety-six quarts, that the weight shall be 174 pounds: but that will still leave the bushel of potatoes by weight, when sold by the bushel, to be sixty pounds, and I do not think that is an unreasonable arrangement for the weight of potatoes. With regard to eggs, hens are not a very intelligent class of creatures, and they do manage to lay egs that vary greatly in size, and it does seem to me that when parties go upon the markets, as they do in all the towns and cities, to buy eggs, and buy them by the dozen, they should have an opportunity of saying: 'You shall not give me a dozen small eggs; you must give me a pound and a half.' If the eggs are small they may insist upon their being weighed instead of being counted, and I think that is not an unreasonable provision, and it is one that has been frequently asked for and brought under the attenton of the Department of Inland Revenue.

Hon. Sir MACKENZIE BOWELL—Could the hon. member state whether that is the weight of a dozen eggs as recognized in England and Europe? The difficulty with the egg buyers in England in particular, has been the size of the egg. There they are purchased by weight, and I am inclined to think that this weight must be nearly correct from the fact that it was suggested and incorporated in this Bill by the member for one of the Hurons (Mr. McMillan), who is a practical farmer and an exporter of cattle, and I think also of eggs, and when I first read the discussion in the House of Commons, I puzzled myself in thinking over the matter, but when he suggested one pound and a half I supposed that this would be in accordance with the weight of the article in England.

Hon. Mr. PRIMROSE—Where the hens are more intelligent.

Hon. Sir MACKENZIE BOWELL—Oh no. The cocks may be: I do not know. I think it is a good provision and more particularly

in reference to the export. It may be a small matter but when we consider the quantity of eggs sent from this country to England and the necessity for having a good quality, it is just as important to have a good article as it is in the matter of apples. There is no population in the world that panders, if I may use that expression, so much to appetite as the English people, and if you want to have a profitable market there, you must send an article that they will buy and consume. I do not know whether my hon. friend knows what the weight in England is.

Hon. Mr. MILLS—I could not say. I daresay the department has the information. I will make inquiry and find out upon what they have acted. Of course this pound and a half means two ounces to the egg.

Hon. Sir MACKENZIE BOWELL—The best fowl in the world are imported from England.

Hon. Mr. FERGUSON—We can discuss this in committee, but while my hon. friend, the leader of the House, is strictly correct in saying that the barrel described in the Bill of last year was the barrel requested by the Fruit-Growers' Association of Nova Scotia, yet it is necessary to explain that long before the legislation took place the Nova Scotia Fruit-Growers' Association discovered the error that had been made. They had applied to some experts to get a technical description of a barrel which they thought would be an equivalent to the United States barrel. That is what they were aiming at, and they got this description, and made it the basis of their application to the government for a uniform law, and my hon. friend is quite right in saying that this description came to the government from this authority. That is quite right, but it is equally correct that as early as January 1899, the Fruit-Growers' Association discovered the error that they had made, and called the attention of the Minister of Militia, who was attending a meeting of the association, and the Minister of Agriculture who was also present, to the error and to the necessity of having a different description put in the Bill, and therefore they were perfectly amazed when they found that, notwithstanding that they had asked for a change in that respect, a mistake had been made, and that the description of the barrel which they found to be an erroneous description before it became law, nevertheless was made law.

Hon. Mr. MACDONALD (P. E. I.)—I think we are meddling very often with the law in respect of Weights and Measures, and people are really getting confused as to what the intention and purport of the law is.

Hon. Mr. PROWSE—Hear. Hear.

Hon. Mr. MACDONALD (P. E. I.)—Last year we passed a law respecting apple barrels and we found it was impossible to procure the barrels described by the Act. It would have given a great deal of dissatisfaction in the country if that law had been enforced, because it described the particular kind of barrel, not a flour barrel, not such a barrel as is ordinarily used, but one which was made on some principle by turning off the round of the log. With respect to the Act now before us, I think we are not legislating in the proper direction when we are describing a different mode and measure for the sale of potatoes from that which is at present the law. The law just now is that sixty pounds of potatoes is a bushel, and we are making a new measure altogether. That matter of the weight of potatoes is a subject which has often come before the legislature and the House and after being discussed for a number of years it was settled at sixty pounds to the bushel, that being the proper weight for a bushel of potatoes. I think it is wrong to interfere with a matter which is thoroughly settled and set at rest as that has been. If we say a barrel of potatoes is to be 174 pounds, we are making an entirely new departure. An ordinary barrel of potatoes would not weigh 174 pounds, and it is very doubtful in my mind whether the barrel that is described here, if used for potatoes, would contain that quantity.

Hon. Mr. MILLS—It has been tried.

Hon. Mr. MACDONALD (P. E. I.)—Not having been able to try it, I could not say positively. I am merely giving my opinion. Now, fixing a weight for a number of articles which are usually sold by measure, is an uncalled for proceeding. To enact that the apple barrels shall contain a certain weight is, I think, going to lead to a great deal of

difficulty. It is not made compulsory, but why should it become law if it is not compulsory? If we make a law it should certainly be compulsory, to some extent at any rate. Then, again, we are interfering with something to which I have never heard an objection, namely, the mode in which eggs are to be disposed of in the market.

Hon. Mr. MILLS—Constant complaints have been sent to the department.

Hon. Mr. MACDONALD (P. E. I.)—We could get ten or eleven eggs in our country to weigh a pound and a half.

Hon. Mr. CLEMOW—It is a great complaint in England ?

Hon. Mr. MACDONALD (P. E. I.)—There is another objection with respect to salt. This provision respecting the marking of salt might answer very well for salt that was put up or manufactured in Canada, but an immense quantity of salt comes in bags from the Old Country. Some 60,000 bags came in the other day to Charlottetown in one steamer. It is going to be a serious matter to those who are buying the salt if they have to mark the thousands of bags that pass through their hands in a short space of time, and it is no benefit to the purchaser. The salt is purchased by the ton, and the purchaser gets the number of bags he requires to the ton. They come out without any mark of weight upon them, and it is going to be a serious tax if the parties have to mark the weight on the packages.

Hon. Mr. PERLEY—In the next Bill on the Order paper, the Grain Trade Bill, there is a provision that the farmers cannot knowingly mix the grain, and if they do they are liable to a penalty. I think we should have something of that kind in this Bill, because when we buy apples in the North-west we find that the apples at the top and bottom of the barrel are much better than those in the centre. I think we should have some provision made with regard to apples. I would rather have a barrel with a hundred pounds of good apples in it, than the barrels of apples bought last fall.

Hon. Mr. MILLS—We can discuss the details in committee to-morrow.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 20, 1900.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DEMURRAGE ON I. C. R. CARS.

INQUIRY.

Hon. Mr. WOOD inquired :

What are the regulations now in force upon the Intercolonial Railway in respect to demurrage upon cars?

Hon. Mr. MILLS—The regulations regarding demurrage on the Intercolonial Railway are the same as on other Canadian railways, excepting in regard to lumber for export; they provide, that when cars are detained over forty-eight (48) hours, after arrival and placing for loading or unloading, a charge of not less than one (1) dollar a car, or part thereof, will be made. Cars containing coal, coke, cordwood, common lumber, bark, stone for paving, lime and ore, are allowed seventy-two (72) hours for unloading. Sundays and legal holidays in all cases not counted. In regard to export lumber, we do not enforce these rules. John Earls, chairman, classification committee and manager car service department, Toronto, considers all claims for refunds. Four wheeled cars are charged fifty (50) cents a day.

UNLOADING OF CARS ON I. C. R.

MOTION.

Hon. Mr. WOOD moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing:—1. Which of the cars enumerated in the return to an address of the Senate, dated May 7, 1900, as having 'arrived at Halifax and St. John, respectively, previous to April 10 last and which had not been unloaded at that date,' have been since unloaded.

2. Dates upon which such cars were severally unloaded.

3. Amount of demurrage collected on each car.

He said : The returns which I asked for on May 17, 1900, has since been submitted to the House. I assume that very few hon. gentlemen have taken the trouble to peruse that return, and I, therefore, ask the permission of the House to call attention to some of the main features embraced in it. When made the motion for this re-

turn, I observed that complaints had been made that the detention of cars was becoming a very serious grievance. The hon. leader of the House thought that there could not be any real grievance, for the reason that these rules respecting demurrage were in force, and that the shippers of goods or owners of goods would find it expensive allowing the cars to stand unloaded and paying demurrage upon their goods. The return which has been brought down, however, shows that this grievance is not an imaginary one. I find that in Halifax on April 10, there were 376 cars standing in the yards unloaded, that one of these cars arrived there so long ago as July 25, 1899, and had, therefore, been standing eight months and sixteen days, that two others arrived August 31, 1899, and two more in September, so that these four cars had been standing there upwards of seven months; that four more had been standing there upwards of five months, thirteen more upwards of four months, forty-four upwards of three months, thirty-two upwards of two months, and ninety-eight upwards of one month, forty-two between three and four weeks, fifty-nine between two and three weeks, and seventy-one between one and two weeks, while only six had arrived within one week. So that of these 376 cars, 370 had been standing in the yard over a week, and more than half of them over a month. The condition of things in St. John was not so bad, although it was bad enough.

Hon. Mr. FERGUSON—Where was this point?

Hon. Mr. WOOD—This was in Halifax. In St. John, one car had been standing there as long as three months, nine cars upwards of two months, twenty-three cars upwards of one month, three cars between three and four weeks, fifteen cars between two and three weeks, and eighty-four cars between one and two weeks, while 116 had arrived within a week before the return was brought down.

Hon. Mr. FERGUSON—The 116 were also there.

Hon. Mr. WOOD—Yes, but they had arrived within a week, and the 135 had been standing there a longer time. It will thus be seen that at these two points there were upwards of 500 cars that had been standing and were unloaded for what I should regard as an unreasonable length of time, over a week at all events, and if the rule to which the hon. gentleman has just referred, is a reasonable rule, that cars should be unloaded within forty-eight hours after their arrival, it is clear that these cars have been allowed to stand much longer than they should have. I desire to say just here, that I merely moved for the returns at these two points, because I thought if I moved for returns at a number of points, it might be a long time before I would get the return, and April 10 was merely fixed because we had to name some day, in order to get a satisfactory return. I sent a copy of the return to a gentleman who has a great deal of business with the Intercolonial Railway, and who has made complaints with regard to this grievance, and I have since received a letter from him, from which perhaps it would be interesting to read some extracts. After expressing the desire that this matter should be straightened out in some way, and some regulations made, demanding the discharge of cars within a reasonable time after they are delivered at the station, he goes on to say:

> I may mention that even the return which we have received does not by a long way cover the grievance, nor even fairly represent the case, because large numbers of cars were left on the sidings at the various railway stations at which they were loaded for weeks together, and were not brought forward here, mostly, I presume, because there was not room, as the entire station yard would be blocked with the large number of cars which are shown as here in the return furnished you.

It is evident that this regulation, with regard to demurrage, which appears to be the regulation enforced on all railways, is not sufficient to meet this case and that some other measures should be adopted. It will be seen that while this may be advantageous to certain individuals to have the cars of the Intercolonial Railway used as a storehouse for their goods, whether it be lumber, coal, agricultural products or any other goods, it is a great inconvenience to the general public and from the letter which I have just read it will be observed that it affects the public first, by making a scarcity of cars so that persons who desire to ship goods are not able to do so when they want to; and, in the second place, it prevents the dispatch of business at these different ship-

ping ports. Where the stations are blocked with cars it is difficult, when other cars arrive, to have them unloaded and despatched within a reasonable time. The inconvenience of this must be obvious to every one. In these days persons who make contracts for the delivery of lumber or agricultural products or manufactured goods, are often bound by their contracts for prompt delivery, and it is very important, in dealing with a railway that they should be able to secure cars and have their goods forwarded and delivered promptly. It is not, therefore, merely a question of the loss which the Intercolonial Railway may sustain by having its cars lie idle, but it is a question of general public convenience. I do not wish hon. gentlemen to conclude that in calling attention to this matter I am reflecting particularly on the present government, or on the present Minister of Railways. It is right to say that I believe this is a practice which has been growing up in connection with the business of the Intercolonial Railway for a long time. The rule which the hon. leader of the House has just read, I believe, gives the clue to the origin of this practice. It originated when the shipments of goods by steamers at seaports like Halifax and St. John became more general than shipment by sailing vessels. It is known that when a steamer arrives it is very important that she should have quick despatch, and I believe some regulations were made, allowing shippers of goods by steamers to load their cars in advance, and if they arrived at the shipping ports a few days in advance of the steamers arrival, they were allowed to stand there without being unloaded and without any charge for demurrage. That seems a reasonable arrangement. I am not finding fault with it, but this practice, introduced in that way, I believe now, from what I can learn, is becoming entirely too general. It applies not only to goods for shipment, but persons doing business locally take advantage of this relaxation of the demurrage rules in some way—I will not say how, but in some ways those rules are not enforced as they should be. I am drawing attention to the matter publicly in this way because I belive it is a real grievance and a grievance which has been growing, and is growing, and has now attained such proportions that it is really becoming a serious matter. I trust that the hon. gentleman who is leading the House will bring this matter to the notice of the Minister of Railways and that some means will be adopted to have this grievance remedied.

Hon. Mr. MILLS—I have no objection to the passage of this motion. The information which my hon. friend seeks will be brought down, but I do not understand, from the answer to his questions which I read a few moments ago, that this failure to collect demurrage applies to anything else than lumber intended to be shipped abroad. However, the return, when brought down, will show whether the practice extends beyond that or not.

Hon. Mr. PRIMROSE—I have not had an opportunity as yet of acquainting myself with the return to which the hon. gentleman from Westmoreland has alluded, but it seems to me, from the figures which he has cited, that there, evidently, is something wrong in the detention of so large a number of cars at Halifax as he has mentioned. I may say, in regard to this shipment of lumber, that it is almost unavoidable that detention of cars should occur at times and I will try to explain why. Suppose a merchant makes a contract with one of the lines of steamers at Halifax, that during the currency of, say, three months, they will ship for him to ports in Great Britain a certain number of standards of deals: the shipper receives a notice from the steamship owners that they expect in a couple of days or so the arrival of a steamer, and that that steamer is ready to take a certain number of standards of deals. There is no option left in this case to the shipper. He is obliged to send his deals forward to Halifax for shipment, and the House may not be aware of the particular arrangement which exists with regard to the sailing of those steamers. They come to Halifax from Great Britain, discharge some of their cargo and go on to St. John, afterwards returning to Halifax. Now, here is an instance in which a shipper has received notice from the steamship owners that on such a day the steamer is expected to arrive and they are ready to take a certain quantity of lumber by that steamer. The shipper sends his lumber. In the meantime, the steamer having gone to St. John has taken all the cargo she can carry, and when

she returns to Halifax she cannot take the deals to which I have alluded. In a case of that kind, I cannot see how this detention can be avoided. The lumber interest is one of the greatest interests in the country, and in a case such as I have cited, some consideration at least should be given to it in regard to this matter of detention of cars. From what I have said to the House, I think it will be perfectly clear that it is, in a large measure, unavoidable so far as the shipper of lumber for export is concerned.

Hon. Mr. BOLDUC—Can they not unload the cars ?

Hon. Mr. PRIMROSE—No. There are no facilities for unloading the cars, there is no space for unloading, so that, as far as I can see, there is no remedy for the difficulty. There are certain dates mentioned in the return showing that the detention is longer than should have been allowed. I cannot understand the cause of it, but I want to show the position of the lumber shippers. The House can see for itself the position in which they are placed.

Hon. Sir MACKENZIE BOWELL—They ought to have a lumber yard.

Hon. Mr. PRIMROSE—There is no lumber yard, and if there were, unloading the cars and then reloading them for shipment would involve an expense which would be a very material consideration for shippers. At the same time, as I said before, it is quite evident, from the figures cited, that there has been in some cases detention, for which some explanation is requisite.

Hon. Mr. SNOWBALL—The mover of this motion has very correctly stated, and I was pleased to hear him say it, that he had no intention to find fault with the Railway Department, that the evil had grown up since the original construction of the Intercolonial Railway and is one for which no administration is specially to blame.

Hon. Sir MACKENZIE BOWELL—They are all to blame.

Hon. Mr. SNOWBALL—Yes, the whole of them. I can quite understand the explanation which has been made by my hon. friend from Pictou (Hon. Mr. Primrose) who says that he has not had time to look over the return. I took a casual glance over the return and found that my hon. friend is himself one of the offenders to the extent of thirty or forty cars.

Hon. Mr. PRIMROSE—I have not had time to see whether I was an offender or not. If I am an offender it is under the circumstances which I have explained to the House and which I think are reasonable circumstances.

Hon. Mr. SNOWBALL—Under the circumstances explained to the House, if the case is as my hon. friend puts it, the steamship company should be liable for the demurrage, and if, as he says, they ordered freight for a certain steamer to sail on a certain day, and they fail to take the goods, the steamer should be held responsible for detaining the cars an unreasonable time. While, possibly, the motion will not justify me in stating it, shippers outside of St. John and Halifax very naturally complain of the advantages which these two shipping ports receive by the present regulations of the Intercolonial Railway, one of those regulations being that they do not collect demurrage as is done at outports. If these cars had been sent to another port, the demurrage charges would have been enforced and collected. St. John and Halifax are receiving favours in other ways. Most of these steamers being subsidized for calling at these ports, the shippers at these ports have an advantage over all others in having their freight carried at a cheaper rate than it can be taken from smaller ports, and the smaller ports are placed at a disadvantage. There is another matter of which shippers complain, that the government have spent large sums of money in building wharfs and providing shipping accommodation at those two ports. Ships and steamers go to those wharfs and receive their cargo and are charged no demurrage on the cars they may detain ; they pay no wharfage and thus these ports are made favoured ports. I cannot afford to spend fifty or one hundred thousand dollars building wharfs and give the use of them free to every vessel that comes. There is a rule the world over that every vessel has a right to pay a reasonable sum for the use of a wharf, but this Dominion pays out vast sums of money for accommodation at St. John and Halifax and receives no revenue from the expenditure. It is an injustice which should be

brought before the government and remedied. All ships visiting those ports should be put on the same footing as if they went to private wharfs or to smaller ports. The hon. gentleman from Westmoreland has explained that the present administration came in and found the evil of which he complained growing up; he has directed attention to one evil; I am directing attention to another.

Hon. Mr. DEVER—The question before the House presents a rather strange state of affairs, but if there was anything very wrong, I would know something of it, coming from the winter port of Canada. If there is an unusual number of cars detained at St. John, it may be accounted for by the fact that we are doing a more extensive business there since the present government came into power. The general feeling is that the Intercolonial Railway, which was a dead carcass on our hands under the former administration, is to-day alive, and hardly a day passes that a large amount of property does not go over that route. To make this question understood, I may point out that there are two roads leading into the city of St. John, one owend by the government of Canada and the other by the Canadian Pacific Railway Company. If the inquiry had been further extended and a return asked for from the Canadian Pacific Railway Company at the harbour of St. John, on the south-western side of the harbour, hon. gentleman would find that a greater proportion of cars are there waiting to deliver freight to the ships coming into St. John in the winter season, than on the other side of the harbour. Travelling along that road I have seen large numbers of cars waiting for steamers to come to St. John. I was completely astonished at the number. They are spread along the roadway for miles and miles out of the city, and I came to the conclusion that the road must be a very paying institution compared with what it was some years ago.

Hon. Sir MACKENZIE BOWELL—What proportion of the cars belonged to the Intercolonial Railway and what proportion to the Canadian Pacific Railway?

Hon. Mr. DEVER—The Canadian Pacific Railway is on one side of the harbour, the Intercolonial Railway on the other side, and consequently there could be no confusion. The cars are owned by two distinct railways. Therefore I do not wonder at the great number of cars detained at the port, but when the explanation can be had it will be seen that this great display of cars is caused by the improvement in the traffic along the two great highways, and not attributable in any way to the fault of the parties who are conducting the business of those two roads.

Hon. Mr. PRIMROSE—I wish to make a remark in reference to something said by the hon. gentleman from Chatham (Hon. Mr. Snowball) relating to the wharfs. These wharfs to which the hon. gentleman alludes are either government wharfs or wharfs connected with the railways, and wharfage is not charged because these wharfs are built for encouraging the trade of the country, and in that regard they are very different from private wharfs.

Hon. Mr. SNOWBALL—Wharfs are built in every port, large or small.

The motion was agreed to.

ORCHARDING IN PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a statement showing in detail the work undertaken, expenditure incurred and results obtained in the experimental operation carried on last year in regard to orcharding in Prince Edward Island, giving the names of all persons employed to carry on the work and the amount paid to each, and stating on whose recommendation such persons were employed.

He said: In rising to propose the motion which stands in my name, I may remark that last year I moved for a return of all the correspondence between the government of Prince Edward Island and the provincial Premier and other persons in relation to experiments carried on in the province last year in spraying and pruning and grafting orchards. Just as my hon. friend has remarked with regard to the subject of an address previously moved by him, these returns are very seldom read. This one is only of a provincial import, and therefore, I presume hon. gentlemen have not read it very closely. I may remark, however, that this return is not complete, that two of the papers referred to in it which passed be-

tween the parties were not brought down. I only looked into it very closely quite recently myself. I will point out in the statement which I am going to make what these papers are. They are plainly indicated in the correspondence. This correspondence starts with a letter from the president of the Fruit-Growers' Association addressed to Prof. Robertson, the Commissioner of Agriculture, in which it was proposed that some work should be done in experimental orcharding in the province, and that proposition was that the Fruit-Growers' Association would contribute to the expense of the operations, that the provincial government might be asked to contribute also, and that an equal contribution might be expected from the Department of Agriculture at Ottawa, and the suggestion was that the matter should be placed under the direction of the Commissioner of Agriculture at Ottawa, Prof. Robertson, in whom, I may say, the people of the province to which I belong have the most unbounded confidence, and who has proved by his work in that province, in dairy and other matters, his very great skill in organizing and carrying forward experimental work. That was the proposition, and in a letter dated April 11, the president of the Fruit-Growers' Association made this proposition to Prof. Robertson for the consideration of the federal government. Prof. Robertson replied on April 18, and after consultation with the Minister of Agriculture he said that if the local government of that province and the Fruit-Growers' Association would each assist in the work to the extent which had been proposed, the department would meet the remainder of the expenditure required. That seems to be all right. The matter was stated on that basis, and on May 3, Prof. Roberston wrote a letter to the Premier of the province in which he indicated the lines on which the work was to be carried on, a copy of which letter was sent to the president of the Fruit-Growers' Asociation, Mr. H. A. Stewart, of Hamilton, P. E. I. That letter indicates in detail the manner in which the work, as I said, was to be carried forward, and it was still a clear understanding that the co-operation of the federal government and the Fruit-Growers' Association should be had. On May 9, the Premier of the province replies to Prof. Robertson, in which reply he says that 'the Fruit-Growers' Association here cannot contribute anything to the funds in support of this work, not having the funds, as I to-day learned from the secretary, and Mr. Kinsman would be altogether under the direction of the local government.' This is the letter of the Premier of the province, and I may say, in reference to that letter, that the secretary, Mr. McCourt, of the Fruit-Growers' Association, at a meeting held not very long ago, which will be found on page 14 of the report, places on record these words :

> Rumours being in circulation that I told the Premier, or any one, that the association would not contribute to the salary of the graftsman and sprayer sent here, I wish emphatically to deny the report. There is not a word of truth in it.

I suppose from this letter there must have been some misunderstanding between the secretary of the Fruit-Growers' Association and the Premier, because we can scarcely believe it was misrepresentation. It must have been the result of misunderstanding between these gentlemen. At all events, Mr. Farquharson asked that the provincial government should be placed in entire charge, and the letter goes on to give every assurance that the work will be carried forward without political partiality, and carried forward in the interests of the fruit-growers of the province. The provincial government took charge of the work. A man named Kinsman was sent to the province to carry the work forward, and I have a report of the Fruit-Growers' Association in which the matter has been discussed. I have also a good deal of information of a personal nature with regard to the operations of the province and I have to say that the work was a failure, that Mr. Kinsman did not turn out to be a good man, or was not well suited for the carrying forward of these experiments, and no co-operation was permitted with the Fruit-Growers' Association. Mr. Stewart was notified to go to Charlottetown to meet Mr. Kinsman on the day of his arrival there, but when he went he was not able to find him, and it turned out afterwards that he was with Mr. Farquharson the Premier of the province, who took him away to the country, or something of that kind, and Mr. Kinsman was put under the direction of political leaders in different parts of the province. He was taken out of the hands of the fruit men of the pro-

vince entirely, was not allowed to consult or confer with the leading fruit-growers of the province, but was put in the hands of the politicians. The correspondence shows all about that.

Hon. Mr. MILLS—Have they anybody but politicans down there ?

Hon. Mr. PERLEY—They have clergymen.

Hon. Mr. FERGUSON—I think there are just as many fairminded, candid, honest men in Prince Edward Island as will be found in Bothwell. I am told that the president of the Fruit-Growers' Association voted for the Liberal candidate at the last election. He is known to be a man of independent views, and you could not depend upon him to support one political party more than another except where he believed they were right. That is the character of Mr. Stewart in the province, and I think I am speaking the sentiments of every person who knows him when I say that that is the character he bears, and it was a matter of very great surprise and regret to the fruit-growers of the province when they found this movement was taken out of Mr. Stewart's hands. He was not a man who would have arrogated too much authority. He would have co-operated with the Premier in making the work a success, and he would have been able to enlist the sympathy of other fruit-growers, from his position. Assuming Kinsman was able to do good work, which he might be able to do if his surroundings were suitable, a very different result might have been obtained. As evidence of how this matter terminated I will read from the report of the directors of the Fruit-Growers' Association at its last meeting. These directors are composed of men of both political parties. There are several Liberals on the board. I think the board of directors consists of ten men and I know several of them are very strong Liberals. The report reads :

> We wish thus publicly to correct the impression Prof. Robertson received from some source or other, as conveyed in this last letter.

That is, that the Fruit-Growers' Association would not assist——

> And that our association refused to direct this official, after asking for him, and also denied his work the monetary assistance it had previously promised. The fact is, the association was studiously ignored by both the officials who undertook to direct him here, and no sane man could expect us to give our time or money to a work, even if in every way meritorious, when we were never asked so to do by those conducting it, even in the most indirect way. The failure of Mr. Kinsman's mission can, therefore, in no wise be put upon this association. The Fruit-Growers' Association could, without doubt, had it been permitted, have turned it to some good account for horticulture, and thus have saved the large amount of money thrown away—money so very much needed for the fostering of horticultural interests in the province.
>
> We feel, however, that at least one good end has been served by this complete failure—politics and politicians can make no capital out of an invasion of the proper rights of agricultural associations.

And I may say further, that the report, after a thorough sifting and discussion, was unanimously adopted by the meeting of the fruit-growers at which there were about a hundred present of both political parties. It was stated and explained to the fruit-growers in the province that Kinsman had not been selected on the ground of politics. I am afraid that that explanation will not hold good. I know, from past experience in the dairy movement and other matters, that the feeling of both political parties in Prince Edward Island was that if the matter were placed in Prof. Robertson's hands, he would get a man independent of politics, who would do good work under his direction. That has been our experience with him. But in this matter the Minister of Agriculture—as he had a right to do, I suppose—consulted the Minister of Militia, and asked him to name a man, and the Minister of Militia named a very strong political supporter of his own belonging to King's, N. S., and I have learned since that the man had no qualifications for the work, at least not in that degree that would be found among the progressive fruit-growers of the province of Nova Scotia. Not only that, but Mr. Hazard, who has not been engaged in fruit-growing, who is a partner of Sir Louis Davies, the Minister of Marine and Fisheries, was placed in charge of the movement in Charlottetown, and Mr. Rogers, of Alberton, formerly Liberal member of the Legislative Assembly, who is not engaged in fruit-growing, who knows nothing about it, Dr. Robertson, formerly member of the House of Commons, and Mr. Hughes, the Liberal nominee for the county of King's, were put in charge of this movement, and, while I may be wrong with re-

gard to one or two, I have yet to learn that a single orchard belonging to a Conservative in the province was selected for the purpose of carrying on these orchard experiments. The whole thing was run on political lines. The Fruit-Growers' Association was entirely ignorant of what was being done. The work was in the hands of the party leaders in all the different parts of the province, and the result was, as I have read from the report of the Fruit-Growers' Association, it was a failure. It is a matter of very great regret that it should be so, because fruit-growing is receiving a good deal of attention in our province at the present time, and we have only just awakened to a clear appreciation of the fact that we can grow apples in the province of Prince Edward Island as successfully as they can even in the best apple districts in the Dominion of Canada. That is a power that we did not know we possessed until a few years back, and we stood in the same position with regard to dairying less than ten years ago; but the revolution that was produced in the province by the work of Prof. Robertson, under the direction of the Department of Agriculture of Canada, and without costing the Dominion of Canada anything but the skill and power of organization which Prof. Robertson possesses to such an extraordinary degree, was put in the course of operation and in a few years a province that was importing cheese, if not butter, has become an exporter of dairy products to the value of half a million dollars, as a result of the work of instruction and experimenting that was inaugurated by the Department of Agriculture in the province only six or seven short years ago. From the experiments we have made and the experience we have acquired, although we cannot possibly in apple culture go ahead and develop an industry in so short a time as in dairying, we are quite satisfied from the character our fruit has received in the English market, that we can send an apple which will command the highest price, and it was because of this universal desire for information on the subject that we wished to experiment. That is where our people are very much behind. The progressive horticulturists of the county of King's, N.S., are away ahead in this matter, and I know in the western part of Ontario, in the apple-growing district, the same thing prevails, and although we have the natural facilities for the production of apples, we have not the knowledge, and it was desired that a few simple experiments, which would not cost a great deal, should be had, for the purpose of putting the farmers in the best possible lines for improvement. I am sorry the result has not been as was anticipated, or as has been the case with regard to the dairy industry. I am making this motion with a view of having the papers brought down, showing the expenditure that has been incurred in regard to this work. I am also asking the names of the parties that were employed in connection with it.

Hon. Mr. MILLS—I have listened carefully to the speech addressed to the House by the hon. gentleman who has made this motion, and I fail to see from beginning to end what it was he complained of beyond the fact that the parties employed were friends of the government, belonged to the Liberal party, and did not belong to the hon. gentleman's party. That is the amount of his complaint, and the failure, as far as I can understand it, was a failure simply because the friends of the hon. gentleman were not appointed to undertake this work. My hon. friend said the work was a complete failure, that they did not accomplish the object they had in view, but my hon. friend did not state a single fact from beginning to end of the observations which he addressed to this House to sustain that proposition. He complains, too, that in the arrangement for the purpose of making some inquiry into the business of orcharding, and for the purpose maybe of giving information in respect of that branch of horticulture, that the Fruit-Growers' Association was ignored. All I can understand from the observations addressed to the House by the hon. gentleman was that the fruit-growers were not a party, along with the two governments, for the purpose of carrying on these investigations. The hon. gentleman has spoken in high terms of Prof. Robertson. I have no doubt that Mr. Robertson is a very competent public officer, but Mr. Robertson, of course, is not the Minister of Agriculture, and the responsibility rests with the Minister of Agriculture, and not with the officers under him. I have no doubt the Minister of Agriculture did not exceed his functions or duties

in any action that he took in reference to this matter. The same thing may be said with regard to the Premier and the government of Prince Edward Island. The government there is a responsible government, responsible to the representatives of the people in parliament.

Hon. Mr. PROWSE—To Mr. Pinaud.

Hon. Mr. MILLS—The hon. gentleman had better not mention Pinaud's name after the positive statements he made at the beginning of the session and his failure to establish any of the propositions which he so confidently asserted.

Hon. Sir MACKENZIE BOWELL—We will have some more about him by and by.

Hon. Mr. MILLS—If the local government thought they could carry on these investigations with the individual aid and assistance of such parties in Prince Edward Island as chose to co-operate with them, it was their business and they had a right to take that course if they saw proper. There can be no question about that, and the hon. gentleman has intimated, in the observations which he has addressed to this House upon the subject, in fact he has read a paragraph from the report of the Fruit-Growers' Association that they declined to co-operate with the government because they had not been made an integral part of it.

Hon. Sir MACKENZIE BOWELL—The report does not state that.

Hon. Mr. MILLS—The hon. gentleman read from the report in which that was intimated. If he will read the report he will see that it contains those observations and that, in consequence, the experiment proved a failure. Whether it has proved a failure or not I do not know. I knew nothing of it till I listened to the speech of the hon. gentleman, but whether it be a success or a failure, the hon. gentleman has said nothing to show that it was the one or the other. From the beginning to the end of his observations, the burden of his complaint was that the government had acted through their friends and not through their political opponents, and so the matter stands. While my hon. friend may be under the impression that he is qualified by nature to be a minister, and that all those so qualified are on his side of the House and belong to the party of the hon. gentleman, and that it is a usurpation on the part of any Reformer, or any one holding Reform views, to undertake to carry on the government of the country—whatever may be the hon. gentleman's opinion in that regard, I apprehend that those who belong to the Reform party, who are entrusted by the Crown with the conduct of public affairs and are supported by a majority of the people's representatives in parliament, will assume that that is the legitimate source of authority and will undertake to discharge their duties as long as they enjoy that confidence. I think that that is the basis of our constitutional system, and not the inherent qualifications possessed by the men of one political party alone, which qualifies them for the discharge of the duties of government. I have no objection to this motion being carried and the information which the hon. gentleman seeks being brought down, and it will be seen when it is laid before us how far it sustains the position taken by the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—Those who have paid the slightest attention to the remarks of the hon. gentleman from Marshfield and the reply made by the hon. Minister of Justice, will come to the conclusion that the minister has a very happy knack of turning a very sharp point upon very little basis. The Minister of Justice says, and says with a good deal of positiveness, that the gentleman who moved this resolution gave as the only reason for the failure that followed, the attempt to improve fruit-growing, in Prince Edward Island, was because his friends were not appointed to that office. I venture the assertion that when any one reads the remarks of the hon. gentleman from Marshfield they will find no such statement made even by innuendo. What he did say was that no one had been appointed except friends of the administration, and those friends knew nothing whatever of the business which they were appointed to perform. That is a positive and distinct statement. He stated, also, that the Minister of Militia was the party who selected the inspector, a friend of his in King's, N.S., and a man who had no knowledge of the business which he was appointed to take charge of. That is the statement which he made. He said more, that Mr. Farquharson, the

Premier of Prince Edward Island, had taken Mr. Kinsman in charge and had driven him, or taken him round the island; and, further, that no orchard which was owned by a Conservative, so far as he could learn, had been visited by the inspector. He went further and said that had the matter been left in the hands of Prof. Robertson, in whom the dairy people of this country, and every one who knows him, have the fullest confidence, it would not have proved a failure. The establishment of creameries in Ontario was left entirely to his management, and if the business in Prince Edward Island had been left to him, the probabilities are that success would have followed the attempt to benefit the fruit-growers in Prince Edward Island, as it did the dairy interests in Ontario. I know that in the county in which I live, Prof. Robertson was given the fullest possible control, and there was no interference by the minister. He was simply sent through the county to superintend the establishment of creameries. He selected those who were most acquainted with the business. Some of them, I know, for I was present at the time it was done, were men largely interested in creameries and in the manufacture of cheese, many of whom belong to the Liberal party. Nobody ever thought for a moment of suggesting to him the propriety or impropriety of appointing any man on account of his politics. He acted upon his own knowledge of the requirements possessed by the gentlemen whom he appointed, and in whose charge he placed the creameries. We can easily understand the remarks made by the hon. Minister of Justice, that the Minister of Agriculture is the responsible party, but we have, I think, learned for the first time that the duty of the Minister of Agriculture is to select none but partisans who have no knowledge of the business which they are to perform and pay them out of the funds of the country. The dairy interests and the fruit-growing interests are of paramount importance to this country at the present moment, and are daily growing, and it matters not what the political complexion of the man may be who is engaged in it, he should receive the same consideration as one who does not think as he does. The hon. gentleman paid Mr. Stewart, the president of the Fruit-Growers' Association, a very high compliment as to his honesty and fairness in all his transactions. I am sorry the same compliment cannot be paid the government in matters affecting the interests of the country. The hon. minister said, also, that the fruit-growers' statements and assertions are not borne out by the paragraph which the hon. gentleman read. What the Fruit-Growers' Association complain of is that politics were introduced into the question, that they were not consulted, and had nothing to do with the experiments, and that consequently they were not responsible. I will read it again so that the hon. gentleman may understand it. They say, that the duties were imposed upon politicians and that these politicians were not competent for the work they were called upon to perform, the report states:

> We wish thus publicly to correct the impression Prof. Robertson received from some source or other, as conveyed in this last letter, and that our association refused to direct this official, after asking for him, and also denied his work the monetary assistance it had previously promised.

It appears from this that they asked for the appointment, and it also implies that they had promised to pay a portion of the expenses attending the performance of the work. They deny, however, ever having refused to pay their portion. Then they go on to say:

> The fact is, the association was studiously ignored by both the officials and those who undertook to direct him here, and no sane man could expect us to give our time or money to a work, even if in every way meritorious, when we were never asked so to do by those conducting it, even in the most indirect way.

That is what the association say and not that they failed to do it.

> The failure of Mr. Kinsman's mission can, therefore, in no way be put upon this association.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says hear, hear. Why should they be blamed for it? He never consulted the association, never asked their assistance, and he spread the report that the association had refused to do what they had promised to do; that the association totally and emphatically denied. The report continued:

> The Fruit-Growers' Association could, without doubt, had it been permitted, have turned it to some good account for horticulture, and thus have saved a large amount of money thrown away—money so much needed for the fostering of horticultural interests in the province.

It is therefore as clear as language can possibly make it that the interpretation put upon it by the Minister of Militia is incorrect. The report goes on :

> We feel, however, that at least one good end has been served by this complete failure—politics and politicians can make no capital out of an invasion of the proper rights of agricultural associations.

Now that is a declaration that I think every one will agree with. In dealing with matters of this kind, while I do not object to friends of the party in power being appointed, I say when they appoint a man to perform a particular duty, that man should understand what he has to do and have sufficient knowledge of the work he is required to perform, in order that he may do it successfully. This association declares positively that the work performed, or attempted to be performed, was a total and absolute failure ; and they go further, and say that the failure was due to the fact that it was conducted by politicians, and that politics had more to do with it than that for which they asked the appointment to be made.

Hon. Mr. MILLS—The hon. gentleman does not maintain that a politician must necessarily be ignorant of everything else but politics.

Hon. Sir MACKENZIE BOWELL—I am not so narrow-minded as my hon. friend, and consequently I never would advance such an idea. I do not pretend to say that a man could not be employed in other vocations of life and still have a full knowledge of horticulture and what is necessary to advance that industry ; but what I say is, that my remarks are based, not on any personal knowledge, but on the report which I have been reading, which states that this man knew nothing of his work, and that the whole thing was a failure through its being conducted on political rather than scientific and proper principles. I do not propose to be led away from the argument by defending a proposition I never thought of making. I do not suppose for a moment that the hon. gentleman has not a good knowledge of law because he has a farm and conducts it successfully. I think he can conduct both to the advantage of those who desire to use his talents and knowledge of law, particularly constitutional law, and still at the same time be able to conduct his farm so that it will be profitable to himself and advantageous to his neighbours who follow his example. I never laid down such a narrow principle.

Hon. Mr. MILLS—I did not attribute it to the hon. gentleman, but that seems to be the doctrine in the pamphlet from which the hon. gentleman has been reading.

Hon. Mr. FERGUSON—The hon. gentleman is equally astray there.

Hon. Sir MACKENZIE BOWELL—I accept my hon. friend's explanation, but I have a great deal higher opinion of the people of Prince Edward Island than he seems to have. I believe they are as intelligent a class of people as can be found in Canada, and that the agriculturists of that island can produce as much per acre from the land they till, and as much fruit from a tree, as can be grown per acre in other portions of Canada with a similar climate. They are politicians I know, but I will not argue that question now. We are discussing another matter.

Hon. Mr. MILLS—Does the hon. gentleman think it is a reasonable thing to suppose that a man would be recommended by fruit-growers from an apple district to carry on this investigation who was absolutely ignorant of everything relating to fruit-growing ?

Hon. Sir MACKENZIE BOWELL—I am prepared to believe the Minister of Militia would do almost anything if there were a political advantage to be gained by it, and from what has taken place in Prince Edward Island within the last two or three months, I am prepared to believe that any iniquity which can possibly be perpetrated may be expected from the Premier and the present government of that province. I think before we get through this session the hon. gentleman will not be so bold in telling my hon. friend from Prince Edward Island that he had better not refer to that Pinaud affair again. If there is a foul spot on the political escutcheon of this country more deplorable, when it is considered, or more iniquitous or infamous than another, it is that matter in connection with the Prince Edward Island government and those who had anything to do with Pinaud and his purchase. My hon. friend will find from docu-

mentary evidence, before he gets through with this session of parliament, that it is just as well for him not to throw down the gauntlet as boldly as he did to-day without first knowing the ground on which he stands. This is apart from what I intended to refer to in connection with this matter. I say it is to be regretted, apart from anything else, that the experiment in Prince Edward Island was not entrusted to Prof. Robertson. He was appointed by the government of which I was a member. He is a Scotchman and a Liberal. Why was he appointed? Because he had the best reputation for the position he holds of any man in Ontario. He was given a salary of $5,000—an unprecedented salary for such an official, and why did we give it? We did it because the men of the United States who knew Prof. Robertson's reputation and his value, not only as a horticulturist, but particularly his knowledge and experience in advancing the dairy interest, would be prepared to give him that sum, and more, in order to get him out of the country. We did not stop to ask whether Prof. Robertson was a Liberal or not. The Minister of Agriculture at that time determined, if possible, to secure him, to get his services at almost any price, and the government did secure him, and I do not think any one who knows the value he has been to the country, and more particularly to the dairy industry, will regret the apparently large salary which was paid to him. I am one of those who believe that men should be paid for their talents and the services which they render, and a few thousand dollars given to men of that character is of very small importance compared with the benefit that is derived from the exercise of such talent and ability in encouraging important home industries. It is just so with the fruit industry. I do not know whether this man Kinsman has any knowledge of it or not. Experience has taught the people of Prince Edward Island that he has not, and I accept their statement. If any other evidence were required, it is found in that little pamphlet from which I have quoted to show that the whole thing was a political manœuvre—that the man was taken possession of by the Premier of that province, and driven about the country, looking more after politics, I believe, than after the interests of the fruit-growers. It is a pity that it is so, and the sooner that system of government, no matter who may be in power, is wiped out of existence, the better for the country.

Hon. Mr. FERGUSON—The hon. leader of the House, in the address which he made a few moments ago, I will not say intentionally misrepresented—at all events entirely misconceived the scope of the remarks I made to the House. I am in the judgment of hon. gentlemen that I never intimated in the slightest degree, or insinuated in any way whatever, a complaint because a Conservative had not been put in charge of that movement in the province of Prince Edward Island. It is the last thing I would have thought of to make such a complaint, but what I did complain of was, that a special organization, possessing superior qualifications for assisting a movement of that kind, was ignored and insulted and especially after that organization had made the suggestion that this work should be undertaken, and offered to support it with its funds. In corroboration of what I now say, I might mention that at a meeting of the Fruit-Growers' Association, at which this resolution was passed, promising that this work should be undertaken, although I was in Ottawa, I was elected president of the association. When I received notice of that appointment, and when I further saw that this resolution had been passed, I feared that my appointment and the fact of my being president of the association, might throw some difficulty in the way of hearty co-operation between the Fruit-Growers' Association and the provincial government and federal government with regard to that matter. I have no doubt it would not throw difficulty in the way of a co-operation with Prof. Robertson, because my experience of him was that he took hold and worked with those most ready to work for the prosecution of all those things, utterly disregarding what party they belonged to. I saw the provincial Premier and said to him: 'I think I shall decline that appointment. I am going to be away in Ottawa and it will be, possibly, much easier for you to secure co-operation if Mr. Stewart, who has been nominated as vice-president, should be president.' Mr. Farquharson was good enough to say: 'It would cause no difficulty if you remain president,'

but I was going to be absent during the session, and for the reasons I have mentioned I declined to be president, and Mr. Stewart became president? He voted for the Liberal candidate at the last election. He is a fair-minded man, a competent man. He was used very badly. He was invited, from Ottawa, to meet Mr. Kinsman on his arrival, who was to be at Charlottetown at a certain day. He lost his time and was at expense in going to that city. He spent a whole day in Charlottetown and was not able to find Mr. Kinsman. Mr. Farquharson had him away somewhere, and Mr. Stewart returned disappointed, and received no further communication with regard to the movement. I make no complaint that the matter was not put in charge of Conservatives, but I say if the Minister of Militia and the Minister of Agriculture had not interfered, Mr. Robertson would have been allowed a free hand, and he would have put the matter in the best hands in the province, just as he did when he inaugurated the dairy movement. What did he do then? He went to the Hamiltons of New Perth, the Lairds of New Glasgow, to Mr. Irving, of Vernon River, all Liberals, as well as to leading Conservatives, and he brought the leading men of both political parties together, and they put their shoulders to the wheel and there never was a jar—never a feeling or a hint or a sugestion, during all the time that work was being carried on, that there was any patronage in it, or that any member of the government or candidate of the government was allowed to make a suggestion for the employment of anybody in connection with the movement. If anything of the kind had been done there would have been trouble. In this instance, instead of following the experience in the dairy movement, Liberals were appointed, and the Fruit-Growers' Association was deliberately ignored in connection with the matter, and Liberal candidates and leaders in the organization of the Liberal party—those who are consulted in matters of political patronage generally, were put in charge of Mr. Kinsman. In one respect I have not been clearly understood. I did not make the statement before, but I make it now that I did not meet Mr. Kinsman. I was here when he was in the province, and until to-day I have not criticised his work, and I am not as inclined to severely criticise him so much as those who put him in a false position and led him into trouble. He came from Nova Scotia, and it was admitted that he did not possess qualifications for the work. I do not say that he might not be, to some extent, a fruit-grower himself, but he was unfit for carrying on those experiments. He had not the qualifications, and anybody who will go through the correspondence will find that Prof. Robertson was fully conscious of that fact at a little later period; but what I do say is, and I say it without hesitation, if Mr. Kinsman had been the best man that could be selected, the mode taken to handle and control him when he was in the province, and the ignoring and fooling of the president of the Fruit-Growers' Association, would have resulted disastrously to the movement. The notice was sent by Prof. Robertson in perfect good faith, but when he went to meet Mr. Kinsman he could not find him, and Mr. Stewart was ignored from that time forward. The Fruit-Growers' Association has nearly 80 members, and besides these others were present at the meeting, when this report which I have read was unanimously adopted. I might say, further, though it is not germane to the subject, that in the matter of refrigerating fish a man was sent to the island who discussed politics wherever he went, and got into repeated arguments on politics on the cars. However, that is foreign to the subject. I wish to remind the hon. Minister of Justice to-day that he referred to a past debate and something which took place in this House when questions were asked in regard to the Paris Exposition. I have a notice with regard to that subject, which will come up in a few days, and the hon. gentleman having referred to what took place on that day, I hope, should I refer to that matter when it comes up again, he will not raise the objection that I am refering to a past debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (94) 'An Act respecting the Schomberg and Aurora Railway Company.'—(Hon. Mr. Lougheed).

Bill (118) 'An Act respecting the Temagaming Railway Company.'—(Hon. Mr. Kerr).

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I would ask my hon. friend the Secretary of State whether the return brought down yesterday contains all the petitions and memorials regarding the railways in Prince Edward Island?

Hon. Mr. SCOTT—All that I could find.

Hon. Mr. FERGUSON—It is a supplementary return, but it does not say there may not be another supplementary return.

Hon. Mr. SCOTT—I gave instructions at the Privy Council office, where I found two or three. There were none in mine. There was another department, but it would be only limited to the Secretary of State, the Privy Council and the Department of Railways.

Hon. Mr. FERGUSON—That ought to cover them.

Hon. Mr. SCOTT—If the hon. gentleman knows of any others, and gives me a memo. I shall be very glad to make inquiries.

Hon. Mr. FERGUSON—I think there were other petitions which may have been sent to the Minister of Marine and Fisheries for transmission to the proper office.

Hon. Mr. SCOTT—I had only knowledge of those sent this year. Those sent this year came to me. There were four or five, and I think I traced them all out.

Hon. Mr. FERGUSON—The hon. member's department was the right place to send them, but in this case I think they sent them through their representative, the member for West Queen's.

Hon. Mr. SCOTT—I should not suppose they would send a petition in that way. I will make special inquiry.

Hon. Mr. FERGUSON—The hon. gentleman will see, if he does not find that petition the inference will be that the Minister of Marine and Fisheries did not present it.

Hon. Mr. SCOTT—What locality was it from?

Hon. Mr. FERGUSON—From Emerald to Stanley in West Queen's, Prince Edward Island.

THE PACIFIC CABLE.

Hon. Sir MACKENZIE BOWELL—I wish to direct attention to a cable paragraph that appeared in the London *Times* lately in reference to the Pacific cable. The hon. gentleman is not prepared to answer the question now, I suppose, and I merely call his attention to it in order that we may be informed of what is being done.

The Pacific Cable Scheme.

(Through Reuter's Agency.)

Sydney, June 6.

Replying to a telegram from Mr. Chamberlain, Mr. Lyne, the Colonial Secretary, has telegraphed that the government of New South Wales agreed to the recommendations of the Pacific Cable Committee, and urged that the work should be pushed on as expeditiously as possible.

If the hon. gentleman has any information he can give the House we should like to have it. Or, if he desires that this should stand as a notice of motion for to-morrow, I shall let it go until then. This is a matter we can all agree on.

Hon. Mr. SCOTT—The only paper I know of is a letter addressed by Sir Sanford Fleming to myself, which contains extracts from a number of letters he received from the Australian colonies. I do not think there has been any direct communication from the commission. However, I shall make inquiry and bring down, at all events, Mr. Fleming's letter.

Hon. Sir MACKENZIE BOWELL—It can be added to the information contained in the other document, so that it will be easily referred to.

THE MINISTERIAL CRISIS IN BRITISH COLUMBIA.

Hon. Sir MACKENZIE BOWELL—I should like to know if the hon gentleman can take the House into his confidence with reference to a paragraph in the *Free Press* to-day. Those who have read the papers will see that in Vancouver the present opposition (that is to the late Martin government), met and passed a resolution asking for the recall of the lieutenant-governor, and I see in very large and prominent letters in to-night's government organ the following:

McInnes Asked to Resign.

It is understood on good authority that the federal government has asked Lieut.-Governor

McInnes, of British Columbia, to resign. If he does not do so, then it will be necessary to dismiss him.

This is a very significant statement to come from a paper that is supposed to speak the sentiments of the government. There is also quite a long article on the same subject, giving the same information, in the *Evening Journal*. However, I shall not attach so much importance to that, because the *Journal* does not occupy to the government, as I understand it, the same position the *Free Press* does.

Hon. Mr. PROWSE—Pretty nearly.

Hon. Sir MACKENZIE BOWELL—Not quite. All I can say is, speaking from some little knowledge of public opinion in the country, if the government has taken the responsibility of asking that gentleman to resign, and he does not comply with the request and they dismiss him, it will meet with the approval of men of every shade of politics.

Hon. Mr. MILLS—I am not in a position to make any statement with regard to that matter at the present time.

Hon. Sir MACKENZIE BOWELL—I did not suppose the hon. gentleman was.

THIRD READINGS.

Bill (170) 'An Act to amend the Act respecting the Merchants' Bank of Halifax, and to change its name to the Royal Bank of Canada.'—(Hon. Mr. Clemow in the absence of hon. Mr. Power.)

Bill (81) 'An Act to incorporate the Accident and Guarantee Company of Canada.'—(Hon. Mr. Wood.)

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (110) 'An Act to amend the Weights and Measures Act.'

(In the Committee.)

On clause 1,

Hon. Mr. FERGUSON—I notice a provision which was in the Weights and Measures Act, as it appears in the revised statutes, and which was also contained in the Bill of last year, is omitted in this clause. I desire to call attention to it and to know whether there is any good reason for omitting it. In section 18, of the Weights and Measures Act, and also in the Act of last year, there is a provision that the barrels shall be fastened with lining. Having a little experience in apples, I know the great importance of the barrels being thoroughly hooped and well nailed, and having these lining hoops put in, and I think it was rather a useful provision in the statute.

Hon. Mr. MILLS—My impression is that it was felt that the provision was unnecessary. The parties who were shipping the apples would have a sufficient interest in properly transporting them.

Hon. Mr. FERGUSON—They ought to have.

Hon. Mr. MILLS—The only change that occurred to me as necessary to make would be a change in the 14th line, I think the words 'or three bushels' at the end of the clause, should come out. It is surplusage.

Hon. Mr. FERGUSON—I think the fruit-growers are very anxious to have these words left in.

Hon. Mr. MILLS—It did not strike me as being a matter of importance, but my hon. friend pointed out yesterday, with regard to potatoes, that we had fixed the weight of a bushel of potatoes at sixty pounds, which I think is proper, and in these words the ninety-six quarts represent three bushels even measure.

Hon. Mr. FERGUSON—Possibly the hon. gentleman is right, and I think it is very likely, from what I now recollect, that the farmers and fruit-growers object in getting the three bushels in was more with regard to potatoes than apples, but if we do not retain it in the clause with regard to potatoes, there is no object in keeping it in with regard to the apples.

Hon. Mr. PERLEY—What article is sold at ninety-six quarts or three bushels?

Hon. Mr. PROWSE—Everything.

Hon. Mr. DEVER—No.

Hon. Mr. PERLEY—There is not an article.

The clause was adopted as amended.

On subsection 2,

Hon. Mr. FERGUSON—We discussed this clause yesterday and the views of hon. gentlemen were elicited so that I do not suppose we can induce any change now. The barrel described in the first subsection is an ideal barrel, I think, for apples. Its description, as given in the clause, involves, as will be observed, a very slight bilge, and it is proved by experience that when apples are shipped in a barrel having a very large bilge and placed in tiers above each other, that the pressure comes on the centre of the barrel and depresses the staves, and when they are brought out and rolled the apples loosen. The ideal barrel is one with very little bilge so that the ends of the barrel will sustain the weight. I regret that we are not securing a uniform barrel, because I know from experience the convenience of being able to go and get say a flour barrel, to ship apples in is not worth considering. I know the cost of twenty-five cents in the price of a barrel is a mere nothing when we consider the result. If we get the right barrel which is recognized in the market and known as the kind of barrel that has contained good fruit for years and years, even if you had to pay almost a dollar a barrel it would pay you in order to get the package that the market really requires. I have had experience in that line which justifies me in making that statement. I think it is a pity that we cannot arrive at a uniform barrel. The barrel desired in the Bill is the Minneapolis flour barrel. This is, I believe, a Minneapolis flour barrel in point of capacity, and I have been puzzling my head a great deal to find out what is the reason that the Minneapolis flour barrel, is not as large as the Ontario flour barrel, and I found great difficulty in getting an answer to the question. I have been trying to work it out in this way, that the wheat that is ground in Minneapolis is all hard wheat, and the flour being dryer, can be packed closer than when the flour is of a softer character. This is uniform in the United States and we are now legalizing the barrel and describing it in the Bill, and I have no doubt the step we are taking will lead to legislation in future to get uniformity. I know it is a step in advance, as far as it goes, and I hope it will be possible a little later, to get a uniform barrel for Ontario.

Hon. Mr. MILLS—We could do that by adopting the Canadian flour barrel.

Hon. Mr. FERGUSON—I should have said uniform for Canada and the United States. We would be getting further away from it by adopting the Ontario flour barrel.

The subsection was adopted.

On subsection 3,

Hon. Mr. PROWSE—I think it is a mistake to have this subsection in the Bill.

Hon. Mr. BURPEE—I think the weight given in this subsection for a barrel of potatoes is a little high. All that can be got into one of these barrels is about two bushels and a half, which is 150 pounds. I think that this subsection might be left out altogether. In Ontario and Quebec they sell potatoes by the bag. I do not think it is necessary to say how many pounds of potatoes a barrel should contain. It is useless to try and put 174 pounds of potatoes in a barrel which will only hold 150 pounds.

Hon Mr. MILLS—I have not the information from the Inland Revenue Department which led them to put this provision in the Bill. I do not know whether this means fifty-eight pounds to the bushel, taking three bushels in a barrel, but certainly it means 174 pounds of potatoes to a barrel. They might not be put into a barrel in this country, but it may be intended that when people speak of selling potatoes by the barrel, although they may not be put in a barrel at all, they mean that 174 pounds shall constitute a barrel and so, even though they are put in bags and boxes or anything else, there will be no objection to their being measured in that way.

Hon. Mr. BURPEE—By this clause we give the size of a barrel and how much it shall contain. I think it is a mistake to insert this subsection in the Bill. Unless we pass a special Act for a certain sized barrel for potatoes—which would be very inconvenient—the clause would not be workable. I think we should drop the subsection altogether.

Hon. Mr. MACDONALD (P. E. I.)—I quite agree with the hon. gentleman who has just spoken, and I urge that this subsection be struck out of the Bill. We have a standard fixed for the sale of potatoes, they

are to be sold by weight, sixty pounds to the bushel. We have also a certain tub, as it is usually called, for the purpose of selling them when they are sold by measure, which is calculated to contain two bushels. It is called two bushels and the weight is not fixed at any particular number of pounds, but where potatoes are shipped in large quantities, taken on board vessels in large quantities, they are sold by the tub, in Prince Edward Island, and in Nova Scotia, and New Brunswick. They are not usually packed in barrels for those markets. When potatoes are shipped to markets in the West Indies they are packed either in barrels or bags, and according to the market to which those potatoes are directed, the barrels or bags vary in size. Those that suit one market will not suit another, but I think it will be very objectionable now to make a mixed standard of this kind. The law is quite sufficient as it stands by naming the standard weight of a bushel of potatoes to be sixty pounds, and it will only lead to confusion if we insert this provision. Besides that, as the hon. gentleman from New Brunswick remarked, it is impossible in my opinion to put that quantity of potatoes into a barrel of the dimensions that are here given, although I do not altogether agree with him as to the quantity which can be put in, because I think you can put 160 or 164 pounds into a good sized barrel of potatoes, but I doubt very much whether it would be possible in any ordinary barrel, or barrel of the dimensions mentioned here, to put the quantity that is named here of good, sound well matured potatoes.

Hon. Mr. CLEMOW—If the barrel only contained 150 pounds, although the standard was 174, would the purchaser pay for only 150 pounds ?

Hon. Mr. MILLS—Certainly.

Hon. Mr. CLEMOW—There would be no hardship in that. The standard is made 174 pounds, and if the purchaser only gets 150 pounds that is all he pays for.

Hon. Mr. MILLS—If a man is selling potatoes to a country where they buy them by the barrel, this Bill has been made to conform to what was regarded as a barrel in the country where they are so bought, and it is stated that a barrel contains 174 pounds. I cannot see what possible objection there can be to this subsection. Supposing we fix it at 500 pounds, if that was the size in one of the West India Islands where it was sold, no harm could be done. In most cases potatoes are sold by the bushel, but if they are sold by the barrel the quantity must be as provided in this Bill. They may grow a great many potatoes in Prince Edward Island, but there are other places where they are grown and the Bill is intended to provide for the country generally. I applied to-day for information, but could get none that I could use with regard to this particular section. My hon. friend will see that this can do no possible harm.

Hon. Mr. BURPEE—Oh, yes, it can.

Hon. Mr. MILLS—It is 174 pounds to the barrel. If there is no objection to its going through, it may go through now and I will endeavour to get from the Department of Inland Revenue the information upon which they proceeded, before the third reading, because these measures are not prepared and submitted to parliament without special application being made for them.

Hon. Mr. FERGUSON—I wish to make an explanation on the point we have now before us. When we were discussing the matter yesterday, it escaped my notice. There is a consideration in connection with this subject that we did not take into account, and it is the fact that potatoes shipped by the barrel are pressed. Potatoes when sold by the bushel measure must not even be shaken, but when they are shipped by the barrel they are shaken into the barrel and then the press is applied in order to put them firmly into the barrel. I looked over the correspondence I have had with people in Nova Scotia. The potatoes from Nova Scotia are shipped to the West Indies and are put in barrels. The barrels are furnished by the shipper, and the farmer I think, in the majority of instances, puts the potatoes into the barrel. At all events they are put in and shaken down and a press applied. We are now legalizing a barrel which is their ideal barrel for apples. They want the same barrel for potatoes. They have found perhaps that 174 pounds is the correct weight when they are pressed, and it will probably exactly meet the requirements of the trade.

Hon. Mr. PROWSE—I think it would be a great mistake to pass this subsection. I

know from dealing in potatoes with farmers, that there is nothing they are more sensitive about than the potato measure. The buyer wants to get as big a measure as he can, and the farmers do not want to give any more than what is right and fair, and there has been continual friction in reference to the size of the barrel or tub and the weight that the parties have been exacting from them, and I think the more changes we make in reference to the weights and measures the more trouble we are bringing upon the country. We have the measure pretty well established. Everybody understands it; a bushel of potatoes is sixty pounds. There is no objection to that. Then in reference to the barrel, if you were selling by the tub, as the hon. gentleman from Charlottetown spoke about, I think two and a half bushels is fixed as a tub; 150 pounds is supposed to be a tub.

Hon. Mr. DEVER—That is a barrel too ?

Hon. Mr. PROWSE—No, it is not a barrel. I can see no necessity for this 174 pounds being inserted in the Bill. If you are going to establish a uniform size barrel for potatoes, that is all right. Then if you do that you have to fill that barrel, and as my hon. friend from Queen's County said, it must be pressed down to make it safe for shipping, the same as apples. It is well known that in apples there is no uniformity in reference to their weight per bushel. An early apple will be very much lighter than a late apple,and so it is with potatoes. The Early Rose potato is very much lighter than the Chenango or the Calligos and you must establish weight and measure in reference to this matter, but when you establish the barrel for potatoes a uniform size, it must be filled. If 174 pounds will not fill it, you must put in more. If you put in 175 pounds and the barrel is not full, you are going to lose because they will spoil before you get to market. I think there is no necessity for the insertion of clause 3. We have a standard of sixty pounds to the bushel and if you establish a uniform size of barrel, that is quite sufficient.

Hon. Mr. PRIMROSE—Why not adopt the suggestion that the clause should stand and the hon. Minister of Justice will ascertain from the Department of Inland Revenue what the idea was.

Hon. Mr. PROWSE—I think I know more about it than the Minister of Inland Revenue.

The clause was adopted.

On clause 2,

Hon. Mr. PROWSE—I think the government is making a little too much law in reference to the standard of eggs. This is a very good arrangement where parties go to a grocery in the city to buy eggs and they buy the eggs they require, but the great business is with the country people and they sell their eggs to the merchants and business men in the country and you are going to introduce a great deal of disturbance and annoyance between the buyer and the seller. Here is a farmer who has a very fine breed of hens, and they produce very large eggs. Perhaps ten will make a pound and a half or nearly so, within the fraction of an ounce and the buyer says, I must have another egg. He will then have too much weight. There has been no trouble about buying eggs. A man goes in to buy a dozen eggs for his breakfast. He sees what he is buying, and if the eggs are small, let him pay a lower price. I think it will cause friction and trouble.

Hon. Mr. CLEMOW—Does not this clause refer to export. There has been a good deal of discussion in England as to small eggs, I understand. If it is simply for export, it would meet the whole difficulty.

Hon. Mr. MILLS—No, it would not. It is not for export. In the market in London, Ont., the universal feeling is in favour of allowing a purchaser to buy by weight. It is absurd to suppose that a party should receive as much for a dozen small eggs as he would receive for large ones, and when one pound and a half is declared to be the standard for a dozen, then what you are getting may be tested at once. It is a very necessary provision, and the feeling is entirely in favour of it, and my hon. friend is mistaken in saying that there are no eggs outside of Prince Edward Island.

Hon. Mr. CLEMOW—Supposing a man comes in with a smaller size of egg, what does he do ?

Hon. Mr. MILLS—He can sell them by weight or by number.

On section 4,

Hon. Mr. MACDONALD (P.E.I)—I think this clause is very objectionable. I need not repeat the remarks I made yesterday. Anybody who knows anything about salt, knows that the weight of it varies according to the temperature of the air. We know that even in importing salt from the old country, where it is loaded into ships in bulk, and they take in a certain number of tons, allowance is made for the loss of weight when it is delivered on this side of the Atlantic. It would be entirely improper to say that parties should be required to mark on every package of salt which is put up here or imported from the old country, the weight of the contents. It would be imposible, because it might be up to the weight marked on it if weighed to-day, and a few days afterwards it might be found short weight. It is a clause which should not be inserted in the Bill—that is, so far as salt imported into the Dominion is concerned. If it is to remain in the Bill, I would suggest that it be amended to make it applicable only to salt manufactured in the Dominion itself.

Hon. Mr. SNOWBALL—I think the objection to this clause has some considerable weight. It would be very difficult in buying salt in Europe as it is generally bought, to comply with this Act. The exporters from whom you buy salt put it up in bags to suit the requirements of the purchaser. There is an allowance made by the shipper—who ships a few tons over—but when you come to pay freight on this side it is assumed the salt will not turn out the quantity put on board the ship, and it is customary to pay the freight five per cent short to allow for waste. Whether that has been caused by the sea air or otherwise, it is supposed to lose five per cent in weight in transit between Europe and this country. If you had the salt weighed and the bags marked on the other side, it would not be legible here. Many of those bags get torn, and in the ordinary mode of handling there is a certain loss. Then the rate of discharge on this side is another very serious objection. At the present time it comes out by steamer. The steamer insists on unloading two or three hundred tons a day, that would be about three thousand bags, and we have not the means to mark and store the salt here so rapidly. In Halifax they make a storehouse of the ship when it comes in sailing vessels and pay freight accordingly, having forty or fifty days to discharge cargo. Schooners come alongside from different parts of the coast, and take the salt from the ships. It would be a serious matter for them if they had to weigh and mark all these bags. I am satisfied it will not do to mark the bags at the port of shipment, and assume that they will be the same weight when delivered here. The merchants engaged in the business would be so harrassed that they would have to give it up. You mark a salt bag after it arrives here, put the weight, the name of the importer and his address on it: that means some considerable work. The paint used for marking is generally mixed with kerosene oil, and that would injure a considerable portion, perhaps the whole of each bag of salt. Taking the whole clause, without more investigation than we can give it now, and without information from those enjoyed in the business might be very objectionable. I have been engaged in it for some years, and my opinion is that the law cannot be carried out without serious inconvenience to the importer and the seller on this side. At the same time, I see a difficulty with the consumer when he buys a bag of salt, or a dozen of eggs, or a bushel of potatoes. He wants to know what he is getting. It is the only fair way to sell—by weight. In European countries they have adopted that system. In France, for instance, you cannot buy an apple without purchasing by weight. They dare not hand you an apple for two cents or one cent. They have to weigh the article and you pay for it accordingly. The small consumer should be protected, but how it is to be carried out I cannot say without further consideration.

Hon. Mr. VIDAL—The whole argument falls to the ground, because we are not dealing with bags. I can understand how a bag of salt would lose weight by exposure, but it is packed in barrels.

Hon. Mr. SNOWBALL—I have been speaking of bags only.

Hon. Mr. McKAY from the committee, reported that they had made some progress with the Bill.

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to call the attention of the hon. Secretary of State to an address which was voted on the 26th of April. It was as follows:

That a humble address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House a copy of all letters and correspondence exchanged between the government or any of its members and the interested parties, on the subject of the Baie des Chaleurs Railway, of the Atlantic and Lake Superior Railway and of the projected railway known under the name of the Short Line Railway of Gaspé, as well as a copy of all requests, petitions, resolutions or other documents relating to either of these lines.

The address was adopted, and I should like if the Secretary of State would be kind enough to tell me if we shall have that correspondence soon? I called the attenion of the Secretary of State some days ago to the subject, but perhaps he has forgotten the matter.

Hon. Mr. SCOTT—No, I have not forgotten. The papers are in the Department of Railways and Canals, and I have been promised repeatedly that they would be sent. I inquired again, and they had not been able to get the whole of them. I shall make further inquiries.

Hon. Mr. LANDRY—I would also call attention to a part of the answer the hon. gentleman gave me on the 15th of May relating to a paper on the Manitoba school question. It is reported in the *Debates* as follows:

Hon. Mr. SCOTT.—There was a document sent to the Governor General, and there were some documents or papers or letters sent to Sir Wilfrid Laurier. Those I have found. There were none sent officially to the Secretary of State or to the Governor in Council. I am having those copied and will bring them down in a day or two.

I see there were two kinds of documents—one sent to the Governor General, and others sent to Sir Wilfrid Laurier. The hon. gentleman told us the one that was sent to the Governor in Council had been declared a confidential one. I should like to know if the others are of the same character, or if we may expect to have them laid on the Table of this House.

Hon. Mr. SCOTT—I will have the papers looked up, and will inform my hon. friend to-morrow. I do not know how far the paper sent to Sir Wilfrid Laurier is confidential. The previous ones were confidential. He told me that the person who sent it had asked that it be not made public.

Hon. Sir MACKENZIE BOWELL—I asked for a return early last session with reference to the school lands sold in Manitoba and the prices obtained for them. The hon. gentleman will remember that a partial return was brought down, and very voluminous correspondence, and I intimated to him if they would complete the return showing the amount of land sold and the amounts received, the return would answer my purpose.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will make a note of the particular information he wants, and I will see about it.

Hon. Sir MACKENZIE BOWELL—It is just to complete the return.

Hon. Mr. SCOTT—I was told yesterday that every Order of this House had been complied with except the one the hon. gentleman from Stadacona referred to just now. If the hon. gentleman would drop me a note, stating what he wants to supplement the return, I will attend to it.

Hon. Sir MACKENZIE BOWELL—I do not want any of the correspondence: I simply want the figures so as to show the total amount, so that, in case we have to deal with that question, we may be able to do so intelligently.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 21, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

A POINT OF ORDER.

MOTION.

Hon. Mr. LANDRY moved:

That the Minutes of Proceedings of the Senate for June 18, 1900, be corrected by inserting therein, in its proper place, the following entry:

'The Hon. Mr. LANDRY moved that an entry be made in the Minutes of Proceedings of the Senate of the decision of the Speaker upon the point of order raised by the Hon. Mr. Mills,

which is to be found in the following extract of the Senate Debates of June 14, 1900:

'Hon. Mr. MILLS.—I might call attention to the fact, Mr. Speaker, that the question appeared on the paper the other day and was answered, and it is not regular that it should be placed on the orders again.

'The SPEAKER.—When I saw that notice on the paper, I inquired of the Clerk why it had been placed on the paper the second time, and was informed that some one had given instructions to one of the clerks to put it on the Orders of the Day without his knowledge. I thought that this inquiry had been answered, so that it is irregular to place it on the Orders of the Day again.

'Hon. Mr. LANDRY.—I suppose I can give it as a notice of motion?

'The SPEAKER.—I do not think that the hon. gentleman can place on the Order paper again a question which has been answered by the minister.

'Hon. Mr. LANDRY.—That might be so if the question had been answered; but supposing the question has not been answered?

'The SPEAKER.—I may say to the hon. gentleman that I think it is for the minister to say whether he has answered the question. If he says he has no further answer to make, that is an end to the matter.'

The question of concurrence having been put upon the said motion, it was, upon division, resolved in the negative.

Hon Mr. MILLS—I think that the motion—

Hon. Mr. LANDRY—I ask that the Speaker read the question before the hon. member makes his speech.

Hon. Mr. MILLS—The Speaker cannot do that because the motion is out of order.

Hon. Mr. LANDRY—The hon. member cannot say it is out of order before it is put by the Chair.

Hon. Mr. MILLS—Yes, I can.

The Speaker then put the motion to the House.

Hon. Mr. MILLS—I wish to call the attention of the House to the history of this motion. The hon. gentleman first proposed, on June 12, in this House that he would inquire about certain things, and the questions embraced in that inquiry are precisely those that are now before us. Then on June 14, the hon. gentleman brought up his motion. When that question was put on June 14, I called the attention of the Speaker and the House to the fact that the same question had been answered two days previously. On the same day the hon. member from Stadacona handed in a notice precisely the same as that which he is now proposing, and on June 15, that motion was reached. The ruling of the Speaker when that motion was reached was the same as the ruling upon a similar motion in 1898. That motion was not put. It was brought forward and the hon. gentleman himself cried lost, and so the motion of the hon. gentleman was dropped. Now the hon. gentleman brings forward the same motion again and adds these words:

The question of concurrence having been put upon the said motion, it was, upon division, resolved in the negative.

The motion was not put. It was dropped, and it was so entered in the minutes of proceedings, and properly entered because the hon. gentleman himself cried lost before the Speaker had an opportunity of putting the question. The hon. gentlemen repeats his motion and adds these words:

The question of concurrence having been put upon the said motion— —

It was not put.

—it was upon division resolved in the negative.

It was not resolved in the negative. The hon. gentleman cried 'lost' or 'dropped' before the motion could be put and so it was not put from the Chair.

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman not say 'lost on division.'

Hon. Mr. MILLS—No, I think not. It was not put by the Chair.

Hon. Sir MACKENZIE BOWELL—Lost on division is my recollection.

Hon. Mr. MILLS—My recollection is that he said 'lost' and then said 'dropped.'

Hon. Mr. LANDRY—I never said that, but I will answer it.

Hon. Mr. MILLS—And that being so, I do not think the hon. gentleman has any right whatever to bring up the same matter again. The hon. gentleman has not accepted the general statement that I made in reply to his question. He has not only refused to accept the statement I made, but he refused also to accept the statement of my hon. colleague, and said that one or other of us had stated what was not true. The hon. gentleman's language towards myself and my colleague is language which is wholly unbefitting this House.

Hon. Mr. LANDRY—It is not a question to-day whether the hon. minister has answered once, and if I have renewed my in-

quiry twice, or three times. The motion which I have placed on the Order paper concerns the entry in our minutes of a ruling given by the Chair. I made a motion to have that ruling put in the minutes of this House. Either my first motion made the day before yesterday to have that ruling placed in the minutes of this House was put by the Chair or it was not. If it was put by the Chair, it should be entered in the minutes. If it was not put by the Chair I am not out of order in bringing up the question again, because if it was not put, how could the hon. gentleman say that I am putting before the House a question which has already been settled. He must accept one of the two conclusions; either it was put or it was not put. He says it was not. I agree with him to a certain point, and it is for that reason that I am taking to-day the means that that ruling of the Chair be put in the minutes of the journals of this House in having my motion regularly put before this House by the Speaker. Referring to that part of the motion which says that the question of concurrence having been put, it was resolved in the negative. I will remark that that might be a reason for this House to pronounce against my motion, but it is not a reason for declaring my motion out of order.

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—Why should it be out of order ?

Hon. Mr. MILLS—My hon. friend cannot make an inaccurate statement of facts in a motion, and that is what he has done here.

Hon. Mr. LANDRY—That has been done every day by the government, and they would be always out of order. I think they are not in order when they are keeping their places. It would be a reason for this House to vote against my motion if I insisted to maintain it, is what may be believed an objectionable form, but there is a remedy for that. Supposing this to be the case, and that it would be very shocking for the hon. minister, May points out the proper remedy, which I will quote. What does May say ? He says :

A modification of a notice of motion standing upon the Notice paper is permitted if the amended notice does not exceed the scope of the original notice

Well, to comply with the wishes of the hon. member, I am willing to drop the last phrase of the motion I gave, so that he will not be shocked by the language of the motion. That quotation from May will be found in the tenth edition, page 232. At all events, I propose this motion, and I ask that this entry be made in the minutes of this House.

Hon. Mr. POWER—If at the meeting of the House, when this matter came up, the hon. member had allowed His Honour the Speaker to put the question, I think the resolution should have gone on the minutes of the Senate, because our minutes are supposed to contain a correct report of all the motions duly moved and submitted to the House. The hon. gentleman did not do that. He said 'lost on division,' without waiting for His Honour the Speaker to put the question, and consequently, I think the hon. gentleman is not entitled to have his motion placed on the minutes of that day. The hon. gentleman comes again and asks practically to have the same matter placed on our minutes, and he winds up his resolution with this statement :

That the question of concurrence having been put upon the said motion, it was, upon division, resolved in the negative.

I think the concluding paragraph precludes the House from adopting the resolution, because, as a matter of fact, the question of concurrence was not put upon it, and it was not resolved in the negative upon division, and this House would stultify itself by passing the resolution in its present state. Whether the hon. gentleman can put himself right by giving another notice and omitting that statement, which is not in accordance with the facts, is another matter, but it is quite clear that we would stultify ourselves to-day by resolving that something had been done which had not been done.

Hon. Mr. LANDRY—The hon. gentleman forgets that I stated that I was willing to have that last portion struck out.

Hon. Mr. POWER—Yes, but I think a resolution cannot be amended by the mover, without notice, except by the unanimous consent of the House.

Hon. Mr. PROWSE—The objections taken by the last speaker are not very forcible,

and will not bear the comparison we may make with those decisions which have been given in this House on several occasions. We know that when the report of the Committee on Divorce is brought in, an hon. member opposed to the system of divorce says: 'Lost on division,' and it is recorded in that way in the minutes.

Hon. Mr. POWER—That is after the question has been put by the Chair.

Hon. Mr. PROWSE—The question is never put to the House, and there was no division taken, although it was accepted by the House as a matter of course, and this question put by my hon. friend presumes the same thing. He knows the resolution would be lost, and he was perfectly satisfied to take the decision in that way without the formality of taking a vote of the House, and I think the objections raised against that part of the motion are not well taken. As far as the principle of the matter is concerned, I think it makes very little difference to this House or the country whether the motion should be placed upon the minutes or not, as far as the merits are concerned, but so far as the records of this House are concerned it is important that the records should be an exact representation of what really took place, because if we allow the clerks and officials of this House to change or correct or alter the minutes as they really ought to appear, we do not know where the end would be.

Hon Sir MACKENZIE BOWELL—I must take exception to the concluding remarks made by the senior member from Halifax, that a motion before the House cannot be amended without notice. That is constantly done in both branches of parliament.

Hon. Mr. MILLS—Not by the mover.

Hon. Sir MACKENZIE BOWELL—I am not going to quarrel about that point. The doctrine laid down by the senior member from Halifax was that he did not think under the rules that you could amend a motion which has been put from the Chair. That is constantly done in both Houses of parliament, and as there is a dispute as to what actually took place on that occasion, it would be well that nothing should be placed on the minutes which would apparently contradict that which had been done before. I am strongly of the opinion that any ruling given by the Speaker, particularly on a point of order, should be recorded on the minutes, in order that it may be an instruction to those who hereafter may follow the same course that was pursued by a senator who was ruled out of order or ruled in order, and in order that that may be done, I move that the last two lines of the motion made by the hon. member from Stadacona be struck out. Then there can be no objection to it. I do not suppose for a moment that the record of the ruling of the Speaker is incorrect. If it be, then the Speaker should be permitted to correct the ruling in the way he remembers having made it. There should not be upon the records a ruling that was not strictly correct. If this ruling is strictly correct, I think it should be upon the minutes. In order that there may be no dispute as to the matter of fact contained in the last clause, I move that the last two lines be struck out of the motion.

Hon. Mr. MILLS—Supposing these two lines are struck out, I submit to the House that this motion is not in order. It consists of extracts from a debate that occurred here a few days ago. If you can take extracts from a debate and form a resolution from it, such subject may be made again the subject of debate. You might summarize all the leading points in a former debate in a motion of this kind, and so make the subject of yesterday's debate the debate of tomorrow. I submit that that cannot be done, and to undertake to make a motion consisting of extracts from a debate that occurred a few days earlier in the same session, is altogether out of order, and that the amendment moved by my hon. friend opposite would not cure the inherent defects in this motion.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. Minister of Justice to say that the ruling of the Speaker shall not be placed on record on any occasion?

Hon. Mr. MILLS—No. I am saying that this motion is out of order.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given no reason why it is out of order. If these were extracts taken from a newspaper that was not re-

sponsible to this Senate for the report, I could understand the reason of it, because it might be inferred that the reporter or the newspaper had not made a correct report. We have an official reporter whom we pay for recording the debates of the House, and this is copied from the official record of parliament, and if I quote, as we very often do, from the official report, the utterance of any member, it is taken for granted that that is correct, as every proof sheet is submitted to each member. The inference is that if it were not reported correctly, he has so changed it as to make it right. The point that I take is this, that every ruling of the Speaker no matter on what question it may be, ought to be on the records, and as this ruling is not on the records, this is the means taken by the hon. gentleman from Stadacona to have it put on record for future reference and guidance. If that is not correct—if there is any doubt upon that point—I would suggest to the hon. gentleman who has moved the resolution to let the matter stand until the Speaker could revise the official report, if he has not done so already, and make such corrections as he thinks proper.

Hon. Mr. MILLS—That is not the point at all.

Hon. Sir MACKENZIE BOWELL—It is a point I am suggesting. If this cannot go in the Minutes, we have no record of our proceedings.

Hon. Mr. MILLS—My point is this: You cannot make the subject of a former debate the subject of a debate in the same session. It is not whether it is a correct or an incorrect record. I say no matter how correct a report is, you are precluded from making observations from a former debate in the same session the subject of debate at some subsequent sitting. The hon. gentleman takes a series of extracts from a debate which occurred in this House, and proposes that as a resolution which may be made the subject of debate. I say that cannot be done.

Hon. Sir MACKENZIE BOWELL—The point is well taken provided it were correct. We are not discussing the question which was discussed the other day, as to whether the ruling of the Speaker is correct or not. We are discussing the propriety or impropriety of putting the ruling of the Speaker on record. Hence the point of order, to my mind, has no force at all.

Hon. Mr. LANDRY—I would ask the Speaker if he would be kind enough to put the amendment of the hon. leader of the opposition.

Hon. Mr. GOWAN—It seems to me that this involves a good deal more than correcting the minutes of proceedings referred to. It is establishing a very serious and unfortunate precedent. The right of asking questions of ministers of the Crown, is now a well established practice in both Houses of parliament in England as it is in the parliament of Canada. But the right to ask questions has been strictly limited, and, to use the words of approved writers on the subject, questions must be severely accurate in their allegations of facts. They must not be argumentative or hypothetical. They must not be couched in improper language, or reflect improperly upon a minister or any member of the House. It seems to me that this question involves to a large extent, approbation of the questions that were put and replied to, as alleged by the leader of the House, and ruled out of order by the Speaker when repeated. The questions put originally by the member for Stadacona violate and fall short of the requirements of questions, and were not proper subjects to be answered by the minister, and were framed in a way that was calculated to embarrass; and by affirming the motion now before the House we, in a measure, it seems to me, impliedly approve the form in which the questions were asked. I think the House must be quite tired of this mode of sniping and potting at the ministers and Speaker of the House. I think it not only a waste of time, but injurious to the country as well. My opinion is, that deciding the question, even the first proposition put forward by the leader of the opposition might be understood as affirming or approving the terms in which the question was couched.

Hon. Sir MACKENZIE BOWELL. No.

Hon. Mr. GOWAN—It is perfectly right that the government of the day should be subject to interrogation of a proper character, and there are those, perhaps, not a few, would wish to see, metaphorically speaking, the government blown 'sky-high,' but there

is a legitimate and regular way of doing things, without sniping behind the usages and privileges of parliament. I shall decidedly vote against affirming the proposition.

Hon. Sir MACKENZIE BOWELL. I rise to set my hon. friend right. I made no such proposition. I agree, to a very great extent, with the remarks made by the hon. gentleman. My position is simply this—not to affirm the correctness of, not to declare the motions and questions which were put by the hon. gentleman from Stadacona, correct. My position is, that the ruling of the Speaker ought to be put on record, and with this ruling of the Speaker I fully concur, because, if the hon. gentleman from Stadacona took the view as the Speaker did, that it was the same motion as the previous one, already decided, he had no right to put it on the paper at all. All I ask is that the ruling of the Speaker declaring that the hon. gentleman was out of order, should be put on record, not that I am affirming the inquiry and motion made by the hon. gentleman from Stadacona. It is evident I was not understood by my hon. friend or he would not have attributed such motives to me.

Hon. Mr. GOWAN—I heard what the hon. gentleman said, but what he said will not appear on the minutes, and when the minutes are read it might appear that he approved of the course taken by the hon. gentleman from Stadacona. People would say here is an implied recognition that the questions put by the hon. gentleman from Stadacona were correct and within the practice of parliament. I maintain that they were not and are not proper questions such as a minister of the Crown could with self-respect undertake to answer.

Hon. Sir MACKENZIE BOWELL—There is nothing at all in this motion that can lead one who ever saw the motion to the conclusion at which the hon. gentleman has arrived. All it says is that on a certain occasion the hon. gentleman from Stadacona made a motion. The Speaker ruled it out of order, and now the hon. gentleman asks that the ruling of the Speaker shall be put on record. If it were an affirmation of the substance of the question asked of the government, then I would not take that position. It is nothing of the kind.

Hon. Mr. GOWAN.

Hon. Mr. DeBOUCHERVILLE—Is there before the House any other question than this ? There is a motion made by the hon. Mr. Landry and an amendment made by Sir Mackenzie Bowell. Is there anything else before the House but these ?

The SPEAKER—Yes, a question of order.

Hon. Mr. DeBOUCHERVILLE—There has been no motion that this is out of order ?

Mr. SPEAKER—No motion is required to ask the Speaker to decide a question of order.

Hon. Mr. POWER—I do not undertake to say anything as to whether or not a resolution moved and seconded and put to the House is a subject, the Speaker's decision upon which should appear in the Minutes. I only wish to guard the House against the view taken by the leader of the opposition, that is if that view is to be taken in its widest sense. I understood the hon. gentleman to say that if a question—he did not say resolution—were ruled out of order, then that question should appear on the Minutes.

Hon Sir MACKENZIE BOWELL—No, I say nothing of the kind.

Hon. Mr. POWER—I simply wanted to guard against that.

Hon. Mr. LANDRY—I should like to know what was the point of order that was taken.

Hon. Mr. McDONALD (C.B.)—There is none.

The SPEAKER—I hope the Senate will see that it is very necessary to come to an understanding about the debates and proceedings of the Senate. If I have anything to do with maintaining the usages and the proper manner in which the debates of the Senate are to be conducted, I hope to be allowed to make some suggestions. As to the ruling I made the other day, I have not the least objection personally that it should be recorded anywhere, because I am still of opinion that my ruling was right. It was based on precedent and the rules of the House. But I would remind the House that two years ago, on the 26th of May, 1898, the hon. mover of this present motion, made exactly the same request and the same motion to the House. Then I took particular care, because I wanted to guard the usages of the House, and made strict inquiry about

the right of the hon. gentleman to move as he did. His motion was this:

That he will move that an entry be made in the Journals of the Senate of any ruling of the Chair on questions of order, and that the following special ruling given on Monday, the 8th instant, be put upon record, so as it may read as follows, immediately after the word 'debated' in the 44th line of page 386:

And a question of order being raised, the hon. the Speaker ruled:

The SPEAKER.—When a minister is asked a question and when he declares to the House that he has answered it and professes to have answered it, I know of no rule by which the Speaker could coerce a minister to answer any more questions, and I believe that all other questions which follow that are entirely out of order.

I took the precaution, besides the precedents I cited, to have the advice of an authority well recognized by the House, Bourinot, and here is what Bourinot said:

Before considering the suggestion of entering all decisions of Mr. Speaker in the Journals, I may say that the ruling of the Speaker, as cited, is entirely in accordance with rulings in analogous cases in the English House of Commons. For instance, Mr. Speaker Brandt decided (see Blackmore's 'Speakers' Decisions,' pp. 272, 280), that 'an answer cannot be forced from a member;' that 'an hon. member can put a question, but he has no right to insist upon an answer;' that 'a minister is entitled to decline on public grounds;' that 'when an hon. member has put a question and received such an answer as a minister, acting on his responsibility, thinks proper to give, he cannot renew the question.'

In the Lords, when a series of questions have been deemed objectionable, a noble lord has formally moved that 'the question be not put,' and the motion has been carried; and, as in the case of all such matters, the words of the question do not appear in the Lords' Journals. Neither do the questions or Mr. Brandt's decisions thereon, as given above, appear in the Commons Journals, but only in the 'Hansard' Debates.

The reason why such entries are not made in the Journals of either House is this: only 'res gestæ' or proceedings-motions or bills or petitions or returns or other formal matters requiring the action of the House—are ever entered. If, when an order is read, or a petition presented, or a Bill moved (in which cases an entry is necessarily made by the clerk at the table,) a question of order is raised as to the regularity of procedure, and it is ruled that such order or petition or Bill is irregularly before the House, the clerk also enters the decision in the Journals to show why no further action is taken in the matter in question. For instance, in the Senate, during 1887, the order of the day being read for the third reading of a private Bill, an hon. senator proposed an amendment, but it was ruled out of order because no notice had been given of the same under the rules (Sen. Jour., 1887, p. 1857. In 1889, a member proposed that the House should adjourn over until a certain day (Sen. Jour., 1889, p. 52), but it was ruled out of order because the motion was special and requested a day's previous notice. In the Canadian Commons Journal, during 1891, four decisions were entered because, in each case the ruling prevented further action in a proceeding duly entered on the Journals in accordance with the ordinary usage of the House. (See pp. 312, 345, 411, 526 Canadian Commons Journal, 1891.)

I find also the following entry in the English Commons Journal of 1882: 'The House, according to order, resumed further proceedings on consideration of the Prevention of Crime (Ireland Bill) as amended in the committee.' An amendment was then proposed, and the following entry is made: 'And it appearing that the proposed amendment would throw an increased charge on persons liable to the rate, Mr. Speaker declared the proposed amendment out of order.'

In all the cases recorded in the English or Canadian Journals—and in some years there are no decisions at all entered—the entry is made to show how no further progress is made in a proceeding. All the Speaker's decisions arising out of debate must be sought in the 'Hansard' or regular reports of debates, and not in the Journals which are simply records of proceedings (see Bourinot and May where the notes for the most part refer to 'Hansard'). If it should be attempted to record questions or debates, and points of order arising thereon, then the fundamental rules governing the making of the Journals would be broken, and grave inconvenience would arise on account of the disputes that would naturally occur from time to time as to the accuracy of the record. The duty of the clerk, responsable for the Journals, is stated in these words by Hatsell, May and all other authorities. (see Bourinot citing Hatsell, &c., 2 ed. p. 216): 'He takes notes of the proceedings, of the "res gestæ," of the Commons; he is to make true ntries, remembrances, and jouranls of the things done and passed in the House, but it is without warrant that he should make minutes of particular men's speeches.' It is clear if decisions on all matters are to be given, then the speeches relating thereto would have to be entered, if such decisions are to be made intelligible.

The conclusion to which I come after further study of the whole question—a question on which I have had never a doubt?—is that the honourable the Speaker of the Senate decided in accordance with correct usage that the Speaker's ruling cannot be properly entered in the Minutes 'in the case where a point of order is raised in the course of a discussion on a public question or on any inquiry or question put to a minister of the Crown." (See Senate Debates, p. 815, 1898.)

I may also cite May, 10th edition, p. 196, speaking of the Journals of the House, he says:

These records are confined to the votes and proceedings of the House without any reference to the debates.

I want to remind the House what is the motion before us? Not merely that the ruling of the Speaker be recorded in the Minutes of Proceedings, which I maintained according to precedent should not be done, but the hon. mover asks that the whole debate on the ruling be inserted in the Minutes. If it is the pleasure of the House, the House can so decide, but if it is the pleasure of the House to do so, another hon. member may move another day, and instead of moving that one page be inserted in the Minutes

and Proceedings, he may ask to have ten or twenty pages inserted. It will be seen that this involves not only the ruling of the Speaker, but the whole debate, which contains nearly a page, in the Minutes and Proceedings. If the House is willing to establish such a precedent it is for them to decide. As to the motion before the House, I think it is irregular in this way. It is against the usage of the House ; it is against precedent, and it is irregular as to facts. I want to state my recollection as to the way the motion was put the day before yesterday—the motion which the hon. mover is making to-day was not put by the Chair. The hon. gentleman only read the motion, and before I had time to get up and read it, an hon. member rose in his seat, and then after a discussion the hon. mover of this motion to-day just said : 'Lost on a division.' I could not allow that to go on a division, because there was nothing before the House, and I said 'dropped' and the hon. gentleman repeated after me 'dropped,' and the Clerk of the House entered in his notes, the word 'dropped.' It would be perfectly irregular to-day to declare that this should have been recorded in the Minutes. To allow the hon. gentleman's motion to-day would be to negative what was decided on the 26th of May, 1898. If it was allowed to a member to have a part of a debate, which may be a page or ten pages, inserted in the Minutes of Proceedings, it would be contrary to what Bourinot and May say, that the Minutes of Proceedings are only to record the proceedings of the House and not the discussion. The object of the official report is to record the debates. I decided in 1898 that the motion should not be recorded. I did so in order to decide what should be done in future, and I again think this motion is not in order, and then if the hon. gentleman is satisfied he can appeal to the House, and I shall be willing, if the House, approves, to allow such motions to pass and be recorded.

Hon. Mr. LANDRY—Before the hon. Speaker gives his decision on the question——

Some hon. MEMBERS—The Speaker has decided.

Hon. Mr. LANDRY—I asked if there was a point of order, and was told that there was not. I have been told that I consented to drop the motion I made the day before. I deny such an assertion, and to prove that I am perfectly right, let me tell this House that I am willing to take what the reporter of the debates has in his notes. I know positively that I never said 'dropped.' I said 'lost on division,' and if the Speaker is well reported he will find recorded in the debates he did not say 'dropped' but 'lost.' I am willing to take what is reported in the debates. I cannot allow myself to be held responsible to this House for statements that I never made, and my intention in bringing up this question is to obtain an official relation of the facts that took place and not to reflect on the decision given by the Speaker. The Speaker gave his decision. I am merely asking that his decision be recorded in the Minutes of the House, nothing else. I could not refer to that decision without using the words in which it was rendered. If it had been given in a shorter way, the motion would have been shorter, but I took the only way that was available to me to put before the House the decision as it was given. That is the only form to be given to the motion which I put before this House, and I think, under the circumstances, the motion should be adopted.

Hon. Sir MACKENZIE BOWELL—Do I understand the Speaker to rule that it is out of order to ask that any decision which he may have given may not be put to the House.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—That is the inference. I asked the question so that we may understand definitely what the ruling is, for future reference.

The SPEAKER—If it had only been asking to have the ruling recorded, it would not be so objectionable, but it is not only the ruling ; the whole debate on the ruling is asked to be recorded on the Minutes, which is entirely out of order.

Hon. Mr. LANDRY—There is another question.

Hon. Mr. SCOTT—Chair, Chair.

Hon. Mr. BERNIER—I move the adjournment of the House.

Hon. Mr. MILLS—I do not think there is any debate——

Hon. Mr. LANDRY—It is not a motion for adjournment of a debate, but the adjournment of the House that is moved.

Hon. Mr. MILLS—That is for the purpose of discussing the decision of the Speaker.

Hon. Mr. LANDRY—The hon. gentleman has no right to assume what is going to be discussed. Though he is Minister of Justice he cannot know what I am going to say. He has no right to say that this is done for the purpose of discussing the decision of the Speaker. I will not allow the hon. minister to impute motives.

Hon. Mr. MILLS—I imputed no motives.

Hon. Mr. LANDRY—If the hon. gentleman is so strong about the rules of order, he should be the first to set an example of order. Before the House adjourns I should like to call attention, not to the decision of the Speaker, but to what must appear to-morrow on record. Here is a motion which has been put in the hands of the Speaker. The Speaker put the question to the House. Here is what should follow according to the authority last cited :

> The duty of the Clerk of the House is to put in the record of the day's proceedings what took place. He is obliged to put in the records the motions that the Chair has put before this House.

This is a matter that has been put by the Chair and must go on record. With this entry in the record must be given the decision of the Speaker. These are facts which took place to-day, and I hope to-morrow we will have the records in proper form.

Hon. Mr. BERNIER asked leave to withdraw the motion to adjourn.

Leave was granted and the motion was withdrawn.

GRAIN INSPECTION DISTRICT OF MANITOBA BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (141)—'An Act respecting the Grain Trade in the inspection district of Manitoba.'

(In the Committee.)

On the fourth clause.

Hon. Mr. SCOTT—I wish to propose an amendment to subsection A of this clause. It is intended that the grain commission merchants shall also take out a license. I move that the clause be amended accordingly.

Hon. Sir MACKENZIE BOWELL—Does that bring the grain commission merchants into the same position as elevator men, so that they will be under the control of the government as the elevator men are.

Hon. Mr. SCOTT—Yes. The farmers deliver their grain. The grain is gold. It is not fair that the commission merchant should get hold of the article and sell it and make no return to the farmer.

Hon. Sir MACKENZIE BOWELL—I think it is a proper amendment.

Hon. Mr. McMILLAN—What guarantee does the license give ?

Hon. Mr. SCOTT—He has to give security.

Hon. Sir MACKENZIE BOWELL—It is a further protection to the farmer.

Subsection *a* was amended and adopted.

On subsection *b*,

Hon. Mr. SCOTT—In this section I move to strike out the word 'and' before the word 'flat' and add the words 'by grain commission merchants.'

Hon. Mr. BERNIER—Would that clause oblige local merchants in any village to take out a license ?

Hon. Mr. SCOTT—Any man who buys direct from farmers as a grain commission merchant must take out a license. The application is one generally understood in Manitoba and the North-west. There will be no hesitation about it if the parties are in a financial position to deal in grain.

Hon. Mr. PROWSE—Is it intended to apply elsewhere than in Manitoba ?

Hon. Mr. SCOTT—No, it is a Manitoba Act.

Hon. Mr. McMILLAN—Does it not apply to the North-west ?

Hon. Mr. SCOTT—Yes, that is part of the grain inspection district.

Subclause *b* as amended was adopted.

On subsection e,

Hon. Mr. SCOTT—I have amended this clause by inserting after word 'railroad' in the last line the words 'or' by any grain commission merchant.'

Hon. Mr. PERLEY—Is there to be only one commissioner to do all this work ?

Hon. Mr. SCOTT—One head commissioner and those subordinate to him.

Hon. Mr. PERLEY—Because one man could not do a quarter of it.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—There is no power given to the Governor General to appoint more than one that I have seen so far.

Hon. Mr. SCOTT—I think you will find that he has the power to appoint persons under him who will report to him from time to time.

The subclause was adopted.

On clause 5,

Hon. Mr. PERLEY—This clause was taken exception to by members of the other House with regard to giving this information at points where grain is bought. This information is sought to be given by the government to the men dealing in grain, and these men at Winnipeg all have their agents and know quite as well as the government, and perhaps better, with regard to the price of grain in the different markets wherever they are selling, and I do not see any use in having this information posted up at Winnipeg. In the early days of this session I called upon the Minister of Inland Revenue and asked this year, and also asked last year, that this information might be given at the different points throughout the length and breadth of the country where grain is bought from the farmers. Take a farmer living twenty miles from the station, or even a shorter distance: he knows nothing about the ruling price. He has to take the buyer's word. The buyer tells him wheat is worth fifty cents to-day. The farmer does not know any more about it than the man in the moon. It may be higher, but it is never very much lower. But I asked the minister to take the necessary steps to inquire and to see if he could not cause this information to be given at different railway stations where grain is bought, so that the farmer could see whether he was getting a good price for his grain; and so far as Winnipeg is concerned, the information is no earthly use. I was talking to a grain man in Ottawa the other day, and he said it was no use in Winnipeg. He has his agents to inform him as to the price. It was objected to in the other House and the suggestion was made that that clause should be struck out, or the information given at the different points where it is bought from the farmers, so that the farmer could see whether he was getting a fair price for his grain or not. I do not wish to raise any objection, but as far as Winnipeg is concerned the information is useless. This Bill has been framed largely by the Winnipeg Board of Trade, and a man has been in Ottawa for three months this session in reference to it. He accompanied the royal commission last year and has been under pay. He has been framing this Bill, and it has been framed in the interests of the grain-buyers rather than the grain-sellers, and I cannot see any advantage to the grain-buyers because they already have their agents who notify them about the changes in price from time to time.

Hon. Mr. McSWEENEY—It cannot do any harm, can it ?

Hon. Mr. PERLEY—I wanted to have it arranged so that the farmers would get this information at country points as well as Winnipeg.

Hon. Mr. POWER—It would be quite impossible to keep on file at all the railway stations in the North-west and Manitoba the quotations as to the price of grain. I assume that this information is kept at the office in Winnipeg, and the daily newspapers get their information from the office.

Hon. Mr. PERLEY—That is the only point in it.

Hon. Mr. POWER—It is an important point. It is a matter of importance to the people in the North-west and, as a matter of fact, the newspapers publish each day the prices of the day before.

The clause was adopted.

On clause 6,

Hon. Mr. PERLEY—Where is the weighmaster to be situated ? There are only two points I suppose, Winnipeg and Fort William.

Hon. Mr. SCOTT—I do not know. There may be other points. If necessity arises I presume subordinate weighmasters would be appointed.

Hon. Mr. McCALLUM—I have no doubt there will be enough appointed.

Hon. Mr. SCOTT—They would be at the chief grain centres.

Hon. Sir MACKENZIE BOWELL—They can only be appointed under this clause where there is an inspection of grain, and that is quite enough.

The clause was adopted.

On clause 8.

Hon. Mr. LOUGHEED—What is meant by terminals ?

Hon. Mr. SCOTT—Where there are terminal elevators, as at Fort William and at Port Arthur.

Hon. Mr. YOUNG—They are described in clause 14.

Hon. Sir MACKENZIE BOWELL—That states that the Minister of Inland Revenue shall decide where he will be located.

Hon. Mr. LOUGHEED—That might cover an elevator at any point. It only describes an ordinary elevator.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—The clause is plain enough. It reads :

All elevators located at any point declared by the Minister of Inland Revenue to be a terminal——

Under that clause the Minister of Inland Revenue can declare an elevator to be a terminal no matter whether it be at Calgary, Fort William or at any other place.

Hon. Mr. FERGUSON—And from the closing words of the section it would seem that the words 'terminal elevator' are mentioned in sections 14 to 28 and include the warehouse.

Hon. Mr. SCOTT—They are at only four different points, Port Arthur, Fort William, Winnipeg and West Lynn. They are elevators where the grain has been graded and then it can be stored, and they do not keep the grain in separate bins, because having been graded the parties depositing the grain are entitled to take out the equivalent. The principal one is at Fort William.

The clause was adopted.

On clause 10,

Hon. Mr. LOUGHEED—What is meant by a seal ?

Hon. Mr. SCOTT—I have put a query as to that. I will make inquiries .

Hon. Mr. POWER—The certificate does not need any seal. It is better to strike out the word seal.

Hon. Mr. SCOTT—Better leave it in till I inquire.

Hon. Mr. LOUGHEED—It may be an official seal and affixed to the certificate.

Hon. Mr. PERLEY—It is an official seal.

Hon. Mr. SCOTT—This Bill has been drawn by experts, and I should like to make inquiry from them before striking anything out, and I can give the explanation later.

Hon. Sir MACKENZIE BOWELL—It does not seem to me that it requires explanation. In all laws where it provides that a document shall have a signature and seal, it means the official seal that is put on.

Hon. Mr. LOUGHEED—I understand that, but what is the object of sealing it ?

Hon. Sir MACKENZIE BOWELL—It does no harm.

Hon. Mr. MILLS—It makes it easier to identify the documents.

The clause was adopted.

On clause 14,

Hon. Mr. LOUGHEED—In this clause you require the name of the individual to be stated, and you do not require the name of a corporation, in the event of its being a corporation. You only require the names of the officials, and not the names of the corporations. It seems to me that the name of the corporation should be given.

Hon. Mr. SCOTT—The corporation has no soul, and you cannot punish it, but you can punish the officers of the corporation.

Hon. Mr. LOUGHEED—There is a provision here as to what has to be complied with in making an application.

Hon. Mr. SCOTT—I do not see that it is at all important one way or the other.

Hon. Mr. LOUGHEED—If you grant a license you want to know to whom you are granting it.

Hon. Sir MACKENZIE BOWELL—Can you not grant a license to a corporation.

Hon. Mr. MILLS—There would be no difficulty putting the name of a corporation with the name of the president. Of course you can hardly have the name of the president of the corporation without having the name of the corporation of which he is president.

The motion was amended and adopted.

On clause 21,

No terminal warehouseman shall insert in any receipt issued by him in any language in any wise limiting or modifying his liabilities or responsibility except as in this Act mentioned and except in so far as all parties concerned consent thereto.

Hon. Mr. LOUGHEED—Will not the parties invariably contract themselves out of the Act?

Hon. Mr. MILLS—Not necessarily.

Hon. Mr. LOUGHEED—It seems to me when you make certain provisions in the Act, and then give the right to parties to waive those provisions, you place simply a premium on the parties contracting themselves out of the conditions.

Hon. Mr. MILLS—They are not a dependent class at all.

Hon. Mr. LOUGHEED—Suppose the warehouseman says I will not do so and so unless you modify the condition imposed by the statute.

Hon. Mr. MILLS—He cannot refuse to do it.

Hon. Mr. LOUGHEED—The clause permits him to modify the conditions.

Hon. Mr. YOUNG—There may be circumstances under which they should be waived.

Hon. Mr. LOUGHEED—You must take into consideration the fact that a warehouseman occupies a much more dictatorial disposition than the farmer. He can say to the farmer I will not do so and so unless you waive certain conditions.

Hon. Mr. SCOTT—The Act requires that he shall conform to the law. If the parties choose to waive the conditions they can. That freedom exists in all phases of business.

Hon. Mr. YOUNG—This is between dealers largely.

Hon. Mr. WATSON—Suppose a man ships grain in a certain condition, there might be an agreement by which the warehouseman is relieved of responsibility for that condition of the grain.

Hon. Mr. LOUGHEED—That is a reason why the parties should not be allowed to contract themselves out of the conditions. A small quantity of defective grain might destroy all the grain in the building?

Hon. Mr. YOUNG—No grain is taken in without the inspector's approval.

Hon. Mr. LOUGHEED—You exempt the warehouseman from a large share of responsibility which should attach to him if he had defective grain in store.

Hon. Mr. SCOTT—I have made a note of it.

The clause was adopted.

On clause 24,

Hon. Mr. LOUGHEED—Should you not impose the duty of furnishing these weekly statements on the person who has personal knowledge of the facts instead of on the warehousemen.

Hon. Mr. YOUNG—At the terminal elevator there is some one official who will be in a position to furnish the information. He will know that it is his duty to furnish this information as required by law. It may be the manager or the head book-keeper.

Hon. Mr. LOUGHEED—You impose the duty on the warehouseman to get him to do it.

Hon. Mr. YOUNG—The warehouseman will have control of this official whoever he may be, who will have a personal knowledge of the fact.

Hon. Mr. LOUGHEED—Why not provide that the bookkeeper shall furnish such a statement to the warehouseman ?

Hon. Mr. SCOTT—You must allow some elasticity in these matters. The important point is to get the information. I feel a good deal of hesitation in altering the clause, which has been carefully thought out. The law casts on the warehouseman the duty of looking after this return. As a matter of fact, we all know it has been given to the public in the newspapers. It is a form that is well recognized now. It is not the introduction of a new principle.

Hon. Mr. LOUGHEED—My hon. friend misapprehends my contention. The warehouseman does not make the declaration. He has to go to some one to make the declaration, and you do not compel that somebody to make the declaration.

Hon. Mr. SCOTT—The warehouseman is the one who is primarily responsible, and it is his duty to get the best information he can. There are men under his control.

Hon. Mr. LOUGHEED—They are not under his control. The owner is not under the control or supervision of the warehouseman.

Hon. Sir MACKENZIE BOWELL—Who appoints the warehouseman ?

Hon. Mr. WATSON—The owner.

Hon. Sir MACKENZIE BOWELL—Then you make the owner the servant of the employee ?

The clause was adopted.

On subsection 4 of clause 26,

Hon. Mr. SCOTT proposed to substitute a clause which was read to the House.

Hon. Mr. LOUGHEED—What is the difference between the two ?

Hon. Mr. YOUNG—I think one difference is this : in the amendment suggested, the grain inspector is called upon to decide whether the grain is out of condition or not. When the warehouseman finds the grain going out of condition, he notifies the inspector, who examines the grain and decides whether it is out of condition or becoming so.

Hon. Mr. SCOTT—It only applies to terminal elevators.

Hon. Mr. YOUNG—And to the bin or bins that have gone out of condition. I fancy it is intended that the bin or bins that have gone out of condition shall suffer, and only those, not the grain in the whole building, so as to bring as nearly as possible the matter home to the actual grain that has gone out of condition.

Hon. Mr. PERLEY—I had a discussion with Mr. Shaw with reference to this clause. We discussed the matter in detail. It is a long, voluminous clause, and it is difficult for a man who is not a lawyer to understand it, but nevertheless, talking it over with Mr. Shaw, I found the great difficulty was when the grain went into the bin at Fort William. When a receipt is issued for it, they are responsible for the class of grain they give a receipt for, when the government appoint an inspector. The main feature of this clause is to relieve the Canadian Pacific Railway from any responsibility in regard to the grain going into the elevators, when it has been inspected by the government inspector, and not by one of their inspectors. I am in full sympathy with all the provisions of the clause except one. I believe the moment the grain is found to be out of condition in one of the large elevators, due caution should be taken at once to have it checked and preserved as much as possible.

Hon. Mr. YOUNG—The Act provides for that.

Hon. Mr. PERLEY—So far as that goes that is all right. But then it says that the expense of all this is to be borne by the men who have the grain in the bin, I will give an illustration. If five of us send a car-load of grain each to Fort William, it is placed in a bin there. It is inspected. Four of us have been careful, and have sent down good grain, and the man has made a proper inpection, and put it into a bin. The fifth man is not so careful, and his grain is a little damp, and the inspector does not exercise due care, and vigilance in the inspection of it, and he puts in the car of bad grain with our good grain. Fermentation sets in, and the bin becomes bad, and this clause says that the expense shall be borne by the five men equally. I am not going to offer any objection to it, but I think that when the government appoints an inspector, he should exercise great care and see that bad grain

is not put in with good grain, because it spoils the whole bin, and the five men have to pay the expense of it. I shipped two car-loads of grain last year. The grain was a little tough. A car-load went to Fort William. It was good grain in every particular, but it was what is termed by the buyers a little tough—a little damp. They sent it to Fort William to be cleaned. Grain out of the other car was good grain, and I received almost the first class price for it from the Lake of the Woods Milling Company, but when the first car went down toFort William they graded it through, and put in through the cleaning process such as provided for by this Bill. When it came out of the cleaning process it was mixed with other grain. It had frosty and smutty grain in it, and when they sent me my sample, it was graded as smutty and frosty, and no grade at all; and I lost 14 cents a bushel on the two car-loads of wheat. I came home to the man whose elevator I shipped it through, and got a sample of the other car and placed it alongside of this, and I sold it to the Lake of the Woods Milling Company for within two cents of the price of No. 1 hard. In consequence of this change from one bin to another, I lost 14 cents a bushel on two car-loads of grain. That is not fair. I say that when they make a wrong inspection they should be liable for it. Why should I be liable for having my grain mixed up with grain that had been injured by frost and had smut in it? That was not fair. My grain was examined by a government inspector, and I had nothing to do with it after it was left in the car at Wolseley. But it was handled by other men who are often times incompetent, and it was handled in such a way, that by mixing with inferior grain, I lost 14 cents a bushel on 1,300 odd bushels. The only fault I find with this section is that it says that all this expense shall be borne by the men who have grain in the bin. You may have five car-loads.

Hon. Mr. YOUNG—About 5,000 bushels.

Hon. Mr. PERLEY—Nearly ten car-loads. The inspector may be derelict in his duty. The inspector, as I understand, does not inpect the grain. He has a lot of men who go out and take samples from this car, and that car, and the inspection is done loosely. They inspect it, and put it in one big bin at Fort William, but one car has been soft wheat or damp wheat and it has fermented the whole lot, and all who have grain in that bin have to suffer alike.

Hon. Mr. FERGUSON—It never should have been graded as No. 1 if it was soft.

Hon. Mr. PERLEY—Well, say No. 2. Supposing there were five cars of good quality of grain in that bin, and another car-load of poor quality is put with it and you spoil the whole quantity.

Hon. Sir MACKENZIE BOWELL—Would they mix No. 1 with No. 2?

Hon. Mr. PERLEY—No, but the man might make a mistake in grading. The inspectors should be more careful and cautions and not do it. A mistake is sometimes made. There was a mistake made in my case.

Hon. Mr. SCOTT—Did it ever occur before?

Hon. Mr. PERLEY—It is the first time I ever shipped grain, so that I do not know. It was a bad start. I am not speaking for the farmer particularly, although the farmer ships his grain. It is a customary thing for the farmers to ship their own grain, and the moment it goes on the car, it is out of their control, and in the hands of other men, and the shipper has nothing to say about it. The government should have responsible men, and when they spoil the grain of half a dozen men, those half dozen men should not suffer by it. It is the men who are handling the grain who would be more affected by this than the individual farmer. I will not take any sharp turn, and move an amendment, but I will say that the government ought to be responsible for the actions of their officers. When they appoint inspectors they should appoint competent men, and they would be perhaps more careful in the discharge of their duties, and not allow it to occur. So far as taking active measures in preventing the grain from spoiling, in place of doing all this work by letter, it should be done by telegram, and the parties should be informed that the grain in a certain bin is wrong.

Hon. Mr. YOUNG—They inform them by wire now.

Hon. Mr. PERLEY—This Bill does not provide for that.

Hon. Mr. CLEMOW—Does the inspector give a receipt for your two car-loads of wheat as being sound and fresh ?

Hon. Mr. PERLEY—Yes.

Hon. Mr. CLEMOW—And it is dry and no fault to find in that respect ?

Hon. Mr. PERLEY—Sometimes a receipt is given for No. 1 when it is really No. 2.

Hon. Mr. CLEMOW—Cannot the inspector discover the defect at the time of making the inspection ?

Hon. Mr. PERLEY—He ought to.

Hon. Mr. CLEMOW—That is the whole point.

Hon. Mr. SCOTT—Mistakes will occur.

Hon. Mr. YOUNG—The case cited by my hon. friend does not apply to this clause at all. This clause applies to grain that has been inspected into a warehouse by an inspector, and a certificate granted. The case in which my hon. friend lost so heavily on his grain was not a case where it was inspected into the terminal warehouse, and a certificate given. He simply got a certificate that it was out of condition. His grain was graded tough. That grain would not come in under this provision.

Hon. Mr. PERLEY—It was mixed with smutty grain and frosted grain.

Hon. Mr. YOUNG—We are not dealing with the grain which is tough, I might explain that at Fort William the Canadian Pacific Railway have several buildings for storing grain. There is one building, King's elevator, which is sometimes called the hospital elevator, where the grain of the grade which my hon. friend shipped is sent for treatment. He says his grain was cleaned there. I fancy it was dried there. But my hon. friend says his other car at home was more valuable. It may have dried out in the meantime. It may not have been badly damaged. It may have been slightly damp, and it may have been in a little better condition, and it does not reflect on the judgment of the inspectors, because, as far as I am able to learn, the inspectors are very careful to do their work as correctly as they possibly can. They are the same officials that have been there for years and years, and while they may make mistakes, I fancy they do their utmost to do justice as far as we are concerned. But this clause applies to grain that has been inspected in good condition, and afterwards comes out in bad condition, and this clause proposes to limit the responsibility to bins that are out of condition, and it is true there may be some others whose grain will be in that bin who should not suffer. There is a difficulty there, and if, as my hon. friend suggests, the government would become responsible for any grain that gets out of condition after it has been inspected, we would appreciate it very much, and no one would endorse it quicker than I would. Pending their assuming that responsibility, we have to limit the loss as nearly as possible to the owners of the grain which has been put in there which has caused the trouble.

The subclause was adopted.

On subclause 6, relating to the sale of grain out of condition.

Hon. Mr. PERLEY—One month is too long to allow the grain to remain before being sold.

Hon. Mr. SCOTT—That would be the extreme limit. It is always in the owner's interests to remove it as soon as possible. He might complain if we limited it to a week or ten days. It is for the owner to remove it as soon as possible. I propose to amend this subclause by adding the following :

And if the proceeds of such sale are not sufficient to satisfy all the charges accrued against the grain at the time of the sale, then the owner of the grain so disposed of shall be liable to the warehouseman for any deficiency.

Hon. Mr. LOUGHEED—I would point out what in my judgment is an omission

In subsection 4, of clause 26, it is not provided that the owner of the grain should be notified

Hon. Mr. SCOTT—Oh, yes, he is to be notified at once.

Hon. Mr. LOUGHEED—Subsection 4 deals with the notice which shall be given, and it says :

He shall immediately, by registered letter, give written notice thereof to the warehouse commissioner, and at the same time give public notice by advertising in a daily newspaper in the city in which such warehouse is situated, and in Winnipeg, and by posting a notice in his

elevator and in the Grain Exchange at Winnipeg, of its actual condition as near as he can ascertain.

Hon. Mr. SCOTT—The grain may have changed hands half a dozen times.

Hon. Mr. LOUGHEED—But there is some particular individual interested in that grain, and in the subsection which we are now proposing, it is provided that if he does not within a certain time do a certain act, the grain will be sold.

Hon. Mr. SCOTT—Can the hon. gentleman suggest any better way of calling his attention to it than the mode provided in the clause? It passes from hand to hand like a dollar bill. There is no record of it in the warehouse.

Hon. Mr. LOUGHEED—Is it proposed to hold the owner responsible when it is not known who he is?

Hon. Mr. SCOTT—The person who holds the receipt for the grain at the time it is declared out of condition will be held responsible.

Hon. Mr. LOUGHEED—But if there is a deficiency, that person is not going to appear upon the scene.

Hon. Mr. SCOTT—Then the elevator people lose the money.

Hon. Mr. LOUGHEED—Then a notice should be sent out in the name of the person to whom the receipt is issued.

Hon. Mr. SCOTT—Yes, if there is a record of it.

Hon. Sir MACKENZIE BOWELL—That can be provided for by adding a provision that notice shall be sent 'to the owner if known.'

Hon. Mr. SCOTT—Yes, that might be added.

Hon. Mr. LOUGHEED—Supposing my hon. friend from Wolseley ships a couple of car-loads to Fort William, and notice is given in Winnipeg; my hon. friend lives several hundred miles away, and he is to be shouldered with that loss, without any notice, and without any opportunity of endeavouring to do the best he can with the defective grain. A notice should be sent to the person to whom the receipt is issued.

Hon. Mr. SCOTT—When?

Hon. Mr. LOUGHEED—At the time of the happening of the Act mentioned in section 6.

Hon. Mr. POWER—It is done by ten days notice in a newspaper in Winnipeg.

Hon. Sir MACKENZIE BOWELL—Subsection 4 should be made to read in this way:

After such examination has been made, if it be found that the grain is out of condition or its further deterioration cannot by re-elevation be prevented, written notice thereof shall immediately, by registered letter, be given to the owner of such grain, if known, and to the warehouse commissioner of the fact.

Hon. Mr. SCOTT—I have no objection to that.

Subsection 4 as amended was adopted.

On clause 31,

Hon. Mr. PERLEY—I have had a good deal of communication, on the subject of this clause, with farmers in the west. Take Broadview, for instance. There are two merchants there who buy grain. There is no elevator there. The merchants buy the grain and pay cash for it at once. They contend that they should not be required to give bonds when they buy the grain and pay cash for it. It may be difficult sometimes for a man to get his neighbours to go on bonds for him.

Hon. Mr. SCOTT—These merchants may not always pay cash, and they may allow farmers grain to be stored with them. It is only fair, under such circumstances, that they should come under the law relating to flat warehouses. They are not required to furnish bonds for more than five hundred dollars.

Hon. Mr. LOUGHEED—Yes, from $500 to $5,000. Might I ask why such disparity should be embodied in this clause in fixing these two amounts?

Hon. Mr. SCOTT—Because a flat warehouse may not hold five thousand bushels of grain—perhaps not more than three thousand. Some elevators may hold seventy-five thousand bushels. It depends altogether on the character of the warehouse, and the responsibility depends on the quality.

Hon. Sir MACKENZIE BOWELL—What is the distinction between an elevator and a flat warehouse ?

Hon. Mr. SCOTT—In a flat warehouse there is no elevator at all.

Hon. Sir MACKENZIE BOWELL—A man who has an elevator, no matter how much it holds, has to give security to the extent of from $5,000 to $15,000, but in the case of flat warehouse, the bonds are from $500 to $5,000. The point raised by the hon. gentleman from Wolseley seems to me to be a good one. If I buy grain for cash, I should have no responsibility to the seller beyond that. He has no claim on me.

Hon. Mr. SCOTT—Unless it is a public warehouse this will not apply. Any man who deals in grain can make an arrangement with the Canadian Pacific Railway and build an elevator near their road for his own use, but the moment he takes anybody else's grain, he must take out a license. If it is exclusively for him he does not take out a license at all.

Hon. Mr. WATSON—I think this provision is right and proper, because I believe more money is lost by the farmers of Manitoba through the small grain dealers than through the large ones.

Hon. Sir MACKENZIE BOWELL—How is this going to protect them ?

Hon. Mr. WATSON—The warehousemen to give security. There is hardly any person who will take out a license who will not store grain occasionally. The man who takes out a license and handles another person's grain is subject to inspection &c., and the farmer ought to have some security?

Hon. Mr. LOUGHEED—This security will not necessarily protect the farmer who sells his grain to a commission agent or a grain agent who is licensed by the government, unless he is a warehouseman, consequently the security will not be security realisable upon by the farmer ?

Hon. Mr. SCOTT—We provide that persons dealing in grain must take out a license.

Hon. Mr. LOUGHEED—He might take out a license and give out to the farmers that he is a warehouseman when he is not the owner of the warehouse ; consequently the farmer has no recourse against that dealer so far as security is concerned.

Hon. Mr. SCOTT—Commission merchants are obliged to take out a license.

Hon. Mr. LOUGHEED—Yes, but it is not necessary for them to put up bonds.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—My hon. friend refers to the section as a security for the farmers. I have been pointing out that in many instances the farmer would not profit by it.

The clause was adopted.

Hon. Mr. SNOWBALL from the committee, reported that they had made some progress with the Bill.

SCHOMBERG AND AURORA RAILWAY COMPANY'S BILL.

SECOND READING POSTPONED.

Hon. Mr. LOUGHEED moved the second reading of Bill (94) 'An Act respecting the Schomberg and Aurora Railway Company.

Hon. Mr. McCALLUM—Has this company a Dominion charter or a local charter ?

Hon. Mr. LOUGHEED—I must confess I know nothing about the Bill.

Hon. Mr. McCALLUM—If the hon. gentleman does not know anything about the Bill he should not take charge of it. My advice to him is to postpone the second reading until he understands it.

Hon. Mr. LOUGHEED—One Clerk of the Senate yesterday sent me a form of resolution to move the first reading of the Bill, and it has therefore appeared in my name to-day ? I know nothing of its merits. It was introduced by Mr. Landerkin in the other House.

Hon. Mr. McCALLUM—I do not know whether this company has a right to come here at all. The company should get their powers from the local legislature if it is a local charter. I should like to carry out the rules laid down by the leader of the opposition in this House, when he said, that Bills of this kind should be explained fully at the second reading.

Hon. Mr. LOUGHEED—In deference to my hon. friend from Monck I should like to

have the second reading of the Bill postponed until to-morrow.

The Orders of the Day was discharged and second reading of the Bill was made an order for to-morrow.

THE TIMAGAMI RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (118) 'An Act respecting the Timagami Railway Company.' He said: This Bill is of Dominion origin. The company was chartered two years ago. The object of the present Bill, as I understand it, is twofold—to make a slight deviation in the route, owing to engineering difficulties, and as a consequence to extend the time for the construction of the road a couple of years longer.

Hon. Sir MACKENZIE BOWELL—The object of the Bill is, as I am informed, to change the terminus of the proposed road. The charter was granted by the Dominion parliament in order to accommodate and facilitate the settlement of a certain portion of the country lying in the direction of Timagami. The intention is to change the route through a country that is not fit for settlement. This Bill was promoted principally by a reverend gentleman whose time has been occupied for some years in inducing settlers to come from Illinois and other portions of the United States to settle in Canada. He obtained a charter for a railway to enable them to reach the Canadian Pacific Railway from their settlement. It is now represented that the proposed change of location is to enable the company to run the line through a pulpwood country for the benefit of the pulpwood industry, and not for the advantage of the settlers. I point that out to the hon. gentleman in order that he may be prepared, when the Bill comes before the committee, to inform the committee whether the statement is true or not, and it will be for the House to decide whether the interest of the settler is of greater importance to the country than the interest of the pulpwood manufacturers who have obtained large areas of timber limits in that section of Ontario.

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

Hon. Mr. LOUGHEED.

THE ACADIA LOAN CORPORATION'S BILL.

The Order of the Day being called:

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill 116) An Act to incorporate the Acadia Loan Corporation.—(Hon. Mr. Allan.)

Hon. Mr. ALLAN said: The only reason for deferring concurrence yesterday was some discrepancy in the portion referring to the Companies Clauses Act which was made applicable to the Bill, but on comparing the Bill again it is found that they are perfectly correct. I therefore move concurrence in the amendments.

The motion was agreed to.

BILL INTRODUCED.

Bill (124) 'An Act to incorporate the Lake Superior and Hudson Bay Railway Company.'—(Hon. Mr. Watson.)

THE MINISTERIAL CRISIS IN BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. leader of the House whether he can give us any information with reference to the question I asked him yesterday? I observe that the Premier intimated that he would make a statement to-day in the House, and as it is a matter of some importance, I suppose the Senate is entitled to the same explanation. I see by the newspapers to-night that the Lieut.-Governor of British Columbia has refused to resign. I suppose he was asked to do so by the government. I should like to know whether, under the circumstances, the government have dismissed him, and, if so, whether the rumor is true, as stated positively, that a member of the Cabinet has already been appointed to fill the vacancy in British Columbia in the person of the Minister of Inland Revenu, the hon. Sir Henry Joly de Lotbinière.

Hon. Mr. MILLS—I am not in a position to give any further information to-day, but as soon as I am in a position I shall be happy to give the information to the Senate and I see no reason why the Senate should not been informed quite as soon as the House of Commons. Further than that I cannot say at present.

Hon. Sir MACKENZIE BOWELL—Of course the hon. gentleman will not object to my asking the question again to-morrow?

Hon. Mr. MILLS—Of course not.

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to ask the hon. Secretary of State if he is in a position to give us the information he promised yesterday as to the second series of documents relating to the Manitoba school question.

Hon. Mr. SCOTT—No, I regret to say that I am not. I have not had an opportunity of getting the papers.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 22, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN NATIONAL TRANSPORTATION COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraph and Harbours, to whom was referred Bill (115) 'An Act to incorporate the Canadian National Transportation Company,' reported that the committee found that the preamble of the Bill had not been proven, and moved that the report be adopted.

Hon. Mr. KERR—Before this motion is disposed of, I would crave the indulgence of this House for a few moments to move a resolution in amendment. I move:

That the report of the Standing Committee on Railways, Telegraphs and Harbours, on Bill (115) entitled 'An Act to incorporate the Canadian National Transportation Company,' be not now concurred in, but that the same be referred back to the said committee for further consideration.

I make this motion under a sense of duty. I am not singular in my view when I state that a very large number of the members of this Senate regard this Bill as having for its object very important questions. I do not recollect just now that any Bill has been before this House of a similar nature—certainly not since I have been a member of it, of equal importance and that must be my reason for asking that the Bill be sent back to the committee for further consideration. The title of the Bill explains generally its character and scope. It is entitled an Act to incorporate the Canadian National Transportation Company.

Hon. Mr. McMILLAN—That ought to kill it: it is not national by any means.

Hon. Mr. KERR—The hon. gentleman will please allow me to proceed. That is the title of the Bill, and the hon. gentleman will pardon me if I go further and say that, in my opinion, when the scheme is fully unfolded, as it may yet be in this Chamber, to use the words of another it smacks very strongly of nationality, and is just such a Bill, in my opinion, as ought to pass into law and without delay till a future session. It happened accidentally that some good angel, perhaps, sent me from Collingwood a sheet entitled 'The Enterprise Messenger' and I will read to the House the motto of that paper. I was very much struck with the appropriateness of that motto as bearing upon this Bill, and I ventured to bring the paper to this Chamber to make a quotation, a thing I very seldom do. However, much we may differ in our views upon public questions, there can be but one opinion on this question. The motto reads:

The government of a country ought never to allow that country to be dependent upon any other country for such resources as it can obtain by its own industry.

Now, it is rather a humiliating fact to us Canadians, that for years we have watched a great volume of trade, increasingly large, from year to year, being diverted from what, according to my contention, is its natural channel and its natural outlet, and we should not fail by Providence. It appears from the knowledge and experience of those engaged largely in the transportation trade, that a very large volume of trade which we should have, as a right, instead of going through our own country to the seaboard, is diverted south of the international boundary, and goes to give employment to and enrich the coffers of another country. It is only our bounden duty to see that we secure all that, if we can do so by fair and legitimate means, for our own country. It has been stated, and I be-

lieve the fact has not been disputed, that the distance between the Canadian outlet to the St. Lawrence, Montreal and the seaboard, is 500 miles shorter than by Buffalo and New York. I ask hon. gentlemen to consider that. I have always been frank enough to say that our neighbours to the south were standing in their own light, and that it would be wisdom in them, as well as mutually profitable, if there were more interchange of business between the two countries; but the point I want to make is this: That that unwillingness on their part has thrown Canadians back upon their country and upon their own resources, and I am content to take the result. I want to make the very utmost out of our resources. We have a splendid country. Few of us yet, in our wildest and brightest day dreams, have an idea of the extent of our resources, and the magnificance of our heritage, and it does seem to me that this Bill is, if any Bill can possibly be truly pronounced one, a Bill for the general advantage of the country. I am told by those who are largely engaged in business that the transportation question is engaging the attention of the wisest and best business minds of the Dominion, and this Bill is largely, if not solely, the outcome of the agitation to give effect to that view. I have said that it savours of nationality; I cannot conceive anything that would be a greater advantage to the country as a whole, and to the city of Toronto. I consider it would confer untold benefits on that city, and on the city of Montreal, and all along the line of water stretches and railway, and I think we should have that law upon our statute-book to incorporate this company. I happen to know some of the names of the gentlemen who are asking to be incorporated. Those names are to me, and I think would be to those who are well acquainted with them, as I have the honour to be, a guarantee of bona fides, and downright earnestness in business, and it does seem a pity, if they are in earnest, that they should be thwarted. The capital, I see, is to be fixed at $5.000,000. I am told that if there is any lack of capital on the part of those who are immediately promoting the scheme, there is abundance of capital that can be placed, for the asking, at their disposal. If you will allow me, I shall quote a further paragraph, which seems to cover the point I am reading from:

> No bonus is involved, and the public interests are not at stake if this Bill passes. In fact, it would be a serious loss to the transportation interests of the country if it were thrown out, because it is promoted by those interested in transportation rather than franchise-grabbers or stock brokers.

I do not apply those terms. I read them as they are. I should be sorry to think there are land-grabbers or stockbrokers in the company, but at all events, this paper, knowing the promoters of the Bill, says they are not of that class. So far that is satisfactory.

Hon. Mr. McCALLUM—As far as the paper is concerned, it is.

Hon. Mr. KERR—And as far as it corroborates the knowledge that some of us have of the individual promoters of the scheme. Now, I come to what seems to be the difficulty in the way of the committee finding the preamble proved. I make no reflection upon the committee. They acted upon their sound and independent judgment, but, of course, we are all human and fallible. My point is this, if there are vested rights in the way, so to speak; if there is another train on the track ahead of this train, some terms may be devised by which in an honourable way, that train could be switched aside, to give the larger and national train the right of way. Now, the object I have in view is, that this Bill should be referred back to committee for further consideration, and the committee should give a few days delay, to afford an opportunity for negotiations, and I have no doubt that all obstructions would be easily removed from the track—that those who have what are called vested rights, would not be injuriously affected, for I would guard as jealously as I know how anything that appears to me like vested rights. A number of gentlemen have a charter, I think it was originally termed a ship railway charter, but nothing seems to have come of it. I do not want their rights to be ignored or wiped out simply because there has been delay. As a rule, I think the student of history will rise from its perusal with this impression, that it is not always the men who have the most money that conceive the grandest projects, and if, by the exercise of their

talents and intellects, they are the cause of others considering such a project and taking it up and going on with it, they are to a large extent benefactors of the country, and so I will say that much for those who have had a charter for some time, but, apparently, hitherto have not been able to do much with it. It is within my own knowledge that some promoters of that scheme for the last twenty-five years have pushed it and agitated it, and it is a big scheme. They have been, so to speak, the Columbus of this scheme, and it was said that it was easy for any navigator to discover America after Columbus had shown them how. Be that as it may, I do not wish that those who have vested rights shall have those rights ruthlessly destroyed. They should receive fair and reasonable consideration, and I have reason to believe that if this report were referred back we might get further information about it. I desire here to say—and I am happy to be able to say it—that no one promoting this scheme has asked me to favour it, and no one has asked me not to favour either of these parties. So that, speaking as I am speaking this afternoon, I am relying solely upon my humble judgment in this matter and the only object I have is to help this country in its onward march of progress, and depend upon it, this National Transportation Company will be able to give them the rights they are asking. I have reason to believe they are in downright earnest. I shall be one of the first to say 'You must get out of the way and make room for some one else, if you do not carry out what you propose,' but I think an opportunity should be afforded them of making the attempt, and I believe the country would be better satisfied if that opportunity were afforded. I am not finding fault with anybody, but I believe it would be a wise thing to afford an opportunity to see if these vested rights could not be satisfactorily arranged, so that this large transportation company could obtain their incorporation, and get their project under way and bring that trade back to its natural channel before the breach gets any larger. for we all know that the longer anything, trade or whatever it may be, gets running in a groove. the deeper the groove becomes, and in that ratio the more difficult it is to get trade out of that groove. This is a question in which we, as Canadians, can all unite. We have heard a great deal for a good many years about Canada for the Canadians. I endorse that to the fullest extent, but my theory is not only Canada for the Canadians, but Great Britain for the Canadians, United States for the Canadians, the world for Canadian enterprise.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. KERR—And I shall not be fully satisfied, and my ambition as a humble citizen of Canada will not be fully realized, until I see every man acting in that spirit regardless of his political or party views. I did not intend to detain the House so long. It is simply because I feel intensely the importance of this question. I may be entirely in error in my views. There is this much about it, that a man cannot be always right, but he can be always upright. And it is in that spirit that I am speaking to this House and the first men in the Dominion, and I want them to understand that I do not want them to attach any undue importance to what I say, but that in whatever I have said I shall get credit for having been in downright earnest and with a desire not to promote this Bill alone, or not to affect any existing interests, but simply to promote the interests of the Dominion as a whole. I shall be exceedingly glad if all will unite to refer this Bill back to the committee. It would be no reflection upon anybody to let this measure go back to them. Let an opportunity be afforded them to reconsider the matter. We just saw to-day where the difficulty was, and perhaps the committee did the right thing in their wisdom to report as they have done, but notwithstanding that, I should like them to have a further opportunity to see if the parties cannot come together and accommodate their views, and let this project go into effect.

Hon. Mr. McCALLUM—I do not know that I should say anything on this measure, but the hon. gentleman gave us to understand that Canada was slow in this matter.

Hon. Mr. KERR—No. no!

Hon. Mr. McCALLUM—I say that there are no five millions of people in any country in the world that have done more to develop their resources than the people of

Canada. Look at what we have spent on our canals, and here we are asked, by this measure, before we give our highways a fair trial to choke them off and to destroy all the works upon which we have spent so much. Speaking about vested rights, one would think, from the hon. gentleman's remarks, that there were no vested rights except in regard to this railway charter which has yet two years to run. There are any amount of vested rights besides this one. The Canadian Pacific Railway, the Grand Trunk Railway, and the Canada Atlantic Railway have vested rights and many other railways have vested rights. The hon. gentleman would lead us to believe that these railways are not able to carry all the grain grown in the North-west. We are spending a large amount of money at Port Colbourne in order to allow vessels to carry the trade of the country through to Montreal. Does any one fancy for a moment that the goods are going to Collingwood where they are blasting out the rock to make a harbour and where they have scarcely fourteen feet of water now? We hear one member of the House of Commons boasting that they would have twenty feet by and by. What is it going to cost the people of this country to do that? The policy of this government, as I see it to-day in this matter of transportation, is to destroy all the work we have completed in trying to improve the navigation of the St. Lawrence and our canals. Talk about the United States people taking our trade. They do not take so much of it. These people might wait another year or two and see what we can do. We have fourteen feet of water in our canals. If any one will consider the cargo a vessel can carry with nine feet of water, and what she will carry with fourteen feet of water, he will see that it is desirable that we should wait until it is proved what our canals are able to do. Is the canal full now? Has the canal too much business to do now? No. Are these railways which run to Georgian Bay fully employed? Are they half employed? I say no. If you look at the number of places on the Georgian Bay where they have good harbours, such as at Midland, it will be seen that there is not too much grain for them to handle. They are not going to ship the grain to Toronto and unload it there and send it down the canals on fourteen feet of water. They will not do that because it will not pay them to do it. What does the hon. gentleman expect to gain by referring this report back to the committee? Does he think that that committee will go back upon this report? Are they going to swallow themselves? My hon. friend has not said enough to convince me that we should refer it back, and I am desirous that Canada should have all the advantages possible in the carrying trade of this country. Talk about the carrying trade, why not very long ago one would think we had not vessels enough to do our own carrying trade, and we allowed United States vessels to coast in this country. Now they are ready to spend any amount of money, to spend $5,000,000, of money at Port Colborne on the Welland Canal, with their plans and specifications and all that. Now we are asked to give a charter for a railway from Toronto to Collingwood. My hon. friend says no bonus is asked, but they will want bonuses before they do this work. I think I have shown this House that there are more vested rights than the vested rights my hon. friend speaks about in reference to this one railway, but even that ought to be sufficient, because their charter has still two years to run, and the very grounds that they gave, themselves, in the other House for defeating the Bill was, that it interfered with vested rights. I, for one, in the interests of the Dominion, in the interests of those who have to bear the burden of taxation in this country, am opposed to this measure, because I want to see our railways and canals give us some return. When the hon. gentleman said we are not doing what we should have done in this matter, I say look at what we have done, built a railway from the Atlantic to the Pacific, and the St. Lawrence canals, and yet we are asked to go on and expend more money, and told that we are not going fast enough. It was necessary that the Canadian Pacific Railway should be built. It was quite a burden on the people of the country to build it, but it seems we are going on fast enough. Give us a year or two before you interfere to any extent with the carrying trade of this country by water. Give us a breathing spell. How long have we had 14 feet of water in the canals? A very short time, and we have

not got it all the way yet. Until we have a 14 feet water route all the way, we cannot get the results in the trade by the St. Lawrence route. I have consulted nobody about this matter. My hon. friend tells us he was not canvassed. I do not suppose he was. I should not venture to tell any one how he should vote upon this Bill. Every member should used his own judgment. I have always done so, and I hope I shall always continue to do so as best I can in the interest of the people, and in doing that, I shall vote with pleasure for the adoption of the report of the committee.

Hon. Mr. VIDAL—Referring a Bill back to committe for further consideration is something which should be done with very great caution, and the reasons for making such a motion should be very strong and conclusive. My hon. friend form Cobourg has failed to convince me that such reasons exist, nor has he furnished a single argument which would justify the implied censure on the committee for having reported that the preamble of the Bill has not been proved, on account of interfering with vested rights and interests. It is true a large amount of what my hon. friend has said was gratifying with reference to the greatness of our country, and the large trade which may yet be opened to us, and is all very interesting, but it has nothing whatever to do with the question before us. I believe all those advantages which he says would come from the passing of the Bill are already available. There is now a company in existence having the right to build this railway, and they are in a position to receive as stockholders any who are willing to invest in that enterprise. If they believe it will be profitable to themselves and in the interest of the country, there is nothing to prevent those who are interested in this Bill becoming stockholders of the company already in existence. It is a small company, and seeking funds, and will be very glad, no doubt, to receive the assistance of those who wish to engage in the enterprise. They can engage in it without the necessity for passing this Bill. It would be interesting with the existing rights of a chartered company having yet two years time allowed them by law to make a commencement, and this is a serious matter, and should not be done without serious consideration. The Bill was very fairly and fully considered in committee, not only to-day, but at a previous sitting. Arguments were heard on both sides, and the deliberate conviction of the Railway Committee, by a very considerable majority, was that it would be unwise to recommend the passage of a Bill which would interfere with vested rights. The interests of the country, so far from being jeopardised by the action of the committee, are being protected, and advanced by it. Whatever may be the cause assigned, the inflexible principle from which this House has never departed is that vested rights should not be interfered with. The guardianship of those rights is vested in us, and the passing of this Bill would be, not only interfering with those rights, but would destroy a company already in existence. Although not much has been done by that company, sufficient reasons were given for the delay which has taken place in prosecuting their enterprise. We are all aware that it is only a very short time since the complete depth of 14 feet has been provided in our canals. That has been a reason why the company neglected to take any active measures, but just so soon as our canals were reported as complete, and the 14 feet depth secured, the company exerted themselves and are exerting themselves to-day. They have spent $10,000 in preliminary surveys, investigations and other necessary expenses. Surely this constitutes some claim on this House to protect their rights, especially when no public injury can be sustained by doing so. My hon. friend from Cobourg will be gratified, though in a different direction, from what he says: the confirming of the old company and establishing their rights will be the means of causing those who have been acting against them to go in and co-operate with them heartily in the work. If anything more should be required of parliament in the way of privileges or bonuses, or anything of the kind, they would have a far better chance as a united company when they appeal to us and have no opposition. I think the motion which has been made to refer this report back to the committee should not be sustained by the House.

Hon. Mr. WATSON—This is a matter which has occupied a good deal of attention in the House of Commons, and a good

deal of time in the Railway Committee of the Senate. There can be no reflection on the committee in referring this report back for further consideration, because that committee only comprises a portion of the members of the Senate, and the Senators may have different views from the majority on that committee. If the Senate direct that it should be further considered, it is right and proper to refer back the Bill, because without that expression of opinion, the committee would not be able to know the opinion of the majority of the Chamber. Only a portion of the members of the House have declared that the preamble of the Bill is not proven. It is claimed that the Bill interfered with vested rights. Those vested rights are a charter procured some years ago from the provincial legislature. I was surprised to hear the hon. gentleman's remark that these men have vested rights when they have only a provincial charter.

Hon. Mr. McCALLUM—The hon. gentleman should not misrepresent me. I will not allow him to do so. I showed there were vested rights by the Canadian Pacific Railway, the Grand Trunk Railway, the Canada Atlantic Railway and several other railways. I will not allow the hon. gentleman to misrepresent me.

Hon. Mr. WATSON—Even taking the explanation of the hon. gentleman, I do not consider that the existence of those vested rights should be a reason for reporting that this preamble is not proven. The vested rights set forth by the hon. gentleman are those of the Grand Trunk Railway, the Canadian Pacific Railway and the Canada Atlantic Railway. To my mind there should be no vested rights recognized in any persons simply because they get power to build a railway. We should have free trade in railway charters and it would do away with charter mongers. You would not then have them holding up any person who wanted a railway because they have a charter. So far as I know, those who hold the Ontario charter can be classed with those men who have held charters for years and have not built railways. I fully concur in the remarks of the hon. gentleman from Cobourg (Hon Mr. Kerr) when he refers to this project as a national one. I think it is properly named, and I would say, in reply to the hon. gentleman from Sarnia, that the company he speaks of, who have the franchise have only power to build a line of railway from Collingwood to Toronto. They have no power to invest in lines of steamships. Anybody who undertakes to establish a route to compete with the railways must have a line of steamships to connect with his railway, and must come to this parliament for the power to own and operate such a line. The gentlemen who have the vested rights claimed here, would be able, if time were given, to come in and join with the present company before parliament, because they would have full power not only to build a railway, wharf and harbours, but also to invest money in steamships to bring trade to the railway line. The line of railway is short, only 70 miles, from Collingwood to Toronto. There can be no doubt in the minds of hon. gentlemen in this House who knew the parties applying for this legislation, that they are competent men to undertake the work. The greater portion of the men who are applying for this charter are interested largely in the gain trade. Not only Canadians, but a number of United States citizens have associated themselves with the Canadians and want to see this railway constructed, because it will create a shorter route to the seaboard. It is only seventy miles in length, and there is no doubt it is a feasible scheme. It is practically all down grade from Collingwood to Toronto, and we in the North-west are interested in cheap transportation. I decidedly object to taking vested rights of railway corporations into consideration. What we want is cheap rates, and the only way we can get them is by competition. In the near future there will be another outlet from our Canadian North-west to Fort William. It will carry a large proportion of the western trade, and must have an outlet coming east. I fully agree with those who speak of the advantages of water transportation, but when we consider that the route from Collingwood to Toronto saves the carriage of freight some 300 miles, and with the facilities that they now have for transhipping grain from cars into steamers and from steamers into cars, the cost is a very small consideration, and it is claimed by grain-shippers that it is worth to the grain the total cost of transhipment, because it

improves the quality of the wheat. It is estimated by grain-shippers that it is no advantage to carry grain in bulk from one point to another, because the loading and unloading of grain is done at a cost of about one-tenth of a cent per bushel. The grain of the North-west, not only the Canadian North-west, but a great portion of Minnesota, ought to be carried to Montreal, because the route is much shorter than any other, and both the Canadian and United States governments have been trying to improve the water route. We have spent a large amount of money in our canals, and when the hon. gentleman says we are going to take trade from our own canals, it is not so—we are going to add to it. All the canals along the St. Lawrence route below Toronto will get the additional grain trade which will be diverted that way. Last year some 270,000,000 bushels of wheat were shipped by way of New York, and only some 40,000,000 bushels by way of Montreal. With the advantages we have in the St. Lawrence route, we should bring a large portion of that 270,000,000 bushels to Montreal.

Hon. Mr. McCALLUM—No doubt you would get it this year.

Hon. Mr. WATSON—If we consider the distance, it will be found that the proposed route will bring us 550 miles nearer the seaboard than the route via New York. Another reason why we should afford facilities for the purpose of getting the grain trade turned in the direction of the St. Lawrence is, Montreal is 300 miles nearer to Liverpool than New York is. That is another advantage in favour of the St. Lawrence route. Last year Manitoba had 25,000,000 bushels of grain to export, and only a portion of that came from Montreal, although a large portion of the grain that came to Montreal was shipped from Chicago to Parry Sound and thence to Montreal. A large portion of our grain went by Buffalo and New York to the seaboard. That should not be. We should keep the carrying trade of our own grain. I have paid some attention to this subject, because we in the west are not so much interested in the number of railways and the protection of vested interests as in securing lower rates, and we have every reason to believe, if this charter was granted, our grain would be carried by the water route, and the rate on grain would be materially reduced. It is claimed by exporters that it will be reduced some four cents on the hundred, and that it will help not only the North-west, but will divert some of the grain trade from United States ports to Canadian ports. The vested rights referred to as the reason for rejecting this Bill are vested rights not granted by the parliament of Canada at all, but by the province of Ontario to a company which has only local powers, and has not any possible chance of carrying out a scheme such as the one before us. There is no bonus given this road at present. It will be for the parliament of Canada to decide whether it shall grant a bonus or not. So far as I am concerned, in the interest of our own people, I would be quite prepared to support a bonus, but, at the present time that does not enter into consideration. The only reason that has been advanced against this Bill for the rejection of it is the fact that some people of the province of Ontario have had a charter for some years and their rights should be protected. There is no reasonable opposition to this Bill from the people of Toronto, Hamilton, Collingwood or anywhere else. I have in my possession some petitions in favour of this Bill from the Board of Trade of Toronto, the Board of Trade and the City Council of Hamilton, from Collingwood, and all the parties interested in the construction of this railway, and, forsooth, the Railway Committee reports that because some gentlemen who hold a charter from the province of Ontario come before them and say they have vested rights, we are to reject this Bill. They quote this charter from the province of Ontario granted in 1892. The same gentlemen are connected with the scheme of the ship railway some twenty years ago. But they changed it and got a railway charter from Ontario in 1892. They did nothing with it until it was about to expire, and then got it renewed, and they have only some maps and plans to show. To hold up such a scheme as this simply because these gentleman have had a charter for eight or ten years, it appears to me would not be acting in the best interests of the people of Canada. I hope that the good sense of this Chamber will see fit to refer this report back to the Railway Committee for the pur-

pose of further considering it, and I would hope that the interests referred to by the hon. gentleman from Sarnia might be considered. If these gentlemen have spent money in making surveys, or otherwise, which the committee think should be reimbursed by this new company, there would be time to consider that, but the company he refers to have not the means to carry out the scheme. The matter ought to be well considered, and if time is given probably a solution might be arrived at, and the interests of the gentlemen referred to might be protected.

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

Contents :

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Dobson,	Miller,
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The motion for the adoption of the report was carried on the same division.

THE MINISTERIAL CRISIS IN BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Could the hon. Minister of Justice give us any information relative to the British Columbia imbroglio ?

Hon. Mr. MILLS—I do not know whether there is any imbroglio in British Columbia or not, but I think I can give the hon. gentleman the information which he desires. I have the honour to inform the House that, for reasons which are well known to the public, but which will be officially communicated to the House under section 59 of the British North America Act, it has pleased His Excellency the Governor General to remove the Honourable Thomas R. McInnes from the office of Lieutenant-Governor of the province of British Columbia. It has also pleased His Excellency the Governor General to appoint the Honourable Sir Henri Gustave Joly de Lotbinière as Lieutenant-Governor of the province of British Columbia. It has further pleased His Excellency the Governor General to appoint the Honourable Michel Esdras Bernier, member for the electoral division of St. Hyacinthe, a member of the Queen's Privy Council, and Minister of Inland Revenue.

GRAIN INSPECTION DISTRICT OF MANITOBA BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (141) 'an Act respecting the grain trade in the inspection district of Manitoba.'

(In the Committee.)

Subsection 3, of clause 34,

Hon. Mr. PERLEY—When the grain is placed in a country elevator, it is placed there for a certain number of days, and the elevator company charges so much for cleaning and elevating the grain and keeping it stored there a certain number of days. According to this clause, the elevator company might ship it down to a terminal elevator at any time. Does the clause provide the number of days they can keep the grain ?

Hon. Mr. YOUNG—A provision of this kind is necessary in this Bill. A country elevator might be filled with two or three farmers' crops, and would not be useful to any other person, so long as that grain remained in that elevator, and the warehouseman has the right, under this clause, to ship the grain out of his elevator to a terminal point, just as soon as his elevator is getting filled up, and he requires space to accommodate some other customers. The object of this clause is to enable an elevator man to continue his business and not to have his elevator filled up with grain. If the grain is shipped to Fort William, the owner does not suffer, so long as he intended to ship it there himself. He does not suffer from increased charges. This provision en-

ables them to clear the elevator and leave space for other parties. The strongest objection to the clause is to the last sentence, which reads :

Such country elevator or warehouse operator, on so forwarding such grain shall, without delay, notify in writing the owner of such grain of such forwarding.

There may be some little difficulty there, but I do not anticipate it.

Hon. Mr. SCOTT—The ultimate object of the grain is to get forward. It is no use at the country elevator, and it is only sent on its way to market.

Hon. Mr. YOUNG—The difficulty is in notifying the owner. It changes hands sometimes.

Hon. Mr. SCOTT—They will notify the owner as far as they can.

Hon. Mr. POWER—We might add 'If known.'

Hon. Mr. SCOTT—The person depositing the grain is supposed to be the owner, so far as the warehouseman is concerned.

The subclause was adopted.

On subsection 5,

Hon. Mr. YOUNG—In the case of grain in a special bin, there may be an agreement with reference to the insurance.

Hon. Mr. PERLEY—If there is no special agreement, is he relieved ?

Hon. Mr. SCOTT—Oh, no. The insurance clause is general.

The subclause was adopted.

On clause 36,

Hon. Mr. SCOTT—Last session, in the General Inspection Act, we passed a section which reads as follows :

15. Whenever there shall arise a difference of opinion between any farmer selling wheat and any wheat buyer as to the grading of such wheat, the farmer will take the price offered for his wheat as of lower grade on a sample being selected and agreed on between buyer and seller, which sample shall be parcelled and sealed and sent to the chief inspector at Winnipeg, and the said chief inspector shall grade the said wheat without delay, and make a return of his grading to both parties, and if the said chief inspector finds the said wheat to be of a higher grade than that on which the price had already been paid, and that which should have been paid in the first instance had the grade afterwards fixed by the chief inspector been agreed upon at the time of sale.

I am correctly advised, that clause has worked satisfactorily. No objection was found to the mode of operating last session, and therefore I do not know for what reason a change has been made.

Hon. Mr. McCALLUM—I think, myself, the sample three quarts is too small.

Hon. Mr. YOUNG—It says: 'Not less than three quarts.

Hon. Mr. SCOTT—Clause 36 provides for two things. It provides, where a difference of opinion prevails, for an arrangement such as is indicated in section 15, for not only fixing the grade of the grain, but the dockage. If this works satisfactorily in the grading I do not see why it should be referred to in clause 36. If it works satisfactorily, it should not be disturbed.

Hon. Sir MACKENZIE BOWELL—This 36th clause is wider in its application. It applies to every one, whether he is a farmer or not.

Hon. Mr. SCOTT—I propose striking out the grading in 36, and leaving it to apply only to dockage, leaving the grading to be settled under section 15 of the Act of last year. Now, one of the reasons that prompted me to make that change is this : I find in section 9, if there is a disagreement between the farmer and the elevator man as to the amount of dockage, the farmer can accept his money for the reduced amount, allowing the grade to prevail according to the opinion and judgment of the elevator man. His samples goes down, and if it appears that the farmer has been underpaid by the grade being reduced below its proper standard, then the elevator man is bound to account to the farmer for the additional amount.

Hon. Mr. FERGUSON—Will the hon. gentleman state what is to be done about the price of the grain while this inquiry into the correct dockage goes on ?

Hon. Mr. SCOTT—Section 15 of the general Act provides that, so far as the grading is concerned, the farmer shall be paid. He accepts his money under protest.

Hon. Mr. McCALLUM—Should not the farmer repay the elevator man if he happens to have graded the wheat too high and pay too much for it ?

Hon. Mr. SCOTT—Such a thing has never occurred. The elevator man has always docked more than he should.

Hon. Mr. POWER—It may be that the section in the Act of last year has been satisfactory, and will work satisfactorily. If that is the case, I would suggest to the hon. gentleman it should be embodied in this Bill. The Bill is supposed to embody in a convenient state all legislation with respect to this grain trade. Who would know, on picking up this Bill, that he has to refer to an amendment to the General Inspection Act of last year ?

Hon. Mr. SCOTT—The clauses of the General Inspection Act are enforced.

Hon. Mr. POWER—The farmer and dealer in grain in the west ought to have the whole law relating to the grading and inspection of grain in one Act.

Hon. Sir MACKENZIE BOWELL—There is this difference between the two, as I read them. The amendment to the Bill introduced last year made that provision so as to protect the farmer in his dispute with the grain speculator. It has worked well. As I understand, the hon. gentleman from Monck asked in case the farmer contends that his grain is No. 1, and the purchaser that it is No. 2; the farmer gets paid for No. 2, and on the report of the inspector he is to be paid additional if it is tested No. 1, but the farmer keeps his money if it is decided that the grain is No. 3. It is right enough, because the purchaser is the one who grades the grain himself.

Hon. Mr. SCOTT—He is the judge.

Hon. Sir MACKENZIE BOWELL—He says it is only No. 2, while the farmer says it is No. 1. Afterwards if it is found to be No. 3, the elevator man has to abide by the decision. This clause, as it stands, applies to the purchaser as well as to the farmer. The section of the Inspection Act read by the hon. Secretary of State confined its operation exclusively to the farmer. Let us put it this way. Supposing A B buys from a number of farmers a lot of grain, and puts it in his warehouse. He wants to sell it, and a dispute arises between the owner of the grain and the purchaser. Now, why should not that purchaser be placed in the same position as the farmer when he sells it ?

Hon. Mr. SCOTT—If the hon. gentleman will read the clause he will see that it refers to the same person—to the man who delivers the grain to the elevator.

Hon. Sir MACKENZIE BOWELL—There is no distinction of that kind in this Bill. In section 15 which has been read, it confined it to the farmer and the purchaser.

Hon. Mr. SCOTT—And this does practically too.

Hon. Sir MACKENZIE BOWELL—But it does not actually do so. Suppose a man goes into court and a lawyer says ' this does not apply, you are not a farmer, you are not selling the product of your soil, you are selling products which have been already sold to you by a farmer.' I do not know what lawyers would decide, but common sense would teach me that the provisions of the section in the law now on the statute-book are for the farmer alone, while this extends to every one. I am not going to urge that point. I merely point it out, but I am strongly in favour of the suggestion of the hon. gentleman from Halifax, that all acts of parliament, as far as it is at all practicable, should be embodied in this Bill, so that when the farmer and the purchaser have the Bill before them they will not have to refer to half a dozen Acts. I had a good deal to do in the amending of the Customs Act, imposing duties, and I found that not only the best way, but the only safe way for the officers and those who have to put the Act in operation, was to repeal the section in the old law and re-enact it with the amendments. I think if the hon. Secretary of State had any experience in that regard it would agree with me.

Hon. Mr. SCOTT—Adverting to the first resolution, just note clause 36, which reads :

In case there is a disagreement between the purchaser or the person in the immediate charge of or receiving the grain——

That is, either the owner or the operator.

—and the person delivering the grain at such elevator.

That is, either the farmer or some one representing the farmer. They are practically

the same. The General Inspection Act embraces no less than nine pages. It may be all very well in printing it in pamphlet form to print the other Act in connection with this, but it would be no use to embody one single section of it, because there are a number of other sections which affect the buying and selling of grain.

Hon. Mr. FERGUSON—I wish to call my hon. friend's attention to one important difference between the Act of last year, section 15, and the clause we are now considering. I agree with the hon. gentleman that section 15 of last year seems to be a very reasonable section, and I am glad to hear from my hon. friend to my right (Mr. Perley), as well as from the hon. Secretary of State, that it has worked well. This clause we have now before us extends somewhat the same provision to the question of dockage, as was done last year in the question of the grading of wheat, but the section in the Bill of last year provided that the farmer should be paid for his grain at the time the transaction took place at the rate paid for it on the basis of the grade that the purchaser should fix, and then, if it proved to be of a higher grade, he would be paid the difference. I think this provision with regard to the dockage should be the same, that if a dispute arises with regard to the dockage, the purchaser should pay on the basis of his own proposition, and if the dockage was found to be different, that he should make good the difference, because if you do not make that provision, while the wheat is moving away from the terminal point, where is the money to be ? The farmer is not paid for his grain and the purchaser may not be solvent. There may be a great many difficulties in the matter. The price the purchaser offers after the dockage should be paid up to that point, and the only point in dispute would be the difference.

Hon. Mr. YOUNG—I do not think there would be any trouble such as is suggested by my hon. friend opposite. In practice the farmer would be paid the price per bushel that was agreed upon before this disagreement took place, and this Bill has been framed altogether in the interest of the parties, and we all heartily agree with that phase of the legislation. This clause is much stronger than the one that was in the Bill of last year in one respect particularly, and, if I gather correctly the meaning of the section in the Bill of last year, it provides that where a dispute arises the sample must be agreed upon betwen the parties.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. YOUNG—This clause provides that where a farmer and elevator man disagree, either of them, or both of them, may send a sample to the inspector. Supposing under section 15 of last year's Act, the farmer and elevator man cannot agree upon the sample, there is a difficulty which might arise, but under this Bill, if the elevator man refuses to send the samples, as I take it, the farmer can send one, and upon the sample that the farmer sends, the inspector is justified in giving his opinion, and that opinion is final. There is that difference between the two. If they do not agree upon the sample, the two parties to the transaction will send a sample, and the inspector will base his opinion upon both. There is, no doubt, an advantage in having all the legislation which deals with this subject in one Act, if it is possible, and every elevator and warehouse and any place where they are doing business in grain after the passing of this Act, should have a copy hung up where any one can have free access to it at any time, and the farmer can find all the provisions governing the handling of grain in one Act, as has been suggested by the hon. leader of the opposition. But the difference between the two is, that this Bill is far stronger than the Act of last year in favour of the producer in the matter of samples and sending away the samples.

Hon. Mr. PERLEY—If a farmer brings in fifty bushels of wheat, the purchaser can pick the worst sample he can find and the farmer must abide by that. If I come in with a load of wheat, a man comes up to me, and it is his privilege and right, to all intents and purposes, to pick out a handful of my wheat and take that sample, whether it is good or bad. It is his privilege to pick the worst sample he can get and nobody can say anything about it. I bring in my wheat all together. I cannot bring in one bag of good wheat and then another bag of bad. Let the purchaser take the sample out of the poor bag. I do not object to his taking any sample for grading. I, on one occasion,

brought in a load of wheat, the first I had ever sold in the North-west Territories. I had cleaned it well the day before, turned the handle myself, and it was well done too. I turned it very fast. I worked hard at it and cleaned it well. It was the first load of grain sold off the Perley farm at Wolseley. I resoved to sell it for No. 1 or not sell it at all. I was not going to hand down a record to my boys that the first grain off the Perley farm was graded as No. 2 or No. 3. I thought it was good, and it was good. I said to my man, 'John, bring that load down to the market in the morning, and drive it up in front of the hotel, and I will be there when you arrive.' I took some of the wheat in my pocket, and before John turned up in the morning showed it to a dealer, who refused to purchase on that sample. When John arrived with the load I said to the man: 'You refused to buy my wheat according to the sample I showed you last night. Go and look at my wheat now; it is here.' There was only one buyer there, and his name was Maclennan; he was from Montreal, a nice respectable man. He opened the top of the bag and examined it, and was a long time about it. I was annoyed over it, he took so long. He said: 'Senator, your wheat is not as good as I thought it was; it will only grade No. 2.' I said: 'The blooming inspection is a fraud; that is good wheat, and you are taking advantage of me.' And I said to him: 'If that wheat weighs sixty pounds to the bushel you will give me the price of No. 1, and if it does not, I will take it home and feed it to the pigs and make pork of it. If it weighs over sixty I said, I want you to grade it as No. 1 extra and give me 64 cents.' He said he would do that. He had no tester, and he sent and got a bushel measure. I weighed myself on the scales in a store and went to the elevator scales and weighed myself again, to see if the scales were accurate. I said: 'Take off the bag which you say is No. 2 and test it.' He took the bag and tested it. He used the bushel measure first, and took it out as carefully as he could, to get as little as he could, and it weighed 62½ pounds, and he gave me 64 cents for it, and did not say anything more about it. Of course, it is right to take the worst bag. If you have one good bag and one bad one, it is right to take the bad sample. I concede that right to the purchaser. In this case there is no necessity for them agreeing upon a sample; let the buyer pick the poorest, and if I am fool enough to mix my grain, I have a right to suffer by it.

Hon. Mr. YOUNG—When a farmer delivers a load of grain, the average sample should be taken, and that is the practice.

Hon. Sir MACKENZIE BOWELL—That is what this law provides.

Hon. Mr. FERGUSON—There is great force in what the hon. gentleman from Halifax says, that it would be desirable to have all the law on this subject in one enactment, and I would suggest that the hon. Secretary of State might hold this clause over, and see whether it could not be all incorporated in this Bill, and make the provision that is now under consideration as much in the interest of the farmer as the other one was, and I think it ought to provide that payments should be made for the grain at the rate of dockage proposed by the buyer at the time of the transaction, so that the farmer would be paid, and the only question would be the difference between the offer and the amount the farmer was to receive.

Hon. Mr. SCOTT—There are in the Inspection Act some 20 sections. That Act goes by itself. It may be attached to this when it is printed and sent out by the department.

Hon. Sir MACKENZIE BOWELL—The Inspection Act affects everything, does it not?

Hon. Mr. SCOTT—Yes, it is a very long Act, and the proper way would be to have it printed in pamphlet form and attach the two together. The question before the committee is my suggestion of allowing section 15 to prevail and strike out the word 'grade' wherever it occurs, and limit the section to dockage. Is that the opinion of the House?

Hon. Mr. YOUNG—I think you had better leave it as it is. It is more in favour of the farmer than section 15 of the Act of last year.

Hon. Mr. PERLEY—Oh, no.

Hon. Mr. SCOTT—Would the hon. member from Wolseley explain?

Hon. Mr. PERLEY—A farmer brings a load of wheat to market. It is dumped into the hopper. Everybody knows that the light seeds and foul grain float on top and the heavier seeds go to the bottom, and a man could take out of it three quarts of very inferior grain, and would not have a fair sample of the quality of the wheat at all. But if he simply picks out a handful he is not able to select the inferior wheat. It will do all right for the dockage, and even in that it will give an unfair advantage to the millman, because you sometimes find the whole face of a granary black with buckwheat and stuff, and the shrunken kernels of grain will be on top. If I were buying I would skim them off, because they all work to the top. The section in last year's Act is right and fair to the seller, but if you take out three quarts for dockage, it gives an advantage in favour of the buyer. I can skim grain off the top and show a poor sample of the whole bin. Everybody knows that the light grain floats on top, and the heavy goes to the bottom. Therefore I say the section of last year's Act is all right. They have no cleaners at the Lake of the Woods Company's warehouse, and it is a very dangerous way of making the sample for the farmer, because it is in their power to select a very inferior sample when they select from the top.

Hon. Mr. YOUNG—What my hon. friend has said in reference to the practice at a country elevator——

Hon. Mr. PERLEY—Do not tell all the practices that prevail at country elevators.

Hon. Mr. YOUNG—My hon. friend suggests that this clause in the Bill before us is not so stringent in its provisions as section 15 of the Inspection Act, and I would gather from his remarks that he imagines that in this amendment only the buyer has the right to select the sample which is to be sent to the inspector, and points out that the buyer would select a dirty sample, and subject him to a greater amount of dockage than the average would warrant. If I read this section correctly, the meaning is that the buyer has only the right to select one sample. The farmer, or whoever is selling the grain, whether he be a farmer or not, has a right to select a sample as well and send it to the inspector. Remember that all this occurs after they fail to agree on the dockage and fail to agree on the grade. There is no way they can settle the grade in case of disagreement, except by the inspector. But this Act provides that a testing sieve shall be used where grain is weighed before cleaning, and this testing sieve is found to be a proper way of testing the grain. If I understand the practice correctly, the inspector fixes the percentage of dirt in the car-loads. When he inspects the car, he fixes the amount of dirt that is necessary to remove to clean the grain. All this cleaning and testing that is done previous to sending away the samples, is done in the presence of the purchasers and sellers, and our farmers will not allow the grain men to pick the dirtiest samples, but will see that justice is done in that respect. It is only in case this fails that this remedy is placed in his hands. Take the sample as directed in the clause, and if the elevator man refuses to take the samples, the inspector decides on the sample sent by the farmer, and that sample alone. He gives a judgment upon that, and by that judgment the elevator man is bound. As far as the payment is concerned, there is a clause that provides that as soon as a load of grain is weighed, the farmers must get a ticket for it. That ensures payment. If he has a cash purchase ticket, he goes away and gets paid. Where a dispute arises, the elevator man must pay for the grain and at the rate settled by the inspector.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might have gone a little further. Under the section in the old Act, apparently there is nothing to compel either one or the other to agree. It provides that in case the price offered for the wheat is the price of a lower grade than that to which, in his opinion, it belongs, he may insist on a sample being selected and agreed upon between buyer and seller. Supposing the seller declines to agree, there is nothing to compel him to do it. The clause provides that the sample selected shall be put in a parcel and sealed. That is a parcel which has been agreed upon, but either the purchaser or farmer do as they like about agreeing. What is to be done if they do not agree? This new clause provides that if the buyer declines to select the sample, the farmer insists upon it, and if there is a disagreement as to samples, the farmer makes his selection and the purchaser makes

his selection, and they are both sent to the inspector, and I suppose the practical operation would be that they would mix the two samples together and test it. That seems to be common sense.

Hon. Mr. YOUNG—Yes, the inspector would do it.

Hon. Mr. PERLEY—Who pays the thirty cents for the dockage ?

Hon. Sir MACKENZIE BOWELL—I do not know anything about that. I think the new clause is very much better.

Hon. Mr. SCOTT—I do not think the clause is open to the objection urged against it, because the farmer may insist upon the sample being sent on. There is no qualification whatever. He has a right to send it on to the chief inspector.

Hon. Sir MACKENZIE BOWELL—The famer may insist upon it and the purchaser may refuse : what happens then ?

Hon. Mr. SCOTT—Then he commits an offence under the Act.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—It is for the House to say whether they will adopt the suggestion made.

Hon. Sir MACKENZIE BOWELL—We will accept your suggestion.

Hon. Mr. WATSON—I think we should pass this clause as it appears here. It appears to me the arguments here must show that it is in favour of the farmer more than the section in the Inspection Act, and is a well thought out clause and will answer all purposes, because if they do not agree, each party can select three quarts and send it to the inspector, and he will mix them up. One will take the worst and the other the best, and the inspector will strike an average. It appears to me it is a good clause, and will work out to the entire satisfaction of the buyer and the seller.

Hon. Mr. PERLEY—So far as the grading is concerned, the section of last year's Act is all right. There has not been a single fault found with it. Both appeared to do what is right. If you undertake to have a sample of three quarts you cannot have a fair sample. This Bill is entirely right, and I say on behalf of the poor man, if you place him in the hands of one of those men, he can do what he likes with him. I am giving the advantage to the elevator men. If the grain is bad he can take a poor sample and send it down. I was in the grading office last year, and what did I find? All the samples were in small envelopes, and the man graded from those samples.

Hon. Mr. YOUNG—Last year was a very favourable year.

Hon. Sir MACKENZIE BOWELL—It would be easy to meet the difficulty by adopting this clause exactly as it is and repealing the section in the Act.

Hon. Mr. SCOTT—If you adopt clause 36 as it stands in the Bill, you override practically the legislation of last year. That is the reason I call attention to it.

The committee divided on the amendment to strike out the reference to grading, which was adopted : contents, ten ; non-contents, seven.

The clause as amended was adopted.

Hon. Mr. SCOTT—I now come to a clause to which there is some opposition. I propose to insert as 37*a* a new clause. A very considerable number of representatives in the House of Commons from the North-west—perhaps not all, but a very large majority of those who profess to understand this subject—were of the opinion that a very great wrong was being done by this dockage. This question of dockage was the prominent one which attracted the attention of the inspectors who were appointed to inquire into this question. They set out in the first instance the principle that the grievances that prevailed were that the vendor of grain is at present, subjected to an unfair and excessive dockage at the time of sale. In a number of cases they refer to it as a very serious grievance in the North-west and in Manitoba. I might read here a few paragraphs of the report, which would indicate the truth of the statement I have made, that the great grievance there was that under the system adopted the farmers was docked a much larger proportion of fair grain than was just and right. They say in one place here :

We have reason to believe, from the evidence, that in cases where elevator employees appear to have dealt unfairly with farmers, the elevator owners have not profited thereby, as it has

been shown that employees have in some instances not accounted to the owners of their elevators for all the grain taken in by them. There has been no evidence to show that any elevator owners have been consenting parties to any acts of extortion. In view of the above, however, we think it would improve matters very greatly if elevator and warehouse operators, as well as elevator and warehouse owners, were compelled to give security for the proper performance of their duties as such.

Then in another case :

While the evidence taken leads us to believe that from a number of the causes above given, farmers have in many cases been overdocked, and have realized less than they should have, it also shows that since the privilege has been extended to farmers themselves to load cars and ship direct, they have realized not only in that way, but from elevator operators better proportionate prices than they previously got.

Now, I maintain that this loading in flat warehouses—loading on car from the wagon or any other unscientific way is wasteful, because a large amount of time is lost, and it is quite ineffective. There seems to be some strong reasons why farmers should insist upon flat warehouses, or depart from disposing of their grain through elevators. To my mind it is the strongest evidence the farmers have that they have not been well treated by the elevator men, and it has given rise to the complaints which led to the inquiry to which I have referred. Other paragraphs appear in this report, all written in the same spirit, that a feeling of very great unrest exists in the North-west, because the farmers believe, under the present system, they are not getting fair play, and it is highly desirable that feeling should be removed. In the opinion of many representatives of the North-west, they thought all elevators should be forced to put in grain cleaners and clean the grain for the farmers at the time it was sold and weighed. The proposition seemed a reasonably fair and proper one, but the answer of the elevator men was this: Our elevators are not equipped for that purpose; it would cost a good deal of money to do it, and we think that fair play can be shown by the methods now used, using a sieve. Of course, the sieve can only be a very partial standard as to the quality of grain or its cleanliness, because the sample will not always represent the whole body of the grain. I realize that. Therefore, I was not prepared, although I was asked, to submit to the consideration of the Senate this proposition, that hereafter all the elevators should be provided with apparatus for cleaning the grain. Some are so provided, but was not prepared to submit to the Senate a proposal of the kind at this time, but I said I had no objection to a modified proposal which I think would be fair and just, and would not entail in any sense loss or inconvenience on the elevator men at the present time. Therefore, I propose that wherever the elevators at present in operation have facilities for doing it—wherever they are equipped with cleaners, they ought to be obliged to clean the grain and account to the farmer for the difference between the clean grain and the screenings and its charges. That struck me as so eminently fair and just that although a good many representations have been made that justice will be done to the farmer without having recourse to that, it has been argued that it will be inconvenient—will take more time—that farmers come up with their sleighs in the winter and there will be considerable delay if the grain has to be cleaned and weighed and the net result handed out to the farmer. I said let it be done, not in all cases, but wherever requested. If the farmer and the grain elevator men or purchaser—and I believe most of the purchasers own the elevators—fully agree among themselves they can dispense with the cleaning. But if they cannot agree, does it not seem that the principle we apply to every other line of life should prevail, that as between buyer and seller, the quality and the quantity should be actually decided by the means the law lays down. We lay down very strong rules here for weighing and measuring in all other matter, and while wheat which is a cash article, should be omitted from the category of articles where accurate weight must be ascertained, I fail to appreciate or understand. I think it is of the highest importance, between the buyer and seller, that the grain should be cleaned and the net weight of the wheat given, so that the farmer would know that he was not being defrauded. In fact, from the general discontent that has prevailed, I think that this House ought to accept the proposition which I propose to lay before them. I have modified it very much from what I first intended, but I am content to modify it still further if necessary. It is headed 'clauses applicable to elevators equipped with grain cleaners.' In these elevators, where they are already

equipped with the grain cleaners, after the farmer sells the grain, the grain is cleaned, but they say we can do it at our convenience when the rush of business is not as great as at other times. I do not think that is a legitimate or honest excuse. In the State of Minnesota adjoining, where the volume of wheat is much larger than in the North-west, the country elevators are not provided with gain cleaners. Everything is sent on to the terminal elevator. The farmer and the purchaser make the agreement between themselves. If either is dissatisfied, the consignment goes on to the terminal elevator, and it is there finally settled and adjusted. There is no proposal for any similar system being carried out in Manitoba and the North-west, and therefore, I think, to solve this question, that the proposal I am submitting to the House is one which would receive unanimous approval.

Hon. Mr. PERLEY—Why does the hon. gentleman not include elevators hereafter built ?

Hon. Mr. SCOTT—I do not think there is any objection, but I have been told by gentlemen deeply interested in the business, 'we accept your amendment, provided you strike that out.' Surely when elevators are going up, the cost is comparatively small to put in cleaners.

Hon. Mr. YOUNG—How much would they cost ?

Hon. Mr. SCOTT—I saw a letter from a manufacturer in which he offered to deliver F.O.B. on the cars at Woodstock, or some western point, for $150, cleaners that would clean 1,000 bushels an hour guaranteed. Now, I think where the interests at stake are so very large, that the cost ought not at any time to be a barrier to the proper carrying on of a business of the importance of the grain trade. We want the farmer to believe he is getting fair play. He may not have been robbed to the extent he believes, but witnesses came up and showed conclusively that they have been docked most reasonably in the past. Here are some instances where they had weighed the grain, and received a certificate for it before they took it to the elevator, and after it was weighed, they were told they were so many bushels short. They presented a certificate from somebody else. The reply, in such a case is, 'my employee is to blame.' I shall speak to the man about it, and he shall be reprimmanded.' Somebody must be responsible, or you must adopt some machinery to prevent fraud. In this age of the world you cannot permit anything of the kind to continue.

Hon. Mr. PERLEY—I appreciate all that the hon. Secretary of State has said. I think that it would be unfair to the elevator men who now have elevators without cleaners in them to force them to make changes in order to clean grain before it is weighed, it would be only fair to make builders of elevators in the future put in cleaners.

Hon. Mr. SCOTT—The hon. gentleman can move an amendment if he desires. The paragraphs as originally framed were, first, to make it the duty of every elevator to clean grain. Second, all elevators hereafter shall have cleaners. Third, farmers interested in weighing grain shall have free access to the scales while grain is being weighed, and the nature of the cleaned grain and the screenings shall be stated. Now, I will take the sense of the House on the first of these paagraphs.

Hon. Sir MACKENZIE BOWELL—What is really before the House.

Hon. Mr. SCOTT—The first paragraph :

It shall be the duty of the owner, lessee or manager of every elevator now equipped with grain cleaners to clean the grain before it is weighed, if he is so requested to do.

Hon. Mr. PERLEY—I move to add the balance of the clause :

All elevators hereafter built shall be so furnished with grain cleaners as to clean all grain offered for sale or storage before it is weighed.

Hon. Mr. YOUNG—Settle one first and then try the other.

Hon. Mr. PERLEY—I have moved that the words I have read be added to the clause proposed by the hon. Secretary of State.

Hon. Sir MACKENZIE BOWELL—I stand in the same position to-day in this matter as I have on many others that have come before the House, where it is exceptional legislation. If the principal laid down by the hon. Secretary of State be correct for Manitoba, it must be equally correct, and just as forcible for every other portion of the Dominion. It is true that in Ontario—I am

speaking of the part in which I live—a number of years ago, the product of the farm was exclusively grain, and it used to be brought into our town by hundreds of loads during the week. Of course that has changed, as far as that section of the country is concerned, because the agriculturists have devoted their attention and energy, and intellect I will add, to the dairy business, which has done away to a great extent with the production of grain, and more particularly the coarse grains which are now fed to their stock. But apart from having to dispose of their grain in that way, if this law be right and proper for Manitoba, and if it is necessary to compel those who buy from the farmers to do certain work in order to put the grain in a marketable condition, it is equally forcible for the farmer in Ontario or the maritime provinces where they produce grain. They produce large quantities in Prince Edward Island. Are we not adopting in this class of legislation too much of the socialistic idea? We have had the hon. Secretary of State, we have had the hon. Minister of Justice, we have had the whole party to which they belong condemning the former government because they advocated the principle of protection. They declared it to be paternalism which we were adopting in Canada, and taking under our special care and guidance every industry of the country. Why should we not carry this principle further? Why not pass a law to compel the consumers or the purchasers of grain to see that the farmer sows a clean and pure grain instead of having any defects in it? Why not go a little further, if we are to adopt this system of legislation, and compel the farmer to prepare his land in such a manner as to produce the best quality of grain? If it is right in the one case, it is just as much so in the other. I am not a farmer, although I did a little farming a great many years ago. Any one who has studied the question knows that the great secret in producing a crop is to prepare the land properly for it, and the earlier in the season it is prepared and the cleaner the land is when the grain is sowed, the probabilities are that the grain will be of a much better quality and much cleaner. Why not go the full length and say to the government that they shall have inspectors to go on to the farms and first see that the land is properly prepared for the reception of the grain and then let the grain that is sown be properly and correctly sown, and that it is of a good quality. My hon. friend says that is a good proposition. If it is good for the farmer, it would be equally good for the manufacturer of furniture.

Hon. Mr. McKAY—You would have to regulate the weather too.

Hon. Sir MACKENZIE BOWELL—We would have to go further and have the government regulate the weather, but I do not think even the most advanced socialist would propound a theory of that kind, because we know it cannot be done, but if we by law can compel a man who enters into the grain business and erects an elevator, to do the work in the manner in which we dictate and put in whatever cleaner we shall describe, and then before he dares to buy a pound of grain we must compel him to clean it, we might as well go that far. If we can compel them to do that, then we can compel the man who produces apples to sell only apples of a certain quality. We can then carry it to an absurdity and apply it to the shoemaker. If you take a pair of dirty boots to him, he will not mend them till you clean them. He will say 'clean those boots before I will mend them! You may say to him: 'There is a law to make you mend them, and I will compel you to do it.' It may be said that that is an absurd comparison, but the principle is precisely the same, and I do think that we are advancing so rapidly that by and by we will have to take under our special care the supervision by law of every industry in the country. If we are to do that, let us carry it to the fullest possible extent. I do not believe that any man when he comes to sell an article to me should be able to say to me 'you must put it in a marketable condition before you buy it.' I think that is a piece of tyranny rather than a protection to any class of people. It is all very well for the farmer to be told when he has a load of wheat. 'There is a pound or ten pounds of dirt in that,' and the farmer says: 'That is not true.' That is a matter between the buyer and seller. You have made a special provision for that in this law, and if the proposition made by the hon. Secretary of

State to-day be carried out, you have to repeal section 15 of the Act, otherwise you would have, if not exactly conflicting clauses, a clause here providing for the very object which you have in view which would be nullified by carrying into force that which has been proposed by the hon. Secretary of State. If the farmer goes to the elevator man and says: 'I have a thousand bushels of wheat.' The purchaser says: 'There is so much dirt in it.' The farmer says there is nothing of the kind.' You have made a provision here to make a selection of it and you send it to the inspector to decide between the two. That is quite proper: I agree with that, because there is a board of arbitration at once introduced into the law, which board is supposed to do justice between the parties. But it is proposed to add to that. When there is a dispute between the parties the law says: 'You must clean the vendor's wheat.' The purchaser is compelled to clean it, and if it is clean the transaction can be completed. That is very fair, apparently, to the farmer, but I object to the whole principle. I think it is wrong. I am too conservative in my way of dealing between man and man to think that any government should step in and say you shall do that. The proposition made by the hon. gentleman from Wolseley involves this: if I think proper to enter into the business of purchasing grain, erect an elevator for my own convenience and for the convenience of carrying on that business, it shall be built in such a way and shall contain just such machinery as meets the views of the men from whom I am going to buy grain. That is the proposition. Why do not the government introduce another law providing how a man shall build his house and barn, and have the barn so built that the air shall pass through the hay mow and the stacks of grain so that there will be not deterioration? We might as well do that as do what is suggested. If the principle is to be adopted at all, let us have it in its entirety and then let the government say what kind of boots I shall wear and how they shall be made by the shoemaker. If the shoemaker declines to make them on a certain last, let the law step in and say: 'You shall make it on that last. That fellow has a crooked foot and you will have to fit him.' I know that I have been informed, whether it was for a purpose or not I am not prepared to say, that some of the large millers who buy for the purpose of grinding their grain were about giving orders for the erection of ten or fifteen elevators during the present summer in order to meet the requirements of the trade during the fall. They have stopped and have not advanced one step for the simple reason that they say it will add so much to the expenditure in the construction of these elevators that they cannot afford to do it. That is the position they have taken. Whether they will accept this modified form or not, I do not know, but I think the hon. Secretary of State has not advanced so far in the line he has indicated that he would advocate, on due reflection, the suggestion propounded by the hon. gentleman from Wolseley. I believe in all trades we should allow the manufacturer to deal with the purchaser in the ordinary mode of business and not to compel either the purchaser or the seller to do that which is unnecessary, except for the convenience of one particular class. I hold perhaps some strong views on this subject, but I have been confirmed in them on reading an interesting work written by Sir Henry Wrixon, who was one of the delegates at the colonial conference held here a few years ago, who gave this question of socialism and interference by governments in general trade in Canada and other countries special consideratoin. If the hon. Secretary of State will read that carefully he will not make such a proposition, as he has made to-day. I hope the Senate which is supposed at least to be a Conservative body, will never accept such a proposition.

Hon. Mr. SCOTT—The hon. gentleman has made a plausible plea on behalf of the elevator men.

Hon. Sir MACKENZIE BOWELL—I deny that. Do not put it that way. I was speaking of the general principle and not referring to the elevator men.

Hon. Mr. SCOTT—The hon. gentleman has drawn a parallel in which the conditions are by no means equal. In the province of Ontario and other provinces if a man has a load of wheat to sell, there are hundreds ready to buy it, but there is just the one man with the elevator who says: 'I

will give you so much for your wheat and you may take it or take nothing.'

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. SCOTT—The idea is rather to protect those 25,000 farmers against the rich elevator men——

Hon. Mr. PERLEY—The Krugers.

Hon. Mr. SCOTT—Who are getting the wealth of that country. That is just the question the Senate has to consider. The parallel drawn by the hon. leader of the opposition has no analogy whatever. The conditions are entirely different. The states of Dakota and Minnesota had to make special provisions for it. They are not allowed to sell a bushel of grain from the elevators in the country. It has all to go to the terminal elevators, and they detect whether there has been an over-dockage, and if there has been an over-dockage an investigation is held and they arrive at it in that way? The elevator man in the State of Minnesota is not permitted to retain an ounce of grain. He has to send it all to the terminal elevator and there the inspector detects whether there has been over-dockage. I will read the regulation affecting that. It is as follows:

By this system of reports, as prepared by Mr. Burdick, it is an easy matter to find out and compare the various results of the season's operations of one public country elevator or warehouse with that of all others at same point The average dockage and grade of one country elevator and the average dockage and grade given by the inspector should be about alike from one named country point, that is to say:

If the average dockage at a country elevator as shown by report of the inspector of public country elevators and warehouses for the season's operations was 25 ounces per bushel and the average dockage by inspector at terminal was 25 ounces per bushel and grade maintained, that would go to show that at that particular elevator the dockage was eminently very accurate, seeing that grain is not cleaned in the country elevators in Minnesota or Dakota.

If, on the other hand, the country public elevator's average dockage was 32 ounces and the dockage put on by inspectors at terminals was 16 ounces and the country elevator man's grades were maintained by inspector, it would then be necessary for the commission to inquire into the matter, as in that case the dockage would be excessive.

On December 29 we reached Minneapolis, where Mr. Bell and myself had interviews with several gentlemen connected with the grain and elevator trade, and to whose courtesy I am indebted for the following:

It appears that none of the public country elevators or warehouses in the states of Minnesota or Dakota clean their wheat, nor do they weigh their wheat out.

The idea of elevator owners not allowing their buyers at country points to weigh their wheat out, is for the means of acting as a check on the buyers so that they shall not by reason of docking too heavily, accumulate an 'overage' or surplus quantity of wheat over and above what the elevator books show, and, possibly, if the buyers so willed, ship the 'overage,' either in their own or someone else's name. I would also add that the elevator owners stated that the shipping wheat out of public country elevators as it was received in the elevator, and cleaning the same at the 'terminals' under state dockage and inspection, was considered by them the best system.

We cannot adopt that just now. We are adopting the next alternative. They protect the farmer by their system.

Hon. Sir MACKENZIE BOWELL—How?

Hon. Mr. SCOTT—Because they do not allow a country elevator to ship any grain except to a terminal elevator. and the general average is taken of the amount sent out, and that is compared with the inspection that has been made locally, and where they have over docked, it is made apparent by the returns.

Hon. Sir MACKENZIE BOWELL—I want to know how the farmer is protected. A country elevator has purchased fifty thousand bushels. When it is sent to the terminal elevator it is tested and cleaned, in order that it may be in a proper state for shipment.

Hon. Mr. SCOTT—And checked.

Hon. Sir MACKENZIE BOWELL—The farmer has sold his grain to the country warehouse and a hundred different farmers have stored their grain in the same place.

Hon. Mr. SCOTT—The books of the country elevator are compared with the books at the terminal elevators, as to the quantity of wheat cleaned and if there is an excess, it is apparent that there has been an over-dockage.

Hon. Sir MACKENZIE BOWELL—I want to arrive at an intelligent understanding of the matter. The hon. minister says the grain that is in a country warehouse is sent in bulk to the terminal warehouse. It is there cleaned for the purpose of shipment. Supposing the country elevator is represented to contain fifty thousand bushels. and it turns out they have cheated the farmers out of a thousand bushels, and when it reaches the terminal elevator there are fifty-

one thousand bushels, how is the farmer to be recouped? The hon. gentleman says it is done for the protection of the farmer.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It is done for the protection of the shipper.

Hon. Mr. SCOTT—The inspector is sent out to investigate the excessive charge.

Hon. Sir MACKENZIE BOWELL—The country warehouseman has purchased his grain from fifty or one hundred farmers, and the inspector is sent out to see whether there has been excessive dockage.

Hon. Mr. SCOTT—The farmers in Dakota and Minnesota are satisfied with the law as it works.

Hon. Sir MACKENZIE BOWELL—Why cannot the hon. Secretary of State stick to the point? Supposing it is found that the dockage has been excessive, how is the farmer to be reached when the inspector at the terminal point has decided that there has been too much dockage at the country elevator?

Hon. Mr. SCOTT—An officer is sent down at once to that country elevator to inquire into it.

Hon. Sir MACKENZIE BOWELL—And how does he know who of the hundred farmers has been over docked?

Hon. Mr. SCOTT—I have not a statement of detail: I have a statement of fact. The farmers are satisfied.

Hon. Sir MACKENZIE BOWELL—But that is not the question. The hon. Secretary of State said it was for the protection of the farmer, and I want to know how. I am not taking what they say at all. I want to know how the farmer is to be reached. My hon. friend says the farmers in Minnesota are satisfied. My hon. friend says that my statement in reference to Ontario is not analogous to that of the other places—that there are fifty different buyers. I do not think the hon. gentleman has paid as much attention to that as I have. I know, in the city of Belleville they have grain buyers, and in the town of Trenton, ten miles west of Belleville, they also have buyers. There is another place just eastward, and these buyers combine. They control the market just as strongly, and just as improperly as any speculators can in Manitoba. It has been a constant complaint, and as a newspaper man I have published many an article condemning the manner in which these speculators and purchasers of grain have deprived the farmers of the proper grade of the wheat and proper prices. The same combination exists here as anywhere else, and the comparison is analogous.

Hon. Mr. SNOWBALL, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

THIRD READING.

Bill (116) 'An Act to incorporate the Acadia Loan Corporation.'—(Hon. Mr. Power, in the absence of Hon. Mr. Allan.)

LAKE SUPERIOR AND HUDSON BAY RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. POWER, in the absence of Hon. Mr. Watson, moved the second reading of Bill (124) 'An Act respecting the Lake Superior and Hudson Bay Railway Company.' He said: This is simply asking for a railway charter in the ordinary form. The company seek to build a railway from a point on the north shore of Lake Superior to a point on the main line of the Canadian Pacific Railway. I daresay there are vested interests that will be seriously affected by the Bill, but we will let the committee decide as to that.

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

SCHOMBERG AND AURORA RAILWAY COMPANY BILL.

ORDER OF THE DAY DISCHARGED.

The Order of the Day being called:

Second reading Bill (94) An Act respecting the Schomberg and Aurora Railway Company.—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED said: I have not received such information as would satisfy my hon. friend from Monck as to this Bill, and the promoter of the Bill, whoever he is, has not seen fit to give me the information, and I therefore, move that the Order of the Day be discharged.

Hon. Mr. POWER—That kills the Bill.

Hon. Mr. LOUGHEED—If parties having Bills before parliament do not see fit to consult some hon. senator, and have him take charge of the Bill in the Senate, I have no solicitude for them, and I am quite willing that the Order of the Day be discharged.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 25, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

BRITISH COLUMBIA'S CONTRIBUTIONS TO THE REVENUE.

MOTION DROPPED.

The Order of the Day being called:

The Hon. Mr. Macdonald (B.C.)—

That he will call attention to the following statement of commerce and the revenue contributed to the Dominion treasury for the year ending June 30, 1899:

The shipping of the two largest ports in the Dominion are taken, Quebec and Montreal, to show how British Columbia stands by comparison. The tonnage of these two ports, with cargo and in ballast, in British, Canadian and foreign ships being 1,767,190 tons, and that of five ports in British Columbia 1,867,604 tons, which shows a difference in favour of British Columbia of 100,414 tons. The comparison of revenue is made between Nova Scotia and British Columbia as being the two provinces most similar in the natural products of the mine, forest and sea, but the former has three times the population of the latter:

Exports for the year ending June 30, 1899.

Nova Scotia—	
Exports	$11,480,120
British Columbia—	
Exports	$14,749,032

Difference in favour of British Columbia, $3,268,912.

Imports for the year ending June 30, 1899.

Nova Scotia—	
Imports	$7,425,140
British Columbia—	
Imports	$8,687,432

Difference in favour of British Columbia, $1,262,292.

Revenue from all sources for the year ending June 30, 1899.

Nova Scotia—	
Customs duties	$1,350,284
Inland revenue	228,830
Post office	309,650
Commission, money orders	11,454
	$1,900,218
British Columbia—	
Customs duties	$2,111,322
Inland revenue	520,787
Post office	242,355
Commission, money orders	13,648
Chinese tax	215,109
	$3,103,221

Difference of revenue in favour of British Columbia as against Nova Scotia, $1,203,003.

Another evidence of progress is the value of money orders issued in British Columbia for the year ending June 30, 1899, $1,633,143. Value of money orders paid in the same time, $754,329.

Attention is also called to the short-sighted policy of the government, and to its unfair and unjust treatment of British Columbia, a province which contributes more than three times per capita revenue than any province in the Dominion, and yet no return is made, or aid given for public improvements and the development of the country, such as the opening up of avenues of commerce, deepening and improving deep sea harbours and other such like works. The component colonies of the Australian proposed commonwealth stipulate that the larger part of the commonwealth revenue collected in the different colonies shall be returned proportionately to the respective colonies—a scheme to which the North American colonies were not alive at the time of their federation—it would have been a wise precaution if some of them had been alive to it. The government should, as an act of wise policy and as a matter of justice, deal in a fair spirit with so large a revenue-producing province as British Columbia.

Hon. Mr. FERGUSON—Stands.

Hon. Mr. McKAY—No, dropped. The hon. gentleman from British Columbia will not return this session.

The motion was dropped.

IRREGULARITIES IN PAYMENT OF FISHERIES BOUNTY IN P.E.I.

INQUIRY.

Hon. Mr. FERGUSON rose to,

Call the attention of the Senate to irregularities and favouritism in the payment of fishery bounty cheques in Prince Edward Island, and will inquire what the government propose to do in the matter?

He said: It will be in the recollection of the House that during the last session of parliament I made some inquiries with regard to the distribution and payment of fishery bounties in the province of Prince Edward Island, more particularly in the

Tignish section. Further on, this subject engaged the attention of the Public Accounts Committee of the House of Commons, and I was requested by a member of that committe to furnish the Auditor General with the names of parties to whom, it had been alleged, cheques were given without having been earned by them according to the requirements of the statute. That was done, and it was understood, I believe, that the Auditor General was to institute an inquiry, which he is empowered to do under the statute, into the matter. I have not learned that anything of the kind was done, and it has now come to my knowledge, through correspondence I have had, that irregularities are still going on in the payment and distribution of these cheques. What I desire to-day more particularly to call the attention of the House is the partiality and favouritism exercised in the payment of these cheques. I am not touching now on the question which was before us last year with regard to whether these cheques were fairly earned or not, but I am referring to the payment to the parties claiming the bounties. I have some correspondence before me which seems to indicate that there was something wrong. It was a matter of complaint last year that these cheques, unauthorized by the payees, found their way into the hands of a person of the name of Dr. Wickham, of Tignish, and that when the parties applied for their cheques they were told that they were in the hands of Dr. Wickham, and they experienced a considerable amount of difficulty in getting them. I inquired in the House whether Dr. Wickham was an officer of the department, or whether he was entrusted with any duty whatever in connection with the distribution of these cheques, and the answer I received was that Dr. Wickham had no official relation with the Department of Marine and Fisheries. I find that is still going on, and I have some letters in my possession, which I propose to read to the House, to show that there is something wrong in connection with this matter, and that Dr. Wickham, to use the expression which I find in some of the letters, is running the fishery overseer, and the fishery overseer allows him to get possession of cheques to which he has no right whatever. The correspondence is between Mr. John Albert Brennan, a business man of Tignish, and Mr. Hardie, acting Deputy Minister of Marine and Fisheries. On April 10, Mr. Gourdeau, who was in Ottawa at the time, was written to by Mr. Brennan, and the following correspondence took place :—

Tignish, P.E.I., April 10, 1900.

F. Gourdeau, Esq.,
Deputy Minister Marine and Fisheries,
Ottawa.

Sir,—I desire to bring to your notice the manner in which I have been used by Mr. John Davison, the fishery bounty officer, and Dr. Wickham, of this place, with regard to cheques for bounty which I claimed. The facts are as follows: Joseph Rielly, a fisherman who had filed his claim for bounty last season, was obliged to go away, and before leaving gave me an order for his cheque. This man since then died in the hospital. When Mr. Davison came here to distribute the cheques a few days ago, I presented my order and was told by him that the cheque was given to Dr. Wickham, who had no authority to receive the same. I have, therefore, through the collusion of those parties, been deprived of this cheque, to which I am honestly entitled. I want to complain generally against John Davison and Dr. W. W. Wickham in connection with the distribution of bounty cheques this season. I have been caused great trouble in obtaining my rights in the matter of bounty cheques, and consider, in justice, the whole affair should be thoroughly investigated. With regard to Rielly's cheque, I still hold the department for it, and trust that you will see I obtain my just rights. As Dr. W. W. Wickham seems to have charge of the bounty distribution, and gives and withholds cheques at his pleasure without any authority whatever, the people here are naturally very indignant.

I may say that John Davison appears to be only a figurehead in the matter. I make those charges fully conscious of their gravity to officers of your department, and demand the fullest investigation. My legal rights in the bounty claim in question are beyond dispute.

Yours, &c.,

J. ALBERT BRENNAN.

Ottawa, April 24, 1900.

Sir,—In reply to your letter of the 10th inst., complaining that Mr. John Davison, the fishery officer for Prince County, refused to deliver to you the fishing bounty cheque of John Reilly, for which you say you hold an order from the payee, I may state that in withholding the cheque the officer was acting in accordance with his instructions, which prevent him from recognizing orders or assignments of any kind in the matter of the distribution of the bounty?

As an order conveys no authority to the person to whom it is given to endorse a cheque, the department cannot recognize your claim to Mr. Reilly's bounty.

I am, sir, your obedient servant,

(Sgd.) JOHN HARDIE,
Acting Deputy Minister of Marine and Fisheries.

J. Albert Brennan, Esq.,
Tignish, P.E.I.

Tignish, P.E.I., May 3, 1900.

John Hardie, Esq.,
Acting Deputy Minister
Marine and Fisheries,
Ottawa.

Sir,—I am in receipt of your letter of 24th ult., No. 2370 F.B., having reference to my fishing bounty cheque, not paid, as you state, in accordance with the regulations governing the delivery of similar cheques at this place. I am surprised to learn that the officer's instructions from your department are not to deliver such cheques on an order from the payee, as he grossly violated the same in the delivery of cheques here. I may say that I have received a large number of cheques on orders both this season and last, and so much has this been the rule that every business man here received them under the same conditions. I do not complain at all at this manner of their disposition, as under the conditions prevailing here I believe this to be the most feasible way of delivering cheques.

What I do strongly object to is the fact that the cheque for which I had an order for money advanced to a sick man on his way to the hospital, and who died there, was delivered to Dr. Wickham, who had no order or other authority to receive the same. Another complaint I wish to make in this connection is that I held an order for the cheque of Mr. Laurence Gallant, of Tignish, and this cheque was also delivered to the aforesaid Dr. Wickham, who had no order and Mr. Gallant had great difficulty in finding Dr. Wickham and obtaining the cheque for me. This conduct of the official is evidently a flagrant violation of his instructions, as well as a great injustice to me. In view of the fact that the man Joseph Reilly is deceased, and I am the legally authorized person to receive the cheque in question, I must ask the department to forward me the amount. If you do not deem the above sufficient, I request an investigation by a responsible officer of the department, when I will substantiate all the statements herein made.

In this connection, I would suggest that Mr. A. Lord, agent of the department at Charlottetown, be appointed to investigate the matter.

I am, yours truly,

J. ALBERT BRENNAN.

Ottawa, May 14, 1900.

Sir,—I am to acknowledge the receipt of your letter of the 3rd inst., in which you ask to be paid the amount of James Reilly's fishing bounty for 1899, for which you hold an order from the payee.

In reply I have to state that as the order has no legal validity, the department cannot comply with your request.

I am, sir, your obedient servant,

(Sgd.) JOHN HARDIE,
Acting Deputy Minister Marine and Fisheries.

J. Albert Brennan,
Tignish, P.E.I.

Tignish, P.E.I., May 26, 1900.

John Hardie, Esq.,
Acting Deputy Minister
Marine and Fisheries,
Ottawa.

Sir,—I beg to acknowledge receipt of your letter of 14th inst., No. 2379 F.B., and am surprised at its contents. In reply to my letter of 3rd instant, you say that the order received by me from Joseph Reilly, since deceased, is not valid, and the department will not deliver me his bounty cheque. If my order is not valid, how can the department justify the handing over of this cheque to W. W. Wickham, who had no order from Joseph Reilly, or authority of any kind to receive it. As the legal representative of Joseph Reilly, I claim that I am entitled to his fishing bounty cheque for season of 1899, and before relinquishing my rights, I intend having the matter fully investigated. In my last letter to you, I charged John Davison with having paid this same W. W. Wickham several cheques without authority, and that the parties entitled to them had great difficulty in obtaining the same. It appears to me to be outrageous that the department should attempt to shield one of its officers in conduct of this kind. If, as you say, my order is not valid, how do you justify your officer in delivering cheques on similar orders, and as I have shown above, even delivering the cheques to W. W. Wickham without an order or authority of any kind. I have again to ask that you order an investigation into this matter by an impartial man, and see that justice is done. As a citizen of Canada doing business here, I claim this as a right, and trust the department will see that my claim is paid.

I am, yours truly,

J. ALBERT BRENNAN.

Now, I am not going to discuss the propriety of the instructions which, as alleged in these letters of the Deputy Minister of Marine and Fisheries, have been issued forbidding the overseer Davison to pay checks on the order of the payee, but what I wish to call the attention of members of the government and of this House to is this, the favouritism that seems to prevail, that these instructions which the deputy minister says have been given to this fishery officer, and I suppose to all fishery officers, are being violated by Mr. Davison, who not only violates them, but goes further and delivers checks to men who have no orders for them at all, and the parties who are entitled to them have great difficulty in getting them out of his hands. In the case of the man who is dead, and to whom this kindly act was done by Mr. Brennan, it is certainly a very great hardship and wrong. Of course, if this man Reilly, before he died, had given Dr. Wickham an order also, as well as an order to Mr. Brennan, it would have been a matter of choice, or of the first presentation, but it appears the department does not hold this check, it having been given by them to Dr. Wickham, who, it is alleged here, had no order for it at all, while professing to instruct the officer not to give those checks on anybody's order but only to the fishermen who had earned the money. This matter is,

I might say, creating a good deal of dissatisfaction in that part of the province, and is all the more likely to do so from the fact that Dr. Wickham has made himself notorious in conenction with the Pineau matter, as will be apparent to this House when the whole subject is laid before it, as it will be before long. It would seem that Dr. Wickham has got what they call a 'pull' and can get fishermen's checks and orders and the delivery of those checks is declined to the business man who kindly advanced the money to a sick man going to the hospital, and though he holds the order of this man for the cheque, it has not been given to him, but given to a man who had no authority to receive it, and who received it in violation of the instructions which the deputy minister says have been issued to him not to deliver cheques on orders.

Hon. Mr. PRIMROSE—Does Dr. Wickham hold any official position ?

Hon. Mr. FERGUSON—The answer I received last session was that he held no official position whatever in the department, in the distribution of bounty checks or fishery business.

Hon. Mr. MILLS—It will be noticed that while my hon. friend says that the agent of the Fishery Department, Mr. Davison, handed over certain cheques to Dr. Wickham, he does not say that Dr. Wickham held those cheques as owner, and that he received payment thereof. The hon. member does not allege that Dr. Wickham was paid the amount of money to which the payee of the cheque was entitled, so it is impossible to say from what the hon. member has stated whether Dr. Wickham was simply acting as an agent of Mr. Davidson, or whether he was acting as the owner of the cheque. That information the hon. gentleman has not given, and so it is impossible for me to infer from what he said what Dr. Wickham's position in respect to the matter may have been; but hon. gentlemen will understand right well that where cheques are issued to fishermen, the department may find it necessary to make a regulation that they would pay only directly to the party entitled to receive the money, and that they would not pay upon his order to any other person whatever. Because that system, I believe, was introduced at a very early period by the department with respect to these cheques. It did not originate with the present Minister of Marine and Fisheries, as I understand, but was the practice of the department before he became minister. With regard to this matter, I may say the Department of Marine and Fisheries has received no complaints of irregularities and favouritism in the distribution of bounty cheques in Prince Edward Island, except in one case, where a man named Albert J. Brennan of Tignish—I suppose that is the party ?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—Albert J. Brennan, of Tignish, a merchant, complained because the fishery officer would not give him a certain fisherman's cheque on an order from the payee. The bounty officers are not authorized to accept orders for cheques. They are not recognized by the department, but are specially charged to deliver the cheques to the claimants. This cannot always be done by the officer personally, as fishermen are often absent when the distribution is made. In such case, it is usual to hand the cheques to third parties in the neighbourhood, chosen by the officer, to deliver them personally to those entitled to receive them. The doctor, to whom the hon. gentleman has referred, seems to be a party of this class. He is acting as agent for Mr. Davison, and holds the cheques to be handed over to the person entitled to receive them, and to no one else. It is perfectly clear what the practice of the department is, and it is perfectly clear, also why that practice was adopted almost from the beginning. It was to prevent a fisherman selling out, for a mere bagatelle, his interest, whatever it might be, and to see, as the bounty was a bounty under the law to the fisherman held entitled to receive it, that the money which that law intended to give him should be money paid into his own hands. That, I understand, is the policy, and always has been the policy of the department, and I think it is a policy which will commend itself to hon. gentlemen. I understand from the statement made by the hon. gentleman that there is no other complaint and none seems to have reached the department from Prince Edward Island except this one. That is the complaint of Mr. Brennan, and so far as Dr. Wickham is concerned, it is per-

fectly obvious, I think, to every hon. gentleman present in what capacity he received these cheques. Not as a person entitled to receive them, but as a person whom the agent of the government could trust to hand the cheques to those entitled to receive them in the locality, and as they state here, because the fisherman may be away at sea at the time the agent was present.

Hon. Mr. PROWSE—I do not think the explanation given by the hon. Minister of Justice is very satisfactory to this House, and I do not think it will be satisfactory to the country. As hon. gentleman well know, fishermen, as a class, are poor people, and we know that medical men, as a class, give their services to every individual in the community whether they can pay for their services or not, a very commendable practise. No matter how poor an individual may be, when he requires the services of a doctor he can always obtain such services, and no doubt a number of these fishermen are indebted to Dr. Wickham, as they are to other parties, and it is giving to Dr. Wickham an unfair advantage to place these bounty cheques in his hands, although he is not authorized to endorse the names of the payees on them. Yet he holds these cheques and he goes to the debtor and says: 'Here is your bounty cheque. You owe me a great deal more than this and I want you to endorse this cheque over to me.' This is the position Dr. Wickham is placing the fishermen in that locality.

Hon. Mr. MILLS—What the hon. gentleman suggests is contrary to the rule laid down, and unless the hon. gentleman is speaking from his own personal knowledge that this has been done, I think he should not make the statement.

Hon. Mr. PROWSE -It is a very fair inference to draw from the statements already made to the House. Dr. Wickham has no more right to these bounty cheques than I have. A gentleman is employed to do that very work, and why did he not hold the cheques till the fishermen came for them? Are the fishermen so overburdened with money that they will not spare the time to go to the dispenser of cheques and collect their own money? I see it is rather a sore spot for the hon. Minister of Justice. He does not wish to hear the argument on this point. It is an unfair position for Dr. Wickham to be placed in. It is giving him an advantage that he has no right to have over other creditors in that locality. Here is a man by the name of Gallant. His bounty cheque was given to him after much difficulty. After Mr. Brennan had the order for the cheque, he could not get it from the officer. It was no good to Dr. Wickham until Gallant endorsed it, but as soon as Gallant endorsed it, the cheque became the property of Dr. Wickham. If the department want Dr. Wickham to do the work, employ and pay him, but when they have another individual employed, I think they should not allow any man to have such an undue advantage as Dr. Wickham has in these cases. Let the officer hold these cheques until the parties come for them. In this case, the party to whom the cheque was issued is dead. Who has any right to it? What right has Dr. Wickham to it? The only party who has any right to the cheque is the one who holds the order for it. I consider the legitimate owner, and the matter should lie between him and the heirs of the party to whom it was issued. These are the parties who have the right to that cheque and not Dr. Wickham, and the sooner the official in that locality is instructed to stop the practise complained of, the better it will be for the government and the country at large.

Hon. Mr. POWER—There is a practical difficulty in doing what the hon. gentleman from Murray Harbour suggests. The government have not fishery bounty officers for every settlement. There is one officer who takes charge of a certain number of settlements, at least that is the practice in Nova Scotia—and he goes round and distributes the cheques to all the fishermen he can find at home who are entitled to cheques; and if there happen to be two or three fishermen absent, it is the most natural thing in the world that he should hand their cheques over to some reliable person to be by him handed to the fishermen when they return. The government officer cannot be continually running around and accumulating travelling charges against the government. As a matter of practical business, the way in which the thing is done is the best and cheapest and most expeditious way.

Hon. Mr. ALMON—I should like to ask my hon. friend from Marshfield whether

this doctor is guilty of offensive partisanship on the right side.

Hon. Mr. FERGUSON—I cannot hear what the hon. gentleman says. Dr. Wickham and Mr. Brennan live in the same village, which is the centre, no doubt, for distribution for that part of the country, the railway terminus at Tignish, and it would be quite as convenient to pass this cheque to Mr. Brennan as to give it to Dr. Wickham, and the fact of Mr. Reilly being dead would have been well ascertained. I cannot conceive for the life of me, in a case where the payee is dead, why this cheque should be handed to Dr. Wickham. The fact of his death was distinctly known at the time, and why this cheque belonging to a dead man should be handed to Dr. Wickman in any capacity, whether as creditor of a dead man's estate, without an order, or as agent of Mr. Davison, I cannot understand. But I want to direct the attention of hon. gentlemen to the fact that Mr. Brennan, in his correspondence, states that a large number of the cheques are paid to parties holding orders—that that is the practise which prevails, and that he himself and others doing business there acquired them in that way. They get the order and the cheque is delivered to them on that order, and although they cannot endorse it, when their customer or friend or whoever it may be comes in, the transaction is completed. The payee endorses the cheque and it is settled. But it appears that this rule is not one which is of general application: that is, that the cheque is not to be paid on order, for Mr. Brennan states distinctly—and I may say he is a highly reputable business man and makes this statement again and again in his letters to the department—that the practise has been there to deliver these cheques on orders. As to whether Dr. Wickham is acting as agent for Mr. Davison, or whether he is trying to collect his own dues or not, I have no personal knowledge. It may be that he is acting as an agent for the fishery officer, but I must say that if he is so acting that a great deal of feeling is entertained in that part of the country on account of these cheques being handed over to this man who is a very active political partisan.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. FERGUSON—I think this House will be quite satisfied before very long that that gentleman is not at all above using these cheques for political purposes, or any other purpose that may strike him.

Hon. Mr. MILLS—I think hon. gentlemen will see that the explanation given, accounts for the actual position of things, and that my hon. friend's observations were mere surmise, as are the observations of the hon. gentleman from Prince Edward Island who followed in the same line. The statement here placed in my hands by the officers of the department is a statement showing that the rule—and that rule is followed—is that the cheque is only paid—the hon. gentleman shakes his head, but he has not given a scintilla of evidence to the contrary—the cheque is only paid to the party to whom it is issued and not to any one else. The rule was adopted the very day after these cheques began to be issued, for the purpose of preventing them passing into the hands of parties who have paid next to nothing for them. It is not intended that a hotel keeper, for instance, should receive a cheque for a treat at the bar, but that the payee should be paid the face value of the cheque. Then, further than that, the hon. gentleman refers to Dr. Wickham. I have pointed out to the House that Dr. Wickham simply acted as agent for Mr. Davison, and was only given the cheques to hand to the fishermen in that locality when they happened to be absent from home at the time of his visit. That is what is done. Dr. Wickham has not been receiving these cheques as payment of any indebtedness to him. The hon. gentleman suggested that, but he does not say he knows of anything of the sort, and, on the contrary, he admits that he does not know, and when he does not know, he should not have made a suggestion of that sort. Then the hon. gentleman opposite, who has brought this motion forward, said that Mr. Brennan had received cheques before, that had been endorsed to him. If the hon. gentleman is speaking of his own personal knowledge, I must accept his statement, but I do not understand that he is so speaking. He is speaking of what has been told him.

Hon. Mr. FERGUSON—I have been speaking of what Mr. Brennan says, that this has

been the practice with himself and other business men.

Hon. Mr. MILLS—If that was done, the man would have been paid. I apprehend when the hon. gentleman pronounces the name Brennan, accenting the last syllable, that he is not acquainted with him, because he would not pronounce an Irishman's name in that way. I did not understand, from any papers which the hon. gentleman read, that Dr. Wickham had received these cheques in payment of any money due to himself.

Hon. Mr. FERGUSON—Brennan's statement is that an exception was made against him in the case, and the practice has been to pay these cheques on orders, and he calls the attention of the department to it, and informs the department that he will prove these statemens if they will only send Mr. Lord up there. My hon. friend says that I have no knowledge of the man on account of the way I pronounce his name. In pronouncing Mr. Brennan's name, the accent is on the last syllable, and that is the way it is pronounced in that part of Prince Edward Island, where the people know as much about Irish names as the hon. member for Bothwell.

SCHOMBERG AND AURORA RAILWAY COMPANY'S BILL.

MOTION.

Hon. Mr. KIRCHHOFFER—A Bill from the House of Commons, respecting the Schomberg and Aurora Railway Company, was dropped from the Orders of the Day on Friday last. The hon. Mr. Lougheed, in my absence, asked for the discharge of the Bill from the Order paper, and for some reason it was struck out. I would ask the leader of the House to allow me to restore it to the Orders of the Day. It was done through an error of some sort. I therefore move:

That Bill (94) An Act respecting the Schomberg and Aurora Ry. Co., discharged from the Orders of the Day, on Friday last, be restored to the Orders of the Day and read the second time presently.

Hon. Mr. McCALLUM—My hon. friend from Brandon is a little in error as far as this Bill is concerned. On Thursday last the hon. gentleman from Calgary (Hon. Mr. Lougheed) moved the second reading of this Bill. I asked him to explain the Bill and, not being able to do so then, he put it on the Orders of the Day for Friday. On Friday he was not able to explain it, and he dropped the Bill. Some members said 'dropped' and he said 'dropped' also. I have no objection to the Bill going on the Orders of the Day again, but let us do it regularly. The hon. gentleman can give notice of motion for second reading to-morrow. I do not know by what authority it can be put in the Orders again, after the Bill has been dropped. When it comes up we may find something strange about it which will require an explanation, which I hope my hon. friend will be able to give.

Hon. Mr. KIRCHHOFFER—I have no objection to my motion standing as a notice.

Hon. Mr. MILLS—The proper form of notice would be that the order of Friday be rescinded, and that the order be restored to the paper.

Hon. Mr. KIRCHHOFFER—I do not understand on what authority the Bill has been struck off the Order paper.

Hon. Mr. PRIMROSE—A custom has prevailed to a certain extent, and become more general than it ought, of Bills coming up from the House of Commons without instructions to any one in this Chamber. A Bill appears on our Order paper in some person's name, there are no instructions about it. That was the case with the hon. gentleman from Calgary, in whose name this particular Bill appeared. He said he knew nothing about it. No one from the House of Commons had given him any information, and we thought it desirable that a lesson should be administered to those having charge of Bills, and so this Bill was dropped.

Hon. Mr. FERGUSON—I remember distinctly how this happened. The hon. gentleman from Calgary had charge of the Bill, and he deferred consideration of it, owing to a request of the hon. gentleman from Monck for an explanation. It was left over more than once waiting for some one interested in the Bill to give the necessary information. When it came up once more on Friday, he was still not supplied with any information that he could present to the House, and he moved that the Order of the Day be discharged, and the order was discharged accordingly. It had, therefore,

no right to appear again, and I do not know how it was printed in the orders to-day, because it had no right to appear again.

Hon. Mr. POWER—In the first place the Bill was improperly placed in charge of the hon. gentleman from Calgary. It should have been placed in charge of the hon. gentleman from Brandon. The statement made by the hon. gentleman from Marshfield is substantially correct; but I might say that I took occasion, when the hon. gentleman from Calgary spoke of having the order discharged, to suggest that a better way would be to let it stand until to-day, and then we might have further information. Notwithstanding that, the hon. gentleman from Calgary moved that the order be discharged. The course indicated by the hon. gentleman from Monck is, I think, the strictly regular one. The hon. gentleman from Brandon gives notice now, that he will move that the motion for the second reading be placed on the Order paper.

Hon. Mr. MILLS—He should also move that the motion to discharge the order be rescinded. There should be a clear day's notice.

Hon. Mr. POWER—I understand that when an order is discharged it means that it is laid on the Table and can be taken up at any time.

Hon. Mr. MILLS—The motion was that the Bill be discharged from the Orders of the Day.

Hon. Mr. McCALLUM—I remember distictly what was said. The hon. gentleman from Calgary said 'dropped' and the Bill was dropped. What I want to know is how the clerk put that order on the paper as appearing in the name of the hon. gentleman from Brandon? How are you going to keep our proceedings right if members of this House can go to the clerk and get things changed to suit themselves? I am surprised to see this order on the paper again. Had the hon. member from Calgary said at the time 'I am not ready to go on with this to-day; let it be put on the Orders of the Day for Monday in charge of the hon. member from Brandon.' That is what he should have done. But now, without knowing anything about it, the Bill is transferred from the hon. gentleman from Calgary to the hon. gentleman from Brandon, without anything appearing in the minutes or debates about it all. I do not make it my business to keep the proceedings of the Senate straight. There are others here to do that. It is the duty of somebody to see that our proceedings are correct. I call on the Minister of Justice and the leader of the opposition to see that it is done; otherwise there will be a nice grist of lawsuits in the courts of this country.

Hon. Mr. KIRCHHOFFER—I do not know whether the hon. gentleman referred to me as having gone to the clerk to get this notice changed. I never spoke to him at all.

Hon. Mr. McCALLUM—I entirely exonerate the hon. gentleman from any charge of the kind. It never entered my mind. It was either a mistake or an afterthought of somebody who put it on the Order paper, or direct the clerk to do so.

Hon. Mr. KIRCHHOFFER—I withdraw my motion, and give notice of motion instead.

THIRD READINGS.

Bill (120) 'An Act to incorporate the Ottawa, Brockville and St. Lawrence Railway Company.'—(Hon. Mr. Clemow.)

Bill (150) 'An Act respecting the Salisbury and Harvey Railway Company.'—(Hon. Mr. Power.)

GRAIN INSPECTION IN MANITOBA DISTRICT BILL.

IN COMMITTEE OF THE WHOLE.

The House resumed in Committee of the Whole consideration of Bill (141) 'An Act respecting the grain trade in the inspection district of Manitoba.'

(In the Committee.)

Hon. Mr. SCOTT—When the committee rose the other day we had passed clause 37 of the Bill, and I had submitted an amendment which I read to the House, and which is now on the Order parer. I now propose asking the approval of the House to the amendments with a very slight change. I drew the attention of hon. gentlemen to the fact that it was on evidence before the commission that was called on to investigate this matter, that a very serious grievance

existed in the North-west, in consequence of the general belief that the farmer was docked for a larger amount of grain than was fair and reasonable, and evidence was afforded that there was an overage in the elevators which meant a surplus which should not be there, and was due to overdockage. I said that was obviated in the adjoining states of Minnesota and Dakota by the country elevators not being allowed to clean the grain, but sending it on to the terminal elevators—that they were not allowed to ship out grain to any quarter whatever but the terminal elevator, in order that there might be a check against the dockage charged to the farmer, and in that way there was no inducement for the country elevator owner or his employee to dock a farmer unfairly. It would be detected at once, if he did so, because daily and weekly returns were made from the country elevators to the terminal elevator. It was suggested that the proposed amendments involve a departure from the general rule which applied to contracts between buyer and seller. I submit they do not. In all business transactions there is nothing the law is so jealous about as the care that there shall be no false weights or improper measurements. We appoint inspectors of weights and measures, whose duty it is to inspect the weights. We know at the public market there are regular inspectors, whose duty it is to see that weights are correct. The conditions that I refer to in the North-west are entirely dissimilar from those that prevail in all other parts of Canada. In very many instances the farmer has only one place to take his grain. He takes it to the country elevator, and is entirely dependent on the fair play he gets from that particular elevator. Although I throw out no insinuations against the owners of elevators, the evidence is very strong, that in the minds of the farmers there is an impression that they are not fairly dealt with. The proposition that I made to the House was, that in all elevators already provided with cleaning apparatus, the grain should be cleaned, and the usual certificate given of the weight of the grain and of the cleanings. It was not an unreasonable proposition. My proposition was larger in the first instance, but in deference to the strong objection which were urged, I consented to remove other features that I thought were reasonable and proper. One was that in future all new elevators built should be provided with cleaning apparatus. When the Canadian Pacific Railway first encouraged the building of elevators, they required that they should all be provided with cleaning apparatus. This has been departed from. Why? Why were elevators allowed to be erected afterwards without any provision for the cleaning of grain? No one can say for one moment that it was a departure that was fair or reasonable, and I ask now that the provisions of which I have given notice shall apply only to those elevators that are already provided with cleaning apparatus. The amendments which I submit read in this way:

That the following be added to clause 37:

'37. (a) It shall be the duty of the owner, lessee or manager of every elevator now equipped with grain cleaners to clean the grain before it is weighed, when so requested to do.

'(b) Persons interested in the weighing of any grain at country elevators shall have free access to the scales while such grain is being weighed. The net weight of the grain so cleaned shall be specified on the face of the certificate given the seller by the purchaser.

'(c) The proprietor, lessee or manager of any elevator failing to comply with the provisions of this section shall be guilty of an offence under the Act.'

It may not be necessary in all cases to clean grain. If the farmer agrees to estimate the quantity of clean grain it may be satisfactory, and the elevator man would not be forced to clean the grain. Hon. gentlemen must recollect that the grain is always cleaned at the elevators where they have the cleaning apparatus, but they say 'we prefer to clean it at our leisure.' This amendment does not require the elevator man to clean the grain unless it is asked for by the farmer.

Hon. Mr. WATSON—Is this the amendment discussed last Friday?

Hon. Mr. SCOTT—Yes. I have added words to provide that the screenings shall be weighed.

Hon. Mr. WATSON—The reasons assigned for the introduction of this Bill are those given by the Secretary of State, that is, that there was an impression among the sellers of wheat that they were not getting justice from the elevator men in all cases. I think the agitation for building warehouses and loading on cars was started where I live,

at Portage la Prairie, were the Farmers' Institute took this matter up, and passed resolutions, copies of which were sent to all farmers' institutes throughout the provinces and the North-west Territories. The resolutions were adopted by the farmers' institute, and I believe were the cause of the government taking up this question and appointing a committee of investigation. The farmers never asked that cleaning machines be placed in elevators. In fact, their resolutions are that farmers be allowed to load from flat warehouses. The hon. gentleman is submitting changes to this Bill as it came from the House of Commons which, to my mind, are not workable. I have no particular objections to the amendment which he proposed the other day, that is that all elevators that have cleaning machinery should be required to clean the grain, if so requested by the seller, but in addition to that, he has suggested to the hon. gentleman from Assiniboia (Hon. Mr. Perley) that he is at liberty to move an amendment which he does not care to move himself, and the hon. gentleman told us how grain is handled in Minnesota and Dakota. The hon. gentleman showed that the grain is not cleaned at the elevators in Minnesota, but sent to the terminal elevators. He also states that one provision that was made when elevators were first built in Manitoba, was, that they should have cleaning apparatus. Now, that was a regulation made by the Canadian Pacific Railway, because they thought it was in the interests of the trade that grain should cleaned before being shipped. At that time they charged a quarter of a cent per bushel for cleaning grain. In Duluth it was cleaned for nothing. The Canadian Pacific Railway within the last year or two have cleaned the grain for nothing. It is contended that the cost of freight on dirt to Fort William would not pay for the cleaning at country elevators. The agitation was to be enabled to load the wheat from flat warehouses, without paying a charge for cleaning wheat at the standard elevators. The Manitoba legislature took this matter up. The railway men were there, and representatives of the Farmers' Intitutes, and it was shown there—and this Bill provides exactly for the conditions—that when they gave a company permission to build an elevator of a certain capacity with cleaning machinery, they must be ready to receive grain from any shipper at any time at all reasonable hours, and pass it through that elevator, clean it and load it on cars at 1½ cents per bushel. The commission which investigated this whole matter was composed of probably the best men that could be selected in Manitoba or the Territories—three farmers, and at the head of the commission was Judge Senkler, who devoted his energies to his work to such an extent that I have no doubt it led to the fatal termination of his career. He sat up long hours and travelled long hours on freight trains to meet people in Manitoba and the North-west Territories, and in the report of this committee they do not suggest what is proposed to-day by the hon. gentleman in charge of this Bill. In fact, they propose the contrary. They say they find it is impossible to run the standard elevators in Manitoba without having them filled twice or three times during the season. They find in their investigation that it is hardly possible to find an elevator man who makes it pay without having to buy the grain. There is one thing we have to remember, that by putting restrictions on the erection of elevators in Manitoba and the North-west Territories, we are doing what the people there do not want us to do. The people there want more storage capacity and more competition. I should like to remind the House that in Manitoba there are only about half the railways where any elevator monopoly ever existed. The whole system of the Northern Pacific Railway was assisted by the province of Manitoba. The Manitoba North-western was assisted, and there is not a mile of those roads where there is any elevator monopoly. At all times, the people have the right, on the agreement of the Manitoba government with the Northern Pacific, with the Canadian Northern, and further than that, with the extensions of the Canadian Pacific Railway. Where they assisted the extensions, they are required to allow people to load their own grain on cars. No elevator monopoly exists at all of flat warehouses or anything of the kind. In fact, they provide there that people can load without using any elevator. That is taken advantage of. On the Northern Pacific Railway there are no cleaners in the elevators, or very few, because the grain is taken in at country elevators and cleaned at terminal elevators. That is the practice that

prevails in Minnesota. That regulation also prevails along the Northern Pacific line in Manitoba. It is cleaned at West Lynn, the same as grain is cleaned at Fort William and Winnipeg, where the Great Northern Elevator Company have erected a place to clean grain. It must be understood, notwithstanding the statement made by the hon. Secretary of State the other day, that he thought it cost only $150 for cleaning machinery, that it will cost any man who puts cleaning machinery in at least $1,200.

Hon. Mr. SCOTT—I said that the machine cost $150 F.O.B. car at Brantford.

Hon. Mr. WATSON—How much does it cost to get it into position ?

Hon. Mr. SCOTT—It costs something, of course.

Hon. Mr. WATSON—I am not interested in the elevator business, but I know what it costs to put in cleaning machinery. I know something of what I am talking about, and I know what it will cost to fit up an elevator for the purpose of cleaning grain as fast as it is received—because you have to do that, and you have to put in large machines to clean the grain. You cannot keep people waiting round until you clean the grain, and I know it will cost about $1,200 to put in cleaning machinery. The hon. gentleman has struck out the provision requiring that, but he says that the hon. gentleman from Assiniboia (Hon. Mr. Perley) can move it. The hon. gentleman is incorporating an amendment which was suggested the other day, to give the weight of the screenings: I say that is impossible.

Hon. Mr. MILLS—That is struck out.

Hon. Mr. WATSON—I understood the Secretary of State to say that it is in.

Hon. Mr. SCOTT—I submit the amendment as it is printed. I thought, myself, that the screenings should be weighed, but I am told that a large part of the lighter grain is blown away.

Hon. Mr. WATSON—That is better. I am glad the hon. gentleman has dropped it, because in cleaning grain they put as much suction on the machines as the grain will stand, and there are probably one or two pounds to the bushel blown outside altogether. Another suggestion made, and it was a matter referred to the other day in this House, was with regard to the disposal of the screenings.

Hon. Mr. SCOTT—Let us deal with this amendment first. That does not bear on the question at all.

Hon. Mr. WATSON—With that portion struck out, I will state what we want in Manitoba, and the North-west Territories; it is the additional facilities for the purpose of enabling the farmers of Manitoba and the North-west to dispose of their grain as they see fit through the flat warehouse or on cars. To do that, you must encourage the construction of elevators and warehouses. If you are going to require every elevator man to put cleaning machines in, or anything on that line, you are going to stop the milling companies at least from erecting elevators and warehouses. The best evidence I have to offer this House is the experience of elevators which have cleaners. The Lake of the Woods Milling Company have no cleaning apparatus, and they are able to get their grain without it being cleaned before it is weighed, which is an evidence of the farmer being satisfied to sell to elevators and flat warehouses without the grain being cleaned. That is the practice all over Manitoba and the North-west Territories. And this cleaning machine has not been asked for by any persons that I am aware of that are farmers. I have not seen all the evidence submitted to the commissioners, but I know in their report they do not suggest it, and the commissioners are very respectable farmers of Manitoba who have given special attention to the matters which came before them, and in their report, after hearing all the evidence, they do not suggest any provision for the cleaning of grain before it is weighed.

Hon. Mr. YOUNG—If I recollect correctly, on Friday when we adjourned, the hon. Secretary of State had moved a certain amendment, and the hon. gentleman from Wolseley had moved an amendment. If I understand the rules correctly, the question is on the amendment to the amendment.

Hon. Mr. SCOTT—The hon. gentleman from Wolseley has not moved any amendment to the amendment. If he moves an amendment, it will be a substantive motion. I gave notive of an amendment on Friday,

and that is the only amendment before the House.

Hon. Mr. YOUNG—I have a distinct recollection that the hon. gentleman from Wolseley moved that cleaners be placed in all elevators.

Hon. Mr. SCOTT—That is not before the House. It is an independent question. It does not bear on this amendment, and it was withdrawn by the hon. senator.

Hon. Mr. PERLEY—I propose to move an amendment or an additional clause to the Bill, as follows :

That all elevators hereafter built shall be so furnished with grain cleaners as to clean all grain offered for sale or storage before it is weighed.

I say now, having passed the first motion that all the elevators in the country that are furnished with cleaners, shall clean grain before it is weighed, it would be a monstrous thing to give liberty to other people to come in and build elevators and not put cleaners in them. The Canadian Pacific Railway compels all parties building elevators on their line in the North-west Territories to put cleaners in them, and the only question is whether they shall clean the grain before or after it is weighed. I have listened to the hon. gentleman from Marquette (Hon. Mr. Watson) and I take exception to a great deal that he has said. There is nothing in the amendment to say the grain shall be cleaned before it is weighed. There is nothing unfair about it. I take my grain to the elevator, and I want them to clean it before they weigh it. Why should we not compel the man who builds an elevator next month to do the same as the people who have elevators at the present time are compelled to do ? These men, I admit, will have to go to some little expense, but not one-fifteenth part of what the hon. gentleman says. You must have the power in any case. It is absurd to talk such bosh to intelligent men as we have heard to-day. When you have the power to clean the grain after it is weighed, you have the power to clean it before it is weighed. You have imposed upon them the duty to clean the grain before it is weighed. It would be an unfair thing to say that the man who is going to build an elevator next week should not do the same as the present elevator men have to do. They will have to make some little change in their machinery to clean the grain before they weigh, instead of after they weigh. To the man who is going to build an elevator, it would be no additional expense at all. He would put it in first. It would be a most unrighteous act to the men who are compelled to clean the grain before it is weighed, to say that you are going to allow these other men to clean the grain after it is weighed. Any man with an ounce of intelligence would see the injustice of saying to the man who is building an elevator : 'You need not clean the grain before it is weighed.' I am not going to undertake to argue the question. It does not require arguing. I will answer the hon. gentleman's argument later on. I will submit this amendment and no senator who respects himself, can vote against it after having voted for the other clause.

Hon. Mr. SCOTT—There is some doubt in the opinion of the Chairman whether the proposal I made to adopt clauses *a*, *b* and *c*, was adopted.

Hon. Mr. PERLEY—*A* was carried, but *b* and *c* were not.

Hon. Mr. SCOTT—I move the adoption of sub-clause *b*.

Hon. Mr. PERLEY—I move in amendment——

Hon. Mr. SCOTT—The hon. gentleman's motion does not relate to this amendment. It would be better to deal with the one question, which is entire in itself—to deal with elevators already equipped.

Hon. Mr. WATSON—Do I understand the hon. Secretary of State to say that the proposed subsections *a*, *b* and *c* are before the House ?

Hon. Mr. SCOTT—Yes, I read them. There is no use in carrying *a* unless we carry *b* and *c*.

Hon. Mr. POWER—The hon. gentleman from Wolseley does not propose an amendment to the motion made by the hon. Secretary of State, and the correct course is to let the hon. Secretary of State finish with this particular clause. He has passed one paragraph, and there are two others to pass, and the hon. gentleman from Wolseley can move to insert an additional clause in the Bill.

Hon. Mr. FERGUSON—I think the hon. gentleman's amendment must come in after

subsection *a*, the one that has been passed, because if it comes in later, I doubt whether paragraph *c* would regulate it or not, because these regulations should apply to elevators under my hon. friend's amendment as well as to the others ; otherwise you will have to bring the elevators that are equipped with the cleaners under *b* and *c*.

Hon. Mr. SCOTT—Not at all. That is purely independent. I read to the House the three amendments, and I have suggested a change in *b*, and the hon. gentleman spoke on the subject. I stated that I was prepared to allow the amendment to go as it appeared on the Order paper, not making any addition to it whatever. I struck out the words that referred to the cleanings.

Hon. Mr. FERGUSON—My point is that these regulations provided in *b* and *c* must apply equally to the amendment of my hon. friend as to section *a*. The hon. gentleman's amendment which has been adopted, subsection *a*, of clause 37, reads as follows :

37. (a) It shall be the duty of the owner, lessee or manager of every elevator now equipped with grain cleaners to clean the grain before it is weighed, when so requested to do.

My hon. friend proposes an amendment which provides that all elevators now equipped with grain cleaners shall clean the grain before weighing it. He wishes to go further and say that all new elevators shall do it. Then comes *b* and *c* which govern both. Therefore the place for my hon. friend's amendment is after 37*a* in order that *b* and *c* may regulate operations over both classes of elevators, those which have cleaning apparatus already in them, and those which may be built in future. I think my hon. friend is right in asking that his amendment should be put in after the other.

Hon. Mr. MILLS—If it is put in, it should be put in in this way :

37. (a) It shall be the duty of the owner, lessee or manager of every elevator now equipped with grain cleaners to clean the grain before it is weighed, when so requested to do.

Then to provide for the erection of future elevators. But I think the House should consider very carefully before they adopt a motion of this sort.

Hon. Mr. McCALLUM—Is this the proper place to put it ?

Hon. Mr. MILLS—It may be put in there. but I call attention to the fact that the people are asking for liberty to erect certain warehouses. Provision is being made for that. They are not in the flat warehouses undertaking to make provision for the cleaning of the grain. They are not doing that. My hon. friend is undertaking to impose upon parties who are investing their money in warehouses, and who are erecting them for their own purposes and what they can make out of the capital they so invest while at the same time accommodating the public—he is requiring them to do what the farmers who erect the flat warehouses are not going to do for themselves. This should be borne in mind, in order that a warehouse may give a return for the money invested in it, a considerable amount of grain must pass through that warehouse every year. The warehouse is not large, and to fill the warehouse once would not begin to pay even a moderate rate of interest upon the capital that is invested in it. Now, what is to be the effect if you go to work and provide that every warehouse erected in the country—for that would apply to the warehouses that the farmers are seeking to erect for themselves—shall have cleaning machinery for the purpose of cleaning the grain before it is weighed ? It will cost a very considerable sum of money. If the law requires them to do that, it is simply putting an impediment in the way of a warehouse being erected at all.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. MILLS—My hon. friend said the cleaners did not apply to warehouses, but if it is necessary in itself, it should apply to every warehouse. They can send the grain on to the terminal, and there is no difference in that regard. It is perfectly clear that if you undertake to declare that the cleaning shall be universal, it must apply to every possible kind of a warehouse. If it does not apply to every possible kind of warehouse, then you are providing that in the case of the flat warehouses the cleaning shall be done at the terminal elevator, which would be at Port Arthur and Fort William. I say that that will not meet the requirements of the population in that country. What they require is that there shall be warehouse accommodation, and that warehouse accommodation, in order that they may get it, must be warehouse accommodation such as men are willing to invest their money in.

Of course, you erect a warehouse and you can have cleaning appliances and everything of that sort where you are in the centre of a very large agricultural district, and where the amount of grain that would pass through the warehouse would be sufficient to furnish the parties who erected it some compensation for the capital they have invested in it, but there will be many districts in Manitoba and the North-west Territories in which warehouse accommodation is required where the parties who invested their money in warehouses cannot afford to do it. If you require them to erect cleaning apparatus, you simply put an impediment in the way of the warehouse being erected altogether. That would be a far more serious thing than the question whether the grain should be clean or not. I think we go a long way in meeting the requirements of those who entertain the view of the hon. gentleman from Wolseley when we provide in clause 37 that where these cleaning appliances exist in the warehouse, and the party requires his grain to be cleaned, that that shall be done; but as you will have, under any circumstances, a large number of warehouses in which there have been no cleaning appliances—all these which do not exist at the present time and all those flat warehouses which will be erected in the future, to which my hon. friend does not intend his amendment shall apply—then it is simply a question of numbers. Are you going to insist upon the parties who invest their money in the erection of warehouses in the future to do what is not done with regard to a large number of those already built, and with regard to all flat warehouses already erected and those erected in the future; it seems to me we would be making a serious mistake. My hon. friend has some special grievance, no doubt, in his mind, but the vast majority of the agricultural population who have appeared and given evidence before the commission appointed by the government to inquire into the matter do not require, as one of the advantages for satisfactorily warehousing and disposing of their grain, the amendment which the hon. gentleman has proposed, and it would be, in my opinion, a very serious misfortune if this House were to undertake to amend the Bill in that particular, and go further than the amendment proposed by the hon. Secretary of State.

Hon. Mr. MILLS.

Hon. Mr. PERLEY—I now beg leave to make a statement to this. While I must compliment the hon. Secretary of State on the amendment which he has made, and while my remarks and my resolution will go to the country, I have to withdraw my amendment owing to the opposition of the hon. Minister of Justice, who has so strongly opposed me. I am prepared to accept it without any amendment at all. It will go forth to the country that we have done a very unfair thing, that we have compelled a certain class to put in cleaners and have not compelled another class of men to do it. It will also go forth to the country that we really misunderstand the question, because flat warehouses do not require to have cleaners in them at all. Flat warehouses are no good. I have always taken that stand. This question is now three or four years old. Mr. Douglas, of Assiniboia, has travelled all over the country and has heard grievances from one end of the country to the other which induced him to bring in a motion in order to redress the wrong done to the farmers in the dealings with them in reference to selling their grain? He brought in a Bill three years ago, but the government was not quite prepared to accept it, and the statement Mr. Douglas made in the North-west was that Mr. Sifton gave his Bill the cold steel. Then, afterwards, he introduced a Bill on somewhat the same lines, and the government saw that the man was persistent and knew what he was talking about, and said: 'We will appoint a commission.' And so they did. Judge Senkler told me that whenever the grain was cleaned before it was weighed, it was all right and there was no fault found with it. I shall now ask the government to make another amendment providing that the farmer shall have the cleanings. They may blow out ever so much, but I will lose my cleanings unless they choose to give it to me. The result would be they would reduce the quantity very materially. If the House adopted the motion I suggested there would be no unfairness. If a man wanted to take undue advantage of the seller, what would be the result? Those men who have no cleaners charge me for cleaning the grain. There is not an elevator in the North-west that does not charge me for cleaning my grain, notwithstanding there is not a cleaner in the eleva-

tor at all. The Lake of the Woods Company and the Ogilvie Company do not pay more than the other man at that point. But I can sell my grain to the Wolseley Milling Company. They clean it before they weigh it, and I have never had occasion to be dissatisfied. I can send my hired man down with a load of my grain and he can sell it to them. I cannot do the same thing with other firms, because they will cheat me out of a good many pounds. I will be docked altogether too much. Clause 41 provides for my case exactly. The Canadian Pacific Railway provides a platform on which I can load my grain and I go there. I am not now fighting my own battle, I am fighting for the poor farmer in the North-west, who takes his grain to these people and they tell him 'we will give you so much, you can take that or nothing.' In cleaning the grain these men will blow half of it out of the spout, and they will sell the cleanings to another man for half a dollar a hundred, or what ever it may be, I am going to put a prediction on record: I am satisfied that next year there will be a request for legislation on the lines I am indicating. These flat warehouses are no good. The flat warehouse was the remedy for a certain evil,—if you came to market with your load and were not fairly dealt with, you could have it stored in the flat warehouse. This measure was prepared by Mr. Bell, and the grain men of the city of Winnipeg. They have had a man down here three months paying him ten dollars a day, and they have not consulted a farmer at all. The Bill is framed in the interests of the grain men and the mill men of the North-west. Is there anything unfair in my asking to be paid for what my grain weighs? It is only fair that I should be paid on that basis. There is nothing fairer under the sun. I may be a poor man unable to read or write, but I have a right to say 'I have forty-five bushels of wheat; give me forty bushels and five in dirt.' But they do not do that. I have the evidence of the man at Wolseley, a blacksmith, employed to buy grain. They do not keep him two years in the same place. They transfer him from one place to another. This year he is at Wolseley. He does not know the difference between No. 1, No. 2 and No. 3, and he does not know what constitutes No. 1 wheat. Judge Senkler was horrified that they had placed such a man in such a position. They gave this man $60 a month and he is not worth $25. I could get a man to do his work for fifteen a month, and board him for another fifteen. My hon. friend made the statement that the Ogilvie Company had four car-loads more at the end of the season than they had bought.

Hon. Mr. WATSON—The hon. gentleman is making a statement that I did not make, in private conversation or otherwise.

Hon. Mr. PERLEY—The hon. gentleman said, on the steps, the other day that on one occasion, in the early history, that Ogilvies had four car-loads of wheat in their elevator more than they bought.

Hon. Mr. WATSON—I said I heard that.

Hon. Mr. PERLEY—The hon. gentleman heard what was true. They take this grain and weigh it in, and the men weigh it out. Mr. Tolton bought for the Ogilvies at Wolseley and had a surplus.

Hon. Mr. McMILLAN—I was present when that conversation took place on the steps, and I did not hear Ogilvie's name mentioned.

Hon. Mr. WATSON—I did not mention Ogilvie's name.

Hon. Mr. McMILLAN—I think it would be unfair towards the Ogilvies to have the statement put in that way.

Hon. Mr. PERLEY—The hon. gentleman named somebody, and they were the only parties buying there. In the early history of the trade they weighed the grain in, and then weighed it out. The elevator man does not know whether he has too much in his elevator or too little at the end of the season now, because he does not weigh it out. This Bill will have a beneficial effect so far as it goes, and by next year, when the farmers see the result of this legislation, we will probably have improved legislation with reference to the matter.

Hon. Mr. YOUNG—I do not like to take up the time of the committee longer than is necessary, but after the argument of the hon. gentleman from Wolseley, it would be unreasonable on my part not to say a word and to let his statement go unchallenged. I

will endeavour to explain to this committee the existing circumstances in the North-west. My hon. friend from Wolseley has given this House, from his point of view, the circumstances that exist in the North-west and Manitoba with reference to the grain business. I think it is only fair to this committee that I should give the circumstances as I see them. I want to be as brief as possible. We are considering a Bill of very great importance, dealing with our largest industry in the west, and we are engaged in legislation which is new, and should proceed very carefully and know what we are doing. In the nature of things it is reasonable to say that many hon. members of this committee cannot understand the circumstances, and the system that we have up there for the handling of grain, and it is only by getting information from those who know at least a little about it that you were able to arrive at a reasonable conclusion as to what is best to crystallize into legislation. We have our elevator system in Manitoba and the North-west, which we cannot handle our grain without. We have an immense quantity of grain to handle, and there is a rush of grain before the close of navigation, and the bulk of it is handled in our country markets between the hours say of ten a.m. and three p.m. in the day, and therefore has to be handled quickly and conveniently and satisfactorily to those who are bringing the grain to market. We have practically three systems of elevators in Manitoba and the North-west. We have one system which weighs the grain and then cleans it, and this system adjusts the dockage at the time of the weighing, while the grain is in the hopper. We have another system, which my hon. friend has referred to, which cleans the grain first, then weighs, and as a consequence deals only with the cleaned grain as between buyer and seller. We have another system of elevators which do not clean at all—have no cleaning apparatus, and those elevators are largely owned by the two big milling companies, the Ogilvies and the Lake of the Woods. There are other owners still of that class of elevators, and I might point out here too that Minnesota and Dakota, having a longer experience than ours, in grain raising seem to be drifting altogether into that system of country elevators without cleaners. These big milling corporations and others are building elevators without cleaners, because it suits their system best. They clean at some central point, or terminal point, whichever you like to call it. The Lake of the Woods Company clean at Keewatin, the Ogilvies at Winnipeg, and other places. The Great Northern clean at Winnipeg, and the Northern Pacific at West Lynne. Any one shipping on the lines of the Canadian Pacific Railway to Fort William can have his grain cleaned there for nothing. These are our three systems, and therefore we have to be careful that in our legislation we do not in any way restrict the facilities that are offered the farmers. It has been suggested that the cost of cleaning machinery is very low,—that something under $200 is the difference in cost between a cleaning elevator and a non-cleaning elevator. The practical difference is somewhere between $1,000 and $1,200. So we have to be careful in dealing with our elevator system to remember that the cost is in favour of the non-cleaning elevator, and therefore an extension of our system would be more likely if a cheaper kind is permitted in the new settlements. I thought it only fair to the House to explain that we have these three systems. My hon. friend suggests that the Bill which we are considering now is framed altogether in the interest of the grain dealer and the mill man. He points out that the secretary of the Grain Exchange spent two or three months here in the preparation of this Bill. I just wish to call the attention of the House to this:—last year the government appointed a commission to go through the North-west to take evidence at various places, and this commission was composed of three farmers and the judge of the county court. They took evidence in various places in Manitoba and the North-west Territories. The secretary of that commission was a gentleman from Winnipeg, by the name of Mr. Bell, and when that gentleman was putting in the result of the commission, as the report shows he was here as the secretary of the grain commission, and not in any way with reference to the Manitoba Grain Board or Grain Exchange or anything else. I think if my hon. friend will look up the facts he will find that that was Mr. Bell's position in so far as the grain com-

mission was concernel. Mr. Bell did not take part in the conclusion of the commission. Three practical farmers, presided over by the judge, were the court who decided and made the recommendation that we find in their report. The secretary had nothing to do whatever with their deliberations. This commission reported, and in every single recommendation that they made, their recommendations have been in the direction of securing to the farmer fair dealings as between himself and the grain men. The result of their recommendation is this Bill. We have in this Bill first, security—not for the grain man but for the farmer. Secondly, we have provided in this Bill a free court to which any farmer who has any grievance whatsoever, may refer—the warehouse commissioner, and surely when my hon. friend says that this Bill framed altogether in the interest of the grain trade and the millmen who have not taken any interest in this Bill at all, and he reads the clause of the Bill, which provides this security and a free court and further provides the use of the grain inspector free again, if he has the slightest idea that he has a grievance either for weight or dockage, all this is provided free, which has never been provided before, to secure what ? To secure the grain men ? Not at all, but to secure fair dealings to the producer of the grain, as it should be. I only ask you to consider this Bill in the light of what is best in the interest of the producer, and this Bill is framed all the way through in that direction. And besides this free court—besides the services of the inspector free, whenever he feels disposed to call upon him, he has flat warehouses and loading platforms which are frequently suggested as the cure for all the evils that the farmer had to contend with. The grain dealers, under this law, are liable to heavy penalties, are liable to trouble with the warehouse commissioner at any time if any unfair dealing exists as against the producer, and that is right. No grain man, never mind who he is, if he is dealing fairly with his customers need fear any penalties. The answer to this is, if you are dealing fairly you have nothing to fear. If you are dealing unfairly, there are penalties, and the farmer can have them enforced. When my hon. friend suggests that this Bill is altogether onesided, he made but one mistake, and that is on the other side. The Bill is on the side of the producer in every one of its provisions, and we agree with them. I think this House will agree that it is only reasonable that the farmer should have the first consideration, and I am sure when this Bill is passed we shall have on the statute-book a measure which, if the farmer has any grievance whatever, he need not labour under it, because he has a free court to which he can apply, and if any one deals with him unfairly, the offender may be punished as the law provides. We should go slowly this year because this is new legislation, and if anything occurs before the next meeting of parliament, it can be amended with any radical change, and without working injustice anywhere. I am sure the House will be only too pleased to listen to any suggestions which may be made.

Hon. Mr. KIRCHHOFFER—I should like to call attention to the facts as stated by the hon. gentleman who spoke last, and which seemed to me to present rather an anomalous position from his point of view. We have heard some very declamatory speeches on this question, and hon. gentlemen evidently have the matter very much at heart. I do not take part on either side, but I should like to have an explanation made with regard to certain points. The hon. gentlemen who have spoken last have pointed out that the only difference between their proposition and that made by the hon. gentleman from Wolseley is that while the elevator system at present in existence in Manitoba and the North-west Territories all have cleaners——

Hon. Mr. WATSON—No.

Hon. Mr. KIRCHHOFFER—The hon. gentleman said so.

Hon. Mr. YOUNG—I said there were three systems.

Hon. Mr. KIRCHHOFFER—This applies only to those which have cleaners. Why do these gentlemen object to the new system of elevators, which are going to be put up, having these cleaners ? I understand the hon. gentleman who spoke, is an elevator man himself, and I would suppose that he would invest upon a new system of elevators having the same conditions apply to them

that attach to his own elevator. All I want to know is why he seems to be anxious to protect them from incurring too much expense? Either he must be going to engage in a new system of elevators himself, and wants to keep the expense down, or something exists which should be explained. Another anomalous condition is this: The hon. gentleman speaking about the grain commission, of which Mr. Bell was the secretary, and in which the different elevator owners and others were interested, says that with all this power in their hands the only interest they were looking after in framing the Bill, was the interest of the producers. I want an explanation of that.

Hon. Mr. YOUNG—Yes, it was framed in the interest of the producer.

Hon. Mr. KIRCHHOFFER—It is an exhibition of remarkable unselfishness that these gentlemen frame a Bill in the interest of the producer and not in their own interest. I am an agnostic on the questions: I do not know. I want the truth.

Hon. Mr. YOUNG—My hon. friend has asked two questions. One is, how it comes that the grain men and mill men framed this Bill in the interests of the producers. I thought I had made myself clear that the government appointed a commission of three farmers, not men interested in the grain business, presided over by a county court judge, who made certain recommendations, and the recommendations were all in the interest of the farmer. Their recommendations were crystallized in this Bill. If I am not right, some hon. gentleman will correct me. The grain men, therefore, did not take the part of philanthropists and saints, as my hon. friend suggests, because they had nothing to do with it. These three farmers, presided over by a county court judge, made recommendations, and on those recommendations this Bill has been framed, and framed altogether in the interest of the farmer, and secures to him, as far as can be suggested, fair dealing under every circumstances—secures to him free court—secures the services of an inspector, and places him in the position of dealing with men who have put up security, so that they cannot get away with his money—places him in the position of dealing with men who have to take out a license and conform to rules laid down by the warehouse commissioner of the province under this Act. Now, with reference to the elevators in existence, I tried to explain that we had practically three systems, one that cleaned before weighing, one that cleaned after weighing, and then those large milling companies that do not clean the grain at all. They have a light power, run by horse or gazoline, and I thought I pointed out the difference in expense between the two systems was $1,000 to $1,200.

Hon. Mr. KIRCHHOFFER—Is the expense the only objection?

Hon. Mr. YOUNG—There is not only the expense, but you curtail the possibility of greater competition in elevators.

Hon. Mr. PERLEY—No.

Hon. Mr. YOUNG—A man would be more likely to put up a cheap elevator than an expensive one, when the milling company elevators have been put in a cheap way. Take Ogilvie's and the Lake of the Woods Companies. I thought it was unfair to speak disparagingly of one company. I have no interest in those companies, but I think they are too well known in Canada for any suggestion to be made that they are not doing their business in an honest and upright manner. We have every reason to believe that they are men who try to do their business in such a way as will reflect credit on themselves and merit the goodwill of their fellow-men. I may say that our grain men in the west will compare, so far as honesty and integrity is concerned, with any business men in Canada, although it is quite easy to stand up and say this, that and the other thing. As an evidence that they are doing their business fairly and honestly, they do not object to the strict provisions of this Bill, because if they are dealing honestly with the people, they need not care how strict the provisions are.

Hon. Mr. PERLEY—In regard to one question that these hon gentlemen have raised, the opposition to the weighing before cleaning, I may say that there is no storage for dirty grain. They weigh it all and clean it at once. I unload my grain as fast as two men can handle it, and they have their cleaner so arrange that the grain is cleaned and weighed promptly. The hon. Secretary of State referred to a letter received from the Brantford Company to the

effect that they supply machinery for cleaning a thousand bushels an hour. They can get cleaners to clean from 100 bushels to 1.000 bushels an hour. That is what all the elevators have, a cleaning capacity equal to the unloading capacity. Grain is unloaded very rapidly and cleaned very rapidly. They talk about cleaning at Duluth and Fort William. I am engaged in farming, and come forty miles with a load of wheat. I want to get my money and pay my bills and get home. It is a blind, a piece of deception, to clean my wheat at Duluth or Fort William. They clean it, as I have said, as fast as it can be unloaded. What possible argument is there that they should clean it after instead of before weighing? I say, clean my grain and pay me for whatever is in it. We do not ask to be paid for one bushel more than we deliver, but we do want to be paid for what we sell. I am willing to let the matter go to the country on that.

Hon. Mr. WATSON—It is rather surprising that the hon. gentleman should try to misrepresent what has been said in this House. I referred to the cost of cleaning apparatus. I said that you would have to have large cleaning machines in the elevator if you required to clean the grain before it is weighed, because it cannot be done with small machinery. I probably know as much about cleaning machines as the hon. gentleman does. Those machines have a capacity of a thousand bushels an hour, but I was talking about the cost of the machines in position for working. It might be well for the hon. gentleman from Wolseley—apparently the only farmer from the North-west that is represented here,——

Hon. Mr. PERLEY—Every farmer and representative from the North-west voted in favour of this Bill.

Hon. Mr. WATSON—The hon. gentleman is willing to abandon the poor farmer so long as he can get what he wants himself.

Hon. Mr. PERLEY—Mr. Chairman, I will not allow the hon. gentleman to misrepresent me. I said in distinct language that it is the poor man I am representing here. I shall not allow anybody to misrepresent me on the floor of this House.

Hon. Mr. WATSON—The hon. gentleman states that the amendment he suggested was in the interest of the poor man. It might be well for me to read a resolution passed by the Farmers' Institute at Portage la Prairie, and endorsed by every farmers' institute in Manitoba and the North-west Territories. This was passed in 1898, when the agitation was felt all over the country with regard to flat warehouses:

Whereas, the railway companies of Manitoba, except the Manitoba and North-western, refuse to allow farmers to load grain on cars without passing through elevators.

Whereas, the said railway companies will not allow farmers to build or operate elevators or warehouses unless they are of a stipulated capacity and have cleaning and other expensive machinery there.

Whereas, the said railway companies do allow milling and elevator companies to load grain through warehouses or uncleaning elevators even at points where cleaning elevators exist.

Whereas, many farmers who have been compelled to ship through these elevators claim to have lost in both grade and price, as the elevator operators will not bind themselves to give out either the farmers' own identical grain or any guaranteed grade of the same.

Whereas, the granting of this privilege has undoubtedly led to the formation of the combination of elevator and other interests, and this combination, coupled with machinations practised in our present grading system, has and is seriously interfering with the farmers' rights, by controlling largely the prices paid for his produce.

Therefore, it is resolved, on behalf of the farmers of Manitoba, this institute would emphatically protest against such treatment, and call upon the federal government to abrogate the unjust privilege granted to the said railway companies, and request the government to exercise its power and, if necessary, compel the railway companies to do justice by accepting grain for transportation from farmers direct from their flat warehouses. And, further, that the provincial government be, and is hereby requested to co-operate with the farmers in this matter, and, if necessary, to make a test case in the courts on their behalf, and that a copy of this resolution be forwarded to the federal government through Dr. Rutherford, M.P. Also a copy to the provincial government through James McKenzie, M.P.P., and that the secretary of the institute be instructed to strike off copies of this resolution, and send one to every institute and agricultural society in the province, asking co-operation in this matter.

I might say the Canada Northern and the extension of the Canadian Pacific should have been mentioned there as well as the Manitoba and North-western. You will see that the Farmers' Institute made particular reference to the kind of cleaners installed in the elevators erected on their property, and this is what the farmers are particularly referring to. A copy of that resolution was sent to all the farmers' institutes in Manitoba and in the North-west Territories. I have a resolution passed by the Pipestone Farmers' Institute which I shall read; be-

cause Mr. Lothian, one of the gentlemen appointed to the commission, moved this resolution. On account of his knowledge and influence he was selected as one of the commissioners :

Resolution re Elevator Monopoly.

Moved by James Lothian, seconded by Alex. Fairlie, That we, the members of the Pipestone Farmers' Institute, emphatically protest against the treatment farmers and others receive from the railway companies in not being allowed to ship their grain in car lots, unless such grain has passed through a cleaning elevator, thereby creating an elevator monopoly, to the detriment of the financial interests of the farmers of this province; and further, that we heartily endorse the resolution re elevator monopoly passed by the Portage and Lakeside Farmers' Institute; and that copies of this resolution, as passed by the Pipestone Farmers' Institute, be forwarded to Dr. Rutherford, M.P., James McKenzie, M.P.P., and W. J. Kennedy, M.P.P.

Carried unanimously.

ROBERT FORKE,
Secretary.

Pipestone, March 12, 1898.

Now, that shows clearly that the Farmers' Institute never asked for the grain cleaners. They asked to be relieved and allowed to ship from flat warehouses. The commissioners report refer to this as well.

The evidence has shown that where farmers' elevators have been erected, which do not buy, but only ship and store grain, complaints of the grain shipped out being of a lower grade than that furnished, have been very few.

As farmers' elevators, however, have to be standard elevators, the cost of their erection and management debars their use except in a few places.

Showing clearly that they did not want to be required to build standard elevators and have cleaning machinery. With reference to the reference made by the hon. gentleman from Wolseley to a private conversation, I want to call the attention of this House to the fact that the commissioners referred in their report to the position of the elevator men in Manitoba and the North-west Territories, and in speaking of the dockage made by the buyers they say this :

There has been no evidence to show that any elevator owners have been consenting parties to any acts of extortion. In view of the above, however, we think it would improve matters very greatly if elevator and warehouse operators, as well as elevator and warehouse owners, were compelled to give security for the proper performance of their duties as such.

Now, that is provided for in the Act, but there is no charge that elevator companies, or milling companies, as companies, practice extortion or authorize their representatives to do so. Reference has been made to the Ogilvies and the Lake of the Woods Milling Company. As I said in my previous remarks, the fact they did not clean the grain at many points where they buy grain and get their share, is the best evidence that the farmers are satisfied to sell to them. I am satisfied of this that if a provision was placed in this Bill requiring all elevators hereafter erected to have cleaning machines, a great many sections would be without elevators at all. The provision which has been passed requiring elevators, where cleaning machinery already exists, to clean the grain, I think applies particularly to one corporation. The Ogilvies were one of the first elevator builders in Manitoba. They built elevators all over the province. They were required at that time by the Canadian Pacific Railway Company to put in cleaning machinery. Since that time, cleaning apparatus has been put in the elevators at Fort William and they clean grain free, because they find it cheaper to close up the cleaning machinery in the elevators already erected, and the change made here will simply put in operation cleaning machinery that has not been in operation for years in the Ogilvie elevators where they find it did not pay them to use the machinery. They put in horse power to get rid of the high insurance, because the moment you use steam you increase your insurance. Consequently, the Ogilvies and the Lake of the Woods Company use horse power especially at smaller point. The effect of this amendment will be to compel these elevators erected in future to put in operation again the machines in them. I do not think they will do it. I think they would prefer to take the machinery out of the elevators altogether and not have them to operate. I am satisfied of this, if the provisions suggested by the hon. gentleman from Wolseley —which I am glad to see he has had the good judgment to drop—were adopted, there are hundreds of places in Manitoba and the North-west which are seeking elevators that could not have them. The milling companies would simply drop out of business and allow the elevators to buy all the grain and they would take the grain from the elevator companies. We have now keen competition, and we know the best men to keep up price are the milling companies. They encourage the growth of good wheat,

because they grind it themselves, and they are always open to competition. It has been suggested that where a man charges for cleaning the grain he should not keep the screenings. The screenings taken out of the grain in Manitoba has been a live question. For years the government and people of the province of Manitoba had become alarmed at the spread of noxious weeds throughout the country, and they passed very restrictive laws for the destruction of noxious weeds in the province. To such an extent did they go that an inspector may go into a man's field and cut down his crop if there are large quatities of noxious weeds in it. Legislation passed in the province of Manitoba a number of years ago, referring to this matter provides :

> Any person selling or otherwise disposing of any cleanings or other refuse containing seeds of noxious weeds from any elevator or mill, without first destroying the germinating qualities of such seeds of noxious weeds by grinding or otherwise, shall be liable to a penalty of not less than $25 nor more than $100.

That Act was passed some five or six years ago, and two years ago, notwithstanding that Act was in force and notwithstanding it provided for the killing of the germinating qualities of those noxious seeds before they were allowed to be sold or removed from elevator, the Manitoba legislature repealed that Act, and struck out the words 'First destroying the germinating qualities of such seeds by grinding or otherwise.' It was ascertained that it was impossible by any process made use of in elevators to kill the germinating qualities of the most noxious weed we have known as the French weed seed. This was the amendment passed in 1898 :

> Section 2 of said chapter 109 is hereby amended by striking out the words, 'without first destroying the germinating qualities of such seed of noxious weeds by grinding or otherwise,' in the third, fourth and fifth lines thereof.

I think there is an ordinance in the Territories applying to noxious weeds in the same way. The commissioners dealt with the matter in their report. They said in some places the farmers thought they should have a right to get back the screenings, but the judge pointed out that the Acts passed by Manitoba and the North-west Territories prevented an elevator allowing those seeds to be taken out of their elevators. They said if there is any way of separating the small wheat from the seeds, it would be all right, but they admit that it was impossible and consequently any provision of that kind would not be allowed. I am satisfied that in the province of Manitoba they would never relax that legislation—that they would always hold an elevator responsible for the distribution of any noxious weed seeds. As a rule good farmers will not take those seeds away at all, but there are men on rented farms, or careless farmers who take away the seeds and spread them all over the country, and probably there is a hundred dollars lost through using the screenings for the one dollar they would save.

Hon. Mr. PERLEY—The hon. gentleman made a statement that I want him to withdraw. He said that I withdrew my amendment because it did not affect myself.

Hon. Mr. WATSON—I must admit that the hon. gentleman's reason for withdrawing the motion was not clear to me. Probably he had better explain it again. The hon. gentleman did say that the argument advanced by the hon. Minister of Justice was sufficient reason for him to drop his amendment, because the Bill as it stood suited him all right.

Hon. Mr. PERLEY—No, I did not say it suited me. I said it did not suit me. There were several matters to which I wished to refer, but I will not say anything more at present.

Hon. Mr. SCOTT—We have been discussing matters entirely apart from the amendment before the House.

Hon. Mr. WOOD—Will the hon. Secretary of State allow me to ask a question, rather for information than otherwise. Under subsection *a* it is expected that quite a number of elevators will be built in the North-west. Some of them will be flat elevators, and others will have cleaning machines in them. It is not intended that this section shall apply to any elevator which may hereafter be built in which cleaning machinery will be placed—that is, if the elevator is equipped with cleaning machinery that this section *a* shall apply to it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. WOOD—I gathered that to be the meaning from the discussion. Then the

word 'now' in that subsection should be dropped.

Hon. Mr. SCOTT—I have no objection to that. It is simply making it more emphatic.

The subsection was adopted.

Hon. Mr. MACDONALD (P.E.I.)—Does the amendment moved by the hon. gentleman from Wolseley come in here?

Hon. Mr. SCOTT—It has been withdrawn.

Hon. Mr. MACDONALD (P.E.I.)—Several members objected to its being withdrawn.

Hon. Mr. PERLEY—I withdraw the amendment. It was not objected to, and it had not been put by the Chair.

Hon. Mr. MACDONALD (P.E.I.)—It appeared to me it was a sensible motion to make, and one which I would have supported. There has been a great deal said respecting this question by gentlemen from the section of country which is supposed to be most affected by it, but even those men are divided in their opinions respecting the benefits of this amendment, or the objections to it. After listening to all that has been said it appears to me it was a very sensible and reasonable clause to include in this Bill. And the principal object to my mind would be that it would cause the grain which is shipped from Manitoba, or marketed in that section of country, to be of uniform quality, and coming from the maritime provinces we know something about the disadvantages of marketing grain which is not uniform in quality, and if that amendment would have the effect of making the grain sent to market or to the mill uniform I think it would be a great advantage, not only to the farmers, but to the country generally, and I certainly would have given my support to the amendment if it had been pressed.

On clause 39,

Hon. Mr. YOUNG—I should like to call attention to the first line of this clause. It says: 'Forms of cash purchase tickets, &c.' I see in the Act we have a form of a cash purchase ticket. These cash tickets will do for certain elevators, but where there is a mill and elevator working together, and a mill buys more wheat than it grinds, you have to show on the face of the ticket the part sold and the part ground. A farmer comes in with fifty bushels, and he sells twenty-five and wishes to grind twenty-five for gristing purposes. The practice is to show on the face of the receipt the whole transaction, twenty-five grist and twenty-five bushels sold at such and such a price. I was going to suggest that we should add the words 'where applicable' after the expression 'form of cash tickets.' That would enable those people running grist mills to use the tickets which they find necessary and convenient through practise. Then the ticket would show the whole transaction.

Hon. Mr. SCOTT—Where the parties have an agreement among themselves, there is no necessity for our describing any particular form.

Hon. Mr. YOUNG—If it will permit of that, I have no objection.

The clause was adopted.

On subclause 8 of clause 40,

Hon. Mr. PERLEY—This clause says:

No owner or operator of any such warehouse shall be allowed to store in or ship through grain purchased by or for himself.

Hon. Mr. SCOTT—If he is keeping a flat warehouse he should not be allowed to use it for himself. It is for the public. Any man can build a warehouse for himself, but then he must retain it for his own purposes. If it is for the public he must take out a license and give bonds. A man who builds a warehouse for himself, and buys his own grain, need not take out a license. He is not receiving grain from the public.

Hon. Mr. PERLEY—If a farmer goes to the expense of building a large flat warehouse, he should be allowed to store his grain in it.

Hon. Mr. SCOTT—He cannot have it for himself and the public.

Hon. Mr. PERLEY—They all have it for themselves.

Hon. Mr. MILLS—A number can be joined together.

Hon. Mr. PERLEY—It takes ten farmers to join together and build a flat warehouse, and then they cannot handle any grain except their own.

Hon. Mr. MILLS—Not without a license.

Hon. Mr. SCOTT—If ten farmers build a warehouse, they can do as they please with it, but if it is a public warehouse, they must take out a license and come under the law.

Hon. Mr. PERLEY—Ten farmers could not own a warehouse and operate it themselves. One would live in one place, and another would be perhaps fifteen miles away.

Hon. Mr. SCOTT—It has reference to a public warehouse. I do not think there will be any disposition to build flat warehouses.

Hon. Mr. PERLEY—If my amendment had been adopted there would not have been.

The subclause was adopted.

On clause 44,

Hon. Mr. YOUNG—Clause 44 reads as follows:

Every operator of an elevator or warehouse shall at the close of every day that such elevator or warehouse is open for business, furnish to the nearest station agent of the railway upon the line of which such elevator or warehouse is situate, a statement of the total quantity of grain that day taken into such elevator or warehouse and of the total quantity of grain in store in such elevator or warehouse at the end of such day.

That would be very difficult to comply with in the very many cases in the North-west because we have, as we all know, elevators working till ten and eleven o'clock at night loading cars, and in many places the station agent has only a day office, and closes as soon as the last train passes, and the elevator man would have to make out a statement which he cannot deliver.

Hon. Mr. SCOTT—Well, as far as he can comply with it.

Hon. Mr. YOUNG—The station agents go round to the elevator, and find out their receipts up to a certain point, and report to the despatcher; so that a distribution of cars may take place in proportion to the receipts of the point. We might say 'if possible.'

Hon. Mr. SCOTT—I have the Minnesota law before me, and they have to make a return, not only weekly but daily.

Hon. Mr. YOUNG—This is daily.

Hon. Mr. SCOTT—This is to keep a check on the grain.

Hon. Mr. YOUNG—In Minnesota they drifted into two or three large systems, which control the whole business.

The clause was adopted.

On subclause 2 of clause 53,

Hon. Mr. SCOTT—There are three words left out of this clause. The clause says that the offence mentioned in this clause shall be punishable with fine, and I wish to add 'upon the guilty party.'

Hon. Mr. POWER—They would not pass a law to punish any one who was not guilty. If the offence is punishable with fine, it would be the guilty party that would be punished.

The subsection was adopted.

On subsection 4,

Hon. Mr. YOUNG—This subclause reads:

No elevator or warehouse shall be operated until the scales are inspected and approved by the proper weights and measures officials.

I wish to add an amendment here to deal with clause 34 and 37. I explained a moment ago that we have three systems of elevators in the North-west, one system, cleaning before weighing, and that class of elevators is largely patronized by farmers. In two of those clauses you call for a statement of gross weight. These elevators never take the gross weight at all. They clean before weighing, and in discussing the matter, we thought it would be wise to add the following words:

Where in any elevator or warehouse grain is cleaned before being weighed, the provisions of this Act requiring a statement of gross weight shall not apply.

Because, as will readily be seen, they cannot give a statement of gross weight where they do not take it, and I want to limit it to the circumstances of such cases.

Hon. Mr. SCOTT—I will consider that at the next stage of the Bill.

Hon. Mr. YOUNG—This refers to the gross weight of the farmer's load which is not taken, nor are there conveniences for obtaining that information.

Hon. Mr. SCOTT—Perhaps the hon. gentleman can let that stand until the third reading of the Bill?

Hon. Mr. YOUNG—It is quite possible to amend it, to conform to the cases in which it is impossible to comply with the law. We could put in one subsection to make it clear that the statement was not to be furnished where it was not taken.

The subclause was adopted.

Hon. Mr. SNOWBALL, from the committee, reported the Bill with amendments.

RED DEER VALLEY RAILWAY AND COAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. WATSON moved concurrence in the amendments made in the Standing Committee on Railways, Telegraphs and Harbours to Bill (W) 'An Act respecting the Red Deer Valley Railway and Coal Company.'

Hon. Mr. CLEMOW—There is a clause in this Bill stating that this Act shall come into force on the first day of July, 1900.

Hon. Mr. POWER—That makes no difference. But I find a provision here which the hon. gentleman from Portage la Prairie can probably explain. I was on the subcommittee, but I do not remember anything about this particular amendment. Page 1, line 24, after 'Saskatchewan' insert 'at a point between Fort Pitt and Battleford.'

Hon. Mr. WATSON—That is the termination of the extension.

The motion was agreed to.

The Bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (174) 'An Act to amend the Penitentiary Act.'—(Hon. Mr. Mills.)

Bill (172) 'An Act respecting the Canada Mining and Metallurgical Company (Limited).'—(Hon. Mr. McMillan.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 26, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

SUPPLY OF OIL FOR THE INTERCOLONIAL RAILWAY.

INQUIRY POSTPONED.

The notice of motion being called:

By the Hon. Mr. FERGUSON:

That he will ask the government for a statement showing what proportion of the payments for oils for the Intercolonial Railway made to the Galena Oil Company and the Imperial Oil Company respectively, for the year ending October 31, 1899, as shown by a return presented to the Senate on the 10th day of May last, were for lubricating purposes?

Hon. Mr. FERGUSON—Is the hon. minister ready to answer this inquiry to-day?

Hon. Mr. MILLS—We have received no further information.

Hon. Mr. FERGUSON—Perhaps the hon. minister may be able to inform me when I may expect the information. It is a very simple matter.

Hon. Mr. SCOTT—It is a very difficult matter to see Mr. Blair just now, as the hon. gentleman knows. There are committees of the other House, and the House meets at eleven, and it is impossible to get his ear. I was over to his office to-day trying to see him, or Mr. Schreiber, but I could not see either of them.

Hon. Mr. FERGUSON—All that my motion asks is that one item in the returns brought down be divided so as to show what part of the expenditure for these oils was for lubricating purposes. It is mere clerical work, and if the attention of the department is directed to it, I think we might expect to get it almost immediately. If the hon. minister would give an order to his clerk, that is all that is necessary.

Hon. Mr. SCOTT—It rests with Mr. Schreiber, I presume. In all those returns they say they have to get the information from Moncton. There is no other way to do it. There is no use writing to the department with the rush of work there is there.

Hon. Mr. FERGUSON—There has been time to get it from Moncton. We know the

hon. Secretary of State gives the greatest possible attention to all these matters. I know he is doing all he can, and I hope he will continue his efforts till he obtains the information, and I hope that it will come before the close of the session, as it is an important matter.

The inquiry was allowed to stand.

BILL INTRODUCED.

Bill (156) 'An Act to amend the Civil Service Act.'—(Hon. Mr. Scott.)

GRAIN INSPECTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The Order of the Day being called :

Consideration of the amendments made in Committee of the Whole to (Bill 141) An Act respecting the Grain Trade in the Inspection District of Manitoba.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—As the committee rose yesterday, the hon. senator from Killarney (Hon. Mr. Young) sent me an amendment which he thought ought to be inserted in the Bill, and I therefore, with the permission of the House, move that the House resolve itself into a Committee of the Whole in order to make that change and a change in another item. Under the Bill, provision is made that in certain cases the grain shall be cleaned before it is weighed. There is a clause also which provides that the gross weight shall be stated in a certificate. Where it is cleaned before it is weighed, the gross weight cannot be given, and the proposed amendment reads as follows :

Where, in any elevator or warehouse grain is cleaned before being weighed, the provisions of this Act requiring statements of gross weights shall not apply to such grain.

I think there will be no objection to that.

Hon. Sir MACKENZIE BOWELL—That is all right, unless they weigh it twice.

The motion was agreed to.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

The amendment was agreed to.

Hon. Mr. SCOTT—Yesterday, when my amendment was accepted with reference to elevators that are at present equipped with grain elevators, the hon. gentleman from Westmoreland suggested that it should apply to elevators which may hereafter be erected with cleaning machinery. I did not like accepting the amendment at the moment, because it disturbs the phraseology of a Bill very much when amendments are made without fully considering them. I accept his suggestion and move that the clause be amended accordingly.

Hon. Sir MACKENZIE BOWELL—What would happen if the owner of an elevator now equipped with cleaning machinery should remove that machinery ?

Hon. Mr. SCOTT—I am not prepared to give a legal opinion on the subject.

Hon. Sir MACKENZIE BOWELL—It leaves some doubt as to what will be the effect. Perhaps the judge would construe the clause to mean that it would compel the owner to replace the machinery in the elevator. I am not going to discuss this matter any more. I am totally opposed to the principle of the Bill. It would not be so bad if it remained as at first suggested by the hon. gentleman from Westmoreland. However, he seems to have receded from the position he then took, and now wants to apply it to elevators to be erected in the future. Of course, as amended it will not apply to elevators where the owners do not put in cleaning machinery; but if they do put it in, then it is compulsory.

Hon. Mr. POWER—I shall call the attention of the committee to the fact that this amendment, which looks a right and proper one in itself, is going to work a certain amount of unfairness. As I understand, the older elevators, which were built chiefly by the Ogilvies, are equipped with cleaners.

Hon. Mr. SCOTT—No ; a very small proportion—not one in twenty.

Hon. Mr. POWER—These are the only ones now equipped with cleaning machinery in the west ?

Hon. Mr. PERLEY—No, not at all.

Hon. Mr. POWER—I mention it so that if when the Bill comes up for third reading there is any disposition to discuss that matter it can be done.

Hon. Mr. SNOWBALL, from the committee, reported the Bill with certain amendments, which were concurred in.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (110) 'An Act to amend the Weights and Measures Act.'

(In the Committee.)

On the fourth clause,

Hon. Mr. MILLS—I do not wish to press this clause without calling the attention of the House to the fact that so far as salt in casks is concerned, there is a very wide difference of opinion between the importers and the salt manufacturers in the west. The salt manufacturers are very much in favour of having the sacks marked with the weight, and the importers are very much opposed to this being done. This particular clause has been framed to meet the demands of the manufacturer in that regard.

Hon. Mr. POWER—I think that the interests of the fishermen and other consumers in the lower provinces deserve to be considered also. It is highly objectionable that any difficulty should be put in the way of importers. It is understood what the weight of a bag of salt is, and I do not think there is any justification for insisting that the weight shall be marked on the bags. It would simply tend to increase the cost of the salt to the consumer, and I fail to see that there is any desirable end to be gained by it. I think it would be better to strike out the clause relating to sacks altogether and let it apply only to barrels.

Hon. Sir MACKENZIE BOWELL—How can that effect the consumer? Those exporting salt to this country would mark the weight.

Hon. Mr. POWER—It costs something to do it.

Hon. Sir MACKENZIE BOWELL—It would not affect the fishermen who use this salt. The practice has been to bring in salt free for the fisheries. This clause would assist materially in protecting the revenue.

Hon. Mr. McCALLUM—Supposing you put the weight on all salt manufactured in Canada?

Hon. Mr. MILLS—That is done, but it is not that which is complained of. The salt manufacturers complain of this: We have made certain provisions to permit fishermen to import their salt free of duty. The use of that salt is not confined to fishermen—it goes all over the country, and while they are at the expense of marking their bags of salt, they are brought in competition with bags of salt which contain a very much smaller quantity, for some reason or other, and that they are thus in competition with bags of perhaps very much lighter weight than their own, and they ask that the imported salt shall have the weight marked upon the bag. With the privilege of importing without charge, they think that is not an unreasonable request.

Hon. Mr. POWER—One would suppose that the people who import salt and the people who consume the imported salt would be the persons interested in having the weight marked on the bag, and the hon. gentleman says it is alleged that sometimes the bags are broken and sometimes the salt leaks out. Would not a bag with the weight stamped on it be just as liable to be broken and have salt leak out as another bag?

Hon. Mr. DEVER—Perhaps I could throw a little light on this subject. I think that salt manufactured in Canada might be very well sold by weight, because it is of a dry nature and when it is once weighed it loses hardly anything in leakage, but the salt from Liverpool comes in very large quantities. It is of a very damp nature, and on the voyage it naturally absorbs a quantity of moisture also. If it is weighed in Liverpool and the proper weight put on the sack there, by the time it gets to the seaport cities of Halifax and St. John, there is naturally a deficiency in weight, and, consequently, if a party purchased fifty or a hundred bags of salt according to the weight marked on them in Liverpool, they would not have that weight when they arrived here, and under these circumstances it makes a great deal of difficulty with the purchaser and the merchants themselves. On the other hand, if the salt came without being marked in Liverpool, and if the merchants in Quebec and Montreal, as well as in the seaport cities, had to weigh a large quantity of salt, some fifty or sixty bags at once, one can see what a great expense and trouble they would be put to, and in consequence of that their salt would have to be sold at

a higher rate. I throw out these observations to show the House that there is a good deal of consideration to be used with reference to this weighing and marking of the exact weight on the bags and sacks. I think if it could be done, it would be a great protection to the purchaser, but the difficulty is that this salt from abroad is liable to shrink and fall off in weight sometimes five to fifteen pounds.

Hon. Mr. PERLEY—They might throw in a shovel or two extra.

Hon. Mr. DEVER—That could not be done, because the bags are closed, and with fifty or sixty thousand bags it will be seen that there would be a large amount of labour in handling them. We generally sold salt by the sacks supposed to contain a certain number of bushels, and I am not aware that there was any great difficulty between the merchants and importers about the weight of the bag, because competition was so great that there never was very much profit on this salt. Fishermen were supposed to get it at a very moderate percentage of profit, and I do not know that they had any great objection to take it as it had been imported, notwithstanding it was deficient in weight two or three pounds. But if this House think otherwise, I have no particular interest in it, further than to point out these facts as being perhaps somewhat troublesome to merchants and making confusion in the market that would be better avoided if possible.

Hon. Mr. WOOD—As far as the sentiment of merchants and consumers of salt in the maritime provinces goes, it will be unanimous against imposing any such condition as is imposed by this clause of the Bill. Indeed, from my own knowledge of the Liverpool salt trade, it appears to me to be practically impossible to carry out the conditions of this Bill. Salt in Liverpool is brought to the side of the ships in large scows, or lighters. It is shovelled into bags. The bags are bought by the shipper, ten or eleven or twelve to the ton, a suitable size, so that ten or eleven or twelve bags will just hold a ton of salt and the salt is simply shovelled into the bag and the bag is sewed up and put on board the vessel. It must be borne in mind that this salt in Liverpool is very little value. It cost only a few shillings for a ton, and it does not pay the shippers there to go to any trouble about weighing the salt. They will throw in a shovelful or two at any time, and they are not particular if it is over weight or not, and I believe they will often put in a few extra sacks if there is any question raised about it. I doubt if we could induce the shippers on the other side to comply with this provision, and go to the trouble and expense of having these bags marked. The time involved would be perhaps a more serious matter than anything else. It must be borne in mind that in late years salt is brought out here very largely in steamers, and that it is necessary in shipping by steamers that it should be handled very quickly. The owners of steamships place a great deal of value upon the time of their ships, and will not consent to have them detained unnecessarily. If there is unnecessary detention, or if this provision in this Bill is forced upon the people in England who ship the salt, I am satisfied that it must add something—I cannot say how much—to the cost of the salt on the other side. If the marking has to be done on this side, when the salt is landed, I really do not see how it can be done. It is dumped or hoisted out of these steamers very rapidly, a great number of bags at a time, loaded into carts and hauled away, and there is really no time or opportunity to have the salt marked. I do not really see how it can be done except at very considerable additional expense. There is, certainly, no demand for any legislation of this kind in the lower provinces, and I am satisfied that if any attempt is made to enforce the provisions of this Act there, it will lead to a great deal of dissatisfaction and difficulty. I have not had much experience during late years, but I am speaking from my experience some years ago. I think the hon. gentleman from Yarmouth has had a great deal of practical experience in this line of business, and his opinion on this question would be valuable. I really hope that if this section is to be passed it will be confined to the salt produced in Canada. My hon. friend says that would not meet the case, but it applies to all the salt handled by the people who are asking for this provision in the Bill. As far as I am concerned I have no objection to their having it, but I do not think it should be imposed on the salt imported from Great Britain.

Hon. Mr. POWER—The law which is proposed to be repealed and amended by this clause, provides that the Bill shall be marked, and the change in the law is simply including the bags. I do not think it is the feeling of the committee that the bags should be included, and if we wish to exclude them, we simply strike out this clause of this Bill, and I, therefore, move that this fourth clause be struck out.

Hon. Mr. MILLS—The law as it now stands provides for barrels. This was a proposition to introduce sacks, and to provide for the marking of sacks. If we take out the provision with reference to sacks, then the whole clause should come out, because the law as it stands now adequately provides for the marking of barrels. I judge from the observations and statements made to me from gentlemen from the maritime provinces, that they would be very much opposed to a provision for marking the sacks, because if the sacks are weighed on the other side of the Atlantic and marked, there is no certainty they would weigh the same on this side, and it would seriously interfere with the discharge of the cargo of the ship.

The clause was struck out.

Hon. Mr. MILLS moved that the fifth clause be also struck out.

The motion was agreed to.

On clause 3,

Hon. Mr. MILLS—This is a clause about which I had some doubt and the hon. gentleman from Marshfield made some remarks with reference to it. I refer to subsection 3 of the first clause with regard to the weight of a barrel of potatoes. My hon. friend behind me says that they sell a great many potatoes by the barrel, taking an ordinary flour barrel and filling it, and that a barrel of potatoes weighs about 150 pounds. This clause provides for 174 pounds and this weight, I suppose, has been obtained by pressing the potatoes in the barrel. I applied to the department for information upon this subject, in order to ascertain upon what they were proceeding in fixing the weight of a barrel of potatoes containing 96 quarts at 174 pounds, and they have sent me over a statement which I take to be the statement of the municipal council of King's, N.S. That report provides for the sale of potatoes by the barrel, and it says that the weight of a barrel of potatoes is 174 pounds, and a suitable penalty should be provided for the manufacture of barrels of other dimensions than those mentioned. There have been no tests by the Department of Inland Revenue at all and no special pains taken to ascertain what would be the weight of a barrel of potatoes properly put up, containing the same cubical capacity as a barrel manufactured for apples. It seems to me that it would be to some extent taking a leap in the dark to insert a clause and carry it through in a measure resting solely on a resolution adopted by a body that owes no responsibility to parliament in the matter, and therefore, with the consent of the House, I will strike out the first section of the third clause. We can provide for it hereafter when we have the proper test made by the department in ascertaining what is the precise weight of a barrel of potatoes. That being struck out, clause 4 will become clause 3.

Hon. Mr. FERGUSON—Did I understand the hon. minister to say that the department had made no test?

Hon. Mr. MILLS—All I can tell my hon. friend is that I do not know whether they have or not, but I applied to them for the information upon which they had proceeded, and the information they sent me was the resolution passed by the council and board of trade in the county of King's, N.S.

Hon. Mr. FERGUSON—I am very sorry, and somewhat surprised, to learn that we are proceeding without precise information. I think it would have been the easiest thing in the world for the Department of Inland Revenue, having had that application made to them, to have made a test.

Hon. Mr. MILLS—They may have made a test, but I have no information and it will only be a few months till parliament meets again and no serious injury will be done to anybody, because if they can put 174 pounds into a barrel of potatoes by pressing them, they, no doubt, will do it, if it is required they should be of that weight, and sold in the West India Islands. There will be no difficulty as to that. My hon. friend (Hon. Mr. Burpee) says they sell their potatoes in barrels not headed up but filled, and they weigh 150 pounds—that

being so, it is the weight of 2½ bushels. Therefore, there is nothing to interfere with people in King's County selling as heretofore, and those in New Brunswick doing precisely the same thing. Legislation can be had at another session on this subject if it is found to be desirable.

Hon. Mr. FERGUSON—The view that I put before this committee previously on this question is the view of the potato raiser of King's County, N.S. My opinion has been derived, it appears, from the very same source which the hon. leader of the House has referred to. The trade in that respect is not carried on in that way in our province. The potatoes, as explained previously, are sold either by weight or they are measured in tubs containing about two and a half bushels, and which are stamped, and they are sold in that way. This particular trade, as far as the east is concerned, belongs to the Annapolis valley in Nova Scotia, where they have quite a trade with the West India Islands, and it has been explained to me that they are very desirous to have this provision, because they allege that the barrel which they have been seeking to have made legal for both potatoes and apples, will contain that quantity of potatoes when they are pressed down with a screw and ready for shipment, and as they say the transactions are almost exclusively by the barrel, this would settle all disputes, because they would know, when they were buying a barrel of potatoes, they were getting 174 pounds. That is the proper weight to go into a barrel when properly pressed down. I can understand there are difficulties in the way of this legislation, because it will not be adapted to other parts of Canada, but I am a little surprised that the Department of Inland Revenue did not test this matter so that we could have precise information about it before going this far with the Bill. They have not tested it, otherwise we would not have to depend on the people of King's County, N.S., for information, but would have the opinion of the experts of the department.

Hon. Mr. BURPEE—The barrel is about right. It is about the same as is made for a barrel of flour. By this Bill it is compulsory on those who sell potatoes by the barrel that they shall put 174 pounds into the barrel. It is a fact that they cannot do it. They cannot put any more than 150 pounds. The barrel will hold exactly three bushels of grain, but only two and a half bushels of potatoes. A bushel of potatoes by law should be sixty pounds. They certainly are not more than sixty pounds; that would make 150 pounds for a barrel of potatoes. It is all you can get into the barrel. Potatoes in New Brunswick are all sold by the barrel. The barrels are not headed up, but just taken to market in steamers and on the railroads open, and sold by the barrel. It would be impossible to put the quantity specified here into a barrel and head it up, although you may shake and press the potatoes down. I see that the Bill does not provide that apples shall be sold by weight, and apples, when they are shipped have to go through the same process. When you pack a barrel of apples for shipment you must press them down to prevent them from shaking and being injured. A barrel of potatoes is the same in New Brunswick and in the United States. The question is never asked how many pounds a barrel contains. If every barrel exposed for sale had to be weighed, and was required to contain 174 pounds, it could not be headed up. I am very glad the minister has come to the conclusion to strike out that subsection.

Hon. Mr. PROWSE—There is no danger of anybody shipping less than a full barrel of potatoes, because if they are not pressed down first, they will be injured in transit.

Hon. Mr. POWER—I would suggest that the word 'potatoes' should be struck out of clauses 2 and 4.

Hon. Mr. MILLS—I think potatoes should come out, because the shippers find when they subject potatoes to pressure they are able to put 174 pounds into one of these barrels, but my hon. friend points out that what they call a barrel of potatoes in New Brunswick, a barrel filled full, but without being pressed, will weigh 150 pounds. I have no doubt that is a correct representation, so, that if we mention a barrel of potatoes here at all, we would be undertaking, from one point of view, to provide for a barrel without declaring that its weight shall be.

Hon. Mr. POWER—It is proposed to legislate next session with better knowledge, and

it would be well to strike out the reference here to potatoes.

Hon. Sir MACKENZIE BOWELL—I do not think the clause will bear that interpretation. We first fix the size of the barrel. If that barrel, according to the shippers in King's County, N.S., will hold 174 pounds, what is the necessity of saying anything about the weight ? You do not define what a barrel of apples or quinces shall weigh. You simply say that a barrel shall be of such a size and such dimensions. Then you select potatoes and say how much potatoes shall weigh to the barrel. If potatoes sell by the barrel, why not say that a barrel of potatoes shall be of the same dimensions as a barrel of apples ? If you define the size of a barrel for apples, and they sell potatoes by the barrel in the maritime provinces, let them know what the size of the barrel must be, and there will be no difficulty. It seems to me if you fill a barrel of the dimensions mentioned in clause 18, with very small potatoes, you would have it weigh considerably more than if you filled it with large potatoes. The latter would not lie so closely, and consequently a barrel of small potatoes would weigh more than a barrel of large ones. If you leave the clause as it is, and strike out the third subsection, you declare what size the barrel shall be.

Hon. Mr. POWER—This little discussion shows how necessary it is always to proceed in order. If I had not tried to save time by referring to subclauses 4 and 2 together, this difficulty would not have arisen. It is clear the weight of potatoes must go out of subclause 4 :

> Every person who offers or exposes for sale, or who packs for exportation, apples, pears, quinces or potatoes by the barrel otherwise than in accordance with the provisions of the foregoing section, shall be liable to a penalty, &c.

Now, what is the immediately foregoing provision ? When potatoes are sold by weight, the weight should be 174 pounds to the barrel.

Several hon. GENTLEMEN—That is struck out.

Hon. Mr. CLEMOW—As I understand, it is intended, in exporting potatoes in future, to use this larger barrel.

Hon. Mr. SCOTT—No, it is smaller.

Hon. Mr. CLEMOW—A new sized barrel is adopted.

Hon. Mr. SCOTT—Not larger than a flour barrel. It may be a little smaller.

Hon. Mr. DeBOUCHERVILLE—Does not this apply to wholesale and not to retail sales ? Why not leave it that potatoes may be sold by the pound for retail ?

Hon. Mr. MILLS—There is no difficulty about that. That is already provided for. The question is whether you shall apply the barrel measure to potatoes as well as to apples and quinces. I think it is better that potatoes should come out altogether, and let the clause apply to apples, quinces and pears.

Hon. Mr. FERGUSON—The discussion we have had on this measure has revealed one thing, and that is that the Weights and Measures Act with reference to potatoes is in a very bad shape. There is no question about that. Section 19 requires that all articles, including potatoes, shall not be heaped, that the measures shall be a level measure.

Hon. Mr. McMILLAN—You cannot apply that to potatoes.

Hon. Mr. FERGUSON—It does apply to potatoes. You require also that a bushel shall be sixty pounds. Now, they do not correspond. You cannot put sixty pounds of potatoes in a level bushel measure.

Hon. Mr. MILLS—The heaped measure makes sixty pounds exactly.

Hon. Mr. FERGUSON—I am speaking of the state of our law. Section 19 required that there shall be no heaped measure.

Hon. Mr. MILLS—Could you apply that rule to turnips ?

Hon. Mr. FERGUSON—The Act applies to turnips and everything else. It provides that the crevices below the top of the measure shall be equivalent to the bulk of the article that comes above it, or, in other words, shall be equivalent to the lawful measure, and does not make an exception even for turnips. That is certainly an absurd way to measure such an article as turnips. What I want to point out is that the law, as it now stands, provides that a bushel shall be the lawful bushel of potatoes and everything else. Section 16 provides that sixty pounds shall be equivalent to that bushel. We are now in this Bill legalizing

a barrel which shall be the smallest used for exporting potatoes. You describe that as holding ninety-six quarts, which has been ascertained to be strictly correct, which is three level bushels. Now, we are told when that is shaken down it weighs only 150 pounds, which shows plainly enough that there are most serious discrepancies in the Weights and Measures Act with reference to potatoes. The barrel in question, in capacity, coincides with the lawful bushel, but the sixty pounds is at variance with the measure. In our province, sixty pounds is accepted as a fair weight for a bushel of potatoes. The law should be made harmonious so that there would not be these discrepancies in relation to this subject. I do not suppose we can do that now, but it shows there is great need of a radical overhauling of the Weights and Measures Act.

Hon. Mr. MILLS—There is no doubt the provisions of the Act do not in every respect harmonize. Sixty pounds is represented as the weight of a bushel of potatoes. I have no doubt that is a correct measurement if a bushel was a compact solid body. The experience of those in Nova Scotia who have packed and pressed potatoes for the West India market, shows that although a barrel of ninety-six quarts would hold three bushels level, they cannot put 174 pounds of potatoes in it. The 174 pounds is six pounds short of three bushels in weight, which would represent the interstices which would not be filled up even after pressing. Then my hon. friend points out, following the old practice of heaped measure, that one of these barrels would hold just two and a half bushels of potatoes. It would hold 150 pounds, when not subjected to pressure. That, I think, is the correct statement. I suggest that clause 3 should be struck out altogether, and I propose that the word 'potatoes' shall be struck out of clause 4.

Hon. Sir MACKENZIE BOWELL—Before doing that, I think if you look at the object of the Bill you must come to the conclusion that potatoes should be left in it. The first clause provides what the size of this barrel shall be.

Hon. Mr. POWER—For apples.

Hon. Sir MACKENZIE BOWELL—It provides what the size of a barrel shall be. Then the second clause defines exclusively what the size of the barrel shall be for potatoes, quinces and apples. It applies to one just as much as the other. Then you strike out the third clause and make the 4th clause the 3rd, and it refers then to the preceding sections. What are the preceding sections? They relate to the size of the barrel, and provide that when the articles mentioned in the other subsection are sold, they shall be sold in a barrel of those dimensions. If the object of this law is to provide for uniformity in the size of the barrel for the export trade alone—you may say that the word potatoes not being mentioned in that section, therefore it does not apply; but the next section provides that when they are sold for export by the barrel, then the barrel shall be of that size. It does not seem to me to be contradictory at all.

Hon. Mr. POWER—I would call the hon. gentleman's attention to the latter part of the first subclause 'representing as nearly as possible ninety-six quarts or three bushels.' It has been shown that the ordinary barrel holds only two and a half bushels of potatoes.

Hon. Sir MACKENZIE BOWELL—I never saw potatoes sold by the barrel in the market where I live. Apple barrels are supposed to hold three bushels.

Hon. Mr. MILLS—If apples are pressed, of course you will get three bushels, or ninety-six quarts, but potatoes, according to the old measurement, and sixty pounds to the bushel, will certainly not go into a barrel containing ninety-six quarts. I propose in the second clause to strike out the word 'potatoes,' leaving this Bill silent on this subject of potatoes, and silent for the reason that we are not undertaking to define what a barrel of potatoes would be. My hon. friend says that in New Brunswick the practice has grown up of sending them to the market in the open barrel.

Hon. Sir MACKENZIE BOWELL—That is for home consumption.

Hon. Mr. MILLS—He says also to the United States. Then in the West Indies, 174 pounds are packed and pressed into a barrel, which is a larger quantity than can be put into the open barrel. If we leave potatoes out altogether, we are leaving the trade free for the time being.

Hon. Sir MACKENZIE BOWELL—I understand that. I do not object to it.

Hon. Mr. MILLS—I thought potatoes had better be left out so long as we are not fixing the weight.

Hon. Mr. DeBOUCHERVILLE—But we are making a barrel a measure by this Bill. Every measure, whether a bushel measure or any other measure, is fixed by the quantity of water it would hold. In a bushel of oats there may be, say, 5,000 grains, and in another bushel of oats here they are not very fine, there may be only 4,000. It is the water which the vessel will hold which forms a measure. Would it not be better to say a barrel shall hold so much? A man might put large apples in a barrel and it would not hold so much as if he put small apples in.

Hon. Mr. MILLS—There is no trouble. We quite agree and the Bill provides that the capacity of a barrel shall be 96 quarts. That is three bushels. That is applied to apples, pears and quinces. They are not sold by weight or measure, but the barrel must be pressed in order that it may be put upon the market. You cannot send away a barrel, without ruining them, unless they are pressed. That rule does not apply to potatoes, and unless potatoes are pressed you cannot put the quantity here mentioned in the barrel. I propose to leave out all reference to potatoes.

Hon. Mr. MACDONALD (Prince Edward Island)—I do not see that it is necessary to strike out the word 'potatoes' in those two sections, because it really does not affect the measure of the potatoes to any extent whatever. In the first part of the eighteenth section we described the size a barrel must be. It must not be less than certain dimensions, which are given here. If you were to fill a barrel of potatoes you would only require, in order to have a legal barrel, to have one which is not less than those dimensions. It may be as much larger as you please. You are not subject to any penalty if you put as much in that barrel as it will reasonably hold, even if it does not hold the 96 quarts, because you are only required to get as near as possible to that quantity in filling the barrel, and these 96 quarts represent water measure. They are not 96 quarts of heaped measure. The Bill as it stands now, with the third subsection of this clause relating to the weight of potatoes struck out, and all that part relating to the weight of salt eliminated from the Bill as it has been already, I think will meet all the requirements of the case without striking out the word 'potatoes' in the subsections in which the word occurs.

Hon. Mr. FERGUSON—I entirely agree with the hon. gentleman who has just spoken, I think it would be a pity to strike out the word 'potatoes' in subsections 2 and 4, because we would be really losing a great part of whatever good there is in the Bill. We are aiming at getting a uniform barrel, and it is hoped that fixing this for apples and potatoes and all similar products, and I think there will be considerable disappointments among the apple growers and potato grower of Nova Scotia if potatoes are not included as well as apples. After all, we are not establishing a measure of capacity. We are only fixing a minimum barrel, in point of size, that shall be used for exportation, and why should we not make the same barrel for apples, potatoes and the other articles mentioned here? I think we will miss whatever good there is in the Bill if we drop the word 'potatoes,' or it will be minimized if the application is not made general. In fact, were it not for the error in the measure last year we would not have this Bill at all. But we must pass some measure in order that the erroneous barrel of last year may not become a legal barrel, and I hope that my hon. friend will consent to allow the word 'potatoes' to remain in. We have struck out the words 'three bushels' in the first section, and the other three sections will entirely harmonize, and it will apply to apples, pears, potatoes and quinces, which should be dealt with in precisely the same way with regard to the size of the barrel.

Hon. Mr. MILLS—I do not think my hon. friend rightly apprehends my statement. I pointed out before that so far as the pears, quinces and apples are concerned, when you take a barrel of these they must be pressed. They must all be put in the barrel in the same condition in order to deal with them. There is no difficulty, so far as these things are concerned. But what does a barrel of potatoes mean? Does it mean a pressed barrel, or a barrel that is not pressed?

It is not simply the capacity of the barrel we have to consider. It is the quantity of potatoes we are putting into that barrel. In King's County they put 174 pounds into the barrel by pressing the potatoes. In the county of Sunbury they put 150 pounds, because they are not subject to compression, into the same barrel. There is 24 pounds difference between the barrel of apples pressed and unpressed.

Hon. Mr. DEVER—No.

Hon. Mr. MILLS—Supposing this Bill becomes law, you provide for selling potatoes by the barrel. People may voluntarily make such arrangements as they think proper, but supposing a man puts up a barrel of potatoes in the open way, as they do now in the county in which my hon. friend resides, and their right is contested? Supposing the party buying says: 'I have not a barrel of potatoes. You have given me 150 pounds and in the county of King's, in the province of Nova Scotia, they give 174 pounds. I say that the only way you can deal with this matter is to leave out the word 'potatoes,' leaving the people of Nova Scotia to do as they are doing now, and the people in New Brunswick to do as they are doing, until we can ascertain by actual experiment what weight of potatoes can be put into this barrel containing 96 quarts. It is perfectly plain that unless you make provision for packing potatoes in the same way as you pack apples, pears and quinces, it has no applicability to potatoes. It is not a simple question of measurement, because there is no difficulty about it. If this is the only kind of barrel manufactured, it is the kind of barrel the people will use for putting potatoes in, as they use it for every other purpose, but it does seem to me that we ought not to include potatoes until we are prepared to decide what weight of potatoes constitutes a barrel—not simply a measurement, because my hon. friend will see there is all the difference in the world, where you are putting up large objects such as potatoes and apples, whether they are subject to pressure. In the case of apples, quinces and pears, you must subject them to pressure in order to properly pack them but in the case of potatoes you do not do so. I move that the word 'potatoes' be struck out of clauses 2 and 4.

The motion was agreed to.

On clause 4,

Hon. Mr. WOOD—A point has been raised in conversation here with regard to the penalty which is imposed in the fourth clause. I am not clear that, taking sections 4 and 2 together, the penalty of twenty-five cents could not be imposed on any one who was exposing of offering for sale a barrel of apples which were not for exportation—a barrel not headed up in the local market. Clause 2 speaks of apples, pears or quinces sold by the barrel, but it does not say for exportation. Then the fourth clause reads:

> Every person who offers or exposes for sale, or who packs for exportation, apples, pears, quinces or potatoes by the barrel otherwise than in accordance with the foregoing provisions of this section, shall be liable to a penalty of 25 cents for each barrel of apples, pears, quinces or potatoes so offered or exposed for sale or packed.

Hon. Mr. POWER—Does the hon. gentleman think a Canadian has a right to have his barrels inspected as well as others?

Hon. Mr. WOOD—Well if that is the intention all right. I understood it was only to apply to exportation.

Hon. Mr. FERGUSON—I cannot see why we could not make these sections apply to home trade as well as to the export trade. I want to know why a consumer in our own country, who buys apples should not be protected as well as the consumers in foreign countries, and I do not see why in the world this clause should not apply all round.

Hon. Mr. MILLS—So it does.

Hon. Mr. WOOD—Then the words 'for export' should come out.

Hon. Mr. MILLS—It is all right as it is.

Hon. Mr. FERGUSON—I think the word 'export' will have to come out to make it apply to the whole trade. We are fixing a minimum barrel and it protects consumers, when they buy a barrel, from having a smaller barrel than what is a reasonable and equitable one imposed upon them, and I do not see why our own people should not be protected as well as others. In the lower province, we know that in some parts of the valley of Annapolis they have been putting up apples in very small barrels, which would not contain more than two bushels and a peck, and these barrels might still be used

in the home trade of Canada. I think, in order to put the business there and every where else on a wholesome basis, that it would be well to make this apply to apples for sale in our own country as well as for export.

Hon. Mr. MACDONALD (P.E.I.)—The hon. minister says it does apply.

Hon. Mr. ALLAN—Surely the fourth clause is in the alternative. It applies to parties offering apples for sale here, or packing them for exportation.

Hon. Mr. FERGUSON—That is the fourth section.

Hon. Sir MACKENZIE BOWELL—Why is it necessary in the eighteenth section to insert the words 'for export'? The fourth section gives us the alternative. It compels every person who offers for sale apples in Canada to have them packed in a certain barrel. If we strike out the word 'for export' the clause will read harmoniously.

Hon. Mr. MILLS—I think my hon. friend will see that the clauses are all right. It reads:

> All apples packed in Canada for export for sale by the barrel in closed barrels shall be packed, &c.

That is for exportation. Subsection 2 reads:

> When apples, pears, quinces or potatoes are sold by the barrel as a measure of capacity, such barrel shall not be of less dimensions than those specified in this section.

That is not confined simply to export. Then subclause 3 reads:

> Every person who offers or exposes for sale, or who packs for exportation, apples, pears, quinces or potatoes by the barrel otherwise than in accordance with the foregoing provisions of this section, shall be liable to a penalty of 25 cents for each barrel of apples, pears, quinces or potatoes so offered or exposed for sale or packed.

So that the whole ground is covered and the local cases are met by the provision of section 3.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—These people will be back next session for another Bill.

Hon. Mr. PERLEY—When will that be?

Hon. Mr. MILLS—Oh, January or February.

Hon. Mr. McKAY, from the committee, reported the Bill with amendments, which were concurred in.

SCHOMBERG AND AURORA RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. PERLEY, in absence of Hon. Mr. Kirchhoffer, moved the second reading of Bill (94) 'An Act respecting the Schomberg and Aurora Railway Company.'

Hon. Mr. McCALLUM—I do not propose to oppose the second reading of this Bill, but we were to have an explanation of it, and we have not received that explanation.

Hon. Mr. PERLEY—I have the explanation if the hon. gentleman desires it.

Hon. Mr. McCALLUM—Let us have it.

Hon. Mr. PERLEY—This explanation was placed in my hands to be read to the Senate. This company was incorporated by the parliament of Canada in 1896, chapter 34, with power to build a railway from some point on the northern division of the Grand Trunk Railway, between King and New Market, to a point near the village of Schomberg, in the county of York, passing through or near the village of Kettleby, in the said county. This Bill asks for an extension in a westerly direction to the town of Durham in the county of Grey, and an extension eastward from the present eastern terminus of the company's present railway to the town of Oshawa, making the whole road a distance of———miles. The company asks power to enter into an agreement with the Metropolitan Railway for the conveying, leasing or amalgamating with the Metropolitan Company, subject to two-thirds vote of the shareholders and the approval of the Governor in Council. The Metropolitan Railway has power, under the Act of the Ontario legislature, chapter, 92, 1897, to build from Toronto to New Market and to certain villages in the county of York, and to the towns of Barrie, and Orillia, and an extension from Barrie to Collingwood. The company may use steam as a motive power, with the consent of the municipalities through which it passes. That is the explanation which has been furnished, and I trust that it will be a satisfactory to the hon. gentleman from Monck.

Hon. Mr. McCALLUM—The explanation is not in accordance with the Bill. Why has this Bill come here at all? Why have they not gone to the local legislature? They obtained an Act of parliament, in 1896, by describing it as a work for the general advantage of Canada. That is the only excuse they can have for coming here; it is a local matter altogether. This parliament passed that Act without fixing a limit of time to build the railway. The company have for ever to build it. If you look at chapter 34 of the Statutes of 1896, you will find no time limit for doing this work. In the Bill now before us we must see that there is a time limit.

Hon. Mr. POWER—There is a limit in the fourth clause.

Hon. Mr. McCALLUM—I have read the Act and cannot find it. It is a matter we can consider if the Bill goes to committee. The company is going to do all this work with a capital stock of $250,000. It is true they have a bonding power of $20,000 a mile. This legislation should be looked into, but it is not my business to look into it.

Hon. Mr. McMILLAN—What are they here for?

Hon. Mr. McCALLUM—They do not say whether they are going to have a steam railway, an electric railway or a horse railway. I suppose if it goes to the Railway Committee they can settle that point. I shall be glad, if I am here, to fix a limit to the time in which the company can do this work. It looks to me like a matter of speculation. The explanation my hon. friend has given is not satisfactory to me, but we can look into the matter when it goes before the committee. The company have not done anything at all, but they take to themselves power to build extensions of the railway. My hon. friend might give us an explanation of what these people want to do.

Hon. Mr. PERLEY—It will be explained in the commttee to-morrow.

Hon. Mr. McCALLUM—The rule is laid down, as I understand, by the leader of the opposition at least, that at the second reading of a Bill it should be explained, and if the House support it, they adopt the principle of the Bill. There is no principle of this Bill that I want to adopt, except a principle that will not give them, according to the charter they have, for ever, to build the line. My hon. friend from Halston (Hon. Mr. McKindsey) put that Bill through in 1896. Every one felt he would not do anything that was wrong, and I am sure he had no desire to do wong, but it shows that the parliament of Canada was lax in allowing any number of gentlemen to lock up a part of the country for ever in that way, without even telling us whether the line is to be a steam railway, an electric railway, or a horse tramway. I am opposed to any company coming to parliament and getting hold of a charter which will retard the prosperity of the country, and I want to discharge my duty in preventing anything of the kind.

Hon. Mr. PRIMROSE—I do not profess to have any knowledge of the district of country through which these railways pass, or as to the character of the railways, but in looking hurriedly over the Bill, it strikes me that there is one provision which is rather extraordinary. I may not understand it likely, but I wish to be set right if I do not take the proper interpretation of it. In line 25, clause 4, we read:

> And as to the rest of the lines of railway authorized to be constructed, the time for the completion thereof is extended for five years from the passing of this Act.

Is not that an extraordinary time? When we take into consideration the time within which the Canadian Pacific Railway was built, it seems extraordinary to give these people five years to complete their work.

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

PENITENTIARY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (174) 'An Act to amend the Penitentiary Act.' He said: The Bill is simply the schedule of the Bill of last year, with a few names that were accidentally omitted from amongst the names of the officers. There is no change in the salaries paid. Everything is precisely as it stood last year. The inspector of penitentiaries was away when the Bill was prepared last session, and the officer who prepared the

schedule accidentally dropped out some names. If the hon. gentlemen will look at the Bill, they will see the name of the officers who were dropped out are included in brackets. There is no change in the salaries paid to the officers.

Hon. Sir MACKENZIE BOWELL—The salaries that they have been receiving are the salaries mentioned here ?

Hon. Mr. MILLS—Yes.

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

Hon. Mr. MILLS moved that the Bill be referred to a Committee of the Whole to-morrow.

Hon. Sir MACKENZIE BOWELL—It appears that the second subsection exempts certain officers from the operation of the Bill. If I understand, it does not interfere with salaries, which in the past were larger than provided for in this Act.

Hon. Mr. MILLS—The officer to whom it applies is the superintendent of the Manitoba penitentiary, who was appointed before 1885, and who continues to receive the salary that was fixed at that time. That was exempt last year.

The motion was agreed to.

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

FIRST READING.

A message was received from the House of Commons with Bill (177) 'An Act to amend the Acts respecting certain Savings Banks in the province of Quebec.'

The Bill was read the first time.

Hon. Mr. MILLS moved that the Bill be read the second time to-morrow.

Hon. Sir MACKENZIE BOWELL—Is this the Bill that particularly applies to the District Savings Bank of Montreal ?

Hon. Mr. SCOTT—Hon. gentlemen who were here a few years ago will remember the late Senator Murphy, of Montreal, introduced a Bill allowing the banks to invest in additional securities. A good deal of discussion arose as to whether it was wise or prudent, and this Bill is to extend their power to invest in securities.

Hon. Sir MACKENZIE BOWELL—They were restricted under their original charter ?

Hon. Mr. SCOTT—Yes, they were restricted within very narrow limits, and they asked to have them enlarged. They were enlarged, and they now ask for further enlargement.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 27, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PARIS EXPOSITION.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate: 1. Copies of all letters and telegrams between the government of Canada, or any member or official thereof, and the Premier of Prince Edward Island or any other person, relative to the selection, preparation and forwarding of the products of the said island for the Paris Exhibition; and also relating to the appointment of any person to take charge of the said products at Paris.

2. A detailed statement of the said products.

3. A statement in detail of all moneys expended in the selection, preparation and forwarding of said products, and to whom paid.

He said : It will be in the recollection of hon. gentlemen that I made some inquiries of the government at an earlier period in the session with regard to some of these matters, and it will also be remembered that very precise information was not then obtained. I have it on excellent authority that early action was not taken by the government in regard to the representation at Paris of the products of Prince Edward Island. When I was in Halifax about the first of October last, I met Mr. Bigelowe, of Wolfville, N.S., who had been employed by the governement to get up an exhibition of fruits for Nova Scotia, and he showed me a telegram which he had received that day from the Secretary of the Commission, or the Department of Agriculture, I forget which, at all events from the authority engaged in organizing for the Paris Exposition, asking him to make a preparation of the

fruits of Prince Edward Island, just the same as he had made of the products of Nova Scotia, and he told me that he thought it was absolutely impossible to do anything that would be worth doing at that late date, that he had been at work from the month of June in the province of Nova Scotia, and it would be quite impossible to make any adequate representation of the fruits of Prince Edward Island at that late period. The early fruits had all passed away and all that remained were the late apples and some other late fruits, and therefore he thought it would be impossible to make any adequate representation. I fully agreed with that view, and he told me that he sent a telegram to that effect. However, shortly afterwards, a young man, Mr. Clark, received authority to make a selection of fruits and grains of the province, and I saw some of this young man's work. I know that he made a very determined effort and did all that a man could reasonably do at that late period to get up a representation of the grains and fruits of the province, but it was impossible for him to get an adequate representation, because he did not get authority in time. This Mr. Clark is the Liberal organizer for the province, but I must say, from my knowledge of him and his work, that he did it as well as it could be done at that late period. I had, however, yesterday a letter from a friend in Paris who visited the exposition, and after making a very exhaustive inquiry, he failed to find on exhibition any of the products of Prince Edward Island. I cannot explain why that is. He saw some grains in sheaves decorating the walls, but could not see the inscriptions, and he failed to find anything from the province of Prince Edward Island. I think that this accentuates a point I made on the last occasion this subject was discussed, that in the large staff appointed each province should be represented. If each province had been represented, let it be in ever so inferior a position on the staff our representative would take some interest in having the products of the province displayed, but I fear the remote and less important parts of the country have been entirely lost sight of by the officials sent to Paris. It is to be regretted such is the case, and I think that owing to the large number of officials sent to Paris the representation should have been given to the whole country, and in that way secure a proper exhibition of the products of the different provinces. I think I will be able to convince this House that this matter of the Paris Exposition, as far as relates to Prince Edward Island, at all events, has not been promoted by the government of Canada in the interests of the province or in the public interest, but for a low order of political purposes.

Hon. Mr. MILLS—Order, order.

Hon. Mr. FERGUSON—I will be able to sustain my statement to the fullest extent.

Hon. Mr. MILLS—The hon. gentleman has no right to use such language. It is unparliamentary. He is attributing dishonourable motives.

Hon. Mr. FERGUSON—I am speaking of the government of this country. I am not speaking of members of this House individually. It will be a long day, and a strange day when members of this House will be prevented from expressing their opinions freely and fully with regard to the doings of the government. I intend to use my position in this House to condemn the conduct of the administration where I think they have done something wrong and seriously wrong.

Hon. Mr. POWER—Always, of course, in accordance with parliamentary practice.

Hon. Mr. FERGUSON—Certainly. In the province of Prince Edward Island it is well known the provincial government has been in difficulties. They have lost many by-elections, and they found themselves in a minority in that legislature about the middle of December last. An election was held in the district of Tignish on the 25th of July, 1899, and the Liberal party having charge of the government of the country put a candidate in the field who was opposed by the candidate of the opposition, and the result was that whereas in the previous election the government candidate had a majority of 244 in the by-election the decision of the people was reversed, and the Conservative candidate was declared elected by 30 or 40 of a majority. The Liberal organ, speaking of the event said :

> The result of the vote yesterday will, we believe, make the Liberals all the keener in future contests, and to see that their organization is complete in every poll.

I have no doubt that resolution was acted upon, and that they improved their organization in every way they could, but the result was two by-elections were held in the month of December, and notwithstanding this earnest determination to improve their organization, they lost these two elections, and the result was that the government were in the minority. The candidate elected on this occasion in the Conservative interest for the Tignish district was Mr. Henry J. Pineau. It appears, after losing all these seats, and finding that improved organization was not all that was needed, they set about with their friends in Ottawa and on the island to seduce from his allegiance to his constituents one of the members that had been elected in the by-election, this Mr. Pineau. Mr. Pineau attended the convention of the opposition in Charlottetown on the 23rd of January of this year, when the following resolution was passed :

Moved by Wm. McNeill Simpson, Esq., seconded by Mr. H. J. Pineau, Esq., M.L.A.:

Resolved, that the electoral districts of New London, Tignish, Belfast and Murray Harbour are entitled to the thanks of this convention on behalf of the taxpeyers of this province for having, at the recent partial elections, so decisively expressed condemnation of the Farquharson government, and the enormous public debt created by them through their extravagant and inefficient management of public affairs.

As hon. gentlemen will see, there was no doubt about where Mr. H. J. Pineau, M.P.P., stood on the 23rd of January last. On the 9th day of February following, which would be about sixteen days after he voluntarily seconded the resolution which I have read to the House, a conversation took place between Mr. Pineau and Wm. Callaghan, a highly respected resident of Tignish district, and I have a declaration by Mr. Callaghan which I will read to the House to show what took place after this meeting on the 23rd January :

I, William Callaghan, of Ebbsfleet, Prince County, province of Prince Edward Island, do solemnly declare that on or about February 9 last, Henry J. Pineau, M.L.A., of Ebbsfleet, called on me and said that he wished to speak to me on an important matter, and wanted my advice. He stated to me that he was approached by Dr. Wickham, of Tignish, and was offered, if he would accept, that he (Mr. Pineau) could get the appointment of commissioner to the Paris Exposition with the pay of $5 per day and all expenses. He further stated that Dr. Wickham told him he would have to go to Charlottetown to see Premier Farquharson, who would direct him to the Deputy Minister of Public Works, Ottawa, for further instructions. I told him he was adopting a dangerous course, and better mind what he was about, and go to Tignish and see his friends, which he promised to do. He said it would be a great thing for him to see his own country—France. I afterwards saw Mr. Pineau. He told me that he had a letter in his pocket, and his appointment was all right to date from April 15 to December 1, 1900.

And I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

(Sgd.) WILLIAM CALLAGHAN.

Declared before me at Ebbsfleet, Prince County, province of Prince Edward Island, this 28th day of May, A.D. 1900.

CHARLES DALTON,
J. P. for Prince County.

I have another declaration, which is as follows :—

I, Jerome Perry, of Ebbsfleet, Prince County, Prince Edward Island, fisherman, solemnly declare that on or about February 9 last I went to the house of Henry J. Pineau, M.L.A., on business. When at his place he told me that Dr. Wickham, of Tignish, was to see him on the previous day, and offered him that if he would accept he (Wickham) was authorized to offer him the appointment of commissioner from this island to the Paris Exposition at a salary of $5 per day, and all expenses paid. He asked me what I thought of this offer, as he said he had been to see Mr. William Callaghan for his advice, and would like to have my opinion also. I told him I did not approve of it, as he was elected by us to go to the House of Assembly and oppose the government, and not to sell our rights by taking offers of this kind. He said nothing further, and I went to my house.

And I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

his
JEROME x PERRY.
mark.

Declared before me at Tignish, Prince County, Prince Edward Island, this 23rd day of May, A.D. 1900.

EDWARD HACKETT,
J. P. for Prince County.

As a matter of history, Mr. Pineau left his home at Tignish, on the morning of February 26, proceeded to Charlottetown, remained in Charlottetown the following day, presumably carrying out his own words that he was to go to town and see Premier Farquharson. He went to Charlottetown at any rate, and it is to be assumed that he carried out his intention of going to see Premier Farquharson. He then passed over on the steamer *Minto* to the mainland and arrived in Ottawa on the morning of March 3. It has been asserted very strongly that Mr. Pineau had not come to Ottawa at all, and in order to set that

matter at rest, I will read the declaration of Mr. Huckell to the House:

In the Matter of Henry J. Pineau.

I, John Huckell, of the city of Ottawa, in the county of Carleton, hotel-keeper, do solemnly declare:

1. I am and have been for eleven years last past proprietor of the Brunswick Hotel, in said city of Ottawa.

2. On the 3rd day of March last Henry J. Pineau, of Tignish, P.E.I., registered at said hotel, and signed the hotel register, the entry made by him in said register being as follows, that is to say: 'Henry J. Pineau, Tignish, P.E.I.'

3. Said Pineau was a guest at said hotel from the said 3rd day of March to the 13th day of March last, namely, ten days and a quarter.

And I make this solemn declaration, &c.

JOHN HUCKELL.

Declared before me at the city of Ottawa, in the county of Carleton, this 12th day of May, 1900.

A. MACFARLANE.
Commissioner, &c.

We now know that Mr. Pineau came to Ottawa. We know when he left the Brunswick Hotel, which I happen to know was coincident with his departure from Ottawa; another very distinguished gentleman left Ottawa the same day—the same end of the day for, it appears, they both left on the morning of March 13. I quote from *La Patrie* of March 12, 1900, the following words:

The Hon. Mr. Tarte will leave Ottawa to-morrow for New York; from the latter place he shall embark for France on board the 'Aquitaine.'

On the following day, March 13, *La Patrie* published the following item of information:

The Hon. J. Israel Tarte, Minister of Public Works of Canada, leaves to-night for Paris. He will be accompanied by Madame J. E. Robillard, Miss Anna Tarte, his two daughters; Madame Joseph Robillard, and his secretary, M. Hains. At New York Thursday Mr. Tarte will board the 'Aquitaine' of the French line.

We have here the evidence that Mr. Pineau came to Ottawa, that he remained until the forenoon of March 13, and that he departed from the Hotel Brunswick the same time as the Hon. Mr. Tarte, departed from Ottawa, to go to Paris. In connection with this subject I am also privileged to read a letter from Mr. Pineau himself, in his own handwriting, written from 'The Hotel Brunswick,' dated March 8, 1900. It is addressed to Mr. James W. Shea, of Waterford, Tignish, P.E.I.

Ottawa, March 8, 1900.

Mr. James W. Shea.

Dear Sir,—I now take the pleasure of writing you a few lines to let you know that I am in Ottawa at present, and I must also tell you that it is a fine place. I have seen a good deal already. I must also tell you that I have been well received by the government here, and I am weighting for orders to go on which I think will be to-morrow or next day I was all over and Seen all the House of Parliament the House of Commons and the Senate Chamber and I must say it is a fine Place to see. it is no wonder that they are so Keen to get here. you Keep my C. M. B. A. dewes paid up I will send you money in a few days the 10 lb. twine I got from you you can get it Back you can also get your men Boarded at our place if you want and See that they have what they want. You give them what is Right for Boarding them I Know you will do that you can tell them at Home if you See them that you got a letter from me I Suppose Some people are very mad at me for doing what I have done I Could not Help Myself it is what every man is doing looking out for himself not more at Present I Remain yours truly

I will write you in a few days and will give you more in detail

HENRY J. PINO.

It is necessary that hon. gentlemen should be aware of this fact in order to explain the expression in this letter. 'I could not help myself,' that Mr. Pineau had been unfortunate in business and was indebted to some very strong politicians in the province, and the first thing that was done was to pounce upon him and seize his effects and sell them under the hammer, and the next step was to approach him through the instrumentality of Dr. Wickham to offer him five dollars a day to go to Paris. This is what the evidence, which cannot be gainsaid in the slightest particular, goes to show.

Hon. Mr. McSWEENEY—Did he go to Paris?

Hon. Mr. FERGUSON—I daresay my hon. friend will see by this time that he fully thought he was going to Paris, and some people fully intended to send him to Paris. They must have been the greatest set of deceivers and. I will say, rascals that ever I became acquainted with if they did not really intend to carry out the promises and inducements that were held out to this man to come to Ottawa. My hon. friend asks did he go to Paris? I believe that up to the present moment he has not gone to Paris, but he was induced to leave Prince Edward Island by a person who was purporting to act, or claiming to act, with the authority of the government at Ottawa and the government of Prince Edward Island. He was induced to leave his home. He had called three or four meetings for the party

organization of his constituents before this man Wickham approached him. He had called these meetings for organization, but before the dates for holding the meetings had matured he was spirited away and induced to go to Charlottetown with the full belief and the confident assurance that he was to receive an appointment to go to Paris to represent Prince Edward Island at the Paris Exposition, and his own letter and the declarations I have read all show that this was the case. For some reason best known to those who were conducting this intrigue from beginning to end, Pineau was not sent to Paris. He was taken across the line, into the land where a good many other people with whom political machines have dealings go. He passed over to the United States and remained there until the month of May, when he was brought back to Prince Edward Island, and he entered the provincial legislature and voted in direct opposition to the principles on which he had been elected only a few months previously. The conclusion is inevitable, that he was seduced from his allegiance to his constituents, from his duty to the country, by this promise of being sent to Paris. He was brought to Ottawa and put in a damaging position before his former friends and before the country which was irreparable, as far as he was concerned. He found himself in that position, and having gone so far, he was induced to go still further. At first, all that was intended by those who were conducting this intrigue was that he should be got out of the country, so that his vote should not be recorded during the sitting of the legislature, but out of that evolved a still bolder and stronger proposition, which was the one that was carried out, that he should go back to Prince Edward Island and vote for the party that inveigled him away from the duty he owed to his constituents. I would submit one other declaration on this subject before I resume my seat. It is a declaration by Mr. James W. Shea, of Waterford. He is the gentleman to whom Pineau addressed the letter which I have already read, and Mr. Pineau's letter will show that he, at least, regarded Mr. Shea as a very honourable man, whom he trusted to look after little affairs of business for him in his absence. Pineau said to him: 'You get your men boarded at our place and get what you want, and I know you will do what is right.' We cannot have a much better recommendation of Mr. Shea than Mr. Pineau's own letter that he would do what was right. I do not know Mr. Shea personally, but that is the reputation he bears. He is a man who does a very considerable amount of business, and he bears the reputation of a very honourable man.

Hon. Mr. PERLEY—Are there many like that in Prince Edward Island?

Hon. Mr. SCOTT—Many who give up private letters for political purposes?

Hon. Mr. FERGUSON—The letter was not marked private. My hon. friend from Wolseley should not ask that question. It is bad enough for the hon. leader of the government to ask questions of that kind, because he never was in the east and he does not know anything about the province, but I cannot excuse the hon. gentleman from Wolseley, because he knows a good deal about the island. The declaration reads:

I, James W. Shea, of Waterford, lot 1, Prince County, P.E.I., farmer and lobster packer, do hereby solemnly declare that on or about May 13 inst., I was in conversation with Henry J. Pineau, M.P.P., and he stated to me that he expected to get from the Liberal party in Charlottetown, for his support, the sum of $2,000. He also said that he had asked of them that amount before leaving Charlottetown on the previous Friday, and they told him they were to meet Monday and they would let him know on his return back to Charlottetown. I have not heard since from Mr. Pineau, and cannot now say how the matter has been arranged.

And I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

JAMES W. SHEA.

Declared before me at Waterford, in Prince County, province of Prince Edward Island, this 25th day of May, A.D. 1900.

CHARLES DALTON,
J. P. for Prince County.

My hon. friend who asked me the question did he go to Paris, has, no doubt, in recollection a discussion that took place in this House some weeks ago. I made the statement on that occasion that I knew he had gone to Paris. I made that statement solemnly believing that I had good evidence to sustain it. A day or two before that I met an official of this government in front of this building, and I knew that he had been in contact with Pineau, and I asked

him where Pineau was. I asked him: 'Did you see him while he was here.' He said: 'Yes.' I asked: 'Is he here now'? He said: 'No.' I asked: 'Where is he'? He replied: 'He left yesterday with Mr. Tarte.' I asked if it was for Paris and he said 'Yes.' It seems, whatever the intention was, he did not go to Paris, as I stated, but the evidence I have submitted, much of which was known to me when I made my former statement to the House, and the conversation of this gentleman in the official employ of the government of Canada, and who knew Pineau,—that official's statement in conjunction with all this information which was within the scope of my knowledge, fully justified me in saying that Pineau had gone to Paris. If the government changed its mind, and dropped Pineau somewhere near New York or Boston, after he left Ottawa, I could not be held responsible for that. I have submitted the declaration and evidence to this House to show that this man was approached, and approached by some person about whom we have very recently had a discussion in this House, as having been given a monopoly of handling and controlling the fisheries bounty cheques, and it appears this man is recognized by the officers of the department and was made the custodian and dispenser of fishing bounty cheques in the district of Tignish. Taking that in connection with the affidavits which I have read from two highly responsible men, that Pineau told them this man approached him, in February, and offered him this position, telling him he could go to Paris Exposition, and Pineau's own letter in which he said that the government received him well, and that he was waiting to go on, which he expected would be the next day, all shows most conclusively that, as far as poor Pineau was concerned at least, he thought he was going on to Paris up to a very late period in the negotiation, and that he was dropped out later on, for what reason can be best known to those who had control of the negotiations. Anyway Pineau's letter reveals this fact, that he was received and received well by the government at Ottawa. The affidavits reveal the fact that he was approached by a person, who was recognized by the government, we know, in another matter, as a trustworthy person, all of which goes to show that this matter of the employment of the man to represent the province of Prince Edward Island, at the Paris Exposition, was made a matter of political concern for a political purpose, and that this Dr. Wickham was no doubt authorized in the way he said he was authorized, and that his instructions were to send this man to the Premier, at Charlottetown, and the Deputy Minister of Public Works, at Ottawa. Taken in conjunction with Pineau's own letter, that he was well received by the government and was waiting to go on, which he expected would take place that day or the next day—on this evidence I think hon. gentlemen will admit that I have made out a clear and substantial case, and that this is a very grave scandal that has occurred in our country. A member of a provincial legislature, a man whose political faith was so strong, that he became a candidate against his own brother-in-law, accepted the nomination of a political convention and was elected by the efforts of a political party, and after that election was over, the organ of the government admitted a substantial and decided defeat, and not only that, but Pineau showed by his action on the 23rd of January, in seconding the resolution I have read, that he was a most uncompromising opponent of the government of the day. Then we have the evidence which follows afterwards that he was approached by this man Wickham to go to Paris—that he was induced to leave his home and to adandon meetings of his constituents that he had called for the purpose of political organization, and was induced to go one step after another until, finally, he went to the legislature and voted in direct opposition to the way he was elected to vote.

Hon. Mr. MILLS—I would say with regard to the only observations which the hon. gentleman made that were pertinent to his motion, in respect to the exhibition of fruits and products of Prince Edward Island, at Paris, that the whole of that matter was left by the Minister of Agriculture in the hands of Dr. Saunders, who has charge of the experimental farm here, and I have no doubt that Dr. Saunders has discharged his duty properly in the matter. I have every confidence that he is competent, and that

he is faithful in the discharge of any work entrusted to him. But the hon. gentleman was not content with these observations in respect to the motion, dealt in a series of calumnies attacking the administration—attributing to members of the government unworthy and improper motives, and undertaking to read in proof of the statement which he had made a number of papers which had no relevancy whatever to the hon. gentleman's charges. The hon. gentleman said that Mr. Pineau was elected as a member of the Conservative party, and was returned by that party to the local legislature for the purpose of supporting it and opposing the existing administration in that province. That may be. I do not know anything about Mr. Pineau, or about the purpose for which he was elected. All I can say, if he is so mean a man—so devoid of all principle as the hon. gentleman has represented him to be, those characteristics could not have suddenly developed after he was chosen as a candidate and elected a member of the local legislature. It would go rather to point out the moral character of those who stood behind him, no less than to point out the character which he himself possessed, and which the hon. gentleman has here ascribed to him. Let me say, in the first place, that the discussion of the conduct of Mr. Pineau, and of Dr. Wickham, and of Mr. Farquharson have nothing whatever to do with this House, or with the House of Commons, or with the present administration. We are in no way responsible for what Dr. Wickham, or Mr. Farquharson may have said to either of them. The truth is this: the hon. gentleman has undertaken to show that the party of which he is a member made a very bad choice of a candidate for a constituency in the province of Prince Edward Island—that that candidate has undertaken to betray the party which elected him—that no sooner did he secure his election, knowing the two parties were evenly balanced in the legislature, than he undertook to sell himself to the highest bidder. That is the statement the hon. gentleman has practically made here. But the hon. member has gone further than that. He intimated that some members of the government had brought Pineau here for the purpose of bribing him. Has the hon. gentleman given one scintilla of evidence to support such a proposition as that? Is there a single paper read here, or is there a statement that has been made by anybody—even by so great a liar as Pineau—is there anything said by him which goes to show there is any foundation for a charge of that sort? I say there is not. He says Mr. Tarte left the city the same time Pineau did. Mr. Tarte left by way of New York for the purpose of going to Paris. Is it an extraordinary fact that two men, out of a population of 75,000 or 100,000, besides the transient population coming to the city, should leave on the same day? Is that an evidence of guilt? Does the hon. gentleman suppose there is anybody in this House so imbecile, so devoid of all capacity to reason, as to accept a statement of that sort as evidence that there was a corrupt understanding between Mr. Tarte and Pineau, because, not that they had met or had any conversation with each other, but that the two happened to leave the city at the same period of time. Now, I believe I am correct in saying that Pineau did not meet a single member of the government while he was in this city. I have made inquiry of a number of my colleagues and none of them remembers having seen him. I have never seen him, so far as I know. I have had no conversation with him. I think my hon. friend beside me will testify to the same thing.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLS—I know the Minister of Marine and Fisheries told me he had never met or seen him while he was in the city—that he had had no communication with him directly or indirectly, either personally or through any other person. I charge the hon. gentleman with uttering calumnies against members of the administration in the statements he has made here to-day, without a particle of evidence in support of them. He has not produced any evidence to show that any member of the government tried to sell Pineau's support to Farquharson or anybody else. What interest could this government have in the question of whether Farquharson's government succeeded or failed?

Hon. Mr. FERGUSON—Oh, oh.

Hon. Mr. MILLS—The hon. gentleman says 'oh, oh.' That has just as much force as any observation that he has addressed to

this House. It is just as strong as any argument he has uttered. I say we have no interest whatever in either the success or the failure of the local government. Why the government of Sir John Macdonald existed for years with the local governments against him, and it is no source of strength of this government to have governments of the same party existing in the various provinces. Every hon. gentleman will admit that to be so. I know that was the opinion of Sir John Macdonald himself, and the results went a long way to sustain the view which he expressed. The hon. gentleman has referred to the fact that Pineau was a very needy man. He may have been. The hon. gentleman first represents Pineau as a very great rascal—as having been a traitor to his party—as having been elected by them to office, and then gone about hawking his vote.

Hon. Mr. FERGUSON—He is not nearly so bad as those who bribed him.

Hon. Mr. MILLS—I apprehend from what the hon. gentleman says that he is worse than Pineau, for if any person has bribed Pineau, it has not been a member on this side of the House—it has not been a member of the administration. The hon. gentleman made it a point, in the discussion the other day, to bring a series of charges against the administration which, when examined, were shown not to have a single particle of foundation whatever.

Hon. Mr. FERGUSON—What were they ?

Hon. Mr. MILLS—The hon. gentleman accused the government of having undertaken to pay the bounty cheques of the fishermen into the hands of Dr. Wickham.

Hon. Mr. FERGUSON—That was proved up to the handle.

Hon. Mr. MILLS—That those cheques were handed to Dr. Wickham for his own purpose——

Hon. Mr. FERGUSON—I never made the statement that Dr. Wickham was using this money for his own purpose.

Hon. Mr. SCOTT—The hon. gentleman insinuated it.

Hon. Mr. MILLS—None could read the statement of the hon. gentleman and come to any other conclusion.

Hon. Mr. FERGUSON—Instead of making that statement, I distinctly stated in the House that I had no evidence on that subject. An hon. gentleman in the House said that it was possible that these people owed Dr. Wickham, and that he might be collecting his fees. I said I did not know whether that was the case or not.

Hon. Mr. MILLS—If the hon. gentleman did not mean that Dr. Wickham was using these cheques for the purpose of paying his own obligations, I want to know what point there was in all that he said on the subject ?

Hon. Mr. FERGUSON—Dr. Wickham was holding them for political purposes.

Hon. Mr. MILLS—The hon. gentleman has made this speech. He has alluded to this matter himself, and I am simply answering the observation which he made——

Hon. Mr. FERGUSON—Which I did not make.

Hon. Mr. MILLS—In this debate, and if the hon. gentleman is correctly reported—and I have no doubt he will be—he has alluded more than once to Dr. Wickham to-day.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—The hon. gentleman spoke of what he had done as a friend of the government in the matter of bounty cheques to the fishermen.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—That was in to-day's debate. The hon. gentleman has also intimated here to-day, in what he has said, that he would be able to prove that the government were corruptly associated with Mr. Pineau in this transaction. What evidence has the hon. gentleman adduced in support of that ? He says first that Pineau is a corrupt man—that he is an untruthful man. The hon. gentleman then undertakes to call this rascal, this corrupt man, this untruthful man as a witness against the administration. Now, what does this man say ? He says that the government treated him well when he came to Ottawa. Does he say that he met a single member of the government ? Not a word of the sort, and the probability is, when he speaks of the government, he refers to members of the two Houses that

he met, for a great many people from the hon. gentleman's province speak loosely in that kind of way, not being able to distinguish between the government and the representatives of the people or the appointees of the two Houses. That is in all probability what he did. He may have met the hon. gentleman. He may have had a conversation with the hon. gentleman. As a former partner in the province, why should he not have a conversation with the hon. gentleman ? Why has the hon. gentleman shown such a sneaking regard for this man in addressing the House to-day ? Poor fellow, he was driven to the wall by people in Prince Edward Island, to whom he was indebted, and who took from him the little property he had. That was the representation the hon. gentleman made. For what purpose ? To win a certain amount of sympathy for this man, to show, like the apothecary in Roméo and Juliet, it was his need that led to his corruption, and not any natural wickedness of heart. The hon. gentleman has read a series of statutory declarations. He has read a letter from Pineau, not a word of which substantiates anything against the government, or against any member of the government, for Pineau does not say that he met a single member of the administration, and now the hon. gentleman asks this House, on vague statements which have no relevancy to any charge brought against the administration, to accept the statements he has made, as statements that have been proved. The hon. gentleman said that we were mean and that we were corrupt, and he would show how mean and how corrupt we were before he had done his speech, and what evidence has he given ? He has got the testimony of his man Friday, Pineau, but he does not say anything against the administration. He reads an affidavit from Shea, who says nothing against the administration. Shea simply knows what Pineau told him. He knows nothing more, and that had reference to the government in Prince Edward Island, and not to the government in the city of Ottawa. That is the condition of things, and the hon. gentleman may think that by calumniating the government—by bringing false charges against the administration—if they indeed had spoken against the administration—that he is going to blacken the characters of men who are at least as reputable as any hon. gentlemen who sat in the government of Canada heretofore.

Hon. Mr. PROWSE—I think it is a pity that the hon. Minister of Justice has not treated this question in a little milder tone, and looked upon it as rather a grave question where the honour and respectability and decency of the lives and conduct of public men are brought so prominently forward. As a lawyer, and as Minister of Justice, the hon. gentleman knows very well that the greater the crime committed by an individual the greater the secrecy shown in the perpetration of that crime. It is very seldom, when a person commits a heinous crime against an individual or a country, that he does it in open day and in the face of everybody. The plans are carefully laid and concealed, and the only way you can bring them to light to the satisfaction of the country or the jury is by circumstantial evidence. In this case we have produced evidence enough to convict Pineau and the local government, and to leave a very grave suspicion upon certain gentlemen occupying high positions in the Dominion of Canada in this city. Now, what do we find ? We find that Pineau was to all intents and purposes a Conservative. He was selected by the Conservative convention to represent that district in opposition to a supporter of the government. He accepted the nomination and ran his election, and the Conservative party from one end of the district to the other supported him and were successful in electing him to the legislature. After that a conference of the whole Conservative party in the province was held in Charlottetown, and Pineau took his place there as a Conservative. He undertook to second one of the strongest resolutions passed at that meeting, showing that up to that date he was a decided Conservative. What took place afterwards ? He was pounced upon by people to whom he was in debt, an unfortunate circumstance to any public man. His little property was disposed of at the hammer, and he was left in that position till he was approached. He was approached by whom ? Parties interested in the maintenance of the local government in Prince Edward Island. What is done with him ? He is sent to Ottawa. What business

had he in Ottawa—a poor man who had just been sold out—a man dependent on his earnings ? The declaration read here shows why he came. He was induced to come here in the hope that he would be taken hold of by the members of the government here and sent to Paris. There was such a pressure brought against the Liberal party in opposition to such an outrage, that they had to back down. They could not send him to Paris, but they provided for him in some other way, or promised to do so. He went to Lynn in the United States, and worked there for a time. He came back and had a conversation with Mr. Shea and Mr. Shea makes a solemn declaration that Pineau told him he expected to get $2,000 for his support of the Farquharson government. Up to that time, what inducement was there for Pineau to support the Farquharson government ? Absolutely none. We must come to the conclusion that this man was not only approached, but bought, and the Prince Edward Island government has been kept in office up to the present day by this purchased support. I say it is a circumstance humiliating, disgraceful and degrading to this Dominion of Canada, and to my own little province especially. It would become the Minister of Justice to deprecate and condemn such a course and such conduct in public men rather than to palliate and make excuses for it, and to say that the case is not proven. That is all the hon. gentleman has said on this occasion. I do not wish to say anything further on this question. I think it is a matter to be very much regretted, and public men, whatever their positions may be, whether at Ottawa or in the local legislature, should use their utmost endeavours to deprecate conduct of this kind, so that public men may fear to follow the same course in future, and that we may have pure government and the lives and conduct of our public men may be consistent with the professions they make when they represent the public.

Hon. Mr. PRIMROSE—Is it known who instituted the proceedings which resulted in the sale under the hammer of Pineau's effects ?

Hon. Mr. PROWSE—Does the hon. gentleman mean who were the creditors ?

Hon. Mr. PRIMROSE—Who instituted the proceedings ?

Hon. Mr. PROWSE—I take it for granted the creditors did. I do not wish to name the parties. They were not politicians, so far as I know—at least not public men occupying public positions, but they were strong political parties.

Hon. Mr. SCOTT—I do not think this debate has been very edifying to the members of the Senate, or that it contributes to the high standing to which the Senate ought to aspire. A local scandal takes place in Prince Edward Island, and because the principal actor comes to Ottawa, it is conjured up that the government, from corrupt motives, have brought him here for the purpose of helping the Liberal party in Prince Edward Island. The whole thing is absolutely untrue and nothing whatever has been advanced, except bare insinuations to support the charge. The hon. gentleman who has spoken has used this as a medium of attack upon the administration without a tittle of evidence. While the hon. gentleman was speaking I called Mr. Fisher out and asked him: 'Had you any communication with Pineau ?' He said: 'No.' I asked: 'Was any letter of recommendation sent to you ?' and he said: 'No.' I asked: 'Were you ever approached by anybody asking to give Pineau a position ?' He said: 'His name was never mentioned in this department.' Under such circumstances, to absolutely forge a case against the administration and to throw innuendos and insinuations at the government because this man went on the same car a certain distance with Mr. Tarte is, I think, not very edifying, I daresay the administration have made mistakes, but attack them on something they have done, and not on something they have not done.

Hon. Mr. McMILLAN—Does the hon. gentleman know that Mr. Tarte did not approach him ?

Hon. Mr. SCOTT—I do not know. I might have asked Mr. Tarte before he went away but it is a matter that did not weigh on my mind. I asked any of my colleagues I came in contact with about the matter.

Hon. Mr. McMILLAN—From the drift of the debate, there was no member of the government spoken to except Mr. Tarte, and I should like to hear from him.

Hon. Mr. SCOTT—He is absent and can be attacked. So far as any member of the government whom I have catechised on the subject is concerned, there is a distinct repudiation of any knowledge of Pineau. They know nothing about him. They look upon this matter as an absolute forgery, and it is a feeble method of attacking the government where you have no facts whatever. If the government had appointed Pineau to some position, it would be a different matter. We have had plenty of occasions to do it, but nothing was done, and Pineau goes off to Prince Edward Island. It appears he makes some statement to Shea that he was offered two thousand dollars, not by any one in Ottawa, but by some one in Prince Edward Island. The whole thing was in Prince Edward Island.

Hon. Sir MACKENZIE BOWELL—I understood the hon. Secretary of State to say that he spoke to Mr. Tarte about it and that Mr. Tarte denied it.

Hon. Mr. SCOTT—No, I do not recollect that I ever spoke to Mr. Tarte. I have no recollection whatever.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman, in reply to the hon. gentleman from Glengarry, to say that he had.

Hon. Mr. SCOTT—I may have, but I have no recollection of speaking to Mr. Tarte. I did speak to other members of the government, and they all repudiated any knowledge of Pineau.

Hon. Sir MACKENZIE BOWELL—Does the hon. Secretary of State say that my hon. friend from Marshfield forged the charge?

Hon. Mr. SCOTT—There is no evidence that the charge is true, and I can only regard it as a forgery.

Hon. Sir MACKENZIE BOWELL—I suppose that is strictly parliamentary.

Hon. Mr. SCOTT—It is a good deal more parliamentary than what has taken place before. We are sitting here and we are being called corrupt.

Hon. Sir MACKENZIE BOWELL—Although this debate has a serious aspect, it is somewhat amusing to me. When I cast my mind back to the past, when the hon. Minister of Justice used to fulminate his anathemas against the late administration, his virtuous indignation to-day, in comparison with those charges he used to make, certainly is somewhat refreshing. I have heard the hon. gentleman standing on the other side of the House say much harsher things against the administration of Sir John Macdonald than the hon. gentleman from Marshfield, said to-day, and it was accepted by the party with which he is connected with calmness, and evident delight. However, to my mind many a man has been hanged upon much less evidence than the circumstances connected with this transaction.

Hon. Mr. POWER—He must have been an Irishman who was hanged on less evidence that this.

Hon. Sir MACKENZIE BOWELL—That would depend on whether the jury was composed of such men as the hon. gentleman who interrupted me. If it were, I would pity the poor Irishman particularly if he held opinions different from the opinions entertained by the hon. gentleman. The declamation of the Minister of Justice was, to the older members of parliament, very interesting indeed, and his plea for the government on the ground of desiring the local government to be in opposition to them, is probably the most amusing of the whole speech. He said that during Sir John Macdonald's time most of the local governments were opposed to him, that it was to the advantage of the administration that that should be the case. Yet I have rather an indistinct recollection of the present Premier of the Dominion declaring that the late Minister of Justice in this House, the Hon. Sir Oliver Mowat, was the right arm of his administration. Why? Because he was Premier of the most important province in this country. We know that at the last election all the influence that the provincial Premiers and provincial governments could bring to bear in the way of patronage and everything else was thrown into the scale in order to defeat the Conservative party; and they defeated the Conservative party, and as a reward the Premiers of no less than three or four of these governments were taken into the administration, setting aside just such gentlemen as the hon. gentleman who sits opposite to me now, a man who had been fighting for his party for the last thirty years

to my knowledge, because we have been in friendly combat all that time. He was of no use when there was a Sir Oliver Mowat to take his place, and it was just so with all the provinces except Prince Edward Island. The most powerful men were taken from New Brunswick, and from other provinces, and the most faithful of the party, my hon. friend opposite, was set aside and treated with contempt, and these provincial Premiers, whom the Minister of Justice would like to have in opposition to him, constitute a most important part of the present administration. It is true there was some little friction in the party; to use a familiar expression, some began to kick and express dissatisfaction, and in order to satisfy parties who had been ill-treated in the manner I have just suggested, some were taken and given governorships, and other gentlemen were taken into the government. I hope they are satisfied. I do not intend to waste much time in connection with this transaction. I did say the other day—and I say this with a knowledge of what the rule of the House is in reference to former debates, —in reply to a remark made by the hon. Minister of Justice, that I thought this Prince Edward Island transaction was one of the foulest blots upon the political escutcheon of this country, and I think so still. Whoever are the parties who approached this man Pineau and lured him from his allegiance to his party and placed him in a position to do that which he was elected not to do, I say they are much more guilty than the man himself. In a case where a man's loss of property drives him to do that which, under other circumstances, he would not do, the man who approaches him and bribes him is infinitely worse than the man who yields to the temptation because his family is dependent upon him. I hesitate not to give that as my opinion. The hon. Minister of Justice and the hon. Secretary of State declared in the most positive manner that no case, even of a circumstantial character, had been made out in this instance. Is that correct? All we have to deal with is the fact as presented before us. Can any one conceive it possible that Mr. Pineau came to Ottawa without the knowledge of any one connected with the government in Ottawa? Are we to suppose that Mr. Farquharson, through Mr. Wickham, sent that man here with the promise of an appointment to the Paris Exposition at a certain sum per day and expenses, without the knowledge and without the consent, or without the connivance of any one connected with the government?

Hon. Mr. POWER—There is no evidence that he was employed to go to Paris.

Hon. Sir MACKENZIE BOWELL—I do not know what the hon. gentleman calls evidence. If he would tell me here that he was employed to go to Montreal, or was to be employed to go to Paris, and was to receive a certain salary, I would accept that as true, I have no reason, under the circumstances, to doubt Pineau's declaration in the matter, and I think there is no man in this House who would resent an insinuation that you could not believe him if he made a solemn declaration, more than the hon. senator from Halifax. He says there is no evidence. We have this documentary evidence, the affidavits of statements made by Pineau to his friends, that he had been offered a certain position for which he was to receive a certain consideration.

Hon. Mr. KERR—Is that any evidence whatever——

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can do his talking afterwards. That is evidence. A man's confession is evidence. I stand in great awe when I contemplate for a moment that I am to be attacked and replied to by the Demosthenes, from Cobourg. In the other House he took me to task because I had attacked the Speaker for violating the independence of parliament Act and he said it was an outrage that a man should attack the Speaker when he had sat with his legs under the table and drank his wine at dinner. Fortunately for me it did not apply, because I had never had my legs under his table at any time, nor drank of his wines, nor partook of any other of his beverages. But we had that logical and legal argument advanced by the hon. gentleman why I should not make an attack on a member of the House. After he replies I expect to have just as conclusive an argument as on the occasion in the House of Commons to which I have referred. He has undertaken to read me a lecture as to what I should do when addressing the present administration. I accept that with due humility, and will

accept it whenever he thinks proper to hurl his bludgeons at me, or even his logic of the character he used in the other House. We have before us, in the way of circumstantial evidence, the fact that this man, Pineau, was elected by a party. The hon. Minister of Justice has called him a great liar.

Hon. Mr. KIRCHHOFFER—I thought he said a Grit liar.

Hon. Sir MACKENZIE BOWELL—Oh, no, that is too common. I was only using his expression. We have this unfortunate man Pineau in a state of impecuniosity. We have him approached, it may be, and probably was, by members of the local legislature, and the hon. gentleman opposite has said very truly that they are not responsible for what Mr. Farquharson or the members of that administration or any one else in Prince Edward Island might do in bribing this man, but we have Dr. Wickham telling him to go to see Farquharson. We have the documentary evidence to that effect and then we have him sent to Ottawa. He denied having some here, but it was proved that he was here, and that he went away at the same time as the Minister of Public Works. That might be a mere coincidence. Instead of going to Paris he went to the United States and remained there until he was brought back by the party. Then we have his own statement that he came here and was well received by the government. I have not so poor an opinion of the intelligence of the people of Prince Edward Island, as my hon. friend, the Minister of Justice, who said that the people from Prince Edward Island were in the habit of confounding the members of the two Houses of parliament with the government. They constitute a part of the ruling powers, I admit, but I question very much whether a gentleman who had been selected as a member of parliament would confound the members of the Senate and the members of the House of Commons with the government of the day. He was well received by the government of the day, he said. Well, that might be. I do not see anything improper in that. Any man who goes to the government for anything proper and legitimate should be courteously treated. But he came here for a purpose. Whether Mr. Pineau is of the character described by the hon. Minister of Justice or not, I am not prepared to say. I never saw him and never knew anything of him till I heard the matter discussed in this Chamber. I am just as ignorant of the parties he saw here as the Minister of Justice, but that he was here, and that he said he was well received by the government, and was to receive $5 a day and expenses to go to Paris, is beyond a doubt, unless he deliberately sat down and concocted this story for the purpose of throwing the responsibility upon this government. Is that at all likely? Is there any probability that a man of that character would deliberately concoct a story and put it on paper in a letter to a friend, asking what he should do, when there was no foundation for it? I am not credulous enough to believe that anything of the kind occurred. I do not believe that he was so bad or so clever as to concoct a story of that kind. What object could he have in doing it? That is the question I ask the members of the Senate to consider. What object could he have in throwing the responsibility upon the Dominion government of inducing him to change his politics and to go into the House of Assembly of the province of Prince Edward Island and, by his vote alone, maintain the existence of that government? Because if Mr. Pineau's vote had been given as it should have been given, in accordance with the wishes of his constituency, that government must have gone out. There must have been some consideration for it, and the only thing we have to consider in this matter, so far as the Dominion government is concerned, is whether the government, or any member of the government, through any of its officials approached Mr. Pineau on behalf of the government of Prince Edward Island to desert his party and to vote for them, instead of against them, as he was elected to do. Really that is the only point in the whole case, and I think that anybody who will read that evidence calmly and coolly must come to the conclusion that Mr. Farquharson was aided and abetted by some one in Ottawa in order to seduce that man from his political allegiance and send him out of the country. It may be argued by the lawyers that that is not technical, legal evidence, but we know that parliamentary authorities lay down this rule, that in the investigation of any matter affecting the honour of parlia-

ment, or the honour and integrity of any of its members, before a committee, that that committee is not bound to adhere strictly to the legal rules or practice in court that govern evidence. I know that was the principle laid down in the investigation that took place in 1874 or 1875 before a committee moved for by the then Mr. Donald Smith, now Lord Strathcona, in the House of Commons to inquire into the causes that led to the North-west Rebellion. The committee then appointed was composed of the late John Hillyard Cameron, Mr. Blake, Mr. Jones, of Halifax, Mr. Masson, one of our colleagues, myself, and Sir Donald A. Smith, then Mr. Smith, Mr. Blake went this far: he asked a question of the servant of Sir George E. Cartier as to what took place between himself and Father Ritchot in his own bedroom, while Sir George E. Cartier was lying in bed ill. I remember distinctly objecting to prying into the private affairs of a gentleman, even of a minister, while he was in his own bedroom, in any conversation that he might have with a clergyman of his own Church, whether it was a question of religion or one which affected the North-west Territories; but the principle was laid down there by no less an authority than Mr. Blake himself, that you could ask any question, and that you were not bound by the rules of a court. The servant repeated the conversation which took place between Father Ritchot and Sir George E. Cartier, I merely refer to that to show that the strict rules of a court are not applied to a case like this, and therefore my hon. friend from Cobourg, when making a point as to what constitutes legal evidence, made no point at all when applying it to parliamentary practice. The doctrine laid down by Mr. Blake on the occasion I have referred to seemed to me so monstrous that I objected, but I was overruled. In this case we have circumstancial evidence that I believe will convince 19-20ths of the people who will read it calmly that Pineau was approached by and through members of the local legislature, and that they had some inducement from somebody, I do not say whom—I should be very sorry to accuse my hon. friend opposite of having anything to do with a transaction of that kind—but they had an inducement from Ottawa to send him here and the bargain was made with somebody that Pineau was to be sent to Paris for no other reason than to get rid of him in order that the government of Prince Edward Island could continue to govern that province, because without him they would have been defeated on the very first vote. These are the circumstances as they struck me, and I believe at the same time it will be the conclusion that 19-20ths of the people will come to. The fact that Pineau did not go to Paris is quite evident. He was here expecting to go to Paris. He was here at the instance of those who sent him, but when the question was broached and became a subject of public denunciation through the press,—when my hon. friend from Marshfield brought the subject before this House, it was not at all likely they were going to send Pineau to Paris with these charges pending. Pineau did not go to Paris, but he did go to the legislature of Prince Edward Island—was introduced to that legislature by the Premier and another political friend of the government, and has given his vote since for them. Whether there was anything in the $2,000 to compensate him for not getting the appointment to Paris is a question that must be left altogether to conjecture. There is no evidence that he got it, but there is this evidence—a gentleman swears Pineau told him he was to get it. Whether that is legal evidence or not I am not going to discuss, but there is the statement. A circumstance of this kind affecting our public men is lamentable and very much to be regretted, and I should hope, for the honour of all public men, and for the honour particularly of those who have been elected to represent constituencies, we shall never have another instance of the kind put on the records of parliament or in the history of Canada. It is lamentable and disgraceful, and whether Pineau was induced to take the position through poverty or anything else, I say those connected with it are disgraced.

Hon. Mr. CASGRAIN (de Lanaudière)—I may be allowed to recall a reminiscence of a lamentable incident in our province, when we were more unfortunate than the Conservative party have been in Prince Edward Island. Instead of one Pineau we had five. I will name them. If Pineau's name

is passed down to posterity, it is only right that the names of these others should also be recorded. We all remember when an hon. gentleman, who has just been appointed Lieutenant-Governor of British Columbia, was at one time prime minister of the province of Quebec. He had a majority of three in the House of Assembly in our local legislature. I remember one occasion, an occasion I am sure well within the recollection of the leader of the opposition, and also of the hon. senator from Prince Edward Island who has made this motion, and, belonging to the party to which they beolng, they should never have brought up this Pineau matter in the Senate, because I do not remember their friends bringing up this other question here or elsewhere. There were five supporters of the Joly government who went to bed one night good Liberals, and the next morning they were the greatest Tories in the country, and they voted against the government of Sir Henri Joly, the best government we had had since confederation. We had not a Dr. Wickham, but we had a Mr. Senécal, and he commenced by a member of the government, afterwards a judge. He also spirited away Mr. Fortin, then member for Montmagny; also Mr. Racicot, of Mississquoi; also Mr. Paquet, and made him a member of the government, and last, but not least, he spirited away the leader of the present Conservative party in Quebec, Mr. Flynn. These gentlemen were returned to the fold, but they have remained Pineaus to this day.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman mean to say that these gentlemen received fees or money for changing their opinions?

Hon. Mr. SCOTT—Senécal was the agent of the Conservative party.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman mean to leave the impression upon members of this House that either Mr. Flynn, or any of those gentlemen whose names he has mentioned, received money for changing their votes? I know Mr. Chauveau was appointed to office.

Hon. Mr. CASGRAIN—I am glad I have been asked this question. It gives me an opportunity to explain. Mr. Flynn was offered better, and so was Mr. Chauveau. There was no talk about giving $2,000; they were given $4,000 a year. They got their money there and then.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman would not say that of the hon. Secretary of State who went over to the Grit party? I gave him the credit of acting upon his convictions.

Hon. Mr. CASGRAIN—This is the first time I have addressed this House. The hon. leader of the opposition gave me good advice at the beginning of the session—that I was not to speak too often, and I have not. This is the first time I have spoken since I had the honour of proposing the adoption of the address in response to the speech from the Throne. The hon. gentleman from Prince Edward Island, in bringing up this question, should have remembered that his party in the province of Quebec has been five times as guilty as the Farquharson government. As far as Pineau's change of allegiance is concerned, he must have read the Scriptures, because, according to the hon. gentleman from Marshfield, when he came here, and failed to get his appointment to go to Paris, he must have been very much disappointed, and yet, notwithstanding that disappointment, he went back to Prince Edward Island and actually voted for the party that had disappointed him. He was returning good for evil, and cannot be such a very bad man.

Hon. Mr. BOLDUC—I had not intended to take part in this discussion, but I cannot let the remarks of the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain) pass without reply. The hon. gentleman is completely mistaken, when he institutes a parallel between the case of Pineau and that of the five gentlemen in the province of Quebec to whom he has referred. Pineau was elected to oppose the administration in Prince Edward Island. He had been elected only a few days before the opening of the legislature, and without any reason, decided to abandon the party in whose favour he was elected and support his adversary; whilst in the province of Quebec it is true five gentlemen abandoned Mr. Joly's administration, to join the other party, but it was not immediately after the elections were over—if was after they had occasion to study the administration of Mr. Joly—but only when

they had become dissatisfied with the way Mr. Joly was conducting public affairs.

Hon. Mr. MILLS—They were all converted in one night.

Hon. Mr. ROLDUC—It took about eighteen months to convert them, and they were well converted.

Hon. Sir MACKENZIE BOWELL—In connection with ancient history, I should like very much to ask the hon. gentleman from de Lanaudière why he did not explain to us the purchase of a man named Turcotte, who had been elected a Conservative for Three Rivers, and whose vote it was necessary to secure in order that Mr. Joly, the present Sir Henri, should have a majority in the legislative assembly ? They made Mr. Turcotte Speaker, and afterwards appointed him to an office in Montreal. Why not tell the whole story ?

Hon. Mr. CASGRAIN—I shall be delighted to tell the whole story. Mr. Turcotte ran in Three Rivers as an independent. He came to the House and was elected Speaker, by his own casting vote, I am quite willing to admit, but he had been returned as an independent, and was a member of the legislature before that and had voted several times against the former government on the very ground on which they were afterwards defeated.

Hon. Mr. FERGUSON—I feel almost disposed to forego my right to say a few words at the close of this discussion, because, notwithstanding the declamation of the Minister of Justice and the rather piteous appeal of the hon. Secretary of State, I think that no introducer of any resolution in this House could be much more pleased than I am at the position it occupies at the close of this debate. My hon. friend, the Minister of Justice, in closing his remarks, was pleased to refer as he very often does, in terms of disparagement to the province of Prince Edward Island in some way or other—probably not because he hates the province particularly, but because he wants to have a hit at your humble servant. He spoke of the looseness of expression which he alleges prevailed in that province—that the people there do not know the difference between the government and the parliament of the country. That is the assertion he makes, and he tries to weave that suggestion in as an explanation of Pineau's declaration that he was well received by the government when he was in Ottawa. The utter improbability of the excuse that is insinuated there I shall leave with hon. gentlemen to deal with. But I have to deal with an instance of looseness of expression, that my hon. friend the Secretary of State has indulged in. I must come to the conclusion that it is mere looseness of language rather than an intention to impute a criminal charge when he says I had based my case on a forgery. Does the hon. minister mean to say that I have forged, or that any person has forged the names to those affidavits ?

Hon. Mr. SCOTT—No, I did not say anything of the kind.

Hon. Mr. FERGUSON—I am sure the hon. gentleman was only innocently furnishing an instance of the looseness of language in use by members of the government.

Hon. Mr. SCOTT—I said it was a forged accusation against the government.

Hon. Mr. FERGUSON—I will take my seat for a moment if the hon. gentleman will explain how an accusation can be a forged one in any way unless you forge the name of a party to a document on which you sustain it. Is there any other way in which a charge can be forged except by the act of forging the names to the documents on which you sustain your case ?

Hon. Mr. SCOTT—I said there was not a tittle of evidence to justify the statements made. Not only were they denied by the government but the gentleman did not get anything at Ottawa.

Hon. Mr. FERGUSON—It does not prove that there was no evidence because the hon. gentleman says so, nor does it sustain his accusation that the charge is a forged one. The statement is so utterly irrelevant, it is impossible to conceive what was passing in the hon gentleman's mind. As for the speech of the hon. Minister of Justice, if I had ever been given to understand that he conducted a case in court and addressed a jury, I would say he was a worthy successor to the famous Sergeant Buzz-Fuzz. The mutton-chops and tomato-sauce argument can only be compared with the argument he used in this case. We have the affidavit of Mr. Callaghan

who, I know, is a most reliable and responsible man, that Pineau told him he was approached by Dr. Wickham. We were told yesterday, and we know that Dr. Wickham is a man trusted by this government. We have a letter from Pineau himself in which he says 'I came to Ottawa and was well received by the government.' There is no use for any hon. gentleman to say that he meant members of parliament and not of the cabinet. If so, it must be gentlemen in this House or the other House who support the government were meant. He did not mean that he was going to the Conservative members of parliament in order to get authority to go to Paris.

Hon. Mr. MILLS—He could come to them for the purpose of helping him out of his financial difficulties.

Hon. Mr. FERGUSON—He said 'I was well received by the government,' and was 'waiting for the orders to go the next day.' That must be taken in connection with the affidavits I have read from highly responsible men, stating that he told them he was going to Ottawa in order to get an appointment to the Paris Exposition. It was a matter of notoriety in the province that he had gone to Ottawa for the purpose of being sent to Paris. The letter was well understood to be in connection with his negotiations with the government about going to Paris. He was first pounced upon and crushed, and then approached, and he came to Ottawa, expecting to be sent to Paris. These facts are also to be found in documents I have submitted to the House. The puerile way in which those documents have been met is calculated to leave the strongest impression on every member in this House that the government themselves feel that it is a very bad case indeed. My hon. friend who rose for the first time since the opening debate of the session, and I was very pleased to hear him, having a lively recollection of the very graceful speech he made on the address comes to the rescue of the administration and of Mr. Pineau in this matter by alleging that some other people about twenty years ago were as bad as Pineau and his bribers are to-day. I had really hoped, after hearing my hon. friend on the occasion of his speech on the address in answer to the speech from the Throne, that when we would hear him next time, the House would be edified and instructed by his observations, but he has been sitting too near the members of the government all this time, and has learned their mode of defence when they are attacked, 'oh, somebody else did wrong.' That is the kind of plea my hon. friend has offered to the House.

The motion was agreed to.

OILS FOR THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired:

For a statement showing what proportion of the payments for oils for the Intercolonial Railway made to the Galena Oil Company and the Imperial Oil Company respectively, for the year ending October 31, 1899, as shown by a return presented to the Senate on the 10th day of May last, were for lubricating purposes?

Hon. Mr. MILLS—Payments to the Imperial Oil Company for oils for the Intercolonial Railway for lubricating purposes during the year ended the 31st of October, 1899, amounted to $436.13. Payments to the Galena Oil Company for oils for the Intercolonial Railway for lubricating purposes during the year ended the 31st of October, 1899, amounted to $82,100.01.

Mr. CORNDUFF'S DISMISSAL.

INQUIRY.

Hon. Mr. PERLEY inquired:

If Mr. Cornduff has been dismissed from the postmastership of the Cornduff post office, in East Assiniboia? If so, on whose recommendation was he dismissed, and was such recommendation accompanied with a petition? Also, was there a petition received by the Postmaster General or government protesting against Mr. Cornduff's dismissal?

Hon. Mr. MILLS—In reply to the first part of the hon. gentleman's question I beg to say that Mr. J. P. Cornduff has been dismissed from the postmastership of Cornduff. To the second part of the question, Mr. Cornduff was not dismissed on any recommendation or petition, but because certain mail matter mailed at Cornduff, which was liable for postage, was, contrary to law, allowed to be transmitted through the mails free of postage. In reply to the latter part of the question, a petition has been received.

Hon. Mr. PERLEY—I may say Mr. Cornduff was a pioneer in that country sixteen years ago, and has been postmaster ever

since. He is a most trustworthy man in every particular, and if he made a mistake without any wrong intention, and after all the people in the district petitioning the government, regardless of politics, to allow him to remain in office, I think under the circumstances there was a very small basis for turning him out of office after he had accommodated the public for years while there was no money in it. Now that there is something in it, he has been turned out on a very slight pretext, and the office has been given to a man who came on the pullman car into the country, while Mr. Cornduff came in when there were no railways or roads.

Hon. Mr. MILLS—I do not know anything about the offence except what has been here stated. How serious it is, and what action has been taken on the petition, I cannot say.

CHINESE IMMIGRATION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (180) 'An Act respecting and restricting Chinese Immigration.'

The Bill was read the first time.

Hon. Sir MACKENZIE BOWELL—Is there anything in this Bill other than the increase of the capitation tax? It does not apply to Japanese as well?

Hon. Mr. SCOTT—I think some amendments were made after the Bill was introduced in the House of Commons. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons.

Hon. Mr. POWER—That is old.

Hon. Mr. SCOTT—I think there is a clause limiting the number. There is nothing affecting the Japs in the Bill.

Hon. Mr. ALMON—Is there any tax on the Doukhobors and Galicians coming into the country?

Hon. Mr. SCOTT—There is no restriction on bringing in either Doukhobors or Galicians into the country.

The Bill was read the first time.

BILL INTRODUCED.

Bill (184) 'An Act to amend the Customs Tariff, 1897.—(Hon. Mr. Mills.)

THE DISMISSAL OF LIEUTENANT-GOVERNOR McINNES.

Hon. Mr. MILLS presented to the House the following statement of the cause assigned for the removal of the Honourable Thomas Robert McInnes from his office of Lieutenant-Governor of the Province of British Columbia :—

Privy Council,
Canada. (1588)

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 21st June, 1900.

On a memorandum dated 20th June, 1900, from the Right Honourable Sir Wilfrid Laurier, stating that the action of the Lieutenant-Governor of British Columbia in dismissing his ministers has not been approved by the people of that province, and further, that in view of recent events in the said province of British Columbia, it is evident that the government of that province cannot be successfully carried on in the manner contemplated by the constitution, under the administration of the present Lieutenant-Governor, His Honour Thomas R. McInnes, whose official conduct has been subversive of the principles of responsible government.

The Right Honourable the Premier submits that therefore Mr. McInnes's usefulness as Lieutenant-Governor of British Columbia is gone, and he recommends that Mr. McInnes be removed from the said office, and that the cause to be assigned for such removal under the provisions of section 59 of the British North America Act shall be the matter set forth in this minute.

The committee submit the foregoing for Your Excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

Hon. Sir MACKENZIE BOWELL—I congratulate the government on the fact that they are imitators in form as well as in substance.

MISCELLANEOUS PRIVATE BILLS COMMITTEE.

RULES SUSPENDED.

Hon. Mr. MILLS moved that from now till the end of the session rule 60 be dispensed with, so far as it may relate to Bills received from the House of Commons for the concurrence of this House. He said: If the required notice under rule 60 is observed, it will be impossible to take up these Bills in time to pass them this session. There are very few of them.

Hon. Mr. CLEMOW—What Bills are there that require the suspension of the rules? I hope we will not have to pass Bills before they are printed and before we know anything about them. I certainly shall object. If there are any Bills of importance brought up they should be printed and placed in our hands before we are called upon to pass them.

Hon. Sir MACKENZIE BOWELL—I fully concur in the remarks of the hon. gentleman from Rideau. The 60th rule reads as follows:

No committee on any private Bill originating in the Senate, of which notice is required to be given, is to consider the same until after one week's notice of the sitting of such committee has been posted up in the lobby——

That applies to the Senate alone. The rule proceeds:

—nor in the case of any such Bill originating in the House of Commons, until after twenty-four hours' like notice.

If I understand the matter, we are in this position to-day: there are some Bills which have come from the House of Commons and which have been read the second time in this House and referred to the Private Bills Committee, and there is no quorum of that committee and consequently no further legislation which has to be referred to that very important committtee can proceed one step under the circumstances. That is an evidence of laxity on the part of members of the House of Commons who have Bills in their charge and do not present them at a sufficiently early period, or it results from the fact that parties having private Bills under their control and management in the House of Commons cannot proceed with them owing to the manner in which the business is carried on, and it is another of the beneficial effect that would arise if parties who have private Bills in hand would send them to the Senate, where they could be calmly considered while the political discussions are going on in the other House. If parties will not take advantage of the fact of there being a Senate where these Bills could be advanced early in the session, it would serve them right not to have their Bills passed at all. There is only one way of meeting the cases to which I have referred, and that is to suspend the rule which limits the number of each committee to enable the chairman to ask that three or four gentlemen who are here be appointed to the committee, during the present session, in order to facilitate the passage of private Bills which are now before them.

Hon. Mr. MILLS—I think the hon. chairman of the committee intends doing that. Both steps are necessary to do anything.

Hon. Sir MACKENZIE BOWELL—It is for the Senate to say whether they will take advantage of their own rules and block the legislation which is coming to them from the other House, from the fact of their having kept it back until the last few hours of the session. We have had Bills of the most important character brought to this House that should receive the calm and cool consideration of the members of the Senate and of the committees and they are rushed through without our really knowing what they are. The sooner the lower House understands the facts the better it will be.

Hon. Mr. CLEMOW—We have been in session five months, and have had ample time to dispose of all the Bills if we had proper notice of them. I shall oppose any resolution by which they will have an advantage given them to pass these Bills at the eleventh hour. I have seen this occurring for many years and I intend to oppose it. It has been universal with both administrations and they have promised that some change will take place. What is the object of the delay? They want to delay the Bills in order that they may not receive the consideration their importance deserves.

Hon. Mr. SCOTT—We have had this rehearsal every session for the last forty years. Of course we cannot always foresee what will arise. I do not remember a session where there were so few private Bills left to the end of it. I have been looking up the list. I only find one Bill on our paper, the Bill respecting the Canadian Mining and Metallurgical Company, and in the House of Commons I find only two Bills, the Central Vermont Railway Company Bill and the South Shore Line Railway Company Bill, on the list. There may be some before the committee.

Hon. Sir MACKENZIE BOWELL—There are some before the committee and they cannot proceed without a quorum.

Hon. Mr. SCOTT—There are fewer Bills left this session than ever before.

Hon. Mr. ALMON—I should be very sorry to agree to any motion that will enable measures to be rushed through the House without consideration. When the House was thin, the members of the government voted several thousand dollars to three members of the body. That passed with the vote of the Speaker, and how do I know that the same thing is not to be done again? I am opposed to anything being done unless the members of the government will assure us as to the measures they intend to introduce. Last year it was a shameful waste of public money. I do not think we should allow the government to hurry through measures in the dying day of the session.

Hon. Mr. POWER—I quite agree with my colleague from Halifax.

Hon. Mr. ALMON—I am sorry, but it is too late for me to withdraw what I have said.

Hon. Mr. POWER—This notice does not refer to public measures. It simply refers to private Bills and it does not do anything to limit the fullest discussion of private Bills. It provides that it shall not be necessary to have the Bills posted up in the lobby of the House for a certain number of hours, and as long the committee has an opportunity of discussing the Bill, it makes no substantial difference whether the Bills are posted up or not, and I trust the House will let the motion pass.

Hon. Mr. CLEMOW—The hon. gentleman is not consistent. When a Bill is reported from committee with amendments, he always asks to have the consideration of it postponed till the next day. We want sufficient time to discuss the Bill.

Hon. Mr. POWER—We will have sufficient time.

Hon. Mr. CLEMOW—I know that we will have to rush them through, and I think it is wrong. I want to have the full opportunity of considering the Bills and acting on my own judgment on every measure submitted to us.

Hon. Mr. MILLS—There will be every opportunity given. In fact, the notice requiring Bills to be posted up in the lobby is a rule made, not for the benefit of the House, but for the benefit of parties who may be interested in those private measures, to give them an opportunity of making their objections. All parties, no doubt, have been heard with reference to these measures so far, and the parties will have an opportunity to appear before the committee of this House, as they appeared before the other House, if they are disposed to oppose these Bills. I never remember a session since I have been in parliament where there will be so few innocents to sacrifice as there will be this session. Any hon. gentleman who will look at the Orders of the Day and the Votes and Proceedings of the House of Commons, will see that almost every Bill that has been put upon the Order paper of the two Houses has been considered, and that a very large percentage of these—far larger than usual—has gone through both Houses, so that there never was a session when there was less ground for the objection than this.

The motion was agreed to.

Hon. Mr. BOLDUC—I wish to move that a few names be added to the Private Bills Committee. I agree with the statement that the Bills have been delayed too long. All private legislation should have been passed by this time, but we have now a few Bills to dispose of. This morning the Private Bills Committee met, and we could not proceed because we had not a quorum. I have been informed that several members are away and will not be back for a few days. With the permission of the House, I beg to move

That the Hon. Messrs. Casgrain (Windsor), Young, Bernier and Shehyn be added to the Committee on Miscellaneous Private Bills.

Hon. Mr. CLEMOW—Can we do that? Is there not a standing order that so many shall constitute a committee? Have we the power of increasing that committee in defiance of the law in reference to the appointment in the first instance?

Hon. Sir MACKENZIE BOWELL—I am not sure whether it has been made the rule of the House, but I know it was a report of the committee, affirmed by the House, that the committee should consist of a certain number, and it would be necessary to rescind that temporarily in order to keep

our minutes correct. Referring to the rules, I observe that it is provided that the Miscellaneous Private Bills Committee shall consist of twenty-five members. Therefore, paragraph 6, of rule 80, will have to be suspended.

Hon. Mr. BOLDUC moved that paragraph 6, of rule 80, be suspended as far as relates to this motion.

The motion was agreed to.

Hon. Mr. BOLDUC moved that Senators Shehyn, Young, Bernier, and Casgrain (Windsor) be appointed to serve on the Committee of Miscellaneous Private Bills.

The motion was agreed to.

INCOMPLETE RETURNS.

Hon. Mr. FERGUSON—It seems to me rather ludicrous, but I want to inform the hon. Secretary of State that the third supplementary return which he brought down of railway petitions from Prince Edward Island is not yet complete. The hon. Secretary of State brought down a return and three supplementary returns and still we have not all the petitions.

Hon. Mr. PROWSE—And the hon. gentleman will not get them.

Hon. Mr. FERGUSON—I hope my hon. friend will make further inquiries, and to assist him out, I will say that a petition has been sent to his department praying for the construction of a railway branch from O'Leary Station to Westcape, and that has not been brought down.

Hon. Mr. SCOTT—I brought down all that was in the Department of the Secretary of State, and all in the Privy Council. The hon. gentleman said he knew of one that was sent to the Department of Marine and Fisheries, and I spoke to Sir Louis Davies about it, and he said there was one there and he sent it over and I laid it on the Table.

THIRD READINGS.

Bill (141) 'An Act respecting the Grain Trade in the Inspection District of Manitoba.'—(Hon. Mr. Scott.)

Bill (110) 'An Act to amend the Weights and Measures Act, as amended.'—(Hon. Mr. Mills.)

SECOND READING.

Bill (172) 'An Act respecting the Canada Mining and Metallurgical Company, Limited.'—(Hon. Mr. McMillan.)

PENITENTIARY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (174) 'An Act to amend the Penitentiary Act.'

(In the Committee.)

On the first clause,

Hon. Sir MACKENZIE BOWELL—There are some increases. The schedule to be repealed in the Revised Statutes provides that the warden shall receive a salary not exceeding three thousand dollars.

Hon. Mr. MILLS—My hon. friend is looking at the old Act.

Hon. Sir MACKENZIE BOWELL—I am looking at the schedule of the Penitentiary Act, chap. 182, Revised Statutes mentioned in the Bill before us, which is to be repealed.

Hon. Mr. MILLS—There is a mistake in the Bill. It is the Act of 1899, the schedule of which is being amended. I move that the Bill be amended in that regard.

The clause was amended and adopted.

On clause 2,

Hon. Sir MACKENZIE BOWELL—This clause applies to the Consolidated Statutes, because in some cases the salaries are not more than three thousand dollars and not less than one thousand.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—It is not intended to interfere with any officer who is receiving a larger salary than the salary mentioned here?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then the reference in clause No. 2 is quite correct.

Hon. Mr. MILLS—Yes.

The clause was adopted.

Hon. Mr. CASGRAIN (de Lanaudière), from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed under a suspension of the rules.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 28, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND TRUNK RAILWAY INDEBTEDNESS.

INQUIRY.

Hon. Mr. PERLEY inquired:

If the Grand Trunk Railway Company owes the government of Canada for any sum of money, borrowed or otherwise, obtained years ago? And if so, what is the amount and when do they expect it to be paid, if ever?

Hon. Mr. SCOTT—In the early fifties when the Grand Trunk Railway was being constructed the late province of Canada advanced in aid of the work from time to time moneys to the extent of £3,111,500 sterling. In 1858, the legislature passed an Act postponing the interest on the loan to the following charges due by the company: 1. The payment of interest on preference bonds; 2. After payment of interest upon the loan capital of the company; 3. After the payment of a dividend at the rate of 6 per cent per annum on the stock and shares of the company. As the payment of interest on the provincial loan is postponed to so remote a contingency it can scarcely be called a debt at the present day; though in the public accounts interest is regularly added to the amount of the debenture account due by the Grand Trunk Railway, which now totals $25,607,000. It is impossible to say whether the amount will ever be paid. I may add for the information of the hon. gentleman that I entirely approved of this settlement and voted for it in the session of 1858.

Hon. Sir MACKENZIE BOWELL—Have there not been many Bills passed, since the dates mentioned in that statement, giving power to the Grand Trunk to issue preferential bonds to take precedence of any claim the government might have? If my recollection serves me, there were several cases of that kind.

Hon. Mr. SCOTT—There was one in particular that I know of, the postal bond. The postal bond was issued in that way, but the account as it stands in the Public Accounts is as I have stated.

Hon. Mr. PERLEY—Is the account outlawed?

Hon. Mr. SCOTT—It is 42 years old.

Hon. Sir MACKENZIE BOWELL—A government account cannot be outlawed.

TIMAGAMI RAILWAY COMPANY'S BILL.

Hon. Mr. BAKER moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (118) 'An Act respecting the Timagami Railway Company.'

The motion was agreed to.

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

Hon. Mr. KERR—I am requested to ask this House to allow this Bill to be sent back to the committee for further consideration. I therefore move:

That the report be not now concurred in, but that it be referred back to the Standing Committee on Railways, Telegraphs and Harbours for further consideration.

In moving this resolution, the Senate will perhaps permit me to make a few observations. The Bill was fully and at length considered by the other House, and there was strenuous opposition offered there, but the promoters of the Bill supposed that that opposition had been abandoned, and the measure passed the other House without any amendment, and unanimously. When the same Bill came up before the committee of the Senate, the promoters were taken entirely by surprise. They supposed they had good reason to believe, and did believe that the opposition that had been made in the other Chamber to the passage of the Bill was withdrawn and abandoned, and for that reason they were lulled, as it appears, into false security.

Hon. Mr. PERLEY—What was the opposition to the Bill?

Hon. Mr. KERR—I will take that up a little later on. Neither the solicitor, who was acting for the promoters, nor any of the promoters dreamed of opposition in the Railway Committee of the Senate, and therefore they were not present to advocate it. The Bill, I am instructed, is of a practical character, and one that the promoters of it are very desirous to have passed into law, as they have made arrangements to put it into operation, and make use of it almost immediately. I may be allowed, for the information of those who are not so familiar with it as the members of the Committee on Railways, to state that two years ago certain persons associated themselves together and were incorporated by an Act of this parliament, to construct a railway from a place called Verner Station on the Canadian Pacific Railway line west and north of Lindsay to the southern shores of Timagami Lake, a distance of some 32 miles. That was passed without any opposition, and the promoters have been since that endeavouring to get the scheme into operation. I might say that the line does not parallel any existing railway, and so far as I can understand from inquiry from those who know, it would probably be—in fact I think it is admitted by all parties—if it were in operation a useful feeder to the Canadian Pacific Railway. It runs north almost at right angles to their line. That charter provided that the railway should begin at a place called Verner Station, a point on the Canadian Pacific Railway line some eleven miles west of Sturgeon Falls, and go north. It was found, when they began to survey the line with that starting point, that the formation of the land through which it had to go was not only rocky but almost a mountain of rock. The engineering difficulties were so great that they found it would cost so much to build the railway that they had to get a new line surveyed before financial people would be willing to advance money to put the scheme into operation. The result was that a new line was surveyed which would bring the starting point some seven or eight miles further east, but still on the line of the Canadian Pacific Railway and going north. The promoters of this Bill asked for three things: First, to revive their charter, which the committee reported in favour of yesterday, and, second, to extend the time for the beginning and the completion of the road. That also was consented to, and the committee reported in favour of the promoters upon that question. But the third clause, which dealt with the question of location, has been so amended, in the wisdom of the committee, that the promoters of the scheme consider it practically destroys the Bill. In fact, they say the Bill will be of no use to them if that is insisted upon. The amendment, as I understand it, not only fixes the old starting point, but goes, perhaps, a little further west from Sturgeon Falls. But even assuming it starts where they may start, if this amendment is carried, it will be impossible to avoid this rocky formation, and I am instructed, as representing the promoters for the time being, that if the Bill before the House passes into law with that amendment, it will be useless, and they can do nothing with it.

Hon. Mr. MILLS—What is the object of the amendment?

Hon. Mr. KERR—The object of the amendment was to keep the starting point where it was, but it has been found that the original route is impracticable and they will not undertake to build the railway if it starts there. They cannot build it there. In other words, as some of them put it, 'We have come to parliament and asked for bread and they have given us a stone—not only a stone, but a rock, and we cannot get through it.' We might just as well give the Bill the six months' hoist, or kill it in some other way, as to attempt to put it through with this amendment. I hope that, in what I am saying, I shall not be considered as lecturing anybody or giving advice to any one, because I am simply stating the case as the promoters have laid it before me. That is the substance of the matter. They say positively and candidly that the Bill is no use to them if it passes in its present shape. It is true the committee have reported in favour of reviving the original charter and extending the time. So far it is all right, but that is rendered useless by the amendment which confines the company to the old starting point and that is

the reason they did not build the road long ago. All parties are in favour of it. I understand the hon. senator from Lindsay (Hon. Mr. Dobson) who has made this motion, has a personal knowledge of the locality and knows the requirements of the country and the facilities for development likely to be afforded by this road. He is most anxious that this Bill should pass into law without any amendment, simply in the shape in which it left the Commons. In other words, if it passes the Senate, as it left the Commons, they will have a road, but if it passes as it is, there will not be any road built by these promoters, because they cannot get the money to float the scheme. As I said before, they have had a survey by a competent engineer and he has reported a line which I believe is thirty-two miles in length. In opposition to passing the Bill in the Senate, it was urged that the original line did not contemplate a mileage of more than 24 miles. I suppose that is very true, but these 24 miles, according to my instructions, would cost more to build than the 32 miles and, besides, would not develop anything like the extent of country which would be tapped, so to speak, by the new route, which is only seven or eight miles further east. As I said in the committee, they very wisely devised an ingenious scheme of going through the rock cutting by going around the rock, exercising their common sense, I should say. There was opposition to the Bill yesterday. I do not wish to say anything with regard to that opposition. I suppose it was conscientious. It did transpire, however, as some hon. gentlemen know, that the gentleman who was there in opposition to the Bill had disposed of his own interest in the original charter for a sum of money which, he says, he has received. I would not argue upon that, because I do not think it would be sound argument to say that, because he personally disposes of his interest, that therefore the public, or those whom he represented, should be deprived of the opportunity of being heard in opposition to the measure. I would not take that ground ; still, one could not help thinking it strange that he, having such confidence and faith in the original line, should be willing to dispose of his interest in it for a sum of money when it was supposed that this new line would be surveyed and that is was intended to build the road upon that, although I think it only fair to him to state that he always opposed it—and I think he went further and said that they should not depart from the original starting point. I think that it would be better not only for these promoters, but for those who are opposing this Bill, that they should both be heard in committee. There is time for it. The Bill is short. Two clauses are already passed, so that all that would remain would be simply the reconsideration of this amendment, and I am sure that those who oppose the Bill, as well as those who promote it, desire that the road should go on at once. That is what the people are waiting for, and I am sure that money cannot be got to put the concern upon its feet if the original line, as proposed, is followed, but bearing a little from that a fairly good route, a passable route, can be got,—one that is practicable. For the sake of all concerned, without the slightest imputation upon any hon. member of that committee or any one else, I would ask that the Senate should be unanimous in sending the report back to permit the promoters, who are men very much interested, to be present before that committee, having been taken by surprise on the former occasion. If, after having heard the promoters and those in opposition to the Bill, fully and fairly represented, the committee still remain of the same view, I for one shall be content to say that we must abide by the action of that committee.

Hon. Mr. MILLS—Is there any existing charter, or are there any rights interfered with ?

Hon. Mr. KERR—None. I am subject to correction if I am in error, but I did not get the impression that there was any company or number of gentlemen prepared to take up this project except the gentlemen who are promoting this Bill, and the probabilities are that they will be for the next twenty years without this railway if this amendment is carried, and it is a pity for both parties that they should be without the railway. I hope the Senate, in its wisdom, will permit the Bill to go back to committee and allow both sides to be heard. It was necessarily a one-sided affair at the last meeting of the committee, although my hon. friend from

Lindsay and Mr. McHugh from Victoria were both present and set forth very ably and clearly their views, having a knowledge of the locus in quo. They could not speak of their financial prospects, or their intentions or capabilities, but simply that the country wanted a railway and that that was the best place for it.

Hon. Mr. ALLAN—What is the question before the House ?

Hon. Mr. VIDAL—I understood that the recommendation of the committee had already been concurred in, and that the motion was made for the third reading of the Bill as amended.

Hon. Mr. POWER—Yesterday, when the chairman of the committee moved that the amendment be concurred in, I asked that the matter stand over till to-day, because the amendments were important and I understand that was done.

The SPEAKER—It has been moved in amendment to the motion for the third reading by the hon. Mr. Dobson, seconded by the hon. Mr. Kerr, that the said Bill be not now read the third time, but that it be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration.

Hon. Mr. VIDAL—The motion distinctly said that the recommendation should not be concurred in. The hon. gentleman from Cobourg did not put the motion that the Bill be not now read the third time. However, while I am on my feet I will make a few remarks in reply to what the hon. gentleman has said. In the first place, I think it is a very unwise and objectionable thing to do, as he has done now for the second time, to appeal from the judgment of the committee to the House. As a matter of fact everything that he has said here, and a great deal more than that, was said by himself and by the advocates of this Bill in the presence of the committee. The committee took a long time hearing both sides of the question, and after hearing everything that could be said, they came to a decision by a very good majority, to make the alteration which has been proposed and submitted in their report to the Senate. What the hon. gentleman has stated can scarcely be said to be in strict harmony with the facts as to the amount of discussion in the committee or information which was brought before them. I contend that they heard everything that could be advanced by the advocates on both sides. Everything was fairly and fully set forth. What does the hon. gentleman himself say ? He talks about this wonderful mountain which he says presents an insuperable obstacle to the construction of the road on the line described in the original charter, but he says 'we can go eight miles further east and get round the mountain.' What do the advocates of the amended Bill say ? We propose to begin the road about a mile and a half further west and get past this mountain. We had before the committee a petition signed, if my recollection is right, by a thousand inhabitants of that part of Canada. It is not a very thickly settled section, and we may call it a unanimous expression of opinion on the part of the residents of that district. They petitioned that we should not allow this variation of site in the original Bill. I think that these men have a great claim to be attended to. They have gone there under the guidance of a priest, who has been very energetic in bringing them there to settle, and they all understood, when they took their locations, that the railway would be on this identical line, and although a deviation is necessary to get round this mountain, it is a very slight one, and the only change made in the Bill, to avoid cutting through this mountain, by allowing a deviation for a mile or two miles west to make the start. We had the matter very fully discussed before us, and the maps whereby we could be more easily guided to form a judgment as to the different routes which cannot be seen here, and the very reason why these Bills are sent to the committee is, that the committee has an advantage which the House cannot enjoy, and when the House has remitted a question to a committee in which it has confidence, there should be strong reasons advanced here before setting aside a report deliberately adopted, because it seems to interfere with the interests of some private individuals. The public interests are entirely the other way, and they are promoted by the decision of the committee.

Hon. Mr. MILLS—I do not subscribe to the doctrine laid down by my hon. friend.

This Bill has been before the House of Commons, and was considered there very fully, and the amendments desired by the promoter were made there. What the hon. gentleman supports is a proposition by the Railway Committee of the Senate to undo what was agreed to by the House of Commons and substitute the view of a majority of the committee of this House for the decision of the majority of the House of Commons. These matters go before the committee for the purpose of being considered by the commitee, and the committee judges of the merits and the conflicting interests which may be submitted to it for its consideration; but it seems to me that a committee, either of this House dealing with a Bill from the House of Commons, or a committee of the House of Commons dealing with a Bill from this House, assumes a very grave responsibility when it undertakes to override the wishes of the promoters of the charter and the judgment of the House which has first had an opportunity of considering the matter. My hon. friend has referred to a number of people who, he says, have petitioned that the line of the road should be located as shown in the original charter, and which the committee proposes very nearly to restore, greatly against the wishes of the promoter of the enterprise. I should like to know how many inhabitants of the village of Verner are parties to the petition. Of course all those people who reside in the village would be anxious that the railroad should start at that particular point, and would not desire it to be taken any great distance from that, but what is here to be considered in the first place is, whether such a route is desirable or not. I assume there is no question about that. There is no disputes as between rival lines. What are the wishes of those who are promoting the enterprise ?

Hon. Mr. McCALLUM—What are the interests of the country ?

Hon. Mr. MILLS—Of course it is the interests of the country, and the majority of the House has an opportunity of considering that as a majority of the House of Commons had. The promoters of this enterprise tell you, through my hon. friend, from Cobourg (Hon. Mr. Kerr), who has had an opportunity of coming in contact with them, that it is equivalent to voting against the proposition which they have brought before the attention of the House for a charter to construct a road from some point on the Canadian Pacific Railway, at or near Verner, to a point on Lake Timagami. If the company did not feel that it was to their advantage to locate the road at some other point than that mentioned, they would not ask for permission to locate it elsewhere. It cannot be to their advantage to make the change unless they are going to save a considerable sum in the construction of the road, and unless the road is going to be located in a district where they would receive a larger amount of travel and traffic than they would if it was located elsewhere. Now, upon that point, the judgment of the company is a matter of very great importance. It is a matter of the first importance, because the company's interests are paramount, to locate the road where it will be most profitable to them, both on account of the diminished cost of construction, and on account of the additional amount of travel and traffic they are likely to secure. They have asked for a different location at a certain point. What reason has been given for locating it elsewhere than as the company has wished it ? Who has given any other reason why the committee should arbitrarily, and against the wishes of those seeking the legislation, locate the road elsewhere than where the parties desire it? No reason has been given. The committee by what they have done, have undertaken to substitute their own judgment for the judgment of the House of Commons and for the judgment of the promoters of the enterprise, who say, through my hon. friend here, that if you insist upon these amendments you are defeating the project altogether. If the project has value, and I apprehend it has, to the public, then the interest of the public is to meet the wishes of the promoters—and that has not been done by the course which has been adopted. It seems to me that the Bill ought to have been reported as it came from the House of Commons—that there is no adequate reason given for undertaking to override the conclusion that was come to in the other House and prevent the wishes of those who are promoting the enterprise from being carried into effect.

Hon. Sir MACKENZIE BOWELL—The doctrine laid down by the hon. gentleman, I do not think any member of this House, whether he be in favour of the Bill as amended, or in its original state, will accept. If the theory which he has laid down be correct, all we have to do is simply to take a Bill as it comes from the House of Commons, after having passed through a committee of that House, and accept it holus bolus. That is the doctrine laid down by the leader of this House.

Hon. Mr. MILLS—No it is not.

Hon. Sir MACKENZIE BOWELL—If that were the case, you had better abolish this Chamber at once, because its functions would be nil. I do not desire to say anything offensively, but I do not think in all my experience I have heard a speech which was more decidedly special pleading in this House in favour of a Bill of which the hon. gentleman evidently knows nothing. I do not think he has given it that study and consideration which a measure of this kind deserves. He may be correct in the theory laid down, that the promoters want to change the terminus of this road. On that point I have no discussion with him, but when he lays down that extraordinary doctrine that this House is a mere nullity and should have no power or authority to interfere with the will of the other branch in dealing with a practical matter of this kind, to that I totally dissent.

Hon. Mr. MILLS—I laid down no such doctrine.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says he laid down no such doctrine. I leave that to the judgment of the House who heard his remarks. The hon. gentleman laid down this doctrine in as plain language as he possibly could put it: that this Bill having been carefully considered in the Railway Committee of the House of Commons and reported to, and adopted by that House, that they ought to know better than we could know, and consequently we should have accepted it as they sent it up to us.

Hon. Mr. MILLS—No, I did not say that.

Hon. Sir MACKENZIE BOWELL—My hon. friend to my left (Hon. Mr. Allan) says if the hon. gentleman did not say that, he does not know what he did say. Those who listened to the speech of the hon. gentleman who seconded this motion will be somewhat surprised—that is, any one who was at the committee meeting. He first told the House that not supposing there would be any opposition to the provisions of this Bill, no one was there to explain or to oppose the amendment. The hon. gentleman who represents South Victoria in the lower House was present and gave a full explanation of the reasons and causes which led the company to change their point of beginning from Verner to a point eleven miles east of that place. Those who opposed the Bill stated distinctly and positively that the road was eight or ten miles longer.

Hon. Mr. CLEMOW—A great deal more than that.

Hon. Sir MACKENZIE BOWELL—A great deal longer than the road that would begin at Verner on the south, and go northward to the lake through the settlement. I put the question straight myself—I know I am somewhat out of order in referring to a proceeding in committee, but it is necessary after what has been stated by some members of the committee—I put the question straight to the member from South Victoria if he knew what the character of the route was. He frankly admitted that he did not. We then asked one of the gentlemen present, from Sturgeon Falls, who told the committee that he had been over the whole route and knew exactly what the character of the country was, and that the new route which they had laid down on that map, running northward from its terminus, at Sturgeon Falls, was almost impracticable—that it was all hills and rocks, just of the character which the hon. gentleman from Cobourg called the attention of the House to when speaking of the other route. The question was put by myself as to the character of the country through which the road would run, having its terminus at Verner, and it was said it was a much more practicable route—that the difficulties which were pointed out by the hon. gentleman from Cobourg did not exist, but that there was some little difficulty in getting into Verner proper, and they asked permission to make the terminus not more than two miles to the west. I asked why that was done? The answer was, because it would come down a valley

and make a connection with the Canadian Pacific Railway without any difficulty as to rocks or other impediments in the road, and that the road might be built much cheaper and find a terminus at much less cost than at Sturgeon Falls. Those were the facts presented to the committee. The gentleman promoting the Bill was there. One would suppose he would know what he was talking about. He was very frank in answering the questions put to him. What is the history of this Bill. I agree with the hon. Minister of Justice when he says that we should look to the interest of the country itself. Before the construction of the Canadian Pacific Railway that whole country was a wilderness. No one lived there. The hon. gentleman says if this road is not built at once the country will be the same twenty years hence as it was twenty years ago. No one was there twenty years ago. It was found out by a missionary that there was land enough there to form a nucleus for a large settlement. He devoted his time—I think I am correct in saying his whole time—in visiting the French settlement in Michigan and Illinois, and induced some thousand people, as he told us in the committee, principally Canadians and their descendants, in Michigan and Illinois, to return to Canada and settle in that country. When I was a member of the government this gentleman visited me repeatedly in the interests of these people. He has established that settlement, and it is increasing. He says there is a good locality in the west up the valley of the Sturgeon River for a great many more settlers, and it may become a populous part of the country, and in following the route laid down in the charter originally granted, the settlers would be some ten or twelve miles nearer the Canadian Pacific Railway, and that the line would pass through a much better country than if the route started from Sturgeon Falls. That was his contention. It was not combated. There was no evidence to show that any of his statements were incorrect. My sympathy was altogether—without any knowledge at all of that country—with the reverend gentleman and those who were acting with him in effecting the settlement to which I have alluded. No doubt, as the hon. gentleman said, every man in Verner would sign a petition to make that place the terminus, but it is merely a station—there are very few people there. The village that is growing rapidly is Sturgeon Falls. We have no petition from there, but we had a gentleman from there who declared to us that he knew the country well, and that the new route was the least practicable, and would cost double the amount to construct it, and at the same time would not give the same facilities for the settlers to bring the products of their farms to the Canadian Pacific Railway. There is the whole story. It is true, the hon. gentleman from Cobourg said that the reverend gentleman who was opposing the change of terminus of this road had sold his interest to another man who was interested in Sturgeon Falls district, but he said further, and he said it with a good deal of solemnity and a good deal of vim, that when he sold that he did so because he thought the man would enter into a scheme to construct the road, but not to change the terminus. That was his contention. Any man might sell his individual right, if he had any, in the charter, and at the same time he might do it with the understanding that the road was to be constructed upon the line originally laid down, and for which they had a charter, but just as soon as this man got control, as he supposed, of it, he then brought to his aid some of those whose names were in the original charter and others to change the route entirely, eleven miles to the east, and to lengthen it about ten or fifteen miles, to the disadvantage of the settlers, in aid of whom the charter was originally secured. If the statement made by the Sturgeon Falls man be correct, the new route passes through a country the greater part of which is not habitable, and the only inference I could draw from that is that that is a pulp wood country. Those who have travelled over the Canadian Pacific Railway know that a very large proportion of that country is rocky and uninhabitable, but it abounds in spruce and pulpwood, and as there is plenty of water power, and I believe mills erected at Sturgeon Falls, the interest of the settler is set aside in order that a speculator may be enabled to bring his pulpwood down to Sturgeon Falls. That is the only inference I can draw from the information received in the committee, and it is for the House to say whether, having considered all these points, they will send this report back to the committee for amendment, and with instructions to report it back

as it came from the House of Commons. I do not take the strong view that many do with reference to the report of a committee. A Bill is sent to a committee for the purpose of being considered and reported upon. I do not consider it a reflection upon the committee if the majority of the Senate think differently and say no, you should not have made that amendment and refer it back to you to consider the amendment and report as the majority think they ought to report. That is the function of the House, the privilege and power of the House, and when I heard that argument made, that because a committee reports in a certain way it is a reflection to object to their report. I did not concur. I do think, however, that no more evidence could be procured than was submitted to the committee, or that would justify that committee in changing the report which they have made. It is true, if these amendments are not concurred in, and the Bill is not passed, they have all the powers under the charter now upon the statute-book, which powers will still have effect until the middle of this month, and then they will have no charter at all. Then it will be for the parties interested in that part of the country to apply next session for another charter. But the whole point is in a nutshell. Shall these original settlers be deprived of the easiest, best and cheapest mode of making connection with the Canadian Pacific Railway to take their products to market for the purpose of helping speculators who, have no interest in the country. The man who is the prime mover in this diversion of the route is now in New York on his way to England. The people of Sturgeon Falls, that is those who own the mills, have repudiated him by the letters which were sent to the chairman of the committee, and also read by the reverend gentleman who opposed the change of terminus. If this House adopts the motion instructing the committee to make a different report, I hesitate not to say it will be in the interest of speculators and charter-mongers rather than in the interest of the settlers.

Hon. Mr. ALLAN—I am quite aware that there are certain conventional, if not actually written rules, as to allusions in this House to what has taken place in a committee of the House, and I do not wish to transgress them. However, I wish very strongly to protest against the remarks made by the hon. Minister of Justice. I may have quite misunderstood him, but it is for the rest of the House to judge whether the impression made upon me by what he said, is correct—that the committee had arrived at a conclusion without having had proper evidence before them—without, in fact, paying any attention to the promoters of the Bill, but rather on their own mere motion, and without any proper grounds, had taken upon themselves to materially alter the whole character of the Bill. I may also have misunderstood my hon. friend, but I certainly thought he said, as plainly as words could state it, that there was something very improper in a committee of this House throwing out or materially altering a Bill which had been passed in a committee of the House of Commons and by the House of Commons itself. I have had a pretty long experience in the committees of this House, and all I can say is that if Bills passing through committees of the House of Commons and coming up to this House —I am speaking of private Bills—had not been time and again altered, we should have some very strange legislation on our statute-books. I can say most honestly that I came to the consideration of this question on the committee with a very open mind—so much so, that I was willing to defer the consideration of this Bill to another day if further light could be thrown upon it. I was quite willing that that should be done, but as the committee declined to do that, and went fully and thoroughly into the discussion of the Bill and listened to what those who were opposed to it and desired certain amendments to be made had to say, I candidly confess, so far as I could judge, it seemed to me there was fair and reasonable ground for the proposed alterations in the Bill, which have been reported by the committee. But I would strongly protest against the idea that the committee have taken up a Bill of this kind without proper evidence before them, or without taking the trouble to weigh the different objections to the Bill and reported it to the House without giving it due consideration. As far as I can judge, I think the Bill received a most thorough canvass, and the whole thing was most thoroughly investigated.

Hon. Mr. PRIMROSE—I wish to enter my protest against the doctrine propounded by the hon. Minister of Justice in regard to the treatment by this House of Bills which come up from the House of Commons. If the course which he suggests were adopted it is quite clear that, so far as this Chamber is concerned, in regard to these Bills, Othello's occupation would be gone and there might as well be no Senate. Then, again, let us look at the matter in this light: how do the House of Commons regard the action of the Senate in regard to many of these Bills that come before them when they are returned from this House with amendments? Do they not time and again accept without question the amendments made by this House? And is not that opposed to the position taken by the hon. Minister of Justice?

Hon. Mr. MILLS—Not at all. I took no such position as the hon. gentleman is attributing to me.

Hon. Mr. PRIMROSE—I think the House understood it so. With regard to the matter of reference back to the committee of Bills which have been passed upon by the committee, all the members of this House know perfectly well that the members of the committee stand upon vantage ground in regard to knowledge as to the merits of the Bills brought before them, because they have both the parties interested in the Bill and the parties opposed to it before them, and they hear both sides, and without hearing both sides I should like to know how it is possible for any hon. gentleman to come to a proper conclusion in the matter? I decidedly endorse the remarks made by the hon. gentleman from Sarnia (Hon. Mr. Vidal) when he says this is a course which should be very reluctantly adopted by this Chamber. I also agree thoroughly with the remark which has fallen from the hon. leader of the opposition that it does not necessarily follow that because there is a reference of that character made there is a reflection upon the committee. Still, I think, under the circumstances, this House should be very chary in referring these Bills back to committee.

Hon. Mr. MILLS—I have no right, and no intention, to make a speech, but I desire to correct a misapprehension. The hon. gentleman who has just spoken, the leader of the opposition and my hon. friend from York, have confounded the Senate with the committee. I said nothing with regard to the functions of the Senate. I said that the Senate were not entitled to give full consideration and to exercise their judgment. The hon. gentleman from Lambton (Hon. Mr. Vidal) has spoken throughout as if the report of the committee was the judgment of the House.

Hon. Mr. PRIMROSE—No.

Hon. Mr. VIDAL—No.

Hon. Mr. MILLS—And the hon. gentleman who has just spoken has done the same thing.

Hon. Mr. PRIMROSE—No, not unless endorsed by the House.

Hon. Mr. MILLS—I protest against a committee of this House undertaking to assume the functions of the House and to act on their behalf. The hon. gentlemen have throughout spoken as if this House had nothing in the world to do but to approve of the conclusions and the reports of the committees.

Hon. Mr. McCALLUM—No, no.

Hon. Mr. MILLS—That is the position taken by hon. gentlemen.

Hon. Mr. ALLAN—I have not said so.

Hon. Mr. VIDAL—I did not say so.

Hon. Mr. FERGUSON—I think the hon. Minister of Justice has a right to accept the word of these hon. gentlemen. They say that they have not said so.

Hon. Mr. MILLS—I am repeating my understanding, just as the hon. gentleman sitting opposite me repeated his understanding, and insisted that I have spoken against this House exercising any independent judgment on these matters. I did nothing of the sort. I spoke against the committee's conclusions and report being taken as the judgment of the Senate, and as depriving this House of any right to express an opinion upon the question. And, further, I say that the committee ought to carefully consider the conclusion to which the House of Commons came and the conclusion of the committee of the House of Commons when the

measure was there before them in the first instance.

Hon. Mr. SCOTT—The point at issue seems to be whether parliament is disposed to allow the promoters of the Bill to build their railway where they desire, or whether parliament shall divert the road from the line which the promoters consider as the only line on which they would be justified in spending any money ?

Hon. Sir MACKENZIE BOWELL—Just the contrary exactly.

Hon. Mr. SCOTT—Not if I am correctly informed. The hon. gentleman from Cobourg stated that the promoters were unanimous in asking for the Bill in the shape in which it came from the House of Commons.

Hon. Sir MACKENZIE BOWELL—The only object of the Bill is to change the southern terminus from Verner to Sturgeon Falls. That is the whole thing.

Hon. Mr. SCOTT—Both Houses make very serious amendments in Bills, but I think it is a new feature to say to the promoters of a measure 'we will not grant you a charter where you want to locate your line, but if you will take our line we will give you a charter.' That is really a new proposition, and if hon. gentlemen will look at the past history of legislation they will find the occasions rare on which a committee of the House has disturbed the location as sought by the promoters of the Bill. It may be that the other location is more in the interest of a large settlement of country, but if the promoters say 'we are not prepared to build a railway there. There are reasons why we do not think it is to our advantage. It may be very proper for other parties to build a line from Domremy' which was mentioned in the amendment proposed by the committee, but the promoters say 'we do not want a road from there. After we have made our survey and examined the country we think it would be a good investment to build a road from a certain point and we ask to be allowed to do that.' It is an unusual thing for parliament to refuse the promoters and say 'we will not give you a line where you desire, but if you will locate in another point we will give you a charter.'

Hon. Sir MACKENZIE BOWELL—Not to change the line as it was originally laid down.

Hon. Mr. SCOTT—In the original charter it is broadly laid down. It says 'from a point at or near Verner's Station, on the Canadian Pacific Railway, to a point on the southern boundary of the lake.' They had a pretty wide margin. They could go east or west.

Hon. Mr. McMILLAN—Is not that the expression generally used ?

Hon. Mr. SCOTT—Yes, but we do not bind them to an exact point. We allow them latitude. They say 'We have made a survey there and we find it is not in our interest to build a line west of Verner and we ask to be allowed to build east of Verner,' and the House says 'You must move the line further west.' I understand Domremy is two miles further west. They say 'we do not want that permission.'

Hon. Sir MACKENZIE BOWELL—It is the new men who say that, but the older men say they do want it.

Hon. Mr. SCOTT—Of course parliament can do as it likes, but I think it is rather unusual for parliament to say to parties who have put money into an enterprise, and who are prepared to put a larger amount of money in it, 'No, we will not give you the line where you desire it. We will give you it somewhere else.' I do not know the facts sufficiently to say whether parliament is justified in doing that, but parliament is all powerful. It can refuse the Bill in the shape the promoters have asked for it. It is a matter which should be threshed out in the committee if it has not been fully threshed out already.

Hon. Sir MACKENZIE BOWELL—The committee spent two or three hours at it.

Hon. Mr. SCOTT—If it appears that all the promoters were in favour of a line to Verner, would it not be unusual for parliament to say 'It is quite true you could locate your line a little east of Verner under your original charter, but now you must build you line at a point two miles west of Verner.' In my experience it is an unusual action for parliament to take, to locate a line for a company in a section of

country which they are not prepared to accept.

Hon. Sir MACKENZIE BOWELL—There was not a single particle of evidence that the parties who desired this diversion had a dollar to go on with it.

Hon. Mr. WATSON—I think there is some information that might be given this House which has not been communicated to us, and I have no hesitation in saying that from information I received from the gentlemen promoting the Bill, the report should be referred back and these people should have their line in the location asked for. I will give the House some of the reasons. I understand that from Verner to the lake is some twenty-four miles by the proposed line, which I understand up to the present time has not been surveyed. The line from Sturgeon's Falls to the same terminal on the lake is thirty-two miles, which has been surveyed and is a practical route. In the case of Verner, they have to go east to what is known as Cache Bay Valley, the only way of reaching the lake from Sturgeon's Falls. They have to go west. Verner is a small village of not over sixty or seventy inhabitants and that is the point at which the original charter fixed the terminus of the road. I am informed that Sturgeon Falls is an incorporated town of 2,000 inhabitants, and no doubt what has been stated by the hon. leader of the opposition is perfectly correct, that the object of getting the road into Sturgeon's Falls is to carry pulp-wood there. I understand there is a large pulp-mill and a paper-mill is being erected and Mr. Edward Lloyds, of the London *Chronicle*, purchased the pulp-mills from the original owners for some several hundred thousand dollars and is spending about half a million dollars in erecting a paper-mill there. That point must grow, and it seems to me the most natural thing in the world that the people who are farming that section of the country should prefer to have the railway go to a town of two thousand inhabitants rather than to a little village of sixty or seventy. A reference was made to the original promoters of the Bill. I understand that eight out of nine of the original promoters are asking for a change at the present time. Eight out of the nine are in favour of the change to Sturgeon's Falls. Only one of them is opposed to the change and in favour of Verner. It appears to me that everything is in favour of allowing these people to have the change. It is all very well for us to say that petitions have been signed. We know how easily petitions can be obtained for almost any purpose. I think that is the experience of nearly every hon. gentleman in this House. Sturgeon Falls is a town of two thousand inhabitants, and a large amount of money has been invested in a pulp-mill there, and of course these people want to start the road at that point rather than to take the trade away from it, because, I understand, from either Verner or Sturgeon's Falls the road has to almost parallel the Canadian Pacific Railway to get into Cache Bay Valley, and it is simply a question of six miles longer, but it brings the products in.

Hon. Sir MACKENZIE BOWELL—Which lake is that?

Hon. Mr. WATSON—Lake Timagami.

Hon. Sir MACKENZIE BOWELL—It is twenty-four miles from the Canadian Pacific Railway. How could it parallel it?

Hon. Mr. WATSON—No. From Verner they have to run, not parallel, but easterly along the line of the Canadian Pacific Railway for a distance to get into the valley. They have to go up the same valley to get into the lake. It is a little longer from Sturgeon Falls than from Verner.

Hon. Sir MACKENZIE BOWELL—They asked to be enabled to go east of Verner instead of west.

Hon. Mr. WATSON—I am taking Verner as one starting point. I suppose from Verner they would have to go further west and would not go to that valley at all. Both Houses have a duty to perform, and it does seem to me that, outside the criticism with reference to the duties of the Senate and the House of Commons, there should be the strongest evidence possible to warrant us in changing a measure coming to us with the approval of the House of Commons, and the same way with Bills that go from the Senate to the House of Commons, because the House in which these Bills originate must naturally get the best information, and we must know that, because we find complaints by the hon. gentlemen that members of the House of Commons do not pay sufficient at-

tention to these matters after the Bills have passed there and been sent to the upper House. I suppose it is about the same in the Senate. Each body supposes that the matter is looked into by the House in which the Bills originate. My idea is that if the House insists that this road shall not be built from Sturgeon Falls, it will not be built at all, because I understand that the people who control the charter have investments at Sturgeon Falls. They have property there, and want the road to terminate there, no doubt for the purpose of facilitating the bringing in of pulp-wood. The people through the country are best served by having the products of their farms taken to a town of two thousand inhabitants rather than to a station of sixty or seventy people.

Hon. Mr. McMILLAN—Will the hon. gentleman kindly tell me why Sturgeon Falls was not represented at the committee —why they did not protest against this ?

Hon. Mr. WATSON—Represented on what committee ?

Hon. Mr. McMILLAN—The only party present at the committee was a gentleman from Sturgeon Falls, and he was in favour of the railway starting from Verner. I asked why were the people of Sturgeon Falls so negligent that they did not send some representative to the committee to ask that the road should be started from there ?

Hon. Mr. WATSON—I do not know anything about that particular individual, but I would suppose the people of Sturgeon Falls would come to the conclusion that if the promoters of the company want to start from Sturgeon Falls, the Railway Committee of the House of Commons or the Railway Committee of the Senate would not refuse their request. It seems a reasonable proposition that the people of Sturgeon Falls would not for a moment think their request would be refused.

Hon. Mr. McMILLAN—There is a further reason which has not been mentioned here, and which should not be forgotton. In sending this Bill back to the Committee on Railways, you are very likely not to get as many gentlemen present as there were at the last meeting, perhaps not a quorum. It is getting very late in the session, and I know a great many members are leaving for home. That fact, and the knowledge that we have spent two hours in hearing arguments for and against this Bill, ought to be a sufficient guarantee to the Senate that everything was done by the committee that could possibly have been done, and that is likely be done in future. There is another little secret in connection with this matter, that struck me in the committee, and which has not been mentioned. It appears to me that this Bill is promoted for the purpose of ousting the gentleman who secured this charter two years ago. It is true that he made an effort to sell, but he retained 30 per cent of the stock belonging to the railway as an interest. He sold his interest for a hundred dollars, but retained 30 per cent. If this charter is given to the parties asking for it to-day, they will deprive him of all his interest, and of all chance of being recouped for the trouble he has taken with this scheme, and of having the line built the way he wanted it. All these things are clear to me, and for that reason I supported the amendment. It would be unjust and unfair to those who hold the charter, if their interests should be by any means of that kind jeopardized. Furthermore, for the reason that we are not likely to get a sufficiently strong meeting of the committee this session I shall support the report of the committee.

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

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Carling (Sir John),	Primrose,
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Ferguson,	

The Bill was then read the third time as amended and passed.

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (177) 'An Act to amend the Acts respecting certain savings banks in the province of Quebec.' He said: This Bill does not differ very widely from the measure now on the statute-book. There are certain additional powers given in respect to investments, and the name of one of the chartered companies, instead of being the City and District Savings Bank of Montreal, is to be called the Montreal City and District Savings Bank. The bank shall always hold at least 20 per cent of the money deposited with it, securities which can be readily converted into cash. They are allowed to hold a certain class of securities which they could not hold formerly. If hon. gentlemen look at the 18th, 19th and 20th clauses of this Bill, they will see that there are certain securities in which moneys may be invested under the Bill as it now stands. In clause 20 there is the power of purchasing certain securities at their market value, which was not possessed before. They formerly could only be purchased as investments at par value. Then there is a provision that certain loans can be made without collateral security. The liabilities are precisely the same as under the law as it now stands. The power as to assets is enlarged.

Hon. Mr. ALLAN—I suppose one reason for extending this class of investments is the great difficulty of getting money invested at all.

Hon. Mr. MILLS—Yes.

Hon. Mr. ALLAN—To a certain extent subsection *d*, of clause 20 is going pretty far for a savings bank.

Hon. Mr. MILLS—The securities required under the Act are high class securities, and necessarily the interest on these is small, and it was found desirable to widen the basis of investment so as to permit these banks, as far as possible, without in any way imparing their security, to make their investments.

Hon. Mr. POWER—When the Bill goes into committee, I think the attention of the minister might be specially directed to paragraph *d* of the new section 20:

(d) Upon a resolution of their respective boards of directors, to incorporated companies, or incorporated institutions, within the limits of their borrowng powers, and not exceeding in any case their paid-up capital, provided such company or institution has a paid-up capital of not less than five hundred thousand dollars, and has paid continuously for the previous five years a dividend at the rate of at least five per cent per annum.

Now, I think it will be prudent to put some limitation on that very wide power. It is perfectly true, as the hon. Minister of Justice says, and the hon. gentleman from York has intimated, that it is rather hard now to get good securities which will bring in a reasonable rate of interest, but after all, in dealing with a savings bank, the great object is security, and the particular paragraph which I have read does not, to my mind, give full security and it should be amended in committee.

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

Hon. Mr. MILLS moved that the Bill be referred to a Committee of the Whole House to-morrow.

Hon Sir WM. HINGSTON—Some business corporations in the country cannot borrow from the two banks. Gas companies and street railways, for instance, cannot, and it is contended that a resolution of the directors is equivalent to any bond that you can get. A resolution and a deed signed by the secretary-treasurer and president is to all intents and purposes a bond, and should be considered as such. It is in order to enable these institutions to lend to such companies, especially that the amendment is made. There are so few companies in Canada with a paid-up capital of $500,000, which have paid a 5 per cent dividend for five years, that there will not be many opportunities of making such investments. This Bill, it may be added, has met the approval of the Bankers' Association, and they have pronounced in favour of it. I see no reason why the hon. minister should not proceed with the Bill as it is.

Hon. Mr. POWER—What the hon. gentleman says may be perfectly correct, but I simply suggest that there should be some change in the wording of the paragraph, which I read. The language of that para-

graph is not confined to any of the corporations which have already been mentioned in the earlier part of the Bill, and three or four words which would confine it to the corporations already mentioned, would meet the difficulty which occurs to me. I do not wish the hon. gentleman to understand that I am opposing the provisions of paragraph *d*, but I want to have it worded so that it will not be made wider than the promoters of the Bill probably intended.

Hon. Sir WM. HINGSTON—When the securities are mentioned in clause 19, it has reference to investments. Now, this 20th clause has reference to loans. That is the difference.

Hon. Mr. POWER—After all a loan is an investment in a way.

Hon. Sir MACKENZIE BOWELL—Unless there is some good reason for delay, as we are now near the end of the session, this Bill should be referred to the committee without delay. If it is necessary to add the words the hon. gentleman suggests, we can do it now.

Hon. Mr. POWER—The object of having the Bill before the House is that it may be considered. If it is not desirable to consider it, why let it go, but I thought we were here to consider the Bill, and I did not expect we would go into committee on it immediately after it was read the second time.

Hon. Sir MACKENZIE BOWELL—I should not like the impression to be made on the mind of any hon. gentleman that because I suggested going in to committee on a Bill now, that I wished to pass the measure without consideration. If it is a matter that requires consideration the hon. gentleman is quite right to ask for a delay. It occurred to me that as the difference between the two sections that is, the difference between investment and loans—had been explained that might be considered now.

The motion was agreed to.

CHINESE IMMIGRATION RESTRICTION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (180) 'An Act respecting and restricting Chinese immigration.' He said: For the last fifteen or twenty years this Chamber has had to consider the question or restricting Chinese immigration. The first Act was placed on our statute-book restricting Chinese immigration into Canada, in 1885. Under the provision of that Act, a fee of fifty dollars was exacted from every Chinaman coming into the Dominion. There were other provisions, many of which are contained in the Bill before the House, which tended in the direction of limiting immigration from China. Hon. gentlemen are very well aware that a strong feeling on this subject exists in British Columbia, and for many years they have been agitating for a very high tax. The high figure has been objected to by the people of the eastern provinces. They have usually considered that as British merchants are penetrating into China and we are exacting certain provisions for British residents in China, it did not seem in accordance with Christian civilization that we should impose those penalties on the Chinese. However, in deference to the opinion expressed in British Columbia, and perhaps in some other parts of the Dominion, the fee has been raised to $100. Probably hon. gentlemen are aware that the tax that public opinion in the western province demands is prohibitory, practically—$500. For many years past the British Columbia legislature has been passing laws excluding Chinese from the privilege of working for companies chartered by that legislature, and in the last three or four years they have included Japs. Of course the public opinion of this country would not tolerate the Japs being excluded in the same way, and to the same extent as the Chinese are, and consequently very many Bills passed by the legislature of British Columbia have been disallowed on that account. Japan is a warm ally of Great Britain and there are Imperial interests which would prevent the Dominion of Canada from taking any legislative action that would bar the Japs from coming to Canada. Japan herself has solved that problem very recently. She has adopted an ordinance prohibiting Japs emigrating to Canada and the United States, except in limited numbers. Ten per month are allowed to come to Canada; five per month are allowed to go to the United States, evidently showing that Canada stands in a very much better position in the estimation of the Japs than our neigh-

bours to the south of us. It struck me as peculiar how they arrived at that decision, allowing ten Japs to come to Canada for each month of the twelve, and only five to go to the United States. However, this Bill does not touch the Japanese question. It is limited entirely to the Chinese. There are not many new clauses in it. Some are remodelled probably in better form than they were.

Hon. Mr. CLEMOW—What are the new clauses ?

Hon. Mr. SCOTT—There is a new clause that paupers who are likely to become a public charge, or those suffering from certain diseases are not allowed to come in. Probably the latter would be included in our health laws.

Hon. Sir MACKENZIE BOWELL—Of course, we will discuss the merits of the changes in committee, but I should like to ask the Secretary of State whether this Bill is in compliance with the telegram sent during the elections of 1896 to Mr. McLagan, the editor and proprietor and publisher of the Vancouver *World*, when he asked what the policy of the party was on this question? The reply made by the then Mr. Laurier, was, that the Chinese question was not one which was agitating the people in the east, but whatever were the wishes and desires of the western people, they should be carried out. What I want to know is whether this Bill is in compliance with the wishes of the western people, and which the present Premier, when in opposition, pledged himself to carry out ; and, secondly, whether this is in accord with the declaration of Sir Henri Joly, when acting as the chaperon of Li Hung Chang, who, when parting with him in the west, Sir Henri affectionately shook hands with the Chinese ambassador, and was asked by Li Hung Chang not to desert his friends ; Sir Henri's reply was 'Depend upon me, I will not desert your friends.' Is it in accordance with that declaration, or are we to understand that as we are approaching very rapidly, the time when we are to ask the electors for support, that this Bill has been introduced though in abeyance for nearly five years, to secure votes? I notice by the newspapers that the provisions of another law which has been placed on the statute-book, that is the Alien Labour law, for the first time have been put in force in the west in connection with some Italians brought from the United States to work in this country. I remember when that Act was under discussion, I pointed out to the then Minister of Justice, Sir Oliver Mowat, who occupied the position my hon. friend does now, that I believed the wording of the Bill which he was about making law was of such a character that it would never be enforced, and that prediction was verified until the other day. Applications had been made repeatedly to put it in force, but had never been acted on by the government. Those who have paid attention to its provisions know that no prosecution could be commenced under the law without first having received the sanction of the Minister of Justice, and in no case has it been put in force until the other day. It comes late, perhaps the government thinks not too late in the day to catch votes, just as we are approaching the elections. When hon. gentlemen want to ask the workingmen for their support, they can put the law in force. The pledge made by the present Premier to the anti-Chinese people in Victoria has remained a dead-letter for five years, and now, if I understand it, they have only acquiesced in the request made by the British Columbia people to the extent of increasing the tax by $50, and have not carired out the demands of that province, as I draw from the remarks made by the Secretary of State, which have been made on the government to make the law still more restrictive. These are two questions which perhaps the hon. gentleman may think irrelevant at the present time, but they are interesting to those who follow these matters, and who have some little regard for pledges which may be made by public men.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am glad my hon. friend appreciates that remark. I know no one who should take it to heart more seriously than himself, particularly when we consider that before the last election the hon. gentleman told the electors at London and Bothwell, as did the Premier, that if they got into power, they would reduce the expenditure of this country from 3 to 4 millions of dollars a year. It has only gone up eight or ten millions. This

increase may be thought by a Liberal government to be only a small item in a growing country like this, hence I can understand how he appreciates the remark I made with reference to pledges. However, that is not the point we have to discuss now. What I would like to call the attention of the hon. minister to is this: I have gone through the Bill somewhat carefully. There are some changes which I think are in the right direction. The old Act provided that any one of Chinese origin could only come into the country by paying a capitation tax. I find in this Bill, I call attention to it now, in order that the Minister of Justice and the Secretary of State can think of it before we go into committee—the sixth section reads.

Every person of Chinese origin, irrespective of allegiance, shall pay ino the Consolidated Revenue Fund of Canada, on entering Canada, at the port or place of entry, a tax of one hundred dollars, except the following persons who shall be exempt from such payment.

They have added the words 'irrespective of allegiance.' The difficulty that arose in enforcing the law as it stood upon the statute-book before, happened in this way: An Englishman who had been for a great number of years in China, married a Chinese woman. He came to Canada and settled in Victoria, and brought five children with him. Under the law as it stood, we were obliged to impose a capitation tax upon the wife and also upon the five children, which amounted in all to two hundred and fifty or three hundred dollars. That was looked upon as a very great hardship, and I may say that by the powers vested in the Treasury Board, they remitted the capitation tax which had been imposed upon the Englishman's wife and his five children. This amendment makes the restriction still stronger. It reads:

Every person of Chinese origin, irrespective of allegiance.

So that if a British subject, a Canadian for instance, goes to China and marries a Chinese woman and has a family, they would be subject, under that clause, 'except as hereinafter provided,' to the capitation tax.

Hon. Mr. POWER—Look at paragraph 4.

Hon. Sir MACKENZIE BOWELL—I was just going to refer to paragraph 4. Paragraph 4 says:

Hon. Sir MACKENZIE BOWELL.

Any woman of Chinese origin who is the wife of a person who is not of Chinese origin, shall, for the purposes of this Act, be deemed to be of the same nationality as her husband.

That removes the wife from the capitation tax, but what about the children? What about the family? They may be highly educated, as they were in the case I have referred to. A Presbyterian clergyman came from China with a Chinese wife, and brought a family with him. Under this clause, while the wife would be exempt, would the children not be subject to the tax? That is a point for the Minister of Justice to look into. I think the provision allowing the wife to be considered of the same nationality as the husband is quite correct, and that is the theory I have heard my hon. friend expound before in this House. Should we not extend it also to the family and insert something like this:

And the children of such wife when born in wedlock.

Or would it not be better to change the 6th clause and say:

Every person of Chinese origin not being a British subject.

I am not arguing in opposition to the principle of the Bill, although I have my individual opinions about it. Take Hong Kong, as an illustration. It is a British possession. The inhabitants are principally Chinese, and it does seem hard, however objectionable the Mongolian race may be to our race, that we should pass a law prohibiting a British subject, with all the rights and privileges we have, from coming into the country. That is another point to which I wish to call the attention of the government. I should like to see inserted in this clause the words: 'Not being a British subject.' There are one or two other matters in connection with this measure which we may discuss when going into committee, and I mention these points so that hon. gentlemen may consider them.

Hon. Mr. McMILLAN—Every convert made in China is supposed to cost $445, and should he not be landed in Canada without this embargo?

Hon. Sir MACKENZIE BOWELL—That would be a good idea if the conversion was sure. I know a case in British Columbia connected with my own family, so that it is a pretty straight story, where the em-

ployer said to his Chinese servant, 'Sam, I thought you had become a Christian'? What would hon. gentlemen suppose his answer was? 'Me learn to read and write: me no want Jesus Christ any more.'

Hon. Mr. McMILLAN—I may say that I think it is contrary to British toleration and British freedom to put an embargo on any class of people.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. McMILLAN—And I, for one, will vote against this Bill.

Hon. Mr. POWER—With respect to the point made by the hon. leader of the opposition, in addition to what he says I should like to direct the attention of the hon. Secretary of State to paragraph *d*, of clause 4, which reads as follows:

> The expression 'Chinese immigrant' means any person of Chinese origin, including any person either of whose parents was of Chinese origin, entering Canada.

I think that the language of that paragraph is inconsistent with the language of subclause 4 of clause 6, which reads:

> Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall, for the purpose of this Act, be deemed to be of the same nationality as her husband.

So that if an Englishman marries a Chinese woman she is, for the purposes of the Act, to be deemed English. Consequently, paragraph *d* is incorrect in saying that the Chinese immigrant shall include any person either of whose parents was of Chinese origin. It will only include the immigrant whose father was of Chinese origin I think that these two descriptions should be reconciled.

Hon. Mr. CLEMOW—I never could see the justice of imposing this embargo upon Chinese coming into this country. I have had the opportunity, lately, of reading the views of a Presbyterian clergyman respecting the conduct of Chinese in British Columbia, and I have come to the conclusion that they make good settlers and that they are a benefit to the country rather than otherwise, and, therefore, I cannot understand upon what principle this government insists upon putting a poll tax of even fifty dollars per head upon the Chinese who came to this country for the purpose of assisting to carry out our public works, and in a variety of ways benefiting the general prosperity of the country. I do not believe it is consistent with our principles as British subjects to impose any such tax, or to put any such restriction upon people desiring to settle among us. If the government wish to exclude them, then exclude them altogether. It appears to me that with all their imperfections, as long as they pay fifty or a hundred dollars a head, you condone all their evil deeds, past and future, and are willing to give them all the rights and privileges of British subjects. We profess to have our country open to men of all classes, of all nationalities, colours and creeds, and I never could understand on what ground this tax was imposed. Could the Canadian Pacific Railway have been constructed in the short time it took to build it without the assistance afforded by foreign labourers? These people have been here a great many years. I do not know much about them myself. We have had a few in this city. I have found them highly honourable and industrious, conducting themselves in a becoming manner in every way, and I believe they have become Christianized. I believe they are now members of the Presbyterian Church of this city, and I am told they conduct themselves in every way in a becoming manner. I have heard nothing against them except the general supposition that they interfere with the labouring men of this country. In British Columbia the number of Chinese is very large, variously estimated at from ten to fifteen thousand. I have conversed with a good many men from British Columbia, and have always understood from them that they were perfectly satisfied with the course pursued by this class of people in that part of Canada, and as far as they were concerned they could see no reason for disturbing them or preventing them coming in free of charge. If the government think it is for the benefit of the country and its revenue to impose a poll tax, that alters the question altogether, and upon that ground they may be justified in exacting this amount of money. But the evidence is altogether against the idea that they are not people deserving of every protection we can give them for the purpose of carrying on their business vocation. It is said they amass a little money and then go away. Do not others do the same thing? Men come

from the British Isles, remain a short while and return to their native land after they make a little money. Men come from the United States and do the same thing. I do not know why there should be a discrimination against the Chinese. It is said they are not Christians. We ought to try to Christianize them for the purpose of making them Christians in fact as well as name. Under all these circumstances, I cannot understand why this measure should be introduced for our consideration. The government might have allowed the law to remain as it was, but I presume they expect by this Act to increase the revenue of the country.

Hon. Mr. ALMON—They expect to gain at the polls.

Hon. Mr. PROWSE—The action of the government on this question is certainly a move in the right direction. I do not think the Chinese should be admitted into this country in large numbers. A few of them may be all right and may be very useful, but we know that at the present time there is an upheaval in China the end of which it is impossible to foresee, and we know, too, of late years an excellent steamship service has been established between that country and British Columbia, and the probability is that unless some restriction is imposed upon the immigration of that class of people, the country will be over run with them, and they will become a perfect nuisance.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. PROWSE—A few of them may be very useful and profitable to have, and if they are not encouraged to settle down in colonies by themselves they may become better citizens than they were in their own country, but if the Chinese are admitted by the thousand, as seems likely to occur, it would be a great injury and a menace to the peace and prosperity of the country generally. The government is taking a right step in imposing a tax of one hundred dollars, and if that is not sufficient to prevent a large influx of Mongolians into our country, they would be justified in going still further, so that a very limited immigration of that class would take place. I think the government is taking the proper course in introducing a Bill of this kind at the present time.

Hon. Mr. CLEMOW.

Hon. Mr. VIDAL—It will be remembered by many hon. gentlemen that when this subject was first introduced in the Senate to impose a tax on the Chinese, I resisted it for the same reason that I oppose the measure to-day. All the observations which I have been enabled to make on the effect of the Bill have not changed my opinion with reference to it. I think it is entirely inconsistent with everything that is truly British.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. VIDAL—Such a law should not be on our statute-book, and it is a matter of surprise to me that the Imperial government did not veto the first Act. It seems to me to be utterly inconsistent with every thing which we, as a Christian nation, profess to carry out with reference to other people. I do not know on what ground any objection should be taken to the Chinese. There are many who are diametrically opposed to their coming into the country, and consider them an evil to be resisted. I do not hold that view. I have sufficient faith in the Anglo-Saxon stability and strength to believe that they can maintain their ascendency anywhere, and I am not afraid of a million Chinamen coming and trying to take our country from us. The few who have come here, as far as my knowledge goes, have behaved themselves with as much propriety as any of the other races of men. Hon. gentlemen will find a larger proportion of objectionable people among those who are British subjects than will be found among Chinese immigrants and surely some of the actions which they perform would justify them in receiving consideration at our hands. In fact, I think that we should blush—if parliament could blush—when we think of the treatment we are according them. What did we find the Chinamen doing when the great calamity happened to Ottawa and Hull? We find the Chinese of Victoria contributing $500 to the relief fund. Surely people who are able to perform an act of that kind are entitled to more consideration at our hands than they are generally receiving. I am not venturing to suppose that I could defeat the passage of this Bill, but I cannot allow it to pass the second reading without at all events recording my disapproval of it; if I thought it were possible I should certainly move for the re-

jection of the measure. But the Bill before us contains many clauses with reference to matters which I think are right and proper to be dealt with, and therefore while there is a good deal which is objectionable to me, there are many things which it is desirable to pass in to law for the regulation of matters connected with the Chinese. But I do not think that the Chinese should be dealt with differently from immigrants who come from any other nation in the world. Here we are spending thousands of dollars to bring in the Doukhobors and Galicians. Are they any better than the Chinese ?

Hon. Mr. DEVER—Oh, yes.

Hon. Mr. VIDAL—The Chinese that have come in among us have behaved themselves with the greatest propriety. There are a great many in the city of Ottawa, and we do not find them violating the law. They are a well behaved, useful people, and my belief is that the opposition to them does not arise from anything particularly objectionable in themselves. It has been boldly advanced that it is because they come in and work for a low rate of wages and deprive our own working people of proper payment for their services that they are looked upon as an evil. They come in and displace our own workmen. That is really the essential principle at the bottom of this legislation against them, and what an absurd thing it is. If we carry out that principle we might just as well say there should be a heavy tax imposed upon every sewing machine, because the sewing machine enables one girl to do the work which would otherwise keep ten or twelve girls employed, and therefore any machinery by which manual labour is saved would be subject to the objection. If because they come in and do work more cheaply they should be kept out, then the same principle would apply to the making of machinery by which workmen would be deprived of their ordinary work. I think it is an incorrect principle and so far from raising any objection to their coming in, I think they should be well treated. There may be among them, as there are in any race of men, hypocrites and pretenders, although a great many of them have become true and devoted Christians, and they have shown themselves to be such by leading lives in keeping with the commands given in the word of God, and we have every reason to treat them as we treat any other race, as fellow children of the one great and glorious Father. I do not believe that we are acting in harmony with His will when we would thus, as it were, shut the door of our country against the incoming Chinese people. What do we find England doing now ? She is making a great parade, going to keep an open door in China, and while they are opening the door there, we are shutting the door against the Chinese here. What would we say if China saw fit, in its wisdom, to impose a tax on every Canadian that went in there ? What would happen ? There would be almost a war to compel them to revoke such a law. How is it that no tax is imposed on the Japanese? I am told they are just as objectionable as the Chinese.

Several hon. MEMBERS—Oh, no.

Hon. Mr. VIDAL—Why is Japan not to be treated the same as China ? Japan is treated as a friend of England because she may be useful if trouble comes in a certain quarter. Is that the kind of principle which should guide a nation like Great Britain ? I think it is entirely beneath our dignity and inconsistent with our professions, and as long as I live, I hope to stand up for the rights of the poor ill-used and persecuted citizens of China.

Hon. Mr. GILLMOR—When this legislation was introduced in the House of Commons I was very much opposed to the restriction. I have given the matter a good deal of consideration since and I regret exceedingly that the government have thought it necessary to double the poll tax on the Chinese. I have read very carefully the report of the commission on Chinese immigration, and I fail to see any argument or any evidence, taking it upon the whole, that they were not a useful set of immigrants in this country. I am not familiar with their customs, for there are none to speak of in the province from which I come, but in Montreal and in Ottawa I have observed them, and I cannot see any objection to having them come to this country. I do not suppose they are the most desirable immigrants that we could have. Of course, there is the difference in colour. I do not suppose they will ever amalgamate with the white race ; at the same time, Canada is a

broad country and has vast resources to become developed, and they are not a bad class of immigrants to develop our resources. I do feel that this legislation is a blot on our Christian civilization. While the nations are fighting for an open door in China, we close the door against the Chinese in Canada. I would not be afraid of their overrunning Canada. Their regard for their fatherland and for their ancestors will prevent their coming here in very large numbers, and if they are so populous there that they are overcrowded, we must not forget the brotherhood of man—we must not forget that the earth is made for all God's creatures. I know there are difficulties surrounding this question, yet I have very strong feelings in reference to this matter, and I think this legislation is behind the Christian civilization of the age. It is the result of pressure from the labouring classes. I think that white men are superior to Chinamen. I do not believe that they want to be protected because we are an inferior race, I believe that the white race is destined to rule the world and lead in civilization and everything that is great and good; therefore, I do not believe they require to be protected against Chinamen any more than against Japanese. I am inclined to think it is because the Japanese can fight that they are allowed to come in. They have a navy and know how to use it. The Chinese civilization has been a civilization of peace, and therefore, they are not a formidable nation in war. Christian nations may convert them into fighting people, and make their influence felt throughout the world yet. I do not want to see that. You may read the report of the commission on Chinese immigration, and while some evidence may be found against their morals, and as to the leprosy they may bring in, on the whole they are unobjectionable. A clergyman in British Columbia gave evidence that he never saw but one Chinese leper, and the only other leper he knew of was an Indian who had it before the Chinese came to British Columbia, and therefore, that objection is without grounds. I must admit that races who will not amalgamate are not so desirable as those who will, but Canada is a broad country and the Chinese are industrious and sober. They use opium, it is true, but so do white people. When they earn and save enough money they go back to China, but they leave the results of their labour in this country, and there is no objection to their going home. They go there because they want to lay their bones in the dust with their ancestors. It is part of their religion to worship their ancestors. With regard to their living cheaply, is it any crime to live on three cents a day. Is it any crime to sleep a dozen in a room? Is it any crime to lie on a board? They are admitted to be men who are faithful to their obligations. There is no trouble collecting their debts, but they come in competition with white men? I know that the labouring classes of this or any other country are the most important class. At the same time, there are others who have rights, and if the white man is superior, he can utilize the labour and the energies of these yellow men. They are willing to do menial labour that white men will not do. And with regard to the public works of British Columbia, I daresay they could have been accomplished by the labour of white men alone, but it would have taken years and years longer to construct those public works were it not for the employment of the Chinese. I have not changed my views. I have not made it a subject of close study, but I have looked through this long report. The commissioners not only investigated the question in British Columbia, but they felt they had to go down to Chinatown in California to get an account of all the evils connected with the Chinese there, where they were maltreated and abused, where their houses were burnt over their heads; where there was no regard for the rights of Chinamen at all. The commissioners went there for evidence, and some witnesses gave one kind of testimony, and other witnesses gave testimony of another kind, but on the whole the commissioners were satisfied that the Chinese were a desirable class of people to come to Canada to develop the resources of the country, and that Canada was benefited by them. Apart from that, and above that I believe in the brotherhood of man. I believe in the fatherhood of God, and I think it is our duty to let men who can benefit us, come into the country without regard to their race or religion. The hon. gentleman from Glengarry says it costs over four hundred dollars to make one convert. Would it not be better to let

them come in here and get the benefit of our Christian civilization, and be Christianized while doing our work, and we would then have the four hundred dollars to spend in the country for their conversion, rather than send the money to convert them in China? I do not propose to argue the question, but I have strong feelings upon it. The longer the Chinese are here, the more inclined they are to adopt our dress, to get rid of their queues, and to be an advantage rather than an injury to Canada. While some localities might feel the inconvenience of their presence, we have a broad land, and instead of five or six millions of a population that we now have, we have room for a hundred millions, for a great nation. In the meantime, I think Chinese labour would be of great advantage to Canada. They do not labour any cheaper than the market will pay. If they did I do not suppose any individual here would be sorry to have them work cheap. That is no crime. With regard to their mode of living, they spend as much and pay as much to the revenue as workingmen who get the same wages.

Hon. Mr. SCOTT—No.

Hon. Mr. GILLMOR—The commissioners so report. They say a Chinaman who gets three hundred dollars a year for his labour lays by about forty or fifty dollars out of that. If he eats rice, it costs about five cents a pound, while flour sells at two or three cents. Therefore, he eats dearer food than the man who lives on flour. They like to live as well as other people, and when they are able to live that way they do so.

Hon. Mr. ALMON—I should be sorry indeed that this discussion should end without raising my voice against this Bill. I think it is a disgrace, at the beginning of the twentieth century. Perhaps two hundred years ago it would not have excited the same indignation that it will to-day. Civilization is advancing. Everybody knows that this Bill is brought forward because an election is coming on, and in British Columbia the province is cursed with universal suffrage. The Chinese interfere with some classes there. That feeling is entirely confined to the labouring classes. When I was in Victoria a gentleman called to see me and said: 'Dr. Almon, I do not know anything about you, but I have called to thank you for your vote against the tax on Chinese.' I said: 'How does it happen, if those are your sentiments, that all the members from British Columbia, except Senator Macdonald, were in favour of the tax?' He said: 'They vote that way, but if you go to their houses, you will find that they employ Chinese.' The reasons given for this Bill are, that the Chinese come to this country and work hard. They are generally honest; they are certainly sober. There appears to be no immorality among them which would bring them into the divorce court. What is the argument against them? They come here to work and save money, and when they have enough saved they go back to their own country. Why do they do that? Is it not our own fault? Suppose a man were allowed to bring his wife and family with him? We may say that his wife would be a bad woman. I do not know that she would be any worse than the wife of an immigrant from Europe, and for whom we pay a large sum to get them to emigrate to Canada. If the Chinese had their wives with them they could keep their own houses, and then when a man made money enough, his affection would be divided between his dead ancestors and his living children, and I am not certain, as human nature is the same whether our skins are white or yellow, but the love of the children would overcome the love of ancestors. Certainly, the children would not have the same affection for the land of their origin as their fathers had. When the Chinese go to China, they cannot take the results of their labour away with them. It was said that the Canadian Pacific Railway could not have been completed in the time it was, if the contractors had not been able to employ Chinese labour. Those men who work on that railway are gone. Is not the result of their labour with us still, in the shape of the Canadian Pacific Railway, of which we are so proud, and which has raised Canada from the position of an unknown country to one that a man feels proud to call himself a citizen of? The hon. gentleman from Sarnia (Hon. Mr. Vidal) certainly takes rather a pessimistic view when he says he believes this Bill will pass. I should be sorry to think it would pass. We have not made as many converts in China as we ought to have made.

Why? A Chinaman hears a missionary speak, perhaps of the Sermon on the Mount. He asks: 'Is that the religion of Christians?' The missionary says: 'Yes,' it is. 'Did not God make the Mongolian as well as the Caucasian? Have you any right to shut out the Mongolian?' The Bill is anti-British and unchristian, and I should be ashamed to sit in this House if I did not raise my voice in protest against it.

Hon. Mr. MACDONALD (P.E.I.)—I regret that I was not able to hear fully the remarks of the hon. gentleman from Halifax, for I quite concur in his views on the subject. I must say that I think this species of legislation, imposing a tax of a hundred dollars on immigrants coming into the country from China is not very desirable legislation. It appears to me it is retrograde legislation. Previous to confederation, there was a tax imposed on immigrants coming into the different provinces. I remember myself when immigrants coming into Prince Edward Island, who, landed in Nova Scotia, had to pay some four dollars per head there. If they had to pass through New Brunswick they had to pay a second head tax, and when they came to our province they had to pay a third. That is done away with, and we now afford facilities to bring people in free of any charge of that kind. While we are bringing in certain foreign immigrants at a high cost to the country, we are imposing a tax on other foreigners. We are discriminating between different races. From any little knowledge I have of the Chinese who come into the lower provinces, my belief is that they are a desirable class to admit into the country. We know that it is very difficult indeed for people in the lower provinces to obtain servants to do their housework, and these Chinese, when they come there in sufficient numbers and find that washing and such work as they usually embark in, is overdone, they will engage as house servants, and they have proved themselves to be a very good class of servants indeed—a class that householders are very anxious to get hold of when they cannot obtain natives of the country to do housework. In this way it is an advantage to the people of the lower provinces to have the Chinese come in. It may be different in British Columbia, where there is a very large number of Chinese coming in, and it is possible that there are objections to them there. Perhaps these people work for less wages than white people do. Perhaps they do not accomplish as much in the same time as a white person would, but they are ready to go at any work. They are industrious, saving and economical. They are law-abiding people. You do not find that the Chinese coming in here transgress the law. You do not find them brought up in the police court for drunkenness, or thieving, or any petty crimes for which white people are summoned to court. They observe the law and in that respect they are not at all objectionable, and I am rather sorry that legislation of this kind, imposing such a heavy tax upon an industrious people, is considered necessary. It is restricting immigration of a certain class, whereas we are endeavouring to encourage immigration into the country. It is discriminating against one particular race, and in that way I do not think it is desirable legislation.

Hon. Mr. TEMPLEMAN—I did not have the good fortune to hear the opening speeches, or the remarks of the hon. minister who moved the second reading of this Bill, or of the hon. gentleman who followed him, having been called out of the Chamber for an hour or so, and I was unfortunate, owing I have no doubt to the bad acoustic properties of this room, in not hearing the remarks which fell from my hon. friend the junior member for Halifax (Hon. Mr. Almon), but I did hear very well the extraordinary speech made by my hon. friend from New Brunswick (Hon. Mr. Gilmor). Now, as a representative—the only one I am sorry to say at present in this Chamber—from British Columbia, it will be expected that I will say a word or two on the Chinese question, and in opposition to the speeches that have thus far been heard. I may premise by saying that I am not an extreme anti-Chinese man. In going to British Columbia I brought with me those broad humanitarian views which I heard my hon. friend from New Brunswick speak so eloquently about, but very quickly come to think that the cause of the agitation which has existed in British Columbia for so many years to reduce the number of Chinese and the laws which have been passed to restrict the operations of the Chinese in British

Columbia, are right and proper and consistent with our ideas, and with broad and humanitarian ideas also. I am afraid neither the hon. gentleman from New Brunswick Charlotte (Hon. Mr. Gillmor) say that he had from Prince Edward Island (Hon. Mr. Macdonald) has been in British Columbia. I doubt if they have read up the question. I was astonished to hear the hon. gentleman from Charlotte (Hon. Mr. Gilmor) say that he had read that voluminous report the Chinese commission made in 1885. I was astonished to hear that the finding of that commission was in favour of Chinese immigration, as he led this House to believe. My opinion was that, as the result of the evidence taken before that commission in British Columbia, the present law imposing a fifty dollars poll tax was passed by this parliament. Whatever may be the views of our eastern friends, there is no question at all about the unanimity of public sentiment in the west with respect to the Chinese. There is no doubt whatever of the unity of the people in favour of restrictive measures so that the Chinese may not flock to our shores in large numbers. We have a population of possibly ten or fifteen thousand Chinese, and I have seen it estimated at twenty thousand to twenty-five thousand, but I am within the mark if I claim that there are ten or fifteen thousand Chinese in that province out of a total population of possibly one hundred and fifty thousand, of which a considerable percentage are Indians. It must be apparent that that is a very large number of Chinese in proportion to the whole. We have in the city of Victoria, with a population of 25,000 estimated, certainly 3,000 Chinese, and while I am prepared to admit, as claimed by the hon. gentleman from Prince Edward Island a moment ago, that an isolated Chinaman here and there, one, two or three in a small town like Charlottetown, P.E.I., may be deemed a convenience—may be considered useful in the laundry because I think that probably is all they do down in that country. —still I must say that he is not in a position to judge of the effect of the presence of a large number. The few Chinamen in the city of Ottawa may be useful. They do not compete with the white labour of the country to an extent worth mentioning. I might as well admit now as at any time the fundamental objection to the Chinese is the great labour trouble. They are undermining and driving white labour out of British Columbia. In many lines of trade they are driving the white people out of British Columbia, and, in view of these facts, it is only right and proper that Canada should legislate in the interests of her own citizens.

Hon. Mr. ALMON—If that is the case, is it not the fault of the better class of inhabitants in British Columbia for employing this cheap labour when they could get the expensive labour from the Anglo-Saxons? One law is passed to make you do your duty.

Hon. Mr. TEMPLEMAN—I am not quite sure that I apprehend the question. The hon. gentleman asks me if it is not the fault of the employers of labour?

Hon. Mr. ALMON—Yes.

Hon. Mr. TEMPLEMAN—I am not prepared to exculpate the employers of labour, although I think it is human nature, if we want a thousand men to do work we will take the cheapest labour, and while there are many men in British Columbia who are small employers of labour, who consistently during all these years, have refused to employ Chinese and have employed white men at a higher rate of wages, still I think that possibly in some of the larger trades, in some of the larger industries, it is true that the responsibility for the employment of the Chinese rests upon the manufacturer. But, I no not know that, because employers of labour obtain the cheapest men they can get, and take Chinamen, that that is any reason why we should not legislate in the interests of white labour if we can do so. Some hon. gentlemen who have spoken have stated that the Chinese are a useful class of people, and not a bad class of people to import into Canada for the purpose of developing the country. Perhaps it is quite unnecessary for me to enter into a lengthy argument to prove that the Chinese are not a desirable class of people. I do not know that any amount of speaking would convince the members of this House who think otherwise. On the contrary, I have found that there is nothing like practical experience in these matters to convince men that the Chinese are not a desirable class of peo-

ple. I am not prepared to say that the Chinese population has increased in British Columbia very rapidly. I think it has increased some, but not as fast as some speakers in the west claim. The Japanese population, on the other hand, has been increasing very rapidly during the last year.

It being six o'clock, I move that the debate be adjourned.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 29, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE J. W. ANDERSON RELIEF BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BOLDUC, from the Committee on Miscellaneous Private Bills, reported Bill (108) 'An Act to confer on the Commissioner of Patents certain powers for the relief of J. W. Anderson,' with an amendment, and moved that this amendment be taken into consideration on Monday next.

Hon. Mr. MILLS—Of course we can consider this matter on Monday, but I wish to call the attention of the House to the effect of the amendment. This Bill is for the renewal of a patent which has lapsed. It is rather a doubtful kind of legislation at all times, where a party has letters patent for an invention, and when the time expires for which the patent has been granted, that we should renew it again. I say it is a doubtful proceeding. However, it is frequently done, and I am not calling into question the propriety of the Bill if the House thinks it proper, but in all these cases the practice is to take care to preserve the rights of those who have made arrangements for the use of the patent after the period for which it had been granted had expired. As I understand, in this case a number of persons are engaged in the production of this patent, and the striking out of the words 'user, manufacture or otherwise' would render every one of these parties who may have invested money and may have undertaken to produce this patent article liable for the violation of that patent. The rights of these parties in every Bill of this kind that has ever gone through parliament have been protected by words of this sort. I am simply calling the attention of the House to the matter that they will see what will be before them when the Bill comes up for consideration.

Hon. Mr. PROWSE—It appears to me doubtful whether it is wise to pass the amendment recommended by the committee. I was a member of that committee and heard the case pretty well explained, and I may say that it was on the suggestion of the sollicitor for the applicant that that amendment was carried. The facts of the case are that Anderson obtained his patent some years ago for a pump. After having obtained his patent he entered into a written agreement with certain manufacturers to manufacture this pump and he was to get a dollar and a half as a royalty for every pump they manufactured. This went on until the first ten years for which he had the privilege of this patent expired, and Anderson neglected to pay for the renewal of the patent for the balance of the term, the last five years. The manufacturers of the pump took advantage of Mr. Anderson's neglect and forgetfulness, and notified him that they were not liable to him for any more royalties, that they had the privilege now of manufacturing the pump on their own account, his patent having expired. I may say that in the meantime the manufacturers of this pump had obtained other patents for the pump, some thirteen in number, so it was stated by the promoters of the Bill, and the royalty was reduced to Anderson from, I think, a dollar and a half a pump down to seventy five cents. This went on till, through this neglect, the patent lapsed. Then Anderson innocently applied to the parliament of Canada to have his patent renewed. This suited the manufacturers first rate, it was just what they wanted, and the effect of the renewal of that patent was that it was depriving Anderson of all privileges in connection with his patent and granting to the manufacturers of the pump all the privileges

that Anderson should have. That is very unfair. The striking out of the words 'user, manufacture and otherwise does not meet the case exactly. It goes a little further than the committee intended to go. The object was to preserve to Anderson his rights in the patent, and allow them to carry out the agreement which they had come to till the end of the term, the next five years, but if any other parties outside of these men had acquired any right, of course the Bill was not to apply to them. Therefore, I think the amendment which the committee adopted does not really attain the object the committee had in view, and I move in amendment :

That the report of the committee be referred back to the Committee on Miscellaneous Private Bills for further consideration.

Hon. Mr. DEVER—I am also a member of this committee. The whole question was fully considered before that committee, and I think the great majority of the committee understood the question in the same way. There was an agreement existing between Mr. Anderson and this company who adopted his patent at one time, under which they promised to give him a royalty on each pump produced in their factory. The hon. gentleman from Prince Edward Island has stated pretty distinctly the whole history of the thing, with one or two exceptions. He said that Anderson had got out this patent for fifteen years, but that it was only necessary to pay the first five years in cash, and each succeeding five years to pay a certain amount. thereby renewing the patent for the whole term of fifteen years. He paid the amounts that entitled him to a patent for ten years, and through thoughtlessness or neglect he permitted the patent to lapse at the expiration of ten years, and the consequence was that this company, who had a certain interest in the patent, instead of notifying Mr. Anderson that his patent was about to lapse, and that he should have his right renewed, they behind his back made application, and had the patent renewed in their own name, thereby excluding Anderson from any rights which he possessed in the invention. It is true, legally speaking, when he neglected to renew his patent at the expiration of the ten years for the balance of the period, he lost his legal right, but he certainly did not lose his equitable right. Justice entitled him to consideration for the fact that he gave to these men in the first place the idea of manufacturing the pump that he invented, and for which they got the benefit and profits for ten years. Not only that, but they got the whole price of the pump, for it was arranged between Anderson and them that he was to receive a royalty of $1.50 for each pump, but instead of giving Anderson the $1.50 on the original price of the pump, Anderson was compelled to add $1.50 to the price of the pump and thereby get his royalty over and above and outside of the regular price. The consequence was that this firm got the whole profit on the manufacturing of the pump, according even to their contract, without giving Anderson a single dollar. The royalty that he got, according to the evidence we heard to-day, was obtained outside of the price charged by the manufacturers. We wanted, in the committee, to place this thing back precisely where it had been before the patent lapsed, and in that way to give Anderson his former right. It also gives the manufacturers a right, because they also had made improvements in the pump that they got patented. In fact, neither Anderson nor the manufacturers could, in my opinion, manufacture the pump fairly without the co-operation of both parties in this case. The pump has the benefit of Anderson's patent, and it also has at present the benefit of the manufacturers' improvements. The committee did not contemplate doing any injustice to either side by placing the two parties in the same position they had been in previous to the lapse of the patent. It has been held in this House on former occasions that to refer back a report to a committee is treating the committee with a certain amount of injustice. In this case the parties to the patent on both sides and the solicitors have gone away, after submitting the case, and it would be a very difficult matter, in my opinion, to place it before the committee again in the same manner that it was submitted to-day. On these grounds, I hope hon. gentlemen will not interfere with the judgment of the committee to-day, because I think it is a just one. It places this poor man in a position to get the benefit of his patent for five years longer. After inventing this pump, which he points out was a most beneficial thing for the manufacturers, an invention by

which a large amount of money was made by the manufacturers, and a very small amount came to the original inventor of the patent, it would be unjust to deprive him of his rights.

The amendment was agreed to.

BRANCH RAILWAYS IN MANITOBA AND NORTH-WEST TERRITORIES.

MOTION.

Hon. Mr. PERLEY moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a statement, including the names, of the several branch lines of railway in Manitoba and the North-west Territories, and the number of miles of each branch line built and in operation. Also, a statement showing the amount of subsidy, if any, given each of said railways; and if in a land grant, has said land grant, in part or in full, been granted such railway companies, and what was the computed value per acre of said land.

APPOINTMENT OF WAREHOUSE COMMISSIONERS IN MANITOBA.

INQUIRY.

Hon. Mr. PERLEY inquired :

If any one of the three farmers who served on the Royal Commission inquiring into the grain trade as carried on through the elevator and flat warehouse system of the inspection district of Manitoba, has himself, or by any one else on his behalf, made application for the position of warehouse commissioner, as provided in the Grain Trade Bill, and recommended by said Royal Commission?

Hon. Mr. MILLS—I have made inquiry of the Department of Inland Revenue, where there would be a communication of this sort, if anywhere, and no such application has been received by the department.

THIRD READINGS.

Bill (172) 'An Act respecting the Canada Mining and Metallurgical Company, limited.' —(Hon. Mr. McMillan.)

Bill (102) 'An Act to confer on the Commissioner of Patents certain powers for the relief of James Milne.'—(Hon. Mr. Watson.)

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (177) 'An Act to amend the Acts respecting certain Savings Banks in the Province of Quebec.'

(In the Committee.)

On clause 2,

Hon. Mr. MILLS—This clause provides for the extension of opportunities to invest 20 per cent of the moneys the banks hold for any temporary emergency.

Hon. Mr. POWER—There is just one paragraph in that new section 18 about which there might be some little question. It reads:

In any other security approved by the Treasury Board.

Hon. gentlemen will see that under the existing law the bank was obliged to hold 20 per cent of the funds deposited in it in public securities of the Dominion of Canada, or of any province thereof, or in some chartered bank in Canada. These are perfectly safe investments. And this clause extends it to Canadian municipal bonds or securities. There does not seem to be any objection to that. Paragraph *d* reads :

School bonds or debentures issued in the province of Quebec, provided they are secured by the school municipality in which the school is situated.

That is safe enough. Then subclause *e* reads :

In any other security approved by the Treasury Board.

It appears to me there is a little risk about that—that if a very strong supporter of the government of the day wishes to have certain securities approved by the Treasury Board, it is barely possible the character of that security would not be scrutinized as carefully as it might be. I simply make the suggestion, but do not make any motion in the matter.

Hon. Sir MACKENZIE BOWELL—I am a little surprised at the suggestion of the hon. gentleman. If the late government were in power at the present time, I would not be surprised. I can say, on behalf of the Treasury Board, of which I was a member for some time, that the greatest care is taken to protect the investors, or any one having any connection, with the institution, and while I have not much confidence in the present government, I think, in a matter of this kind, where it affects a vast number of people, that they will take care not to allow them to invest in doubtful securities.

Hon. Mr. MILLS—Of course this only applies to 20 per cent of the securities of the

banks that are intended to be readily converted into money, and my hon. friends will see that the powers possessed are broad enough. It says :

In public securities of the Dominion of Canada or of any of the provinces thereof or of the United Kingdom, or of any British colony possession, or of the United States or any states thereof ;
(b) in deposits in chartered banks in Canada;
(c) in Canadian municipal bonds or securities;
(d) in school bonds or debentures issued in the province of Quebec, provided they are secured by the school municipality in which the schools are situate;
(e) in any other security approved by the Treasury Board.

There may be other securities than those enumerated which will become desirable securities, and that being so, with the consent of the Treasury Board, the banks will have an opportunity of investing their money.

The clause was adopted.

On clause 19,

Hon. Mr. POWER—I think it only right that the committee should know what they are doing. Clause 19 gives the securities in which the banks may, subject to the provisions in the next preceding section, invest any moneys deposited with them, and there have been added to the list of securities in which the banks can invest, the bonds or debentures of any water power company, navigation company, or heat and light company. I do not profess to know very much about water power companies. I think the bonds and debentures of navigation companies may be good securities, or they may not, but I have grave doubts about the heat and light companies. I know a little about heat and light companies and I know that in a great many instances the bonds or debentures of these companies would not be regarded as being very safe securities, and I have grave doubts as to the wisdom of inserting the heat and light companies.

Hon. Sir WILLIAM HINGSTON—I may say that this is permissive. In addition there is the security afforded by ten somewhat responsible men in Montreal, who have displayed a considerable amount of caution in the past. I think for some thirty years they did not lose a shilling. In Quebec there has been an equally satisfactory condition of things.

Hon. Mr. POWER—Their powers of investing were limited before.

Hon. Sir WILLIAM HINGSTON—It has been found impossible to get municipal debentures to-day to yield more than three and a half, and sometimes only three per cent, while the depositors must get three and there must be a margin of 1 per cent for administration. We must have a wider field to invest in. It has become a necessity, just as in the preceding clause a larger margin is required within which to loan. At one time banks of discount were glad to get money on deposit, and to give 1 per cent more than the savings banks allowed their depositors. To-day the banks as a general rule do not want deposits, and it has been found advisable to seek power to make investments or loans on call in England and the United States.

The clause was adopted.

On clause 19*a*,

Hon. Mr. WOOD—Subclause *a* of clause 19 says that the bank may invest any moneys, in addition to the 20 per cent mentioned in clause 18, in any of the securities mentioned in the next preceding section. I infer that that means securities mentioned in *a*, *b*, *c*, and *d* of the preceding section.

Hon. Mr. MILLS—Yes, and *e*.

Hon. Mr. WOOD—That is, in any securities at all, provided they are approved by the Treasury Board.

Hon. Mr. MILLS—I think so.

Hon. Mr. WOOD—Is it intended to impose on the Treasury Board the duty of deciding and approving of securities of that kind ?

Hon. Mr. MILLS—I think so. This is a matter which frequently must come before the Treasury Board.

Hon. Mr. WOOD—I am not objecting to it.

Hon. Sir WILLIAM HINGSTON—The Treasury Board is absolutely master of the whole thing. The savings bank cannot raise or lower the rate of interest a fraction of 1 per cent without the consent of the Treasury Board. The Treasury Board is jealous of any encroachment upon its preroga-

tive, and over these two institutions exercises a very close surveillance.

Hon. Mr. ALLAN—As a matter of fact, are all those investments submitted to the Treasury Board before the investment is made ?

Hon. Sir WILLIAM HINGSTON—When any change is made in the rate of interest to depositors, or in varying the poor fund, but not for an ordinary investment, and not for an ordinary loan.

Hon. Mr. ALLAN—My hon. friend drew attention to water power companies and navigation companies, which seemed to him to be a little out of the usual class of investments in which a savings bank would invest its money. Of course, I do not put my opinion against the opinion of the hon. gentleman from Montreal, who has given special attention to the Bill, and is familiar with everything connected with the subject ; but having regard to the fact that, as a general rule, in the savings bank very much as in life insurance companies, special attention is paid to the securities, it did strike me that the three or four mentioned there were of an unusual character for the funds of a savings bank to be invested in.

The clause was adopted.

On clause 20,

Hon. Mr. POWER—I am not in any sense at all opposing this measure. I am simply pointing out the instances in which this Bill not only goes further than the existing law, but I think goes a little further than it is prudent to go. It is true that the hon. gentleman who has charge of the Bill says that we should count upon the fact that the directors of those institutions are prudent men. I assume that they have been prudent men all along, but we have no guarantee that they will always be prudent men. There are institutions in the province of Quebec which some years ago, I suppose, would have been held to be perfectly safe, and the directors of which would have spoken of as prudent men, which have come to grief very seriously. If we are to trust implicitly to the directors of these institutions, there is no object in limiting the securities in which they may invest at all. We might leave the whole matter to their discretion ; but when we do undertake to limit them, it shows that the feeling is there should be something more than even the prudence of the directors. I have called attention to some investments the wisdom of which I doubt, heating and lighting companies for instance. In the first subclause of this clause 20, I find that the securities are to be taken at the market value. Formerly, I believe, it was the par value. I suppose that is a reasonable change, but in the second subsection, in the last paragraph, there is a very sweeping provision which I honestly think deserves serious consideration of the committee :

2. The bank may lend any of such moneys without collateral security—

(a) to the government of Canada or to the government of any province of Canada;

(b) to the corporation of any municipality in Canada with a population of at least 2,000 inhabitants;

(c) to any 'fabrique de paroisse' or to 'syndics pour l'érection d'églises,' specially authorized by Act of the legislature of Quebec to issue bonds binding on the taxable property of the parish.

I assume there is no danger there, because they are conservative bodies. They are there all the time and are not likely to go up in smoke. Paragraph *d* is the one to which I specially direct the attention of the committee :

(d) Upon a resolution of their respective boards of directors, to incorporated companies, or incorporated institutions, within the limits of their borrowing powers, and not exceeding in any case their paid-up capital, provided such company or institution has a paid-up capital of not less than $500,000, and has paid continuously for the previous five years a dividend at the rate of not less than 5 per cent per annum.

I understand that, in the minds of the gentlemen who are promoting this Bill, this paragraph *d*, was intended to cover just two institutions in the province of Quebec. As to these two institutions, I assume that there is no question, and I am not objecting to it at all, but the language of the paragraph is so wide that it might cover institutions in the United States, or elsewhere than in the province of Quebec, where there would be a certain amount of risk, and there is no limitation at all. Under this provision the money may be loaned without collateral security to any incorporated company which has a paid-up capital of $500,000 and has paid 5 per cent for the previous five years. My impression is that it would be better to limit these incorporated companies and institutions to such as are enumerated in the preceding sections, and that

it should not be left in that general form. My impression is that this paragraph ought to be amended so as to read in this way :

Upon a resolution of their respective boards of directors to such incorporated companies or incorporated institutions as are mentioned in the two next preceding sections.

That will give them power to lend to street railway companies and the other companies mentioned in the preceding sections, but will not allow them to lend to any institutions possibly outside of the country altogether.

Hon. Sir WILLIAM HINGSTON—I have no objection to the amendment.

Hon. Mr. POWER—I move, then, that paragraph *d* be amended by inserting before the word 'incorporated' in line 32, the word 'such,' and adding after 'institutions' at the end of the same line, 'as are mentioned in the two next preceding sections.'

Hon. Mr. MILLS—The provisions of this Bill enlarge the powers of the company to invest moneys and also to make loans. This clause 20 refers, of course, to the making of loans altogether. The powers are widened, but that is due to the fact that it is every year becoming more difficult to find safe institutions in which money may be invested at a reasonable rate of interest compared to what was formerly paid. So that, in order that these institutions may secure the most profitable investments consistent with security to those who are interested in them, it is necessary that larger powers should be given to them than they formerly possessed, for both the purposes of investment and of loan. It is on the character of the men largely that the institutions must depend for their permanent prosperity, and the security of the moneys invested in them. Our whole banking system shows that. We have had banking institutions that failed, while other banking institutions were eminently prosperous, and the difference between those that prospered and those that failed was due to the difference in the character and capacity of those engaged in their management. So that, with regard to this particular section which my hon. friend has proposed to amend, and in which amendment the hon. gentleman opposite concurs, in the interest of the institution, and to which, therefore, I make no objection, will after all depend, not on the amendment made, but on the ability and character of those to whom the care of these institutions is entrusted.

Hon. Sir MACKENZIE BOWELL—Will not these companies have power to lend on these different securities mentioned in the preceding paragraphs, and is not the additional paragraph *d* intended to give them powers to loan to other than those contained in the preceding paragraph ?

Hon. Mr. MILLS—Certainly.

Hon. Mr. POWER—No.

Hon. Mr. SCOTT—This is by resolution.

Hon. Sir MACKENZIE BOWELL—Then, if that be the case, what is the necessity for paragraph *d* if it is to be amended in the manner suggested by the hon. gentleman from Halifax ? Because it then restricts all the powers to those which are contained in the preceding paragraphs. The amendment says you can do certain things, but it must be only in accordance with the provision which already exists, giving them the additional powers. I frankly confess I have not given it that close study I should have given to it, but it strikes me that it has that effect. If the amendments are to be adopted, the paragraph as I understand it is useless, because you have the powers already.

Hon. Mr. MILLS—Not exactly. The previous section relates to investments. This section relates to loans.

Hon. Sir MACKENZIE BOWELL—I understand that, but the amendment is, 'upon a resolution of their respective boards of directors to such incorporated companies or incorporated institutions, as are hereinbefore mentioned.' However, the promoter says he has no objection to this amendment.

Hon. Mr. POWER—That should be the next two preceding sections.

Hon. Mr. WOOD—I should like to point out the effect which this change, to my mind, has upon the Bill. Clause 19 gives the banks power to invest any of their money in certain securities, and in subsection *b* a number of classes of companies are mentioned, in which they may invest their moneys. Those investments are of a somewhat permanent character. Clause 20, as has been already pointed out, refers to loans of a more temporary nature, to individuals

or to corporate bodies and describes the character of the collateral securities which, in making such loans, the bank must take. The first clause of section 20 deals with that. Then the second clause of section 20 goes on to say that the bank may make the same character of temporary loans without collateral security, and goes on to say to which different classes of bodies they may make such loans. I understand the meaning of subsection *d* to be that they can loan, not only to the companies mentioned in section 19, but to any incorporated companies, with this provision, that they must have a paid-up capital of $500,000—a pretty strong company—and that they must have paid continuously a dividend on that capital, of 5 per cent, which would make it undoubtedly a strong company. A company of that character, whether included in the class of companies provided for in section 19 or not, the institutions would be justified in loaning to.

Hon. Mr. POWER—Certainly.

Hon. Mr. WOOD—If we alter the clause as proposed, it not only limits their power to loan to the class of companies mentioned in section 19, but it limits them to such companies as have a capital of $500,000, and have paid a continual dividend of 5 per cent.

Hon. Mr. SCOTT—It reduces very much the opportunities of the bank.

Hon. Mr. WOOD—It cuts them down very materially, and to my mind, it limits the power to make temporary loans to strong companies much more than it limits the power to make permanent investments. That does not appear to me to be consistent with the object of the Bill.

Hon. Mr. MILLS—This Bill, and every provision of it, was most carefully considered in the Finance Department, and every subject dealt with by this Bill was thoroughly thrashed out there. I think the hon. gentleman will do best to allow the clause to stand as it is. You would be obliged to send it back to the House of Commons and have it reconsidered there, and it would be better that the clause should stand as it is in the Bill.

Hon. Mr. POWER—The Bill comes to us for the purpose of being considered, and if we think it desirable, amended. The Bill is a very good one, apparently. The hon. gentleman from Sackville appreciates the position exactly. Under section 19, the bank is authorized to invest money deposited with it in certain securities. Under the first subsection of clause 20, the bank is allowed to lend money upon certain other securities, provided that collateral security of the nature mentioned in the two sections next preceding is taken. This paragraph which we are dealing with, subsection 2, says that the bank may lend without collateral security. Now, I say that amendment would allow the bank to lend without collateral security to corporations of this kind, with the restriction that they shall have a paid-up capital of $500,000, and shall have paid dividends at the rate of 5 per cent. Clearly that would provide that the bank should lend without collateral security upon those securities which have been mentioned as being suitable only for collateral securities, and I think that it is the part of prudence to hinder the directors of these banks from lending money generally to companies upon resolutions of their respective boards of directors.

Hon. Sir WILLIAM HINGSTON—In practice, the bank, in fact, never lends without a margin of at least 10 per cent, and I presume at the present moment the margin now held by the bank is upwards of 25 per cent. If the wealthiest man in this community were to want a thousand pounds from the institution he would have to deposit security to the extent of at least eleven hundred pounds. The margin is never less that 10 per cent, and with a weak man, 25 per cent. The result is, for several years, there has been no loss whatever.

Hon. Mr. DEVER—With the present directors and promoters of this Bill I am supposed to be most friendly. I have perfect confidence in the present directors. I have also a very substantial knowledge of the institution as it is conducted at present, but there is no telling what may occur in the future. While this may be satisfactory to the present directors, it does not follow that these gentlemen will at all times be directors of that bank, and I feel that it is our duty, as legislators here, to point out to the hon. gentleman who is promoting this Bill that, whilst we have implicit confidence in him,

and in the present directors of that institution, our object is simply to provide for the management of that bank under future directors, and in my humble opinion it is not a good and sound reason to offer that, because it is difficult at present to make money in that institution, we should give them liberty to invest in what might be considered very doubtful collaterals. It would be better, I think, to point out that, in case the bank cannot make safe investments and transactions, a lesser amount of business should be transacted, until perhaps a better period arrives for the purpose of enabling banks and monetary institutions to realize those profits so anxiously looked after by banking institutions. As I said before, I have perfect confidence in the present directors, and officials of this institution. I believe that it is one of the most solvent institutions we have in Canada, but at the same time I trust that the directors and the promoters of the Bill will forgive us if we say that we are most anxious that it shall continue to be so and that no unfortunate turn of affairs will take place in the future in the management of this institution, so that we will never hold a different opinion than that which we hold to-day. I should like to see this Bill framed so that it would be impossible for any directors in the future to bring misfortune to the bank.

Hon. Sir MACKENZIE BOWELL—There is no hon. gentleman in the Senate who is not imbued with the ideas expressed by my hon. friend who has just spoken, that we should have absolute security in these banks. This particular clause was fully considered, and to use a familiarism, threshed out for a long time by the department and the Deputy Minister of Finance, in whom I have great confidence in matters of this kind, having had a great many dealings with him in matters affecting banks, and loan societies; and when I am told that he, after mature deliberation, has come to the conclusion that this is a safe clause, and safe power to give to this institution, I should be inclined to accept it. I know he is exceedingly conservative in all matters affecting loan societies and banking institutions, and I think that the promoters had better accept the Bill as it is, and not jeopardize it by any amendments or delay.

Hon. Mr. POWER—Inasmuch as the hon. leader of the government and the hon. leader of the opposition are both against me, I think I had better withdraw my amendment.

The amendment was withdrawn and the clause was adopted.

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

The Bill was then read the third time and passed.

THE SENATE DEBATES.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BERNIER moved the adoption of the report of the Committee on Debates and Reporting. He said: I may perhaps give some explanation with reference to this report. I will take the last part of the report first—the portion relating to the engagement of Mr. Holmden. The arrangement with Mr. Holmden is exactly the same as last year, and there is no change. I do not think there is any necessity for giving any more explanation about that. With reference to the gratuity to the reporters, the report states what it is, and I may say that the committee, after going fully into that matter, have thought proper to give the reporters a gratuity of $600, on account of the length of the session.

The motion was agreed to.

CHINESE IMMIGRATION RESTRICTION BILL.

SECOND READING.

The Order of the Day being called:

Resuming the adjourned debate on the second reading (Bill 180) 'An Act respecting and restricting Chinese immigration.'—(Hon. Mr. Templeman.)

Hon. Mr. TEMPLEMAN—I have only a few words to add to what I have already said on the question now under consideration, the Bill further to restrict the immigration of Chinese. When the House adjourned yesterday, I was about to say—and I think I voice almost the unanimous sentiment of the people of British Columbia—that the Oriental races are a most objectionable class of people to encourage to come to this country. There is but one

opinion in the west as to the undesirability of encouraging, and as to the desirability of placing restrictions upon, the immigration into this country of Asiatics. The reason for this is that the Asiatics are not, and will never become settlers, as we understand the term, in this country. No Chinese or Japanese come to British Columbia with a view of making their permanent residence in this country, of taking up land, and becoming ultimately citizens of Canada. They have but one object in view, and that is to reside here for a short term of years, and to acquire five hundred or a thousand dollars, which in China is a small fortune, and then to emigrate to China. That is the one and sole object the Chinamen have in coming to the Pacific coast. Hence it is impossible for them to become citizens. They do not attempt to become citizens. They bring with them their language and retain it almost until they depart from our country. There is nothing more noticeable to the easterner visiting Victoria or Vancouver for the first time than the utter inability of Chinamen who have been in British Columbia for many years, twenty years or more perhaps, to speak the English language. A Chinaman will learn sufficient of the English language to talk to the white man who employs him, and no more. I am speaking of the Chinese generally. There are, it is true, quite a number who speak fairly good English, but the average coolie Chinamen, the labourers, to which I will entirely refers, do not learn to speak the English language intelligibly. They stick tenaciously to their own language and to all their own customs. The Chinamen on the Pacific coast dress to-day as they do in China. They bring with them some of their good habits and all their bad habits, and perpetuate them, particularly the latter, in this country. They get together, and live in a small settlement in the city, which makes it more easy for them to perpetuate their customs and habits as they exist in China. The Chinese bring to this country, as I have said, all their vices. I am not going to enlarge upon that question. It is not at all necessary, but one conspicuous vice of the Chinese in British Columbia is gambling. There are few Chinamen who are not natural born gamblers. I have taken visitors through places in Chinatown where they have seen at least twenty gambling establishments in one night. I had the distinguished honour of taking the present Lieutenant-Governor of that province through some of the by-ways of Chinatown, in order that he might receive some education and some knowledge of the true life of Chinamen, and I think that I succeeded in about an hour's walk in convincing him that he would not stick to the Chinese, however much he might care to stick to Li Hung Chang. There is no doubt at all that the Chinaman is an undesirable citizen, for the reason that he will not become a permanent resident of the country.

The Chinaman will not assimilate with the white population. I ask any hon. gentleman present if he honestly and conscientiously thinks it advisable that he should do so. Is it advisable that the yellow people of Asia should intermarry with the people of this country? The fact is that they will not do so, that it is not desirable that they should, that they remain in a colony by themselves, that they retain all the customs and charactristctics they have brought to this country, that they retain their language and all their habits, and that they depart from the country after twenty or thirty years as the case may be. They will never become settlers, and are not farmers, but simply market gardeners, helpers of farmers here and there. They do not take up land and settle on it, and cultivate it. They are market gardeners, but they do not belong to that class of people whom we would bring to this country to settle in the west, like Doukhobors and Galicians, who come here with the sole object of making it their home for the balance of their lives, and who it is hoped will ultimately become full citizens of Canada, and assimilate with our own people. I think that nothing worse can happen to this country than that our parliament should encourage the importation of any foreign race of people that will not assimilate with the people of this country, and that is the first and greatest reason why it is wise and proper for this parliament to restrict the immigration into this country of any races of Asia. I am sorry that the exigencies of the situation did not permit the government to include in this legislation the Japanese. In British Columbia this question has been revived recently solely in consequence of

the very large influx of Japanese into that province. We have had landed there in one month I think between two and three thousand Japanese—very much more than the country could absorb. I do not know where they have gone to. Possibly they have travelled southward. But while the Japanese are an infinitely better class of people and while our objections cannot be as strong to them because of their aptitude in learning our ways, dressing as we do, living, when they can afford it, as we do—a smart energetic people—nevertheless the Japanese in large numbers would be, while more desirable than the Chinese, very great competitors with the white labour of the coast. There is no use in mincing matters : the objections are, first, they do not become permanent citizens. We do not want them. They are taking the place of white people who would become permanent citizens, and, secondly, they keep out of the country white men and women, and demoralize labour and make it impossible for white men to work in that country at the prevailing rate of wages. These are the facts. The wish of the people of British Columbia that restriction should be placed upon them has been announced in scores of ways. The legislature of British Columbia has passed resolutions in favour of an increased tax. They have asked for the imposition of a tax of $500, and have asked also that the Japanese be subject to the same restriction. Almost every board of trade and labour organization has passed resolutions of that kind. Every politician in British Columbia is in favour of an increased tax. It is proposed to increase the present tax to one hundred dollars, and although it is much less than has been asked for and very many people in the west think it will have no effect at all, I am disposed to think that the one hundred dollars tax will have some effect in decreasing the number of Chinese immigrants. It is scarcely possible for a Chinese labourer coming to this country to pay one hundred dollars. I hope that the result of the investigation to be made by the commission which is to be appointed —and I trust it will be appointed, and get to work immediately—will be that the government next session will be prepared to consider the question of Japanese immigration into British Columbia. I think that none of us are prepared to say that the government should have gone so far, in face of the friendly feeling existing between the Japanese nation and our own country, and the declaration of opinion from Mr. Joseph Chamberlain, as to classify the Japanese with the Chinese and deal with them in the same manner. Possibly it might have led to very serious international complications, and the people of British Columbia are patriotic enough to admit that, and to accept this Bill as an instalment. We have been told that it is not a finality, and that after the commission reports, we may look forward to a still further restriction upon the immigration of Orientals into this country. I would have preferred, as I said before, that we could have included Japanese. We will take this as an instalment, and will rest satisfied for one year. As I said before, if the evidence of those called before that commission shows that it is desirable that the immigration of Japanese and Chinese should be still further restricted, I am prepared to come before this House next session and support a measure for that purpose, and I trust the government will be prepared to abide by the findings of that commission.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has referred to a commission that is to be appointed, and from the remarks which he has made he seems to understand what their duties are. What is to be obtained by the appointment of a new commission to inquire into the subject of Chinise immigration, that we do not already know ? I should like to have some information on that point, a very important one. I could understand it if it were desired to ascertain the number of Chinese in British Columbia, but the census to be taken next year will give that information. What are to be the duties of this commission to be appointed ?

Hon. Mr. TEMPLEMAN—I am not in a position to answer the hon. gentleman's question. I take my information from the newspapers, and from what I have heard in the House of Commons, but I would assume that the scope of the commission is to collect information, not only as to the extent of the influx of Japanese and Chinese into the country, but as to the work in which they are engaged, as to the competi-

tion of these people with white labour, and the effect of it on the country. I would assume that that was the object. I presume the hon. gentleman thinks that the commission of 1885 has covered the ground.

Hon. Sir MACKENZIE BOWELL—I have no doubt about it.

Hon. Mr. TEMPLEMAN—That commission was composed almost entirely of gentlemen whose sympathies were with the Chinese. When they visited British Columbia, I do not think there was one Japanese in the country. To-day there are probably two thousand Japanese working as fishermen on the Fraser River. They have supplanted two thousand white men. The Chinamen are not fishermen in the sense of going on the river and working boats, but the Japanese are. The commission, I suppose, will investigate such matters.

Hon. Mr. ALLAN—The subject of this Bill is one which I am quite sure a great many of my colleagues, as well as myself, have found extreme difficulty in coming to any satisfactory conclusion as to what course we should take with regard to it, either with regard to this Bill before the House, or similar Bills which have been before the Senate on previous occasions. Theoretically, it would seem to most of us, that the principle of this Bill is strongly opposed both to British practice, and the feeling that we desire to see our country free to all who choose to come here, and is altogether retrograde legislation. On the other hand, one cannot help feeling, in the face of the very strong representations which have been made from that part of the Dominion which is more particularly interested in this question, that it would be scarcely right to say that no such legislation should be passed, if we find any good ground can be urged for it. But the difficulty has been for any one like myself, not knowing very much about that part of the country, having been there only as a visitor, to know how far the representations which have been made from time to time are borne out by the facts. For my own part, I can speak more strongly, because I, at one time, in 1886, had the duty imposed on me, owing to the illness of the leader of the Senate, of taking charge of one or two government Bills, Chinese Immigration Bill amongst the rest. When the draft of the Bill was shown to me, it contained so many provisions that I strongly objected to, that I declined to take charge of it unless certain changes were made. These changes were assented to, and during the time the Bill was before this House other amendments were made in it, which I thought rendered it a less objectionable measure than it originally was; but I cannot say that I felt altogether satisfied with the Bill itself, or with the principle involved in it. Upon that occasion I remember that two senators from British Columbia, both of whom made very long speeches (and I give this as an illustration of the difficulty one has to make up his mind on this point) differed widely on the question. One of these, the senator from Victoria, who usually occupies the seat on my left, could not speak too strongly of the character of the Chinese for honesty, cleanliness, and fitness to discharge any duty they undertook. In every way he seemed to think it was an advantage to have, to some extent, an immigration of that kind into the country. The other senator from British Columbia could not find words strong enough to express his unfavourable opinions with regard to the Chinese. They were everything that was bad and objectionable in his view of the case. I was a little surprised some years after, when that gentleman (since dead) became the Lieutenant-Governor of British Columbia, and I was on a visit to Victoria, on going to pay my respects to him, found that his household was composed entirely of Chinese servants. Still, as I have said, there is no doubt that a very large immigration of this foreign element might be injurious to the country in some ways; but it seems to me that, so far as I have been able to form any judgment on the matter, it is not so much from the objectionable character of these people as from the fact that they interfere, or were supposed to interfere with white labour that this legislation against them is sought to be obtained. My hon. friend from British Columbia (Hon. Mr. Templeman) used the expression of pushing white men out, and not only the men, but the women, from various employments. Now, I have always understood that it would have been almost impossible to have completed the Canadian Pacific Railway within the time

in which it was completed, if it had not been for the Chinese labour which they were able to obtain on the west coast, and that from the actual want of sufficient white labourers. Then, again, as to pushing white labour out of the way, we have an increasing difficulty in our part of Ontario—and it is not confined to Ontario, for it extends in the same way, I understand, to other places in Canada—in securing domestic servants, and a member of the administration only last evening mentioned to me that in several cases in Montreal they have been extremely glad to secure Chinamen as domestic servants in their houses. If the state of things goes on that obtains at the present time in many parts of Canada, I think we shall be driven, in time, to have Chinese servants there too, so it seems they are not pushing others out of employment, but those whom we desire to get cannot be had, and it is fortunate to be able to fill up the gaps with some of these people. Not being a resident of British Columbia, and therefore not having the same means of obtaining as much information as one could desire on this subject, I desire to speak with caution, but it, nevertheless, seems to me tolerably apparent that it is the supposed interference of the Chinese with the interests of white labour, that is the real grievance, much more than the character of the Chinese themselves, and that it is on this ground that this legislation is now so strongly urged by so many in British Columbia. However, the government have brought in this Bill and I am not going to take the responsibility of voting against it, though certainly, if I have an opportunity, I shall vote against an increase in the poll tax, but I think we should have some explanation for the very decided change of opinion from those who took an opposite view of the question not many years ago, and amongst the rest my hon. friend the Secretary of State who has now introduced this Bill. In 1886, I find the Secretary of State expressed himself as most strongly opposed to legislation of this character. I do not want to quote anything but his exact words, so I shall read a few lines of what he said. I must confess at the time the words of the Secretary of State made a great impression on me, because he went as strongly as he could against the Bill, and the consequence was, in spite of all my efforts, the Bill was given the six months' hoist. Here is what the hon. gentleman said on that occasion :

> In common with others who have spoken on this subject, I feel that it is a very great reproach to the people of Canada that there should be on our statute-book an Act restricting Chinese immigration when we consider the history of China, in the last century, at all events, and the difficulties that were thrown in the way of the British people effecting an entrance into China and trading with the Chinese. When it became evident that China offered a rich harvest to British merchants, great attempts were made, year after year, to get the Chinese to open their country and trade with the western world. We all know the repugnance which they felt to dealing with other countries, but their objections were overcome by what may be called the Christianizing influences of shot and shell.

Then the hon. gentleman goes on to say :

> It is not creditable to this parliament that the 5,000,000 of the people of Canada are content to have this disgraceful Act placed upon the statute-books of the Dominion at the instance of 15,000 people, because I am told that the people of British Columbia are not unanimous in support of it. But suppose every white man in British Columbia were favourable to it. They do not number as many people as there are in Wellington Ward in this city, and we are, at the instance of as many people as could be put in one ward of this city, to impose such legislation on 5,000,000 people ? If a poll could be taken of the people of this country, I do not believe you could find, outside of British Columbia, one person in every thousand in favour of this legislation.

That is the language in which my hon. friend characterized the Bill restricting the admission of Chinese into this country in 1886 and he held the same views in 1887 when a second Chinese immigration Bill was introduced. I presume since then he has had reason to change his mind. I cannot say that I have. I still think that while it may be desirable to impose some restriction on this immigration, so that the country shall not be flooded at any one time by a large influx of these people, I should be sorry to see it carried to such an extent as is desired by the opponents of the Chinese—that is the total prohibition of Chinese immigration into this country. Therefore, I should vote against the increase of the poll-tax.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House on Tuesday next.

Hon. Mr. ALMON—I had intended to move the six months' hoist to this Bill. I believe two-thirds of this body share my views on the subject, but the labour vote of British Columbia is too strong, and both Liberals and Conservatives are afraid to offend it. I leave it to them to settle the question with their own consciences.

The motion was agreed to.

CUSTOMS TARIFF, 1897, AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (184) 'An Act to amend the Customs Tariff, 1897.' He said: I explained, when the Bill was read the first time, that the object of it is to carry out the preferential cut in favour of the British people to the extent of 33 per cent.

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

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (156) 'An Act to amend the Civil Service Act.' He said: In 1895 an amendment was introduced to the Civil Service Act, which did away with third-class clerkships in the civil service. The effect of that was, in making new appointments you could not appoint any one to the civil service at a higher salary than $400 to begin with, and that was as a writer, unless you made the appointment of the applicant to a second-class clerkship, which involved a salary of $1,100, so this gap between $400 and $1,100 has been found to work very disadvantageously. For an accountant, or even an amanuensis, it would be scarcely sufficient salary to pay $400 a year, while $1,100 would be perhaps more than he ought to receive. It would seem that a sum between the two would be a fairer remuneration for an ordinary clerk on entering the public service, and the object of this Bill is, therefore, to make a new grade, junior second class, which is practically equivalent to the old third class, authorizing the commencing of the service at a salary of $600 a year. Provision, however, is made that in the case of graduates from the Military College, a salary of $800 may be allowed. Another clause, which is new, allows the messenger class to go up to $600, the maximum at present being $500, the increase to be by $30 a year. Any other details I shall be glad to explain and discuss when the Bill goes to committee. These, however, are its main features.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, July 3, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

CHINESE AND JAPANESE IMMIGRATION.

PETITION FOR RESTRICTIVE LEGISLATION.

Hon. Sir MACKENZIE BOWELL presented the petition of Mayor Gardner and 801 other residents of British Columbia praying that the Senate will not reject the Bill now before it restricting Chinese immigration. He said: As this petition probably will not come under the notice of hon. gentlemen in any way I will read it. It is as follows:

The petition of the undersigned, being residents of the province of British Columbia, humbly showeth:

That various enactments of the province of British Columbia for the purpose of limiting or preventing the immigration of the Mongolian races into this province and the employment of them upon public and other works therein have been disallowed;

And that, whilst your petitioners in no way question the power of disallowance, they venture to believe that a fuller knowledge of the present condition of Mongolian immigration into this province and its effect upon our labouring class will seriously modify your views;

Whereas, be it known that between the 1st day of January, 1900, and the 30th day of April, 1900, inclusive, 4,669 Japanese landed in Victoria and Vancouver, and that during the same period 1,325 Chinese landed in Victoria, making a total of nearly 6,000 within the short space of four months, the result of which is that this province is flooded with an undesirable class of people, non-assimilative, and most detrimental to the wage-earning classes of our people, and also a menace to health;

That your petitioners are not unmindful of Imperial interests, and express feelings of the greatest loyalty to all Imperial interests, whilst respectfully calling attention to this serious inroad upon the welfare of the people of this province;

Wherefore, your petitioners humbly pray that Your Excellency may be pleased to sanction the passing of an Act inhibiting the immigration of the above mentioned class of people to Canada and your petitioners will ever pray.

I also present a petition from the city of Victoria to the same effect with 1,366 signatures.

THE DISMISSAL OF LIEUTENANT-GOVERNOR McINNES.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate copies of all correspondence which has taken place between the Premier, Secretary of State or any other member of the government and the Lieutenant-Governor of British Columbia, having reference to the dismissal of Premiers Turner and Semlin by the said Lieutenant-Governor, and the calling upon Mr. Robert Beaven, Mr. Joseph Martin or any other person to form a cabinet; together with all reports, orders in council or other documents referring to the said dismissals and formation of such cabinets.

He said : I have been induced to place this notice of motion upon the Order paper, not for the purpose of championing the Lieutenant-Governor or siding with either party in the province of British Columbia upon the disputes which have taken place between the Lieutenant-Governor and his former ministers in the formation of the present government of British Columbia, or his dismissal from the position of Lieutenant-Governor by the Dominion government. I have placed the notice on the paper in order to obtain, if possible, the correspondence which has taken place between the Dominion government and the Lieutenant-Governor upon the question of his dismissals of ministers, and the formation of another ministry under Mr. Joseph Martin. I do so for the reason that the Lieutenant-Governor, in the manifesto which he has published to the world, has made some very serious charges against the Dominion government, the truth of which they alone must be the judges ; but in the interest of provincial governments, and of good government throughout the whole Dominion, and in order to ascertain how far a government which has laid down as a policy in the past, non-interference in provincial matters, have transgressed their own policy, and violated the declarations they made in the past upon this question. I find in the first manifesto, which was published, emanating from the pen of the Lieutenant-Governor, that, after referring to his official representations to the government at Ottawa, he says :

Sir Wilfrid Laurier did not see fit to lay those reports or any of them, before parliament, although asked by the British Columbia members to do so, and yet, although not a word that I had to say in my own defence was allowed to go before you, it was given out that you were the judges. Is this British justice? Is this British fair-play? A week after the elections a majority of the newly-elected members of the legislature passed a resolution in secret session at a party convention asking Sir Wilfrid Laurier to dismiss me, and Sir Wilfrid, although he had a few days before declared that the matter should be left to the legislature to decide, promptly obeyed that resolution, passed in secret session and at a party convention. I defy any member of the Dominion government or any one else to point to a single act of mine in connection with the dismissal of the Semlin and Turner governments and the formation of the Martin government, or up to the very day of my dismissal, that cannot be upheld and justified by precedents established by the Liberals themselves from the time of Pitt, the great Commoner, to the present time. Upon the defeat of the Semlin government, I was convinced that Mr. Martin was the man best fitted to assume control under the circumstances as they then existed. At the same time, I had been made fully aware that Mr. Martin was distasteful to Sir Wilfrid's government, and that if I considered my own interests and my own position merely, I should under no circumstances call upon him, and immediately upon the defeat of the Semlin government I was made fully aware also that the great corporations, whose metallic influence is apparently all-powerful at Ottawa, would do their utmost to have me politically assassinated if I should dare to call upon Mr. Martin. I refused to resign, although I had previously offered to do so on several occasions, for had I resigned under such circumstances it would have been construed as an admission that I was wrong, and Sir Wilfrid would have been relieved entirely from having to devise a justification for my dismissal. I may say also that I received instructions from the Secretary of State last August respecting the attitude which I should adopt in certain matters towards my ministers, but the Secretary of State saw fit to convey those instructions, which I obeyed implicitly, in the form of a letter marked 'confidential,' consequently I am not free to publish it, and yet, when I continued to follow these instructions in my attitude towards the Martin administration, the Secretary of State complained of my having done so, but again under cover of a letter marked 'strictly confidential.'

There the report as it appeared in the Toronto *Globe*, from which I have made this extract, ceases ; but when I refer to another journal, the Toronto *World*, I find that another sentence follows the word 'confidential.' Whether the *Globe* omitted that sentence designedly or by accident I am not prepared to say, but it materially affects the charge laid against the Secretary of State of having first given advice as to what he, the Lieutenant-Governor, should

do, and when the Lieutenant-Governor did it, to be complained of by the same Secretary of State. The sentence which was omitted in the *Globe* after the word 'confidential,' is as follows :

I have not destroyed these letters, although I was told by the Secretary of State to do so. At some future time I may deal with the personal relations existing between the Ottawa government and myself.

There is also another omission in the *Globe's* report of the Lieutenant-Governor's manifesto. After informing the people of British Columbia of the services which he, the Lieutenant-Governor, had performed, he adds the following :

Since 1876, there has not been a day during that period that either threats of corporations or the chink of their coin moved me from what I considered to be my line of duty; and what I believed was in the interests of the people of British Columbia, rather than the interests of Sir Wilfrid Laurier and the Crow's Nest Pass coal magnates.

After giving reasons for refusing to resign he adds, 'Now the political assassination threatened, has taken place ;' and that at 'some future time he will deal with the personal relations existing between the members of the Ottawa government and himself.' What does this correspondence reveal ? For the sake of brevity I have epitomized the Lieutenant-Governor's statements and charges made against the Dominion government. They are :

1. That Sir Wilfrid Laurier declined to lay the Lieutenant-Governor's reports and despatches before parliament, though asked to do so by the British Columbia member of the House of Commons.

2. That the people of British Columbia were asked to be judges of his (the Lieutenant-Governor's) conduct without knowing the facts, the Premier of the Dominion having kept them from the people.

3. That after the elections in British Columbia, the newly-elected members met in convention, and demanded his (the Lieutenant-Governor's) dismissal.

4. That Sir Wilfrid Laurier promptly acted upon that request, though he (the Premier) had a few days before declared the matter should be left to the legislature.

5. That Martin was distasteful to Sir Wilfrid's government, and that if he (the Lieutenant-Governor) would consider his own interests, he would not call upon Martin to form a government.

6. That the Secretary of State for the Dominion wrote confidential letters to him (the Lieutenant-Governor) instructing him what to do with his ministers.

7. That he (the Lieutenant-Governor) carried out these instructions, and that the said Secretary of State censured him for doing so.

8. That the Secretary of State marked his letters confidential, and requested the Lieutenant-Governor to destroy them.

9. That he (the Lieutenant-Governor) was asked to resign, but refused, though he had previously offered to do so.

I observe that the hon. minister shakes his head. I am not vouching for the correctness of the statements. I am merely repeating what the Lieutenant-Governor says. It is a question of veracity between the Lieutenant-Governor and the government of which the hon. Minister of Justice and the hon. Secretary of State form a part, and no unimportant part either. Then the next reason, the tenth charge is as follows :

10. That the great corporations, whose metallic influence is apparently all-powerful at Ottawa, would do their utmost to have him (the Lieutenant-Governor) politically assassinated if he did not obey their behests.

11. That he resisted the metallic influences and threats of corporations and the chink of their coin, and acted in the interests of the people of British Columbia, 'rather than in the interests of Sir Wilfrid Laurier and the Crow's Nest Pass coal magnates.'

12. That in consequence of his refusal, the political assassination threatened took place.

These in brief are the charges which the decapitated Lieutenant-Governor lays at the door of the Premier and Secretary of State in his first manifesto. Since this publication by the Lieutenant-Governor he has written another letter, in reply to a requisition asking him to contest one of the electoral divisions of the city of Victoria in which he says:

For about ten months past the province has been in a condition of political unrest, and business interests, particularly in regard to mining industries, have been seriously affected in consequence. Over nine months ago I urged upon my then ministers the advisability of an immediate session, or an immediate general election, in order to end the political uncertainty then existing. The Ottawa government, however, by the wholly unwarranted exercise of its power, against which I protested, forbade me to interfere at the time at which my ministers saw fit to summon the legislature. At whose instigation, and in whose interests they saw fit to do this, I do not say, but it certainly was not in the interest of the people of this province. And when one whom they have chosen to treat as a political enemy was called upon, they expected me to adopt an altogether different attitude towards him. Had my hands not been tied by Ottawa instructions, the political turmoil of the last nine months would, in all probability, have been ended long ago.

These are the charges which the Lieutenant-Governor has made. Being a responsible officer in that province and having been chosen by the government of the day to fill a very important position, it is not unreasonable that the country should look for some information in reference to the statements which have been made and the action of the

government towards him. We have been led to believe in the past that provincial autonomy was to be respected in every particular.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And that no interference on the part of the Dominion government should take place unless there was some gross violation of the constitution which imposed a responsibility upon the ministers at Ottawa to induce them to interfere. The question is whether this has been the case with Lieutenant-Governor McInnes or not. In the charges which he has made, and which are very clearly put, there are one or two points only to which I desire to call attention. The first point is in reference to the interference of the government of the Dominion with the Lieutenant-Governor of British Columbia. Whether they were justified or not we will be better able to judge when the papers are laid before us. Another point is that it seems to be the practice of the present administration to produce just such documents as they think will answer their own purpose. In the correspondence which has been laid before parliament in the past in reference to the Hughes-Hutton difficulties, and also the dismissal of Lieutenant-Colonel White, we had letters and documents withheld on the ground of their being confidential; though the papers which were laid before parliament contained a number of private and confidential letters written by Col. Hughes, so that the public could see what complaints were contained in the private and confidential letters of Col. Hughes, while the defence of Major General Hutton was shrouded in mystery under the term 'confidential,' and the world has not yet been able to judge of the correctness of the position taken by the Minister of Militia and sustained by the government. I remember distinctly that when at the opening of this session I asked for the correspondence between the government of the Dominion and the government of Manitoba, after the last elections, in order that we might be able to judge what the terms were of what they declared to be a settlement of a very vexed question which had agitated this Dominion from one end to the other, we were informed by the hon. Secretary of State that there was no correspondence.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—So that we had a settlement, as they say, of a question which had agitated all classes of the community throughout the whole Dominion negotiated, brought to a termination, and, as they say, settled, without the slightest correspondence between them. I could understand, if the government desired to hide what they have done, why there was no correspondence, or that that correspondence was put out of the way so that we could not get it; but it is after the fashion of the Ontario government in their mode of disposing of ballots when they were burned, in order—I do not say in order—accidentally burned, of course, unintentionally no doubt—but there is one thing certain, an investigation was going on before judges and these ballots were necessary which would have formed a very important part of the case which was then being investigated, but they were unfortunately burned, and they could not be obtained, hence the evidence could not be procured. Now, in the present case, it appears from this statement, published in the *World*, that the hon. Secretary of State wrote letters giving directions to the Lieutenant-Governor as to what he should do and what he should not do with his ministers, but they were marked 'confidential.' I am not justifying the Lieutenant-Governor in referring to letters which were confidential, but he has referred to them, and from what he says I have no doubt, he will follow the example of the ministers themselves ere many weeks go round, and publish these private and confidential letters in order that we may know what has taken place. Then it appears, after he had written those letters, and the Lieutenant-Governor had acted strictly in accordance with the instructions and advice given to him by the Secretary of State, he writes the Lieutenant-Governor complaining bitterly of what he had done. In other words, he complains of the Lieutenant-Governor having carried out the instructions which he, as Secretary of State, had written,—we are to presume had written to him after consulting his colleagues. Another confidential letter of the same character was written, and that letter wound up with 'destroy those letters.' That is doing exactly what the clerks of the Ontario government did with the ballots

in the case I have mentioned, to get rid of them. The hon. Secretary of State, should thank me for bringing this matter before the House. He may not concur in the deductions I have drawn from the statements made, but in justice to himself, occupying the very prominent position he does, it should be brought before parliament, in order that he can acknowledge or deny the statement of the Lieutenant-Governor of British Columbia, and place himself right before the people of the country. Were I occupying his position, I should be very glad to have charges of this kind brought to my notice, and I should be prepared then either to defend them or, shall I say, apologize for what I have done—I do not think I would do that, because under the circumstances I should not do anything that required an apology; but the hon. gentleman is in a position now, having the facts brought before him as succinctly and clearly as I could well do it, to let the world know whether Lieutenant-Governor McInnes has told falsehoods or whether the hon. Secretary of State is guilty of having done that with which the Lieutenant-Governor charges him. I am not prepared to expect that these confidential letters will be brought down by the government. If I am to judge on their past conduct with reference to confidential letters which they refused to bring down——

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am stating facts. I am stating what has taken place in this House. I am only reading what has taken place in the other House, and dealing with the facts as they are to-day upon record, giving no opinion of my own with reference to the truth of any of the statements; but having brought them before the hon. Secretary of State, I hope he will bring down his confidential letters in order that we can judge of the character of the instructions which he gave to the Lieutenant-Governor. They will be, perhaps, a caution to future Secretaries of State, or they may be of great benefit to those who may occupy, in the future, the position he fills to-day, as lessons to them how to act towards lieutenant-governors. Having made this motion, I shall look forward with some degree of interest to the return to be brought down. We may not be able to deal with it this year, but when we get it, if we ever do get it, we can deal with it in the manner it deserves.

Hon. Mr. SCOTT—There will be no objection to bringing down the return for which the leader of the opposition asks. I do not think it is very good taste in him, in moving for this return, to give publicity to statements which, at best, he must have known where very questionable, and to have given the substance and character of his own position to statements made by the ex-Lieutenant-Governor of British Columbia. Mr. McInnes was a personal friend of my own when he was in this Chamber, and I took some interest in him after he became Lieutenant-Governor, and I did write him private and confidential letters—not as Secretary of State, or after conference with my colleagues, or as representing the government at all, but simply private letters in which I expressed my own views of the policy that he was adopting towards his advisers. Now, that the Lieutenant-Governor has referred to and quoted paragraphs from some of my letters, it is idle to say that they should be any longer confidential. I am perfectly prepared that all my private correspondence with the Lieutenant-Governor should go forth to the world, now that he has taken the step that he has, which I think was extremely improper, because my letters in no way instructed him—I was not authorized to convey instructions that way. When instructions were given, they were given officially. When I wrote private letters to him, anxious as I was to save him from making the exhibition he has made of himself, it was only natural I should mark my letters 'private and confidential,' because I was not acting as mouthpiece of the government. He has, however, referred to them publicly, and I shall therefore ask him to remove the veil of secrecy from them and allow them to be published. They are not very important; they are not very numerous either. They are simply hints from time to time that I thought he was taking a foolish course in reference to the mode of dealing with his advisers. I might say that my advice to him was, on general lines, to leave himself more largely to the legislature and to the views and opinions of the people of British Columbia as expressed through the legislature. The hon. gentleman has referred, in the first instance,

in his charges made against the government, to a refusal to lay papers on the Table, I have not heard that any such demand was made of the Premier.

Hon. Sir MACKENZIE BOWELL—What papers ?

Hon. Mr. SCOTT—The charge to which the hon. gentleman drew the attention of the Senate was one in which he alleged that British Columbia members had asked that certain papers should be laid on the Table.

Hon. Sir MACKENZIE BOWELL—I made no charge. I repeated charges made by the Lieutenant-Governor; I did not make charges.

Hon. Mr. SCOTT—I understood the hon. gentleman to say the letters were called for at the instance of members from British Columbia and the Prime Minister refused.

Hon. Sir MACKENZIE BOWELL—The British Columbia Governor said Sir Wilfrid Laurier had refused to lay the despatches on the Table, although they had been asked for in the House of Commons, and it is true that Mr. Prior moved for the papers in the House of Commons. I am not prepared to say whether they were refused or not.

Hon. Mr. SCOTT—Does the hon. gentleman refer to a motion for papers this session ?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—It did not come to my hands.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not watched the proceedings as closely as I have.

Hon. Mr. SCOTT—An order would come to me certainly.

Hon. Sir MACKENZIE BOWELL—My recollection is the Premier refused to bring them down on the ground that negotiations were going on.

Hon. Mr. SCOTT—It was probably before any action had been taken—before it was known what would happen, and it has always been recognized as highly improper to bring down papers during the progress of correspondence. Invariably the practice is to wait until the correspondence has terminated.

Hon. Mr. MILLS—Then it ought not to have been made a charge.

Hon. Sir MACKENZIE BOWELL—That is for you to deal with.

Hon. Mr. MILLS—The hon. gentleman made a charge against the government that they had kept back the correspondence.

Hon. Sir MACKENZIE BOWELL—If you put it that way, I have no objection to assume the responsibility.

Hon. Mr. SCOTT—The motion could not have been properly made and the hon. gentleman must have withdrawn it, seeing it was highly improper to move it while the correspondence was going on. The hon. gentleman has gone out of his way to show that, during the settlement of the Manitoba school question, the correspondence was not brought down. The hon. gentleman knows there was no correspondence. When the hon. gentleman's government, which preceded this government, sent commissioners to Winnipeg to negotiate a settlement, they had no correspondence to submit ; they went there personally.

Hon. Sir MACKENZIE BOWELL—Everything was laid before parliament.

Hon. Mr. SCOTT—When the papers were complete they were laid before parliament. In the same way, when a committee of this government and the committee of the government of Manitoba met together, and went over the papers, they were laid before parliament as soon as the result was reached.

Hon. Mr. FERGUSON—There were no papers at all, we were told, in the last case.

Hon. Mr. SCOTT—There was a settlement arrived at. There was a settlement made.

Hon. Mr. BERNIER—There was no settlement.

Hon. Mr. SCOTT—The hon. gentleman may question that, but he knows very well that the conclusions of that committee were laid on the Table and published all over the country. I do not feel at liberty to go into the matter in the detailed manner in which my hon. friend opposite has gone into it, because I feel that I must first have the seal of secrecy removed from this correspondence. I shall wire Mr. McInnes and remind him that he himself has made public parts of the correspondence, and, therefore, it is only

proper and right that the public should know all our private correspondence, and they will be able to judge whether I gave any instructions in the form of private letters, or whether my suggestions were only those of a friend writing to a friend, and they will be also able to judge whether, if Mr. McInnes had taken my advice, he would be still Lieutenant-Governor of British Columbia.

Hon. Sir MACKENZIE BOWELL—I have no complaint to make of the answer given by the Secretary of State further than this: He ventured the opinion that it was bad taste and very improper for me to bring this matter before parliament and give publicity to those charges. Upon that point I must beg to differ from him. I considered it of sufficient importance to bring before parliament in order that the facts might be laid before the country for future reference and for our future guidance. If the charges made by the Lieutenant-Governor be true, then the conduct of those with whom he was negotiating was not what it should be, without using any stronger language. The hon. gentleman rather mis-stated the reference which I made to the Manitoba school question correspondence. What I asked for at the beginning of the session was that that correspondence should be laid before parliament. The answer I received, was there was no correspondence.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—So I could not have complained of the correpondence not being laid before parliament. What the hon. gentleman refers to as having been laid before parliament is that which is contained in the statutes of Manitoba—suggestions as to what changes were to be made in the school law in order to meet, as they contended, the demands of those who thought they had been wronged. That is all that has been laid before parliament. Anybody can read that. It is in the statutes.

Hon. Mr. MILLS—I am not going into a discussion on the motion of the hon. gentleman. It is not usual, on motions for papers, to have a discussion upon the motion. It is usual to have that discussion after the papers are brought down.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT.

Hon. Mr. MILLS—My hon. friend has discussed a correspondence which is private and confidential, and that correspondence ought to be before parliament if it is to be discussed, so that every hon. member of the House will have an opportunity of seeing it. Then my hon. friend has, in support of his motion, pointed out that ballots were burned, not by this government or by the local government, but by certain officers in Toronto, whose duty it is to destroy those ballots periodically, and I suppose the time had arrived for the destruction of those ballots.

Hon. Sir MACKENZIE BOWELL—No, it had not. Better not discuss that.

Hon. Mr. MILLS—At all events, the commission who were appointed consisting of judges, some of whom were not friends of the provincial government, exonerated the officers for what had transpired.

Hon. Sir MACKENZIE BOWELL—No, they did not.

Hon. Mr. MILLS—I say the contrary.

Hon. Sir MACKENZIE BOWELL—Well, leave it there.

Hon. Mr. MILLS—Let me say this, further: I am unable to see, since the hon. gentleman thinks it his duty to deliver a caudle lecture to the House on the administration, what the destruction of ballots by an officer in the legislature of Ontario, or in the employ of the legislature of Ontario, has to do with the question which he has raised in reference to the dismissal of the Lieutenant-Governor of British Columbia. The hon. gentleman referred to the Hutton correspondence, and complained that certain letters which were brought down ought not to have been brought down, and certain other letters were withheld, on the ground that they were confidential, that ought, under the circumstances, to have been laid before the House. I do not know what that has to do with the motion now before us. It seems to me that the hon. gentleman is very much more anxious to say something that he thinks is detrimental and unfair to the administration than he is to get additional light upon this question. I can well understand the hon. gentleman expressing his disapproval of what the government have done with reference to Mr. McInnes, but,

seeing what Governor Robitaille did with his adminstration that he found in office when he was appointed, I can understand how the hon. gentleman would be disposed to sympathize with Mr. McInnes, but when the correspondence is brought down, to which the hon. gentleman referred, and the conduct of Lieutenant-Governor McInnes is discussed from the standpoint of English parliamentary government, it will be found it will not bear investigation. I am not going into a discussion on it at this moment. A more fitting opportunity will arise when the papers for which the hon. gentleman has moved are before the House. Then the hon. gentleman attacked the administration because, on a motion made by Mr. Prior, before the government had taken action in respect to Governor McInnes, certain correspondence that Mr. Prior, in the other House, had asked for was not brought down.

It is not usual, it is not parliamentary, and it would be contrary to the rules and practice of parliament, where correspondence was incomplete dealing with a subject that has not been finally disposed of, to lay that correspondence before parliament. That is a well recognized rule, uniformly acted upon in the Imperial parliament in both Houses, and it is a proper rule to follow here. The governor has been dismissed. He refused to resign. My hon. friend also has referred to the fact that Governor McInnes had over and over again offered to resign, but he was not willing to resign when he was asked to do so. I do not know a single instance in which Governor McInnes offered to resign his position. I know instances in which he offered to abandon the position which he then held if given another position which he thought, perhaps, more important. But to retire from office, to resign his present position unconditionally, I know of no such instance, nor do I think that any member of the government knows an instance of Governor McInnes having offered to resign. I need not say any more on the subject at the present time. If my hon. friend succeeds in having brought down the private letters which were written to the governor in the interests of Lieutenant-Governor McInnes, advising him to adhere to constitutional rules and not to undertake to adopt a course which he contemplated, it will be seen that my hon. friend gave him good advice, and it would have been fortunate for him if he had acted upon that advice which the Secretary of State gave him, not as Secretary of State but as a personal friend. When that correspondence is before the House, my hon. friend will have an opportunity of making a motion which will furnish a fitting opportunity for a discussion of the whole question.

Hon. Sir MACKENZIE BOWELL—I have the same complaint to make in regard to the reply of my hon. friend as I have made to his former replies. He puts language in the mouths of those to whom he is replying which they never uttered, and attributes to them statements which they never made. For instance, the hon. gentleman insinuates that I sympathize with Mr. McInnes. There is nothing in my remarks to show that. There is nothing to show that I wish to apologize for Mr. McInnes. The Senate knows that I complimented the government on dismissing him some days ago. The hon. gentleman says that I made charges. I made no charges. I simply called attention to the charges which the Lieutenant-Governor had made and asked if they were true. I did not father them. I said I was not in sympathy with the Lieutenant-Governor, nor was I there to apologize for his conduct, but I simply wanted to call the attention of the Senate and the country to what had taken place and what he had stated, and to ask whether the statements were true. The hon. gentleman went on to give us a history of the burning of the ballots. I am not going to argue that question. I instanced that to show the manner in which the party to which the hon. gentleman belongs gets rid of evidence. The Secretary of State was determined that no evidence should exist as to the course which he pursued, because he asked the Lieutenant-Governor to destroy them. That was the only reference which I made to them. The judges did not exonerate any of them. They simply stated the facts in their reports—that the witnesses had sworn that the ballots were destroyed by error, and the judges so reported. That was the position they took. If my recollection serves me right, they did not exonerate any one. They simply stated the fact. They were bound to take the affidavits of these people. That is the only point on which I have to complain of the language of my hon. friend,

and more than that, the hon. gentleman knows, from his long parliamentary experience, that it is rulable in the House of Commons and in this House that when you make a motion you can give your reasons for making the motion. It is always done. If we could only discuss these questions when the papers came down they never would be discussed, because for two or three years we have asked for papers and they have never been laid before parliament. I do not anticipate that this return will be furnished this session, and by next session other matters may develop which may justify what the hon. Secretary of State did. But that is a matter between their old friend, the late Lieutenant-Governor, and themselves which I leave them to settle.

Hon. Mr. PRIMROSE—A remark fell from the hon. Minister of Justice in regard to this matter which seems to me somewhat inconsistent with the claims he and the hon. Secretary of State have made in regard to the correspondence being strictly private and confidential or, rather, personal as between one friend and another, the Secretary of State on the one hand and the late Lieutenant-Governor of British Columbia on the other. The statement which he made was that when the letters were brought down it would be found that they were of such and such a complexion. Does not that argue a knowledge, on the part of the Minister of Justice, of the contents of these letters? And perhaps after all they were not so much the production of a private individual as of the government.

Hon. Mr. MILLS—I saw them to-day for the first time. I went to my hon. friend's office to inquire about them, after seeing the Lieutenant-Governor's letter.

Hon. Mr. PRIMROSE—It struck me, under the circumstances, as being rather peculiar that the Minister of Justice should have made that remark.

Hon. Sir MACKENZIE BOWELL—It is quite evident the Secretary of State kept copies of what he wrote, while he wanted the Lieutenant-Governor to destroy the originals, so that he alone would have the criminating evidence in his own possession.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL.

YARMOUTH STEAMSHIP'S CO.'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (185) 'An Act to authorize the sale of the Yarmouth Steamship Company's property to the Dominion Atlantic Railway Company.'

The Bill was read the first time.

Hon. Mr. LOVITT—This Bill is sought for by these two companies. They have been competing with each other for some time, and for the last few months both companys' steamers would leave on the same day and sometimes the same hour, and things were not in a very satisfactory shape. They have now come together and made an agreement whereby the Yarmouth Steamship Company have sold their property to the Dominion Atlantic Railway Company. It is a matter of some urgency, and the House of Commons suspended all rules in order to pass the Bill. I therefore move that all the rules and orders be suspended in relation to this Bill.

Hon. Mr. POWER—I do not propose to object to the motion, but I think it is couched in too general terms. I understand that important interests are at stake and it is necessary that no time should be lost, but the language is too general. The motion should ask for the suspension of the rules which hinder the immediate consideration of the Bill. Under the language of this resolution we might suspend the rule that a majority govern, and that is not the intention.

Hon. Mr. McKAY—The only rule that it is necessary to suspend is the rule which compels the company to give notice. There has been no notice or petition.

Hon. Mr. PRIMROSE—Why cannot the hon. gentleman specify the rules he desires suspended?

Hon. Mr. McKAY—There will be no delay if those rules regarding notice are suspended.

Hon. Mr. POWER—The motion should state that those rules which delay its progress through the House should be suspended.

Hon. Mr. LOVITT—I move that the Bill be referred to the Standing Committee on Standing Orders in accordance with the fifty-ninth rule of this House.

The motion was agreed to.

A SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (188) 'An Act granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1900.'

The Bill was read the first time.

Hon. Mr. MILLS moved the suspension of the rules so far as they related to this Bill.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform the House what this balance is? I think this is the fourth Supply Bill we have had for expenditures incurred, not provided for in the estimates for the year ending 30th of June last.

Hon. Mr. MILLS—This is the expenditure on the Intercolonial Railway.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform us what the total expenditure has been on the Intercolonial Railway and different extensions?

Hon. Mr. MILLS—I cannot tell the hon. gentleman at this moment, but the sum asked for in this Bill is $900,000. The expenditure has been considerable. A great deal of the track has been relaid. A large number of locomotives and cars have been built, or purchased, and the equipment of the road has been very largely increased. This has been found necessary in the public interest, in order that the railway might discharge the work that practically comes to it. The statement made by the hon. Minister of Railways is, that notwithstanding the very large expenditure upon the road, the income has been in excess of the expenditure—in fact very much larger than it has ever been before, and if I remember rightly, during the year that has just closed something over $100,000, in excess of the total expenditure upon the road.

Hon. Sir MACKENZIE BOWELL—That is the revenue. If you accept the accounts as they are kept by the Railway Department at the present day, they show a surplus, and as the hon. gentleman has referred to the statement made by the Minister of Railways and Canals, it may not be out of place to refer to the answer which was given to him. This matter may come up hereafter when the general estimates are before us, but the charge made and proved by the reports for years and years past was, that that surplus which they claim is arrived at by charging large sums to capital that were formerly charged to income, and if he had continued that policy, he might just as well have shown half a million of dollars or a million of a surplus as the sum he mentions. I think, however, when the whole question is investigated it will be shown that the extension has been a very unprofitable thing for the country.

Hon. Mr. PRIMROSE—I am glad to observe, from the remarks of the Minister of Justice, that there is to be a pretty large additional appropriation for rolling stock, and embraced in the rolling stock, I presume, will be freight cars. If that is so, one of the great difficulties, in my estimation, in the way of the detention of cars at the different railway stations, mentioned on previous occasions, will be obviated.

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

BILLS INTRODUCED.

Bill (93) 'An Act to confer on the Commissioner of Patents certain powers for the relief of the Surface Railroad Tieplate Company of Canada (Limited)'.—(Hon. Mr. McKay.)

Bill (176) 'An Act to incorporate the South Shore Line Railway Company of Canada (Limited)'.—(Hon Mr. McKay.)

THIRD READINGS.

Bill (124) 'An Act to incorporate the Lake Superior and Hudson's Bay Railway Company.'—(Hon. Mr. Watson.)

Bill (94) 'An Act respecting the Schomberg and Aurora Railway Company.'—(Hon. Mr. Perley.)

THE CHINESE IMMIGRATION RESTRICTION BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole in consideration of Bill (180) 'An Act respecting and restricting Chinese immigration.'

(In the Committee.)

On the third clause,

Hon. Mr. POWER—Paragraph *a* is as follows :—

4. In this Act, unless the context otherwise requires,—

(a.) The expression 'Chief Comptroller' means the chief officer who is charged, under the direction of the minister to whom is assigned the administration of this Act, with the duty of carrying the provisions of this Act into effect and who shall have authority over officers of customs and others appointed for the purpose or charged with the duty of assisting in carrying out the provisions of this Act.

That is a new provision, and I assume it is intended to give some officer in the Customs Department charge of this business, but the chief comptroller is a new officer.

Hon. Mr. SCOTT—I do not know that it is proposed to make any change. Mr. Parmalee, the Deputy Minister of Trade and Commerce, has been in charge of this, and I am not aware that it is intended to change his position. I have heard nothing about a change.

Hon. Sir MACKENZIE BOWELL—It is not a change in practice ; it is a change in the law. When the law was passed, a discussion took place in the government as to which department the carrying out of the law should be given to, and it was placed under the management and control of the Minister of Customs, instead of appointing a special officer as comptroller, as provided for in the old Act, and continued in this Bill. The Deputy Minister of Customs was appointed to be comptroller with a slight increase to his salary for the management of this business, thereby doing away with the necessity of appointing a special officer for that purpose. The Act was enforced through the collectors of customs at Vancouver, Victoria and other points where it was found necessary to do so under the management of any one. It was placed in the hands of the collectors of customs, without any increase of salary, so that the carrying out of the provisions of this Act was under the Customs Department for a great number of years without any extra expense to the government other than the $400, which was given to the comptroller in Ottawa. Two or three years before I left office, the comptroller recommended that the collectors at Victoria and Vancouver, who had the whole business to transact and collect from $75,000 to $150,000 a year, should receive remuneration for what they were doing, and that is the only expense attending it. It is only making the law what has been heretofore the practice.

Hon. Mr. MILLS—The Deputy Minister of Trade and Commerce has control of it now.

Hon. Sir MACKENZIE BOWELL—When the commissioner of customs, Mr. Parmalee, was moved to the position of Deputy Minister of Trade and Commerce under myself, he carried with him, by order in council, the duty of carrying out the provisions of this Act. I have noticed, and I regret to see it, in the debates in the other House, on the part of some Manitoba members a demand upon the government to remove Mr. Parmalee from his position. I hope that they will never accede to a request of that kind. Mr. Parmalee was appointed to a position in the customs by Mr. Huntington, and I hesitate not to say that, for fourteen or fifteen years while I was associated with that gentleman, I do not believe there was a man in the whole public service who performed his duty with greater ability or was more conscientious in the discharge of his duties. He is not politically in accord with me. He has strong views politically, but in all my experience with him he has laid down the principle that the law on the statute-book was his guide and he carried it out most faithfully. I take this opportunity of saying that much, from my long experience of Mr. Parmalee. I should not have deemed it necessary to do so had it not been for the attacks made upon him, because he is not so anti-Chinese as some hon. gentlemen are. I take the liberty of making this explanation because I have had a good deal to do with the carrying out of this law.

The subclause was adopted.

On subclause *d*,

(a.) The expression 'Chinese immigrant' means any person of Chinese origin (including any person either of whose parents was of Chinese origin) entering Canada and not entitled to the privilege of exemption provided for by section 6 of this Act ;

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman who has the Bill in charge will deem it his duty to strike out these words 'including any person either of whose parents was of Chinese origin.'

If you refer to subsection 4 of clause 6, you will find it is as follows :—

4. Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall for the purpose of this Act be deemed to be of the same nationality as her husband.

Here you declare by law that the wife of a person who is not of Chinese origin shall be of the same nationality as her husband, and thereby exempt from taxation, but, strange to say, while you make the mother of the children of the same nationality as the husband, you make the children foreigners and compel them to pay the tax. We had a great deal of experience and trouble in connection with this very point. A missionary, a Scotch Presbyterian, married a Chinese woman, and came to this country with his wife and five children. We had to impose the tax of fifty dollars upon the wife and each of the five children. Under this Bill, if it becomes law, you nationalize the wife, but leave the children aliens. Surely that is not intended. Either the wife should remain Mongolian and pay the tax with the children, or the children should be of the nationality of the father.

Hon. Mr. POWER—I called attention to this matter when the Bill was at its second reading ; and I hope the government will take action as indicated by the hon. leader of the opposition. The simplest way to do so would be to amend the paragraph now before the committee, making it read this way : 'including any person whose father was of Chinese origin.'

Hon. Sir MACKENZIE BOWELL—You would have this difficulty arising : Supposing illegitimate children were brought in—it is just as well to discuss this question, because such difficulties arise with the collectors—my experience has taught me that you cannot, in imposing a tax, be too plain, explicit and simple in your wording. Otherwise, you will have all kinds of interpretations.

Hon. Mr. PRIMROSE—It seems to me it would be clearer to nationalize the children under clause 4.

The clause was allowed to stand.

On subsection *e*,

Hon. Mr. POWER—I think there is an omission in this clause. The clause undertakes to state what the Governor in Council may do. One of the most important functions of the Governor in Council under this Bill is to make regulations generally for the effectual carrying out of the Act, and the Governor General is not given any power to do that, and there is no reference to the regulations which are to be made. In a subsequent part of the Bill there is some reference to regulations, but it does not say by whom they may be made. They may be made by the Minister of Customs, and they may be made by the Governor in Council, and I think, considering the important character of this legislation, that it should be stated in this clause that the Governor in Council shall have power to make regulations for the purpose of effectually carrying out this Act.

Hon. Sir MACKENZIE BOWELL—I think the suggestion is a good one. In the past the regulations have been made by the minister under whose charge it was, but it was generally submitted to the Governor in Council for approval before putting it in force.

Hon. Mr. POWER—It may not be absolutely necessary, but I think it is desirable.

Hon. Sir MACKENZIE BOWELL—In that case it simply means that the Minister of Trade and Commerce would make a report to council suggesting what the regulations would be and they would be adopted instead of having the power to do it himself.

Hon. Mr. POWER—I may direct the attention of the committee to the third subclause of clause 12 :

3. The Governor in Council may make such regulations as are necessary to prohibit the entry into Canada of any greater number of persons from any foreign country than the laws of such country permit to emigrate to Canada.

So that the Governor in Council does make some regulations, and it would be better that he should be empowered to make more.

Hon. Mr. SCOTT—That is a new feature altogether, but I think the Governor in Council always had power to make regulations under the statute. It is a detail ; it is not necessary to state it in the Act. They have general powers. Unless it is some specific power it is not necessary to mention it.

Hon. Mr. POWER—I think it is well to remove the doubt.

Hon. Sir MACKENZIE BOWELL—I do not think that the Governor in Council has general powers not given in the Acts. Look at the Fisheries Act and the Customs Act and any other Act which requires special arrangements for carrying out the law. The power is specially given to the Governor in Council to make the provisions, and then they become law. It is not well to follow the principle laid down by the Secretary of State some time ago that they would break the law when it suited their purpose when they assumed it to be in the interests of the people. I question whether they have the power to do that. The hon. gentleman will remember my reference is to the coasting laws.

Hon. Mr. SCOTT—It is perfectly defensible, and I can point out where my hon. friend broke the law and it was defensible.

Hon. Sir MACKENZIE BOWELL—I do not know that the tu quoque argument is any answer.

Hon. Mr. SCOTT—Practical men will always find a way of getting over a difficulty when they meet it.

Hon. Sir MACKENZIE BOWELL—I say the doctrine laid down by the hon. Secretary of State is not defensible, and there was no reason for breaking the law on that occasion, because in breaking the law they simply gave advantage to one or two Yankee steamers, and injured the trade of all the Canadian shippers.

Hon. Mr. SCOTT—The amendment proposed by the hon. gentleman from Halifax might be added as subclause *f*, as follows :—

The Governor in Council may make regulations for the carrying out of this Act.

I suppose there is no objection to that.

Hon. Sir MACKENZIE BOWELL—No.

The clause was adopted with the amendment.

On clause 6,

Hon. Mr. SCOTT—This clause provides for the tax of one hundred dollars on Chinese immigrants.

Hon. Sir MACKENZIE BOWELL—The clause says :

Every person of Chinese origin irrespective of allegiance.

That is something new. Supposing a Chinese family, man and wife, moved to England and lived there for ten years and raised children, those children could not come to Canada without paying the capitation tax.

Hon. Mr. POWER—That is the present law. In the Chinese Immigration Act the language is unrestricted ; 'Every person of Chinese origin' I do not think these words 'irrespective of allegiance' alter the meaning of the clause.

Hon. Sir MACKENZIE BOWELL—What is the intention ?

Hon. Mr. MILLS—It is to make it clear that it applies to Chinese who are British subjects as well as to others.

Hon. Mr. MACDONALD (P.E.I.)—This clause proposes to raise the tax from fifty to one hundred dollars. I am opposed to that increased tax, as I consider the tax of fifty dollars is quite sufficient, and I move that it be left at fifty dollars.

Hon. Mr. POWER—I hope the committee will not make this change. It is a matter of policy, and if the policy is a mistaken one and does not meet with the approval of the people, the government of the day are responsible, and the government of the day who are responsible for financial measures and the House which has to deal with finances altogether, have inserted this larger tax and I do not think it would be good policy on the part of the Senate to interfere with it ; and the present time is not well chosen for undertaking anything to facilitate the entrance of Chinese into this country. A time when the empire is at war with China, and when the government—if there can be said to be a government—in China are showing the utmost disregard for the rules which govern civilized nations, is not a time when we should do anything to facilitate the entry of these people into Canada.

Hon. Mr. COCHRANE—Quite right.

Hon. Mr. BOLDUC—Hear, hear.

Hon. Mr. GOWAN—I am sorry to differ from my hon. friend who has moved this amendment. There is no argument in favour of it, except the general argument, to the effect that any tax at all was oppressive in its character, and violated the principles of British liberty, and was contrary to British

institutions. It must be admitted that a community may well exercise the right of self protection. It is exercised in other countries. My hon. friends who are opposed to this measure altogether will see that this right is exercised in very many cases. For example, the quarantine regulations are enforced very strictly. The rules with regard to domestic laws, and the rules with regard to the temperance question, certainly violate the rights of individuals to a certain extent. I think that the danger is in large immigration of the Chinese race in Canada. There is danger from the moral aspect, and also from a sanitary aspect. Some hon. gentlemen who have had experience with the Chinese speak very favourably of them, and I do not know that any serious objection has ever been urged against a few coming into a community, but when they immigrate in large numbers, a danger arises. They herd together, and live in a most unsanitary condition, and wherever they are in large numbers I believe it is a hot bed of danger to health and a hot bed of crime. We have certainly the evidence of the hon. gentleman from British Columbia (Hon. Mr. Templeman) who spoke when the Bill was up before us, of the habits of the Chinese, and we have the evidence of the whole province of British Columbia that they feel it a great danger that the immigration of the Chinese should be encouraged. I have it from a reliable source that the Chinese have been immigrating to Victoria for some twenty-five or thirty years, and there are three or four thousand Chinese now in the city of Victoria. I have heard also from a reliable source that out of that large number of Chinese there is not one in a hundred that has a home or gives any indication of becoming a settler of the country. We know that the home and family are of the essence of decent society, and we ought to discourage the immigration of a class of people who will not make a home amongst us, and are a danger to the community. It has been found in private families to be a necessity to employ Chinese servants, but the heads of the family are most particular to keep the younger members of the family away from the servants because they fear—and experience has shown them there is good reason to fear—that they will pollute the young mind with bad ideas. A community has a right to protect itself, and I must say that I think much is due to the united expression of the people of British Columbia. It is not one section of the country, but the whole country, en masse, are against it, and it is the only place in Canada where we have reliable information in regard to them. Those people give valuable testimony because they possess knowledge of the Chinese who immigrated to British Columbia. They give us an idea of what would be the danger of having a number of them in the country. We in this part of the country speak from our experience of the Chinese in places where there are only three or four of them, but it is a different state of things in British Columbia and I do think we owe much to the people there, and ought to meet their wishes so strongly and so very fully expressed.

I cannot say that, from the mere labour standpoint, my sympathy is with this legislation. There is a good deal to be said on both sides with regard to that, but on the sanitary question and the question of morals, I am thoroughly in accord with what I believe to be the public sentiment of British Columbia, and I should be prepared to support even a larger tax than $100. It must be recollected that a great deal of expense is incurred in policing those people and seeing, when they get together, that they live in a clean state, and are not an ever-present danger to the health of the community, and to see that the practices that they are so fond of—their gambling, their opium smoking, and so on—are not made schools to pollute our young people. I believe a tax of $200 would not be too much, but the government, after consideration come down—and with them is the responsibility—and say we think that $100 will be sufficient to prevent a heavy immigration into the country, and may be sufficient to meet the necessary expense to watch them and to protect the community. I should be prepared to vote for $200 if it was inserted in the Bill, and I shall certainly vote for the Bill as it stands, imposing a tax of $100.

Hon. Mr. GILLMOR—I am opposed to the principle of a poll-tax on Chinamen coming into Canada, and I should just as soon have it $100 as $50 if there is to be any tax at all. I am opposed to the whole Bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Barrie ought to have gone a little further: if the will of the people of British Columbia is to be carried out the tax ought to be $500. The government is not carrying out the pledge of the Premier in not making it much higher than it is. However, if it suits the only representative here to-day from British Columbia, we have no reason to find fault.

Hon. Mr. TEMPLEMAN—What is your own opinion?

Hon. Sir MACKENZIE BOWELL—I was responsible, as Minister of Customs, for placing the first anti-Chinese Bill on the statute-book. That ought to be a sufficient answer to the question.

Hon. Mr. TEMPLEMAN—What is your opinion as to the increase?

Hon. Sir MACKENZIE BOWELL—I am not governing the country just now. If I were and made a pledge, I should try to carry it out. I find that the Premier, in reply to Mr. McLagan—I believe he was a rival of the hon. gentleman opposite——

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. POWER—It has no relevancy to the matter before the House.

Hon. Sir MACKENZIE BOWELL—During the election of 1896, Mr. McLagan wired the present Premier of this country, then the leader of the opposition, to know what his views were on this question of immigration of Chinese, and this is the answer to the inquiry:

Chinese immigration restriction not a question in the east.
View of the Liberals in the west will prevai with me.

What are the views of the Liberals in the west? If they are represented by my hon. friend here, the tax should be $500, and consequently the leader of the government is not carrying out the views of the Liberals in British Columbia. Following the argument of my hon. friend from Barrie, the tax should be $500 instead of $100, that is if it is to carry out the promise made by the Premier, in 1896.

Hon. Mr. TEMPLEMAN—We expect to get more next session.

Hon. Sir MACKENZIE BOWELL—I am afraid my hon. friend will find that 'hope tells a flattering tale'—however, I am not going to discuss that question now. I hold somewhat the same views that the hon. gentleman from Barrie does, and I shall feel constrained, under the circumstances to vote against the amendment.

Hon. Mr. MILLS—My hon. friend assumes—I do not think his assumption is warranted by the facts—that a tax of $500 was promised by the Prime Minister. Now, I do not think that follows at all. There are some people in British Columbia who would object to a tax of $500. I have met people on the coast, and I daresay my hon. friend has met them also, who are opposed to the tax altogether.

Hon. Sir MACKENZIE BOWELL—Quite true.

Hon. Mr. MILLS—So it cannot be said that when the Prime Minister promised to meet the wishes of the Liberals in British Columbia that he has not done so by doubling the tax on the Chinese.

Hon. Sir MACKENZIE BOWELL—That depends on what are the views of the Liberals in British Columbia.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I hesitate not to say that the views of the vast majority of the Liberals in British Columbia, and in fact of both parties, are that there should be complete exclusion of the Chinese, and not only the Chinese, but the Japanese also.

Hon. Mr. MILLS—There is a difference of opinion.

Hon. Sir MACKENZIE BOWELL—I do not think my hon. friend from British Columbia will deny my statement.

Hon. Mr. MACDONALD (P.E.I.)—I believe the resources of British Columbia, and of the Dominion generally, would not have been so well developed as they are at the present moment if it had not been for the Chinese in the Dominion. They assisted greatly in the construction of the Pacific Railway and many other public works in Canada, and it is treating them rather cavalierly to impose a tax on them which we do not impose on others. In British Columbia, it is not the Chinese alone that the labouring classes object to. I see in the

papers published in that province that they are equally opposed to the immigration of Italians and Japanese. If we go on in this way imposing a heavy tax on persons coming from foreign countries, merely because there is a feeling against them on the part of any particular section of the Dominion, in time we shall come to exclude all who are not British subjects. I do not agree, to the full extent, with the objections which have been made respecting the Chinese. Many of those people are respectable citizens as you can find anywhere, and even the labouring classes, as far as we know them, observe the laws and respect the institutions of the country fully as well as our own people do, and better in many cases. For that reason I press the motion.

The amendment was declared lost, and the clause was adopted.

On clause 7,

7. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall incur a penalty of two hundred dollars for each Chinese immigrant so carried in excess of such number.

Hon. Sir MACKENZIE BOWELL—Does 'immigrant' mean one who has never been in the country before? I do not think it would include those who had been in Canada before and were returning under a certificate. I know vessels arriving in Vancouver would have three times, sometimes seven or eight times, the proper number for every fifty tons, but the answer to the officers, when their attention was called to it, would be that the one would be an immigrant coming to the country and the other seven would hold certificates, returning home. I do not know that any more difficulty will occur under this clause, than has been experienced in the past. Is the man who has been in the country and gone back to China and returns again to Canada an immigrant? I suppose not, but we know that there are establishments in Hong Kong who manufacture forged certificates to be used by Chinese coming to this country.

Hon. Mr. SCOTT—I have not heard of any difficulty in carrying out the law.

The clause was adopted.

On subclause 3 of clause 12.

Hon. Mr. POWER—I wish to direct the attention of the Minister of Justice to the fact that subclause 3 should not appear here. It has no connection with the rest of the clause and should be an independent clause. Subclause 3 reads:

The Governor in Council may make such regulations as are necssary to prohibit the entry into Canada of any greater number of persons from any foreign country than the laws of such country permit to emigrate to Canada.

That has nothing to do with the general substance of clause 12. It is an independent matter altogether and ought to be an independent clause.

Hon. Mr. MILLS—Clause 12 prohibits paupers, persons suffering from loathsome diseases, &c., entering Canada, and subclause 3 provides that the Governor in Council may make such regulations as are necessary in that behalf. It relates to the subject, but it might be an independent clause.

Hon. Sir MACKENZIE BOWELL—This clearly was put in the law to meet the case of the Japanese. The Japanese have passed a law prohibiting emigration from that country to a certain extent.

Hon. Mr. POWER—The hon. leader of the opposition has given the best reason why this should not appear here. The whole Bill refers to Chinese immigration, and this particular clause deals with Chinese immigration, but this subclause 3 is a general provision, and there is a peculiar necessity why it should stand by itself.

Hon. Mr. SCOTT—It would disturb the numbering to make it a separate clause.

Hon. Mr. MILLS—The objection of my hon. friend points to this being in the Bill at all. If it is to be in the Bill at all it may as well be here as anywhere else. It has not been well drafted, I admit. I think probably it was introduced after the Bill was drawn and it is scarcely in keeping with the Bill generally as it relates to any immigration. But it is just as well here as anywhere else.

The clause was adopted.

On clause 15.

Hon. Sir MACKENZIE BOWELL—What guarantee is there for collecting this money

from the owner of the vessel ? Supposing a master violates the law, is there any power to seize the vessel ? I know there is such a power in the customs law.

Hon. Mr. POWER—The wording at line 20 is not fortunate.

The clause reads :

15. Every master of any vessel bringing Chinese immigrants to any port or place in Canada shall be prsonally liable to Her Majesty for the payment of the tax imposed by this Act in respect of any such immigrant carried by such vessel.

There may not be any Chinese member of the crew at all. It is a vessel which brings immigrants. Then the clause reads :

And shall deliver, together with the total amount of such tax, to the comptroller, immediately on his arrival in port and before any of his Chinese crew or passengers disembark.

The meaning is clear enough, but the language is not happily chosen, because his crew may be all English, and the meaning is that any Chinese who happen to be a member of the crew or a passenger.

Hon. Mr. MILLS—That is what it says.

Hon. Mr. POWER—They are not his passengers, and his crew may not be Chinese at all.

Hon. Mr. MACDONALD—If he has any Chinese in his crew he is bound to deliver a list of them to the officer.

The clause was adopted.

On clause 18,

Hon. Mr. POWER—There is a word inserted here which does not appear in the law as it stands. The clause reads :

Every person of Chinese origin who wishes to leave Canada with the declared intention of returning thereto.

The word 'declared' is inserted. A Chinaman might neglect to declare his intention. He gives a written notice and that is sufficient.

Hon. Mr. SCOTT—The law was found by experience to be defective or the word would not be inserted.

Hon. Sir MACKENZIE BOWELL—There are many who may not make a declaration, but who may say that they did. I think to carry out the intention of the law the word 'declared' should be there.

Hon. Mr. POIRIER—I think it will lead to fraud. The officers will not be able to tell the Chinese apart, and if there is a place at Hong Kong where they can forge certificates they will do it, and will never be detected.

Hon. Sir MACKENZIE BOWELL—There is such a similarity between the Chinese that, in order to identify them, they make them put their thumb upon the seals, and when they come back they can identify them in that way.

The clause was adopted.

On subclause 2,

Hon. Sir MACKENZIE BOWELL—This gives the Chinaman six months additional to return to the country. I hope that suits my hon. friends from British Columbia.

Hon. Mr. POIRIER—He should be treated as an immigrant if he goes away from the country at all. Otherwise it will lead to fraud.

The clause was adopted.

On clause 22,

Hon. Mr. POWER—I should like to know the reason why the words 'or both' are omitted in this clause. It takes the place of section 20 of the old Act and in the Act the party was made liable to a fine not exceeding $500 or to a term not exceeding twelve months, or to both.

Hon. Sir MACKENZIE BOWELL—This is more liberal to the Chinese than the former provision.

Hon. Mr. MILLS—I think this is adequate punishment—twelve months' imprisonment, or $500 fine.

The clause was adopted.

On clause 24,

Hon. Mr. PROWSE—I wish to call the attention of the government to the latter part of that clause. The clause reads :

All taxes, pecuniary penalties nad revenues from other sources under this Act shall be paid into and form part of the consolidated revenue fund of Canada ; but one-fourth part of the net proceeds of all such taxes paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the province wherein they were collected.

Why is this exception made in favour of that province on the importation of Chinese

immigrants more than in the case of any other commodity or article imported into Canada ?

Hon. Mr. SCOTT—Because that province has the expense of policing the Chinamen and looking after them.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman look at clause 24 in the old Act ? I want to know whether the word 'net' appears before the word 'proceeds' in the old law ?

Hon. Mr. MILLS—This is a new clause.

Hon. Mr. SCOTT—The law formerly provided that all dues, pecuniary penalties and other sources of revenue under this Act shall be paid into and form a part of the consolidated revenue fund of Canada, but one-fourth part of all entry dues. It is called by different names.

Hon. Sir MACKENZIE BOWELL—It is altogether different. I do not object to this, because I think it is what I advocated some time ago.

Hon. Mr. TEMPLEMAN—What are the net proceeds ?

Hon. Sir MACKENZIE BOWELL—The proceeds arising from the tax after the expenses are paid.

The clause was adopted.

On subclause *d* of clause 4.

Hon. Mr. POWER—There is no hurry about this clause. We shall not have prorogation until the end of next week, and why we should be in a tremendous hurry to rush the Bill though I cannot understand. It is important to have the wording of the Bill the best that we can possibly supply, and it is clear that if the hon. Minister of Justice and hon. Secretary of State put their heads together, between to-day and to-morrow they will get the wording better than we will get it now ; and I think that that is a reasonable course to adopt.

Hon. Mr. SCOTT—The meaning was that the children of mixed marriages should come in. I think it is clear. At any rate the officers of the government would interpret it as the language expresses it. However, we will let it stand until to-morrow.

Hon. Mr. MILLS—It seems to me we absolutely meet the wishes of the House in that particular by saying that any woman of Chinese origin, who is the wife of a person who is not of Chinese origin, and the children of such woman, for the purpose of this Act be deemed to be of the same nationality as her husband.

Hon. Sir MACKENZIE BOWELL—I do not object to that.

Hon. Mr. POWER—Supposing a woman has been married, first to a Chinese and then to a man who is not a Chinaman, all her children would come in.

Hon. Sir MACKENZIE BOWELL—Certainly they would. If we add the words 'and their children' that would mean the children of that marriage and no other. My hon. friend from Marshfield says that if my suggestion were adopted it would include children who might be born of other wives and other fathers.

The subclause was allowed to stand.

Hon. Mr. McKAY, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

CRIMINAL CODE AMENDMENT BILL.

RETURNED FROM HOUSE OF COMMONS.

A message was received from the House of Commons returning Bill (K) 'An Act to amend the Criminal Code, 1892,' informing the Senate they had disagreed to the amendments made by them.

Hon. Mr. MILLS moved that the message be considered to-morrow.

Hon. Sir MACKENZIE BOWELL—We made certain amendments to the Bill and it was returned, the Commons not concurring.

Hon. Mr. MILLS—Yes. in the case of certain amendments.

Hon. Mr. SCOTT—They made the date of bringing the Act into force the first of January.

Hon. Sir MACKENZIE BOWELL—In which the Senate did not concur. Now, they persist in their amendments.

Hon. Mr. MILLS—Yes. They object to the three amendments, the one relating to frauds committed by parties obtaining goods under false pretenses, the second, relating to the trades unions, or the protection of labourers, and the third, as to the date when the Act should come into operation. They give six months more to the gamblers to carry on their operations.

Hon. Sir MACKENZIE BOWELL—That is a very good way to put it.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 4, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

TIMAGAMI RAILWAY COMPANY'S BILL.

CONSIDERATION OF HOUSE OF COMMONS AMENDMENTS.

The Order of the Day being called:

Consideration of the Message from the House of Commons disagreeing to the amendments made by the Senate to (Bill 118) An Act respecting the Timagami Railway Company.—(Hon. Mr. Dobson.)

Hon. Mr. DOBSON moved:

That the Senate do not insist upon their amendments made to the Bill (118) entitled An Act respecting the Timagami Railway Company, to which the House of Commons had disagreed, for the following reasons:

1. Because it would render it utterly impossible for the promoters of the Bill to make adequate financial arrangements for carrying out the scheme, owing to the great engineering difficulties to be encountered in the construction of a railway between the points named in the measure and Lake Timagami.

2. Because the country north of Verner is of a rocky, mountainous character. Very little of it will ever be fit for settlement, whilst from Sturgeon Falls the land is mostly good agricultural land.

3. Because the advantage of connection with a thriving town like Sturgeon Falls, instead of being compelled to connect with a place like Verner, where there is no prospect of ever being a town.

4. Because in running a road from Sturgeon Falls or Cache Bay, it would pass through settlements with a population of over 3,000, whilst on the whole line from Verner to Lake Timagam there are not 200 inhabitants.

5. Because the construction and operation of a railway from Sturgeon Falls to Lake Timagami would conduce to the general benefit of the people of Sturgeon Falls and the surrounding country, for the reasons above specified.

Hon. Mr. CLEMOW—I dissent from the proposition contained in the memoranda presented by my hon. friend from Lindsay, because we all know that this matter was fully discussed the other day in the Senate and at that time we came to the conclusion that the amendments proposed and carried in the committee were proper, and that the original route, from Verner, was the only route by which this railway could be built with advantage to the country generally. I hardly think it is necessary to go into a long discussion of the question at the present time, because every hon. gentleman understands it thoroughly. It was fully threshed out in committee and, after a long deliberation, having heard parties representing both sides, the committee came to the almost unanimous conclusion that the amendments proposed on that occasion were correct. The House of Commons thought proper to dissent from the conclusions arrived at by the Senate, and therefore, it becomes necessary now to give reasons why the amendments proposed by the Senate should be maintained. Therefore, I move:

That the Senate doth insist upon their amendments to the Bill (No. 118) intituled 'An Act respecting the Timagami Railway Company,' for the following reasons:

To second amendment:

1. Those so-called 'great engineering difficulties' are pure inventions. A good road already exists through exactly the same track where the railway line is proposed. The country is level and highly fit for colonization, a large proportion of it being already under settlement.

It is the shortest line to reach Lake Timagami from the Canadian Pacific Railway, being only twenty-six miles in length, whilst the shortest road from Sturgeon Falls could not be built in less than fifty-five miles, through a very rough, hilly and swampy country, mostly unfit for colonization and full of engineering difficulties.

Financial arrangements are not only possible, but a man is found who is ready to supply the necessary funds to build the road from Domremy to Bay Jeanne, whilst he declined to do so from Sturgeon Falls.

2. The so-called feasible line between Sturgeon Falls and Timagami has never been surveyed. They speak of a surveyor's report, but they have never shown any, and I challenge them to produce any genuine plans, estimates or reports confirming their statement that they have a good road. On the contrary, I know that they have made a failure in their attempt simply because the country is impracticable.

3. The original form asked by the promoters is from Verner and not from Sturgeon Falls.

Now, Mr. Bremner himself declares in a letter dated London, England, June 6, 1900, that

he does not see his way clear to finance that road from Sturgeon Falls.

4. This assertion is a false statement, because, as a matter of fact, on September 16 last, at the regular annual meeting of the board at Sturgeon Falls, an agreement was entered upon between the provisory directors and a capitalist from Denver, Colorado, to the effect that Mr. Primeau would finance the road and commence to build it in May last.

But Mr. E. Bremner succeeded in turning that man away, and put his hand on our charter, so that he could realize a profitable transaction himself. Of course, there is more money in selling a long road than a short one, and that is likely the reason why Mr. Bremner does not wish to build from Verner, but from Sturgeon Falls.

5. If the settlers of that section are of so much importance, why did they not manifest at least the fact of their existence by a petition similar to that one bearing over 700 names of the settlers in the region of Verner, who justly and energetically protest against the change of the road?

It was shown in evidence the other day that, through the energy of a clergyman, Dr. Paradis, over a thousand people had been induced to settle in that part of the country on the express condition and arrangement that the line of railway should commence at Verner. It would be a great disappointment to these people to have to travel some fourteen miles to reach a railway that they expected would be at their own doors. Therefore, the committee were justified in demanding that the original line should be adhered to. It is quite evident that the original route is the one the people of that country desire to have. There was a small deviation allowed two or three miles to the west of Verner to avoid some difficulty on the line of route. I may say the cause of the difficulty was that Mr. Bremner had succeed in making some arrangements whereby he thought he could control this road and, thinking he could make some financial arrangement more satisfactory to himself than to the country at large, he changed the terminus to Sturgeon Falls, because it might be advantageous to some persons connected with a pulp-mill there. The people who settled in that part of the country naturally expect that this line will be open for their accommodation at the earliest possible moment. I have letters here written by Mr. Bremner himself showing it is impossible for him to carry on the road, under the circumstances, from Sturgeon Falls, and therefore I do not see why the House of Commons should have disagreed to the amendment made to the Bill by the Senate. Therefore. I have much pleasure in moving the resolution which I have just read as an amendment to that submitted by the hon. gentleman from Lindsay.

Hon. Mr. POWER—Before the motion is put I would suggest to my hon. friend that that paper, however cogent the reasoning embodied in it may be, is not the sort of communication we should send to the other House. The proper motion is that this House do insist on its amendment. There is no necessity for setting forth the reasons why we should insist.

Hon. Mr. CLEMOW—They set forth their reasons.

Hon. Mr. POWER—Yes, but it is not necessary to set forth our reasons. We decline to be convinced by their reasons; and my hon. friend will see that it does not look well to have a document of that sort spread on the records of the two Houses. There are reflections on the personal character of men which, I think, are highly objectionable.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's remarks would apply to the motion made by the hon. gentleman from Lindsay as well as to the motion of the hon. gentleman from Rideau division.

Hon. Mr. POWER—No. The hon. gentleman had to give reasons why we should not insist on our amendments, but it is not necessary to give reasons why we do insist. We simply decline to pass the resolution moved by the hon. gentleman from Lindsay. I am simply referring to the question of order now, and am not speaking to the motion.

Hon. Mr. PROWSE—I notice the peculiar way in which this resolution submitted by the hon. gentleman from Lindsay has been prepared. I have no objection to the motion itself, but it does not appear to be in accordance with common sense to give reasons why we do not insist upon our amendments. The Senate made certain amendments to the Bill, and the House of Commons does not accept those amendments. Then a resolution is moved in this House that we do not insist on the amendments proposed by the Senate, because it is desirable to have the Bill, even without the amendments, and we give way, in defence to the House of Commons, because we consider

it is advisable to have the Bill without the amendments, rather than to have no Bill at all, and it is not in accordance with common sense to give reasons why we do not insist upon our amendment. It is really a reflection upon the conduct of the Senate in passing the amendments, and although I would be disposed to assist in carrying the resolutions proposed by the hon. gentleman from Lindsay, I would suggest that all the reasons be struck out, because it is really casting a reflection upon the Senate.

Hon. Mr. MILLS—They are unnecessary. I do not think it is necessary if we acquiesce in the view taken by the House of Commons to state our reasons for acquiescing. It is only necessary to say that the Senate do not insist on their amendment.

Hon. Mr. McMILLAN—This Bill has two objects in view ; first, to renew the charter which expired on the 30th of June last, and, second, to remove the starting point on the Canadian Pacific Railway, from which this road was to be built to Lake Timagami, from Verner to Sturgeon Falls. The old Act, which I have before me, provides that the railway was to be built from Verner Station, on the Canadian Pacific Railway, to a point on the southerly part of Lake Timagami. The Bill before us now asks to have the road built from Sturgeon Falls. What we did in committee was simply to renew the old charter by extending the time, and making Verner Station, or a point two or three miles west of that the starting point. The first reason that the House of Commons gave for objecting to our amendments, that they do not know the person. That, I see, is dropped by my hon. friend from Lindsay.

Hon. Mr. DOBSON—I did not follow the reasons given by the House of Commons.

Hon. Mr. McMILLAN—The persons named in the first Bill are all residents of Sturgeon Falls, except two residents of Lindsay. I take that to mean that the person who, is opposing the Bill is unknown to them. I find that his name is in the original Act as one of the promotors. This is the second attempt made by the Senate to refer this Bill back to the committee—although the committee had given much attention to it. I do not see why it should be referred, if the Bill is allowed to pass at all. If the railway is allowed to start from Verner Station, or near it, the charter will live two years more. In the meantime, the conflicting opinions given before the committee and presented to this House will have become obliterated. We will have further information on the matter. I think the better way is to allow the Bill to pass as it is and for the Senate to insist on its amendment.

Hon. Mr. POWER—I did not take any part in the discussion of this measure either in the committee or in the House on the previous occasion. The hon. gentleman from Rideau gave as a reason why we should not pass the resolution moved by the hon. gentleman from Lindsay that this question had been fully discussed in the Senate on a previous occasion. It is true that the case in favour of the Senate amendment was fully discussed, but the other side of the case was not fully discussed, because we were not fully informed, either in the committee or in the House, as to the real position of the matter, and since the discussion in the committee and in this House further information has come to hand. And, further, the hon. gentleman intimated that this Bill had been amended in a very decided way when it was before the committee. As a matter of fact, I understand that the committee, by a majority of two, decided to make the amendment, so that we cannot draw any very large conclusions from the action of the committee. Since the matter was before the committee and this Chamber, we have had information of various kinds. Amongst others, we have a petition from the municipality of Sturgeon Falls. The ground was taken before, that the town of Sturgeon Falls did not want the terminus there, but the resolution of the town council of Sturgeon Falls says that the people do. Although this railway is not a very long one, the question is one of some importance. It involves a principle of very considerable importance, and I propose to trespass on the time of the House for a few minutes in pointing out the history of the case and what is involved. In 1898 an Act was passed, chap. 87 of the Acts of that year, to incorporate the Timagami Railway Company. A certain number of gentlemen were incorporated to build a railway from a point at or

near Verner Station, on the Canadian Pacific Railway, to a point on the southern part of Lake Timagami. The company were given two years to begin the work. The two years expired on the 30th of June last, and nothing had been done. Consequently the Bill which comes before us is a Bill to revive as well as to amend the Act of 1898. The original promoters were unable to do anything on the line between Verner and Lake Timagami. The original incorporators sold out, receiving each—I think there were eight of them—one hundred dollars, and they were allowed to retain one-third of the stock which they had previously held. Under this agreement they authorized the persons who purchased from them to vote on the stock. That was the character of the agreement. Then the people who had bought out the original corporators were complete masters, one would suppose, of the position. The route from Verner, that is the western route, to Lake Timagami was examined. It was not surveyed. But a gentleman familiar with contracting and railway building went over it and came to the conclusion that it would be impracticable to build a railway by that route—at least that the expense would be so great that it practically could not be done. It was out of the question. So that, as I said before, the western route was found to be impracticable. The same gentleman went over the eastern route, and found what he thought was a practicable line, and then the people who had bought out the original incorporators spent fifteen hundred dollars in having a survey. The eastern route was the route from Sturgeon Falls.

Hon. Mr. VIDAL—Was that the route that was surveyed ?

Hon. Mr. POWER—Yes.

Hon. Mr. VIDAL—The evidence was that there had been no survey.

Hon. Mr. POWER—The evidence before the committee was not sworn evidence.

Hon. Sir MACKENZIE BOWELL—Is the information the hon. gentleman is now giving sworn evidence ?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—Then they are on a par, I presume.

Hon. Mr. POWER—This is evidence which has come to hand since the committee met. The western route proposed to go from Verner, a village of 60 or 70 inhabitants. That was found to be impracticable. The eastern line was one from Sturgeon Falls, a town of over 2,000 inhabitants, with large mills, and with manufacturing undertakings which propose to come, in which a very large sum of English capital has been invested. Any ordinary business man would come to the conclusion that there was no question as to which was the preferable line, and the people who bought out the promoters came to the conclusion that the business way was to build from Sturgeon Falls or its neighbourhood. That is the position in which we were at the beginning of this session. The western route was found to be impracticable. It is alleged now by the hon. gentleman from Rideau that capitalists are to be found who will build the western route, but their names have not transpired, and they have not shown up during the two years. The present owners of this undertaking come to parliament and ask to be allowed to locate their line by a practicable route. I think that is a reasonable request and one which parliament should grant, unless some very substantial reason is shown for not granting it.

Hon. Mr. McMILLAN—The evidence before us went to show that it was most impracticable to build it from Sturgeon Falls and very practicable to build the other way.

Hon. Mr. POWER—We had only one side of the story. The people who have put their money into the undertaking, the owners, may be trusted to build by the practicable route, and not by the route which is not practicable. The owners of the undertaking come to parliament and ask to be allowed to change their route a few miles. During a great part of the distance the two lines would be not more than six miles apart. The Senate say no. I think that is a most unusual thing. It is not as though there were any vested rights being interfered with. This road will not interefere with the line of any existing company or railway. It will bring additional business to the Canadian Pacific Railway and an additional business to Sturgeon Falls, and interfere with nobody's business. But the Senate did not

stop there. The Senate undertook to put a man on the board of directors, whom the present owners of the undertaking do not know. I think that is something which is unprecedented in the history of parliament.

Hon. Mr. MILLS—Hear, hear.

An hon. GENTLEMAN—Does the hon. member object to it ?

Hon. Mr. POWER—I do object to it most strenuously. What right have we to take up somebody, whom the promoters have nothing to do with, and insist that he shall be a member of the board of directors ? We may have a right to do it, but it is a right I have never known to be exercised before during all the years I have been in parliament. There was some reference made to population. Reference to the statistics of the last general election and of the municipal returns shows that the population on the eastern route, the Sturgeon Falls route, is at any rate four times as great as the population on the other line. Some reference has been made to a gentleman described as Father Paradis. I am informed by credible people that Father Paradis owns some land at Verner and some land about half way up the line on the western route, and that he owns the water front at the place which the amendment made by this House fixes as the terminus of the line on Lake Timagami. We can understand therefore, why this gentleman should be anxious, if the road is to be built at all, that it should be built by the western route, but it does not seem to me that that is a reason which should weigh very much with the Senate. The hon. gentleman from Glengarry has put it very fairly, that if we adhere to our amendment it will mean that this measure will be defeated, because there is no doubt the Commons will not accept our amendment. I mean that there is to be no railway. Neither the original people, Father Paradis and his friends, nor the new people would have a right to build a railway, because the charter has already expired, and if this Bill does not pass there will be no charter in existence. That is a very serious matter for an important section of the country, and it is going to be a very serious drawback to the English capitalists who have invested already three-quarters of a million dollars in Sturgeon Falls, and who are, I understand, about investing half a million more, and who have been calculating upon the construction of this railway. I do not think that is the way to encourage the introduction of English capital into this country. That is my argument on the point—that the action of the Senate has been a most unprecedented and unusual one. These promoters own the property. They own the charter. We can refuse them a charter altogether ; but still they have a right which, according to our usual practice would not be questioned, to be allowed to select their own route for this line as long as they adhered to the main features of it ; and the defeat of this measure would be a serious drawback to that part of the country. I have seen various letters and petitions. There are two from the town of Sturgeon Falls, but I shall read one of them. It is as follows :

To the honourable the Senate of Canada, in parliament assembled :

Sturgeon Falls, July 2, 1900.—The petition of the corporation of Sturgeon Falls municipality humbly sheweth:

That whereas in the year of Our Lord one thousand eight hundred and ninety-eight, a railway charter to build a railway from the main line of the Canadian Pacific Railway to Timagami Lake was obtained by a number of parties, principally resident in the town of Sturgeon Falls, the original wording of the Bill being from some point in the townships of Springer, Caldwell or Kirkpatrick——

I call attention to the fact that that is the Bill as originally introduced.

Hon. Mr. McMILLAN—That is not a fact.

Hon. Mr. POWER—If the hon. gentleman will wait he will see that he is speaking too soon. The petition proceeds :

And whereas, there was amongst the said charterers one C. A. M. Paradis, who was thought by some of the parties to the charter to be useful in obtaining the same, but whose true character was not then so well known to the parties as now, and who fraudulently, as regards the wishes and intents of the majority of the charterers, got changed the wording of the Bill to make the starting point 'at or near the village of Verner.'

Now, my hon. friend is satisfied he spoke too soon. The petition continues :

And whereas, from the reports of the engineers and others engaged by the said charterers, the restriction to a starting point 'at or near Verner,' would make the said charter worthless, and it was impossible to finance the road as thus constituted, the provisional directors, at the present session of the parliament of Canada asked to have the said charter amended so that the road could be commenced at or near Sturgeon Falls, where a practicable route can

be got, running through a rich country, already well settled for a considerable distance; and whereas, the said Commons, by its Railway Committee and in the House itself, granted the said petition, but the honourable Senate being, as we believe, misinformed as to the circumstances, again changed the Bill restricting the starting point to a locality called Domremy, where the said Paradis was for several years striving, without success, to form a repatriated French colony, the reason for his non-success being that those who did come to settle in the place were so disgusted with the methods employed by the said Paradis and the worthlessness of the land upon which he sought to settle them, that they almost all left him entirely, and either returned to the United States or sought out for themselves a more favourable locality, and that such change in the Bill makes it entirely worthless to the charterers or any one else, as the route so set by the honourable Senate goes through a tract of rocky, worthless land, not fit for settlement, except just where it crosses the valley of the Sturgeon River, and there are not on or near that route from where it leaves the main line of the Canadian Pacific Railway to the proposed terminus at Lake Timagami 100 persons, men, women and children, whereas the route as set by the Railway Committee of the Commons passes through a populous and fertile country, with a population of several thousand people. The town of Sturgeon Falls alone, which is sought to be made the terminus, having a population by the last official census, made by the town assessor, of 1,604 persons, and townships of Springer, Field and Bastedo, through which it is proposed by the provisional directors to run the line, and through which the said line is surveyed, having a population of about 3,000.

And whereas, the petition presented by the said C. A. M. Paradis to the committee of the honourable Senate is fraudulent, the greater portion of the names thereto being obtained in a thickly populated district around Sturgeon Falls.

Hon. Mr. SCOTT—I think it is highly improper to make charges of fraud in the Senate in that way.

Hon. Sir MACKENZIE BOWELL—It is directly contrary to the rules of parliament.

Hon. Mr. BAKER—By what authority can that petition be read ?

Hon. Mr. POWER—We will consider that portion dropped.

Hon. Mr. BAKER—I beg to ask if the hon. gentleman is to be permitted to disregard every rule of the Senate in that way. I ask whether it is to be permitted that a petition to the Senate is to be read to this House in this way ?

Hon. Mr. POWER—I said that I would withdraw the word 'fraudulent.'

Hon. Sir MACKENZIE BOWELL—The hon. gentleman cannot withdraw it.

Hon. Mr. POWER—I do not think it is out of order in a memorial to this House to say that some person outside of the House is guilty of fraudulent conduct.

Hon. Sir MACKENZIE BOWELL—Yes, it is.

Hon. Mr. POWER—There is no charge of fraud against any member of this House or any member of parliament, and I am not aware that there is any rule of parliament which makes it out of order to say that some man outside of parliament has done a fraudulent act.

Hon. Mr. BAKER—The point is whether the hon. gentleman has any right to read any petition without the permission of the House. If he wishes to present a petition to the Senate, that can only be done under the rules of the House, at the proper time.

Hon. Mr. POWER—As a matter of fact I do not present the petition ; I merely read it as part of my speech.

Hon. Mr. BAKER—That is worse and worse.

Hon. Mr. POWER—The hon. gentleman may think it worse, but he has no authority for saying so. Hon. gentlemen read extracts from newspapers and letters as part of their speeches, and I do not see why a different rule should be adopted in regard to myself than that which prevails in regard to others.

Hon. Mr. OLEMOW—It is a direct reflection upon the Senate.

Hon. Mr. POWER—No, it says the Senate is misinformed.

Hon. Sir MACKENZIE BOWELL—It must be borne in mind that the hon. gentleman presented a paper which commenced with petitioning the Senate, and it was a paper which purported to be a petition from the municipality of the village of Sturgeon Falls. It was originally intended to be presented to the Senate. That is the fact. It was not being presented to the Senate. That is the point taken by the hon. gentleman. I have read the petition and know what is in it.

Hon. Mr. MILLS—There is nothing irregular in that. My hon. friend has a right to read a petition, just as he reads any other document. If he reads it he must lay it on the Table, and any hon. gentleman can insist

upon it being laid on the Table. It is not laid on the Table in that case as a petition but as a document read by an hon. member. It might be presented to-morrow or next day as a petition. It is not submitted as a petition. It is submitted to the House as a part of his speech, as information obtained from parties residing in the locality of Sturgeon Falls, and it is within his right to read that just the same as a letter from some person residing at Sturgeon Falls. It is, in fact, no more than a letter, signed by a number of parties, instead of being signed by a single individual.

Hon. Mr. DeBOUCHERVILLE—Why is it that we must have the permission of the House before a petition is read ? When a petition is presented it is not read until permission is given to do so.

Hon. Mr. MILLS—Certainly.

Hon. Mr. DeBOUCHERVILLE—If it requires permission to read it, how is it the hon. gentleman can read this one without permission ?

Hon. Mr. MILLS—He is not reading a petition. It is part of his speech.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman began by saying it was the petition of so-and-so. To read a petition a member must have permission, and in this case no permission has been granted. It is for the Speaker to decide the question.

The SPEAKER—In view of the great latitude that has already been given to members of the Senate to read letters and extracts, I would feel very much embarrassed in refusing to give to the hon. gentleman such latitude. In this case, the hon. gentleman from Halifax is reading a petition. I did not know it was a petition at first. No doubt the petition should first have been presented to the House regularly, but I believe he has a right to read a petition which has not been presented, as information communicated to him, and if the House insists, he will be bound to lay that paper before the Senate, but I believe, from some expressions contained in that petition, it would not be desirable that it should be laid before the House. At all events, this has to be decided by the House. I know of no rule which would prevent the hon. gentleman from reading from a paper which has even been called a petition. I should like if the Senate would hereafter decide upon what is allowed to be read and what should not be read. In this case I am not in a position to say that the hon. gentleman is out of order in reading from the paper in his hand, but I am of opinion if he continues to read that paper it should be laid on the Table of the House.

Hon. Mr. POWER—I have no objection to laying it on the Table.

The SPEAKER—I should like the House to decide whether it must be laid on the Table.

Hon. Mr. POWER—I am sorry that I read the word 'fraudulently.' It should not have been read. The petitioners conclude as follows :

> Now, therefore, the prayer of this petition is as follows:
> That the honourable Senate do reconsider the Timagami Railway Bill, and make same as passed by the Railway Committee of the House of Commons, and afterwards confirmed by the Commons in parliament assembled.
> And your petitioners will ever pray.
>
> J. D. COCKBURNE,
> Mayor of Sturgeon Falls.
>
> H. E. McKEE,
> Clerk of the town of Sturgeon Falls.

Hon. Sir MACKENZIE BOWELL—I would ask that it being a public document, it be laid on the Table.

Hon. Mr. POWER—I shall be very glad to lay it on the Table. It only shows how the people who are interested think about the matter.

Hon. Mr. VIDAL—I do not think anything could help the committee more than the speech of the hon. gentleman from Halifax. What was the action of the committee, and by what rules were they guided when they made the amendment ? I am sure that the members of the committee know that the statements in that petition are the exact opposite to the statements made to the committee by what appeared to be credible witnesses. The gentleman spoken of so disparagingly in the petition was a gentleman whose word I would have taken without his oath—a priest who had devoted his time and energy and means to gathering, from various regions in the United States, his French Canadian fellow-subjects, and bringing them in to settle in the region which is back of Verner. As the result of his efforts there

are some thousands of them settled there, on the agricultural lands in that country, and it is from these people, to the number of 700, that a petition presented in the House, in which they asked that the alteration of the beginning of the road from Verner to Sturgeon Falls be not permitted, and furnished very cogent reasons why the change should not be made. Of course, there is a disparaging statement in the document we have heard read, that these people were induced to sign that petition by some false representation. Does it not show that the Senate is not in a position to come to a final decision on the subject? It appears to me very necessary, before coming to a final decision, that we should look into these conflicting statements, but so far as the evidence given to us in the committee is concerned, to my mind, it is satisfactory and clear that the original line of road there spoken of as impracticable was shown to be the best and most practicable line for getting to the lake, with the exception of the starting point—that there was some difficulty at the starting point, and to avoid that and to keep in the line of the valley the starting point was made a mile or two further west. That was the whole reason of the change, and it was stated very clearly and distinctly that it was the best line for the road—that the land was good arable land, that the settlers were mostly to the west of it, whereas, the other line was represented to us as never having been surveyed. Father Paradis himself had gone over it frequently and he stated to the committee, and it was corroborated by other evidence, that it was utterly impracticable to construct a road straight from Sturgeon Falls to the lake—that there were no settlers on that route and no lands to settle on, in consequence of the rocky and wet character of the country. We had before us ample evidence to guide us in the decision which we should adhere to, and if it should result in no railway being built, better postpone it for a year that so we may have some facts established before we decide which line shall be adopted. I hope the Senate will adhere to the amendment it has made. I do not think it is necessary to give a long reply to the House of Commons. There should be simply a statement that the Senate adheres to the amendment which it has made. There is much that might be said in connection with this matter, but I do not think, at a time like this, and after the discussions in the committee and in the House, it is necessary to say anything more. What my hon. friend from Halifax has been saying rather aids us in endorsing the decision of the committee.

Hon. Mr. MILLS—I entertain precisely the same view at this moment that I expressed when this question was before the House on a previous occasion. My hon. friend from Sarnia (Hon. Mr. Vidal) speaks as though the committee of the House of Commons and the evidence taken there amount to nothing, but that the opinions expressed in a committee of the Senate by a majority of two should have paramount weight with this House. Now, while the opinions of a committee of this House, or of the House of Commons, are matters to be treated with respect and with due consideration, it does not at all follow that because a committee of this House adopted a particular view on a question that the House is bound by it.

Hon. Mr. CLEMOW—It was supported afterwards by the House.

Hon. Mr. MILLS—My hon. friend need not get so excited. He has expressed his views and I am expressing mine.

Hon. Mr. CLEMOW—State the facts.

Hon. Mr. MILLS—I am stating the facts.

Hon. Mr. CLEMOW—I do not think so.

Hon. Mr. MILLS—My hon. friend knows it was carried by a vote of 21 to 18 in this House, and some hon. gentlemen who were in favour of the view entertained in the House of Commons were obliged to leave the House for a short time or the vote would have been a tie. The hon. gentleman refers to the former vote of this House as if it were absolutely binding on us, and it is not to be considered when the rules of parliament imposed on us the duty of reconsidering the question when the House of Commons have differed from the views entertained by a majority here. Now, what is the position of things? My hon. friend from Sarnia speaks of the route from Verner as being altogether to be preferred—that the land is more fertile and that the majority of the settlers are on that line. I do not think so. On the contrary, if that were so,

then the parties who are promoting this Bill would have preferred the route along which there is the territory best fitted for settlement, and on which the largest population could be secured. The other line is longer. It is said the one is 24 miles and the other will have 32 miles. Will any hon. gentleman applying to this House for a charter proposing to construct a road, prefer the longer line to a shorter one, unless it was more advantageous to adopt it ?

Hon. Mr. VIDAL—The contractor would.

Hon. Mr. MILLS—It is not the contractors who are applying for this charter. It is the promoters of the road who are asking for it, and my hon. friend undertakes to say to the promoters of this charter, 'You do not know your own business. You do not know what is in your interest as a corporation, and when you come here we will override your judgment and undertake to decide that where we want you to build the road you must build it.'

Hon. Mr. McMILLAN—The petition that we had here is from Sturgeon Falls ; the petition that the committee had was from the inhabitants along the route, and that is from Verner to Lake Timagami. The petition we have here is from the people of Sturgeon Falls, and it is reasonable that they should want the road to start from their place.

Hon. Mr. MILLS—The people of Sturgeon Falls are supporting those who are asking for the charter. The others are opposing them. I would not attach any value to the views of the people of Sturgeon Falls that were against the views of those who are asking for the railway charter, because it is only consistent with common sense that those who want a charter of incorporation for the construction of a road between an existing line of railway and a certain point on the lake will choose that which is best in the interests of the railway promoters and they have choosen Sturgeon Falls. My hon. friend from Halifax has mentioned that there is a large amount of capital being invested at that point. There is a district there from which pulpwood can be obtained, and in addition to the small traffic which the settlers will afford, there will be the traffic of those who are engaged in the manufacturing enterprises. They will contribute towards the settlement of the country. It is reasonable to suppose that the land lying alongside of the stream—and the Sturgeon River runs along the line by which it is proposed to build the railway—is better fitted for settlement than land lying elsewhere. In the first place, there is the natural drainage afforded by the river, and, in the next place, there are the alluvial deposits which a river always makes at some point along its banks. Now, in the first place you have the approval of the committee of the House of Commons and those who have considered the matter. You have the petition and request of those who are promoting the enterprise, and you set up against that the opinions of men who, at one time, had an interest in the railway corporations, who sold out their interest, and who want to control the location of the road after they have brought their own interest to an end. I say it is a most unusual proceeding, and I doubt whether my hon. friend can find an instance where either House has intervened and undertaken to change the location of a road without there being some more cogent reasons than any of those that have been afforded to us on this occasion.

Hon. Sir MACKENZIE BOWELL—I did not intend to have anything more to say on this subject, nor should I have spoken had it not been for the speech of the hon. gentleman from Halifax. The Minister of Justice has exhibited a good deal of warmth on this question that is, in my opinion, altogether unnecessary. It is a very unimportant question, requiring very little consideration for people to arrive at a conclusion. The conflicting statements which have been made upon this question lead me to this conclusion, that before I could give an intelligent vote as to what course I should pursue, I would require the statements which have been made to be verified. The hon. gentleman from Halifax very astutely threw in the remark, was the evidence adduced before the committee, swore to. He forgot he was himself making statements which were not made under oath, consequently they were not of any more value than those given to the committee. The statements which he has made are altogether at variance with the evidence given before the committee, as has been pointed out by the hon. gentleman from Sarnia. We are told that the

road running from Verner to the settlement near this lake would be of value and of interest to the settler. The gentleman who promoted that settlement told us that the settlement is on that route and to the west of the lake. It is evident the Minister of Justice has not looked at the map and does not know which way the stream runs. It is true the falls are at Sturgeon Falls, but all along that river, where the present promoters ask to build the road, is through a country which it was shown to the committee, not by sworn testimony, I admit, to be rocky and altogether impracticable—that the other route—making the terminus a mile and a half or two miles west of Verner, was along a valley most of which could be settled; when you reach the southern part of the lake the river runs westward, and it is along the valley of that river where settlement can be made. That is the evidence we have had. Now, we have the statement in this petition that the arable land is along the line running from Sturgeon Falls to the south of Lake Timagami. There is a distinct and positive contradiction of facts. We had a gentleman before the committee and I asked him the question myself, 'Have you been over this route?' He said 'yes.' What is the character of the route? He declared that the route on which they asked to build the road was rocky and impracticable. I asked further 'Has that route been surveyed?' He said 'no.' Then I asked had he been over the other route. He said yes, and it was the best and most practicable route. The evidence before the committee was that the settlement was on the route to the northwest of the route that has its terminus at Verner, and not on the other route. This petition says that there is a settlement of three thousand people along the other route where the evidence before us declared nobody could live. Under the circumstances, is the Senate in a position to give an intelligent opinion? There is a very important statement in that petition which was read by the hon. gentleman from Halifax. It is one which deserves the serious consideration of the Senate, because if that statement be true, the Railway Committee of this House has been grossly deceived. Here is the statement: that the reverend gentleman obtained some seven or eight hundred signatures to a petition asking the local government of Ontario to build a wagon-road from the settlement to the Canadian Pacific Railway in order that they could reach that point with the products of their farms, and that he changed the heading of that petition and made it a petition asking that the terminus of the road should be at Verner.

Hon. Mr. POWER—I hope the House will not think I read that?

Hon. Sir MACKENZIE BOWELL—I say, that was in the petition.

Hon. Mr. POWER—Yes.

Hon. Sir MACKENZIE BOWELL—I am coming at what the hon. gentleman did read. The petition declares that the act of obtaining those names was fraudulent. I have made an explanation of the contents of this petition because the Senate should be in possession of the whole of the facts. I went further and asked that the petition should be laid on the Table in order that that reverend gentleman may obtain a copy of it, and if he has not been guilty of the charge of fraudulently changing that petition, that he may take action against the parties who have promulgated such a slander. There are other points in this petition to which I shall not refer, I only mention the points brought forward by the hon. gentleman from Halifax. He read the heading of the petition. He said it was a petition from the municipality of Sturgeon Falls, and he commenced it by reading 'to the Senate of Canada, &c.' It was clearly a petition to be laid before this House, and it was his duty, if he intended to use it, either to use it as a letter sent to him and not as a petition, or to lay it before parliament. Yesterday I presented a petition from 1,300 people residing in Victoria, asking that the Senate pass the Chinese Restriction Bill. I read the petition, but before doing so I said 'I present to the House a petition from these people, and I asked permission to read it for the reason that it is not likely to be read or seen before the Bill is dealt with, and the Senate not making any opposition to that, acquiesced in the request, and I read it. That is the mode in which business is done, and that is the practice that was indicated by the hon. gentleman from Missisquoi. We have examples of legislation in the two Houses which are not altogether consistent with the principle stated here to-day. A short time ago, during

this session, we had two Bills presented to the House of Commons, both of them by very respectable people, in connection with the building of a road from Toronto to Collingwood. The promoters of one were the Board of Trade of the city of Toronto, one of the most important bodies in the whole Dominion of Canada. The other was represented by one or two members of parliament, backed by a number of gentlemen living in the United States, who, I doubt not, were capitalists, and capable of carrying on the work. The House of Commons passed the one that was promoted by the members of parliament on behalf of the United States capitalists. Having passed that, they rejected the Bill promoted by the Board of Trade of the city of Toronto, and upon what ground? They rejected it on the grounds that it was an interference with vested rights. Now, there were no vested rights. The other gentlemen had not received any rights except what the House of Commons had given them. The Bill had not been sanctioned by this House, nor had it received the signature of the Governor General, and yet the House of Commons rejected the other Bill on the ground it was interfering with vested rights. When the Bill under discussion came before us, we found there were bona fide vested rights held for years by gentlemen who wanted to build over the same route. Here was a charter which had been in possession of several gentlemen for a number of years. The House overrides the original promoters of that scheme and declare that the road should be built somewhere else, forgetting that the original corporators had some vested rights. The hon. gentleman from Halifax says in the case before the House to-day the original promoters sold out their rights. The only evidence before us on that point was that one gentleman had sold out his right for a certain sum, to raise money, to Mr. Bremner, and that it was with a distinct understanding that he was to build the road from Verner to the south shore of this lake for the accommodation of the settlers.

Hon. Mr. VIDAL—On the original line.

Hon. Sir MACKENZIE BOWELL—On the original line; but as soon as they got possession of it, and got him and others out of the way, then they changed the route to another place in the interests of Sturgeon Falls. No one can blame the Sturgeon Falls people for trying to get it, because it is their interest to do so, but I am surprised at the marvellous increase within a week, of the population of that place. It was represented to us on that committee to have a population of 1,200 or 1,500. A couple of days afterwards it got up to 1,700, and now the hon. gentleman from Halifax has raised it to 2,000. In another week, we will have a village with a population sufficiently large to incorporate it as a town, and, as it is a growing time, as my hon. friend to my right says, they could then have a city. That is simply the position of this whole matter. I think the objection taken to both resolutions by the hon. gentleman from Halifax is sound. All that is necessary to do is for the hon. gentleman from Lindsay to move a resolution that we do not insist upon our amendments, and the amendment to that would be that we do insist upon them, without the reasons being put on paper, because these reasons are debatable, and we have no evidence which of them is correct, because we have had declarations and assertions made on both sides diametrically opposed to each other.

Hon. Mr. McMILLAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I voted in favour of the amendments made by the Senate committee before, because these contradictory statements were not before us, but I think the better way to do with the Bill, under the circumstances, and with the contradictory statements we have had before us, is to send it back to the Committee on Railways, Telegraphs and Harbours, and let us have the evidence under oath by these parties, and ascertain who is telling the truth.

Hon. Mr. ALLAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Because here we are really voting, some believing the statements that the hon. gentleman from Halifax has been authorized to make, and others believing the statements which where made before the committee, and upon which their report was based. If I were in order in moving an amendment to the amendment, I would move that the Bill, with the reasons assigned for not agreeing with the amendments made by the committee, be referred to the Railway Committee

for further consideration. It is a somewhat new proposition, I admit, but it seems to me that that is the practical way of dealing with it, and it certainly is a way of reaching the actual truth in connection with these statements.

Hon. Mr. MILLS—Upon that the House has already voted.

Hon. Sir MACKENZIE BOWELL—No. The House decided not to refer the Bill back to committee for the purpose of amendment. That is not my motion. My motion will be an amendment to the amendment, if it be in order, that the reasons given by the Commons for not agreeing with the amendments which were made be referred to the Committee on Railways, Telegraphs and Harbours, for the purpose of hearing further evidence as to the correctness of the statements which have been made, so that it would not be the same motion as the other. The House has the case now before it. Hon. gentlemen are either to believe that what was stated before the commiftee was true, or they are to believe that what the hon. gentleman from Halifax has stated is correct, that this reverend gentleman has committed a fraud, and imposed upon the committee, which led them to make the report they did, or we must take the evidence under oath. I am inclined, for myself, to take the statements which we had before the committee, for the reason that the witnesses who were there were subject to questioning and cross-examination by both sides. It is true the hon. gentleman from Halifax did not remain in the committee. He made a suggestion, but did not have his own way, and he bolted. That is not the way we do unless we get annoyed. If I try to have my own way, and do not get it, I try to get it as well as I can.

Hon. Mr. POWER—I rise to a question of order. There is a rule which forbids referring to anything which took place in committee, and, at any rate, the statement is not correct.

Hon. Sir MACKENZIE BOWELL—I acknowledge the correctness of the objection taken by the hon. gentleman, but we have been discussing what took place in committee for some time. However, I will withdraw it all, and consider it be like the hon. gentleman's petition—not on record.

Hon. Mr. PERLEY—I suppose I am like a good many other hon. members in regard to the matter, because I do not know much about it. I was not here when the vote was taken the other day, but I have noticed that the House of Commons has always been pleased to give a fair consideration to any amendments made by the Senate to its Bills. It is a rare thing that a Bill comes back to us with a refusal on the part of the House of Commons to concur in our amendments. I have made a little inquiry in respects to the merits of this matter, and I find that the members representing this district in the House of Commons are in favour of the Bill now before the House.

Hon. Mr. FERGUSON—In what way ?

Hon. Mr. PERLEY—In favour of the Bill.

Hon. Mr. POWER—The original Bill.

Hon. Mr. PERLEY—This Bill passed the Railway Committee of the House of Commons, and the members of the House of Commons representing the district were present, and it came to us, and our committee undertook to amend the Bill here. I do not suppose they had half the information, at any rate, not all the information which was before the Commons, and I do not suppose the parties interested favoured the change, because I find the members representing that district are not in favour of the amendments.

Hon Mr. FERGUSON—What constituency is it in ?

Hon. Mr. PERLEY—Nipissing. Mr. Klock was promoting this Bill and also Mr. McHugh. I am only giving the reasons why I am going to vote for the Bill as it passed the House of Commons. The fact of our sending the Bill back to them with amendments would make them cautious, and they now say, on the information they had, that they are right. They insist on their Bill as it stands, and I am prepared to give the preference to the House of Commons : and not knowing anything personally about it, taking what I hear from Tom, Dick and Harry, I think we have a right to respect the opinion of the members of the House of Commons, when that opinion is supported by representatives from the district who would not support it if it were not right.

Hon. Mr. ALLAN—I think this matter is not in the same position as when the vote was taken in this House to send the Bill back to the committee. Statements have been made here, and some very strong ones, which left my mind, I was going to say, in a state of chaos, as to what was the right course to adopt, and in view of the fact that the House of Commons have taken these objections to our amendments, and also in view of what is equally important—that we should be able to justify what we do, either if we stand by our present opinions, or make any other alterations—I should very much prefer to see the suggestion of the hon. leader of the opposition carried out, and the whole matter sent back to the committee, so that we might have the conflicting statements thoroughly sifted and know intelligently upon what grounds we were called upon to give our decision.

Hon. Mr. WATSON—I think I am voicing the sentiment of the Senate when I say that, if time permitted, we could refer the Bill back to committee where all the information could be secured, but it appears to me at this late stage that it would be killing the Bill. It appears to me that with the change of opinion in the minds of some hon. gentlemen in this House, that under the circumstances it would be better to accept this Bill as suggested by the hon. senator from Lindsay, striking out the amendments that were made by the Senate, because nobody can suffer. In the meantime the promoters ask for these changes, and it appears to me if the people want a road from Verner, or a point west of Verner, they will have an opportunity of coming next session and getting the road built from that point.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. WATSON—The hon. gentleman laughs, but probably he is not aware of the distance from Sturgeon Falls to the point where they wish to start. It is thirteen miles.

Hon. Sir MACKENZIE BOWELL—It is about eleven miles.

Hon. Mr. WATSON—From Sturgeon Falls to Cache Bay is three miles, and from Cache Bay to Verner is eight miles, and they ask to start this road from a point two miles west of Verner.

Hon. Sir MACKENZIE BOWELL—Not necessarily.

Hon. Mr. WATSON—I beg the hon. gentleman's pardon. It is so explained by the hon. gentleman from Rideau, because they do ask to start from that point, to overcome engineering difficulties which they could not overcome by going north from Verner. My information is—and I have collected some information since the matter was discussed in the House the other day—that the population is altogether east of Verner, and is north, and the two townships that contain the largest population will be accommodated by the road running from Sturgeon Falls. I am informed, according to the information that is at hand, that the population in the township of Springer is 1,500, the population of Biglow 1,000, the population of Field 500. Those three townships adjoin each other, and the road runs between two of the townships, I am also informed—and the petition read here to-day confirms the information almost accurately—that following the line, as proposed in the Bill as amended by the Senate, running from Domremy—because that is where they propose to run from—following that line as nearly as possible to the lake, that there is not over two hundred of a population to the west side of the lake. The total population of the district is some 3,000, and I am informed that 90 per cent of the population is to the east of the line suggested by the Senate. It appears to me that if it is desired to accommodate the settlers, the right direction would be running from Sturgeon Falls. There is no doubt in my mind—and there should not be any doubt in the mind of any hon. gentleman in this House—that the fact that those who come to this parliament, and ask for the change are the men which control the charter and that eight out of nine ask that the charter should be amended to allow them to run from Sturgeon Falls, should be sufficient evidence that these men are not going to build a road from Verner or any place other than Sturgeon Falls. The interests of the people of Sturgeon Falls, should be considered, and the interests of the settlers, and it appeals to me—and I think must appeal to the judgment of this

House—that a place like Sturgeon Falls where as the hon. leader of the opposition has told us, the people is growing rapidly—and I have no doubt it is——

Hon. Sir MACKENZIE BOWELL—I did not say that myself. I only repeated what others said.

Hon. Mr. WATSON—I have no doubt the people is increasing rapidly. I have been informed that about seventy houses have been constructed this year, because there is a large paper-mill there, and a pulp-mill is to be erected. About a quarter of a million has been invested, and more will be invested during the coming season. It is the most natural thing in the world, that the people who own the pulp and paper works, and who are also the people who own the charter, should want the road built to Sturgeon Falls instead of Verner, no doubt for the purpose of facilitating their trade. There is another reason why they wanted to go to Sturgeon Falls. It is only three miles from Sturgeon Falls to Cache Bay—that is a bay on Lake Nipissing—and there the company I believe calculate on being able to make arrangements with the Canadian Pacific Railway to utilize the Canadian Pacific Railway from Sturgeon Falls to Cache Bay, and then run north, using some three miles of the Canadian Pacific Railway, which will accommodate the people, and give them connection with Lake Nipissing as well as the lake up north. The suggestion is made by the hon. leader of the opposition that he would like, if it were possible, to refer this matter back to the committee, but that cannot be done this session.

Hon. Sir MACKENZIE BOWELL—Why not ?

Hon. Mr. WATSON—There will not be time. It is almost impossible to get a committee. I know that one committee was called this morning, and could not hold a session because there was no quorum, and I know the other day that members of the House who were not members of the committee had to attend at the meeting, to enable the committee to do anything. In the good judgment of this House we ought to approve of the suggestion of the hon. gentleman who represents that district, because I agree with the hon. gentleman from Wolseley that we should accept what the gentlemen who have some knowledge of that locality say. The hon. gentlemen in the House of Commons representing the district interested want this Bill in the form in which it passed the House of Commons. The hon. senator who represents the district in this House moves to accept it as passed by the House of Commons, and that ought to be sufficient reason for the House to concur in the suggestions made by the gentleman from Lindsay and pass this Bill as sent up from the House of Commons, eliminating the changes made by the Senate. Doubts have been thrown on the minds of hon. gentlemen as to the wisdom of the changes that were made by the Senate. It seems to me, as an hon. member of this House, that if we alter the Bill asked for by the promoters in such a way that they will not want it, and will not build the road, we are simply killing the Bill ; in fact the promoters, I believe, would just as soon have no Bill at all as a Bill passed with these two clauses. I think the hon. gentleman from Toronto will agree that we had better give them the Bill that they ask for, hoping that they will go on and build the road, and then nobody will suffer. If they do not get the Bill in that form, they will not build the road west of Verner.

Hon. Mr. ALLAN—I have not the slightest intention or desire of suggesting anything that would have the effect of killing the Bill. That is not my idea in expressing the hope that it may be referred back to committee. On the contrary, I think there will be no difficulty in getting the Railway Committee together, and the result may be that with all this additional information, and the statements my hon. friend has made, the committee may come to the conclusion that they will agree to the amendments made by the House of Commons, and that will end the whole matter.

Hon. Sir MACKENZIE BOWELL—I think I would be in order to move an amendment to the amendment. The original motion is to concur and then there is a motion not to concur, and an amendment to that second motion may be in order.

Hon. Mr. MILLS—I do not think it would be in order to refer it back to the committee without the universal consent of the House. We have passed that stage and the matter

is being dealt with by the two Houses. The question of dispute has arisen, and that is not a matter for a committee to deal with, except a committee of conference.

Hon. Sir MACKENZIE BOWELL—The committee of conference is only in case of disagreement between the two Houses.

Hon. Mr. MILLS—That is what has happened in the present instance.

Hon. Mr. FERGUSON—Is it not competent for the House to send any matter to any one of its committees by a vote of the majority.

Hon. Mr. MILLS—I do not think it.

Hon. Mr. McMILLAN—How could we arrive at the fact without it ?

Hon. Mr. MILLS—The time to arrive at the facts has practically gone by. The question is whether we will give effect to the wishes of those who own the charter.

Hon. Sir MACKENZIE BOWELL—Subject to the ruling of the Chair, if the motion which I have suggested were to refer it back to the Railway Committee to reconsider it, I think the hon. Minister of Justice would be quite correct in the objection he has taken, but that is not my motion. The Senate was asked to concur in the amendment on the former occasion and the motion was made to refer it back to committee for further consideration. That was voted down. That was a distinct and positive motion. The Bill was sent to the House of Commons. The House of Commons reject our amendments, and send it back to us. A motion is made not to insist upon our amendments. An amendment is moved that we insist upon the amendments. I suggest to make the motion that the reasons given by the House of Commons be referred to the Committee on Railways, Telegraphs and Harbours for the purpose of taking evidence as to the correctness of the statements which have been made pro and con by both sides. That is the position I take.

Hon. Mr. POWER—That would not be respectful to the House of Commons.

Hon. Sir MACKENZIE BOWELL—Respectful to the House of Commons ? I like that. It would not be respectful to the House of Commons for us to consider whether the reasons which they have given are correct, or the reasons which were given to the Senate to induce them to take the position they did were correct. We might just as well say that the House of Commons was disrespectful to the Senate. We take action upon statements made to us which we believe to be correct. The Commons say that those statements are not correct ; ergo that is an insult to the Senate. I do not desire to be disrespectful to the House of Commons by any means, but I am in the position of my hon. friend to my left (Hon. Mr. Allan). We have had positive statements made upon what we presume to be good authority, or they would not be made, by the hon. members from Halifax and Marquette. I have drafted an amendment as follows :

That the reasons given by the Commons for rejecting the amendments made by the Senate to Bill (118) be referred to the Committee on Railways, Telegraphs and Harbours, for the purpose of considering such reasons and taking evidence as to the correctness of the statements made by the promoters and those opposing the Bill.

I am not wedded to the wording of this motion. The wording may be changed. I do not make this motion to defeat the Bill. The chairman of the Railway Committee tells me he will call a meeting for to-morrow.

Hon. Mr. WATSON—I should like to say that it appears to me it does not make any difference what decision the Railway Committee may reach as to this Bill, that if they see fit to stand by the amendments made by them the other day it defeats the Bill, for the reason that the promoters will not build the road from Verner.

Hon. Mr. CLEMOW—How does the hon. gentleman know ?

Hon. Mr. WATSON—I know from the promoters, and if they will not accept the Bill, and the Bill is of no use, you may just as well reject it now in the House. I do not for a moment suppose that the leader of the opposition has any intention of killing the Bill by referring it to the Railway Committee, but if the committee insist on the amendments they made before remaining in that Bill, it is of no further use to the promoters. You might as well kill the Bill here now.

Hon. Sir MACKENZIE BOWELL—That does not change the matter one iota. If they can establish the truth of the statements

made by the hon. gentleman from Halifax I will change my opinion at once and vote for the Bill, and so I am quite sure other members would.

Hon. Mr. POWER—The witnesses who will speak with knowledge of the subject are not, I presume, all here to-day, and if the hon. chairman of the Railway Committee should summon the Railway Committee for to-morrow, the witnesses cannot be produced here from Sturgeon Falls, and practically it means killing the Bill. This matter has occupied the time and attention of the committee long enough, and the better way is to dispose of it and let us go on with more important business.

Hon. Sir MACKENZIE BOWELL—If Mr. McHugh, the member who was promoting this Bill, and the hon. senator from Lindsay desire to have it postponed for two or three days, I am sure the committee would do so. What I want to arrive at is who is telling the truth in this matter.

Hon. Mr. BOLDUC—The hon. gentleman from Halifax said the other day in this House that there was no hurry to pass a Bill because we would sit here for some days more, and if the witnesses that he speaks of cannot be here to-morrow, there is no hurry, and they may be called for next week. The House ought not to recede from the amendments without fully understanding whether they are right or not.

The Senate divided on the amendment to the amendment, which was rejected by the following vote :

Contents :

Hon. Messrs.

Baker,	Macdonald (P.E.I.),
Bernier,	McKay,
Bolduc,	McKindsey,
Boucherville, de (C.M.G.),	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Carling (Sir John),	Montplaisir,
Clemow,	Primrose,
Ferguson,	Vidal.—16.

Non-Contents :

Hon. Messrs.

Baird,	O'Donohoe,
Burpee,	Perley,
Dever,	Power,
Dobson,	Prowse,
Fulford,	Scott,
Gillmor,	Templeman,
Kerr,	Watson,
Lovitt,	Yeo,
Mills,	Young.—18.

Hon. Mr. POWER—On the question of order, the motion moved by the hon. gentleman from Lindsay is that the Senate do not insist. This amendment to that motion is a direct negative. The regular way is to take the vote on the motion of the hon. gentleman from Lindsay. I contend the hon. gentleman is out of order.

Hon. Mr. DeBOUCHERVILLE—There is no question the amendment is correct, only it might be put in this way, to strike out all the words after the original motion.

Hon. Mr. POWER—I should like a ruling on the question of order.

The SPEAKER—I do not know any rule which would make the motion out of order, particularly if made in the way suggested. The question is on the amendment to the main motion.

The Senate divided on the amendment, which was rejected.

Contents :

Hon. Messrs.

Allan,	Ferguson,
Baker,	Macdonald (P.E.I.),
Bernier,	McKay,
Bolduc,	McKindsey,
Boucherville, de (C.M.G.),	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Carling (Sir John),	Montplaisir,
Clemow,	Primrose,
	Vidal.—17.

Non-Contents :

Hon. Messrs.

Baird,	O'Donohoe,
Burpee,	Perley,
Dever,	Power,
Dobson,	Prowse,
Fulford,	Scott,
Gillmor,	Templeman,
Kerr,	Watson,
Lovitt,	Yeo,
Mills,	Young.—18.

The SPEAKER—The question is now on the main motion.

Hon. Mr. CLEMOW—Call in the members.

Hon. Mr. POWER—They cannot vote on the motion.

The Senate divided on the motion which was adopted by the following vote :

Contents :

Hon. Messrs.

Baird,	O'Donohoe,
Burpee,	Perley,
Dever,	Power,

Dobson,
Fulford,
Gillmor,
Kerr,
Lovitt,
Mills,
Prowse,
Scott,
Templeman,
Watson,
Yeo,
Young.—18.

Non-Contents :

Hon. Messrs.

Baker,
Bernier,
Bolduc,
Boucherville, de (C.M.G.),
Bowell (Sir Mackenzie),
Carling (Sir John),
Clemow,
Ferguson,
Macdonald (P.E.I.),
McKay,
McKindsey,
McLaren,
McMillan,
Montplaisir,
Primrose,
Vidal.—16.

SECOND READING.

Bill (93) 'An Act to confer on the Commissioner of Patents certain powers for the relief of the Servis Railroad Tie Plate Company of Canada, Limited.—(Hon. Mr. McKay.)

CHINESE IMMIGRATION RESTRICTION BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (180), 'An Act respecting and restricting Chinese immigration.'

(In the Committee.)

Hon. Mr. SCOTT—What the committee had in view in the proposed amendment was that where a man, not of Chinese origin, who was married to a woman of Chinese origin, the children should take the same position as the wife herself. Sub-clause '*d*' of clause 4 reads as follows :

The expression 'Chinese immigrant' means any person of Chinese origin (including any person either of whose parents was of Chinese origin) entering Canada and not entitled to the privilege of exemption provided for by section 6 of this Act.

It was suggested, and I move, that that be altered to read as follows :—

The expression 'Chinese immigrant' means any person of Chinese origin whose father was of Chinese origin, &c.

The amendment was agreed to.

Hon. Mr. SCOTT—Then subsection 4 of section 6, I think, would read more intelligibly this way and correspond with the change in subsection *d*. The addition which I move is :

And the children shall be deemed to be of the same origin as the father.

The amendment was agreed to.

Hon. Sir MACKENZIE BOWELL—I shall postpone any remarks I have to make to the third reading of the Bill.

Hon. Mr. McKAY, from the committee, reported the Bill with amendments, which were concurred in.

BILLS INTRODUCED.

Bill (11), 'An Act to amend the Pilotage Act.'—(Hon. Mr. Scott.)

Bill (182), 'An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour.'—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 5, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

REMISSION OF FEES TO PROMOTERS OF BILLS.

MOTION.

Hon. Mr. OWENS moved :

That the fees paid upon the following Bills : (H) 'An Act respecting the Great Eastern Railway Company,' (I) 'An Act respecting the Montreal Bridge Company,' (J) 'An Act respecting the Atlantic and Lake Superior Railway Company,' de refunded to the promoter, less the costs of printing and translation, inasmuch as it appears by the Votes and Proceedings of the House of Commons, of date 29th and 30th June last, that the said Bills have not been passed by that House.

The motion was agreed to.

SECOND READING.

Bill (176) 'An Act to incorporate the South Shore Line Railway Company.'—(Hon. Mr. Gillmor.)

CUSTOMS TARIFF BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (184) 'An Act to amend the Customs Tariff, 1897.'

(In the Committee.)

On the first clause,

Hon. Mr. MILLS—I move the adoption of this clause.

Hon. Mr. FERGUSON—My hon. friend might explain to the House the principal provisions of the Bill.

Hon. Mr. MILLS—I cannot add anything to what the Bill actually contains. My hon. friend knows that in the Customs Tariff which was adopted in 1897, there was a discrimination in favour of the United Kingdom and of certain of the colonies to the extent of 25 per cent. That discrimination, under the provisions of this Bill, amounts to 33⅓ per cent, and in addition to that, there is a provision that machinery of a class not made in Canada, when imported exclusively for use in factories for the manufacture of beet root sugar, be admitted free of duty. Those are all the provisions of the Bill. There is nothing further contained in it. There is the reduction of the discrimination in favour of the United Kingdom, and of certain colonies, to the extent of thirty-three and a third per cent—just one-third less than the tax imposed on importations from foreign countries.

Hon. Mr. FERGUSON—I would have expected my hon. friend would have given us information as to the reasons which have induced the government to propose an extension of the preference given, in 1897—that he would have furnished us with some figures to show that this was a preference that really did prefer—that in consequence of the success that had attended the operation of the tariff in this particular instance, it was proposed to go a little further, and also, it might lead to the discussion of some other questions in connection with it. But at least, I thought we would be supplied with some information bearing on the increase of British trade as resulting from the operation of the preferential tariff.

Hon. Mr. MILLS—I think that increase has taken place. This question was fully discussed in the House of Commons, to which House the tariff particularly belongs. It was shown there that the preference has contributed to an increase of trade with the United Kingdom; further than that, it has created in the mother country a feeling of sympathy with and interest in Canada which did not exist before the adoption of this principle, and which is largely due to its adoption. My hon. friend knows that, so far as the mercantile and manufacturing classes of the mother country are concerned, they had taken but little interest in Canada, and had not given us their moral support for a great many years towards immigration and towards Canadian enterprise, largely because it was thought we had taxed the products of the mother country unduly while the products of Canada passed into the British market without being subjected to any special burden. We believe that the adoption of a reduction of 25 per cent in favour of the mother country was of very great advantage, and that the result of that justified the government in taking a further step, and that further step is discriminating in favour of the United Kingdom to the extent of 33⅓ per cent.

Hon. Mr. FERGUSON—I am not one of those—indeed I do not know if there are any in this country—who objected to the preference given to Great Britain and her colonies under the tariff of 1897. The objection to the proposal, in the first instance, was because the government of the day seemed to imitate the instinct of a certain beast of the field that butts against a stone wall. They introduced a reciprocal tariff, ignoring altogether the existence of a favoured nation's clause and the German and Belgian treaties. They introduced it in that way first, and the result was they were met with adverse criticism and gentlemen in the opposition told the government then that they were attempting to do what they could not do. It is true the gentlemen in the government were very sanguine that they were not attempting anything that they had not the full and complete power to do. I have been looking over some remarks made on that occasion, especially the observations of gentlemen who took a very prominent part in that discussion when the resolution was introduced and it will be in the recollection of hon. gentlemen that the government of that time claimed that they were not giving a preference to Great Britain—they disclaimed the use of the word 'preference' altogether. It was to be a reciprocal tariff by which they were to give the same advantages to all countries under the sun that would give us the benefit of a tariff equal to what we were enacting. They were told

very plainly at that time by the gentlemen in the opposition in the other branch of parliament that they were taking a position that they could not carry out. Here are the words used by Sir Louis Davies in reply :

When this resolution was tabled the hon. gentleman declared it an illegal and unconstitutional resolution. Can he lay his finger upon a single paragraph published in any newspaper of weight in the world endorsing that extravagant statement of his; can he produce the opinion of a prominent lawyer or even of a fledgling lawyer endorsing the absurd and ridiculous statement made by him that the resolution was unconstitutional and illegal.

It turned out that the gentleman who made this strong statement had to eat humble pie on the question before very long, and the government itself had to come down and amend its resolution, because it was impossible that the Governor General could have sanctioned the resolution as introduced first, in view of Lord Ripon's despatch, of 1895. Finding their position was altogether untenable, the government had to amend their resolution in order to meet the objections which Sir Charles Tupper had raised at the outset, and which Sir Louis Davies declared no fledgling lawyer would be got to endorse. It was on the strength of this position, that they were giving no preference to Great Britain, that the Premier of the country, while in England, accepted the Cobden medal—with the distinct understanding, as expressed by Lord Farrar when he conferred the medal upon him, that 'if we thought you intended, and your proposition meant a preference to England over other countries, we would not be here to honour you on this occasion.' He accepted the medal with the distinct understanding that it was not a preference at all, but a reciprocal tariff. Later on, at the next session of parliament, the government changed all that. I do not know that there are any, certainly not in the opposition, that ever found fault with giving a preference to England, but we did find fault with the statement that we wanted nothing in return for it, and we complained that, on the other hand, the Premier had advised England not to give us anything in return for it. It was for that course which the government took, in 1897, with regard to this question that we find ourselves in the position we occupy to-day. We are increasing that preference now. In 1898 we converted what was called a reciprocal tariff in the first instance, to a preference tariff. We gave then the preference to England which the government said we were not doing in 1897, and under which assurance the Premier had accepted the Cobden medal. In support of what I have said, I wish to point out to this committee that before the last election, this government, in dealing with this question, proclaimed before the country that it was not simply to give a preference, but they wanted a preference in return, and they believed they were going to get that preference. I will just refer to what the Premier said in a speech in London, Ont., in 1896, before the last election. It is as follows :

We would have for our goods a preference which would not be given to the goods of another nation. That practical statesman, Mr. Chamberlain, has come to the conclusion that the time has come when it is possible within the bounds of the empire for another step to be taken which will give to the colonies in England a preference for their products over the products of other nations. What would be the possibilities of such a step if it was taken ? We sell our goods in England. We sell our butter, our cheese, all our natural products. But there we have to compete with similar products from the United States, from Russia and other nations. Just see what an advantage it would be to Canada if the wheat and cheese and butter which we send to England be met with a preference over similar products of other nations. Mr. Joseph Chamberlain, the new and progressive Secretary of the Colonies has declared that the time has come when it is possible to discuss this question.

This was the declaration of the Premier in London, and in Montreal a short time afterwards he said :

In regard to this question of preferential trade I desire to say that Sir Charles Tupper is no more in favour of the idea than I am myself. My hope is—nay, my conviction is—that on the 23rd of June the Liberal party will be at the head of the polls, and that it will be the Liberal party, with its policy of a revenue tariff, that will send commissioners to London to arrange for a basis of preferential trade.

At this time, after Sir Charles had addressed a meeting in Montreal on the question of preferential trade, the *Globe* said :

Why should Sir Charles Tupper waste his time and breath in advocating preferential trade when it is a policy which every one in this country will hold up his hands in support of. The battle has to be fought in England.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—What was understood by preferential trade was a preference given to products of the other parts of the empire, and a reciprocal advantage given for the products of our country over other

countries. We do not find fault with the government, and never would have raised any objection if they had squarely proposed a preference, in the first instance, for Great Britain, subject, of course, to the revocation of the Belgian and German treaties, but we held that it should be coupled at least, with an honest effort to obtain compensating advantages for the products of Canada in the markets of Great Britain and in the markets of the other parts of the empire. Instead, however, of taking that step, the Premier of Canada, when he went to England in 1897, took an extraordinary course. After declaring to the people of Canada, that he was as favourable to preferential trade as Sir Charles Tupper was, after pointing out to the electors what they had to hope for on the accession to power of the Liberal party—because they were going to send a commission to England to press this question of preferential trade, and owing to their fair trade policy that they would have a very much greater chance of getting it than the Conservatives—after taking that position, the Premier, when he landed in England, changed his position entirely. I will be excused for reading his English remarks again, because it is important that they should be kept on record. The leader of the government, when he spoke on the first occasion, before the meeting with the provincial Premiers, and before conference with the colonial minister at all, in response to an address of welcome when he met Lord Hartington and others shortly after his arrival, spoke as follows :

I claim for the present government of Canada that they have passed a resolution by which the products of Great Britain are admitted in the rate of our tarif at 12½ per cent and next year at 25 per cent reduction. This we have done not costing any compensation. There is a class of our citizens who ask that all such concessions should be made for a 'quid pro quo.' The Canadian government has ignored all such statements. We have done it because we owe a debt of gratitude to Great Britain. We have done it because it is no intention of ours to disturb in any way the system of free trade which has done so much for England.

We would have thought the hon. gentleman might have left the people of England to take care of their own interests instead of being solicitous for what he imagined was their interests. The extract continues :

What we give you by our tariff, we give you in gratitude for the splendid freedom under which we have prospered. It is a free gift. We ask no compensation.

It was no wonder that this declaration created a considerable amount of surprise in England. Mr. Chamberlain, who had been giving this question a good deal of consideration, and who had on more than one occasion indicated his readiness to depart from the strict principles of free trade in order to build up this grand idea of Imperial unity——

Hon. Mr. MILLS—Never.

Hon. Mr. FERGUSON—My hon. friend says never, but fortunately I have the proof under my hand, and if my statement is challenged, I will have no difficulty whatever in producing it.

Hon. Sir MACKENZIE BOWELL—The hon. minister says that the hon. gentleman has not got it.

Hon. Mr. FERGUSON—It is sufficient for me to read what Mr. Chamberlain said after hearing Sir Wilfrid's declaration. Immediately after hearing this declaration of the Premier of Canada, and after meeting the Premiers and finding that the Premier of Canada had declared that he did not want anything, that he had given this preference purely out of gratitude, and wanted no preference from Great Britain. Mr. Chamberlain said :

It would have been hard enough to carry through the idea——

What idea? The idea he had been outlining and discussing and giving the sanction of his name and the great weight of his influence too.

It would have been hard enough to carry through the idea, had all the colonies been persistent and enthusiastic advocates of it, but Canada does not favour it and New South Wales opposed it. These are the leading colonies and with them in practical opposition it becomes impossible and I would not now touch it with a pair of tongs.

He was disguested, and disappointed with this declaration. He felt that a setback had been given to this work upon which he had been inviting discussion and upon which he had shown he entertained advanced opinions and opinions favourable to the colonies. My hon. friend said that Mr. Chamberlain never took that position.

Hon. Mr. MILLS—I do say that he never took the position that my hon. friend takes.

Hon. Mr. FERGUSON—My hon. friend should have got Lord Rosebery set right

also, because Lord Rosebery was entirely of my opinion.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—And English statesmen do not speak except by the book. Lord Rosebery said, after hearing Sir Wilfrid's declaration :

> Mr. Chamberlain had a proposal which had some force and gained some strength, but it must now be approached with the reverence due to a corpse for Canada's Premier has said that if the British Empire is to be maintained it can only be on the condition of the most absolute free trade.

Here not only did Mr. Chamberlain himself recognize that a tremendous setback had been given to this proposal at that time, but his opponent, Lord Rosebery, taunted him with having got this slap in the face. He said that Mr. Chamberlain's proposition had some force and had acquired some strength, and got considerable support, but now, it was entitled to the respect only due to a corpse, in consequence of what the Canadian Premier had said. I will now quote from an influential journal of public opinion in Great Britain, the *Trade Journal*. During the jubilee discussion of 1897 that journal said :

> From the day Sir Wilfrid landed in England until the day he left he seems to be obvious to the fact that in his mission he was the representative of all Canada. He seems rather to have imagined that he was sent there for his own self glorification and in the interests of his party * * * When he arrived in England he found a large and influential section of the politicians and press full of enthusiasm over the preferential policy of Canada, and energetically discussing the corresponding duty of finding some equivalant advantage which Great Britain might confer on Canada, even if by so doing it might be necessary to modify the free trade policy of the past fifty years * * * * * It was an act of supreme folly for him to tell the British government and people that Canada neither hoped nor desired any preference for its products on the markets of the mother country.

This is from an independent organ of commercial opinion in Great Britain on that occasion. The opposition never entertained any objections to giving a preference to Great Britain or the colonies in our markets, even if, at the time, it was not met simultaneously with a corresponding advantage in their markets, but we held this ground—and that was the view that Sir Wilfrid Laurier and his friends held before the people of this country—that the advantage should be mutual in some form or other. It was emphatically proper for the *Trades Journal* to say that it was extreme folly of the Premier of Canada to tell the people of England : 'We do not want you to disturb your free trade policy ; we give this as a gift and we want nothing in return for it.'

Hon. Mr. MILLS—Where is the *Trades Journal* published ?

Hon. Mr. FERGUSON—In London, I think.

Hon. Mr. MILLS—I think not. It is a Canadian journal.

Hon. Mr. FERGUSON—It is an English paper. It is not a Canadian journal.

Hon. Sir MACKENZIE BOWELL—There is no paper in Canada of that name.

Hon. Mr. FERGUSON—Wherever the paper is published it is a fair comment. It must be published in England, when I look at it : it bears inherent evidence of the fact. The trend of events at that time—although a tremendous set back was undoubtedly given to it owing to Sir Wilfrid Laurier's declaration in England—was in favour of a preference to the colonies. Our preference to England was calculated, as my hon. friend said, to create a good feeling towards Canada, and give growth to this Imperial sentiment in Canada, as showing a close bond of relationship that we recognize as between ourselves and the mother country. There is no question that it was calculated, even if we did not get it at the time, to bring about a corresponding return. What I complained of at the time, and what I complain of now is, that the Premier of Canada declared we did not want any return. He did not say absolutely that we would not accept it, but he created the impression that Canada would not accept it even if it were offered. I am not finding any fault with the proposition to increase this preference by 8⅓ per cent. It will now, on some articles, become when this last step is taken, in reality a preference, which it is not in many cases up to the present time, for it is within the recollection of hon. gentlemen that this government took very good care to put many articles to which that preference is applied, about 5 per cent up before they allowed the preference.

Hon. Sir MACKENZIE BOWELL—In some cases 10 per cent.

Hon. Mr. FERGUSON—I am entirely within the mark when I say many articles which had been 25 per cent were put up to 30, others raised from 30 to 35 per cent, and so on, and the reduction was so small and inappreciable that it was absolutely no preference except in the case of a very few articles while it remained 12½ per cent. When it reached 25 per cent, it began to be felt, but felt only slightly, for I think the trade returns show that the increase in our trade with Britain has not been very great. I am free to admit, however, that this further preference which it is proposed to give has every chance to become more effective than the others were. What I find fault with is, that coupled with these preferences, is the emphatic declaration of the Premier of Canada on record that Canada did not wish for anything in return for all this, and the effect of that declaration has been to very seriously retard that movement which was growing up strongly in Great Britain in favour of a preferential tariff within the empire. To show that, notwithstanding all that has been done, this sentiment is growing, I have to point hon. gentlemen to a cablegram which appeared in our press a few days ago. I have the Toronto *Globe* in my hand containing a cablegram announcing the meeting of the Chambers of Commerce, in London, on the 28th of June, and hon. gentlemen are aware that some of our boards of trade during the last winter passed resolutions looking to the imposition of customs duty by Great Britain and all the colonies on foreign products for the purpose of defence. A resolution of that character was passed by the Montreal Board of Trade, and by the Board of Trade of the city of Ottawa, and I think, with some slight modifications, by the Toronto Board of Trade and other boards of trade in the Dominion. Some representatives of these boards of trade attended the meetings of the conference, and it is a great gratification to find, by the cablegram to which I have referred, that this principle has been adopted by the congress of the boards of trade of the empire, meeting in London, on the 28th of June. The cablegram is as follows:—

The Montreal resolution in favour of a conference on Imperial defence, and suggesting a small uniform ad valorem import duty as the best method for all portions of the empire to contribute, was carried, there being only one dissentient.

The cablegram to the *Star* of the same day corresponds with that. It says:

At the Chamber of Commerce meeting to-day Mr. Hadrill proposed that the colonies should contribute towards the Imperal army and navy, and urged the Imperial government to convene an Imperial conference to consider the whole question. Mr. Geoffrion opposed the proposal. He said Canada did the best she could for defences out of sympathy, and did not desire Imperial taxation. The resolution was adopted with three or four dissentients.

Evidently the reference is to the same resolution, and that resolution, we are told by the *Globe* despatch, is the Montreal proposition. I have not been able to get the Montreal resolution, but I have the resolution passed by the Ottawa Board of Trade, which is practically the same—I think even verbally the same, but it is the Ottawa resolution I am reading. It is as follows:

Resolution No. 1.—Whereas the second congress of the Chambers of Commerce of the empire declared, in 1892, 'That arrangements should be divised to secure closer commercial union between the mother country and her colonies and dependencies,' and 'That a commercial union within the British Empire on the basis of freer trade would tend to promote its permanence and prosperity.'

And whereas, it has been generally admitted that the colonies should contribute towards the cost of Imperial defence, and, as a matter of fact, colonial forces have participated with those of the United Kingdom, in defending the integrity of the empire;

Therefore, be it resolved, that, in the opinion of this congress, a certain degree of closer commercial union among the countries of the empire can be most conveniently established, a step towards the introduction of inter-British free trade most readily taken, and the responsibilities of each part of the empire most equitably borne by providing a revenue for its defence, and other common Imperial purposes, from the proceeds of a small uniform duty (over and above those of the local tariffs, where any such are levied) on all importations from foreign countries into every part of the empire.

Resolution No. 2.—That this congress respectfully requests the president to appoint a deputation to wait upon the Prime Minister of the United Kingdom, and represent to him the desirability of convening a conferenece of representatives appointed by the governments of the mother country, its colonies and dependencies, to consider the subject and terms of the foregoing resolution.

This resolution, I am told, is practically the same as the Montreal resolution and I may be permitted to read a letter to the secretary of the board of trade here from the secretary of the board of trade of Montreal, which shows that this resolution is substantially the resolution of the Montreal Board of Trade.

Hon. Mr. MILLS—What is the relevancy of this to the Bill.

Hon. Mr. FERGUSON—The relevancy is just this: This congress has recognized the principle of imposing a small customs tariff imposed on the productions of foreign countries for the purposes of defence. It is for defence, but that does not in the slightest degree reduce the importance of the proposition, because it involves a preference for the colonies as against foreign countries. The moment that the empire in all its parts imposes for defence, or for any other purpose, a duty as against foreign trade we have really established the principle of a commercial union within the empire, and I produce this to show that there is a strong growing opinion in Great Britain to take a step in advance on this question. I read this in support of what I have already stated, as to what Mr. Chamberlain said, in 1896, what he said again, in 1897, and the declaration which he has put on record on many occasions from that time forward. I was going on to read the letter of the secretary of the Board of Trade of Montreal, my object being to show that the Ottawa resolution, which I have read, is substantially the same as the Montreal resolution which has been adopted by this congress of the boards of trade of Great Britain.

Hon. Mr. SCOTT—Did I understand the hon. gentleman to say that the resolution had been adopted?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. SCOTT—No, the resolution was referred to a committee.

Hon. Mr. FERGUSON—The principle was adopted. All that the conference could do was to suggest. I quote that as showing that this question of preferential trade within the empire—not to take all and give nothing, but for mutual defence or any other purpose—to show that this proposition is making substantial progress in the mother country, because this great representative gathering has, according to this resolution, suggested a uniform customs tariff on the products of foreign countries. I will now read the letter of the secretary of the Board of Trade of Montreal to the Board of Trade of the city of Ottawa:

I beg to acknowledge receipt of your circular letter of 22nd inst. communicating the resolution of your board upon the subjects of 'Commercial Relations between the Mother Country and Her Colonies and Dependencies,' and 'Defences of the Empire,' and to express the council's satisfaction that the views of your board agree so well with the resolutions adopted by this board on the same subjects.

I thought it necessary to read this letter, because by it the Board of Trade of Montreal adopts, as it were, the Ottawa resolution and agrees entirely with it, and it throws a meaning on this cable stating that the chamber of commerce have agreed to this proposition suggesting a small uniform ad valorem duty for all parts of the empire against foreign countries for purposes of defence, and they had this proposition before them which I have read to the House. I submit that to the House as further evidence on this point, that it is not by any means beyond hope that we might obtain this preference in the British market. The action of this government in declaring, as the Premier did, that we wanted no preference, and advising them not to give it, was against the interest of this country. We find no fault, as I have said, with giving a preference, because we believe that good will come from it, and because we feel like showing our good-will to all parts of the empire; but we do protest against the action of the Premier in 1897.

Hon. Mr. SCOTT—The hon. gentleman commenced his observations by stating that, while he was in favour of a preference tariff, yet it had really no marked influence on the trade between the two countries. That I deny. I have before me an extract from the Trade and Navigation returns, and I find that from the year 1894 the importations from England were gradually falling off. They were: In 1894, $38,000,000; in 1895, $31,000,000; in 1896, $32,000,000. In 1897, the year in which we introduced the preference tariff, they were down to $29,000,000, the lowest point they had touched in probably thirty years. When the preferential tariff was introduced, although the proportion was only one-eighth, it not only stopped the decrease in importations, but the imports commenced to rise. Our preferential tariff, giving only ⅛ reduction on the ordinary tariff, was passed on April 23, 1897. In that year, the importations had fallen to $29,000,000. In the following year, 1898, the importations had risen to $32,000,000. In 1899, they had risen to $37,000,000, an increase in the first year of $3,000,000; and in

the second year of $5,000,000. That is a marked increase, because we know the tendency of trade was to drift towards the United States. There were many causes for that. The United States manufacturers were producing iron goods at a very much lower value than they had for many years previously.

Hon. Mr. FERGUSON—Will the hon. gentleman state what was the corresponding increase in the same period in the trade with the United States ?

Hon. Mr. SCOTT—That has nothing to do with the question. We were buying more largely in the United States, because we were getting articles cheap. We were buying steel rails in the United States as Great Britain was. The United States were sending over locomotives to Great Britain and other countries in Europe. Certain conditions had favoured the development of iron manufacturers in the United States, and they were getting ahead of other nations in those manufactures in which iron is used. Importations of articles into which iron largely enters were increased largely. Moreover, to the benefit of our own people we had placed on the free list very many articles which were the raw material of our manufacturers, and in tnat way we had benefited our own people. We had given them cheaper goods. We cut the iron duties right in two to begin with.

Hon. Sir MACKENZIE BOWELL—What articles did you put on the free list other than barbed wire and binder twine ?

Hon. Mr. SCOTT—We reduced the duties on iron one-half in some lines and in others more.

Hon Sir MACKENZIE BOWELL—That is not an answer to the question I asked.

Hon. Mr. SCOTT—It is a very wide question and it is only incidentally referred to here. Granted that a corresponding increase took place elsewhere, it does not affect this question. Our people were able to buy more, and the English exporter was seeking Canada for a market. I have shown that in 1897 British imports had fallen to $29,000,000 and I have shown a revival after the adoption of the preference tariff, which ought to clearly carry conviction to the mind of any hon. gentleman who is open to a fair judgment that it had a marked effect at all events. I am glad to say in the last year, when the full reduction of 25 per cent took place, for the three-quarters of the year ending with 1900, the importations from Britain were $34,906,000, and allowing for the other quarter, the proportion being the same, it would be eight million five hundred and six thousand, the importations would have risen to $42,632,000, a point they had not reached for the last eight or ten years. That is pretty conclusive. At all events, it has resulted in improved trade. The British people believe so. They think there has been some advantage. It has been an advantage. Would we have imported as much from Great Britain had we met imports from Great Britain with the same tariff as against all other countries ?

Hon. Sir MACKENZIE BOWELL—No, I do not think we would. We would have manufactured them ourselves.

Hon. Mr. SCOTT—The hon. gentleman says we would have manufactured them ourselves. We would not have got them as cheaply if we had.

Hon. Sir MACKENZIE BOWELL—We are not discussing the question of cheapness.

Hon. Mr. SCOTT—The hon. gentleman endeavoured to confuse the methods by which we adopted the preferential tariff. He has not found fault with our reaching the goal, but he says we reached it by devious ways, that we did not proceed in the way we intended at first to proceed. Well, we proceeded in the way that brought success, and that is the most important point. For the last thirty years Canada had been hampered with this favoured nations clause. It was inserted in the treaties with some countries before confederation, and when Canada's voice was not so strong, perhaps, as it is in the court of St. James to-day. We were hampered. There was no use attempting to create any tariff in favour of Great Britain until we got rid of the favoured nation clause, and as hon. gentlemen know, we went at in our own way. We decided that we would not admit foreign goods on the same plane as British goods. The law officers maintained that our law was bad, that we had no power to do it, that we were legislating against Imperial interests. Well,

we said, we recognized what Canadian interests are, and what Imperial interests are, and it is our view that those treaties have to be disallowed. We knew very well, with two such important countries as Germany and Belgium, Germany being a great ally of Great Britain, and Belgium, a warm friend, that it was a delicate thing for Great Britain to say to them : 'Canada demands that we annul the treaties that have been prevailing for thirty or forty years.' Great Britain had many advantages in German and Belgian ports. The treaty was considered of very great importance to Great Britain. Yet we took a firm stand. We said : 'We are going to maintain that we will not allow those goods to come in, notwithstanding there is a treaty.' The law officers stood by the Imperial view. Yet in the end we conquered and had our way, and a proclamation was made in due course and the Belgian treaty was revoked, and the German treaty was revoked. The hon. gentleman says we then decided on the preference to Great Britain. We did that for very many reasons wholly apart from any corresponding advantages which could be had. We knew that there was an equivalent already given. It was not a question of barter in the future. We recognized that Canada was being protected by the British government all over the world, that our citizenship, as part of the empire, was recognized in all countries over the universe, and we had the benefit of the British consuls and British ambassadors at the various courts and that was something of extreme value. We had her fleets on the Atlantic and Pacific coast defending our shores. We had an Imperial garrison stationed at Halifax. All that was more than an equivalent for what we were offering Great Britain. The hon. gentleman says 'Oh, but you could have got something more equivalent.' I deny that most emphatically. It is absolutely impossible. Even if we had withheld the preferential tariff and made it a matter of bargain, we could not have overcome British opinion in the short space of one, two, three, four, five or six years. The hon. gentleman says that Sir Wilfrid Laurier made a speech at London. I daresay he did—probably made the very speech the hon. gentleman has read. I do not doubt it. He was hopeful, like a good many others, that something could be done, but when Sir Wilfrid Laurier got to England and found himself in the atmosphere of the men who governed the destinies of that country, he knew perfectly well that it was idle to propose any such thing. He would have made himself ridiculous if he had announced it.

Hon. Sir MACKENZIE BOWELL—Then why did he advocate it in Canada ?

Hon. Mr. SCOTT—He did not advocate it. He said : 'We do not ask an equivalent.' He knew he could not get it. It would have been like the boy crying for the moon. It was an absolute impossibilty. It was not within the range of possibilities that you could convert the opinions of forty millions of people in a short time and make them tax their bread and meat in order that Canadians might gain some slight advantage of a few cents a bushel on their wheat. The Canadian public are too patriotic, and there is too much loyalty.

Hon. Mr. McMILLAN—Why was the Premier talking that way ?

Hon. Mr. SCOTT—We are all talking that way. I would like to get it, but it is absolutely impossible.

Hon. Mr. PROWSE—That is a beautiful way to get it.

Hon. Mr. SCOTT—I have under my hand the official proceedings of the chamber of commerce, just before the Premier went to London. At that chamber of commerce all the representatives of the British industries attended, and not only they, but the Australian colonies, South Africa and all the other colonies.

Hon. Sir MACKENZIE BOWELL—I was there.

Hon. Mr. SCOTT—My hon. friend will recollect, probably, what Mr. Chamberlain said on that occasion. I will read in order that his memory may be refreshed. Mr. Chamberlain was presiding. The question came up. The colonies were anxious to get some equivalent. Mr. Chamberlain said :

> Well, I pass on to the second proposal which has been laid before a similar congress to this, which found expression at the great congress at Ottawa a year or two ago—that is a proposal which has been favoured by some of our principal colonies and described with great force and eloquence by leading colonists, and it is the very reverse, in spirit at any rate, of the proposal which I have just been considering.

Mr. Chamberlain's view was that if it was possible at all, it could only be by the establishment of a zollverein, as in Germany; that if the colonies were prepared to open their doors and admit British manufactures free of duty, while keeping up a duty against all the world, then it might be considered. How would that suit my hon. friend? How would it suit the protective tariff? All our industries would go by the board. It would not be possible. No man having any regard for the vast sums of money now invested in Canadian industries could think of accepting a proposition of that kind. It would entirely change all the conditions existing in Canada.

Hon. Mr. DeBOUCHERVILLE—I did not quite understand what the hon. Secretary of State read. Mr. Chamberlain said that if the colonies would abolish their tariff against England—what would England give?

Hon. Mr. SCOTT—Mr. Chamberlain did not say what he would do, but he said that was one of the things that might be discussed—that that was a possibility, that if all the colonies and Great Britain established a zollverein, as in Germany, free trade between themselves, it was a proposition that might be discussed. He did not say that even that could be carried at the present time, but it was one that was reasonably fair on the face of it, and would form the basis of a fiscal arrangement between the colonies and the mother country.

Hon. Mr. McMILLAN—That was the year before.

Hon. Mr. SCOTT—That does not make any difference. Things do not move quite so fast in England. Mr. Chamberlain continues:

> For whereas the first proposal requires that the colonies should abandon their system in favour of ours, this proposal requires that we should abandon our system in favour of theirs.

One system was that we should abandon our protective policy and allow British goods to come in free, and the other was that they should pay a duty on foreign goods and allow Canadian products to come in. The extract continues:

> It is, in effect, that while the colonies should be left absolutely free to impose whatever protective duties they please, both upon foreign countries, and upon British commerce, they should be required to make a small discrimination in favour of British trade, in return for which we are expected to change our whole system, and to impose duties on food and on raw materials. Well, gentlemen, I express again my own opinion when I say there is not the slightest chance that in any reasonable time this country, or the parliament of this country, would adopt so one-sided an agreement.

Those are the views of Mr. Chamberlain.

Hon. Mr. FERGUSON—What is the hon. Secretary of State reading from?

Hon. Mr. SCOTT—I am reading the official report of the Chamber of Commerce at which Mr. Chamberlain was present in 1896.

Hon. Mr. FERGUSON—If the hon. Secretary of State will read fully from it he will find it supports the view I expressed.

Hon. Mr. SCOTT—I am reading the language Mr. Chamberlain gave expression to. I am reading where he speaks of the two propositions, and I am going to read it through, as far as the propositions are concerned. It continues:

> The foreign trade of this country is so large, and the foreign trade of the colonies is comparatively so small, that a small preference given to us upon that foreign trade by the colonies would make so slight a difference, would be of so slight a benefit to the total volume of our trade, that I do not believe the working classes of this country would consent to make a revolutionary change, for what they would think to be an infinitesimal gain.

That is Mr. Chamberlain's opinion. Then, again, he goes on to discuss the other question. I need not take up the time of the House in reading it. He was only expressing an individual opinion, but he said if any change could take place it would be on the basis of a zollverein. It happened at that meeting there was a gentleman, a strong protectionist, sent from a city in this country, that probably has more advanced views on protection than any other city in Canada. I refer to Toronto. A gentleman who has a seat in the other House, Mr. Osler, was present at the meeting and prepared a resolution in the direction my hon. friend from Queen's has been suggesting, that some preference should be given to Canada in compensation for our preference tariff. Mr. Osler heard the views of those about him. He heard the opinions of the British representatives of the various boards of trade, and of the various members of parliament who were present at this meet-

ing, because it was a gathering of the leading commercial minds of Great Britain. What does Mr. Osler say? He says:

> I will only repeat that in Canada we believe that certain concessions must be made if we are to get England to join us in a federation, and I think as Canadians we are willing to make these concessions. We believe it will be for our own interest and for the interest of the empire that we should do so. I thoroughly agree with all that Mr. Chamberlain has said that it is impossible for us to have in the meantime Great Britain imposing a duty upon their food products.

Can anything be more positive, can anything be more clear or more direct than that language? A representative sent over from Canada to advocate the adoption of a preference for Canadian products in the British market regards that as hopeless. He uses the word 'impossible.' He finds public opinion strongly against it. I admit there are men in Great Britain who would like to see it brought about. Some fifteen years ago a number of gentlemen there favoured Imperial federation, and they kept it up for twelve or thirteen years. It dragged out. Imperial federation was dead when this government took it up, and revived it simply by the adoption of the preference clause in our tariff. That gave new life and spirit to it, and the feeling is stronger to-day in Great Britain than it was at any time during the fifteen years in which that loyal association known as the Imperial Federation existed. They saw it was hopeless. There are many who will make speeches in favour of it, but take the 700 men who compose the House of Commons in Great Britain do you suppose you would get one-tenth of them to vote for it? No, you would not get one-twentieth to vote in favour of the proposition. When Sir Wilfrid found himself in such an atmosphere as that, would he not make a virtue of necessity, and say: 'Oh, we do not expect it; we do not look for it.'

Hon. Sir MACKENZIE BOWELL—He was not called upon to say anything.

Hon. Mr. SCOTT—It was a pleasant compliment for him to say what he did—what any one else would say under the circumstances. Will the hon. gentleman tell me, in the face of that language, that it was any use to propose such an offer? It would be quite idle. The hon. gentleman says: 'Oh, but at the congress in Ottawa, Montreal and Toronto, and the boards of trade all over they have asked for it.' I daresay they have. They would like to get it very much, but it is perfectly idle for them to make a proposition. Hon. gentlemen opposite seem to be trying to make the people in the country believe that we are throwing away our chances and giving up the opportunity of our lives to secure some equivalent for this preference, and they would say to the farmer: 'It would be an enormous advantage if you could get three or four cents a bushel for your wheat more than the farmers of the United States are getting.' Of course it would, but it is imposing on the credulity of the people to suggest it. It is assuming the farming element of the country have not common intelligence. Any of them who read the press, and who know the condition of things in Great Britain know that Great Britain could not maintain her supremecy if she attempted to make it more expensive for the working classes of Great Britain than it is to-day? If she is to have a large trade with China and Japan and large parts of Africa, is it not due to the fact that she can manufacture more cheaply than other countries can? And we are to ask her, as an equivalent for what we are offering, to tax the people of Great Britain in order that Canada may be benefited. I think there is more patriotism in Canada than that. I think we are living on a higher plane. We are more independent. Our people do not need it; and if we put it to the intelligent farmer of Canada whether he thinks it would be a fair thing that the 40,000,000 should be taxed in order that the farmer in Canada should get a cent or two more on his wheat, he would say: 'No, I am too independent for that, I can make my living without making the food dearer to the workingman in England.' But the opposition on the platform in the country tell us that Sir Wilfrid Laurier threw the chances away. They quote the Duke of Devonshire, but he disowned afterwards ever having made a statement that it was——

Hon. Mr. FERGUSON—No, he did not disown it.

Hon. Mr. SCOTT—His letter is on record.

Hon. Mr. FERGUSON—I have his letter.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State is putting a strained meaning on the language.

Hon. Mr. SCOTT—I am very glad this question has come up, because public attention will now be directed to it at the present conference sitting in London to-day. When the resolution was first proposed it was hissed at. It did not get a respectable hearing, and they said: 'Surely you will allow it to go to conference and allow it to be discussed.' They said certainly, they recognized that that was a fair proposition, but that did not commit those who opposed it at first to adopt it afterwards. The Manchester school, who were very strong at the chamber, said: 'Oh, Canadians will have a perfect right to place their views before the chamber.' That is proper, at the chamber where the utmost freedom of discussion exists, where every one has a right to speak, but if they assume for a moment they are going to carry the Chamber of Commerce in favour of our getting a preference in the British market, they will be very much disappointed. That is all I can say. I hope the public attention of this country will be drawn to it, in order that the public mind will be educated on the subject. It is exceedingly fortunate, at the present period, that this chamber is meeting, because it would be a very good way of wiping away the cobwebs from this question, the attempt to make it appear that the Liberal party in some way or another sacrificed the rights of this country. The Liberal party have accomplished what the Conservative party never could accomplish. They were quite as anxious as we were to abolish the German and Belgian treaties, but they did not go about it in the right fashion—just as they were anxious to secure the recognition of our debenture stock in the trustee list. They had been pressing it for ten or fifteen years. They did not get there. We did, that is just the difference. We did not allow ordinary obstructions to stand in the way of repealing the Belgian and German treaties. We insisted on it being done, and it was done. Hon. gentlemen may find fault and criticise our methods of doing it. Success is the great criterion. Did we accomplish it? Did we succeed in what we were about? We certainly did, and we are now reaping the benefit of it, and I think that hon. gentlemen all recognize that Canada to-day stands on a very much higher plane than she did in 1896, that Canada has bloomed out into what is called a young matron, and the British people now regard Canada as entitled to a very different stand in regard to Imperial questions than on the former occasion. It has even been suggested by the British press that, in the arrangements to be made in South Africa, Canada ought to have a voice, that Canada's suggestions should be of value, that Canada's experience with the two races, and Canada's success under the government since confederation has been so marked that our voice is entitled to very great weight in the conference which may take place. All this is the best possible proof that we have moved forward, and are still moving forward on the lines I have indicated. I am glad the hon. gentleman from Marshfield approves of the present 33⅓ per cent preference. Without affecting our industries at all, it will have the effect of cheapening in a very great degree some important articles that the great body of the people use.

Hon. Mr. FERGUSON—My hon. friend the Secretary of State claims that the government are entitled to credit for having secured the abrogation of the German and Belgian treaties. Now, my hon. friend, if he will simply look over the history of that question—it is a matter of history now—will find that the action of the government on that question was precisely what the action of its predecessors had been, what the action of the conference which met in this chamber in 1894 was, in calling for the abrogation of these treaties. There is no question that the present government were exactly in line with their predecessors on that question. But it is equally well known, and certain as a matter of history, that it was not the action of the government of Canada alone, or of any one colony that brought about the abrogation of these treaties. Mr. Chamberlain is on record as saying that when he found all the colonial Premiers were unanimous in demanding the abrogation of these treaties, that the Imperial government were thus led to do it. It was not because the government of Canada had done precisely what its predecessors had done, but because, at the meeting of all the colonial Premiers,

there was unanimity. As Mr. Chamberlain said, when they found that point was reached, they saw what their duty was and did it. My hon. friend accuses me and my friends of going before the people of this country and pointing out to them what a great advantage it would be to get a preference on their products in Great Britain, and he charges us with doing this, and that it is idle for us to do it. That is exactly what the Premier of this government did in 1896. He said :

> We would have for our goods a preference which would not be given to the goods of another nation. That practical statesman, Mr. Chamberlain, has come to the conclusion that the time has come when it is possible within the bounds of the empire for another step to be taken which will give to the colonies in England a preference for their products over the products of other nations. What would be the possibilities of such a step if it was taken ? We sell our goods in England. We sell our butter, our cheese, all our natural products. But there we have to compete with *similar products from* the United States, from Russia and other nations. Just see what an advantage it would be to Canada if the wheat and cheese and butter which we send to England be met with a preference over similar products of other nations. Mr. Joseph Chamberlain, the new and progressive Secretary of the Colonies, has declared that the time has come when it is possible to discuss this question.

This was in London, and he pointed out in that speech what an enormous advantage it would be to the farmers of Canada to have their products admitted free in Great Britain. We are not alone in pointing out the advantage it would be to our farmers. Sir Wilfrid took exactly the same position up to the last elections, and the *Globe* said Sir Charles Tupper was wasting his breath talking about it, because we were all of the same opinion. The hon. gentleman now says when we talk that way it is idle talk, and he does not want to have these speeches of his own leader and the policy of his own party brought before the electors ; but, nothwithstanding these declarations of Sir Wilfrid Laurier, not only that he was in favour of it, not only that preferential trade meant an advantage for our products in Great Britain, but his contention was that on the 23rd of June, when the electors returned the Liberal party to power, they would get it. Now, my hon. friend turns round and says that when we advocate and recommend the very same policy as Sir Wilfrid Laurier did, that it is merely idle talk.

Hon. Mr. FERGUSON.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend, the Secretary of State, I notice, has, in referring to that chamber of commerce speech of Mr. Chamberlain in 1896, committed the same fault that he did when this question was discussed before the House two years ago. He read, I will not say a garbled extract, but a very limited extract from that speech. He divorces this extract from the context to such an extent as to quote Mr. Chamberlain directly opposite to the views that he expressed in the general tenor of that speech. Now, I will read what he did say. I turn to page 5 of this report. He says :

> It appears to me there are only three lines of progress which have been suggested to accomplish this great object. The first of them is a proposal that the colonies should abandon their own fiscal system and should accept ours; that they should carry out fully the doctrines of free trade; that they should open their markets not only to us but to all the world; and that they should abandon entirely the protective duties, upon which now they rest very largely for the revenues which they collect. That is a proposal which is supported by the Cobden Club by extreme—I suppose I ought to say orthodox—free traders, and there is, no doubt, a great deal to be said for it. I do not deny that possibly it might be, for all concerned, the best solution. (Hear, hear). At the same time, I am bound to point out that that would not bring about commercial union in the sense in which we have generally understood the word, because that would be in the direction of cosmopolitan union, but it would offer no peculiar advantage to the trade of the empire as such. But, to my mind, a much more fatal objection is the fact that, speaking generally, the colonies will not adopt this proposal. We must consider it, therefore, as counsel of perfection and if we are to wait until the colonies generally are converted to our views in regard to the advantage of free trade, let us recognize the fact that in that case we must postpone the hope of a commercial union to the Greek Kalends. (Laughter and hear, hear). Gentlemen, free trade in this country has been developed, no doubt to the great advantage of this country for the period of half a century (hear, hear) but, in spite of that, it has made no converts. We do not find, and again I am speaking generally because I know there are exceptions, we do not find that there is any considerable approach to our system on the part of the colonies and there is no approach at all to it on the part of foreign countries. (Hear, hear.)
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> I pass on then to the second proposal which has been laid before a similar congress to this, which found expression at the great congress held in Ottawa a year or two ago. This is a proposal which has been advocated with great force and eloquence by colonists and is the reverse—in spirit at any rate—to the proposal which I have just been considering. For whereas the first requires that the colonies should abandon their system in favour of ours, this proposal requires that we should abandon our

system in favour of theirs; and it is in effect that, while the colonies should be left absolutely free to impose what protective duties they please both upon foreign countries and upon British commerce, that they should be required to make a small discrimation in favour of British trade in return for which we are expected to change our whole system and to impose duties on food and on raw material (hear, hear). Well, gentlemen, I express again my own opinion when I say there is not the slightest chance that within any reasonable time this country, or the parliament of this country, would adopt so one-sided an agreement.

Hon. gentlemen will notice that Mr. Chamberlain was discussing the question by first stating the extreme view of the Cobden Club and now he is stating the extreme protection view :

The foreign trade of this country is so large and the foreign trade of the colony is comparatively so small that the small preference given to us upon that foreign trade by the colonies would make so small a difference, would be so small a benefit to the total volume of our trade, that I do not believe the working classes of this country would consent to make a revolutionary change for what they would think to be an infinitesimal gain (hear, hear). Well, then, gentlemen, you will see that so far we have only arrived at a deadlock.

He has now stated the extreme view on one side, and the extreme view on the other. Here is what my hon. friend did not read :

We have a proposal by British free traders which is rejected by the colony and we have a proposal by colonial protectionists which is rejected by Great Britain. We have, therefore, if we are to make any progress at all, to seek a third course, a course in which there shall be give and take on both sides, in which neither side will pedantically adhere to preconceived conclusions, in which the good of the whole shall subordinate the separate interests of the parts.

Why did not the hon. gentleman read that ?

Hon. Mr. SCOTT—I explained that.

Hon. Mr. FERGUSON—My hon. friend read out a short extract, divorced from its context, in order to create an impression in the House the reverse of what Mr. Chamberlain stated :

I admit, that, if I understand it correctly, I find the germs of such a proposal in a resolution which is to be submitted to you on behalf of the Toronto Board of Trade.

Now, I have that resolution of the Toronto Board of Trade here I will read it.

Hon. Mr. MILLS—He gives his own interpretation of the resolution of the Toronto Board of Trade as he would apply it. If my hon. friend will continue reading Mr. Chamberlain——

Hon. Mr. FERGUSON—I have read showing that Mr. Chamberlain presented the extreme view of English free traders, which he said was thoroughly impracticable. He then showed the extreme view of the colonial protectionists, and was equally explicit in saying that nothing could be accomplished on that line.

Hon. Mr. MILLS—That is your line ?

Hon. Mr. FERGUSON—No. There must be give and take, as Mr. Chamberlain says ; every one knows that. Here is the resolution of the Toronto Board of Trade :

Resolved that in the opinion of this conference the advantage to be obtained by a closer union between the various parts of the British Empire are so great as to justify an arrangement as nearly as possible of the nature of a zollverein based upon principles of the freest exchange of commodities within the empire, consistent with the tariff requirements incidental to the maintenance of the local government of each kingdom, dominion, province or colony, now forming part of the British family of nations.

Here is Chamberlain's clear pronouncement that on the line indicated in that resolution of the Toronto Board of Trade, he saw the germ of a practical solution of the question. Now, why did not my hon. friend read this instead of reading what Mr. Chamberlain was putting forward as the view of the extreme protectionists who would adhere to their extreme view in endeavouring to reach a solution of this question.

That resolution I understand to be one for the creation of a British zollverein or customs union which would establish at once practically free trade throughout the British Empire.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend should let me finish the sentence, and the let us hear what he said :

But would leave the contracting parties free to make their own arrangements with regard to duties upon foreign goods.

Hon. Mr. MILLS—Yes, foreign goods.

Hon. Mr. FERGUSON—My hon. friend persists in applauding before he hears the whole thing out.

Hon. Mr. MILLS—I have read it.

Hon. Mr. FERGUSON—It goes on :

Except that this is an essential condition of the proposal that Great Britain shall consent to replace moderate duties upon certain articles which are of large production in the colonies. Now, if I have rightly understood it, these articles would comprise corn, meat, wool and

sugar, and perhaps other articles of enormous consumption in this country which are at present largely produced in the colonies, and which might be under such an arrangement wholly produced in the colonies and wholly produced by British labour. On the other hand, as I have said, the colonies, while maintaining their duties upon foreign imports would agree to a free interchange of commodities with the rest of the empire, and would cease to place protective duties upon any product of British labour. That is the principle of the German zollverein : that is the principle which underlies the federation of the United States of America, and I do not doubt for a moment that if it were adopted it would be the strongest bond of union between the British race throughout the world.

I have read straight along the whole speech, and hon. gentlemen will see how entirely my hon. friend divorces the short extract he read from the context, and endeavoured to create an impression in the House entirely different from what it was calculated to create. My statement was, when I addressed the committee before, that Mr. Chamberlain had indicated that he was favourable to a commercial zollverein or union of the empire commercially by which there would be duties which would help the trade of the empire as against the trade of foreign countries. Hon. gentlemen who read this document will find that he most clearly indicated that he was in favour of that principle, and notwithstanding that declaration and a similar speech that he made before the Canada Club, in 1896, notwithstanding he had himself before the elections declared that the Liberal party returned as they would be on the 23rd of June would send a commission to England to arrange for a preferential trade which he explained in London, a short time before, would be a preference for our produce. Notwithstanding all this the Premier of this country went to England and there declared they were giving this preference from love and affection and did not wish for anything in return, and he pointed out to the English people that it would not be in their interests to do it, that they had this grand free trade principle to maintain, and it was worth maintaining. That was his point, that England should not disturb this great free trade principle for the sake of giving an advantage to the colonies.

Hon. Mr. MILLS—Hon. gentleman are quite familiar with the views which my hon. friend opposite has expressed, because he has expressed them very frequently in this House. He has discussed this question on several occasions ; he has read those extracts on several occasions, and I am sure the House and those who have read the speech of the hon. gentleman will be familiar both with the hon. gentleman's own sentiments and with those expressed in the document from which he has quoted. Now, my hon. friend would lead the country to suppose that the views which he has just now expressed, and which are contained in the third proposition of Mr. Chamberlain are those which he himself and others with whom he is associated have hitherto advocated. I beg to say that there is no foundation whatever for that view. The Conservative party in the House of Commons have over and over again pressed their views as to what ought to be the commercial policy of the empire and while they have said that Canada ought to make concessions in their case it has been said those concessions ought to be made on condition that there ought not to be a one-sided arrangement such as we have made by this preferential resolution that the British government ought to give a quid pro quo for the concessions that Canada makes while imposing a lower tariff on the products of British industry than they impose on the products of foreign countries. The hon. gentleman reads this extract from Mr. Chamberlain. I ask the attention of the House to that third proposal. Mr. Chamberlain, in the first place, points out the English view—the view adopted by both parties there, that has prevailed in their legislation and in their commercial policy for a period of half a century, and that is the principle of free trade—no taxation on commerce. He also refers to the Canadian view, the second proposition. Now, that second proposition is the one which the hon. gentleman has hitherto advocated—the view which the government of which he was a member pressed on the attention of the Imperial authorities, and to which the Imperial authorities refused to give any attention. The third proposition is a proposition for a zollverein—some sort of a commercial union between the mother country and the various dependencies, in which the principle of free trade shall be practically established between the mother country and all the dependencies in the same way as there is free trade between the different states of the American union.

That is what he says: free trade as it exists in Canada between the different provinces. We have no power here to impose a tax as between provinces. Our policy is interprovincial free trade, and Mr. Chamberlain's proposition is that there shall be inter-Imperial free trade between the United Kingdom and all portions of the empire. Does the hon. gentleman favour that? Has he ever advocated that? Is he prepared to say that English goods shall come free into the Canadian market on condition that Canadian goods get free into the English market? When did the Conservative party adopt that view? It is perfectly clear the hon. gentleman opposite is, unintentionally no doubt, but is in fact, misleading the House and would mislead the country by his remarks as he has this day made them. It is perfectly plain, from the statement of Mr. Chamberlain, that his motion is that a compromise would be to establish free trade between all parts of the empire and to leave each section to tax the products of foreign countries as it might see proper. That is Mr. Chamberlain's proposition. Is that a proposition which the hon. gentleman is prepared to support? Is that a proposition which he says Sir Wilfrid Laurier is to blame for not having accepted, and for not having encouraged? Now, that is the hon. gentleman's statement here to-day, but if hon. gentlemen will look at the discussion which took place on this question in the House of Commons they will find sentiments very different from that expressed, and that the Conservative leaders in the House, and their supporters have committed themselves to a very different proposition. It is a proposition in favour of the doctrine of protection. They say we will give you an advantage in our market. We will make the tariff lower in our market if you will consent to impose a tax on the products of foreign countries going into the United Kingdom. That is the proposition which they made, and which is a wholly different proposition to the one which has been submitted by Mr. Chamberlain. The hon. gentleman says that they are as much entitled to credit for the repeal of the most favoured nation clause which existed in the treaties with Germany and with Belgium as the present government. Let us look at the facts. The hon. gentlemen, when they were in office, undertook to secure the repeal of those treaties and failed. When we came into power, we sought their repeal and succeeded. There is this difference between the hon. gentlemen opposite and ourselves, that we succeeded and they failed, yet the hon. gentleman says, with regard to this matter we stand upon a footing of equality. So far as intention is concerned that may be, but the hon. gentlemen opposite attached conditions which the Imperial government were not prepared to accept or to consider. They talked of giving to the British government, or people, certain advantages in our market if we would get certain advantages in theirs. The British government saw nothing any more than the British people did in the policy adopted by the Canadian government in 1879, and which was adhered to down to 1896. They saw nothing favourable or friendly to the mother country. There was nothing favourable to the industries of the mother country, and so the commercial men and the manufacturing classes of England took no interest whatever in Canada or in the government of Canada, because that government legislated, in their opinion, on narrow and selfish lines against the interests of the mother country, and in no way placed the people of Great Britain in a more favourable position than those of foreign countries. The hon. gentleman referred to Mr. Chamberlain's view and gave a vague representation of Mr. Chamberlain being in favour of a commercial arrangement that would give us an advantage in the Imperial markets. We see what Mr. Chamberlain's view is. The utmost he would go in meeting the requirements of the case are stated in his third proposition. Now, that third proposition is that if you will agree to a zollverein, and agree to admit English products into your markets free from duty, we will admit the products of your provinces into the English market in like manner free from duty, and that freedom of the English market we already have. They said, further, we give you liberty to impose such taxes as you please on foreign goods, and you may do as you please in that matter. What was the Imperial government going to do? Just as they pleased in the matter, and that was to continue the system that already exists. They did not say 'We are going to tax foreign products because you are going to tax

them, but we leave you free in that matter to do just as you please, and cannot impose conditions differing from what you impose on yourselves.' That is the position Mr. Chamberlain takes, and that position is as wide as possible from the position taken by the hon. gentleman or any one with whom he is in political association. The hon. gentleman has referred to the views of Lord Rosebery. Lord Rosebery has said nothing in favour of the views of the hon. gentleman. He may have been in favour of a commercial zollverein. Lord Rosebery talked at one time of Imperial federation on lines that Sir John Macdonald opposed, and in that matter I think the views of Sir John Macdonald more nearly correspond with those of all parties in this country than did the views that Lord Rosebery expressed some time ago. The hon. gentleman says this preferential trade offers to the English people no advantage, until the preference passed the 12½ per cent. What does he say ? On some goods you increased the duty by 5 per cent and on some by 10 per cent before you made the reduction. Now, our first reduction was 12½ per cent of 30 or 35 per cent, and so the hon. gentleman makes a rather strange statement when he says our reduction of that 12½ per cent did not count for anything, because we had increased the tariff previously by 5 per cent. In that case it would count for 4½ per cent, and in the case where there was an increase of 10 per cent there would be an advantage of 2½ per cent, and when you have a reduction of 25 per cent, which was one-fourth, as you had at the end of the first year, there certainly was a marked difference, and as my hon. friend has shown, there was a marked increase in the trade between Canada and Great Britain. When you have 33⅓ per cent reduction, is it not obvious that British products will have an advantage in the Canadian market that they would not have had if the tariff had remained at the same figure as the tariff upon the products of foreign countries ? Every hon. gentleman will see that is so, and in taking the tax off these products, in admitting British goods at lower rates, is it not clear that the people of Canada are the parties that derive the largest advantage from that arrangement, for they are the parties who purchase the goods, and the very object of increasing the tax would be to increase the price by the amount of the difference in the taxes to those who are the consumers of those goods. The hon. gentleman speaks about Sir Wilfrid Laurier not having pressed this matter. Did the hon. gentleman expect we were going to delay the adoption of the principle of preference until we could convert a majority of the people of England to the view in favour of a commercial zollverein. Is that what he desired ? Does he think that would be wise ? Does not every hon. gentleman in this House know that when we adopted the principle of preference we were obtaining a footing amongst the people of England—amongst the statesmen of England that we never had before, and if we want to take a further step in favour of a commercial union between the mother country and the different colonies, we are in an infinitely stronger position than if the preference had never been given. British statesmen are ready to listen to us. We have adopted a friendly policy towards them. In our relations with the West India Islands we have endeavoured to further their policy in those islands.

Hon. Mr. DeBOUCHERVILLE—I understand it might have been the policy of the government to diminish the duties against England, but where was the necessity or advantage of telling them we would not accept anything else ?

Hon. Mr. MILLS—We are not making it a condition, and I think we were right in not making it a condition.

Hon. Mr. DeBOUCHERVILLE—That is not what I said. What was the necessity or advantage in saying that we would give them that and that we did not want anything in return ?

Hon. Mr. MILLS—I can say to my hon. friend that I consider it a very great advantage that the Prime Minister of this country obtained a hearing, and what he said was listened to with attention and favour in a manner that it never would have been if such a statement had not been made.

Hon. Mr. FERGUSON—Most speaking would be listened to well, when the speaker is not wanting anything.

Hon. Mr. MILLS—The hon. gentleman showed by wanting too much how very little he got, and how far he was from hav-

ing success. What did Lord Salisbury say to those gentlemen who were pressing upon him the propriety of this system of taxation in favour of the colonies ? Why, he said, no government could live and agree to such a proposition. He pooh poohed the whole thing, and out of a House of 658 there were only two who advocated it, and those two were all the members, among those whom England returned to the House of Commons, in favour of that particular contention. My hon. friend has spoken of another thing. It is altogether irrelevant to this discussion, but I think it is one, that after having been mentioned—I am not saying how prudent it was to bring it forward—it is my duty to say a word or two in regard to it, and that is a preferential tax, an Imperial tax imposed on all portions of the empire for the purpose of supporting an Imperial army and navy. The hon. gentleman has committed himself to that proposition.

Hon. Sir MACKENZIE BOWELL—No, he did not say so.

Hon. Mr. FERGUSON—No, that was not the proposition at all.

Hon. Mr. MILLS—He stated that, and he was pressing it upon our attention as an evidence that the Imperial government were prepared, or people in the United Kingdom, to go further and adopt that view.

Hon. Sir MACKENZIE BOWELL—I did not so understand it.

Hon. Mr. FERGUSON—My hon. friend is entirely wrong. I was reading and enlarging upon the Ottawa and Montreal resolutions which suggest a small uniform duty, those of the local tariffs, where any such are levied, on the importations from foreign countries—that each of the colonies should impose a uniform tariff, not an Imperial tax, but a tariff imposed by themselves.

Hon. Mr. MILLS—Is it for a general Imperial purpose ? If the hon. gentleman referred to those resolutions, he referred to them for some purpose. Was it for the purpose of commending or condemning them ? I will wait to hear him say for which purpose he referred to them.

Hon. Mr. FERGUSON—I referred to them to show that there was a growing feeling in favour of imposing duties on all the members of the empire, of a preferential character, for the purpose of defence.

Hon. Mr. MILLS—And so it comes back to my statement after all, and it is clear I did not misunderstand or misrepresent the hon. gentleman. Now, there was a time when there was war between Great Britain and France on this continent, and the fortunes of war went in favour of Great Britain, and there was a strong tie of union, in consequence of common hardships and sufferings, between the mother country and the colonies, and a number of men who lived in the mother country at that time held views very much like those put forward in those two resolutions which seem to be so wise and statesmanlike in the mind of my hon. friend. What was the result ? The Imperial government thought it was a very reasonable and proper thing to do, but the result was the war with thirteen colonies. It lasted for seven years and ended in a disruption of the empire. That was the result. The people of the various portions of this empire have, without hesitation and with a feeling of loyalty and devotion to the empire, contributed to its defence. They have brought their own men and means. The Imperial government did not find anything wanting, so far as the patriotic feeling of this country was concerned, in that matter, nor so far as the other colonies are concerned, and each colony in undertaking to make provision for its own defences, showed that each colony will be ready to spend a very considerable sum in what is required for reasonable defence, that would not be ready to place the same amount at the disposal of some central body to be expended on their own behalf or perhaps elsewhere, and in each section undertaking to make provisions for itself and to provide for its own defence, and in coming voluntarily forward without any force or any coercive measure for the purpose of supporting an empire which commends itself to their judgment, it seems to me they are on the right track and are doing that which is best and are pursuing a course more statesmanlike and more consistent with the growth of the English constitutional system than by undertaking theoretically to devise some scheme to tie the hands of every portion of the empire in order to perform a duty which their patriotism, under

all circumstances, would lead them without any such arrangement to perform. The hon. gentleman has spoken with regard to the repeal of those commercial treaties with Belgium and Germany, and spoken tauntingly of the Minister of Marine and Fisheries and the views which he expressed in the House of Commons. What is the sound constitutional doctrine in this matter? I am not going into an elaborate discussion of it simply because the hon. gentleman has dragged it into this discussion, but I will say that there are a number of unsettled questions under our constitution and one of them is how far the sanction of parliament is necessary to give validity to the Acts of the Crown in respect of treaties. There are some treaties which it is held are binding without the sanction of parliament, and some treaties require the sanction of parliament.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of England now.

Hon. Mr. MILLS—Yes. In the case of the cession of territory it was held in 1890, when England gave up her claims on Zanzibar to Germany, and when she surrendered the island of Heligoland to Germany, that she asked the sanction of parliament and her statesmen were divided. It was an unsettled question but it is settled now, and it is clear, that the Crown cannot finally make a cession of territory without the sanction of parliament. Then it was thought at one time that the Crown could make a treaty for the surrender of fugitives from justice without the sanction of parliament, and that remained undecided until the Creole question came up, and in the discussion of that case every law lord held that the Crown could not, even after making a treaty with a foreign country, surrender fugitives from justice unless that treaty was ratified by parliament. Let me take another case. The Crown makes a treaty with a foreign country in respect to trade and commerce. That treaty is unquestionably, under ordinary circumstances, binding according to the practice that hitherto prevailed, in the United Kingdom at all events, without the sanction of parliament. Why? Because parliament is itself the master of the men who made the treaty, and they are not likely to make a treaty unless they know beforehand that it will not be condemned by their supporters in parliament. That is their position. But take the case of a colony. We are a self-governing colony, and that government that owes its existence to a majority in the Imperial parliament is supported by the legislature and is adopting a policy with regard to treaty regulations in conformity with the wishes of that legislature. Supposing it undertakes to embrace the colonies, as Lord Palmerston did in the treaty with Germany or the treaty with Belgium: and it makes that treaty binding the colonies. Supposing that treaty were one which says that you shall not impose a duty upon certain products of Germany, or that you shall not impose a duty on certain products of Belgium. According to the one view, because the Crown has made that treaty and it is binding upon the United Kingdom, it would also bind the colonies. If we follow out the doctrine of our constitution to its legitimate conclusion, we have this doctrine; that so far as a treaty relates to external matters, the Crown may, by that treaty, bind all the empire, but when you turn inward towards the colony itself, or the United Kingdom itself, and undertake to deal with a matter which limits its legislative authority, restrains the one or other from acting as freely as it would have acted if no treaty existed, I take it the sound constitutional doctrine would necessitate the sanction of that by the parliament of the country that is to be so bound. That, I understand, was the position taken by the Canadian government on that question of the repeal of those two treaties.

Hon. Mr. FERGUSON—But that view was not sustained by the law lords.

Hon. Mr. MILLS—It was not decided in any court of justice. It was considered by the Attorney General and he took a view against it. It was perfectly natural for people residing in the United Kingdom, or for the Attorney General, to say what every other member of parliament had said: 'If we did not approve of the treaty we would have turned out the government.' But hon. gentlemen will see that if we did not approve of the treaty we had no power to turn out the government. We are in a different position from them, and therefore I take it that it was very much like the question raised on the copyright law—it was of the utmost consequence to us that when they

reserved the power to limit by treaty the power of a self-governing colony and restraining it from legislating on a question it had power to legislate upon under its constitution, then it was doing, what was, at all events, contrary to the conventions of the constitution if not contrary to the law.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. minister to lay down the doctrine that the treaties that were entered into between Great Britain, Germany and Belgium by which they bound the colonies—that they had no right or power to do that without our sanction ?

Hon. Mr. MILLS—By which they claim to bind the colonies.

Hon. Sir MACKENZIE BOWELL—If I understand the hon. gentleman it was not done, and if done they had no power to do it.

Hon. Mr. MILLS—I say that that is one of the unsettled questions of our constitutional law.

Hon. Sir MACKENZIE BOWELL—It was never decided.

Hon. Mr. MILLS—The Imperial government will decide, of course, in favour of their own contention. They will not restrain their power further than they can help.

Hon. Sir MACKENZIE BOWELL—That was the argument of the hon. Minister of Marine and Fisheries when he went before the legal authorities in England, and they just sat on him.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Yes, they did.

Hon. Mr. MILLS—They dissented from him. I will say that there are some men who have denied that the three angles of a triangle are equal to two right angles. I do not think that that denial will amount to much, and when you follow up the principles of our constitution you will see that unless you are prepared to say that all your powers exist by suffrance and that the Crown can by treaty wipe out your constitution altogether, then it is neither our interest nor consistent with our constitutional rights to maintain that a treaty of that sort can be made to bind us without our having any opportunity of saying a word upon the subject.

Hon. Mr. FERGUSON—I am surprised the hon. minister should have raised that question now.

Hon. Mr. MILLS—It is the hon. gentleman from Marshfield who has raised it.

Hon. Mr. FERGUSON—But the hon. gentleman contending that Canada could legislate in tariff matters in the face of the Belgian and German treaties, notwithstanding the fact that that contention was put forward by the hon. Minister of Marine and Fisheries and, I suppose, by the government of which he was a member, in 1897 ; and the British authorities decided against him and his government were compelled to refund to the traders with Germany and Belgium the difference in the duties paid by them. They were compelled to accede to the view, give up their own opinion altogether and accept the view of the British government on the subject, and actually to refund the duties. That was done in 1897, and in the face of that my hon. friend comes here to inflict on the Senate this fine long-spun argument on the subject, that the Canadian government were right after all, notwithstanding the Crown law officers of England decided against them.

Hon. Mr. MILLS—So they were.

Hon. Mr. FERGUSON—My object in rising was to point out again to the committee that Mr. Chamberlain's proposition in 1897 was not a proposition such as was not acceptable to Canadian protectionists or reasonable people in Canada or in any other part of the empire. My hon. friend and the hon. gentleman sitting alongside him tried to insist that we stood in the position of those who had taken an extreme ground such as the British tax-payer could never possibly meet. The true position of reasonable Conservatives in Canada, at all events, is to be be found in the proposition that Mr. Chamberlain indicated to be his own, wherein he said :

> That resolution I understand to be one for the creation of a British zolleverin which would establish at once practically free trade throughout the British Empire, but would leave the contracting parties free to make their own arrangements with regard to duties upon foreign duties; except that this is an essential condition of the proposal that Great Britain shall consent to replace moderate duties upon certain articles which are of large production in the colonies. Now, if I have rightly understood it, these articles would comprise corn, meat, wool

and sugar, and perhaps other articles of enormous consumption in this country.

These were articles that would be a very essential part of the transaction, that the British government would put duties on foreign productions of these kinds, and that the consumer should pay.

Hon. Mr. MILLS—Quite so.

Hon. Mr. FERGUSON—On the other hand, the colonies, while maintaining their duties on foreign products, would agree to have free interchange of commodities with the rest of the empire, and would cease to place protective duties on any product of British labour. That is exactly our position. We are quite satisfied to relax protective duties as against Great Britain. We are quite willing you should give a preference to the empire. We were willing you should give 2½ per cent and afterwards we were willing you should give 25 per cent, and now we are willing you should give 33⅓ per cent.

Hon. Mr. MILLS—But Mr. Chamberlain's contention is that there should be no tax on British goods coming into the colonies.

Hon. Mr. FERGUSON—I am reading Mr. Chamberlain's words, and surely Mr. Chamberlain is as good an authority with regard to his own opinions as the hon. Minister of Justice. He says:

On the other hand, as I have said, the colonies, while maintaining their duties upon foreign imports, would agree to a free interchange of commodities with the rest of the empire.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—He spoke before about practical free trade—not absolute free trade.

Hon. Mr. MILLS—My hon. friend will see that Chamberlain says that goods from the empire coming into the colonies are to be free.

Hon. Mr. FERGUSON—Not at all.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—I have the words before me, and the hon. minister cannot possibly pervert them. I will go back and read again so that there can be no misconception. He said:

That resolution I understand to be one for the creation of a British zollverein, or customs union, which would establish at once practically free trade.

Not absolute free trade. Then he goes on to say:

On the other hand, as I have said, the colonies, while maintaining their duties upon foreign imports, would agree to a free exchange of commodities with the rest of the empire.

The word 'practically' governs it all and shows what it meant. The extract continues:

And would cease to place protective duties upon any product of British labour.

Nothing of the kind is indicated in this that he meant that we should give British goods absolutely free admission, but that we should cease to impose protective duties upon them.

Hon. Mr. MILLS—That is not it.

Hon. Mr. FERGUSON—And we all agreed to give this preference. We agreed to the 12½ per cent preference and to the 25 per cent and now we come to the 33⅓ per cent and that reduces the old 25 per cent to 16 per cent, which is fairly a revenue tariff and I believe would entirely conform to what Mr. Chamberlain's requirements were. That is our proposition, and there is nothing unreasonable in it, but in the face of that proposition, notwithstanding the Premier declared that his party were going to adopt a revenue tariff, not for England alone, but for the whole world, and then they were going to send a commission and were going to get a preferential tariff on that basis, he went to England and said: 'We do not want you to disturb free trade for the sake of increasing trade with us. We are giving you this out of pure love.'

Hon. Sir MACKENZIE BOWELL—I have been much interested in the discussion, but I do not intened to prolong it. I desire to set my hon. friend the Secretary of State right in regard to the figures he gave to the Senate. It is an unfortunate thing that when he touches figures he places them before his hearers in such a manner as to leave a wrong impression, but I will not say that he muddles them. The hon. gentleman commenced his speech by pointing out the advantage which had accrued to the Canadian consumer by the adoption of the preferential tariff, and in order to sustain his position he tells us how much the trade with England has increased with Canada. In reply to the hon. gentleman on my right, (Hon. Mr. Ferguson)

as to how the preferential tariff had affected the trade of the United States, he replied that has nothing to do with it. What we were discussing, or what the hon. gentleman to my right endeavoured to impress upon the House was, that while there was a preferential clause, that preference and the readjustment of the tariff was such as to give a greater volume of trade to the United States than it did to England, the country that they professed to be so much interested in, and from which they expected to derive so much benefit. What are really the facts in connection with it ? The hon. gentleman was not very logical, because in less than five minutes his statements were as contradictory as they possibly could be. He first said, we put certain articles upon the free list, which accounted for the large importations from the United States. Then in reply to the question : 'What articles have you placed on the free list, he said they reduced the tariff on iron and the products of iron,' but previous to that he told the House that the United States had advanced so in science, and had such facilities for producing iron that they could produce it cheaper than any other country, and that was the reasons why the importations were greater. Of course, that is precisely the contention that we make, that the government so rearranged and so readjusted the tariff, that they favoured the United States at the expense of England. That is precisely the position we took, and that is just what the hon. gentleman admitted, although it was an unintentional admission. What are the facts ? The hon. gentleman has done precisely what I charged him with doing.

Hon. Mr. SCOTT—Where are the figures I misquoted ?

Hon. Sir MACKENZIE BOWELL—I did not accuse the hon. gentleman of misquoting. I said he gave figures which left a false impression on the mind of his hearers who knew nothing of the subject, and then I said, that in answer to the question put by the hon. gentleman from Marshfield. with reference to the trade with the United States, that the hon. Secretary of State said it had nothing to do with it and at the same time arguing that the preferential trade was a great boon, not only to this country but to the manufacturers in England. What my hon. friend intended to imply, and what he did say, was that the preferential tariff which had been placed upon the statute-book is more favourable to the United States than it is to England owing to the rearrangement of the tariff. Now let us look at it. I am going to read from the hon. gentleman's blue-book published this year under the authority of the government and a report made by the Minister of Customs, Mr. W. Paterson, which the hon. gentleman has in his hand, and if he has any doubt as to the accuracy of my reading he can look at it and verify it himself. In 1896, the aggregate trade with Great Britain was $99,670,030, and with the United States $103,022,434. Last year the aggregate trade with England was $136,151,987, and with the United States $138,140,687. The increase of the aggregate trade with England in these periods was about $37,000,000 and with the United States, $35,000,000. That shows, in the aggregate trade, about $2,000,000 in favour of England, but hon. gentlemen will see in a few moments how that arises. The figures will show that while England has been the great market for the products of Canada, we have imported from the United States a larger amount for home consumption in this country than we have from Great Britain, ergo the tariff has been in favour of the republic against which we pretended to legislate, rather than in favour of England, in favour of which it is contented we did legislate. If hon. gentlemen will turn to the next page they will find the value of exports by countries as follows : I am leaving out the hundreds in the figures I give. In 1896, England furnished a market for the output of Canada of $66,690,000 ; in 1899, the latest figures we have, our exports ran up to $99,091,000, being an increase of about $33,000,000 in these three years to England. Turn to the United States and we find that in 1896, our exports to the United States amounted to forty-four and a half million, and last year, 1899, it was only $45,133,000, an increase in these three years of exports to the United States, or, in other words, the United States furnished us an increased market of $1,300,000 in three years, while England furnished us a market for an increase of about $33,000,000. There is where the increase in the aggregate trade with England over that of the United States is shown. Now, take the next table, No. 5,

the value of goods entered for consumption from these two countries, and that is a point that the Secretary of State tried to impress upon the House as showing the great advantage that had accrued to the manufacturers and trade of England by the adoption of a preferential tariff. In 1896, we imported from Great Britain and entered for consumption goods to the value of $32,979,000. We imported from the United States that same year, and entered for home consumption, $58,594,000. Under the preferential tariff of 1899, we imported from Great Britain $37,000,000, being an increase of $6,000,000 over the importations we entered for home consumption previous to the adoption of preferential trade; but we imported from the United States $93,000,000 worth of goods, being an increase of about $33,000,000, so that the increase of trade with the United States for home consumption, that which was to add so much to the good of the consumers of Canada, and which was to be of such great advantage to the manufacturers of England, was about $6,000,000, while the increased importations for home consumption from the United States amounted to about $33,000,000.

Hon. Mr. MILLS—How much of that is railway supplies ?

Hon. Sir MACKENZIE BOWELL—I am not going to discuss the particulars. If the hon. gentleman wants me to enter into the minutia of what composes this amount, I should have to analyse this whole book, which I do not propose to do at this moment. Although we have a small audience it is a select one, and I take it for granted that most of them, except the hon. Secretary of State, understand precisely what I am saying. The facts are as I have given them, and the facts are as they appear in the return the government have submitted, that the trade of this country under the preferential tariff has been more advantageous to the United States than it has been to Great Britain. It is folly—I will not use any stronger language—for the Secretary of State and gentlemen occupying his position to make the statements he has made, while his own returns and his own figures show the correctness of what I have stated, that is, that the preferential tariff has been more advantageous to the United States than it has been to Great Britain, and for the reasons the hon. gentleman himself pointed out. He gave the answer himself. He said they put certain articles on the free list. Those articles come from the United States, otherwise the volume of trade would not be so large. He says they reduced the duties on iron, and in doing that made it cheaper for the consumer. Immediately afterwards he said the United States had advanced in the production of iron to such an extent that they could compete with the rest of the world, hence the larger duty which was imposed on the iron itself was not sufficient to keep it out of the country in competition with the product of England. The thing is so plain that any one who will take the trouble to look at it will see, not only the fallacy, but—I was going to say dishonesty, only that would not be parliamentary—the unfairness of the manner in which the hon. gentleman places these figures before the House. All that has been said and argued about Mr. Chamberlain's utterances and Sir Wilfrid Laurier's utterances, to my mind, is in a nutshell. What we complained of, and what we complain of now is, that the advanced opinion of British statesmen and the advancing opinions of British statesmen, and the feeling that exists of cultivating the unity of the whole empire, is growing so rapidly that the time would come—I do not pretend to say it is at this particular moment—when we would be able to obtain that which we on this side of the House contend we should have in our trade with England. All we have to do is to look back a few years. I remember the time when Britain refused to allow Canada to enter into reciprocal relations with the United States, or to give a preference to any country, even to themselves, and there was a time when they refused to allow Canada to enter into any treaty arrangements of any kind by which there would be a differential duty against themselves. I have under my hand an extract to that effect uttered in 1891, by Lord Salisbury. But they are advancing. There was a time, also, when England used to make treaties to which the hon. gentleman referred, without reference to the colonies at all, and the treaties with Germany and Belgium, by which they bound the colonies to give concessions to those two countries under the favoured nations clause, that we would give to England. But Eng-

land to-day, and for some years past in fact, advancing as they are towards giving the fullest liberty to the colonies, never thought for years past to ask the colonies to become parties to any treaty without first having obtained their consent. That system was brought into full force and operation while I was a member of Sir John Macdonald's government. Whenever Britain made a treaty, even with the smallest countries, no matter in what part of the world, they would send it first to Canada, and Canada was asked whether she was willing to become a party to that treaty, and twelve months was given to Canada to say yes or no. If we did not pass an order in council declining to become a party to that treaty, then by our silence we became a party to it. That has been carried out, as my hon. friend knows for a number of years, and so the principle and powers of self-government have been growing and growing year after year, and there is no question in my mind that during the jubilee, when the whole feeling of England was centred upon uniting the empire in one confederacy, that had not the Premier of this country, backed by the Premier of New South Wales, who is an out and out free trader, a regular Cobdenite, and who has carried out his principles in New South Wales, joined together, and unsolicited (that is what we complain of) and unnecessarily made the declaration to which we have referred, something might have been accomplished. The moment Sir Wilfrid Laurier landed in England, after the speeches he had made in Canada declaring preferential trade was what we ought to have—that he was equally in favour of it with Sir Charles Tupper, and that when his party came into power they would take steps to ask for and obtain it if possible—the very moment he landed in Liverpool, at a reception which was given to the Premiers of the provinces, he made the unsolicited declaration of which my hon. friend from Prince Edward Island has spoken, that Canada did not want anything in return for the preference we had given. The preferential tariff was then in force, but my hon. friend must know that that tariff, when placed on the statute-book, was not a preference in favour of England exclusively. He knows that the terms of the tariff were that any country which would reduce its tariff and place it on an equality with the Canadian tariff, should have the same advantages as Britain. We pointed out to him that under the German and Belgian treaties, whatever their policy might be they could not carry it out in practice, and we were laughed at, though they had in their possession Lord Ripon's despatch, a document covering eighteen pages, printed by the Imperial authorities, declaring that under no consideration could Canada give a preference to England herself without giving it to Germany and Belgium, and every other country with which Britain had a treaty containing the favoured nations clause. I heard the debate in the House of Commons and paid particular attention to it. I heard it here also, and I will say this for the Minister of Justice at that time, Sir Oliver Mowat, that when we discussed the question here, you may search the records of the Debates from one end to the other and you will not find Sir Oliver Mowat committed himself to the principle, or acknowledged the correctness of the arguments which had been advanced in the lower House by the Premier and the then Mr. Davies, Minister of Marine and Fisheries. What he said, in reply to me, when I quoted from this document and pointed out to him the absurdity of the pretensions they were making, was, 'our government contends the other way.' That was the most you could get out of Sir Oliver Mowat. He is known to be a wily politician, and he did not commit himself, and I do not think my hon. friend would have committed himself, had he been here, under the circumstances.

Hon. Mr. MILLS—I was here.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman reminds me he was here. That is quite true. It brings back to my mind the fact that he never dissented from the doctrine we laid down, that under the treaties, and with the despatch before us, Great Britain would not allow us to carry out that policy until those treaties were abrogated. The evidence of that is contained in the facts mentioned by the hon. gentleman who has just spoken—that is, when the question was submitted to the Attorney General or the law lords,—my impression is it was to the law lords of the Privy Council.

Hon. Mr. MILLS—No, the question was argued before the Attorney General, Mr. Webster.

Hon. Sir MACKENZIE BOWELL—I dare say the hon. gentleman is right. It was argued before him, and when Mr. Davies, Minister of Marine and Fisheries, wanted to address the court he was told very plainly and distinctly it was not necessary to do so. However, through courtesy, he was permitted, and the result was they heard him talk, but paid no more attention to his argument than they would to the whistling of somebody outside, as every one reading these despatches would see.

Hon. Mr. SCOTT—He succeded, at all events.

Hon. Sir MACKENZIE BOWELL—It must be amusing to any one who knows anything of the affairs of the country to hear the hon. gentleman say: 'We succeeded at all events.' It resulted in the abrogation of those treaties at a period in our history during which the British mind was turned almost entirely to the colonies, and there was an almost unanimous feeling throughout the empire that there should be greater unity. Year after year we made the protest against the treaties, and if I would not be accused of egotism, I have no hesitation in saying that my visit to Australia—I am saying this on the authority of the Premier of South Australia, when he passed through here at the time of the Queen's Jubilee,—that the result of the visit which was made by a Canadian commissioner to Australia, the meeting of the Colonial Conference in Ottawa in which this whole question was discussed, and in which resolutions were passed asking for the abrogation of these treaties arose, the calling together of the Premiers of the whole empire in London, all led to the denunciation of these treaties. Now, that feeling has grown from time to time. There was a time where a Britsh statesman would not think for a moment of advocating the abrogation of those treaties. Lord Ripon, as I have already pointed out, wrote that long despatch, and I would advise any hon. gentleman who has not read it, to study it carefully, in order to prove that the abrogation of those treaties would be detrimental to the trade of Great Britain and be of so little benefit to the colonies that they would never concede the point, and yet years rolled around, circumstances and events transpired which led the British mind in another direction, until it culminated in the Queen's Jubilee, and resulted in the abrogation of these treaties. I argue from that, that while England has been a free trade country for a number of years—while she has scouted the idea of returning to protection—while she has treated with a great deal of levity any suggestions of that kind of trade which we in Canada would like, the feeling was growing in favour of uniting the colonies with the empire, making them one, by cultivating preferential trade between ourselves—a consummation which would have been arrived at, at a much earlier period had not Sir Wilfrid Laurier taken the step he did when he landed in England. The idea is growing rapidly and becoming more firmly seated in the mind of every true Briton that the empire should be made as nearly as possible, one; and the best means of arriving at that is to make the connection pecuniarily as well as sentimentally advantageous to the whole. I firmly believe that, from circumstances which have taken place, and without arguing that question further. Another opportunity may present itself to show how utterly regardless some statesmen are of their pledges and statements. We have the declaration of the Premier that he would never stop until he had free trade in this country as it is in England. We have his declaration that he would look after the interests of Canada, and would let Lord Salisbury look after the interests of England. That was when he was advocating commercial union and reciprocal trade with the United States. Love and affection for the mother country did not ooze out then as it does to-day. The government were forced to do things which led to what took place to the advantage of Canada, just as they were forced into consenting to raise the contingent to send to South Africa which has done so much to bind the mother country to this Dominion, and for which the hon. gentleman claimed credit a few minutes ago. There are many other points which, if time permitted, I should try in my feeble way to combat with the hon. gentleman, but enough has been said on this subject to show that our contention that Sir Wilfrid Laurier, as

Premier of this country, joining with Mr. Reid, the Premier of New South Wales, stepped out of their way to refuse that which they had never been asked to accept. It was time enough to refuse to accept a thing when the British government had offered it to them, and it was time enough to say 'we will give you concessions without any return' when the British government said 'we will not give you anything.' It was a foolish declaration on his part, uncalled for and unnecessary, and was certainly the result of being surrounded by the glamour of royalty and the greatness of the people in England with whom he came in contact. If he did not at that time lose his head, he lost his reason.

The clause was adopted.

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

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (167) 'An Act to amend the Copyright Act.'—(Hon. Mr. Scott.)

CHINESE IMMIGRATION RESTRICTION BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (180) 'An Act respecting and restricting Chinese immigration,' as amended.

Hon. Sir MACKENZIE BOWELL—I want to know if it is the intention of the government to appoint a commission, and when the hon. gentleman became converted on this subject? I want to express the opinion that the appointment of a commission to investigate this Chinese question could only have been suggested for the purpose of leading the people of British Columbia to believe that some good was to result from it in the way of further restriction of Chinese immigration into that part of the country. There is nothing that that commission can find out and report to the government, or lay before the people of Canada, that they do not already know about the Chinese, their habits, their morals, their numbers and everything connected with them, and the commission which was issued by the late government, before we were fully acquainted with this question, is of such a character as to give all the information that they can possibly obtain under any circumstances. The census is to be taken this next year. There is a large amount in the estimates for that purpose. What is really required, and what may be necessary in dealing with this question further, is to ascertain the number of Chinese and Japanese in the country, to give those who desire to deal with the question knowledge as to whether that class of people are in sufficient numbers in Canada to be detrimental to the morals, or interfere with the labour of the people in this country. That is all that is necessary to be ascertained. The petition from the Chinese Board of Trade of Vancouver which has just been laid before parliament gives this information, of course, it is only in the petition—that there are only 17,000 Chinese in the whole country. The truth of that will be ascertained next year before we could possibly legislate any more on the subject. I do not hesitate to say it is simply a device to blind the people of British Columbia into the belief that something is to be done that will not be done, and it will be at the cost of a great many thousand dollars. Experience has taught me what these commissions cost. If I could see any possible good to result from the appointment of such a commission, if there is any information that could be obtained that we do not already possess in reference to the Mongolian race, both in this country and in the other colonies——

Hon. Mr. TEMPLEMAN—What information has this House as to the immigration of Japanese and Chinese into this country—as to the number that are in the country, and the possibility of the numbers coming to the country?

Hon. Sir MACKENZIE BOWELL—I have already answered that. We have no accurate knowledge, but there is a vote of $100,000 for the census to find out such facts. What do you want a special commission for? Why does the government wish to appoint a special commission to ascertain a fact which will be found by the census commissioners, which must be much more accurate than anything done by a commission? How is a commission going to find it out? The whole thing is a fraud upon the face of it.

Hon. Mr. TEMPLEMAN—If the hon. gentleman will permit me to interrupt again, I would submit that the information as to the number of Chinese in the country is the least important of the information that this commission will be supposed to collect. It is not a matter of much consequence to us whether there are 10,000 of 17,000 Chinese in the country. The numbers are there. It is the effect they have on the people of the country, on the social and industrial life of the country, and the interference with white labour. We want to obtain all the information possible, especially in reference to the Japanese and if hon. gentlemen will permit me——

Hon. Mr. PROWSE—I rise to a question of order. It is quite sufficient for the government to expect hon. members of this House to remain here for nothing, but I do not think they have a right to starve us. We have a rule that the Speaker should leave the Chair at six o'clock if the debate be not finished, and as this question seems to be the subject of unlimited debate, we should call it six o'clock.

Hon. Mr. MILLS—I am very anxious to have this Bill read the third time to-day.

Hon. Sir MACKENZIE BOWELL—I will say no more.

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

The Senate adjourned.

THE SENATE.

Ottawa, Friday, July 6, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

SUPPLY OF OIL FOR THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the Senate to the violation of the tender system by the Minister of Railways and Canals in awarding contracts for oil for the Intercolonial Railway in the month of September, 1896, to the Galena Oil Company, to the improvidence of the said contracts and their continuation up to the present time without any call for tenders; and also to the laxity of the said Minister of Railways and Canals in failing to enforce the guarantee contained in the said contracts. And will inquire if it is the intention of the government to continue buying oils from the Galena Oil Company, or any other vendor of oils, without competition.

He said: In proposing to say a few words on this notice, I may remark that hon. gentlemen will no doubt recollect that I have, during the last year, or over a year, at various times made efforts to obtain information on the subject of this notice. Speaking in another place, the Minister of Railways has made the remark that I am not possessed of very much information in regard to the matter. I may say that if such be the case, he would probably be entitled to some credit for it, for I have had no small amount of labour and difficulty in getting information. Before I complete the statement which I am going to make to the House, it will be for hon. gentlemen to consider whether I am in possession of information or otherwise. On the 2nd day of May, 1896, tenders were called, under the late government, by the railway management at Moncton, N.B., for the supply of oil for the Intercolonial Railway in the same manner as tenders had been called in previous years. The call for tenders was based upon elaborate specifications detailing the character of the oil required, and all other particulars in connection with it, and the tenders received were the result of very full and extensive advertising through the press of the country. There were received by the department at Moncton at that time tenders from the following companies engaged in the oil trade: 1. The Galena Oil Company. 2. J. R. Hutchins. 3. Eastern Oil Company. 4. A. Holden & Company. 5. Imperial Oil Company. 6. The Bushnell Company. 7. Samuel Rogers & Son. 8. John McGoldrick. The Galena Oil Company were alleged to be of Toronto Junction, Can., but were really located in the state of Pennsylvania. Altogether, eight different companies engaged in the oil trade entered into the competition, and they were required by the advertisements and specifications to furnish samples of the oil to be analysed to enable the department to award the tenders, as well in view of the price demanded as of the quality of oil that was offered.

The oils called for were cylinder oils for all seasons—engine oils for summer and engine oils for wniter, car oil for summer and car oil for winter; coach oil for summer and coach oil for winter; signal hand-lamp oil for all seasons; petroleum per specification A and petroleum per specification B ; spindle oil for heavy machinery and dynamo oil—altogether twelve descriptions of oil for which tenders were invited. Samples of these oils were sent to Professor Ruttan, of McGill University, reputed to be one of the best, if not the best chemist in Canada. Full and elaborate reports on all the samples so submitted to him were laid before the department before tenders were awarded, and in full view of these analyses, and the prices contained in these tenders, the Department of Railways and Canals at Moncton, some time during the early part of July, awarded contracts upon all these oils. They awarded contracts at that time, for we know that notices were issued to different parties, some of them on July 11, and others on July 18, awarding contracts to them on the basis of these specifications and tenders, and the analyses that had been obtained, as shown by the following statement:

Kind of Oil.	—	Name of Party to whom Contracts was Awarded by Department, July 11 and 18.	Prices on which Contracts were Awarded, July 11 and 18.	Prices in Tender of Galena Oil Co., accepted by Mr. Blair.
			Cts.	Cts.
1. Cylinder oil	All seasons	Imperial Oil Co	30	63
2. Engine oil	Summer	"	20	39
3. "	Winter	Eastern Oil Co	21½	39
4. Car oil	Summer	Imperial Oil Co	8½	27
5. "	Winter	"	9½	27
6. Coach oil	"	Eastern Oil Co	21¼	45
7. "	Summer	Imperial Oil Co	19	45
8. Signal hand lamp oil	..	"	37½	46 2/3
9. Petroleum, per Specification 'A'	..	"	20⅝	
10. " " " 'B'	..	Bushnell Co	22½	
11. Spindle oil for heavy machinery	..	J. R. Hutchins	22¼	
12. Dynamo oil	..	"	23¼	

A careful inspection of the prices and the analyses of these oils and the specifications will convince any person, who chooses to take up the matter and look into it for himself, that these contracts were awarded in a businesslike way, according to prices and the quality of the oils. About the time these notices had been given, the Hon. Mr. Blair became Minister of Railways, and then other notices were issued to these tenderers that contracts would not be made with them. A gentleman from Pennsylvania by the name of Lichtenhein, appeared in New Brunswick about this time. He first made acquaintance with the people of New Brunswick during the Sunbury and Queen's election. This may be only the merest coincidence; nevertheless, the fact remains that Mr. Lichtenhein made the acquaintance of the people of New Brunswick for the first time in the counties of Sunbury and Queen's, where Mr. Blair was running the election for the House of Commons on his acceptance of the position of Minister of Railways. However that may be, Litchtenhein was agent of the Galena Oil Company, and he appears in these transactions from beginning to end. How it happened that he appeared in New Brunswick just at that particular time we will not discuss for the present. The Minister of Railways, in the answer which he no doubt authorized my hon. friend to give to me across the floor of this House about twelve months ago, said an order in council had been issued after the change of government, authorizing him to call in the notices to the successful tenderers and to award the contract to other parties. I put a notice on the Order paper shortly after that asking for the production of that order in council, by which Mr. Blair was so authorized to cancel the original awards and enter into a new contract, and the return which I received, in answer to my motion for an address, is 'There is no such order in

council as above called for.' In the same statement which my hon. friend the Minister of Justice read to the House, and which he was no doubt authorized to read by the Minister of Railways, he said that a more favourable offer had been received from the Galena Oil Company, who were among the original tenderers, and that on the strength of that more favourable offer a new contract had been made with the Galena Oil Company. In my motion for papers I asked that this more favourable offer should be brought down, and in the return the note is 'there was no subsequent tender received from the Galena Oil Company, and no subsequent analyst's report.' Therefore, the matter stands entirely on the first offer made by the Galena Oil Company in May, 1896, and upon the report made on the samples submitted to Prof. Ruttan between May 27 and July 11, when the awards were made to the first named parties. On September 17, or a little over three weeks after the election of Mr. Blair to the House of Commons, a contract was made with the Galena Oil Company, through their agent, Mr. Lichtenhein, for the supply of oils for the Intercolonial Railway, including all the lubricating oils excepting two unimportant sections, dynamo and spindle oil. These contracts were made on prices enormously high as compared with the prices given in the contract that had already been awarded by the department early in July for these very same oils. The cylinder oil was awarded to the Galena Oil Company at 63 cents a gallon, instead of 30 cents a gallon, the price offered in the Imperal Oil Company's tender, an increase of over 100 per cent. I will read the report of Prof. Ruttan on the character of cylinder oils. He said, in speaking of the samples of cylinder oils :

The unusually large number of samples of excellent cylinder oils submitted this year makes the selection of the best a rather difficult task. There are certain oils, however, which may be excluded as being distinctly inferior to others, including the Galena Oil Works, Reference No. 2248, are decidedly inferior to the remaining oils. They are inferior in viscosity at the temperature at which they are used, and possess other undesirable properties; thus, the Bushnell and Hutchins oils contain considerable gritty sediment, which, of course, may be due to bad sampling. The Galena Oil Works (2248) submits a sample of mixed petroleum and fish oil, probably whale oil. This oil is sure to undergo a partial decomposition at high temperature, setting free fat acids, which in course of time will affect the cylinders in which they are used. I believe this to be true of all cylinder oils containing more than a minute portion of fat oils.

Here the report is that this sample submitted by the Galena Oil Company was along with one or two others out of a large number of offers, put aside as decidedly inferior. In the face of that fact, the contract is cancelled with the Imperial Oil Company, who had received a favourable recommendation from the analyst. The contract was cancelled with them at 30 cents a gallon, and given to the Galena Oil Company at 63 cents a gallon. With regard to this subject, in one of the answers which my hon. friend submitted to a question of mine, the Minister of Railways said the department was satisfied with the analyst's report on the Galena Oil Company's products, and yet in the face of that, we have this report by Prof. Ruttan that it was of such a character that is was sure to undergo decomposition at a high temperature, and that it could not be safely applied to axles for any length of time, and still the hon. Minister of Justice told us across the floor of the House, that the department was satisfied with that analysis. I will turn to engine oils (summer) and Prof. Ruttan reports as follows :—

The best oils among the ten samples submitted are the Bushnell Co. No. 2, Imperial Oil Co. No. 10, J. R. Hutchins (B), and A. Holden & Co., samples.

The Galena Oil Works submit No. 2272, which consists of a mixture of mineral oil, lead soap (or lead plaster) and fish oil, probably whale oil. It is difficult to predict exactly how such a mixture would work in actual practice. It possesses, however, an objectionable property of separating into a heavy sediment of sticky lead plaster and a light plaster and a light mixture of mineral oil and fish oil above, hence unless the container of the oil were well stirred in supplying cans the lubricator used would not be uniform. It is decidedly low in viscosity, as well as in fire test. I do not think this would be a safe oil to use unless by those experienced in its use.

The contract was originally given by the department, at 20 cents a gallon, to the Imperial Oil Company. That was cancelled and the contract awarded to the Galena Oil Company at 39 cents—nearly a hundred per cent higher. We will turn now to engine oil for winter use. The analyst reported as follows :

On the whole, the best samples of winter engine oil submitted are those from the Eastern Oil Co., No. 297, Reference No. 2276, and A. Holden & Co., sample, Reference No. 2281.

These possess a very fair degree of viscosity, combined with a moderately high ignition point, and low cold test. The sample submitted by the Galena Oil Works is a very light mineral oil, carrying a certain amount of fish oil with lead soap, the latter being present in much

smaller quantities than in the summer engine oils. It is very low in viscosity, and possesses a very low flash and fire test. It has the great advantage, however, of having the lowest cold test of? any of the samples submitted and would probably make a very valuable winter coach oil.

The contract that had been awarded to the Eastern Oil Company at 21½ cents a gallon was cancelled, and the contract given to the Galena Oil Company at 39 cents, although the report of the analyst was infinitely more favourable to the product of the Eastern Oil Company than it was to that of the Galena Oil Company. We come now to car oil, summer, and car oil, winter. These may be discussed together, because in this case there were only two tenderers. Only the Imperial Oil Company and the Galena Oil Company put in tenders for this kind of oil. The tender of the Imperial Oil Company for summer oil was 8½ cents a gallon, and for winter, 9½. The Galena Oil Company's tender was 27 cents a gallon for both seasons, or two hundred per cent higher. In this case, however, the analyst's report is more favourable to the product of the Galena Oil Company. The report reads:

> The sample of freight car summer oil submitted by the Galena Oil Works, although much lighter and with a very much lower viscosity than that submitted by the Imperial Oil Company, is decidedly to be preferred. That submitted by the Imperial Oil Company being rather too thick and heavy, contains a very considerable percentage of suspended tar. The sample of Galena oil is composed of mineral lead and fish oil.

This is the report with regard to the car oil for summer use, and the report with reference to the car oil for winter use is equally favourable to the Galena Oil Company's product. Both of these were priced at 27 cents by the latter company, and the contract was made at that price, while the offer of the Imperial Oil Company was 8½ for summer and 9½ for winter. The officers at Moncton, when left to themselves, without any hesitation whatever accepted the offer of the latter company at the prices named. They had had ample experience of the quality of the Imperial Company's oil. Yet Mr. Blair agrees to pay 200 per cent more for the product of the Galena Oil Company than they had been paying for the product of the Imperial Company the previous year, and than they had an offer to supply it for the year that was then about to begin.

Hon. Mr. McMILLAN—I do not quite understand the hon. gentleman. What was the price paid to the Galena Oil Company the year before?

Hon. Mr. FERGUSON—They were a new party. This was the first time they were known to supply oils to the Intercolonial Railway.

Hon. Mr. McMILLAN—Their tender was 8½.

Hon. Mr. FERGUSON—The tender of the Imperial Oil Company, which had previously supplied the oil, was 8½ and 9½, respectively for winter and summer use.

Hon. Mr. McMILLAN—What did they get?

Hon. Mr. FERGUSON—The Galena Oil Company received this contract from Mr. Blair, Minister of Railways, at 27 cents a gallon. We come now to discuss the question of coach oil, winter. In this case there was no sample submitted by the Galena Oil Company, but samples were submitted by the Eastern Oil Company and by other companies, and the analyst reported that the product of the Eastern Oil Company was the best, that it was an excellent product indeed, and that there were two other excellent samples but slightly inferior to it. The department at Moncton awarded the contract at 21½ cents a gallon to the Eastern Oil Company, but Mr. Blair, when he came to deal with this question later, awarded the contract to the Galena Oil Company at 45 cents a gallon.

Hon. Sir MACKENZIE BOWELL—The same oil?

Hon. Mr. FERGUSON—The same oil, notwithstanding that no sample had been submitted to the analyst. He let the contract with his eyes shut as to the quality of the Galena oil, and in the face of the fact that a most excellent report was obtained upon the Eastern Oil Company's product.

Hon. Mr. SCOTT—My hon. friend speaks of contracts all along for those oils. Are there contracts made?

Hon. Mr. FERGUSON—I think when an offer is asked for, received and accepted that it is a contract.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong.

Hon. Mr. FERGUSON—Among honest men it should be a contract.

Hon. Mr. SCOTT—It is not so.

Hon. Mr. FERGUSON—In order that we may have no quarrel over such an unimportant point as that, we will say the successful tenderer. The contracts were not executed, but they were awarded. We are now dealing with what took place in the awarding of these contracts in the months of June and July, 1896. We are dealing with what happened at that time, when the Department of Railways was grappling with the question as to whom they should give these contracts. Let me remark here that all the tenderers did not tender for every kind of oil, but in some cases nearly all the parties I have named put in tenders and some put in several samples at different prices. There was not any great discrepancy between the highest and lowest of every tenderer except the Galena Oil Company which was uniformly from 60 to 200 per cent higher than the other offers—not merely of the successful tenderers, but of all the others who had made offers. In this case the contract was cancelled with the Eastern Oil Company at 21¼ cents a gallon, and it was awarded to the Galena Oil Company at 45 cents a gallon. That was for coach oil for winter use. Now we come to coach oil for summer use. In this case the Galena Oil Company supplied samples, and samples were supplied by all the other tenderers. The analyst finds that the only objectionable samples of summer oil are two, one by the Imperial Oil Company, No. 7, and the other by the Galena Oil Company. The former contained too much tar. Of the Galena Oil Company's sample the analyst says:

> The objection to the samples submitted by the Galena Oil Works is mentioned under the heading 'Summer Engine Oils,' this being practically similar in composition. Of the remaining oils, the three best are Bushnell & Co., No. 2, Imperal Oil Company, No. 6, J. R. Hutchins, B.
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> The remaining three samples submitted are slightly inferior to these, as will be seen on reference to the table in viscosity and fire test, but show no objectionable properties.

Of all the samples offered there were only two that showed objectionable properties and one of those two was accepted by Mr. Blair at 45 cents a gallon. The award to the Imperial Oil Company at 22½ cents per gallon for a sample approved by the analyst, was recalled, and a contract was made with the Galena Oil Company for 45 cents a gallon. I am dealing now with lubricating oils. The Galena Oil Company put in no tender for spindle oil and dynamo oil. Tenders were made at reasonable figures by the Hutchins' Company, but on looking over the accounts I find no further reference to spindle or dynamo oils. It is probable that Mr. Hutchins, having received only two small contracts, did not care to go on with them, and dropped out, and later on the oils were supplied, probably, by the company that gobbled up all the important oil contracts at their own prices, but we cannot find out how those two oils were supplied from that time forward. I will not discuss at this stage the illuminating oils, because there were two contracts made, and those contracts deal with lubricating oils and the signal oils separately, and therefore, I will discuss the lubricating oils first and then deal with the question of illuminating oils. Let me say that the high prices that I have read to hon. gentlemen are the prices that are contained in the contract made on the 17th day of September, 1896, between the Department of Railways and the Galena Oil Company, and that there was no further analysis received as shown by the returns and that this contract was made at these extraordinary prices, and on these unfavourable reports of analysis without any further data upon which to base these contracts.

Hon. Mr. MILLS—For what time?

Hon. Mr. FERGUSON—The contract was made for one year, to date from the 1st of November, 1896. I have the contract in my hand, and this is the plea that has been put up in extenuation of these extraordinary transactions, and hon. gentlemen will agree with me that so far as I have stated them, these transactions are extraordinary and mysterious. I may state here that the Galena Oil Company did not tender on the specifications the same as the other contractors tendered, but upon a condition—upon a guarantee which they offered to put in the contract, and which was put in the contract, that their work was to be judged by results. They started on the proposition that a great deal of the oil on railways is wasted—that careless and extravagant hands waste it—and they said he will reduce the cost of lubrication of the railways to a science—we will send experts who will inspect the application of this oil to your railways as we do to the

other railways where we have similar contracts. We ask you to allow those experts to do their work unimpeded, and without difficulty, to give them free transportation and assist them in insuring the proper working of the contract, and we guarantee that we will lubricate the road to your satisfaction, and that it will cost 10 per cent less than it cost the government for the twelve months previous to this contract. I will read the clauses of the contract which contain this guarantee, because they are very important, and will throw a great deal of light on what I am going to say further on in the discussion. Section 6 says:

That in the exclusive use of the above enumerated oils the contractors guarantee that the cost of lubrication per thousand miles run in locomotive, passenger and freight car service combined shall be 10 per cent less than the cost per thousand miles run for the same classes of service for the previous twelve months' term, ending October 31, 1896, and said cost shall be subject to the inspection and verification of the auditor of the department.

And Her Majesty, in consideration of the promises and of the covenants and conditions on the part of the contractors, hereby covenants with the contractors that they will be paid for and in respect of the said oils hereby contracted for at the prices enumerated in paragraphs 1 and 3, for all the oils furnished in accordance with the foregoing conditions, as per invoices rendered and approved of by the Department of Railways and Canals, with reasonable allowance for leakage, accident, &c., when these shall be shown to have occurred before the consignment reach its line, provided, however, that the said department may withhold payment of invoices covering shipments sufficient to secure it against any excess cost per thousand miles run as may be shown by monthly reports as hereinbefore provided until final settlement at the expiration of this contract, at which time the said contractors are to be allowed for all oils furnished at the prices hereinbefore named, and if the cost of the oils used in locomotive and car service does not exceed the cost per thousand miles as guaranteed, then the contractors are to be paid in full for all oils furnished. Should the cost exceed the guaranty under the conditions named, then the said department shall have the right to reduce from the payment of the contractors' invoices sufficient to cover such excess. The final settlement to be made at the expiration of this contract, and shall be based upon locomotive and car services combined.

Now hon. gentlemen clearly understand the proposition: it was that the result of this contract was to be that the company was to secure the lubrication of the road at 10 per cent less than had been paid in the previous twelve months. I have some figures and information with regard to that subject which I desire to lay before the House, which will show how far this guarantee has been implemented, and how far it has been respected by the Minister of Railways. I have here in my hand, taken from the report of the Department of Railways and Canals, the train mileage, the locomotive mileage and the car mileage for each of the years to which those transactions refer. I have them for the complete year ending 30th June, 1896, and for each of the three complete years following. It is not possible to make an exact comparison, for this reason, that this contract commences on the 1st of November and terminates 31st of October, while the regular term with the Department of Railways commenced the 1st of July, and ends the 30th of June, hence the figures which I submit will not be the figures exactly for the year of this contract, but for the railway financial year, but they will be amply sufficient to give us, I will not say an absolutely exact comparison, but an approximate comparison which must be almost correct. The only way in which this comparison can be out at all will be in favour of the Galena Oil Company, because in comparing the first financial year in which they lubricated the railway, they only lubricated the road for eight months, while the lubrication of the other four months belonged entirely to the contracts of the previous year, and would be at the same rate as the tender of the previous year. The cost would come out to be the same as for the previous financial year for the four months that the old contract had been extended, and, therefore, the difference in excess of the previous cost which will be found in 1897, must belong altogether to the eight months of that year, when the oil was supplied by the Galena Oil Company. The figures for that year, bad as they are, would have been much worse if the year had been a complete year in which the Galena Oil Company had been supplying the railway. The result is, however, for every thousand miles of train mileage for the twelve months preceding the entering into this contract with the Galena Oil Company, the cost was $3.90. The average cost for the three years that followed has been just 12 per cent more than that. I will compare it year by year. The cost is $3.90 per thousand miles of train mileage for the year previous to this contract, and $6.10 per thousand miles for the year that immediately followed, and, as I have already remarked, only eight months of that year the oil was supplied by the Galena Oil Company, and as explained, the cost of oil has been governed

by the prices of oil in the previous year. The conclusion therefore is inevitable that, bad as this showing is, it would have been worse had the Galena Oil Company supplied the oils for the whole year. We now come to the locomotive mileage, and here we find that for the last year under the old contract it was $3.20 per thousand miles, and for the first year under the new contract it was $4.90 per thousand miles of locomotive mileage. We now come to cars. For the last year, under the previous contract it was 30 cents per thousand miles, while the first year under the new contract it went up to 50 cents, an increase of about 66 per cent. Taking the year 1898, we find that the figures are higher than they were under the last year of the old contract. We find that for train mileage where it had cost $3.90 under the old contract it cost $4.30 under the new. That for locomotive mileage, where it had cost $3.20 under the old contract, it cost $3.50 under the new one, and that in the case of cars where it had cost 30 cents before, it cost 40 cents under the new contract. We will not deal with the last year for which we have the figures, and here we have altogether a different story. I believe this is really the worst part of the whole thing. We find that the train mileage, which had been $6.10 per thousand miles in the first year of this contract, comes down to $2.70 in the third year. Locomotive mileage, which was $4.90 in the first year, comes down to $2.20 in the third year, and the car mileage, which was 50 cents in the first year, comes down to 25 cents, and the Minister of Railways and Canals, speaking elsewhere, said: 'Here is the result of this contract we have made with the Galena Oil Company. We have now struck rock bottom, and in some cases we have come down 50 per cent. I told the contractor that I would not be satisfied with a reduction of 10 per cent in the cost, that I wanted a reduction of 15 per cent, and we have got more than that. Here is a great and substantial advantage gained by this contract, and the gentleman who has been talking on this subject in another place does not know as much as he thinks he does.'

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—It may turn out that I know more than he thinks I do. In response to the various addresses which I secured the passage of in this House, I have got information as to the purchase of oil from the Galena Oil Company, and I have information also as to the deduction that was made from the Galena Oil Company's account in the carrying out of this guarantee under the contract. I know all about it now, as well as does the Minister of Railways himself. I find that in the year 1896, by the returns brought down to this House—I am speaking now of the exact year corresponding with the year for which this contract runs. These figures are obtained, not from the departmental report, but from returns prepared by the Department of Railways, and they cover the twelve months immediately preceding the coming into effect of this contract, and each of the years in which this contract has been in operation. I find that the Department of Railways paid for lubricating oils the year immediately before this contract went into effect, $33,377.75. The first year after the contract went into effect they paid $43,174.09, an increase of over 33 per cent in the cost to the government in the purchase of oil for that year over the preceding year, notwithstanding that the car mileage on the road had dropped about three millions, that the locomotive mileage had dropped about a hundred thousand, and that the snow-plough mileage had dropped twenty-five thousand miles. Notwithstanding that the car mileage, the locomotive mileage and the plough mileage had fallen during that year, the Department of Railways paid nearly 30 per cent more in the aggregate to the Galena Oil Company than they had paid their predecessors, and notwithstanding this guarantee that there should be a saving of 10 per cent on the old rates. The next year, $40,266.12 was paid, which is 20 per cent more than was paid in the last year of the old contract, though the train mileage was less. We have now dealt with two years, and come to the third year, and the purchase of oil for lubricating purposes has gone up to $82,536.14 for that year, being an increase of over 100 per cent above what was paid for oil in the year immediately preceding the going into effect of this contract.

Hon. Mr. SCOTT—I suppose the mileage has doubled.

Hon. Mr. FERGUSON—The mileage has increased a little. The last year was the year of expansion, but the mileage would have to increase 50 per cent to account for these figures. The car mileage increased from forty-three millions under the old contract, to fifty-three millions under the new contract, an increase of about 24 per cent. Then the locomotive mileage increased from 4,713,000 miles to 5,974,000 miles, about 20 per cent, and the car and plough mileage increased very little, from 67,000 to 73,000 miles. The increase in the car mileage, the locomotive mileage, and plough mileage was, on the whole, less than 12 per cent—I am now speaking roughly—the amount paid for oil went up from $33,000 to $82,500 in the same period. It is possible that there is some duplication of figures in the various returns, and that some of the oil was held in store. From the returns that I have received, and which are in the possession of this House, it appears that $99,426.41 was the amount paid for oil to the Galena Oil Company after making deductions up to July 1, 1899, or for the first three complete years—or thirty-two months, to speak accurately. It appears that for the last entire year up to October 31, $82,536.14 was paid for oil. Taking this in connection with the returns for the previous years, it seems, if there are no overlappings in the returns, that some time within the four months after the termination of the year for which we have this report of June 30, 1899, the government of Canada bought oil for lubricating purposes on the Intercolonial Railway to the amount of $66,549.94, all of which, with the exception of about two or three hundred dollars worth, was bought from the Galena Oil Company. I notice that hon. gentlemen have put up a faint 'Hear, hear' when I referred to the deductions which had been made. It seemed as if a gleam of light passed over their countenances when I spoke of the guarantee in the contract, although hon. gentlemen will see by this time, taking the matter on the surface, that this guarantee has not amounted to much. We were larger purchasers of oil in all the years than we were under the old contract, notwithstanding the guarantee. One question I asked was, to get the dates and the amounts that had been deducted from the Galena Oil Company in order to fulfil the guarantee under this contract. I asked for a

Statement of amounts deducted, with dates of such deduction from the accounts of the Galena Oil Company, to cover the guaranty in the contract.

Here is the answer which I received on March 11, last:

Amount deducted on May 8, 1899, from the accounts of the Galena Oil Company to cover the guarantee on the contract, $23,067.13.

Although the contract called for a monthly adjustment under this guarantee—although it called for a final settlement between the government and the company at the end of the year, the hon. Minister of Railways allowed two years to pass over his head and a third year to advance nearly seven months before he called for any deduction on account of this guarantee, and it was not until this question was discussed in the Conservative press and brought up in parliament and talked of all over the country that the Minister of Railways and Canals, as shown by his own return, called for a deduction to be made in the accounts of the Galena Oil Company. And here let me explain to hon. gentlemen—for the explanation is not obvious—what was meant by the Minister of Railways and Canals when he talked of getting down to rock bottom this last year and spoke of having reduced the cost of lubricating the Intercolonial Railway in accordance with the terms of the contract, when he claimed he had done all this he was quoting from his own published accounts for the year ending 1899, and he was quoting accounts that were deliberately prepared and made up, the whole of this deduction that I have spoken of being taken out of the work of last year, and thus presenting a most misleading set of figures before parliament and before the people of this country. He says we have got the matter down to rock bottom and gives these figures, whereas, if he knew anything at all about his department he must have known when he was uttering these words, and should have known when he was presenting the fallacious report, that he was not presenting the facts to the people of this country.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—But, on the contrary, he had deducted the whole amount of $23,000 from the accounts of last year,

and then he turns round and asks parliament to look at the amazing reductions which he had made. Let me just show what this reveals. It reveals that the increase in cost of train mileage for the first year under this contract was 56 per cent, that in the next year it was 10 per cent over the total amount of the previous year, and it shows that in the last year there was a 30 per cent saving, but it was saved by deducting this large sum of $23,000 that I have read to the House, out of the expenditure of last year instead of apportioning it to the years to which it belonged. In that way a most fallacious statement was made, but notwithstanding all that, notwithstanding the fallacious character of this report, such is the laxity that is evident in the manner of enforcing this guarantee in the contract, that the result is that the average cost of lubrication of these three services of train mileage, locomotive mileage and the ploughs and cars, is very much larger than during the year that immediately preceded and on which this contract is based, and, notwithstanding this reduction of $23,000, there is not an approximation to a reduction such as was guaranteed in this contract and of which so much has been said. We find the increased cost in train mileage per thousand miles is just a little more than 12 per cent greater in these three years on an average than the year immediately preceding. We find the locomotive mileage is just 10 per cent higher than it was, and the cost of ploughs and cars just 26 per cent higher. We have the whole transaction before us. We have the cancelling of the oil contract based on the honest tenders that were given by the oil manufacturers of this country and the United States. We have the Galena Oil Company coming in and saying 'take us at our prices, and we will give you good oil.' and the Minister of Railways said last year that the oil was of a superior quality. I wonder if he ever read the analysis which I have read to the House. I think if he did, even the Minister of Railways would hesitate to claim the oil was of very good quality. We have the facts remaining that, after three years' experience, and after deducting this $23,000 from the transactions of the third year, the average cost for lubricating is 12 per cent for train mileage, 10 per cent for locomotive mileage, and 26 per cent for cars and ploughs, higher than it was under the previous contract. These figures are based on the departmental figures as given in the report of the Minister of Railways. I will have something more to say on this point before I bring my remarks to a close, but I want to say a word or two on the matter of illuminating oils. The Galena Oil Company only tendered for one of these oils—hand lamp signal oil. This is an oil that is generally dearer than ordinary illuminating oil, and there were samples submitted by Hutchins of Montreal, the Eastern Oil Company, Samuel Rogers & Co. of Toronto, the Imperial Oil Company, the Bushnell Company, and the Galena Oil Company, and this is the report of the analysis of Prof. Ruttan. I will read it in full. It is as follows :—

The samples of signal or hand lamp oil submitted by the Eastern Oil Company, No. 291, possesses such properties and composition as would justify its being placed at the head of the list. It has the best average in all respects. The Samuel Rogers oil gives a bright light, and has the lowest cold test, but contains too much light petroleum, and has too much free fat acid to recommend it as being a safe light to use. The signal oil submitted by the Galena Oil Works, Reference No. 2306, contains a very high percentage of heavy lard oil, giving it high cold test for this climate. It also burns with less brilliancy than many of the other samples, although the light is steady and even. The remaining samples are superior to the two just mentioned, and but slightly inferior to the samples submitted by the Eastern Oil Company, and are of about equal value among themselves.

The Department of Railways, when awarding all other contracts in July, gave this contract to the Imperial Company at 37½ cents a gallon, whose oil the analyst had found to be but slightly inferior to the Eastern Oil Company's oil, which had been offered at 40 cents a gallon. That is the condition in which Mr. Blair found things, but he withdrew that notice to the Imperial Oil Company and awarded the contract to the Galena Oil Company, whose oil was declared to be inferior and objectionable at 46 2-10 per gallon, being nearly 9 cents per gallon or 25 per cent above the tender of the Imperial Oil Company, and let me here tell hon. gentlemen that there was no pretext in this case to cover up the deal by saying: 'Oh, we have a guarantee in the contract.' There is no guarantee in the contract, and no saving of any kind assured, and yet the Minister of Railways most flagrantly violates the tender system by giving the

nigh price of 46 2-10 cents per gallon to the Galena Oil Company for this oil which was found to be inferior in quality, and cancels the award that had been made to the Imperial Oil Company at 37½ cents a gallon for a superior article. In this case there can be no contention that Mr. Blair was misled by some guarantee in the contract that there would be a saving of 10 per cent in using these oils. He had the unfavourable report of the product of the Galena Oil Company, and a favourable report in the other case, and he gives 46 2-10 a gallon to the Galena Oil Company for the inferior oil and rejects the contract of the Imperial Oil Company, where 9 cents would be saved on the contract, besides getting a better oil. I will say a word or two with regard to petroleums. I am speaking of straight kerosene oil, of which there is a good deal consumed on the Intercolonial Railway. Tenders were called, as was usual, under the late government and samples were furnished, and analysis had upon them, and contracts were awarded to the Imperial Oil Company for one of these oils according to specification A, and the Bushnell Company for the oil under specification B. These contracts were so let, and then they were cancelled, and from that time to the present there has been no public call for tenders and no analysis of oil. There has been no public competition, in fact, for the supply of this oil, and the papers that have been brought down which only may be partial show that Mr. Blair and the Department of Railways have bought over 2,000 barrels of kerosene oil since 1896, and have issued no specifications. In one case, in asking for a hundred barrels they asked that they should be according to specification B, which was a specification of the late government, but in all other cases they furnish no specifications. The only description was in one or two cases where they asked tenders to state whether it was Canadian or American, but they have been going on buying these oils without competition. The only competition is that a few men, most of them friends of the government—I think all of them are——

Hon. Mr. MILLS—Members of the government ?

Hon. Mr. FERGUSON—Friends of the government. The Department of Railways, no doubt acting under instructions, used to do all this by public tender and specifications under the former administration, but that is all changed. Now, we have a system introduced of sending circulars to parties, no doubt friends of the government, and asking them to tender and state what they would supply the best kerosene oil for. The names are :

John J. Barry, St. John.
Charles McDonald, St. John.
The A. B. MacLean Company, St. John.
The Eastern Oil Company, St. John.
The Imperial Oil Company, St. John.
F. D. Walsh, Halifax,
Austen Brothers, Halifax.
Shatford Brothers, Halifax.

Hon. Mr. MILLS—Are the Eastern Oil Company and the Imperial Company friends of the government ?

Hon. Mr. FERGUSON—Very likely. My hon. friend had better ask the Minister of Railways and he can perhaps give the reason of the friendship too.

Hon. Mr. MILLS—The hon. gentleman said friends of the government.

Hon. Mr. FERGUSON—I am not sure that they were all friends of the government, but it was a very friendly act of the government to select these people, and say 'give us an offer,' and not to allow the public to come in and compete. There was some friendship on one side at any rate, and surely they would be ungrateful if they did not reciprocate.

Hon. Mr. MILLS—My hon. friend is speaking of his own experience.

Hon. Sir MACKENZIE BOWELL—Speaking from knowledge.

Hon. Mr. FERGUSON—I point out that the fact that the government selected them for the purpose of buying oil from them shows that they regarded them as their friends.

Hon. Mr. MILLS—It simply shows that they had tendered before. They were among the men who had put in tenders before.

Hon. Mr. FERGUSON—My hon. friend will do better not to interrupt, because whenever he opens his mouth he puts his foot in it. If the hon. gentleman will look at these names he will find that those to whom these invitations were sent in the early months of 1896-7 were parties that had not been known to supply oil to the Inter-

colonial Railway before. Take John J. Barry, Chas. McDonald, the A. B. MacLean Company, Austen Bros., Halifax. Those parties had not figured in oil contracts before. He speaks of the Imperial Oil Company. It was not notified about oil in the early days of these operations. It was not until it belonged to the Standard Oil Trust, until it became a first cousin of the Galena Oil Company, until it became one of the hydra heads of the Standard Oil Company. Up to that time its tender was refused, and no contract would be made with them.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—But after the Imperial Oil Company became a part of the Standard Oil Trust of the United States, and became a first cousin of the Galena Oil Company, then it was put upon this list. I am not finding fault with the prices that were given for this oil. I am not a judge. They do not appear exorbitant. That is the price paid for kerosene oil, and in inviting friends to tender, I am not complaining of that except that it should be done by competition and on specifications, as was the practice of the late government, and the oil should have been analysed in order that the department should know whether they were getting good or bad oils. All this was ignored by the Minister of Railways, and he took this way of buying kerosene oil. I am treating the question of kerosene oil separate from lubricating oil, and, also, separate from the signal oil for which a contract was made with the Galena Oil Company at the exorbitant rate of 46 2-10 cents a gallon, whereas there were offers of an excellent oil, far better by analysis than the Galena Oil Company's product, at 37½. It has been claimed by the Minister of Railways, not only speaking elsewhere, but in answers to questions in this House, and in the press supporting the minister, that a similar contract to the one which he made with the Galena Oil Company has been made with a very large proportion, I think the minister says as many as 95 per cent of the railways of the United States and Canada, that contracts on a similar basis have been made, and have given entire satisfaction. From what we know this guarantee in their contract is worth—and in that respect I do not blame them half as much as I do the Minister of Railways, because he did not invoke the guarantee thoroughly—from what we know of the company we would want more than their statement that they were the universal oil suppliers of railways. But if it should prove to be true, even if the result were as bad as with us, it would not surprise me much to know that the Galena Oil Company being a part of the Standard Oil Trust of the United States, that it is the branch of that trust that deals in lubricating oils, and knowing the way they are manipulating the railways and people all over the continent, it would not surprise me to know they were making contracts with the railways of the United States as bad as this one, and even if they are making contracts on the same terms with the other railways, we should hesitate before we endorse the contract for that reason. The points which stand out most prominently are these: The oil supplied by the Galena Oil Company was generally bad on analysis. The price was monstrously high. The result has been unsatisfactory. The tender system was violated, in the first instance, in awarding this contract to the Galena Oil Company on this basis of a guarantee which was not open to other suppliers of oil to come in and compete on equal terms. If the government intended to make the contract in this way without looking as much to the price as to the results, they should have allowed other oil companies to come in and compete on equal terms. Even if this system of letting a contract was a good one, there should have been competition about it. Then comes another point, and this is the point with which this House and the people of this country have most to do, and should earnestly consider, and that is—I will not use a stronger word, although hon. gentlemen may perhaps come to the conclusion that a stronger word is necessary—the extreme laxity of the Minister of Railways in enforcing this guarantee that was to provide that an adjustment was to take place every month, and that at the end of the contract, which was for one year, a determination should be had of the results and that a deduction should be made equal to the guarantee in the contract. All that was violated in this transaction. The Minister of Railways failed to invoke that guarantee fully and on time. He allowed one year to close and he

paid this monstrous price to the Galena Oil Company and went on and allowed another year to close, and it was not until attention was called to this question in the press, and the matter had, I think, been raised in the Senate, that the Minister of Railways invoked that condition of the contract, and, according to their own return brought down in this House, it was on the 8th May, 1899, or two years and a half after the contract had been commenced, before there was any deduction made and the deduction was insufficient. Instead of bringing it down to the guarantee in the contract, it still leaves a further deduction of about 22 per cent necessary in order to make good the guarantee. Then we have the misleading statements. I have a list of the misstatements that are now proved, by the report of the department and by the returns which have been brought down. Some of these I have already referred to and I will now pass them over. But, we have this glaring misstatement which is found in the report of the Minister of Railways, wherein it shows that a most favourable result has been obtained in the last year, without disclosing the fact that should not have been kept back, that that result was obtained by making the entire deductions for the three years fall into the closing month or two, and in that way showing results entirely misleading. And then we have the scandal, for which there is no justification whatever, no pretext suggested of a 10 per cent deduction, of awarding the contract for signal hand-lamp oil to the Galena Oil Company, although their tender was nine cents higher, and although their oil was pronounced to be inferior to that of the Imperial Oil Company. I have now gone over the whole ground and touched upon the main points in this case, and I submit to hon. gentlemen, that the facts and figures that I have disclosed to this House, drawn from the public reports of the Railway Department and the returns submitted to this House, and the answers to questions which we have received in this House, disclose a scandal such as, I am glad to say, we have not had many of in this country.

Hon. Mr. MILLS—One would have supposed if the hon. senator wished to bring forward a motion of this sort, that he would have brought it forward at an earlier period of the session.

Hon. Mr. FERGUSON—If the hon. gentleman had brought down the information as I wanted it, I would have done so.

Hon. Mr. MILLS—We had for a considerable time, no business sent up to this House from the House of Commons. We adjourned very frequently after an hour's sitting, and we adjourned sometimes for several days together, and my hon. friend could have, if he were disposed to bring forward a motion of this sort, ample opportunity to do so; but he brings it forward when every hon. gentleman, both in this House and in the other, must be anxious to bring the session to a close, and he has taken up two-thirds, nearly, of the time that we will have this afternoon to make his speech on his motion, leaving us scarcely any time whatever for the consideration of the business on the Orders of the Day. The hon. gentleman has brought serious accusations against the Minister of Railways. The hon. gentleman never speaks without attributing some mean motive, some dishonourable conduct, some base act either to the Minister of Railways or to some other minister. There has never been a speech made by the hon. gentleman of any length in this House in which he has not vilified and traduced those who stand in opposition to him. That has been the policy of the hon. gentleman, and his speeches in this House would receive more consideration from both sides if he were more disposed to be moderate and fair. The hon. gentleman has made great complaint that Mr. Blair, when he came into office, cancelled the contracts that had been made with various oil companies for the supplying of oil on the Intercolonial Railway. He mentioned that an award was made upon these various tenders in July, 1896. What was that period? The general election, if I remember rightly, was on June 23. At the time this award was made a government was in power that had been defeated at the election, and had not yet retired, and they undertook to make provisions for various parties under these tenders, and I might say that I think Mr. Blair was perfectly justified in undertaking to clear the ground, I know in my own department tenders were let for

the supply of cloth for five years, that would cover the entire period the administration would be in office, before we came in, and although the government succeeded to office on July 13, if I remember rightly, there was already a supply of cloth under this tender sufficient to meet the wants of the penitentiaries for a period of three years. Now, the hon. gentleman expects that sort of thing to be allowed and to be justified, and his whole complaint here to-day is, that Mr. Blair, when he came into office, did not ratify the awards that had been made under this very expeditious mode of transacting business.

Hon. Sir MACKENZIE BOWELL—I did not so understand the hon. gentleman, what I understood him to say was, that tenders had been asked for by the late government, that the contracts and agreements were made by the officers of the department after the elections had taken place, and after the resignation of the late government, and that the hon. gentleman's ministry cancelled those contracts which had been made by the officers of the department upon the tenders which had been received prior to the resignation of the government.

Hon. Mr. MILLS—The statement made by the hon. gentleman was, that the department had awarded the contracts early in July after the elections.

Hon. Mr. FERGUSON—I gave the exact dates of awarding them. There was one contract dated on the 11th, and the balance on July 17, and after the resignation of the government——

Hon. Mr. MILLS—All made on instructions received from the late government. My hon. friend knows that a new government coming to office could not have given instructions on July 11, as they did not come into office until, if I remember rightly, two days later, July 13. The same observations are applicable to the contract let on July 17.

Hon. Mr. POWER—Mr. Blair did not come in until afterwards.

Hon. Mr. MILLS—The hon. gentleman says it so happened that Lichtenhein, the manager of the Galena Oil Company, was in the province of New Brunswick in September—that Mr. Blair's election was in September—that this arrangement made between Mr. Blair and Mr. Lichtenhein was made in September, and what is the suggestion that the hon. gentleman wishes to make with regard to Mr. Blair? What is the inference he wishes the House to draw from his statement? If the hon. gentleman thinks Mr. Blair made a corrupt bargain with Mr. Lichtenhein to furnish Mr. Blair funds for his election—if that is the insinuation—if he wishes it to be understood by the House that Mr. Blair made a corrupt contract with this man and obtained money from him—that he cancelled the contract with other parties to give the contract to this man in consequence of that, why does he not move for a committee? Why does he not say he is ready to establish those charges which he insinuates, and which if true, would show that Mr. Blair was utterly unfit to be in public life, and which charges he has not the courage to make? So I say that the hon. gentleman deals in mean insinuations against those who are politically opposed to him. That is his practice in this House, and he has never, since I have been here, made a speech of any length in which he has not indulged in remarks calculated to traduce the character of those who are politically opposed to him. I deny that there is any foundation for the statements which the hon. gentleman makes. He read about the price to be paid for oil, but he knows that the governing provision of that contract is, that the expenditure for oil should, during the first year, be 10 per cent less than it was the previous year for the same service, and that for the succeeding two years it was to be 15 per cent less. There is the test by which the value of the service is to be ascertained, and it is absolutely impossible, under the terms of that contract, that there could be payment of a larger sum for the services than the cost was before. Let me call the attention of the House to Mr. Blair's own statement with regard to that matter. He says that the locomotive service cost for oil $3.72 per mile under the old contract in force prior to October, 1896. Ten per cent off that would be 37 cents less than that, and 15 per cent off would be half more. What does Mr. Blair say the present cost is? That for locomotives per thousand miles there is $2.72 paid at the present time instead of

$3.72 for oil; that for passenger cars 80 cents per thousand miles was the charge under the old arrangement. At the present time it costs 22 cents; that under the old arrangement the flat cars were 20 cents, and we have got the expense down from 20 cents to 12 cents. There is a clear statement. The hon. gentleman questions the accuracy of it, but if he wishes to question the accuracy of that statement, why did he not move for a committee? Mr. Blair made these statements on June 27, in the House of Commons. There was Mr. Haggart sitting there. Mr. Haggart discussed Mr. Blair's views on various questions, but on this he did not say one word.

Hon. Mr. FERGUSON—Will the hon. gentleman just read those figures again while I compare them with the report of the department?

Hon. Mr. MILLS—I will do so by-and-by.

Hon. Mr. FERGUSON—I pointed out that the figures which he asserts come from Mr. Blair are not correct. I have the blue-book in my hand.

Hon. Mr. MILLS—Mr. Powell was there. Mr. Powell is a political opponent of Mr. Blair's. Mr. Powell made an elaborate speech in the House of Commons criticising the views expressed by Mr. Blair, and there is not a member of the opposition in that House, either Mr. Haggart, who is thoroughly familiar with the whole subject, nor Mr. Powell, who lives in the district and who knows what the facts are, nor Mr. Foster, the late Finance Minister, who is also a resident of the province of New Brunswick, and a keen opponent of Mr. Blair—there was not one of them that called in question these statements, and if my hon. friend opposite wanted an investigation of this subject, wanted to probe it to the bottom, why did he not call the attention of some of his friends in the House of Commons to it, and have them, where Mr. Blair sits, where he has an opportunity of, face to face, meeting those who are disposed to question the accuracy of his statements—I say why did he not do that and have this question threshed out in the presence of the minister? I daresay he did. I daresay he was told then that there was nothing in the views he expressed.

Hon. Mr. FERGUSON—Has the hon. member any authority for that statement?

Hon. Mr. MILLS—I have simply the exercise of my reason.

Hon. Mr. FERGUSON—Has the hon. gentleman any authority for the statement that I was told by members of the House of Commons that there was nothing in this statement?

Hon. Mr. MILLS—I say it was a natural conclusion.

Hon. Mr. FERGUSON—That is what you say now.

Hon. Mr. MILLS—It was what I said at the beginning, if there was any foundation for the statements he has made, he would have asked some member of the House of Commons to enter into a controversy with Mr. Blair on the subject. The hon. gentleman has not brought this matter forward now for the first time. Some time ago in the session, he moved a resolution, and on that occasion made a vigorous attack on Mr. Blair. He went over very much the same ground he has gone over to-day. All the facts he has given to-day on that subject he gave some time ago, and Mr. Blair answered the observations which the hon. gentleman made in his speech in the House of Commons on the subject. He says:

> There is a gentleman in another place who has attacked, with a good deal of violence, the action of the department in respect to its award of contracts for the supply of lubricating oils. It is very evident to me that the gentleman who has taken this subject up with such energy, has not acquainted himself with the facts, and that he has not really known much about the matter that he was discussing. When I came into the department tenders had been received by the late government's department for the supply of oils for the Intercolonial Railway. I think I can say that the contract had been awarded. The contract had not been executed, but it had been awarded to what I considered the company making the most favourable offer. It was awarded very much along the same lines that the contracts had been in previous years, and as far as I could gather, or form a judgment myself upon the subject, there had not been satisfaction in the working out of these contracts, as we had a right to expect.

From whom did Mr. Blair get the information that the contracts had not worked satisfactorily? Why, from his officers?

Hon. Mr. FERGUSON—From whom?

Hon. Mr. MILLS—From his officers.

Hon. Mr. FERGUSON—Does he say so?

Hon. Mr. MILLS—I know from whom he got the information.

Hon. Mr. FERGUSON—He does not say so, but you profess to know ?

Hon. Mr. MILLS—Yes. Mr. Blair continues :

Among the many tenderers at that time was a company known as the Galena Oil Company. This is a company which had been organized, which was not then in Canada, but which was an American institution. They tendered upon a new basis for the supply of oils for the Intercolonial Railway. They offered to guarantee to the Intercolonial Railway authorities that the cost of lubricating the road for a year would not amount to as much per thousand miles during the continuance of their contract, as it had during previous years, by 10 per cent.

Now, that was their declaration, and that declaration is embodied in their contract. Mr. Blair continues :

Or, in other words, they said : We are prepared to furnish oil at a cost of 10 per cent less than oil has cost you hitherto. It looked to me like a very favourable offer, and when I became aware that 90 odd per cent of the railways in America were being supplied by this company with their oil, and were operating under a contract of the same character as, I have reason to believe, I felt that it was an experiment that the Intercolonial Railway might very well make, instead of continuing along on the old groove and getting unsatisfactory service. I thought it would be well to try the Galena Oil Company, and see how their contract would work out. The conditions under which the contract was made, are these : The oils which they supply are charged for at a fixed rate. I state at once, and this is where the gentleman who has been making the criticisms upon this matter has been labouring under a misapprehension, that the prices of the oil they furnish are high, and they claim they are high class oils, but the prices which are charged against the Intercolonial Railway are identical in every particular with the prices that are paid by all the other railway companies. I took pains to satisfy myself that the Canadian Pacific Railway and the Grand Trunk Railway Companies pay exactly the same prices for the oils furnished them that this company charge us. But the question of the price of the oil was not a very material consideration, because I had the condition guaranteed that no matter what quantity of oil we used, and no matter what the price they charged, when we came to wind up the transactions of the year our bill should be 10 per cent less than it had been in any previous year. We therefore stood to win to the extent of 10 per cent in any case. The Galena Oil Company proceed upon the supposition that a good deal of oil is wasted, and so they have experts of their own upon the railway to instruct the enginemen and drivers to be as economical as possible, and they watch them and complain of them if there is any waste. They have therefore an interest to keep down the consumption, because the less the consumption the less they lose under the arrangement they made with us.

Hon. gentlemen will see, no matter what price is put on the oil or how much of it is used, the sum paid the company is 10 per cent less than the government paid before for this service.

Hon. Mr. FERGUSON—It ought to be that, but it is not that.

Hon. Mr. MILLS—Yes, it is that.

Under these circumstances, I presented the case to the government, and my colleagues cancelled the award of contract that was made, and authorized the entering into this contract, and it has been continued down to the present time. The service has been eminently satisfactory. The officers of the road, from the general manager down, are assured that the results have been much more favourable in every way than under the previous system of contracting.

Now, the hon. gentleman will see how I know it. Mr. Blair continues :

After the first contract expired, I thought I would perhaps press the point a little further, and I said : You have guaranteed us 10 per cent saving, but we will only renew the contract upon the condition that you will guarantee us 15 per cent. Rather than not get the contract—and I suppose even at that rate it was profitable to them—they guaranteed that the cost per 1,000 miles would be 15 per cent less than it had been prior to the time they contracted with us. Now, we have this arrangement recently entered into. We find that the expense of oils on the Intercolonial Railway has been, year by year, coming down, until we are justified in forming the opinion that we have pretty nearly struck rock bottom. Under the operation of the old contracts, it cost to oil an Intercolonial Railway locomotive per thousand miles $3.72, to oil a passenger 80 cents per thousand miles, and to oil a freight car 22 cents. Now we have got down to the point that we have a fixed contract with them that for locomotives we will not pay more than $2.72 per thousand miles, which is a saving of $1 per thousand miles for each locomotive; and instead of paying 80 cents for a passenger car, as under the old system, we have got it down to 20 cents, and we have got the freight cars down from 22 cents to 12 cents. We are, therefore, actually saving under this contract $10,000 a year and upwards in the cost of oils for the Intercolonial Railway. Yet this gentleman denounces this government in all the moods and tenses because we have made this contract. We are paying the same price that every railway company in America is paying.

Now, that is the statement of the hon. Minister of Railways in the House of Commons. That statement was made in the presence of Mr. Haggart, who took part in the discussion, and who subsequently criticised the speech of which that is a part. He makes no comment upon this portion of the speech. He was criticised by Mr. Powell, who is an active and vigorous opponent, and Mr. Powell makes no comment upon this part of Mr. Blair's speech, and I take it that the speech of the Minister of Railways is perfectly consistent with the facts. If there is any foundation at all for the statement which the hon. gentleman has made here to-day, it would simply mean this, not that the bargain was a bad one,

not that the bargain was not in the interests of the community, but that it had not been strictly enforced by the Minister of Railways. I need not enter into that discussion. If it has not been strictly enforced, undoubtedly the opponents of Mr. Blair in the House of Commons will look after that. Mr. Blair is not in a position, standing upon the terms of this contract, maintaining and defending himself on the provisions which the contract contains—he is in no position to pay, nor does he undertake to pay more than under the contract would be warranted. If the company have received more money than the locomotive mileage will entitle them to, they will receive less in the case of a future payment. Whether a demand is made to settle up strictly every month or not I do not know. I have not inquired into the matter, but I have read to the House the defence of Mr. Blair. In my opinion it is full and satisfactory. If there has been payment in excess of what the contract provides for, that would be a good reason for saying to Mr. Blair, or anybody else, when you make a further payment you must pay a less sum, because these parties have received, in what you have already paid them, more than they are entitled to under their contract. Whether they have been paid more than they should receive, I do not know. I do not attach a very great deal of importance to the statement of the hon. gentleman. I have found him on so many occasions making representations with regard to the facts he submits to this House that are not always borne out upon further investigation, that I decline to take any statement he may make here on a question of this sort in opposition to the opinion and views expressed by my colleague, the Minister of Railways. The hon. gentleman told us, that he knew, of his own personal knowledge, that certain things were so at an earlier period of the session, and it turned out that he did not know of his knowledge —that he did not know at all—that, in fact, the statement was a calumny.

Hon. Mr. FERGUSON—I call the hon. gentleman to order. I deny emphatically that I did anything of the kind.

Hon. Mr. MILLS—I say the hon. gentleman did.

Hon. Mr. FERGUSON—The hon. gentleman is always abusive. He tries to misrepresent me and he is not satisfied with doing this, but he invokes his little newspaper in London to do the same thing.

Hon. Mr. MILLS—The hon. gentleman has not made a speech this session without attacking the character of public men.

Hon. Mr. FERGUSON—I do that on public grounds, but the hon. gentleman attacks me personally.

Hon. Mr. MILLS—I say the hon. gentleman's observations are totally unwarranted.

Hon. Mr. FERGUSON—What was the calumny to which the hon. gentleman referred ?

Hon. Mr. MILLS—The hon. gentleman made an insinuation here to-day——

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said that in the early part of the session the hon. gentleman from Marshfield had made an unwarranted charge against members of the government. What was the calumny ?

Hon. Mr. MILLS—That members of the government had bought Pineau, and that he knew it.

Hon. Mr. FERGUSON—I call the hon. gentleman to order. I never made the statement that members of the government had bought Pineau. The hon. gentleman has made an assertion that is not warranted by the facts.

Hon. Mr. MILLS—That is the inference to be drawn from the gentleman's statement.

Hon. Mr. FERGUSON—That is only on a par with what the hon. gentleman has been saying. He thinks scolding will be accepted in this House, as discussion of public questions.

Hon. Mr. POWER—Order, order.

Hon. Mr. MILLS—The hon. gentleman from Prince Edward Island is out of order, as he always is when he addresses the House. Mr. Speaker, I have the floor.

Hon. Mr. FERGUSON—I rise to a point of order. The hon. gentleman says that I charged members of the government with having bought Pineau.

Hon. Mr. POWER—You insinuated it.

Hon. Mr. FERGUSON—Then when I denied his statement, he went on and said further that it was the inference to be drawn from my remarks, but his first statement was that I had deliberately said so. I deny it emphatically. You might infer it from the facts if you like, but I never made that statement in this House or anywhere else. I call for the ruling of the Chair. I deny emphatically that I ever made that statement.

Hon. Mr. MILLS—That is a question of fact.

Hon. Sir MACKENZIE BOWELL—It is a question of order.

Hon. Mr. MILLS—No, I say the hon. gentleman has not submitted to this House a question of order, I made a statement and I am prepared to confirm that statement, and, therefore, I am perfectly in order.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—The hon. member said that Mr. Pineau had met certain members of the government and had left the city with Mr. Tarte, that he had been appointed by the government to go to Paris, that he in fact, had been bribed—that he had been elected as a Conservative, and that he was bribed by this government to desert his standard, and that he was on his way to Paris with the hon. Minister of Public Works.

Hon. Sir MACKENZIE BOWELL—The rules of parliament are laid down so clearly that the point does not require much discussion. You made a distinct statement——

Hon. Mr. MILLS—Order. The hon. gentleman should not address me personally.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right. The hon. the Minister of Justice alleged that the hon. senator from Marshfield stated positively that the government had purchased Pineau. The member from Marshfield gets up and denies it. Now, I say whether the hon. gentleman is right or wrong, the duty of a member making a charge against another while in the House, when that charge is denied is bound to accept that denial. I have been placed in that position two or three times myself in the other House—I do not know that I have here, and the Speaker always rules that if a charge be made against a member of the House and he denies it, the charge cannot be reasserted under the rules which govern debates in parliament. The very moment that the hon. gentleman from Marshfield denied positively that he had made that statement, the duty of the Minister of Justice was to withdraw it; that is a ruling that is made every day in the other House. Fortunately for us, we have not been placed in the position, nor has our Speaker been called upon to rule under such circumstances, but as the question has arisen it is just as well we should have a ruling on the subject.

Hon. Mr. POWER—The hon. leader of the opposition is perfectly right in saying that the statement of an hon. member with respect to a personal matter is to be accepted, but I think I shall show that this is not an ordinary case.

Hon. Sir MACKENZIE BOWELL—This is an extraordinary case.

Hon. Mr. POWER—I did not interrupt the hon. gentleman. I think the practice by which the hon. gentleman who leads the opposition interrupts speakers on this side is objectionable. In the first place, I listened carefully to what the hon. Minister of Justice said. He did not say that the hon. gentleman from Marshfield had positively stated that the government were a party to the Pineau transaction. He said that the hon. gentleman had insinuated that (cries of No. No.) Well, I am giving my recollection. Then the minister went on to say that the hon. gentleman had stated something else positively, and the hon. leader of the opposition raised a question of order.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is wrong. I say I did not raise the question of order. It was raised by my hon. friend on my right (Hon. Mr. Ferguson.)

Hon. Mr. POWER—The question of order has been raised. The hon. leader of the opposition did raise this point that the statement made by the hon. member was to be accepted.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. POWER—I want to know whether, admitting all that, the statement of

the hon. gentleman from Marshfield now is to be accepted, or the statement made on the 22nd of March? I turn to the *Debates* of the 22nd March and I find the Hon. Mr. Ferguson (there is no other Mr. Ferguson in the House, I believe) after remarking that Pineau was here, in Ottawa, said:

> He was here until about the day Mr. Tarte left for Paris, and it is believed, and not only believed but thoroughly understood, that he was engaged to represent the provincial government or the federal government at the Paris Exposition, and that he was employed and bargained for to act in that capacity. . . . . I am not in a position to say whether it has been done in the interests of or by the agents of the provincial or federal governments. I have not said by whom it was done. Very likely it has been worked out in collusion between the two. But I make the charge that this man has been approached and seduced from his duty to his constituents.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POWER—The hon. Minister of Justice asked 'by whom'? and the hon. gentleman from Marshfield replied:

> By the federal or the Dominion government, or their agents, and that he is now on his way to Paris. I make these statements on good authority, and I have very good reason for believing it is true; and that being so, it is not a surprise to me to find that my question was not answered yes or no, when all the other questions were answered directly.

The hon. gentleman made that statement on the 22nd of March in this House, according to the official report.

Hon. Mr. ALLAN—Might I ask whether this question has anything to do with the matter before the House? It seems to me it is inadvisable to refer back to it.

Hon. Mr. FERGUSON—I have a right to speak to this question of order. The hon. Minister of Justice indulged for nearly half an hour in attacks upon me personally. He did not deal with the statements that I made on public questions, but made personal attacks upon myself, questioning my veracity generally in this House. That was the trend of his remarks from the time he rose until he was called up on the point of order and he said I had accused this government of buying Pineau, and that I knew it. What I did was to present to this House evidence that Pineau had been seduced from his allegiance, and I did not draw any strong inference on the subject, yet I believe almost every independent member drew from those statements what inferences could be drawn from them. That is a different thing from saying that the government bought Pineau, and that I knew it, and the hon. gentleman from Halifax who went wandering over the debate, trying to help the Minister of Justice out of this difficulty, does not show a great amount of ingenousness. The hon. gentleman from Halifax, in respect to the telegram from Sir Charles Tupper——

Hon. Mr. POWER—What has that to do with the question?

Hon. Mr. FERGUSON—And what has the extract the hon. gentleman from Halifax read to do with the question? He said something was of his own knowledge and he knew it, and he had to admit he was wrong. The only part of my statement on the 22nd of March that was not borne out to the letter was the statement that Pineau had gone to Paris. I made that statement the same as the hon. gentleman from Halifax made the statement with regard to Sir Charles Tupper sending the telegram to Sir Wilfrid Laurier to the *Star*. I made it under a misapprehension, but I put the whole evidence before this House later, and showed every hon. member in this House that I was perfectly honest in making the statement, and I had at least as good reason for making it as the hon. gentleman from Halifax had for saying that he knew Sir Charles Tupper had sent his telegram to the *Star* for publication instead of direct to Sir Wilfrid Laurier, although it turned out in both cases we were not absolutely right. The hon. Minister of Justice is not content to violate one rule of this House, but he violates several rules. He read page after page of Mr. Blair's statement in the House of Commons. He referred to past debates and he made this statement referring to a past debate, and charged me with saying what I had never said. This practice cannot go on interminably. The hon. gentleman, instead of rising in the House and defending his colleagues, indulges in a tirade of abuse, attacking the veracity of members on this side and telling the House he is not prepared to believe their statements. There might be a good deal of reciprocity on this side of the Chamber, but we have better manners than to return these compliments. We have more regard for parliamentary usage than to do

it, but when he makes misstatements we will deal with them and show where they are wrong. My complaint in this matter and the point of order that I raise is that the hon. gentleman charged me with saying that the government had bought Pineau. I deny it. That might be inferred from the affidavit and information I placed before the House, but I did not make that statement.

Hon. Mr. MILLS—The hon. gentleman said the government of Prince Edward Island or the Dominion had done so.

Hon. Sir MACKENZIE BOWELL—Done what ?

Hon. Mr. MILLS—What is meant by seducing him from his allegiance and appointing him commissioner to Paris, at a salary of $5 a day. Is that buying ? Does the hon. gentleman think that is buying ?

Hon. Sir MACKENZIE BOWELL—Indirectly.

Hon. Mr. MILLS—Well, it is buying, and so my statement was completely borne out by what the hon. gentleman said.

Hon Sir MACKENZIE BOWELL—It is quite evident the expression seducing a man from his allegiance is not construed usually into a purchase.

Hon. Mr. MILLS—And accepting an office at $5 per day.

Hon. Mr. FERGUSON—Is it to be inferred that every gentleman who changes sides in politics and goes to the other side is bought? We may say he has been seduced, but not that he has been bought.

Hon. Mr. MILLS—The statement was that he was bought and paid $5 a day.

Hon. Sir MACKENZIE BOWELL—Everybody knows Pineau was bought. We know that.

Hon. Mr. MILLS—And the hon. gentleman said it was by one government or the other.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman from Halifax tell the Minister of Justice not to interrupt. He is the custodian of order in the House. Apply the same rule to the hon. Minister of Justice as he applied to me. We have had instances in this House where gentlemen have changed from one side to the other and gentlemen have been elected to support one side and have passed over to the other. They may have had conscientious convictions one way or the other, but it is not improper to say they have been seduced. Would it not be improper for the hon. Secretary of State, when he was elected to serve in the House on the opposition side, to turn round and accept a Speakership from Mr. Blake. It might be done conscientiously, and you might apply the same reasoning to this. I very much regret that this controversy has sprung up. We all use expressions in the heat of debate which should not be used, but these attacks are not conducive to the dignity of the House I frankly confess, and I say, in all sincerity, that I do not know any member of this House who indulges in that positive kind of contradiction more than the hon. Minister of Justice himself.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—There is another contradiction. If hon. gentlemen look at the records they will find what I state is correct. How often, when I have been speaking, has the hon. gentleman said I was not correct. I am not going to argue that question at all, but I reaffirm what I stated before, that when the denial of a statement attributed to another is made, the duty of the member is to withdraw the statement at once, and it is for the Speaker to say whether that should be the rule to guide us in future.

The SPEAKER—I do not believe there is any difference of opinion among the members of this House as to the question of order raised. When an hon. member is charged with having made a statement, and he denies the statement, there is no doubt the members of the House must accept his denial. In this case the hon. Minister of Justice said that he did not make the charge that the hon. gentleman from Marshfield had said that the government had bought Pineau, but that the hon. gentleman from Marshfield had insinuated that. If the hon. gentleman from Marshfield says he did not make such an insinuation, the hon. minister must accept his denial. I do not believe there is any difference of opinion on the question of order that the denial by a member of having made a statement must be accepted. It remains for the House to appreciate the words used in the debate.

Hon. Sir MACKENZIE BOWELL—Then we will take it for granted that the hon. minister withdraws it.

Hon. Mr. MILLS—If the hon. gentleman says he made no such statement.

Hon. Mr. FERGUSON—I did not make that statement.

Hon. Mr. MILLS—Made no such statement ?

Hon. Mr. FERGUSON—Not that statement.

Hon. Mr. MILLS—If the hon. gentleman wishes to deserve the charge——

Hon. Sir MACKENZIE BOWELL—I do not think we had better leave this matter until we see whether the Minister of Justice acts in accordance with the ruling of the Chair. We do not propose to go on with any business in the meantime.

Hon. Mr. MILLS—I accept the ruling.

Hon. Sir MACKENZIE BOWELL—I wish to take exception to one or two remarks made by the hon. Minister of Justice. He complains that the senator from Marshfield did not bring this subject before the Senate at an earlier period, and he also said that it should be brought up in the Commons, where the Minister of Railways could answer any charges that were made. Perhaps it would be better that it should be brought up in the House of Commons, if any member of that House thought proper to deal with it. If they do not bring it up there, it does not follow that members of this House should not bring the matter before parliament in order to expose what they believe to be a wrong. What are the two ministers here for but to answer for the government? The hon. Minister of Justice and the hon. Secretary of State have seats in this House for that special purpose, and during a late administration, when there was no minister in the Senate to represent the government, some hon. gentleman was selected for that purpose, and when questions were put upon the paper that require answers from the government, the government furnished him with the answers, and he gave them, and when charges were made against any of the ministers, the gentleman in that position, although not a minister, always assumed the responsibility of answering for the minister, and yet we have two ministers who, when we bring anything before the Senate which we think is in the public interest, are constantly telling us that it should not be brought here, but in the other House. In reference to the complaint made by the hon. Minister of Justice that this question was not brought before parliament at an early date, the hon. senator for Marshfield has been for two years trying to get these very returns upon which to base the motion and the remarks which he has made, and it is only a week or two ago that the last information on which he sought to make the charge against the Minister of Railways was laid upon the Table, and yet the Minister of Justice tells us it is unfair to the government that he did not bring the question before us five months ago. I regret very much that parliament is not sitting longer——

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—No. I do not mean that. But I regret that we did not have this information at an earlier period in order to enable the hon. gentleman from Marshfield to move for that very committee to which he refers, when we would have been enabled to get at the actual truth and ascertain which was correct, whether these public documents from which the hon. senator from Marshfield quoted and the official report from the department, or the statements made by Mr. Blair, in the other House, are correct. There is one point that the hon. Minister of Justice did not refer to on which I should like him to inform the House if he can. The hon. senator from Marshfield made this distinct statement, and to my mind a very serious statement and a serious charge against the department, that while the contract provides for a deduction of 10 per cent from the account for the oil used should it fail to be less by that amount than it had cost the government under the previous contracts, the reduction was only made, so far as the public documents show, this year, the 8th May, 1899, and that deduction was made covering, so far as we can judge, the whole term during which this contract has been running, and it is credited to the expenditure for this year, and does not cover the three years as it should if we had honest book-keeping. That is the point.

Hon. Mr. CLEMOW—A 40 per cent discount.

Hon. Sir MACKENZIE BOWELL—I want to ascertain whether that statement, which has been made by the hon. gentleman from Marshfield, based upon the documentary evidence in his hands, is correct; because if it be correct, then we have a positive instance of cooking the books and giving a credit to one year which should be distributed over three years. If that be the case, how much dependence is this House, or the country, to place in other statements made by the gentleman who keeps books in such a way and presents such a statement to the House? That is a serious question and that is about the only point to which I desire to call the attention of the House. To my mind, the hon. gentleman from Marshfield has made a statement which deserves the serious consideration, not only of the government, but of this country. He has shown that contracts were given at exorbitant rates as compared with the offers made by others. He has established that, by documentary evidence laid before the House. He read from a contract which made certain provisions. Those provisions were not complied with. They were to be investigated once every month, and it was not done, nor was any deduction made, or any investigation as to the cost, until the third year after the running of the contract. Is that correct, or is it not? If it is correct, then why were not the terms of the contract carried out? That is the point we want to know, and we should know whether the deduction made, in order to bring it below what they pledged themselves to bring it, so far as the other contract was concerned, was credited to the one year's expenditure instead of to the three years, which enabled the minister to say that our expenditure this year has been so much less than it was in 1896. The hon. senator from Marshfield also established this fact, from the documents which are before him, that instead of being 10 per cent less, it was more than 12 per cent in excess of the cost of oil prior to the entering into the present contract. That is another point we would like to have explained before we can accept the dictum of the Minister of Railways as implicitly as his colleague does. I am not finding fault with him for accepting the minister's statement, because he is bound to do so, or go out, and I never supposed he would do that. He will take the word of his colleague until it is proven positively incorrect. If we live till next year, I think it would not be a bad step for the hon. senator from Marshfield to accept the suggestion of the hon. gentleman and move for a committee at the earliest possible moment after the House meets, and have a thorough examination into the whole matter, and see who tells the truth and what little manipulations have taken place. As to the political part, we take it for granted that the agent of the Galena Oil Company appeared in Queen's County purely accidentally. What he was doing there we do not know. If it was summer, we might suppose he went there to take up a summer residence.

Hon. Mr. FERGUSON—It was in August.

Hon. Sir MACKENZIE BOWELL—We will give him the credit of going there, as to a health resort, and not with reference to elections.

Hon. Mr. MILLS—Did it never occur to hon. gentlemen that the agent of an extensive oil company, making contracts with the Canadian Pacific Railway and the Grand Trunk Railway and other railway companies in Canada, would go to New Brunswick to ascertain what chance there was to make similar arrangements with the Intercolonial Railway? That would not be a remarkable thing.

Hon. Sir MACKENZIE BOWELL—Not at all. We accept that explanation at once without any cavilling at all, but it strikes me very forcibly that a man doing a large business would go to the head-quarters and not to a country district. He would go to the city of St. John if he wanted to deal with the railroad officials, or he might go to Moncton. If he were going to make a bargain in Ottawa, he would not go out to the town of Renfrew or Arnprior.

Hon. Mr. MILLS—But supposing——

Hon. Sir MACKENZIE BOWELL—I will not suppose anything about it. I take the facts. This gentleman was there, and I intimated that he went there for the benefit of his health, and then after he had spent a little time in recreation and make a bar-

gain with the Canadian Pacific Railway. No doubt about that. It is, of course, a mere incident in the oil transaction. There we will leave it, and I hope the hon. gentleman will answer my question, if he knows whether this amount was credited to the expenditure of last year, or whether it was to cover the whole three years.

Hon. Mr. MILLS—All I can say to the hon. gentleman is that there is a contract, the terms of which the hon. gentleman beside him has read. The terms of the contract are that the Intercolonial Railway shall be supplied with oil at 15 per cent less than the previous year. The terms are perfectly simple, and I assume that the hon. Minister of Railways has conformed to the terms. The hon. gentleman says he has not.

Hon. Mr. FERGUSON—I said that on the authority of the Department of Railways.

Hon. Mr. MILLS—That is a fair subject for inquiry for those who have no confidence in the ministers.

Hon. Sir MACKENZIE BOWELL—The statement he took out of the official returns laid before parliament.

Hon. Mr. FERGUSON—I am sorry that a personal altercation arose over this matter, and I appeal to the House in the observations that I addressed to it on the subject that I discussed the matter without any personal attack on any person, unless the stating of the fact which has been reported to me by very many witnesses, that Mr. Lichtenhein appeared in New Brunswick during the election in Mr. Blair's constituency be regarded as a personal charge. He made the contract on September 17 and beyond that and what inference might be drawn from it, I made no personal attack on any person. In addition to that, I very much regret that the session is so far advanced that I am not able to go into an investigation of the subject now. I am perfectly willing to go into it if the House could give the time and attention to it. If I live to be here another year, I will move for a committee of inquiry and have the subject investigated to the bottom. In the meantime, however, the duty devolves upon the Minister of Justice to reply to these statements clearly and fully. The country will expect to find some justification for awarding this contract at the exorbitant prices contained in the tender of this company. They will expect that members of the government will answer the points that have been raised. That is, were these deductions faithfully made in the terms of this contract? They will not be satisfied with the presumption of my hon. friend or the presumption of the Minister of Railways, or of anybody. They will require a clear and distinct showing that these deductions were faithfully made month by month, and year by year, since this contract was entered into, and they will also have to show that a sufficient amount has been deducted. I am making my statement on the authority of the returns brought down by the leader of the House himself from the Department of Railways. When I asked for the detailed statement of deductions it was shown the deduction was made on the 8th of May, 1899. I make that statement on that authority, and that that deduction was all taken out of the operations of one year, and that it was the result of that unfair deduction from the year ending 30th June, 1899, that the hon. gentleman read to the House from the statement of the Minister of Railways. I made the further statement that, after that deduction, it still did not reduce the cost of the lubrication of the road below the amount paid in 1896; that it is still, taking the three divisions of the service together, 12 per cent higher than it was that year, instead of being 10 per cent lower. I make these statements, and if correct, it shows extraordinary laxity in the enforcing of this contract, and is calculated to throw a great deal of doubt and suspicion on the whole transaction from beginning to end.

Hon. Mr. DeBOUCHERVILLE—There has been no answer to the inquiry.

Hon. Mr. FERGUSON—Certainly we have a right to a reply.

Hon. Mr. MILLS—There is a contract existing, and I have no doubt the Minister of Railways will live up to the terms of the contract. The hon. gentleman has the contract before him.

Hon. Mr. FERGUSON—There is no contract. The contract made in 1896 was for one year.

Hon. Mr. MILLS—It runs from year to year.

JUDGES OF PROVINCIAL COURTS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (189) 'An Act to amend the Act respecting the Judges of Provincial Courts.'

The Bill was read the first time.

Hon. Mr. MILLS moved that the Bill be read the second time on Monday next.

Hon. Sir MACKENZIE BOWELL—This Bill relates to the North-west Territories and the Yukon.

Hon. Mr. MILLS—Yes. I carried through a short Bill here providing that one of the judges of the North-west should be a chief justice. There were five puisné judges before that. There is no change in the number, but there is a provision that one of them shall be a chief justice, and the Bill provides that the salary of that chief justice shall be one thousand dollars more than the salary of the other judges.

Hon. Mr. PERLEY—Have the government appointed a chief justice for the North-west Territories ?

Hon. Mr. MILLS—No, we cannot, until the salary is fixed.

Hon. Mr. PERLEY—Will the hon. gentleman say when they will appoint a chief justice ?

Hon. Mr. MILLS—I cannot say.

The motion was agreed to.

THIRD READING.

Bill (93) 'An Act to confer on the Commissioner of Patents certain powers for the relief of the Servis Railroad Tie Plate Company of Canada, Limited.'—(Hon. Mr. McKay.)

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (156) 'An Act to amend the Civil Service Act.'

(In the Committee.)

On clause 2.

Hon. Mr. SCOTT—In the case of writers, or extra clerks as already existing, this clause makes provision for junior second-class clerks.

Hon. Mr. CLEMOW—What is the meaning of that ?

Hon. Mr. SCOTT—You cannot appoint a man now to the public service unless you appoint him at four hundred dollars or eleven hundred dollars. Some years ago the second-class clerks were abolished. You could not get a capable clerk for four hundred dollars. This authorizes the appointment of junior second-class clerks at $600.

Hon. Mr. CLEMOW—Will these second-class clerks occupy the position of third-class clerks ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—There is a clause in this Bill which says that third-class clerks shall become junior second-class clerks.

Hon. Mr. MACDONALD (P.E.I)—This is reverting to the principle we had in the original Act.

Hon. Mr. SCOTT—Under another name.

Hon. Mr. MACDONALD—It just shows the mistake the government made in doing away with the provision. We are now reverting to it. I believe the former Act was good and serviceable, and was satisfactory to the country and to the civil service. I believe the government made a mistake when they changed it.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman, although I was partially responsible for it. Experience has taught us that that restriction cannot be well worked out in practice. I have always thought it was a mistake to restrict the salary to four hundred dollars. As the Secretary of State has said very properly, if you get a clerk that is fit for the position you must pay him a fair salary. For some positions $400 is enough, but it is not enough for others. I am fully in accord with the principle of the Bill.

The clause was adopted.

On clause 6,

Hon. Mr. CLEMOW—I hope that this provision will be carried out strictly. There was a statutory allowance under the old Civil Service Act by which civil servants were entitled to an increase of $50 a year.

Hon. Mr. SCOTT—If approved of.

Hon. Mr. CLEMOW—No.

Hon. Mr. POWER—It is for each optional subject. It has nothing to do with a statutory increase. In the original Civil Service Act, as it is in the Revised Statutes, there is this same provision with respect to third-class clerks, and it is replacing the law as it was before.

Hon. Mr. CLEMOW—Was it ever carried out?

Hon. Mr. MILLS—Yes.

Hon. Mr. CLEMOW—I never understood that it was.

Hon. Sir MACKENZIE BOWELL—It has been the law for a great many years. If a young gentleman who has been appointed a third-class clerk, passes two or three optional subjects—that is subjects not embraced in the examination papers necessary to give him the appointment, he was allowed fifty dollars for each.

Hon. Mr. CLEMOW—That was in the old Act.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. CLEMOW—And was it carried out?

Hon. Sir MACKENZIE BOWELL—Yes, I carried it out myself.

The clause was adopted.

On clause 8,

Hon. Mr. CLEMOW—I want an explanation of this.

Hon. Mr. SCOTT—When Sir Oliver Mowat was Minister of Justice, he gave it as his opinion that the increase of $50 did not follow as a matter of course, but only when recommended by the deputy and approved by the minister—that it was not a matter of contract.

Hon. Mr. CLEMOW—I believe other legal opinions had been had to show that it was compulsory—that it was a contract entered into with these parties when they entered the service, and the government had no power to restrict it. I know there is a contrary opinion, and I should like the thing to be thoroughly understood. If these men entered the service with the condition that the $50 a year increase should be paid, the increase should be granted. I do not believe in paying one and refusing to pay another. It should not be discretionary with the minister of any department to say 'We will pay A and will not pay B.' I want to see full justice done to the civil service employees. They are entitled to it. If it was a contract under the statute, it should be carried out. I know it has been carried out in some instances. Some have received more than $50 a year increase, while others have not received a cent. Was that the understanding when this law was passed some years ago? The old government carried it out in its entirety. If a man is not fit for the service, discharge him, but I believe in carrying out the conditions of the agreement on which he entered the service so long as he is retained in it.

Hon. Sir MACKENZIE BOWELL—As a rule it was carried out by the late government, but in some cases it was not carried out.

Hon. Mr. CLEMOW—For reasons.

Hon. Sir MACKENZIE BOWELL—The law requires that a report shall be made and signed by the deputy minister. He must report, under the law, to the minister that the clerk is worthy of that $50 increase. I somewhat agree with the hon. gentleman when he says, if the clerk is not worthy of the increase he should be dismissed. There are some cases where the conduct of a clerk is such that the government are justified in withholding the $50 increase. I had some cases of the kind in my own department. When I called the attention of the deputy minister to their conduct he refused to make the recommendation, and the minister had no authority or power, under the law, to make it. All I could do was, either to dismiss the man and throw him upon the world, or punish him for that year by withholding the $50, and I think it is a very good provision. The old law says 'may do it,' and this Bill says 'may.' I know we always practiced it in the government of which I was a member for some seventeen years. If the ministers are honest and do not wish to punish a man for his political views, and only punish a man when his conduct deserves it, it is better to withhold the increase than to throw him on the world to find a living for his family in some other way.

Hon. Mr. DeBOUCHERVILLE—The lawyers differ on the subject. Some say the increase is optional, others that it is obligatory ?

Hon. Mr. MACDONALD (P.E.I.)—It is optional. This only applies, as I understand it, to clerks in the inside service, not to employees in the outside service.

The clause was adopted.

On clause 13,

Hon. Mr. SCOTT—When this Bill was introduced it was thought it would have received the royal assent before the 1st of July. It will not now, of course, and it is necessary to amend the clause so that the salaries of second-class clerks shall date from the 1st of July. Therefore, I propose to amend this clause to that effect.

The clause was amended and agreed to.

Hon. Mr. PERLEY, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was read the third time and passed under a suspension of the rule.

CRIMINAL CODE AMENDMENT BILL.

COMMONS AMENDMENTS CONSIDERED.

Consideration of the Message from the House of Commons disagreeing to the amendment made by the Senate to (Bill K) 'An Act further to amend the Criminal Code, 1892.'—(Hon. Mr. Mills).

Hon. Mr. MILLS—I move :

That the Senate do not insist on their disagreement to the 3rd and 5th amendment to the said Bill, but concur in the said amendment.

I prefer taking that course rather than lose the Bill.

Hon. Mr. CLEMOW—I object to that.

Hon. Sir MACKENZIE BOWELL—I think we should delay the consideration of this matter, because there will be some discussion and it will take some time. Speaking for myself, I do not propose to vote for that motion. I should prefer voting for a motion declaring that we insist on our amendments, and give some reasons.

Hon. Mr. CLEMOW—I take the same ground as the hon. leader of the opposition. This is a matter peculiarly pertaining to the department of the Minister of Justice, and we should insist on our amendments. I do not understand on what principle the House of Commons interfered with a matter of that sort peculiarly devolving on the department of the Minister of Justice. I take strong grounds on that matter, and I intend to vote against concurrence in these amendments submitted to us by the Commons.

Hon. Mr. MILLS—I move that the Order of the Day be discharged and placed on the Orders of the Day for Monday next.

The motion was agreed to.

SECOND READINGS.

Bill (11) 'An Act to amend the Pilotage Act.'—(Hon. Mr. Scott.)

Bill (182) 'An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour.'—(Hon. Mr. Mills.)

Bill (167) 'An Act to amend the Copyright Act.'—(Hon. Mr. Scott.)

J. W. ANDERSON RELIEF BILL.

The Order of the Day being called :

Consideration of the amendments made by the Standing Committee on Miscellaneous Private Bills to (Bill 108) 'An Act to confer on the Commissioner of Patents certain powers for the relief of J. W. Anderson.'—(Hon. Mr. DeBoucherville.)

Hon. Mr. McKAY moved the concurrence in the amendments.

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

The Senate adjourned.

THE SENATE.

Ottawa, Saturday, July 7, 1900.

The Speaker took the Chair at Eleven o'clock.

Prayers and routine proceedings.

THE DISMISSAL OF LIEUTENANT-GOVERNOR McINNES.

Hon. Mr. SCOTT—I beg to lay on the Table the correspondence asked for in reference to the dismissal of Lieutenant-Governor McInnes. I may say here that a return was brought down at the end of last session which gave all the correspondence in re-

lation to the dismissal of Mr. Turner's administration. It has been printed by order of the committee.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman did not duplicate that.

Hon. Mr. SCOTT—When that motion was made by the hon. leader of the opposition, particular reference was made to myself. The hon. gentleman read, I presume, from a British Columbia newspaper, or some paper that had copied the article from a British Columbia paper, in which it was intimated that if the Lieutenant-Governor had made a mistake he had been advised improperly by the Secretary of State, that the Secretary of State had marked his letters 'confidential,' and that therefore they could not be produced. At the same time he quoted several paragraphs from confidential communications, and intimated that there was a difference in the advice given him on one occasion from the advice given him on another, under absolutely similar conditions. It is only proper under these circumstances in laying those papers on the Table, that I should be permitted, to make a very short statement, as my name has been so prominently connected with this matter. I may say that after this statement was read by the hon. gentleman in this House, I sent the following telegram to Lieutenant-Governor McInnes:

Hon. T. R. McInnes, Victoria, B.C.

You have referred so fully to our private confidential correspondence, and published extracts from it, there is no longer any reason for regarding it as private. Your statements referring to my private suggestions were read in the Senate and I was asked for an explanation, which I must now give, by bringing down all private letters and telegrams.

That was sent on July 4. I received no answer to it, but I understand additional extracts, copied from my letters, have been, in the meantime, published by Lieutenant-Governor McInnes.

Hon. Sir MACKENZIE BOWELL—They were published in full, judging from the telegram from Victoria which I read this morning in the press.

Hon. Mr. SCOTT—Hon. gentlemen who were in the Chamber when Lieutenant-Governor McInnes was here know my relations with him. He and I were acting in friendly co-operation, and when he became Lieutenant-Governor, he commenced to write me occasional letters marked 'private and confidential.' I was only too glad to give him any suggestion that might be of use to him, not by way of advice, but simply as one friend would write to another. In any of my private and confidential letters to him they were not written at the inspiration of the government, nor were they shown to my colleagues, and some of my colleagues have expressed very great surprise at the announcement made in the press, as it was the first intimation they had received of those letters. My hon. friend, the Minister of Justice, only saw the correspondence on the morning of the day on which reference was made to it here. However, the letters written by myself, and off my own bat, as the saying is, are not in any sense as representing the views of the government. I think on only one occasion have I written a letter, and marked it 'private and confidential' to Mr. McInnes, that was not an answer to a previous communication from him. I shall draw attention to that in a moment. The House probably will remember that a general election took place in British Columbia, in July, 1898. The Turner government were dismissed in August, 1898, before the returns were all in, and in the same month Mr. Semlin was called on to form a government. Less than three months after the election, Mr. McInnes sent me this communication: I do not know that it was marked 'confidential.' However, I did not put it on file, as I thought it was not a question which ought to be made public. The letter is dated Victoria, October 21, 1898. I read this in order that the House and the public will understand that my communications with Mr. McInnes were not voluntary on my part in any sense, but, as a rule, were answers to requests from him to me. This, it will be remembered, was less than three months from the general election, before the House had been called together. I do not know that the telegram was even in cypher:

Victoria, Oct. 21, 1898.

Lieut.-Governor to R. W. Scott.

Can I consitutionally grant request for dissolution before new legislature was formally convened?

Please wire reply.

T. R. McINNES.

That communication was sent shortly after the general election. The new government

wanted to have another election. My answer was this :

While technically you might have the right to grant dissolution on advice of your ministers, yet the exercise of that power under existing circumstances would be regarded as extraordinary and unprecedented, and I would advise against its exercise. Confidential.

Hon. Sir MACKENZIE BOWELL—Is that in this correspondence ?

Hon. Mr. SCOTT—Yes, I put it there. The first letter I wrote of my own mere motion to Mr. McInnes was in August, 1899. It will be remembered that the legislature there meets in the month of January, and usually prorogues in February. In 1898, the House had prorogued at the ordinary time, I think on February 27. It was reported that Mr. McInnes was forcing his government either to call a meeting of the legislature or to dissolve the House. It must be remembered the election was only in the preceding year—that the members of the Semlin government had met the House—had carried through their measures successfully and the House had adjourned in the usual way, yet in the month of July or August it was reported that pressure was brought to bear on his ministers in order that they might be brought to act. This is the only letter I wrote :

August 30, 1899.

(Confidental.)

My dear McInnes,—Since Martin left the government rumours have been afloat that he intended 'carrying the war into Africa,' and to accomplish that feat his friends were pressing for an earlier meeting of the legislature that he might make his attack.

I presume that the members of your government have no intention of giving Martin the opportunity he would like by calling the legislature before the usual time of meeting, and your ministers are the proper judges of the time to summon the assembly—keeping, of course, within the year's limit.

I was glad to observe that the charges made against you by the Turner government fell flat, and outside of the newspaper discussion your action did not evoke much criticism in parliament. Still it must be admitted that the course you took in getting rid of the Turner government was a little more drastic than that usually adopted under similar conditions. I should not, however, like to see you repeat so dashing a method of changing your advisers. It is always better to leave to the representatives of the people in the assembly the delicate question of deciding whether the advisers of the Lieutenant-Governor have the confidence of the country.

I was glad to get your report on the Atlin district. It is likely to prove a rich field for the miner. I note that it is stated that the Alien Act has rather retarded than helped the development of the district, and that it is in contemplation to repeal the Act next session. Its repeal would remove one of the grievances now being developed at Washington, and one which is likely to be brought before the Joint Commission when they meet again.

Hoping you are well and enjoying your position.

I remain, yours very truly,

R. W. SCOTT.

The Honourable T. R. McInnes,
Lieutenant-Governor British Columbia,
Victoria, B.C.

Then he writes me on September 12, a letter in which he acknowledges that, and he quotes my letter. It is a long letter in which he says I am mistaken, that Martin is not the one, but there are other parties who are pressing for a dissolution, or for an early meeting. He says :

Victoria, B.C., September 12, 1899.

(Confidential.)

The Hon. R. W. Scott,
Secretary of State,
Ottawa, Canada.

My dear Scott,—Your letter of the 30th ultimo received and contents carefully considered. You say : 'Since Martin left the government rumours have been afloat that he intended carrying the war into Africa, and that to accomplish that feat his friends were pressing for an earlier meeting of the legislature that he might make his attack.' That is hardly correct. I have neither spoken with nor seen Martin for the last six months, and have no idea of what his plans may be, but, judging from his past record doubtless he will be inclined to 'carry the war into Africa.' But it is not Martin's friends who are clamouring for an early session, but Martin's bitterest enemies—parties represented by such papers as the Victoria 'Colonist' Victoria 'Globe,' Nelson 'Miner,' Kamloops 'Standard,' &c. These parties expect that an early session would result not exactly in the restoration of the Turner government, but in the installation of a government in sympathy and in line with the old government. Personally, I am of opinion that an early session should be held, altogether irrespective of the question of the government being sustained, or of this or that party coming into power. For permit me to say that without being in the province you can hardly realize the feeling of unrest and uncertainty existing as a result of the present political situation. Business interests, particularly in the matter of mining development, are rather seriously affected by it. And I have been urging upon my ministers that under the circumstances they should meet the legislature by the end of October, or appeal to the electorate. In obedience, however, to your suggestion that my ministers should be allowed to fix the date of the meeting of the legislature, as they think most advisable, keeping within the year's limit, and also giving consideration to the reasons urged by them against a session before January, I have withdrawn my request for an October session, asking however that early notice be given of a meeting of the legislature for January 4—the date suggested by themselves, and only one day earlier than the meeting of the legislature last year. I inclose editorial from the 'Globe' from which you will learn that petitions are to be circulated throughout the province asking for my dismissal on the ground chiefly that I have not dismissed the present government, or insisted upon an

early session. I merely mention this, not that I feel at all concerned by the said petitions, but as an evidence of the strong demand existing among the people for an early opportunity to pronounce upon the present political situation. However, as above indicated, I will follow your advice in the matter, and await a session in January. You express a hope that I am enjoying my present position. I cannot say that I have found it to be any particular sinecure so far, and I may tell you frankly that I seriously contemplate giving it up at an early date, and re-entering Dominion politics. There are some matters that I do not care to treat of in a letter, but had I the opportunity of an hour's conversation with you, I might enlighten you somewhat as to the actual state of affairs in this province—particularly from a Dominion party standpoint. I fear that the government has relied over much upon the advice of inexperienced politicians as far as this province is concerned—upon the representations of those who cry 'all is well' where all is not well. Remember, my dear senator, that I am far from saying this in any spirit of hostility or captiousness, but from a desire that you should be informed as to the true state of affairs here.

By the way, the letter you sent me about the beginning of my term with directions as to the use of Slater's Code, was burned in the government House fire, but as I remember it the sender was to add four hundred to the code word, the receiver to substract—and so, unless otherwise instructed I will interpret any cipher messages you may have occasion to send me.

Believe me, yours very sincerely,
(Sd.) THOMAS R. McINNES.

He inclosed some editorials from newspapers advertising that there should be an earlier session. The next communication was before the formation of the Martin government. I was wrong in stating that I had not written a second communication except as an answer. In February, after the dismissal of the Semlin government, I wrote:

Ottawa, February 27, 1900.

Lieutenant-Governor McInnes,
Victoria, B.C.

I understand your government is being materially strengthened by accession of several members from opposition ranks. Think you should give them a little time rather than force dissolution or a change.

(Sd.) R. W. SCOTT.

He answers:

Hon. R. W. Scott,
Ottawa.

Several hours before receiving telegram I called other advisers. Will write full details which will justify my action.

(Sd.) THOMAS R. McINNES.

The communications that I am reading of course are all in the returns. The next is a letter of March 3, in which he gives reasons for Mr. Semlin's dismissal, I do not know that I need read it.

Hon. Sir MACKENZIE BOWELL—We will read it at our leisure. It is a very long letter.

Hon. Mr. SCOTT—He writes to me justifying his course. I did not answer that letter. On March 4, he wrote me another confidential letter, which I did not answer, on the same subject, justifying his dismissal of the Semlin government. Then by advice of the government, as Secretary of State, I did send an official communication on March 15 by wire:

The government desire to know whether you have completed your Executive Council, and how soon you expect your advisers to receive the approval of the people or their representatives. Please report fully.

Then there is correspondence in which he announced that three ministers had been sworn in. Then there was a very considerable gap before other ministers were sworn in. I need not bother the House with it; I suppose hon. gentlemen will see it in the public press. At the instance of the government, telegrams were sent to him from time to time, pressing him to either dissolve the House or call the legislature together, or take some action. On April 9, there is an important telegram. It will be remembered that Mr. McInnes formed a new government on February 27. On April 9, this telegram was sent, after we had received his report:

Your report received. After giving it and all the circumstances every consideration, the Privy Council is of opinion that the existing legislature should either be immediately summoned to meet or immediately dissolved, and an appeal made without delay to the people. Postponement of such a meeting or appeal cannot, in the opinion of the Privy Council, be justified.

He had formed his government and he had taken six weeks to do it and the government was being carried on without the representatives of the people having any seats in the legislature and wholly in defiance of the principle of responsible government. I may say here that one member of the government, Mr. Spencer Ridout, was sworn in on April 3, as Finance Minister. He held office for a month. He did not go to the people, and on May 4, he resigned, and another gentleman was named Finance Minister in his place, so that there is the unprecedented principle of a man being Finance Minister of an important province for a month who had never been in the legislature, who was not in the legislature at the time, and who, I believe, now has not been elected in the new House. In com-

munications to me Mr. McInnes endeavoured to make explanations, stating that it was important that they should wait for a new list. That was really the argument he used later on, and finally, when he delayed so long, he stated the law would not allow them to have an election until some time in the month of June. It should be remembered that in February the change took place, and in the meantime the members of the government held office without any recognition by the people. Hon. gentlemen will also remember the scene that took place when the House was prorogued, that the members on both sides of the House got up and left the Chamber, Mr. Martin, who had himself of course resigned and taken the oath of office, being the only one who had been a member of the legislature that attended in the Chamber when the Lieutenant-Governor addressed the vacant benches and prorogued the legislature.

Hon. Mr. CLEMOW—The Speaker was there.

Hon. Mr. SCOTT—I am reminded that the Speaker was there. Then there was a letter which was marked 'strictly confidential,' of April 13.

Hon. Sir MACKENZIE BOWELL—That is where the hon. gentleman tells him that he thinks it is unconstitutional to allow so long a time to elapse before completing the personnel of the government.

Hon. Mr. SCOTT—The letter reads :

Ottawa, April 13, 1900.

(Strictly confidential.)

My dear McInnes,—Personally I fully appreciate all the difficulties you have had to encounter in the formation of a stable government, but the judgment expressed here is that with a legislature so recently elected you should have endeavoured to form a government out of the material in the House. Provincial legislatures do not necessarily divide on party lines, and a coalition seemed possible. Then there is a very strong opinion here that it was unconstitutional to permit so long a time to elapse before completing the personnel of the government and appealing to the electors, particularly as so many of your advisers are new and untried men.

At the instance of the Privy Council I have wired for an explanation of the delay in dissolving and in calling the new House. As the lists were revised last fall, it seemed indefensible to postpone the elections for new lists.

The communications passing between the government and yourself are sure to be called for, and, therefore, they must not be addressed to me confidentialy as any letter marked private or confidential does not go on file, and this letter, of course, must be treated as confidential and destroyed.

Yours truly,

(Sd.) R. W. SCOTT.

Hon. T. R. McInnes,
Victoria, B.C.

It has not, however, been destroyed. He quoted from it.

Hon. Sir MACKENZIE BOWELL—It is quite evident the hon. gentleman put it on record.

Hon. Mr. SCOTT—I fortunately kept a copy of it. I did not put it on record. Then in another letter he complains that I gave different advice in my letter of May 15, to the advice I gave him on August 30—that seems to be the offence I have committed ?

Hon. Sir MACKENZIE BOWELL—Which is that ?

Hon. Mr. SCOTT—That the letter of May 15, which I am now about to read, gives him different advice from that given in the letter of September 12, where I advised him to be governed by his ministers, his ministers at that time having prorogued the House with a fair majority and having all been members who had been elected by the people. The letter reads :

(Confidential.)

Victoria, B.C., May 15, 1900.

My dear Scott,—I fully appreciate the expression of sympathy conveyed in your confidential letter of the 13th ultimo, respecting the difficulties with which I have had to contend in endeavouring to secure a stable government. Frankly, however, while I shall always be glad to receive a confidential letter from you, I do not quite appreciate the way in which you have conveyed official directions and instructions in the form of confidential communications. And I will tell you why. Your letter to me of August 30 last, although marked 'confidential,' and so excluded from the list of documents that may be laid before parliament, yet contained definite and specific instructions restraining me from bringing pressure upon my ministers to either call a session of the legislature, or bring on a general election at an early date.

I never did that. My letters were only suggestions and were always marked so. However, I am perfectly willing to stand by the advice I did give him. It will be remembered that in August it was a new House. They had only been elected the year before, and they were not bound to call the legislature together until the ordinary time. There was no special reason for it, and I did advise him to be guided by his ministers. He goes on to say—that the

advice given by Mr. Martin and the gentlemen who had been named by him ought to be as readily followed as the advice of the Semlin government who had been sustained by the legislature and who held seats in the House. The letter proceeds :

And now, in your letter under reply, also one that cannot be laid before parliament, I am in effect censured for not having brought pressure to bear upon my present constitutional advisers to compel them to bring on an early session of the legislature, or a general election before the date already fixed. You end your letter by saying :

'Any letter marked private or confidential does not go on file, and this letter, of course, must be treated as confidential and destroyed.'

Neither he nor I destroyed the letters.

Hon. Sir MACKENZIE BOWELL—It is quite evident that the hon. gentleman and Mr. McInnes had no great confidence in each other.

Hon. Mr. SCOTT—I thought it was better to exercise caution.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State had been his intimate friend and knew how to appreciate him.

Hon. Mr. SCOTT—The letter continues :

I may tell you that no one but my secretary and myself has seen anything of these confidential letters from you, and I do not think that there need be any occasion for taking them from the obscurity of a private file, but I would point out to you that you now apparently find my course blameworthy, through having acted in strict compliance with the directions given in your letter of August 30, reading :

'Your ministers are the proper judges of the time to summon the assembly, keeping of course within the year's limit.' Certain portions of that letter are quoted in my report to the Privy Council of March 27 last. But those portions I could hardly avoid quoting, in justice to myself. I think it is done in such a way, however, as to make further reference to the said letters unnecessary. I certainly should have preferred an official notification from the Privy Council if they considered that I had left untouched or unexplained any relevant phase of my action throughout the present crisis. Not having received one, however, I have undertaken to forward to His Excellency in Council a supplementary report of this date, dealing with the criticisms upon my conduct subsequent to the dismissal of the Semlin government, as far as I could gather them from the Ottawa press despaches, and your letter under reply. I have stated fully all I have to say touching the points you refer to, without in any way referring to your letter itself. I am not setting up for a constitutional lawyer, but I do say that I have sought to discharge my duties faithfully, under probably as trying circumstances as a Lieutenant-Governor has yet been placed in in Canada. But the attitude taken towards me by some of my old friends and colleagues in Ottawa, at least as represented by the press and private report, has been a genuine surprise to me, and I cannot help thinking that they have been grossly misinformed and misled. Some of the provincial press contain references, and extracts from Ottawa letters, like the following taken from the Greenwood 'Times' of the 27th ultimo :

'A prominent Liberal member writes under date of April 11, as follows :—

'We hear to-day that the House is dissolved, and that elections will be held June 9. Well, I would not give much for McInnes's scalp if Martin is turned down.'

Another Liberal who is in close touch with Sir Wilfrid says :

'Blame the Lieutenant-Governor, I know the view of our friends here, and it is very hostile to McInnes. These views fairly express Sir Wilfrid's position.'

Very well, let them 'blame the Lieutenant-Governor' if they will. But it may prove to be no wiser course than it was for Mr. Duncan Ross, the editor of the above-mentioned paper, who for doing that very thing, was expelled from the Liberal Association of Greenwood. And here in Victoria, at the annual election of officers of the Liberal Association, every officer—with the exception of Mr. Drury, who has taken a perfectly neutral stand—was turned out, and others elected in their places, in consequence of having taken a somewhat similar attitude to that of Mr. Ross.

In conclusion let me say that I am, and always have been ready to acknowledge the authority of advice and directions given by you respecting my official duties and prerogatives, but I do not propose to be swayed from what appears to be my line of duty by the hostility of a certain section of the press, or their contributors—let the outcome be what it may.

Yours very truly,

(Sd.) THOS. R. McINNES.

The last letter I wrote him was in answer to that communication, and is as follows:

(Confidential.)

Ottawa, June 2, 1900.

My dear McInnes,—Referring to your letter of May 15, commenting on our correspondence.

My letter of August 30 was not intended 'to convey official directions and instructions in the form of a confidential communication,' but was only a suggestion due to a report that I had heard you were bringing pressure to bear on your government to call the legislature before they were ready to meet it, and the advice was certainly sound, as I consider it would have been indefensible for a Governor General or Lieutenant-Governor to force his government to call the legislature under the circumstances then existing.

You seem to think that the advice subsequently given as to the Martin government was inconsistent with the suggestion in my letter of August 30. I do not so regard it. The two cases have no parallel ; there is no analogy between the two cases. In the one there was a responsible government whose members had been endorsed by the people, in the latter case not a single member of the existing government had then or even has up to the present time received the approval of the people. Only one of them had ever been a member of the legislature, and he had no following ; and I think it is without a parallel in the history of constitutional government that a body of men, five-sixths of whom had never been members of the legislature, should be permitted to carry on a government for three months without any public

sanction or approval. It is useless now to comment on it. I was sorry at the line taken, and as you must have observed by the public press all over the Dominion, the propriety of the action taken has been very severely criticised. I have always recognized that the conditions existing in British Columbia during the last eighteen months, made your position a most difficult one —the bitter personal feeling shown between the rivals for place and power intensified the embarrassment as the rivals were so nearly equal in numbers—you certainly have not had an easy task in your efforts to guide the ship of state.

Yours truly,

(Sd.) R. W. SCOTT.

The Honourable T. R. McInnes,
Government House, Victoria, B.C.

That ends the correspondence and embraces, I believe, all that can be in any way regarded as confidential. The letters are produced in the file I laid on the Table together with the official communications, so that hon. gentlemen will have an opportunity to peruse them. It was rather regrettable that any necessity should arise to make public private and confidential communications of that kind between gentlemen. They were written by me simply as one friend to another—not in any sense as the Secretary of State nor at the suggestion of the Privy Council, but solely with a view of giving him the benefit of my judgment, if it was worth anything. He was not bound to follow it. He spoke of it in the original communications as suggestions only—and in subsequent letters as directions. They were not directions. They were advice which I think was sound, and had he followed it there would have been no crisis in British Columbia.

Hon. Sir MACKENZIE BOWELL—This is a very unusual course to pursue.

Hon. Mr. SCOTT—It is in answer to my hon. friend's request.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, the hon. gentleman is justified in the course he has pursued. I am of the opinion still that he has reason to thank me for bringing this matter before the House and country. This is not the time and occasion to discuss the question. That I shall reserve for some future time. I have simply to say this, that in looking through the correspondence, I do not see that there is any difference in the manner in which the letters have been signed by the Secretary of State. While Mr. McInnes has in many cases signed his 'T. R. McInnes, Lieutenant-Governor,' in each case the Secretary of State has simply signed his own name, without putting 'Secretary of State' to it. Some of these documents, the hon. gentleman admits, were official, and that he spoke on behalf of his colleagues. If I were in the position of Mr. McInnes, whatever his faults may be, I should assume that all those letters were written at the instance of the government, from the fact that they are all signed in the same way, and some of them the Secretary of State says were official, and some of the telegrams were sent at the instance of his colleagues. Taking one with another, without arguing the question any further on the constitutional aspect, of the interference of the Dominion government with the local government, that we can leave to some other time, but whatever my opinion of Mr. McInnes may be, I certainly would come to the conclusion, if I were in his place, that these letters were all of an official character. Otherwise it would have been so stated. I see a gentleman in the Senate to-day who, from a telegram published in this morning's paper, seems to have been made the ambassador of the government. Whether he was their plenipotentiary extraordinary or not, I do not know, but he is here to answer for himself. Governor McInnes is reported this morning to have stated that he was waited on by Senator Cox, and Mr. Jaffrey, of Toronto, who urged upon him the impropriety of calling upon Mr. Martin. I am glad my hon. friend (Hon. Mr. Cox) is here, because I cannot conceive he acted except as a private individual, and the country is interested in knowing whether, like the Secretary of State, he acted as a private individual and gave the Governor private advice, or whether he went there as a plenipotentiary and ambassador from the government at Ottawa, to direct the Governor as to what he should do. I have no doubt the hon. gentleman will give us the information in his own defence, and also in explanation of the statement made, whether true or false. I can scarcely believe it is true myself, although I would not like to question the veracity of a gentleman who has filled so important and responsible a position as that of Lieutenant-Governor. But I have learned this from the correspondence and what has taken place, that these two intimate friends, the Secretary of State and the late Lieutenant-Governor of British Col-

umbia, had very little confidence in each other, and were prepared, in all their correspondence, to put it on such a basis as to destroy it so that no evidence could be produced in future. I commend the Secretary of State for his caution.

Hon. Mr. COX—I am very glad to have an opportunity to make an explanation. There is no truth whatever in the statement, directly or indirectly. I gave no such advice to the Lieutenant-Governor, either as a private individual or as a representative of the government. I did call upon Senator McInnes when I was in Victoria. It was a friendly call only, and I had no conversation with him on the subject whatever. The Semlin government was in power at the time, and so far as was then known, or understood, there was no probability of a change. At any rate, to answer the hon. gentleman's question, unqualifiedly and unconditionally, I gave no advice either as a private individual or as a representative of the government.

Hon. Mr. TEMPLEMAN—Evidently this question is susceptible of further discussion, and it is my intention to place a notice on the Order paper that it be taken up on Wednesday next, so that the constitutional side of the question can be considered. It is not by any means exhausted yet.

Hon. Mr. PROWSE—It is rather unfortunate that such an important question as this should be introduced in this House at such a late period in the session. It appears to me that the correspondence shows the impropriety, to say the least of it, of ministers of the Crown and lieutenant-governors holding private and confidential correspondence on public business. There is no reason why this private correspondence should not take place as to their family and business affairs, but where a minister of the Crown and the Lieutenant-Governor of a province undertake a private and confidential correspondence, the disclosure of which proves it should have been neither private nor confidential, it is another matter. The Secretary of State writes the Lieutenant-Governor of British Columbia and asks him to destroy the letters as soon as read. The fact that on receiving that letter he does not comply with the request, and that the gentleman who wrote it does not destroy his own copy of it, shows that there was no confidence on either side. It illustrates the danger and the trouble brought about by writing private and confidential communications on public affairs when they should not be private or confidential. I am sorry this discussion has been forced on the House in a one-sided way. I have no particular interest in the case of the late Governor of British Columbia, but as a British subject, and a lover of British fair-play, when a discussion of this kind takes place, I claim the Lieutenant-Governor should have an opportunity to answer for himself. We have had the correspondence read us by the Secretary of State and his comments on it. We see in the newspapers that the hon. gentleman from Toronto (Hon. Mr. Cox) has been brought into this matter. He denies some newspaper reports that we see published. We have heard the hon. senator's denial, but we have not heard the other side of the question.

Hon. Mr. TEMPLEMAN—Does the hon. gentleman not accept his denial ?

Hon. Mr. POWER—Under the rules of the House we are bound to accept the hon. gentleman's statement.

Hon. Mr. PROWSE—That is true. I do not know whether the word of a senator stands any higher in public estimation than the word of an ex-senator and the word of a Lieutenant-Governor.

Hon. Sir MACKENZIE BOWELL—That depends on the standing and reputation of the two.

Hon. Mr. MILLS—I move that this correspondence be printed for the use of the Senate immediately. In regard to the observations made by the hon. senator from Prince Edward Island, my hon. friend opposite can tell him that a large part of the correspondence that passes between His Excellency and the Colonial Secretary, who stand to each other in precisely the same relation that my hon. friend stands to the Lieutenant-Governor of a province, is confidential, and it is public at the same time.

Hon. Mr. PROWSE—Then it would not be ordered to be burned or destroyed..

Hon. Mr. MILLS—No, because it is public although confidential.

Hon. Sir MACKENZIE BOWELL—But when letters from the Colonial Secretary are written 'confidential' you are never permitted to use them without his consent.

Hon. Mr. MILLS—Quite so. The rule as to the colonial office does not apply to this case, because these are not public letters in any sense. My hon. friend was writing in his unofficial capacity, and he had a right to ask the Lieutenant-Governor to destroy the letters if he thought proper. That was his own business.

The motion was agreed to.

BANKING ACT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (Y) 'An Act to amend the Banking Act.' He said: I may say to hon. gentlemen that this amendment is in substitution for section 40 in the law as it now stands. That section provides for the amalgamation of banks. As it now stands, the restriction of the previous section of the Act operated from the time the agreement was entered into, which would make it impossible that the circulation could be greater than that of the purchasing bank. I understand there are two millions of dollars being added to the capital of the Bank of Commerce by an arrangement that the Bank of Commerce is making with the Bank of British Columbia, and in order that that arrangement may be carried out, it is necessary to amend the section as it now stands, because it contains no provision for dealing with a circulation larger than that of the purchasing bank.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might have added, there would be an interregnum between the purchase and the completion of it, during which there would be a large circulation of bills for which there would be no sanction, and that would subject the bank to penalties. This is in order to remove that difficulty so as to enable the Bank of Commerce, in purchasing the Bank of British Columbia, to complete their transaction without subjecting themselves to any penalties, and, as I understand it, the Bank of Commerce will be prepared to put up the two million dollars, if necessary, in the hands of the Finance Department in order to cover any loss that might occur, if such were possible, and in order to keep themselves within the law.

The Bill was read the first time.

The House was adjourned during pleasure.

BILLS ASSENTED TO.

The Honourable Mr. Justice Taschereau acting as deputy to His Excellency the Governor General, being seated on the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

It is 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, as follow:

An Act respecting the Ontario Power Company of Niagara Falls.

An Act to incorporate the Quebec and Lake Huron Railway Company.

An Act respecting the Nipissing and James Bay Railway Company.

An Act to authorize contracts with certain Steamship Companies for Cold Storage accommodation.

An Act respecting the Nickel Steel Company of Canada.

An Act to incorporate the Canadian Bankers' Association.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Frost & Wood Company (Limited).

An Act to amend the Acts respecting Interest.

An Act to incorporate the Manitoulin and North Shore Railway Company.

An Act to incorporate the Quebec Southern Railway Company.

An Act to enable the city of Winnipeg to utilize the Assiniboine River water power.

An Act respecting the Algoma Central Railway Company.

An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the British Yukon Railway Company.

An Act respecting the Dominion Atlantic Railway Company.

An Act respecting the Toronto Hotel Company.

An Act to amend 'The Bank Act.'

An Act respecting the Buffalo Railway Company (Foreign).

An Act respecting the Ottawa and Hull Fire Relief Fund.

An Act respecting the Safety of Ships.

An Act to incorporate the Dominion of Canada Rifle Association.

An Act to amend the Act respecting the Merchants' Bank of Halifax, and to change its name to the Royal Bank of Canada.

An Act to incorporate the Accident and Guarantee Company of Canada.

An Act for the relief of William Henry Featherstonhaugh.

An Act to amend the Land Titles Act, 1894.

An Act to amend the Expropriation Act.

An Act to incorporate the Ottawa, Brockville and St. Lawrence Railway Company.

An Act respecting the Salisbury and Harvey Railway Company.

An Act to incorporate the Acadia Loan Corporation.

An Act respecting the Canada Mining and Metallurgical Company (Limited).

An Act to confer on the Commissioner of Patents certain powers for the relief of James Milne.

An Act to amend the Acts respecting certain Savings Banks in the province of Quebec.

An Act to amend the Penitentiary Act.

An Act respecting the Grain trade in the Inspection District of Manitoba.

An Act to amend the Weights and Measures Act.

An Act to incorporate the Lake Superior and Hudson's Bay Railway Company.

An Act respecting the Schomberg and Aurora Railway Company.

An Act respecting the Timagami Railway Company.

An Act to amend the Companies Clauses Act.

An Act to amend the Customs Tariff, 1897.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Servis Railroad Tie Plate Company of Canada (Limited).

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

In Her Majesty's name, His Honour the Deputy Governor of His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Honour the Deputy of His Excellency the Governor General as follows:

May it please Your Honour:

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons I present to Your Honour the following Bill:—'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending June 30, 1900;' to which Bill I humbly request Your Honour's assent.

Then after the Clerk of the Crown in Chancery had read the title of the Bill,

The Clerk of the Senate, by His Honour's command, did thereupon say:

In Her Majesty's name, His Honour the Deputy of His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this Bill.

60½

After which His Honour the Deputy Governor was pleased to retire, and

The House of Commons withdrew.

After some time the House was resumed.

PILOTAGE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (11) 'An Act to amend the Pilotage Act.'

(In the Committee.)

Hon. Mr. SCOTT—For some years there has been a good deal of friction between the pilots and and Harbour Commissioners of Montreal, and the only way of solving the difficulty and having matters run smoothly seems to be by the creation of a pilot's court, to consist of a commissioner who shall be an advocate of the province of Quebec of not less than seven years standing, appointed by the Minister of Marine and Fisheries, who must be sworn in, and two persons who are regarded as assessors, one appointed by the pilots and the other by the Minister of Marine and Fisheries. The clauses of the Bill provide for the referring of disputes that arise as to the qualification of pilots and cases where they have been guilty of errors and mistakes, and charges have been brought against them for running vessels out of the channel on the rocks, in order that the case may be tried summarily before a board of this kind. The owner has heretofore been in the Montreal Harbour Commissioners and it is only affecting the pilots so far as the city of Montreal is concerned. The fees that are derived from this will be amply sufficient to meet any charges.

Hon. Sir MACKENZIE BOWELL—The hon. minister anticipates that.

Hon. Mr. SCOTT—Yes, there is no doubt about it. The commissioner is only paid while he is trying the case. He is paid ten dollars a day, and the two assessors five dollars a day each.

Hon. Sir MACKENZIE BOWELL—I see, casually running my eyes over the clauses, that it has simply reference to the establishment of the court to settle disputes which have heretofore been settled by the Board of Harbour Commissioners.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The Bill has been materially changed since its introduction, and I would ask the chairman to read the clauses. I know the attempts that were made in the past and I know the attempts that were made in the Commons to give most extraordinary powers to pilots which the Senate rejected. This has nothing whatever to do with that branch of the subject, has it ?

Hon. Mr. SCOTT—No, I think not.

On clause 3,

Hon. Mr. POWER—There is one remark which I should like to make on this clause. Clause 2 says :

> The court shall consist of a commissioner, who shall be an advocate of the province of Quebec of not less than seven years' standing, and who shall be appointed by the Minister of Marine and Fisheries and sworn in before a judge of the Superior Court of the province of Quebec.

And the next clause of the Bill provides as follows :

> The court shall, in the hearing and determination of any charge or complaint against any pilot, and also in any inquiry in connection with any accident or damage happening to or caused by a vessel in charge of any pilot, have power to call in the aid of one or more assessors appointed as hereinafter provided.

It occurs to me that clause 3 should provide that if an assessor selected by one of the parties is called in, there should also be an assessor selected by the other party. The judge may call in an assessor appointed by the pilots, and he may or may not call in an assessor appointed by the pilotage authorities, or vice versa. I think, as a matter of fair-play and equity, that if there is an assessor representing one, there should be an assessor representing the other.

Hon. Mr. MILLS—The difficulty at the present time is that the pilots complain that the present mode of proceeding before the harbour commissioners does not deal with them fairly, and so the object of giving the pilot or the pilotage authorities an assessor is in order that the case of the pilot may be fairly heard, and that was the whole complaint on the part of the pilots. This arrangement is one that will continue in force until there is a judge of the Maritime Court who will take charge of the business.

Hon. Sir MACKENZIE BOWELL—He has power under this to appoint one or more.

Hon. Mr. SCOTT—I think it is all right.

Hon. Mr. POWER—It will be all right until it comes to be tested. It is well known that although the interest of the pilots is a considerable one, the interest represented by the Montreal pilotage authorities, the harbour commissioners, is a much more important one ; and if for instance some question arises with respect to the pilotage of one of those large steamships coming from Europe : supposing it is charged that the pilot has made a mistake, it seems to me that we should have two assessors, the assessor who represents the pilots and the assessor who represents the port of Montreal. It is desirable to try and provide as far as possible that these difficulties shall not arise in the future. The sympathies of the gentleman who is appointed a commissioner may be with the pilots ; and that gentleman may call in a pilot as an assessor, and may refrain from calling in a representative of the mercantile interests.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. POWER—And then we have this case tried practically before two judges whose sympathies would be one way, and there would be no one to represent the more important interest.

Hon. Mr. SCOTT—They must call in two.

Hon. Mr. POWER—The clause says that the court shall be required to call in the aid of one or more assessors.

Hon. Mr. MILLS—Sometimes a case happens in which the pilotage authorities have not the slightest interest and it does not concern them at all and in such an event it would be altogether unnecessary to insist upon a representative of the pilotage authorities being present. Sometimes they are interested, and when they are interested, under the provisions of this Bill they will undoubtedly be represented. There is not an attempt to enter into detail, because that would be difficult.

Hon. Mr. ALLAN—In all cases it is the complaint against the pilot, and I think there is a great deal of force in the what the hon. gentleman from Halifax has said, that if there is a complaint against the pilot, and other parties are interested in the complaint, say for instance, the steamship companies, it

is only fair that there should be two representatives.

Hon. Mr. MACDONALD (P.E.I.)—Are these assesors to be judges ?

Hon. Mr. SCOTT—No. They are advisers of the court of commission.

Hon. Sir MACKENZIE BOWELL—I do not see any case that could possibly arise in which the party mentioned by the Minister of Justice would not be interested. This is a court especially to settle disputes between pilots and the mercantile interests of that section of the St. Lawrence near Montreal, and as intimated by my hon. friend to my left (Hon. Mr. Allan), every case that comes before this commission must be to settle difficulties that have arisen between mercantile interests and the pilots, and when we reflect upon the actions of pilots in the past and the difficulties which have arisen, it strikes me that there is very much force in what the hon. gentleman from Halifax, says : I do not say that the commissioner would be partial, but his sympathies might be with one or the other. They might be with the mercantile community and against the pilot, and the pilot might be in the right, and still the party to be the assessor between them would be a party wholly interested in the mercantile community, or vice versa. If the Minister of Justice will think of it a moment, he will come to the conclusion that the suggestion is a good one. It would do no harm and would place the court in a position to deal impartially with every question that came before it.

Hon. Mr. SCOTT—The assessors are only advisers. They do not take part in the adjudication of the case at all. The commissioner is the person who is charged with adjudicating on the complaint, whatever it may be, and he has the power to call in one or more assessors that have been named by the two authorities that are referred to in the clause 4. The licensed pilots appoint one or more qualified pilots, and the Montreal pilot authorities appoint one or more. It is assumed the commissioner would act fairly. He is in the position of a judge. When we appoint a judge we do not limit his powers.

Hon. Mr. ALLAN—The very fact that this additional party is to be called in to give his advice makes it more necessary that that advice should not be biassed in any way, and that it should be advice which could be relied upon.

Hon. Sir MACKENZIE BOWELL—Is there any clause in the Bill which defines what the duties of the assessor are ?

Hon. Mr. MILLS—An assessor to a court is a party who can advise the court, without the power of giving judgment.

Hon. Sir MACKENZIE BOWELL—He might be an assessor for the purpose of declaring what damage has occurred to the vessel through the negligence of the pilot, and then the question would arise as to whether the pilot was guilty or not.

Hon. Mr. POWER—The object of assessors is to give to the judge professional or technical information, and in the admiralty courts assessors are frequently called in to give information of that kind, and I fancy that the gentleman who sits as judge, or commissioner, after evidence has been taken, consults with the assessors as to the effect of that evidence, as to what it means and all that, and it does seem to me, that if one of the objects is to have an assessor who is to consult with the gentleman who acts as judge, there should be some one who acts for the other party to put the other side of the case before the judge also. The probabilities are that this lawyer may not be a man very familar with navigation, or with trade and commerce, and I think a few words might be added to the third clause to this effect :

Provided, that if the aid of any assessor is called in there shall be an even number of such assessors, selected equally by each of the bodies mentioned in the next succeeding section.

That is, that there shall be two, or four, as the case may be, and that they shall be selected equally by the harbour commissioners and the pilots.

Hon. Mr. PRIMROSE—How would it do to add to clause 4 :

And the assessor so appointed, or selected, shall, with the commissioner, constitute the court.

Hon. Mr. SCOTT—They are not part of the court ; they are assessors. I discussed this matter with the Minister of Marine and Fisheries, and the fact is there are a very considerable number of cases in which

the pilots as a board are interested. Of course, they are interested in defending their own order if the pilot has conformed to the law, and they are assessors as professional men, that is, men having a skilled knowledge for the purpose of informing the commissioner with regard to the conduct of the pilot which is called in question. That may be a matter in which, what is called here the pilotage authority, may not be interested at all. It may be a matter between the pilots as a body and the particular pilot, and it may be a matter between the owner of the vessel, or some one on board the vessel, and the pilotage authority should be called in in every case where their special interests are affected and where their representatives possess skilled knowledge which it is important should be made known to the commissioner, but in every case the interest of the pilot is involved, but not in every case is the interest of the pilotage authority involved, and that, I have no doubt, is the reason for the Bill being framed in this form. That clause might be allowed to stand.

Hon. Sir MACKENZIE BOWELL—If that is necessary, then the whole Pilotage Act should be amended, because it is defined how the Quebec Pilot Commissioners and also the Halifax Pilot Commissioners should deal with those questions.

Hon. Mr. MILLS—This is giving to the commissioners the same aid as the judge gets.

Hon. Mr. MACDONALD (P.E.I.)—I think we might amend it by striking out the words 'or more' and it would read that the court appoint one and the licensed pilots one, and the Minister of Marine and Fisheries one, so that there would not be more than one.

Hon. Mr. MILLS—The case might not be one involving twenty dollars, and we are creating a body that would cost twenty dollars every day they sat, if that suggestion were adopted.

Hon. Mr. MACDONALD—The greater the number of assessors you appoint, the greater the expense.

Hon. Mr. SCOTT—We might have a man appointed and he might be a hundred miles away.

Hon. Mr. MACDONALD (P.E.I.)—If the Act is to be effective it would be required to have a commissioner on the spot, and one great object of the Bill is to do away with the delay which must necessarily occur where the cases are referred to the harbour commissioners, where there are a large number of people concerned.

Hon. Mr. SCOTT—They appoint one or more assessors, but the pilot they appoint does not necessarily leave his occupation. If he happens to be in Montreal, he will take the case, but if not, somebody else is selected. His duties are not to be interfered with, and he is not to be paid any sum unless he acts. It will be necessary to have two or three appointed, because one may be away. It is not contemplated to have a permanent court.

Hon. Mr. MACDONALD (P.E.I.)—I understand that it is intended to appoint one for each case. A man is not appointed an assessor to hold office as long as he lives.

Hon. Sir MACKENZIE BOWELL—This is confined to Montreal. That limits its operations to that district. What I am at a loss to know is, what is the power of one or more assessors. If you look at the 13th clause and the proviso it would seem as if the assessors had more authority and power than mere assessors. The clause reads:

> Provided always, that in the hearing and determination of any matter brought before him such judge shall have power to call in the aid of one or more specially qualified assessors, and hear and determine such matter either wholly or partially with the assistance of such assessor or assessors; and that such judge shall have power to make all necessary rules——

Are these assessors to be merely advisers or partial judges?

Hon. Mr. SCOTT—Merely advisers.

Hon. Mr. MILLS—They give skilled information with regard to their profession. However, we might let this clause stand.

The clause was allowed to stand.

On clause 7,

Hon. Sir MACKENZIE BOWELL—What is the meaning of that word 'branch'—'the fault of any branch pilot?'

Hon. Mr. MACDONALD (P.E.I.)—I believe it means a licensed pilot—one who is licensed to guide the ship into the harbour.

The clause was adopted.

On clause 12,

Hon. Mr. POWER—It is important that this court should be constituted with great care, because the decision in the court is final.

Hon. Mr. SCOTT—The person must be an advocate of seven years' standing.

The clause was adopted.

On clause 3,

Hon. Sir MACKENZIE BOWELL—If clause 3, which has been allowed to stand, is amended it will be necessary to amend some other clauses. I might mention that I asked a member of the House of Commons, who spoke to the Minister of Marine and Fisheries, as to the meaning of the word 'assessor,' and his explanation is somewhat similar to the one the hon. minister has given here. It really means bringing in an assessor and asking him to give the commissioner professional information.

Hon. Mr. POWER—We all know what a strong feeling there is between the pilots and the Harbour Commissioners of Montreal. Here is a ship coming up the river which is worth, perhaps, three-quarters of a million. She is damaged through want of skill on the part of the pilot, and then there is an inquiry; and in the first place, with regard to this lawyer of seven years' standing, there are a number of such advocates who do not know much about navigation and whose opinions upon almost any subject are not of great value, and he may sit there with the pilot as assessor and no one else. The feelings of that assessor are in favour of the pilot. He wants to get his friend clear, and there may be no representative of the people who own the ship, who have suffered the loss. The question comes up as to what order the pilot should have given at a certain stage. There is no one to tell the judge when there is a mistake made, but if there is some one representing the shipowner the commissioner would have the information from both sides. I speak now as a friend of the government. I think they should be particularly careful not to pass any legislation that the shipping interest of Montreal is likely to be dissatisfied with, and my suggestion is to add to clause 3 some language such as this:

Provided, that if such aid is called in in any case, there shall be an even number of such assessors, selected equally by each of the bodies mentioned in the next succeeding section.

Hon. Mr. SCOTT—That gives them a quasi judicial position.

Hon. Mr. POWER—Supposing it does. You entail a little expense, but the property may be worth a million dollars.

Hon. Mr. MILLS—My hon. friend makes a suggestion. I am not prepared to accept it, because I have reserved the clause and we will have an opportunity of consulting the minister who is specially interested in it. This Bill has been the subject of a very considerable amount of discussion. My hon. friend knows that some years ago the English government handed over the Admiralty jurisdiction within the Dominion of Canada to the Canadian government. It is under the control of the Canadian authorities. There is an Admiralty judge in each province, and there has been a complaint made that sometimes it is inconvenient to consult the Admiralty, and that there ought to be some further provision made for dealing with matters of minor importance. In the early portion of this session I introduced a Bill for the amendment of the procedure in admiralty courts and providing for the creation of divisions in the district. For instance, the whole of Ontario is one district, and the whole of Quebec is a district, and the judge in Admiralty of Quebec resides in Montreal, and there are a good many in Quebec who are very anxious to have an Admiralty judge at Quebec, and in Montreal they desire an Admiralty Court there. There is not work to occupy the time of one judge, and in that Bill we provided that the Admiralty judge might hold court in Montreal. We might create Montreal a division for that purpose, but the Minister of Marine and Fisheries thought there were a large number of inferior cases, cases of very little consequence, involving small sums, and that it might be desirable that the commissioner should have, to a limited extent, admiralty jurisdiction to hold court for the purpose of dealing with these

cases, and that he should be aided by an assessor, or by assessors, as the case might be, the same as the Admiralty judge is. If the Admiralty judge were holding a court and the Admiralty judge would be aided, if he came to Montreal, in an important case for the purpose of holding an admiralty court, so that it is only with the inferior cases of controversies that this commissioner will be called upon to deal.

Hon. Mr. POWER—If the hon. gentleman looks at clause 6 he will see that he is slightly in error.

Hon. Mr. MILLS—Certainly the Montreal pilotage authority has no longer any power to hold court, and what was complained of was that it was practically putting the power of holding the court into the hands of one of the parties that was interested. That was the complaint made by the pilots. Now, it is put in the hands of the commissioner. The commissioner is the judge and the assessor is not. In all the courts the assessor is one who is there to give advice. In England the judges are called in as assessors in parliament, in order to aid the law lords in coming to a conclusion. They are assessors in their own sphere, and relating to their own duties in those matters with which they are particularly acquainted.

Hon. Mr. POWER—I am not finding fault with the minister. He agreed to let this clause stand, but I was trying to emphasize the importance of making some amendment.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the objections made by the hon. gentleman from Halifax. He appears to consider that the interests of the shipowners might be jeopardized by the Act going into force as it now stands. The shipowner must be notified before any action can be taken, and there is no doubt he will look out for his own interests and see that an assessor is appointed in the court.

Hon. Mr. POWER—The commissioner has to summon the assessor.

Hon. Mr. MACDONALD (P.E.I.)—He cannot personally appoint an assessor, but his interest is in seeing that his own side is provided for before the commissioners.

Hon. Mr. POWER—I am contending that he should have a chance to do that.

Hon. Mr. MACDONALD (P.E.I.)—And he will take good care to make application to have an assessor appointed in his own interest to look into it and see that it is properly guarded in the court.

Hon. Mr. ALLAN—I understand the clause is reserved for the present.

Hon. Mr. MILLS—Yes, it is reserved.

Hon. Mr. COX, from the committee, reported that they had made some progress with the Bill and asked leave to sit again on Monday next.

CHARLOTTETOWN AND MURRAY HARBOUR RAILWAY BILL.

POSTPONED.

The Order of the Day being called :

Committee of the Whole House on (Bill 182) An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour. —(Hon. Mr. Mills.)

Hon. Mr. FERGUSON—I have asked for some returns in reference to this matter. I do not think they have been brought down and I should like to have them brought down before this measure is proceeded with.

Hon. Mr. MILLS—I think my hon. friend brought down the returns three or four weeks ago.

Hon. Mr. FERGUSON—That could not be, because it is not three or four weeks ago that I made the motion.

Hon. Mr. SCOTT—What were the returns?

Hon. Mr. FERGUSON—Asking for correspondence with the provincial authorities bearing upon the construction of the bridge. I made the motion about a week or ten days ago, and I call my hon. friend's attention to the importance of having these returns brought down before we proceed with the Bill.

Hon. Mr. MILLS—I move that the Order of the Day be discharged and placed on the Orders of the Day for Monday next.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, July 9, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (176) 'An Act to incorporate the South Shore Line Railway Company.'—(Hon. Mr. Gillmor.)

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (189) 'An Act to amend the Act respecting the judges of Provincial Courts.' He said: Hon. gentlemen will see that the only thing new in the Bill is the substitution of the word seventeen for fourteen, which is mentioned in the first section.

Hon. Sir MACKENZIE BOWELL—That is in Quebec?

Hon. Mr. MILLS—In Quebec. In the case of clause 2, we carried through in the early portion of the session a Bill to provide for the payment of a chief justice in the North-west Territories, and clause 2 is a provision for the purpose of giving effect to that Bill. Hon. gentlemen will know that in the superior courts of all the provinces, the chief justice is paid one thousand dollars more than his associates, the puisné judges. In the North-west Territories there are five judges. They are all puisné judges of equal rank, receiving a salary of $4,000 each. That is a somewhat anomalous position. The Territories have grown in population, the judicial work has increased, and it was represented to me—and I think properly so represented—that it was desirable that one of the judges should be made a chief justice and the Supreme Court of the Territories organized the same as the superior courts or the supreme courts are in the provinces. That, I think, is a reasonable provision, and this clause 2 is simply carrying into effect what was there already determined upon by the adoption of the Bill to which I have referred. Then the third clause is, in fact, no alteration of the law as it now stands. In the first instance we made provision for the appointment of judges in the North-west Territories and Yukon country. We, in the first instance, took only an appropriation for the salary of one judge, but last year we took an appropriation for the salaries of two judges, and it was only recently that a second judge was appointed. We required first to get information as to the amount of business that was being done, and as to the condition of things in the territory, and we found that the amount of litigation was very large in proportion to the population, owing to the nature of the business that was being done, and that one judge was wholly unable to overtake the work. There was some difficulty in inducing a competent man to go there, and become a High Court judge in that distant country. However, in the end Mr. Craig, of Renfrew, was persuaded to go. He is a very competent man, and I have no doubt will prove an efficient judge. The only matter in the Bill about which perhaps I need say anything is with regard to the first clause. Before the session that preceded this, the government and legislature of Quebec had provided for the appointment of three additional judges in the Montreal district. The number of judges there engaged in the work was found unequal to the amount of litigation that had arisen in the district, and so the appointment of additional judges became necessary. Immediate action was not taken by the government here, because we thought that it might be that the local government, by reorganizing their judicial districts, might be able to enlarge some of the districts and to transfer some of the judges from other districts to the Montreal district; but that was found impossible, or at all events, in the estimation of the Quebec government and legislature undesirable. Hon. gentlemen can well understand that, in a country like Quebec, a portion of which is sparsely populated, there is a desire sometimes to have a judge where it may be the case that there is not a very great deal of work for him to do, but when the necessity arises, it is important that the judge should be accessible in order that urgent work might be immediately performed. That is the condition not only in the province of Quebec, but in some other sections of the Dominion of Canada, and the responsibility of deciding what shall be the constitution of the courts is, under the British North America Act, remitted en-

tirely to the provincial legislatures and governments, and all we have to do in the matter is to give due time for the consideration of the question after the plan is adopted. The legislature and government of Quebec, feeling that the plan which they had adopted was the one best in the public interests of the population of the province, there was nothing then but to acquiesce in that arrangement.

Hon. Sir MACKENZIE BOWELL—Not necessarily.

Hon. Mr. MILLS—My hon. friend says 'not necessarily,' but I remember very well, in the case of British Columbia, Sir John Macdonald held a different view. There is no coercive power conferred upon us with a view of forcing the local legislature to depart from that plan which they believe the best. The responsibility of deciding how the court shall be constituted rests with them, not with us. The only power that we possess in the matter is that which simple reason bestows. It would be highly improper on our part to undertake to exercise any coercive authority over the legislature with a view to compelling them to adopt a different plan of organization to that which commends itself to their judgment. Now, so far as the existing districts in the province of Quebec are concerned, they were not adopted under our regime. They existed before. They have been in existence for a great many years. In the Montreal district the amount of work has increased until the judges that are at present assigned to the performance of judicial duty in that district, until this amendment to the law took place, were unequal to the work that devolved upon them. That being so, when the scheme, or plan, was presented to us for increasing the number of judges in the district of Montreal and it was shown that these additional judges were required in that district, it was no part of our duty to undertake to coerce the province of Quebec, or the legislature of Quebec, to alter the constitution of all the other judicial districts. There is at least as much work to perform in those districts now as there was years and years ago, when those districts were differently situated, and that being so, and the work having grown up in the district of Montreal, and additional judges there being required, we proposed to ask parliament to make provision for the three additional judges that are deemed necessary.

Hon. Sir MACKENZIE BOWELL—Before the second reading of the Bill, it is just as well to discuss at least its merits and the effect that it will have upon the revenue of the country. We all readily admit what the provisions of the constitution are. Whether the doctrine laid down by the hon. Minister of Justice is correct is a question that is debatable. I have heard it discussed repeatedly in the House of Commons when this question of increasing the number of judges for the different provinces has been brought under the notice of parliament. While the framers of the British North America Act made a provision that the constitution of the courts in the different provinces should be left with the provincial governments and the provincial legislatures, it provided also, that the appointment of the judges and the payment of their salaries should rest with the Dominion. Whether that was done for the purpose of keeping a check upon the action of the local legislatures, is a question of which we have no knowledge, but the presumption is, that when they gave the power to so arrange the courts in the different provinces to the local legislatures, that the reason for reserving the right of appointment and the payment of the judges to the Dominion was that it should be a check on the action of the legislature. What are the facts in connection with the courts in the province of Quebec ? I am speaking, as most hon. gentlemen know, as a layman, but what I intend to say will be dealing with facts as they exist. It has been known for a long time to the statesmen of that province that the system that prevailed for so long a time, and to which the hon. Minister of Justice called the attention of the House, is defective in this particular respect, that the location in which the different judges are compelled to reside—although, by the by, they have not lived in accordance with the provisions of the law in many respects.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I do not hold the present government responsible for that any more than the late government, but we know that that provision of the law has been violated to a very great extent.

Judges who have been appointed, and whose residence should be in the districts below the city of Quebec, and probably to the north of Quebec, have taken up their residence in the city of Quebec and remained there in defiance of the law. An attempt was made in the legislature some few years ago by the present member for Montmorency, then Attorney General for the province of Quebec, to change the whole system so as to utilize the judges in the different sections of that province very much in the manner in which they are utilized in the province of Ontario, so that each judge would be enabled to perform a reasonable amount of work at least, and not throw the whole responsibility and weight of administering the law upon the judges who are centred in the city of Montreal. As pointed out by the hon. Minister of Justice, it is quite correct that the mass of business is done in that city, while a very small amount of work is performed by the judges living in the different districts. It is strange that while the Attorney General in the province of Quebec in the Conservative administration desired to make this change, for some reason or other he was unable to do it, and what is still more singular, you are unable to carry out a great reform of that kind, although both parties agree as to the necessity of it. In recent debates which have taken place on this subject, the Solicitor General and also the Premier of the province agreed with the proposition made by Mr. Casgrain, then Attorney General for the province of Quebec, and acquiesced in the proposition which he had made, but they asserted at the same time that it was impossible to do so, on account of the prejudices which existed among the people against any change, or, to use the word of the Premier himself, the system which prevails may be antiquated but they were not prepared to interfere even with the prejudices of the people, even though it would be in the interests of the whole population. The only conclusion that one can arrive at, after studying the question is, that in certain districts they have had the advantage of having had a resident judge, and any system which would interfere with the taking away the resident judge from that district, though he might have little or nothing to do, was an infringement of that antiquated right. I am using the word antiquated, because it was the word which was used by the Premier himself. It is his own word. One can scarcely conceive, living in a province like the one in which I reside, where a great reform is considered necessary, particularly in dealing with the judicature of the province, that that idea should be allowed to interfere. Supposing a system similar to that in Ontario was inaugurated in the province of Quebec they would then have the resident judge in the shape of a county court judge, and the Superior Court work moved to the city of Montreal. In the city of Montreal we find they have ten judges, and there is a judge also who lives in the city of Montreal whose work more particularly is in the district of Terrebonne. That makes eleven. In Quebec, there are four judges, and in the rural districts, sixteen judges, making thirty-one altogether. The chief justice receives $1,000 more than the puisné judges, which I think is quite correct. The chief justice receives $6,000, while the others receive $5,000. Then there is a provision also in the Bill for increasing the salary of the judge of Saguenay and Chicoutimi.

Now, what do the statistics show in reference to the work of these judges? I read them for the purpose of emphasizing what I have already pointed out—a necessity for reforming the system which exisits in the province of Quebec at the present time. It may be considered presumption on the part of a representative from another province, particularly a layman, to talk on a question of this kind, but when we consider it is a matter of common sense, rather than a legal question, it is something we may all deal with, and on which every man may form an opinion. In considering the figures which I propose to give to the House, you will come to the conclusion at once, that more than half the judicial work in the whole province of Quebec has to be performed by the Montreal judges. Hence the necessity for more judges in that district. I do not think any one who studies the question will dispute this fact, which is a very important one, and that the judges of the district of Montreal are overworked and that it is absolutely necessary, if they are to keep up with the work and perform it properly, to give them assistance, and that is why at present, the government propose to appoint three new

judges instead of doing as the ex-Attorney General of the province of Quebec, Mr. Casgrain, attempted to do and to which the present Solicitor General, and the present Premier, Sir Wilfrid Laurier, agreed. It is evident they are not as great reformers as they would like the people to believe they are. There is something in name, and there is something in practice, and in this case it is quite evident the name is adored rather than putting the reform into practice. In Arthabaska last year—I am quoting from the statistics laid before parliament:

In Arthabaska last year there were thirty-nine contested cases and twenty-four judgments in the Superior Court; in Beauharnois, twenty contested cases and twenty-five judgments; in Chicoutimi, forty-seven contested cases and thirty-three judgments; in Gaspé, nineteen contested cases and ten judgments; in Iberville, thirty-one contested cases and thirty-two judgments; in Kamouraska, forty-five contested cases and forty-two judgments; in Richelieu, eighteen contested cases and twenty-eight judgments; in Rimouski, fifteen contested cases and seventeen judgments. An analysis of these figures shows that the judges had not enough work to employ them usefully for two months in the year.

While the judges in Montreal were constantly employed. In discussing this question in the lower House it was stated that Mr. Justice Cimon, of Kamouraska, said that he had not work enough to occupy him for one month, when he would much prefer having more work to do and less leisure. Surely, under the circumstances, would it not have been better to remove that judge to the city of Montreal and adopt some system by which the judicial necessities of the district of Kamouraska could be performed by some other person. I am quite sure if the Minister of Justice had a free hand he could so arrange the judiciary of the province of Quebec as to obviate the necessity of this extra expense. The appointment of these three judges is adding to the expenditure of the Dominion no less a sum than $15,000 a year. It may not be much, but it represents, at 3 per cent, half a million of dollars. So that, if that could be saved, there would be that much to the good, at least. The Solicitor General, in discussing the question, used this language:

He agreed with Mr. Casgrain that there were a sufficient number of judges in the province. The fact was that a system existed in Quebec over which the House of Commons had no control, and which they could not remedy.

That is an admitted fact, under the constitution, so far as the constitution of the courts is concerned. But if the province will do that which is not necessary—if they will declare that they will not change a system which has prevailed for a number of years in order that these economies might be affected, should not the Dominion step in and say, from the facts and the records we have indubitable evidence that additional judges are not required if you will only rearrange the constitution of your courts, and until you do that we refuse to make the appointments or provide an appropriation. I find the Premier used language of almost a similar character in discussing this question. He said: He would have supported Mr. Casgrain were he in the legislature at the time—that is, in the reform which he then proposed to make, being evidence of the correctness of what I said at the commencement of my remarks, that they are all in accord with the idea. He said:

He would have supported Mr. Casgrain were he in the legislature at the time, not because that body provided for an increase in the number of judges, but because it proposed to reform the system. He would have been quite favourable to the system Mr. Casgrain proposed, but it did not meet with approval. There was no province in America where the people were more tenacious of their laws than in Quebec, even when they were antiquated.

No one can blame the people for being jealous of interference in their laws, their religion, their race or their rights. But this is not a question affecting their laws or their rights. It is a question of reforming a system which interferes with neither the one nor the other, and though there are many things in other provinces which we may call antiquated, still neither party would hesitate to step in and make a reform if they considered it necessary, particularly where both parties were agreed. They do not stop to inquire if the people are in favour of a change under such circumstances. Sir Wilfrid said that 'on the whole he was inclined to regard it as a wholesome trait'—that is a wholesome trait of character in a people to be antiquated and refuse to have any reform in their province. Our Premier at the present day may be a democrat to the hilt, but it is quite evident that he is in favour of antiquated ideas, and is not very much of a reformer in practice. He said:

Public opinion would not sanction the change. They were wedded to their system, and public opinion would not countenance the changes proposed by Mr. Casgrain.

I have read sufficient to show that both parties in the province of Quebec—the lead-

ers of both parties, are in favour of this reform, and the only way, it appears to me, that it can be accomplished is by the Dominion government stepping in and saying: 'You have sufficient judges in the province to perform the work if you will only place them in a position to do it, and alter the constitution of your court.' I can readily understand it to be a responsible position for any government to take, but no great reform is accomplished in any country unless the government of the day is prepared to assume the responsibilty and say to the people: 'You are to be better served by the reform which we propose than by adhering strictly to your antiquated ideas.' Speaking for myself, I do not feel inclined at present to assume the responsibility of saying to the Senate 'Reject this Bill.' I am quite willing, after having placed on record what I think should be done, to leave the responsibility with the government. The gentlemen from Quebec, who understand this question much better than I could possibly understand it—who understand its workings and defects and benefits, are the gentlemen who should deal with it rather than a layman like myself from another province. While I say that, though they are another province, we have all to bear equally the responsibility of paying the taxes of the country, and if we unnecessarily add this amount to the annual expenditure which represents, as I have already pointed out, without taking into consideration the increased salary to the other judge, of which I do not complain, we are to assume our responsibility and have to meet the expenses which are incurred. I should like very much, if I could, to hear the opinions of some gentlemen from the province of Quebec, but I felt it my duty to point out that we are adding an unnecessary expenditure. I have taken this opportunity to make these remarks as the details of the Bill are not such as require any great amount of discussion in committee. Do I understand, with reference to the Bill that was introduced by the Minister of Justice in the early part of the session, dealing with the judges in the North-west, that that Bill has been dropped in the lower House?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then the Bill before us is the Bill introduced and passed by this House with these additional amendments.

Hon. Mr. MILLS—Not at all. This is another Bill. The Bill that I carried through the House was a Bill amending the North-west Territories Act, providing for the appointment of a chief justice, altering the constitution of that court. That Bill has become law. This is merely to provide the salary.

Hon. Mr. FERGUSON—I am not going to make any observations on the first clause of this Bill, which has been discussed so fully by my hon. friend, but I want to say a word or two with regard to the clause referring to the Yukon territorial judges. I can very well understand what the hon. leader of the House has said, that it was a matter of difficulty to get a really good man to accept a judgeship in the Yukon territory in view of the salary offered, $4,000. We know the expense of living in Dawson is very high, and I am surprised that it was possible to get a good man to go to that place, and undertake the duties of the position at $4,000 a year, unless there is provision made for living expenses, of which I have no knowledge. I am glad to hear that a good man has consented to go. I hope he will turn out to be as good as he has been described. Unfortunately, our experience of that country is that men do not always turn out there to be as good as was expected they would be when they went. I am happy, however, to say that I have had a good deal of correspondence with acquaintances and friends living in the Yukon country, and while condemning the conduct of many others, the testimony in favour of Judge Dugas has been strong, and the statement made by the Minister of Justice that he would be utterly unable to deal with all the litigation in the Yukon country is strictly correct. We can form no conception in the older parts of Canada of the amount of litigation, and the amounts at issue in the litigation arising in a mining country such as the Yukon. My correspondents, before this Bill was heard of, had pressed on me very strongly, the important character of the suits and the amounts involved, such as would not be found amongst the same number of population in the older parts of Canada. Probably it will turn out, as the Minister of Justice has said, that a good man has been induced to go in there who will give satisfaction, but I can-

not help expressing the opinion that the amount provided as salary, unless living expenses are given in some other way, is inadequate.

Hon. Mr. LANDRY—I should like to call the attention of the government to an observation made by the present Attorney General in the province of Quebec. Answering a speech made by the Hon. Mr. Chapais in the legislative council of Quebec, Mr. Archambault, the present Attorney General said :

> He may rest assured that I urged the federal authorities to apply the law of the last session, but I have become aware that instead of applying it, they have done nothing but prevent its operation by the provisions of the statute they passed at the last session of the federal parliament. We have, in this matter, two powers face to face, but they must come to an understanding. The provincial legislature makes known its needs, to Ottawa belongs the task of applying a remedy. I have been unable to obtain the desired remedy, so I have taken another means. In presence of the statute which I propose to pass, the federal government will see that the remedy lies either in the law passed last year and in the provisions tending towards the same end, or in the law of this year ; it will then decide ; as far as I am concerned, my responsibility will be covered.

It seems from this utterance that the principal difficulty in the way of the Attorney General was in the attitude by the federal government, and being unable to overcome that difficulty, the Attorney General of Quebec then came with this new legislation which, as a matter of course, asks for an additional number of judges and an additional salary to be voted by this parliament. We never heard in the province of Quebec that any demand was being forwarded for an increase in the number of judges. I should be very jealous of the privileges of our province, and it would be with very great reluctance that I would consent to an interference on the part of the federal power—in fact I would oppose it, but in this instance I merely take the legislation proposed here, not as legislation in the interests of the province of Quebec, but as legislation entirely in the interests of the Liberal party of the province of Quebec. That is the whole scope of this legislation. We do not need additional judges in the province of Quebec. I will cite only two cases that are in evidence in the city of Quebec. We have in the city of Quebec a judge named Judge Pelletier, who is judge for the district of Beauce and for the district of Montmagny.

The law in general imposes the duty on judges of residing in their own districts. Should, in this instance, the judge I have named reside in the district of Montmagny, the people of Beauce would complain. They would say 'we want the judge in our precincts, but we cannot get him, because he is residing in Montmagny. Should he reside in Beauce, the same objection would be raised by the people of Montmagny. To meet that objection the judge's place of residence was fixed in Quebec so that he is residing there. When his duties call him to Montmagny, he goes there, and when his duties call him to Beauce he goes there. In fact he never resides amongst the people over whom he has been appointed judge. He always resides in Quebec. That judge in Quebec could render very valuable assistance if the first scheme of the late Attorney General had been adopted, and if the suggestions made to this parliament had been carried out. Take another judge, a judge who has been appointed by the present administration. I am speaking of Mr. Choquette, who has been appointed for Arthabaska. Is he living in his district ? Not at all. He is building a house actually in Quebec. He intends to live and die in Quebec. He could render very valuable assistance in the city of Quebec, acting as judge in review, or in the first instance for the Superior Court for the city of Quebec, as he is residing there. It would not entail on him any additional expense to leave his house and go to the court to administer justice. But what is done by this law is to appoint three other judges, and pay their salaries, and for what purpose ? Just to meet the exigencies of the situation which could be met entirely, not by appointing new judges, but by utilizing those already appointed in a different way and with no more expense to the community. With these few remarks I think it is my duty to register my vote against this proposition, and I shall do it. I have had no time to look into all the details of the law, and for that reason I will not oppose its second reading ; but I think on the motion for the third reading, if the government cannot answer those objections made by the present Attorney General of the province of Quebec, we should take steps to remove this legislation which, I repeat, is not for the benefit

of the province of Quebec but for the benefit of the Liberal party in Quebec.

Hon. Mr. MILLS—The hon. gentleman who has just spoken will see that his observations are directed, not against the Bill, but against a particular clause of the Bill. That is that particular clause relating to the province of Quebec. It does not relate to the second or third clauses. I have a few words to say with regard to the objections made by the hon. leader of the opposition. I remember many years ago that Mr. Blake suggested and went into a very full discussion of this question in the House of Commons, recommending the province of Quebec to adopt a judicial organization similar to that of the province of Ontario. That proposition did not meet with any favour with the government of the day. Sir John Macdonald was, I think, at that time, Prime Minister, and Sir Hector Langevin, Sir John Abbott and other gentlemen of prominence were connected with the government from the province of Quebec.

Hon. Mr. DeBOUCHERVILLE—When was that ?

Hon. Mr. MILLS—It was somewhere between 1880 and 1890.

Hon. Mr. DeBOUCHERVILLE—It was since confederation.

Hon. Mr. MILLS—Yes. But it was shown then by members from the province of Quebec, who were defending the then administration, that the cost of the administration of justice in proportion to the population was less in Quebec than in Ontario. Let me call my hon. friend's attention to this : He suggests—and it is the only other suggestion that could be made to meet the local requirements in the administration of justice in the province—that you do away with the present organization in the province of Quebec, and adopt a county court system having a very limited jurisdiction and placing a judge in every county. If you were to adopt that, and so diminish the number of the Superior Court judges—and they would be diminished, no doubt, in the province of Quebec—would you diminish the cost of the administration of justice ?

Hon. Sir MACKENZIE BOWELL—No, but the proposition was to increase the jurisdiction of those judges, and that would meet the difficulty the hon. gentleman refers to.

Hon. Mr. MILLS—If you did increase the work of the local organization, I say if you were to adopt the county court system, that from the point of economy there would be no saving in the administration of justice in the province of Quebec. I understand at the present time there are two judges in the province of Quebec who do not reside in their judicial districts.

Hon. Mr. DeBOUCHERVILLE—More than that.

Hon. Mr. LANDRY—There are nine or ten.

Hon. Mr. MILLS—The law requires them to reside in their respective districts, and it is in the power of the local government at any time to insist that a man shall reside in the district for which he has been appointed, so that the fact that he does not reside there is not against the present judicial organization. It is against the manner in which it is carried into effect. Let me say, further, my attention has, on several occasions, been drawn to the administration of justice in the province of Quebec. You have the power to call in a judge from one of the outside districts, in the Superior Court, and I think also in the court of Queen's Bench. You pay him a certain sum when he comes in to cover his expenses. So that the attempt to supplement the work of the judges in their own districts is itself a source of very considerable expense in the province, and you would enormously increase the expense if you were to undertake to do the work in the Montreal district by bringing in the judges from distant portions of the province where there is less work devolving upon them than there is in the district of Montreal.

Hon. Sir MACKENZIE BOWELL—But that is done.

Hon. Mr. MILLS—I say it is done to a limited extent, but you do not bring judges from Chicoutimi or Saguenay up to Montreal to assist——

Hon. Sir MACKENZIE BOWELL—But they are brought in from the adjoining districts and the expense to which the hon. gentleman refers is added to their salary.

Hon. Mr. MILLS—Yes, and it does not work satisfactorily and does not enable the court to overtake the work. This question was before every government with which my hon. friend was associated. It was before the government with which I was associated some years ago, and it is before the present government. No federal government has ever yet undertaken to seize hold of the work of the organization of the courts in the province of Quebec, and take it out of the hands of the local authorities. It would be an unconstitutional proceeding, and it would be also an unconstitutional proceeding for the federal government now, as it has been in all times past, to undertake to refuse to carry into effect the law which the government of Quebec may adopt, even though we may regard that law more nearly approaching a point of impracticability.

Hon. Sir MACKENZIE BOWELL—If you could do it for one year you could do it for three. You did it last year.

Hon. Mr. MILLS—We waited until we saw whether the government of Quebec would be disposed to modify their system. My hon. friend has read from the views of the Attorney General: what he complains of is that we did not make the appointment of the judges sooner. That is the whole point in his observations. We have delayed with a view of seeing whether the government of Quebec thought they could adopt any improvement in the present system, and the result is that, having made up their minds that the proposed increase in the number of Supreme Court judges in the district of Montreal was the most satisfactory way of meeting the present requirements, it becomes our duty to undertake to provide for the appointment of those judges in order to meet that situation. I think there is no alternative open to us. It is the only proper course to take. It is the duty of the federal government, if they think any improvement could be made, where the burden falls upon the federal government, to suggest what modification, in their opinion, might have been adopted. It would certainly by a very high-handed act on out part to undertake to override the wishes of that legislature and government, for no one can doubt that in this respect that legislature and government, as all their predecessors have done, represent public opinion in the province of Quebec.

Hon. Sir MACKENZIE BOWELL—Supposing the province of Ontario so arranged their judicial districts and demanded the appointment of a dozen or twenty more judges, according to the hon. minister's argument they would be compelled to carry it out.

Hon. Mr. MILLS—Of course we can suppose a revolutionary state of things, but our whole constitutional system is based on the fact that the people are able to govern themselves. It is the right of the people, because it is upon them the burden falls. We, as a Dominion, do not represent a distinct community from what the various provinces represent. We are simply representing them in another and different capacity, and the intention of the law is that we shall work in harmony, as far as possible, that we shall not undertake to override their judgment, that we shall leave them free to exercise their judgment in conformity with what they believe to be best in the public interest, and in conformity with the opinion of the representative assembly that stands behind them, and that being so, that the constitution of the courts of justice rests with them and not with us. Look at what the position of things is. I am not a resident of the province of Quebec. The majority of my colleagues are not residents of the province of Quebec and are not supported by the people from the other provinces to override the judgment of the legislature of Quebec upon the subject of the constitution of the courts which the British North America Act has left to the local legislature, and the local government that enjoys the confidence of that legislature. It would be a monstrous proceeding, and would be altogether at variance with the spirit and principles of our constitutional system, and my hon. friend sitting opposite knows that just as well as I do. He has had a longer experience in government than I have had. He has been associated with the government under Sir John Macdonald, under Sir John Thompson, under Sir John Abbott, and he was at the head of a government himself. Not one of these governments ever undertook to override the judgment of the legislature of Quebec in a matter of that sort. All they undertook to do was to carry that

into effect, and the same was true of the legislatures of other provinces of the Dominion, and in this matter all we can do is to endeavour to meet the situation which the legislature and government of Quebec have created. That the number of judges in the Montreal district are not adequate to the performance of the work is known to every one who has looked into the situation, and to meet that requirement, the legislature of the province of Quebec provided for the appointment of three additional judges. My hon. friend sitting opposite said this was done in the interests of the Liberal party. He might say that with regard to any matter that was carried when the present administration was in power, and we might have said the same thing when my hon. friend opposite and those associated with him were in power, but that is not the proper way of looking at these things. Somebody must make provision for the constitution of the court in a way adequate to meet the requirements of the province. Somebody must provide for the appointment and payment of the judges that are to take their places in that court for the purposes for which the court is created. That duty devolves upon us at the present time, but if this change had been made, as changes were made when my hon. friend opposite was in office, the duty would have devolved upon him. He would, in all probability, have sought from his own party, members of the bar, the persons to occupy those places.

Hon. Sir MACKENZIE BOWELL—Not always.

Hon. Mr. MILLS—But generally. I do not think my hon. friend will find anybody in the province of Quebec that was appointed of the opposite party.

Hon. Sir MACKENZIE BOWELL—There were in Ontario and in Manitoba.

Hon. Mr. MILLS—There was in Ontario I know.

Hon. Sir MACKENZIE BOWELL—Mr. Boyd was a Liberal, Mr. McLennan was a Liberal, Mr. Samuel Blake was a Liberal, and in Winnipeg Mr. Killam. These gentlemen were appointed by the Conservative party.

Hon. Mr. DeBOUCHERVILLE—By whom was Mr. Killam appointed?

Hon. Sir MACKENZIE BOWELL—I am not sure, but think it was by Sir John Macdonald. Certainly the others were appointed by the Conservatives.

Hon. Mr. MILLS—I am speaking of the province of Quebec, and my hon. friend will see that even if we were to appoint these three men and they were all Liberals, the Liberals of the province of Quebec would form but a very small fraction of the judiciary. My hon. friend referred to changes that Mr. Casgrain suggested. While they were not in the line of a radical change in the system, it was an alteration no doubt, but it contemplated the appointment of forty-one judges—seven judges more.

Hon. Sir MACKENZIE BOWELL—But the expenditure would be less.

Hon. Mr. MILLS—I do not think so.

Hon. Sir MACKENZIE BOWELL—I do not know whether the hon. gentleman thinks so, but I am speaking from the records and figures, because the salaries would be similar to those in the province of Quebec, $2,250 instead of $4,000.

Hon. Mr. MILLS—The salaries of the judges would be less, but the cost of administration of justice under that system is not proportionately less than in Quebec under that system.

Hon. Sir MACKENZIE BOWELL—Litigation is greater in Ontario than in Quebec.

Hon. Mr. MILLS—If litigation is greater, some of the courts are receiving larger fees in Ontario than in Quebec. Take, for instance, the Court of Probate. It is paid by fees altogether.

Hon. Sir MACKENZIE BOWELL—I am not finding fault at all. I do not think the Superior Court judges are paid enough.

Hon. Mr. MILLS—I am not saying whether the system of the organization of the courts in the province of Quebec is a good or bad system; that question is one to be decided by the government and the legislature of Quebec, subject to their responsibilities to the people of Quebec. There is where the responsibility rests. There is where the constitution puts it.

Hon. Mr. DeBOUCHERVILLE—There is a distinction to be made. While the con-

stitution of the province of Quebec is all right, in this case the federal government interfere and we are in the position that after the law is adopted we cannot change it.

Hon. Mr. MILLS—We are not interfering.

Hon. Mr. DeBOUCHERVILLE—The government are interfering by providing for new judges. The government are passing a law by which new judges are paid by the federal government. How can the province of Quebec, if it thought proper under Mr. Casgrain's Bill, reduce the expenses? They could not say we are going to save $15.000. They could not do that. But I do not rise for that. I rose to say this: I rather agree with what the hon. gentleman from Stadacona said about the first clause, but I could not vote against the Bill in its entirety, because I approve of the second and third clauses. My objection to the first clause is this: We are going to give to the province of Quebec $15,000 more than the province of Quebec has at present. As a representative of Quebec, I might not object to that clause, but there is one danger, and I must come to something that was said by the hon. Minister of Justice just now, with which I do not agree. The hon. gentleman said, if I understood him right, that Mr. Blake and Sir John Macdonald, arguing this question of changing the administration of justice in the province of Quebec, declared that the province of Quebec cost more for its administration in proportion than the province of Ontario.

Hon. Mr. MILLS—I did not say that. I said that when Mr. Blake was arguing in favour of the Ontario system, some supporters of the government from the province of Quebec, and I think some of the ministers maintained that the cost of administration in Quebec was less in proportion to population than it was in Ontario.

Hon. Mr. DeBOUCHERVILLE—I differ from those hon. gentlemen. I think the cost in proportion to population is exactly the same. I had occasion some years ago—I thought the province of Ontario had more than its share—to compare the expenditure in both—I am speaking of the money paid in Ontario and Quebec by the federal government. I found that the proportion was not larger in Ontario. It was exactly the same as in Quebec. If that is the case—if the expenditure in both provinces is equal in proportion to population, if you add $15,000 to the expenditure in the province of Quebec, you are changing that proportion, and what will prevent you to-morrow changing it again and giving a larger sum to Ontario? I think it is safer, and in the interest of every province, especially those that are not rapidly increasing, as much as the North-west and British Columbia, to continue that same proportion in the payment of our judges. We are changing that proportion by this Bill. If you change it to-day, there is nothing to prevent you changing it to-morrow, and I consider it a dangerous policy.

Hon. Mr. MILLS—We are not changing it.

Hon. Mr. DeBOUCHERVILLE—You are adding $15,000 in the province of Quebec.

Hon. Mr. MILLS—The province of Quebec create a certain judicial system. They provide their own organization of courts and we appoint the judges. What the effect of the system is I cannot say. There is no regulation that there shall be an exact amount for the administration of justice in the different provinces. In British Columbia, until very recently, it was very much higher than anywhere else, because the cost of living was higher.

Hon. Mr. DeBOUCHERVILLE—In the old provinces,—not the new, where the increase in population is more rapid than in our own—the policy of the Conservative government and of the former Liberal government has always been to maintain the proportion between the old provinces. The hon. gentleman does not deny that, I suppose. If that is the case, are we not endangering that very good policy by adding $15,000 in one case, and, therefore, opening the door to giving perhaps $50,000 or $60,000 more to another province?

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

CRIMINAL CODE, 1892, AMENDMENT BILL.

CONSIDERATION OF COMMONS MESSAGE.

The Order of the Day having been called:

Consideration of the Message from the House of Commons disagreeing to the amendment made by the Senate to (Bill K) 'An Act further to amend the Criminal Code, 1892.'

Hon. Mr. MILLS said: I have already mentioned to the House that in respect to these proposed changes to the Criminal Code, hon. gentlemen will remember that the first amendment was with regard to the time at which the Act was to come into operation. The House of Commons provided it should come into operation on the first of January next, and we provided for the first of September. Seeing the way the session has been lengthened, that might not, perhaps, be an early period. The House of Commons did not agree to our amendment as fixing the time for the Act to come into operation. Then there was a further provision that related to fraud committed by persons misrepresenting the circumstances under which they obtained credit. That was considered here and was not agreed to, and it was inserted in the House of Commons. Then the third amendment related to the industrial organizations, that the provisions of the Act should not apply to these labour organizations which might be established for the protection of labour. There is a provision in the Act relating to labour which exempts them from the operation of the general law in that particular.

Hon. Sir MACKENZIE BOWELL—What is the title of that Act?

Hon. Mr. POWER—The Trades Union Act.

Hon. Mr. MILLS—I am inclined to think that the amendment made to the Criminal Code was of a sufficiently sweeping and comprehensive character to repeal that provision of the Trades Union Act. The provision that was struck out of the Act and was restored in the House of Commons relating to the subject of organized labour, is broader than that provision in the Trades Unions Act in this regard, that it would apply not only to trade unions, but to every volunteer organization, which seemed to me most desirable. My own view was in favour of this amendment. It was in the Bill originally, but was struck out here. It was restored in the House of Commons, and we propose to strike it out again, and they have refused to recede from their position, and so I propose to acquiesce in their decision in the three cases. This measure has been three times before the Senate. It has been three times carried through the Senate. This is the first time that it has gone through the House of Commons. Many of the provisions contained in these amendments are those which have been suggested by judges and prosecutors on behalf of the Crown, and are very necessary to the improvement of the code, making it more effective and more suitable. I think these amendments which have been made by the House of Commons are of far less consequence than the passage of the Bill; so I would greatly deprecate the insistence by this House upon its views with regard to these particular provisions which might have the effect of preventing the passage of the Bill during the present session.

Hon. Mr. ALLAN—Do I understand the hon. gentleman to say that he, himself, was in favour of the clause relating to labour unions which the House of Commons struck out?

Hon. Mr. MILLS—Yes, I was very strongly in favour of that clause.

Hon. Mr. ALLAN—You would rather see it struck out?

Hon. Mr. MILLS—It was struck out here. I had it in the Bill originally, and it was struck out in this House. I think it is essential, in order to prevent it being a substition for that section in the Trades Union Act.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentleman the propriety of separating his amendments and testing the sense of the Senate on the three separately. The Senate might feel inclined to insist on some of their amendments, and might probably not object to others. Speaking for myself, I should like to see the Senate insist on two of them. If the hon. gentleman would accede to this request and make a motion for his first amendment, then we can test each one upon its merits. My reason for it is this: some members of the Senate might feel inclined to vote, for instance, on one amendment, and might not have any feeling at all in reference to another, and might be willing to accede to the request of the House of Commons. The way the hon. gentleman has put it, he compels a vote upon the whole three.

Hon. Mr. MILLS—I have no objection to their being put separately if my hon. friend desires it; but with regard to the first amendment, of course, I feel that a good

portion of the year has gone by, and a very short time will put an end to that amendment. In the first amendment, there will be no difference between one view and the other. I, therefore, move that the Senate do not insist upon the first amendment substituting the first of January for the first of September.

Hon. Sir MACKENZIE BOWELL—We have affirmed, by this amendment to the Criminal Code, the iniquity of the lotteries. We amended the House of Commons Bill by declaring that it shall come into force on the 1st of September instead of the 1st of January, and we did so on the ground that if the lottery system, which has been carried on in the province of Quebec particularly, is wrong, the sooner it is put a stop to the better. Now, what is the reason given for disagreeing with our third amendment? The House of Commons say they disagree with the third amendment—that is the one creating a new crime—obtaining goods under false pretenses. That system of obtaining credit and getting goods has not been regarded as a crime until it is made a crime by this amendment to the code. The Senate objected to that on the ground that it might lead to a good deal of abuse, and my hon. friend from Brandon took very strong grounds on this subject. He was supported by the hon. gentleman from Halifax, and the reason for rejecting that amendment is as follows:

(a) The proposed section 359a would offer great inducements to perjury on the part of vendors;
(b) It would give a creditor, who claimed or asserted that there had been a false pretense on the part of the purchaser, an opportunity to practically coerce such purchaser into giving such creditor an undue preference over his other creditors;
(c) It would injuriously interfere with the ordinary and long-established methods of conducting business between vendors and purchasers;
(d) No act should be declared a statutory crime where there is a substantial doubt as to the desirability of such declaration.

That comes into force immediately after the sanction of this Act by the Governor General. Now, if the system which exists of obtaining goods in the manner pointed out by the law be a fraud, then it is in the interests of the country that it should be stopped at once. If one is a fraud, the other is a fraud also and the sooner we put a stop to it the better. To show the length to which the authorities in the province of Quebec, particularly in Montreal, are going to put a stop to this system of fraud, I quote from the *Star*, of Saturday, the following:

Chief Benoit is determined to stamp out gambling and kindred evils among the firemen. Now that he has banished the lottery agents from the stations, he is after the card players, and yesterday caused the following notice to be posted in a prominent place in each station:

'It is strictly forbidden for all members of the fire brigade, and also all persons not connected with the fire department, to play at any game for any stakes of any kind whatsoever in the fire stations, or any part thereof, under the control of the fire and light committee.

'The captains of the stations will be held reponsible for the proper observance of this order.'

So far has this lottery system been carried on in the city of Montreal that the chief of the fire brigade has found it incumbent on him in the performance of his duties to prevent any further sale of lottery tickets in the fire station. If it be so bad as is indicated by that very act itself, is it not in the interests of morality and in the interests of the people, that this evil should be put a stop to promptly? It seems to me that it is a fair and reasonable proposition. Most laws come into force as soon as they are passed by parliament and sanctioned, and I cannot understand why a law which provides for the punishment of a crime should be allowed to remain in abeyance for a certain length of time in order that those who are perpetrating the crime and breaking the laws should have five or six months more to continue their swindling operations. Under the circumstances, I regret very much that the House of Commons have not accepted our proposition. I should be inclined to vote 'No' on the motion made by the Minister of Justice and say that we should insist on our amendment.

Hon. Mr. SCOTT—Would it be better to lose the Bill, or have it go into operation on the 1st of January?

Hon. Sir MACKENZIE BOWELL—I do not think that is a proper way to put it.

Hon. Mr. SCOTT—That is the attitude of the other House. I certainly would rather the law came into force at once. But I do not like to see a good Bill endangered by taking a stand that the House of Commons will not agree to.

Hon. Mr. LANDRY—What are the reasons given by the House of Commons for taking that stand?

Hon. Mr. SCOTT—The House of Commons had a perfect right to do that if they thought proper.

Hon. Mr. PRIMROSE—Have we not the same right ?

Hon. Mr. SCOTT—The consequence of insisting on our amendment will be to throw out the Bill. The House of Commons say we do not think the Bill should go into operation until the first of January. We say it should go into operation the first of September. If they refuse, the Bill drops, and we lose the Bill.

Hon. Mr. LANDRY—Is that a government measure ?

Hon. Mr. SCOTT—Yes, it is a government measure.

Hon. Mr. LANDRY—Then the government can have it passed in the House of Commons.

Hon. Mr. MILLS—We are near the end of the session, and if this Bill were to go down to the House of Commons, and that House refused to acquiesce in our view, that would be the end of the Bill.

Hon. Mr. BOLDUC—I was one of the first who strongly advocated the passage of this clause to prevent lotteries, and I should prefer that the Bill should go into operation the day that it is sanctioned than either the first of September or the first of January. At the same time, I should prefer to have it go into operation on the first of January rather than to lose it completely. The House of Commons has certainly as much right to say that the law shall be put in operation on the first of January as we have to say on the first of September. I regret their stand very much, but as I am afraid that our insistence would endanger the passing of the Bill, and as I am very anxious that the Bill should pass, even though it comes into operation on the first of January only, I prefer to let the amendment pass.

Hon. Mr. POWER—I sympathize with the hon. gentleman who preceded me in regretting that the House of Commons should have taken the action they have taken in respect to this measure. The hon. Minister of Justice referred to the fact that three Bills to amend the criminal law have been passed by the Senate during the present parliament. We passed one in 1897, another in 1899; and finally this one. The House of Commons did not consider either of the previous Bills. They have considered this one, or at least have gone through the form of considering it, and they send it back to us with fourteen amendments, to eleven of which we have agreed. Three of their amendments we declined to agree to, and we gave what I think were substantial reasons for not concurring in those three amendments. With respect to this amendment now before the House we said :

2. That the Senate hath amended the first amendment of the House of Commons by striking out 'the first day of January, 1901,' and inserting in lieu thereof 'the 1st day of September, 1900.'

Because it is desirable that the improvements made in the criminal law by this Act shall go into operation at the earliest possible date consistent with the due publication of its provisions.

The general rule as two hon. gentlemen have stated is, that an Act goes into operation as soon as it is assented to by the Governor General, and there was really no substantial reason why this Bill should not have been dealt with in that way. The House of Commons adopted the unusual course of providing that the Bill should not go into operation until the first of January. It was stated when the amendments came from the Commons—I think it was stated publicly in the House—I know it was stated in conversation—that that action was due to the influence of persons connected with those lotteries in Montreal, who wish to continue their operations for another six months, so there is really no merit in this proposition to wait until the first of January. The laws are published in the first *Gazettes* which are issued after prorogation, and the parties interested in this particular matter would know the very moment that the Governor General assented to the Bill, all about it. So that on the merits of the case I think we really should not concur in the amendment. On the other hand, although yesterday I should have voted not to concur in the amendment, there is a great deal of force in what the hon. gentleman from Beauce (Hon. Mr. Bolduc) has said. If we do not agree to any amendment made by the House of Commons, I assume that the Bill will be lost altogether, and it would be better to have this law in operation from the first of January than

not to get it at all. We might undertake to pass another measure next year, but we do not know what the fate of it would be. I think that, on the whole, the balance is in favour of our not insisting in the case of this particular amendment. It is not of a vital character. It is a highly objectionable amendment, and one which should not have been made, but it might possibly be contended in another place that we were showing obstinacy and want of willingness to meet them half way, and it might prejudice our action with respect to the other amendments? With respect to the other amendments, I shall be inclined to vote that we do not concur; but this does not affect the substance of the Bill, but merely postpones its operation for four months longer than we proposed, and I am disposed to agree on that ground.

Hon. Mr. FERGUSON—It seems to me that those who are responsible for making this change in the Bill, that it shall not go into effect until the first of January, are very much less desirous of putting a stop to these gambling operations than the members of this House are, but the Senate should be careful that in grasping at the shadow we are not losing the substance, and that by refusing concurrence we are not really giving full scope to the desires of those who want to perpetuate those lotteries. That would be the effect if the Bill was lost—that instead of going into operation at the end of the year, it could not be effective for another year. I shall support the motion to concur in the amendment.

Hon. Mr. LANDRY—This Bill, as has been stated, is a government measure. It was introduced by the Minister of Justice. This amendment was suggested by the minister himself when it came before this House. When the month of January had been fixed by the House of Commons, the amendment was adopted in this House, at the suggestion of the Minister of Justice, making it the first of September. If the government are not able to carry this measure through the House of Commons, then they should resign. If they are beaten on that measure, that is the only recourse I think the government should take a stand, and when the Minister of Justice has himself fixed the first of September as the day for the coming into operation of this law, the government should carry their measure through.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman from Halifax told us that he thought he must agree with the proposition of the hon. gentleman from Lauzon (Mr. Bolduc). That opinion was that we should not reject any of the amendments, because we might lose the whole Bill.

Hon. Mr. POWER—No, this amendment.

Hon. Mr. De BOUCHERVILLE—The hon. gentleman says he agrees with the hon. member, but he is going to insist on another amendment. I do not see how the matter can be reconciled. And then we might be accused of not going half way. I think we might go more than half way. We might agree with all the other amendments, but not agree to this amendment which was proposed by the hon. Minister of Justice, and there is a danger if it is rejected, which I had not thought of, which is that the lottery companies in Montreal will take advantage of it to swindle the people of Montreal as much as they can by their lottery scheme. Therefore I think we should agree to all the amendments.

Hon. Mr. ALLAN—I do not understand what the hon. Minister of Justice intended to convey to us when he said that our not agreeing to all these amendments would imperil the Bill in the House of Commons. If we disagree to one of the amendments of the House of Commons and agree with the others, what will the effect be? Will the Bill in that case be lost? For my part, I thought the objection to this particular clause was one which we could urge with greater force and would be one more likely to be acquiesced in by the House of Commons than any of the other amendments, particularly the one with regard to the labour unions; but if I am to understand that there is no doubt that, if we make amendments at all, the Bill will be rejected, we have no choice, but must either vote for agreeing to all the amendments of the Commons or against them.

Hon. Mr. MILLS—I am speaking without any knowledge of what the House of Commons will do, any more than the knowledge hon. gentlemen possess. I feel that we will imperil the Bill if we insist upon our position on these amendments.

Hon. Mr. ALLAN—With respect to any of them ?

Hon. Mr. MILLS—That is my own view. If that were not my view I would have insisted upon declining to acquiesce in some of them. My hon. friends know this Bill was twice before the House of Commons and not even moved in the House of Commons, and now that it has been acquiesced in by the House of Commons it is most desirable to get it through, and to fight with the House of Commons upon these amendments, and perhaps upon some methods relating to criminal legislation on another occasion. We have agreed to everything else contained in the Bill, and I think it is most desirable we should get the Bill through in the present form.

Hon. Mr. ALLAN—It seems strange the the government, with such a majority, could not carry their own issue in the House of Commons.

Hon. Mr. CLEMOW—It seems to me the government is desirous of extending the time four months that these people can ply their nefarious occupations. That is something I cannot assent to. This Bill has been before the Senate three or four times and received no consideration from the House of Commons, and I think we should place ourselves in a most favourable position if we accede to the demands of the House of Commons. The hon. Minister of Justice should understand the subject better than the House of Commons or any committee of the House of Commons.

Hon. Mr. MILLS—One of these amendments restores a provision I had in the Bill, which was struck out here.

Hon. Mr. CLEMOW—The sooner we put a stop to this lottery business the better. The papers have been agitating this subject for years, and we should bring it into force as soon as possible. Therefore we should insist that the Act come into force the 1st of October and not the 1st of January.

Hon. Sir MACKENZIE BOWELL—We will discuss the other amendments when they are proposed. We are in this position, that if the Senate thinks it is in the interests of the country that a certain amendment be made, all the Commons has to do is to say no, and hold the rod in terrorem over the Senate, and say to us 'If you do not accept this you will get nothing,' or like Davy Crocket, when he points his gun at a coon, the coon says 'Don't shoot, I'll come down.' That is just exactly our position. I agree with the Minister of Justice when he says that if we were to act upon the principle of fear—because it is nothing but that—that this Act will not become law, then we are bound to accept the amendments. I think the objection to the other amendment could be overcome by the addition of a few words. It is simply a question whether the Commons is to say to us that we must accept the amendments or imperil the Bill. They have rejected other amendments, and we must give way, and it is little use for the Senate to occupy hours and hours in discussing this question—I do not say it direspectfully to the House of Commons—with more deliberation and more thought upon the effect it will have upon the people than it is given it in the other House. We are here as an independent body dealing with questions affecting the vital interests of the country without regard to the electorate. I am speaking of the lower order of politics, not politics in the higher sense, and the fact of saying to us 'unless you accept it, the Commons will reject it,—well, I would let them reject it and take the responsibility.

The House divided on the motion which was carried on the following division :

Contents :

Hon. Messrs.

Bolduc,	Scott,
Burpee,	**Templeman,**
Dever,	**Vidal,**
Ferguson,	**Watson,**
Gillmor,	Yeo,
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Power,	

Non-Contents :

Hon. Messrs.

Baker,	**McKay,**
Boucherville, de (C.M.G.)	McKindsey,
Bowell (Sir Mackenzie),	Merner.
Clemow,	Primrose,
Landry,	Prowse,
Lovitt,	Sullivan.—13.
Macdonald (P.E.I.),	

The SPEAKER—I think I would have the right to vote now.

Hon. Sir MACKENZIE BOWELL—Certainly.

The SPEAKER—The motion is carried.

Hon. Sir MACKENZIE BOWELL—The whole three amendments are not carried ?

The SPEAKER—I put the motion and asked if it was the intention to carry the motion.

Hon. Sir MACKENZIE BOWELL—I did not understand that.

The SPEAKER—I waited a few seconds and declared it carried.

Hon. Mr. MILLS—I am making no objection to its being reconsidered.

Hon. Mr. PRIMROSE—The question is as to whether the vote was upon the first clause.

Hon. Sir MACKENZIE BOWELL—The Speaker put the three together and I was pointing out to the House that I did not hear it put in that way.

The SPEAKER—Then it is moved now that the Senate do not insist on their third amendment to the Bill.

Hon. Mr. POWER—We sent down to the House of Commons the following reasons :

That the Senate hath disagreed to the third amendment for the following reasons:
(a) The proposed section 359a would offer great inducements to perjury on the part of vendors;
(b) It would give a creditor who claimed or asserted that there had been a false pretense on the part of the purchaser an opportunity to practically coerce such purchaser into giving such creditor an undue preference over his other creditors;
(c) It would injuriously interfere with the ordinary and long-established methods of conducting business between vendors and purchasers;
(d) No act should be declared a statutory crime where there is a substantial doubt as to the desirability of such declaration.

Hon. gentlemen will admit that there is some force in these reasons. What is the answer of the House of Commons to that amendment ? They insist on their third and fifth amendments to the said Bill for the following reasons :

Third amendment : Because it would be in the public interest to punish and prevent a form of fraud which is becoming of frequent occurrence.

They do not meet the reasons we sent down at all. This is not like the other amendment. It is not a question whether it is to come into operation on the 1st September or the 1st January, but it is a question whether the law is to contain this provision or not. We were satisfied that it was an objectionable provision when the amendment was before us, and I am still so satisfied ; but I think we might be prepared to go this far to meet the views of the Commons : we might be prepared to agree to the amendment if it were provided that those false representations should be in writing. If the vendor gets credit by false representations which have been reduced to writing, there may be something said in favour of making that a statutory offence ; but to say that a representation made in the course of conversation, where misunderstandings are so likely to occur and where an unscrupulous man may swear that a representation was made where it was not, is an indictable offence I think would be wrong ; but with that modification, if we amend the Commons amendment providing that if the representation is in writing it shall be an offence, I should be prepared to vote for it, otherwise I shall vote against it.

Hon. Mr. POWER—I think it is a pity we should not discuss this. I have not the amendment which came from the Commons.

Hon. Sir MACKENZIE BOWELL—The only object in that would be to prevent dispute as to what was really said.

Hon. Mr. MILLS—This amendment was suggested to me by some parties in Toronto. I did not embrace it in the Bill, because I did not think it was desirable. The reasons which my hon. friend behind me has stated, were those that occurred to me, that a man who had trusted on representations made would perhaps stretch those representations unconsciously, so as to bring the party within the purview of the criminal law. I think if the amendment suggested by my hon. friend were adopted, that where the representation is in writing prosecution might take place, it would remove the objection.

Hon. Sir MACKENZIE BOWELL—And it would not jeopardize the Bill.

Hon. Mr. MILLS—I do not say about that. Perhaps the Commons might accept it.

Hon. Mr. DeBOUCHERVILLE—Is it not an offence already to obtain money under false pretenses ?

Hon. Mr. MILLS—Yes, it is against the law.

Hon. Sir MACKENZIE BOWELL—The principal argument was about people getting board at hotels and other places and running away and not paying for it. Putting it in writing would place the matter beyond doubt. If it is mere verbal conversation between the parties, then there might be a dispute as to what was said. That is the object the hon. gentleman from Halifax has in view, but a man might even then put in writing a statement 'I will pay you at a certain time,' and circumstances might transpire that he could not. Is that a fraud ?

Hon. Mr. DeBOUCHERVILLE—Supposing it was one of those agents who sell machines in the country, the men in the country cannot read or write, and are you going to give that man a writing to sell ?

Hon. Sir MACKENZIE BOWELL—We are making crimes of business transactions. I shall read the amendment of the House of Commons.

By inserting immediately after section 359 the following section:

'359a. Every one is guilty of an indictable offence and liable to one year's imprisonment who, in incurring any debt or liability, has obtained credit by means of false pretenses or by means of any other fraud.'

I should strike out the words: 'or by means of any other fraud' and insert in lieu thereof the words: 'have been reduced to writing.'

Hon. Mr. FERGUSON—This is bad legislation and I do not think it will work satisfactorily, but at the same time I have the feeling that the members of the House of Commons have a very faint appreciation of the labour that has been bestowed upon this Bill in the Senate last year, and again this year. It received a very great amount of consideration, and I do not think it is worth while to imperil the Bill for the sake of two or three points that are, after all, only comparatively unimportant upon which there is a difference. The members of the House of Commons, having a limited appreciation of the labour that has been bestowed upon this Bill may make a stubborn stand and the country will lose for another year, and perhaps longer, the benefit of the very many wholesome provisions that are contained in this Bill.

Hon. Mr. MACDONALD (P.E.I.)—I do not consider that this amendment is of such great importance that we ought to jeopardize the passage of the whole Bill on account of it, and therefore I shall give my support to the amendment ?

Hon. Mr. POWER—If the minister says there is no use in amending we can refuse to concur. The Minister of Justice said he was prepared to accept an amendment, and now I understand the Secretary of State to say he will not.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. ALLAN—I do not think there is anything left but for us to let the Bill pass through and let the government take the responsibility. There was only one amendment which I thought, if this House did not occur in, that in all probability the Commons would throw out the Bill rather than consent to it, and that is with regard to the labour unions, and I base my opinion of that upon the fact that the Minister of Justice, the member of the government who has charge of the Billl, is in favour of that, and of course whatever influence the government might have in the other House, would be in support of the amendment made by the House of Commons. Therefore, if we persist in striking that out, in all probability the Bill will be lost in the House of Commons, but what I should like to have seen is this: If we could have the candid opinion of the members of the government here, as to those other two points—the one as to the extension of time to the 1st of January, and this one which the hon. gentleman from Halifax is now engaged in amending—whether these would not be considered equally important, politically or otherwise, and therefore, if we made those amendments, it would not in all probability imperil the Bill. It is on the strength of what the Minister of Justice said, that any amendment would imperil the Bill, that I refrained from voting against his motion. Perhaps the two amendments which the Minister of Justice himself is not opposed to would be assented to in the House of Commons.

Hon. Mr. MILLS—As far as the first amendment is concerned, I think it was very desirable, in order to get the support of the majority of the House of Commons to the Bill, to extend the time to the first of January. With regard to the clause relating to labour unions, that was in the Bill, I

thought it was desirable and necessary, in order to maintain the law as it is. With regard to this clause that my hon. friend has been endeavouring to amend, I was opposed to it. I still think that it will give rise to a very great deal of litigation, under which persons may be unjustly punished. That is my opinion. If I did not fear, looking at the action of the House of Commons upon the subject of the Bill during the two previous sessions, the loss of the Bill this year, I should certainly favour disagreeing with this third amendment. But I would very much rather accept all three amendments than imperil the Bill.

Hon. Sir MACKENZIE BOWELL—The principal reason the hon. gentleman has given now is that he thought it was better to accept the first amendment. That is a declaration in favour of allowing these gambling operations to go on six months longer.

Hon. Mr. MILLS—I did not say that. My hon. friend entirely misaprehended my statement. I did not say that, I approved of the first amendment, but that I felt quite convinced, from my conversation with members, that the Bill would be imperilled if that postponement were not agreed to.

Hon. Sir MACKENZIE BOWELL—And the hon. gentleman accepts the influence which was brought against the Bill by lobbyists to continue a system of lotteries which he declared the other day to be gambling, rather than lose the Bill. When I asked for an explanation the other day as to the meaning of these different amendments, the hon. genteman replied as follows :

> Yes, they object to the three amendments, the one relating to frauds committed by parties obtaining goods under false pretenses, the second relating to trades unions, or the protection of labourers, and the third as to the date when the Act shall come into operation. They give six months more to the gamblers to carry on their operations.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I am not going to waste time in discussing the point. We have the hon. Minister of Justice telling the House that the postponing of bringing this Act into operation is to give the gamblers, the parties we have been trying to suppress, six months more in which to carry on their operations, and for fear of losing the Bill, we allow the gamblers to go on, and that is at the instance of lobbying by agents of the gamblers which has been going on during the last three months,—and they have had sufficient influence over the Commons to get this six months additional time. I do not look upon the second clause as so important, but if he persists in it, I shall vote for it on the ground that the reasons given for it would be in the interests of trade and preventing perjury, if the law goes on the statute-book. The hon. Minister of Justice said, as to the third amendment, he thought they would accept that. Now, he retraces his steps for fear of losing the Bill. There are half a dozen very important Bills coming up this session yet—one of some two hundred clauses, the election Bill—and I suppose we will have the same statement made to us. If we are not allowed to consider that Bill, all we have to do is to accept it and say nothing more about it. There is no use asking the committee to go through 3 or 400 clauses. I object in toto to the principle that has been laid down. If we think it is right to insist on our amendments, let us take the responsibility.

Hon. Mr. MILLS—No doubt both parties think they are right, and where there is a disagreement somebody must give way. My hon. friend lays down a rule on which no government can act. What I say is that in this matter I am anxious to acquiesce in the House of Commons amendments as far as possible, in order to preserve my Bill. I do not want to see it left over for another year. With regard to the first amendment in which we have acquiesced, by the casting vote of Mr. Speaker, hon. gentlemen will see that the Bill will come into operation on the first of January. If it does become law, the gamblers will be suppressed, and it is just a question of time, and I would rather they would be suppressed on the first of January than to give them an additional twelve months.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows very well that the constitution provides how difficulties of that kind are to be surmounted. If there are difficulties the constitution provides for a conference between the two Houses. That was done at the time of the Franchise Bill, when members of the government consulted this House, and each side made mutual con-

cessions, and the Bill went through. If we had not had that conference, the Bill would have been lost.

Hon. Mr. SCOTT—This particular amendment stands on an entirely different plan from any other. This amendment was not in the original Bill drawn up by the Minister of Justice. I do not know myself who suggested it; I think it is the introduction of a very dangerous principle, and one that will be regretted if placed on the statute-book. It gives extraordinary powers to one man over another. A man may be justified, under the proposed statute, to issue a warrant against a person who may have inadvertently promised to pay, and on that he may be imprisoned. With regard to this particular clause, I should prefer to have a conference between the members of the two Houses. I do not know at whose instance it was introduced. It was not in the government Bill as was proposed. All I can say is, it is an exceedingly dangerous innovation on the criminal law.

Hon. Mr. ALLAN—Why not have a conference on the whole of the amendment? That would be very much better. Surely it might be well this year not to be in haste. I feel very strongly indeed on that first clause, and I only abstained from voting simply on the assurance of the hon. Minister of Justice that it would end, not in a mere deferring of this matter until the 1st of January, but in the loss of the Bill altogether. Now, if there is any possible chance, upon a conference, of that clause also being reconsidered, surely it is well worth while to suggest a reference on both points?

Hon. Sir MACKENZIE BOWELL—My own impression is that in the case of the other amendment to which the hon. gentleman has referred, the difficulty might be got over. What I was going to suggest was, instead of exempting trades unions from the operations of the clause against combines, there should be a special proviso exempting trades unions, so far as it affects their rights and privileges in the Act which incorporates them. What has been contended is, that the clause would nullify the privileges which the trades unions, and workmen now enjoy under the law upon the statute-books. The hon. gentleman from Halifax, as well as myself, when we discussed this, disavowed any intention of interfering with any existing right, and what I intended to propose was to add to that clause a proviso that nothing in the clause should be construed to interfere with any rights or privileges enjoyed by working men and labourers under such and such statutes, which could be pointed out. That would meet the objections which some of us took when we struck out that exemption. Whether right or wrong, our argument was that if you make the committing of an act a crime by one person, it certainly could not be a virtue in another, and if it interferes at all with the right of workingmen, as defined by the Act, now upon the statute-book, called the Trades Union Act, and another Act, let us reserve all the rights and privileges they enjoy under those Acts, but do not leave the law in such a position as to convey the impression to any class of people if they commit a certain act it is a crime, though in another it is a virtue.

Hon. Mr. MILLS—I do not agree with the view expressed by the hon. leader of the opposition, and I expressed my dissent from that view when the subject was under discussion before. My hon. friend will see that there is no just ground for putting labourers within a trades union on a better footing than he would put a volunteer association. You would simply compel labourers to join the unions of the country under the protective clause of that Act; but under the clause as it stands, every voluntary organization of labourers would be equally protected, and that is a matter of very great consequence, and you do not drive men into unions who are anxious to remain outside of them.

Hon. Mr. FERGUSON—It would seem, from the way this discussion has been carried on, it is possible that mutual ground may be found on all three amendments. It is possible a conference might settle the difficulty. A compromise date may be agreed on. The hon. gentleman from Halifax has suggested an amendment relating to the paragraph dealing with obtaining credit on false statements, and my hon. friend the leader of the opposition, has suggested what might be a solution of the other. Would it not be better to have a conference between the two Houses in place of this

House giving away its strong convictions for fear of risking the Bill ?

Hon. Mr. POWER—The better way would be to let the hon. minister who is in charge of the Bill postpone the consideration of it until to-morrow. Meanwhile he can consult with his colleagues, and we may come to some understanding. We cannot be any worse off then than we are now, and we may be a good deal better.

Hon. Mr. MILLS—I am quite agreeable to postpone the further consideration of these amendments until to-morrow.

Hon. Sir MACKENZIE BOWELL—The hon. Minister of Justice has carried one motion by the casting vote of the Speaker. Is that to remain as carried and are the other portions only to be considered ?

Hon. Mr. MILLS—I am perfectly satisfied as to the first and fifth amendments it would be utterly useless to alter the existing condition of things. The only one I have any hope of is the third. However, the third and fifth will stand until to-morrow.

Hon. Mr. ALLAN—I, for one, feel very much more strongly on that first amendment than on either of the others, and I do not see, if it is possible in any way to influence the judgment of the House of Commons, why those of us who feel strongly on that point should not have an opportunity to press it.

Hon. Mr. MILLS—The reason I speak with such confidence on that first amendment, is that I have had a good deal of discussion with a view to fixing an earlier date for the law to go into operation.

Hon. Sir MACKENZIE BOWELL—The reason I asked is because it was carried, and there might be a misapprehension.

The further consideration of the amendments was postponed until to-morrow.

PILOTAGE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (11) 'An Act to amend the Pilotage Act.'

Hon. Mr. FERGUSON.

(In the Committee.)

Hon. Mr. SCOTT—This Bill was all carried except clause number 3, which stood over, I move the adoption of that clause.

Hon. Mr. POWER—I took exception to this section and wanted to amend it. I am not satisfied yet that it would not be better to amend it in the direction I have recommended, but I have ascertained that the representatives of the harbour board and pilots were both satisfied with the wording of the Bill as it is, and under these circumstances it would not be altogether proper to insist on the amendment.

Hon. Sir MACKENZIE BOWELL—I accidentally saw a strong petition protesting against it from the merchants and shipowners of Montreal. I believe it was presented to-day. I do not know what the contents of it are.

Hon. Mr. POWER—I suppose the third reading will stand till to-morrow and if that petition is here we can deal with it.

The clause was adopted.

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

MURRAY HARBOUR RAILWAY BILL.

POSTPONED.

The Orders of the Day being called,

Committee of the Whole House on (Bill 182) 'An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour.' —(Hon. Mr. Mills.)

Hon. Mr. FERGUSON—Before this matter is entered upon I would like to inquire of the government about the information for which I moved with regard to this subject —the correspondence, specifications, plans and other papers bearing upon this bridge. It is important that we, who are interested in it, should know these particulars.

Hon. Mr. SCOTT—I have had an officer of the department till a few minutes ago, and he left.

Hon. Mr. FERGUSON—The motion for these papers was passed on the 14th of June, page 507 of the Minutes.

Hon. Mr. SCOTT—That relates to a bridge.

Hon. Mr. FERGUSON—Yes, and that is what this Bill is for. This Bill is to legalize a contract made with the provincial government relating to this bridge.

Hon. Mr. SCOTT—No, it is a branch railway from Charlottetown to Murray Harbour.

Hon. Mr. FERGUSON—If my hon. friend will read the Bill he will find it is to legalize a contract entered into between the local and the federal governments with regard to the construction of the bridge, which is built by the governments jointly, and I am interested in having this correspondence and other information relating to the bridge before we discuss it.

Hon. Mr. MILLS—There is no correspondence.

Hon. Mr. FERGUSON—We want to know the cost, because there is a portion of it borne by the provincial government.

Hon. Mr. MILLS—There are no letters or papers. It was a verbal agreement between the parties. There was a Bill carried through last year for the purpose of constructing this bridge, and the amount allotted to the local government under that Bill of last year was $12,000, and under this it is $9,700. There has been that modification in favour of the province, in the arrangement that was made. The Bill as introduced last year is chapter 4 of the statutes of 1899, and relates to this same subject, and this Bill is to give effect to an agreeement for a modification of the arrangements made and intended to be carried into effect by that statute. If my hon. friend will look at the statutes of last year, chapter 4, he will find this subject dealt with.

Hon. Mr. FERGUSON—I understand all that perfectly. The Bill of last year was to authorize the government of Canada to enter into contracts for the construction of this bridge on the condition that the provincial government should pay a sum not less than $12,000 in perpetuity, and they were allowed, on that ground, to enter into a contract with the provincial government regarding it, as well as to enter into a contract for the construction of the bridge. Now, we have a contract made between the provincial government and the federal government by which the rights of both parties are more or less defined, with regard to the use of the bridge and the maintenance of the bridge and also the sum which the provincial government is to contribute, $9,780, and it is contemplated that the cost of the bridge will be less than the sum fixed upon previously. I am aware that there are plans and specifications of this bridge, and it is a subject of great importance to the province to know what facilities are to be furnished for horses and carriages and foot traffic and the width of the bridge, and in order to have all that before us and to enable myself and other gentlemen in this House to discuss it intelligently, we wanted to obtain this information. I think this information was furnished to the House of Commons. The plan was there at any rate, and, I think, the specifications also, and I do not see why we should be treated differently.

Hon. Mr. MILLS—There is no disposition to treat the senators differently. An officer was here a good while with the plans and specifications, but has gone away.

Hon. Mr. FERGUSON—We had better postpone it until to-morrow.

Hon. Mr. SCOTT—It will be sufficient if the plans are left here during the discussion and they can be returned to the department.

Hon. Mr. FERGUSON—That will be sufficient.

Hon. Mr. FERGUSON—A casual glance at the plans during the committee stage would hardly be sufficient, but those of us who are interested could probably have an earlier opportunity of consideration.

Hon. Mr. MILLS—Then I move that the Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

The motion was agreed to.

COPYRIGHT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (167) 'An Act to amend the Copyright Act.'

(In the Committee.)

Hon. Mr. SCOTT—This Bill is supported by the publishers and authors, not only in Canada, but also Great Britain, which is rather an unsual thing, because heretofore there has been a great deal of friction in the working out of the copyright law, as hon. gentlemen who have given the matter any attention know. Our powers and rights under the British North America Act have been somewhat questioned. However, that point does not arise in this case. The necessity for this legislation is due to the fact, that when an author, say in Great Britain, sells to a Canadian publisher the right to publish his book in Canada, he also sells the right, probably, to Australia and other colonies, to some one in the Empire. It so happens that the trade buy books that were intended for circulation in Great Britain or in the colonies, and more particularly those editions that are known as colonial editions, and the publisher in Canada who has secured the right to publish here at the instance of the author, finds that the colonial editions that were originally published for circulation in Australia, having been bought by the book-trade in Great Britain, are sold to Canadian buyers and in that way the Canadian publisher is defrauded.

Hon. Sir. MACKENZIE BOWELL—The colonial edition published in England is imported by other Canadian publishers.

Hon. Mr. SCOTT—Yes, and the Canadian publisher who secured the right to publish is defrauded of the rights he supposed he had acquired. It is very well known that the publishing trade in Canada now are publishing good editions of the English authors, both cheap editions, and editions of a higher class, and there is no reason why the arrangements made between the author and the Canadian publisher should be disturbed by outsiders. This is the result of a conference between the British authors, the gentlemen sent over on their behalf, and the Canadian publishers, and I am not aware that there is any opposition to it.

Hon. Sir MACKENZIE BOWELL—Is that the only provision in the Bill?

Hon. Mr. SCOTT—I understand that is the only one. When the license is taken out here, no other colonial edition or edition published in England will be permitted here. The Canadian edition will have the exclusive right of the Canadian market.

Hon. Sir MACKENZIE BOWELL—It has been very difficult in the past to secure the co-operation of English authors to any amendment to the Act. I read the Bill very hastily this morning. If I understand the position it is this: formerly a colonial edition was printed in England of a cheaper character and sold in the colonies, the publisher in Canada who had purchased the right of the patent, if I may so term it, in Canada, was handicapped by the colonial edition being sent into the country to compete with the work that he would publish here. That was the former Act, and this Act, as I understand it, is to abolish that anomaly.

Hon. Mr. SCOTT—It prohibits it.

Hon. Sir MACKENZIE BOWELL—Or in other words, the English author, when he publishes his work, would in the future publish no colonial edition for the Dominion of Canada, if he had sold the right to publish his work in the Dominion. That is as I understand it.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—So that the purchaser of the copyright in Canada would have the sole right of the Canadian market.

Hon. Mr. SCOTT—Practically.

Hon. Sir MACKENZIE BOWELL—That is an important point gained, and I am very glad that both parties have acceded to this request, because there was constant conflict, and it has been one of the troublesome and vexatious questions that have agitated the country for a great many years. Every government that has been in existence since Confederation have had this difficulty to contend with, and any one who has read that very able paper, by the late Sir John Thompson, upon this question, will understand at once the constitutional point that was raised the other day by the hon. Minister of Justice in reference to certain rights of self government in the colonies. I am glad to know that even this concession has been made, and I hope it will go still further

by-and-by, and Canada will be allowed to reap all the advantages of copyrights obtained by Canadian authors, so that they cannot be interfered with in any other part of the Empire. That is what we have been trying to accomplish for a long time. This is one step in the right direction, and the others may follow by-and-by.

Hon. Mr. SCOTT—The hon. gentleman has expressed the correct view, but there is a wider view. The Canadian author is also handicapped. The Canadian author whose book is published in England has no power to prevent the English publisher sending his book into Canada, which is a very much greater hardship, nor has the English author the control, because when he sells for the Empire excluding Canada, that gives the publisher here the right to send the book all over the British Empire except Canada, but when the book passes into the hands of other book publishers, they sell to the Canadian buyer, and in that way, not only the English author but the Canadian author is cut out.

Hon. Sir MACKENZIE BOWELL—This is to prevent that ?

Hon. Mr. SCOTT—Yes.

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

The Bill was then read the third time and passed.

RAILWAY ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (132) 'An Act to amend the Railway Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow.

Hon. Sir MACKENZIE BOWELL—Does the hon. minister propose to consider that Bill in committee of this House, or to refer it to the Railway Committee ? It is usual to consider government Bills by Committees of the Whole House. There are exceptional cases in which they are referred to the Railway Committee, where large bodies or corporations are interested, because there we can hear the objections to a Bill or the approval of a Bill by those who are most affected by it, and I would ask the hon. minister to consider that question before to-morrow. It was considered by the Railway Committee of the House of Commons.

Hon. Mr. MILLS—There are not many amendments ?

Hon. Sir MACKENZIE BOWELL—But they are very important. There are clauses in the Bill as introduced which give the power to the Minister of Railways and the government of the day to compel railway companies to place stations wherever they may think best in the interests of the country. Then there are certain sequestration powers—powers to take certain railways from the parties who are supposed to own them.

The motion was agreed to.

BILLS INTRODUCED.

Bill (187) 'An Act to aid in the Prevention and Settlement of Trade disputes and to provide for the publication of statistical industrial information.'—(Hon. Mr. Scott.)

Bill (190) 'An Act respecting the preservation of game in the Yukon Territory.'—(Hon. Mr. Mills.)

DOMINION ELECTIONS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (133) 'an Act to consolidate and amend the law relating to the election of members of the House of Commons.'

Hon. Mr. MILLS moved that the Bill be read the second time on Wednesday next.

Hon. Sir MACKENZIE BOWELL—I do not object to the motion for the second reading on Wednesday next, but I do not think that hon. gentlemen can be expected to study 133 pages and understand them thoroughly by that time. I asked a member of the government the other day how long they had been considering this Bill. He said about three months. I intimated that if we took another two months he would not object. I suppose we can consider a Bill fairly in two months which would take the Commons three months. His an-

swer was that he had no objection to our taking our time from the fact that if the Senate kept the Commons here, we would be here also, so that misery liking company, he would have no objection. We have been in session five months and a half, and we have four of the most important Bills that could possibly be brought before any legislature to consider. That question of arbitration is one that has been agitating all countries for years past. This Copyright Bill was a move in the right direction, but a very important one, and now we have the Election Bill and the Yukon Game Law which does not amount to much. The first Bill, however, is an important one, and I am quite sure that unless we adopt the doctrine laid down here to-day, that if we dare to amend this it will jeopardize the passing of the Bill, we will have to be here a week or a fortnight yet if we consider the Bills intelligently.

Hon. Mr. MILLS—This Bill is a consolidation of the law, and there are but very few amendments ?

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon.

Hon. Mr. MILLS—There are some amendments. The larger number of them are improving the phraseology of the Acts without altering the intent of the law. The sections that were new in the original Bill were printed with an asterisk before each section, and I see they are left out of this Bill. Hon. gentlemen will be able to see from that what there is that is new, so that there will be very little difficulty in considering the new portions, and the new parts do not constitute a very large portion of the Bill ; on the contrary, it is but a very meager portion of the Bill. The particular object aimed at in taking the various statutes upon this subject and consolidating them into one was to make it more convenient when the period of election came, and my hon. friend will see that there are very few substantive changes in the law.

Hon. Sir MACKENZIE BOWELL—There was another object which parliament had in view in making the consolidation, and that was to make such provisions as might be deemed in the interests of purity of elections ; to prevent, if possible, the frauds which have taken place in the past. There are a number of amendments of that kind. There are amendments which unless they had been made, I should feel inclined to press upon the House in the same direction. I could give instances, but I will not do it now, because it will be proper to do it in committee. Then there is another important point the hon. gentleman is omitting. He remembers the difficulty we had with the voters' lists in Prince Edward Island, during the discussions on the Franchise Bill. A conference was held between the Solicitor General and one or two others and we agreed upon certain points providing they would not insist on rejecting one or two amendments that were considered to be absolutely in the interests of an honest election in Prince Edward Island. They agreed to that. That has been dropped out of this Bill. That may create some little discussion, and probably the same amendment might be made again. However, that is for the hon. gentlemen representing Prince Edward Island to deal with ; and there are one or two points I shall, when in committee, call attention to so far as they affect my province.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, July 10, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

PILOTAGE ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (11) 'An Act to amend the Pilotage Act.' He said: This Bill was held over, as it was announced that the Montreal shipping interest had sent a petition to the House asking that the Bill be rejected. The rejection of the Bill would not in any way serve the views of the large shipowners who have petitioned against the Bill, inasmuch as the present system of pilotage would remain as it is in force not only in

Montreal, but in Quebec, and all the other ports of the Dominion. Of course, it is a large subject, to throw open the pilotage of the Dominion, and to alter the policy which has prevailed as long as I can remember, and it was not contemplated in the present Bill to in any way disturb the relations which exist between the pilots and those who employ them The Bill was simply for the purpose of making it easier to hear the complaints that might be made, either by the pilotage or shipowners, establishing a different court for the hearing of the complaint. At the present Montreal Harbour Commissioners, as the commissioners at all other ports, have the power of hearing complaints arising from time to time between pilots and those who employ them. The desire of those interested was the establishment of an admiralty court. As they have had an admiralty court in the city of Quebec, it did not seem to be justifiable to establish another court at Montreal, and the next best alternative was to appoint a member of the legal profession who would not take the rank or position, or be entitled to the emoluments, that a judge in admiralty would be, to hear those complaints, and the Bill had simply that object in view, which I think is fully covered by the provisions that it contains.

Hon. Sir MACKENZIE BOWELL—I regret not being here and not having heard the hon. Secretary of State's remarks. I am not aware whether he referred to a petition which has been sent protesting against the passage of the Bill.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—Or whether it has been read. With the permission of the House I beg to present the petition. As it comes from the whole shipping interests in Montreal, I think it deserves some consideration.

Hon. Mr. MILLS—It has not been read.

Hon. Mr. SCOTT—I think it is in the hands of every hon. gentleman. A printed copy was sent to each hon. gentleman.

Hon. Mr. MILLS—It has not been read in the House yet.

Hon. Sir MACKENZIE BOWELL—I am aware of that, and I was asking permission of the House to present it, in order that we may be informed as to their views, and having presented it, I move:

That the petition of Frederick Leyland and others concerned in the shipping interests of the city of Montreal be now received and read at length.

The petition was then read as follows:

Petition from the Shipping Interests of Montreal.

To the Honourable the Senate of the Dominion of Canada, in Parliament Assembled:

Humbly Sheweth,—That the attention of your petitioners has been directed to Bill now before your Honourable House, entitled 'An Act to amend the Pilotage Act';

That this Bill in nowise remedies any of the evils presently resting on the pilotage, but, on the contrary, provides further taxation on an already over-burdened interest; moreover, it is of partial application, being limited to the service between Montreal and Quebec, leaving the service between Quebec and the sea untouched;

That the amendments which your petitioners have long desired, and urgently prayed for, are:

(a) That the pilotage services from Montreal to the sea be thrown open to all qualified candidates possessing the necessary qualifications, preference being given to those having several years' experience of ocean navigation as master or mate;

(b) That compulsory payment of pilotage fees be abolished on trans-Atlantic tonnage, thereby placing such tonnage on an equality in this respect with vessels trading with the lower provinces and with Newfoundland;

(c) That complaints by or against pilots on the two St. Lawrence services be taken before the Vice-Admiralty Court (the judge sitting with nautical assessors in the usual way), whose decisions are to be unappealable and final;

Wherefore, your petitioners do earnestly pray your Honourable House to withhold your assent from said Bill entitled 'An Act to amend the Pilotage Act.'

And your petitioners, as in duty bound, will ever pray.

Fred. Leyland & Co. (Ltd.)
Furness, Withy & Co. (Ltd.)
McLean, Kennedy & Co.
The Robert Reford Co. (Ltd.)
Elder, Dempster & Co.
David Torrance & Co.
H. & A. Allan.
Dominion Coal Co. (Ltd.),
Kingman & Co., Agents.
William Johnston & Co. (Ltd.)

The Montreal Marine Underwriters' Association strongly endorse this petition.

E. L. BOND,
President.

Hon. Mr. MACDONALD (P.E.I.)—I am not in favour of the passage of the Bill in its present shape, when we take into consideration the appeal which has been read from the shipping interest of Montreal. The shipping interest is, perhaps, the most important connected with the St. Lawrence River. The statements that they make in the petition which has just been received and read, so far as respects this Bill, are

such as must commend themselves to the attention of the Senate. It appeared to me, before this petition was presented, when the Bill was under consideration, that in some respects it was objectionable, although I did not make any decided objection to it; but it appeared to me that it was putting in the hands of the pilots of Montreal the sole control of the interests of the shipping that came into any trouble between the harbour of Montreal and the harbour of Quebec, and that in the case of a pilot running a ship ashore, or being the cause of a collision, between his ship and another ship,—it was putting the control of the decision very much in the hands of the pilots themselves. Therefore, I did not think it was a desirable Bill on that account. In the petition which has been presented, there are other statements made, which I think militate very much against this Bill. The petitioners state that the shipping interests are already overburdened by taxation. That is a matter which, I think, deserve the attention of the Senate. It has been the endeavour for some time past to lessen the taxation on shipping as much as possible entering the harbour of Montreal, and it is desirable that this matter should now be well considered, not to put any further burden on the shipping interest there. In the matter of pilotage I do not see why a person who is qualified as a pilot by experience up and down the St. Lawrence River, if he is a master or mate of a ship, is not in all respects as well qualified to act as a pilot as those who receive certificates from the pilotage commission in Montreal. The petitioners also object to the compulsory payment of pilotage fees on transatlantic vessels. We know that vessels from the lower provinces and Newfoundland coming into the St. Lawrence are exempt from such pilotage and where vessels such as come to Montreal once a month during the summer season, as many of these steamers do, that are on the route, where they have to pay this tax every time they enter and leave the harbour, it is a very serious charge indeed on them, and they may have persons on board as masters or mates of the vessels who are just as competent to take charge of the vessel as the regular pilots. Then the petitioners pray that complaints against pilots be taken before the Vice-Admiralty Court. It appears there is a court in the city of Quebec by which these complaints might be tried, and I do not see why it is necessary that an additional court should be constituted in the harbour of Montreal. In the other provinces there is only one admiralty court in each province and cases may be brought before that court either at Halifax, Charlottetown or St. John, and the parties would have to travel a greater distance than between Montreal and Quebec. For these reasons, I am not disposed to favour the third reading of the Bill. We also see that the Montreal Board of Trade have objections to the Bill very similar to those I have referred to. The Montreal Corn Exchange also does not approve of the Bill in its present shape, and therefore, I shall oppose the third reading of the measure.

Hon. Mr. PRIMROSE—I do not propose to transgress the rule which restricts the discussion of the principle of a Bill to the second reading, but since the second reading this petition has come to hand, and when we consider the source from which the statements contained in it emanate, I think we shall all agree that the parties, whose signatures are attached, are those who are the most deeply interested in the matter, and who are likely to be best informed—very much more so than we can be expected to be under the circumstances. In the first place, the petition and the accompanying memoranda express the views of the large shipping interest of Montreal, the harbour commissioners of Montreal, the Montreal Board of Trade and the Corn Exchange, and the statement is made in the memorandum from the Montreal Board of Trade.

1. That the court provided by the Bill is objectionable and unnecessary; objectionable because the interests of shippers and the marine underwriters might not be properly represented thereon, unnecessary because the government can at once establish a Vice-Admiralty Court in Montreal where charges against pilots could be properly dealt with, which court is greatly to be preferred to the pilotage court proposed in the said Bill.

And in the memo. of the Corn Exchange there appears this contention:

2. Until the Vice-Admiralty Court is established here the committee desires that the trial of pilots shall continue to be vested in the present pilotage authority, viz., the Montreal Harbour Commissioners.

With this additional information, I cannot do otherwise than vote against the third

reading of the Bill, and I express the hope that, under the new light that has come to us in the documents to which I have referred, this House will not agree to the third reading. The parties who present this petition are by far the best informed as to the needs of the case.

Hon. Mr. MILLS—Any hon. gentleman who will read this petition and read the Bill will see that the petition is scarcely relevant to this Bill. What the petitioners have in their mind in something altogether different from what the Bill deals with. It is perfectly clear that the petitioners desire to abolish the present pilotage system. The commissioners also suggest that the matters that are to be tried by this commission, with the assessors, should be tried by the vice-admiralty court. The vice-admiralty court has jurisdiction, and the vice-admiralty court of Quebec, which is for the whole province of Quebec, will deal with all important matters. It was thought by the Minister of Marine and Fisheries, after conferring with various parties in the province of Quebec, that it would not be advisable to bring the judge in admiralty from Quebec to Montreal to deal with every little matter which would necessarily come before the vice-admiralty court, and so this commissioner is practically a commissioner having, for certain purposes mentioned in the Bill, admiralty or vice-admiralty jurisdiction. He deals with a certain class of cases in the city of Montreal which are not supposed to be of sufficient importance, and sometimes involving very small amounts, to bring the vice-admiralty judge from the city of Quebec up to Montreal to try them. The provisions of the Bill are upon exactly the same lines as the jurisdiction of the vice-admiralty court. The mode of exercising the jurisdiction is the same. The aid which he received in the exercise of that jurisdiction is the same, and it is here suggested in the petition that the 'complaints by or against pilots on the St. Lawrence service be taken before the vice-admiralty court.' Practically that is the case, because the judge who exercises the jurisdiction as commissioner will, in effect, be the vice-admiralty judge. I know that there are many gentlemen of the profession in Montreal and elsewhere that would like to see a vice-admiralty court established there, but the experience in the vice-admiralty court all over the Dominion is, that there is no more work in any one province than can be discharged by the vice-admiralty judge in that province, and that the government would not be warranted in establishing a second vice-admiralty court in the province of Quebec. What is done in this case is to confer, by this Bill, vice-admiralty jurisdiction with the vice-admiralty appliances, on a commissioner who, in these petty cases, will have an opportunity of dealing with them upon exactly the same lines.

Hon. Mr. LANDRY—Are we to understand, from the provisions of this Bill, that there is an appeal from the decisions rendered by that tribunal to the vice-admiralty court ?

Hon. Mr. SCOTT—No.

Hon. Mr. MILLS—The amounts are too small.

Hon. Mr. LANDRY—We might meet the difficulty by giving an appeal to the vice-admiralty court. I think in Quebec, the judgments rendered by the Quebec Harbour Commissioners are subject to appeal—in fact I know they are subject to appeal, and there is a guarantee in that appeal which the people of Montreal might accept in the same way as it is done in Quebec. It is a guarantee given to all interests, the shipping interests, the pilots' interests—to all the interested parties in fact. I do not see why we should have a different law in Montreal from the law in Quebec, where the interests are the same.

Hon. Mr. MILLS—The law is the same.

Hon. Mr. LANDRY—In Quebec there is an appeal.

Hon. Mr. MILLS—There is no appeal from the vice-admiralty court. This commission is practically a vice-admiralty court with inferior jurisdiction, and so there is no difference in what there is being done in Montreal and Quebec. If questions are large and important, the vice-admiralty judge from the city of Quebec will come up to Montreal to try them.

Hon. Mr. LANDRY—In Quebec there is an appeal from the harbour commissioners to the vice-admiralty court. The hon. minister says that this commissioner in Montreal is,

in fact, a vice-admiralty court, but with inferior jurisdiction. Could there not be an appeal from this inferior jurisdiction to a higher jurisdiction, putting it on the same footing as in Quebec ?

Hon. Mr. MILLS—Then we would have to bring a vice-admiralty judge from Quebec to Montreal for the purpose of hearing an appeal where the amount involved may not be ten dollars, and we would be creating the very evil that is intended to be got rid of by the establishment of this commission, because, if an appeal were to be given, we might as well let the vice-admiralty judge come up and try the case in the first instance.

Hon. Mr. De BOUCHERVILLE—Is there an appeal in the case of the vice-admiralty court ?

Hon. Mr. MILLS—Yes.

Hon. Mr. CLEMOW—This shows the unfortunate position in which we are placed. Here is an important measure thrust upon us the last days of the session. This petition only reached me to-day. How can they expect that this can receive proper attention from hon. members of this House. I take strong ground in this matter, because it has been a chronic complaint that all the important measures are sent to us at the close of the session and it is impossible for us to give them the attention they deserve. Has this communication ever been submitted to the House of Commons, or to the Senate? I do not know whether it has or not. These people who are interested in the question, should have been heard, and should have an opportunity of expressing their dissent from the measure now proposed to be passed by the Senate. But there is no opportunity now. We are in the last days of the session. Is that treating us fairly ? I do not think it is. I think it is a monstrous thing that these men, who are so deeply interested in this subject, should be treated with supreme contempt. Therefore, it would be perfectly right, under the circumstances, without going into the details, to say that, inasmuch as we have not had time to consider the statements made by these people, we will not give our consent to the third reading of the Bill. We have said, year after year, that these measures should have been brought down earlier in order to give us ample opportunity to study them. But it is impossible now; we cannot do it. This petition is sent before us at the last hour. It may be right or it may be wrong. I offer no opinion on that, but I think, in common justice to these people, they should be heard. If their position is not tenable, then we would pass the Bill, but it is a most unjustifiable act on the part of the government to ignore these people.

Hon. Mr. MILLS—Hear, hear !

Hon. Mr. CLEMOW—The hon. gentleman admits I am right in principle.

Hon. Mr. MILLS—No.

Hon. Mr. CLEMOW—Is it the fact that people cannot come here and give their reasons against a measure—that the government can pass Bills right or wrong without consulting the parties ? I do not submit to a proposition of that kind at any rate, and I think we would be doing nothing but right to say to these gentlemen, until you have an opportunity to be heard we will not pass the Bill.

Hon. Mr. MILLS—It was introduced on the ninth of February.

Hon. Mr. CLEMOW—That may be so, but I knew nothing of it. I did not know of the objections that were raised by these men, who should have an opportunity of explaining themselves. If they have stated what is not true in this petition, then ignore it. But if they can substantiate it, they should be heard. I want to hear every person who has a right to be heard, and after he has been heard, we can determine whether we shall grant his request or not. It is a monstrous thing that these important Bills should be brought down at the end of the session and we should be expected to vote upon them without having an opportunity of judging whether they are right or wrong. Those are my objections to the Bill. I think the Senate will be perfectly justified in postponing the consideration of the Bill and giving these people an opportunity of being heard. I do not care how it is done, whether by committee or otherwise, but give them common fair-play. Every man should have an opportunity of being heard in a matter in which he is interested.

Hon. Mr. De BOUCHERVILLE—I had put a question to the hon. Minister of Just-

ice and was waiting for an answer when the hon. gentleman for Rideau rose to speak. I asked the hon. gentleman if there was an appeal from the judgment of the judge of the Admiralty Court of Quebec.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. MILLS—My impression is that there is an appeal to the judge of the Exchequer Court.

Hon. Mr. De BOUCHERVILLE—Why is there not an appeal in this case ? This commissioner will be in the same position as the judge in Quebec, and there will be no appeal from this commissioner.

Hon. Mr. MILLS—These are all very minor matters.

Hon. Mr. PRIMROSE—With the permission of the House, and in explanation, I should like to say a few words in regard to the remarks made by the hon. gentleman from Rideau. I think that probably the explanation of the present position is, that this Bill, as has been remarked by the hon. Minister of Justice, came before the lower House some time in February, but was not passed upon finally until a few days ago, and I am informed by members of the Lower House interested in the business of Montreal that amendments were made to the original Bill in the lower House. It is not possible that the gentlemen whose interests are represented here, and who have presented this petition, should have been in a position to present this petition until they saw the character of the amendments which were made to the original Bill in the lower House. This may account for the position of matters, and after all the responsibility should be placed upon the right shoulders. They could not take this action until the lower House had finally passed upon the Bill and made their amendments.

Hon. Mr. CASGRAIN (de Lanaudière)—Coming from the city of Montreal, a point which is very much interested in this particular Bill, and having read the petition which has been presented I wish to say a few words with regard to the claim made by some hon. members of this House, that this petition is only now before us, I may say that this Pilotage Act has been discussed over and over again in Montreal for years and years past. It is not a new question at all, and the Senate is not taken by surprise. We all know perfectly well that the gentlemen who signed this petition have been always in favour of abolishing pilotage dues in the city of Montreal. The gentlemen who are discussing this Bill perhaps did not study this question as fully as they might.

Hon. Mr. LANDRY—Hear, hear !

Hon Mr. CASGRAIN—In the first place, there are two distinct corporations of pilots. The pilots from Father Point to the city of Quebec comprise one body, and their district covers 180 miles. Then there are the branch pilots from Quebec to the city of Montreal. The system of pilotage is altogether different in those two districts, and one might be an excellent pilot below Quebec, who would be no use whatever between Quebec and Montreal. If I were not afraid to take up the time of the House, I could explain the difference between the systems.

Hon. Sir MACKENZIE BOWELL—Go on. We have lots of time.

Hon. Mr. CASGRAIN—In the first place, the pilotage from Father Point to Quebec is done somewhat as at sea. That is to say, in certain times they have to use the compass ; they have to go by their bearings, and use the log and look for harbours, whilst from Quebec to Montreal it is quite a different system. The pilots themselves have been in apprenticeship for years and years, and I wish the Senate to know that it takes years of study to learn the business. A man must be employed on smaller craft on the river before he can be allowed to come in and act as a pilot, and yet they say the pilots between Montreal and Quebec are making too much money, and these companies are not willing to pay them so much money and they claim that their captains and mates are able to perform the work. I must confess that, before I was better informed on this subject, I was of opinion that we could have one class of men who could navigate the ocean and pilot the ship from Father Point to Quebec and from Quebec to Montreal. I thought the thing was possible, but I made a special study of it, and after I got information about it I came to the conclusion that it was quite impossible, and I found an unwillingness on the part of sea captains to take the responsibility. You could not get

them to do it. Between Montreal and Quebec in places there will be only a foot of water under the kneel of the vessel, and in many instances the channel is not dredged parallel to the current. If I had the chart I could indicate where the current runs at an angle with the artificial channel which has been made. Consequently, a ship must come up along this channel, always heading against this current, come up sideways, and the currents are varying. In one part of the St. Lawrence, there is a change of currents with the tide, and no sea captain would undertake to pilot his ship. This country has spent very much money on the development of the St. Lawrence route, million after millions as we all know, some sixty million dollars having been expended on the St. Lawence. The very key to the St. Lawrence is in the hands of the pilots from Father Point to Quebec and from Quebec to Montreal, and if an accident should arise there, the whole system of the St. Lawrence would suffer. You have heard the petition read before this House, signed by the men who employ the pilots. They say they represent the shipping interest, but they are not sailors or pilots. They represent the shipping interest so far as they make money out of the shipping coming into Montreal. The shipping of Montreal has been kept back immensely by these very same men who have signed that petition. The port of Montreal has been trammelled by those men, and if it had not been for them, the port of Montreal would have been much better developed than it is to-day. The port of Montreal has been in the hands of a select few, and those are the men who petition against the passage of this Bill at the eleventh hour. I claim that this Bill, such as it is—it may not be a perfect Bill—will remedy the evil to some extent. This Bill takes away from the harbour commissioners the trying of pilots. The harbour commissioners of Montreal, for whom I have great respect are not pilots or navigators. The whole tendency of the Bill is to have these matters dealt with by men qualified to act by their knowledge and experience, instead of having merchants or professional men, who are not interested in navigation and know little about navigation. They do not pretend to know about navigation, and yet they are called upon to try a pilot for some mistake in navigation. Could any body possibly entertain the rejection of a Bill which would tend to put in the hands of competent persons the trying of pilots ? I do not see how the Senate can hesitate for a moment. Under this Bill you have a lawyer who is supposed to conduct the case according to legal practice, and he has the right to call in two assessors. These assessors are named every year by the pilots. The pilots will appoint one, or two of them, as the case may be to sit on this court and advised generally as to what has taken place. If you, hon. gentlemen, are not experienced navigators or sailors, you would say how difficult it is to place the responsibility for a collision. When you are standing on the deck of a ship and another ship comes against you, you do not know which ship has struck the other. You have instances of that peculiar illusion every day. If you are on a train and another passing, you do not know which is moving, the one you are on or the other. These trials should be in the hands of competent people. I have received letters from the province of Quebec advocating the passage of this Bill, not that they consider it perfect, but because it is a step in the right direction. No doubt, further on, when business will warrant it, the establishment of an admiralty court in Montreal will be desirable, but under the present circumstances it is not advisable. The judge sitting in the admiralty court in Quebec, tries not only under the Pilotage Act, but also under other marine Acts outside of the pilotage jurisdiction. This is simply to apply to the pilots between Montreal and Quebec. As I said before, if this Bill is allowed to pass, it will fill a long-felt want, and I shall be happy indeed to give any further information on the subject that hon. gentlemen may ask for.

Hon. Sir MACKENZIE BOWELL—It seems to me that many of us misapprehend the petition which has been read to-day to the Senate. I could not well understand why the Minister of Justice should have said the petition was not relevant to the subject before the House. He complained that these gentlemen had not taken action before. It is quite evident, from the documents which have been laid before the

House, that they took action as soon as the amendments were made in the House of Commons to the Pilotage Act as it was introduced, and then, the moment they saw what amendments were made, they framed this petition, and sent in their protest against the passage of the Bill. If you look at the letter signed by David Seath, secretary of the Harbour Commissioners, you will find he says:

Harbour Commissioners of Montreal,
Secretary's Office,
Montreal, May 30, 1900.

Sir,—I am directed to send you (herewith inclosed) a copy of Bill No. 11, An Act to amend the Pilotage Act (Montreal pilots' court), reprinted as amended in Committee of the Whole, for suggestions by the Montreal Board of Trade, and to say that if any are made they will be considered by the commissioners at their meeting on June 4 prox., and a report thereon forwarded to the hon. the Minister of Marine and Fisheries.

Your obedient servant,
(Sgd.) DAVID SEATH,
Secretary.

George Hadrill, Esq.,
Secretary Montreal Board of Trade,
Montreal.

Then they ask, in addition to this, that the Senate do not pass the Bill, for the reasons which are given in the petition and for other reasons which are set forth in a letter signed by George Hadrill, secretary of the Board of Trade. The fact is, they object to this Bill, and claim that if the system of pilotage is to be revised, or there is to be any power or court to try delinquincies on the part of pilots, or any differences that may arise on the route between the ports of Montreal and Quebec, that it shall be through the authority of the admiralty court. They appear to have an objection to the system that is being adopted by the Bill now before parliament, and which we are asked to pass to-day. They go on to say:

1. That the establishment of a Vice-Admiralty Court appears to the committee to be the only means for providing a satisfactory tribunal for the trial of pilots, and that the Dominion government should take the necessary steps during the present session of parliament for such establishment.

They claim that if pilots are to be tried for any dereliction of duty, it should be by a properly constituted admiralty court.

Hon. Mr. MILLS—This is practically establishing that.

Hon. Sir MACKENZIE BOWELL—I understand that is the hon. gentleman's argument without the power and control of the admiralty court. This Bill, as I understand it, and as it was explained yesterday, is to provide a means to deal with minor offences, but not to deal with the greater offences which may occur. The question is whether the gentleman who has intimated to us that the petitioners know nothing as to what is required for the commercial interests of Montreal really knows what they do want. If we are to understand the arguments of the hon. gentleman who has just spoken, (Hon. Mr. Casgrain) you must take it for granted that the Board of Trade, and the Corn Exchange, which endorse this petition, and the Harbour Commissioners, are so ignorant of the requirements of the city of Montreal that they really do not know what they want.

Hon. Mr. CASGRAIN—They do not want to pay the pilots.

Hon. Sir MACKENZIE BOWELL—I can understand that very well. There has been a difficulty, and the remarks of the hon. gentleman might lead us into a discussion of the whole pilotage system of the River St. Lawrence. The great difficulty in the past has been—particularly for that section of the St. Lawrence between Montreal and Quebec, but I might extend it further than Quebec, —the attempt in the past to place the whole navigation of the river in the hands of, and under the control and management and dictation of the pilots. I have been fighting that question ever since I have been in parliament. The hon. gentleman is quite right in saying this is a vexed question. What the shipping of Montreal say is: 'We have captains who have been navigating our ships through the St. Lawrence for a quarter of a century, who are just as capable of navigating a ship from Montreal to Quebec as any pilot whose duty it is to navigate the St. Lawrence. They go further. Under the Pilotage Act they are obliged to employ, if I understand it correctly, a pilot belonging to the Pilots' Association, and then they are obliged to take them in rotation.

Hon. Mr. POWER—No.

Hon. Mr. CLEMOW—Yes.

Hon. Mr. POWER—It was shown in the inquiry before a committee of this House that certain steamship companies retained certain pilots and paid them extra.

Hon. Sir MACKENZIE BOWELL—They have a right, as I understand it, to retain a pilot for the season.

Hon. Mr. LANDRY—For the whole season.

Hon. Sir MACKENZIE BOWELL—I know the question was discussed some years ago, when the Senate rejected a Bill from the Lower House, which was considered by the Committee on Railways, Telegraphs and Harbours, on the ground of the restrictions which were placed on shipowners and maritime people in connection with the employment of pilots, and that was the concession which was afterwards made. Formerly they were obliged to take the pilots in rotation, but that was changed because the complaint was that, however inefficient a pilot might be, they had no choice of selection; but in a later law that was changed and they were enabled to retain one pilot for the season. I agree with the hon. gentleman who has just spoken with regard to this question. I have come to this conclusion, after a good deal of study of the question—I know this opinion is not in accordance with that of gentlemen who have the interests of the pilots at heart—the great trouble with the navigation of the St. Lawrence, and which has tended in a large measure to ruin it, is not the action of the shipowners, and the mercantile people of the city of Montreal, but the control, influence and power that have been placed in the hands of the pilots. I believe the whole system, when you get at the bottom of it, is radically wrong, and that if we had less pilotage charges and less dues, it would be better for the city of Montreal. I should like to see, as a Canadian, that port made the cheapest in the world, but we never can do that while we have power placed in the hands of men who obtain their whole living out of the shipping in the St. Lawrence. Let us make our harbour dues as low as possible; let us make navigation under the Pilotage Act just as cheap as it possibly can be made. At the same time, pay the pilots well for what they do, and when we accomplish that, we will have done more to encourage the trade of the St. Lawrence than we will by these continued restrictions. The only question for the Senate to consider is whether this Bill should pass its third reading in the face of this petition from every important interest in Montreal or whether they should comply with the request of these people by the establishment of an admiralty court in the city of Montreal.

Hon. Mr. MILLS—We do give them an admiralty court.

Hon. Sir MACKENZIE BOWELL—It is a limited one. I was a little surprised to hear the remark made by the hon. gentleman from de Lanaudière (Mr. Casgrain) in reference to the shipping interests of this country. I was under the impression that Montreal was the mercantile metropolis of this Dominion, and not to be spoken of in the derogatory manner in which the hon. gentleman has referred to it. I admit that Quebec was, fifty or sixty years ago, as a shipping port, much more important than the city of Montreal, but the expenditure of millions of dollars in deepening the St. Lawrence has brought the western terminus of ocean navigation to the city of Montreal. It is really the western terminus of the ocean trade now, and if we cans possibly encourage the trade through the St. Lawrence, I care not whether it be by this Bill or otherwise, the better for the country.

Hon. Mr. POWER—We should treat the petition which has been submitted to the House with all possible consideration, but I think that some of the reflections made by some hon. gentlemen with respect to this petition are not called for. Let us give the substance of the petition due consideration; at the same time we should not say that the rights of the people who sent this petition here have been outraged. This Bill was introduced almost at the opening of the session, on February 9. Unless my information is altogether wrong, the Harbour Commissioners of Montreal, and all these other interests have been engaged in negotiating with respect to the form which the Bill was to take.

Hon. Mr. MILLS—Hear, hear!

Hon. Mr. POWER—And the Bill, as it comes to us, is the result, not of the first intentions of the government, although before the government introduced the Bill they had had conferences with all these different parties—but this is the Bill as it was finally passed by the House of Commons, after

hearing the representatives of the Board of Trade and these other bodies. The petition before us is not a perfectly new thing, because I find the letter of the secretary of the Harbour Commissioners is dated May 30, and he incloses a copy of this Bill with the amendments made to it by the House of Commons committee. That is six weeks ago nearly. That my hon. friend from Rideau will see disposes of his charge.

Hon. Mr. CLEMOW—That does not apply to our case.

Hon. Mr. POWER—The hon. gentleman was talking a little while ago of the unfairness of dealing with the Harbour Commissioners of Montreal without giving them notice. The truth is that these interests were informed all along of what was being done, so this House should not give any consideration to this plea that these parties have not had notice. The reasonable and business-like way is to look at the petition and see what weight there is in its allegations. The hon. Minister of Justice was correct in saying that the petitioners misapprehend the object of the Bill. The wording of the petition shows that they do. It begins:

That this Bill in nowise remedies any of the evils presently resting on the pilotage, but, on the contrary, provides further taxation on an already over-burdened interest; moreover, it is of partial application, being limited to the service between Montreal and Quebec, leaving the service between Quebec and the sea untouched.

This Bill does not undertake to alter the law with respect to pilotage at all, and it would be a pretty bold government and parliament that would undertake to revolutionize the law respecting pilotage in the St. Lawrence. The government of which the hon. gentleman was a distinguished member, and which he led afterwards, never undertook to do so. The difficulty had been found in connection with the disputes between the pilots and the shipping interest. The pilots complained that the decision of these disputes was left with the other side to the dispute that the Montreal Harbour Board were the judges and at the same time parties, and there is no doubt a great deal of force in that view, and I can readily understand how the pilots feel about it. I can speak freely on this matter, because, when the Bill to which the hon. leader of the opposition referred, constituting the pilots between Montreal and Quebec into a close corporation, was before our committee, I voted against the passing of the Bill. I thought it was undesirable to give the pilots too much control of the shipping interests. But the object of this Bill is totally different. It is simply to provide that when disputes arise between pilots and the shipping interest, there shall be a competent and fairly impartial tribunal to decide those questions, and it seems to me that this Bill provides for a tribunal which will not be an expensive one. Any one who knows anything about the admiralty court is aware that, in addition to the cost of constituting a separate court at Montreal, which would be very considerable, a cost which would come out of the pockets of the people of the country, the costs in the admiralty court are very heavy. The costs in the admiralty court would be very much higher than the costs before this commission. I do not know that these petitioners have misapprehended the object of the measure, but they seem to have done so. They say:

(a) That the pilotage services from Montreal to the sea be thrown open to all qualified candidates possessing the necessary qualifications, preference being given to those having several years' experience of ocean navigation as master or mate.

That, as the hon. Minister of Justice says, is irrelevant to the measure before us. This Bill does not propose to make any change in the pilotage service. It leaves that service as it is. Then, paragraph (b) asks:

That compulsory payment of pilotage fees be abolished on trans-Atlantic tonnage, thereby placing such tonnage on an equality in this respect with vessels trading with the lower provinces and with Newfoundland.

That also is irrelevant to this Bill, and I think it is exceedingly unreasonable of the Harbour Commissioners of Montreal to make a request of the kind. As the hon. gentleman from Delanaudière has very properly said, a great many millions of dollars have been spent by the people of this country for the purpose of making Montreal the port of the St. Lawrence instead of Quebec, which Providence had made the port of that river; and I think it is very unreasonable of the shipowners of Montreal to expect that after all that great expenditure on the part of this country, we should also pay the fees of the pilots, and that they should not pay them. I think the least they can do, in

return for all the country has done for them, is to pay reasonable pilotage fees. Then this answers a question asked by the leader of the opposition as to the next paragraph :

(c) That complaints by or against pilots on the two St. Lawrence services be taken before the Vice-Admiralty Court (the judge sitting with nautical assessors in the usual way), whose decisions are to be inappealable and final.

So that if we had the admiralty court, constituted as the petitioners desire, there would be no appeal any more than there is under this Bill. This Bill represents an honest attempt to find a way out of a very difficult and unsatisfactory position, and unless some stronger reason is shown to this Senate, than those in the petition, which I think are quite irrelevant to the Bill, we should not take the responsibility of throwing out the measure. The gentlemen who represent the district of Montreal were present in the other House and had an opportunity to have their say about this question, and the Bill, as it has come up to us, is the result of their careful consideration. I do not think that we would be justified, at this stage, in rejecting the Bill and leaving things in the unsatisfactory condition in which they have been for so many years.

Hon. Sir MACKENZIE BOWELL—Is it correct that the pilotage service from Montreal to the sea is now open to all candidates who possess the necessary qualifications ? If the statement made here by gentlemen who were interested in shipping is correct, pilotage is compulsory.

Hon. Mr. POWER—We have compulsory pilotage in Halifax and everywhere else.

Hon. Sir MACKENZIE BOWELL—I was not asking that. This petition asks that the compulsory fee be abolished on the trans-Atlantic tonnage, thereby placing such tonnage on an equality in this respect with vessels plying between Montreal and the lower provinces and Newfoundland. The same dangers exist between Montreal and Quebec, and Quebec and Newfoundland as are to be found on the trans-Atlantic voyage, because after you pass Newfoundland, you are in the open sea and pilots are not required.

Hon. Mr. POWER—This exemption of vessels plying within the Dominion is not confined to the port of Montreal. It exists as respects other ports too, and Newfoundland has been thrown in with Canada ; but the hon. gentleman will see that if vessels trading across the Atlantic are exempted, there will be practically no payment of pilotage fees at all. This paragraph (b) of the petition is a request on the part of the shipping interests of Montreal that pilotage shall be abolished.

Hon. Sir MACKENZIE BOWELL—Why should there be a distinction between a trans-Atlantic voyage and a voyage to Newfoundland ?

Hon. Mr. POWER—The distinction was made by the government of which the hon. gentleman was a member.

Hon. Mr. MILLS—The hon. gentleman himself ought to be able to answer that question, because it was during the period he was in office and responsible for the legislation that these provisions were inserted in the law.

Hon. Sir MACKENZIE BOWELL—They have been in the law since the hon. gentleman was a boy.

Hon. Mr. MILLS—All this has grown out of the improvement in the lower St.Lawrence, and while the vessels from Europe, with their valuable cargoes, may endure a considerable charge, local vessels with their cargoes would not. I think that was the reason. But my hon. friend will see that every one of these discussions is beside this Bill. We are simply providing by the Bill a mode of trying certain disputes. We are not touching the law of pilotage generally.

Hon. Mr. PRIMROSE—The hon. gentleman from Halifax says this is practically the abolition of the pilotage system.

Hon. Mr. POWER—I said the pilotage fees at Montreal.

Hon. Mr. PRIMROSE—It just amounts to this, that shipowners and those interested in shipping, who know that their masters and mates are competent to pilot their ships up to these cities, should have the privilege of doing so if they wish, especially when they assume the responsibility themselves, and the fact that these gentlemen from the lower provinces and Newfoundland do navigate the St. Lawrence from Quebec to

Montreal without sustaining any great loss, is proof that they are perfectly competent to do it.

Hon. Mr. SCOTT—There are certain exceptions in the Act, the exceptions are :

Ships belonging to Her Majesty's service, ships employed in trading from port to port in the same province, or between any of the provinces, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, ships of not more than eighty tons; any ship of which the master or mate has a certificate granted under the provisions of this Act, and then in force authorizing him to pilot such vessel within the limits within which he is then navigating.

The motion was agreed to and the Bill was read the third time on a division and passed.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (189) 'An Act to amend the Act respecting judges of provincial courts.'

(In the Committee.)

Hon. Mr. LANDRY—I renew the objection I made yesterday and I hope the Minister of Justice will be in a position to give further explanations. The answer he gave yesterday does not apply to the objection I made. I read yesterday a remark made by the Attorney General of Quebec. The hon. Minister of Justice said that the remark was more of a censure addressed to the federal government because they did not act quickly enough—because they were not acting. That is not the idea the words conveyed. He said, answering Hon. Mr. Chapais :

He may rest assured that I urged the federal authorities to apply the law of the last session, but I have become aware that instead of applying it, they have done nothing but prevent its operation by the provisions of the statute they passed at the last session of the federal parliament.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—The Attorney General proceeds :

We have in this matter two powers face to face, but they must come to an understanding. The provincial legislature makes known its needs, to Ottawa belongs the task of applying a remedy. I have been unable to obtain the desired remedy, so I have taken other means. In presence of the statute which I propose to pass, the federal government will see that the remedy lies either in law passed last year, and in the provisions tending towards the same end, or in the law of this year.

So it is the law of the year 1898, that the federal government refused to consider. I say that the local legislature passed certain enactments and that an obstruction to their operation came from the federal parliament. Through this opposition a new law has been passed by the legislature of the province of Quebec.

Hon. Mr. MILLS—What is that ?

Hon. Mr. LANDRY—Creating three judges.

Hon. Mr. MILLS—That is not a new law.

Hon. Mr. LANDRY—It is a law that was passed that could come into operation only by proclamation of the lieutenant-governor in Council.

Hon. Mr. POWER—Would the hon. gentleman state what he is reading from ? Is it from a debate in the House of Assembly in Quebec of this session or last session ?

Hon. Mr. LANDRY—In 1899. So it appears by the speech of the Attorney General of the province of Quebec, that the first law was set aside, and they were obliged to pass a new law, in 1899.

Hon. Mr. MILLS—What law was set aside ?

Hon. Mr. LANDRY—That is the information I was asking yesterday of the hon. Minister of Justice, and the hon. Minister of Justice, in place of giving me the information, asked me what law it was. That is a curious way to answer a question.

Hon. Mr. MILLS—I answered the hon. gentleman that the legislature of Quebec, under the advice and direction of the government of Quebec, undertook to provide for what they regarded as wants in the administration of justice, by making a provision for the appointment of three more judges for the court, and I take it that that is the fact to which the hon. Attorney General alluded when he said that we had failed to give effect to their legislation. Hon. gentlemen know that this is not the measure of last year. Last year we might have asked an appropriation from parliament to have made the appointment. The question that was being considered was whether this was the most desirable and efficient way of making provision, and the

government of Quebec and the legislature of Quebec are of opinion that it was, and I am not disposed to call in question the accuracy of their conclusion, because hon. gentlemen will see, in looking at the expenditure, that the bringing in of outside aid last year from the district courts to assist in the administration of justice in Montreal cost $16,000. That is a thousand dollars more than the cost would be by the appointment of these three judges. I think that I answered the hon. gentleman's question yesterday, and I now repeat to him the answer I gave to him then. He put a different construction on the words of the Attorney General to my construction of the language. I tell him I think the Attorney General refers to the fact that we did not make the appointment, as they, perhaps, thought we would immediately upon the Bill being passed.

Hon. Mr. BAKER—It may be possible the Attorney General referred to the statute that was passed by the legislature of Quebec, seeking to utilize the judicial power of the judges of Quebec by bringing in country judges to sit in review. They amended the statute so that the judges for the court of review could be taken from any part of the province, and, a few months afterwards, the Dominion parliament passed a statute by which it was provided that no travelling allowances should be made to those judges unless upon the certificate of the chief justice that the attendance of such judges was necessary, and it is said those judges standing upon their dignity and feeling there was a loss of dignity in parliament demanding that a certificate should be given on their behalf, as on behalf of school boys, held aloof, and it appears to me that it must have been to the failure of that legislation that the Attorney General referred. There was ample provision for utilizing the judicial power of the province of Quebec which everybody admits, friend and foe alike, is amply sufficient to meet every demand that can be made upon it. There was ample provision made for utilizing existing judicial power, but because the parliament of Canada, in its wisdom, had declared that no travelling allowances should be made to these judges unless the chief justice certified that it was necessary that they should be brought into the city of Montreal, and the judges resented that, the Act was held to be inoperative, whereupon the Quebec legislature declared that the Superior Court of the Province of Quebec should consist of three more judges. Nobody justifies it. Nobody can justify it. The judicial power of the province of Quebec is amply sufficient to meet every demand that can possibly be made upon it, and if the parliament of Canada would stand upon its dignity—and in doing so they would play different roll from the roll that was played by these judges who refused to go into the court of review—if the parliament of Canada would stand upon its dignity and refuse to pay out the people's money unnecessarily, I will not say unjustly, some method would be found by which the judicial power of the province of Quebec, which everybody admits to be most ample, could be used. This is a question that deeply concerns the organization of the courts. It is a question that is thrust upon parliament in the last hours of the session. For my own part, I confess that I am at a disadvantage. I have not had an opportunity to look into the Bill, to study the attitude of these parties who are clamoring for the appointment of more judges, and I would ask that the committee rise and report progress.

Hon. Mr. LANDRY—We will strike out that clause.

Hon. Mr. BAKER—It can be passed over in the meantime. Let the first clause stand, and the other clauses can be adopted, because I should like to look into these statistics. It is all very fine to cite statistics, but nothing can be more misleading than to say there has been an immense number of contested cases. Everybody who knows anything about it knows that nine-tenths of the cases which come before the courts are actions upon promissory notes, bills of exchange and cases where the deliberation does not take the judge any length of time. All he has to do, if he has not confidence in the officers of the court, is to verify the correctness of the service and to see that the exhibits are properly filed. A man who has any aptitude for business, who is fit to be a judge, who could earn the scanty salary each judge enjoys in the province of Quebec, could dispose of a hundred of those cases in a day. It is perfect nonsense, if I may be permitted to use such a word on the floor

of this House, to contend that the judges are overworked. Overworked indeed. Overworked! Five men who had aptitude for their business could do the whole work these eleven men are called upon to do in the city of Montreal. It is—well, Mr. Chairman I will not characterize this proposition in the terms in which I think it ought to be characterized. The judicial power of the province of Quebec now is perfectly overwhelming, and the parties who are responsible for the administration of justice in the province of Quebec ought to be compelled, by the force of parliamentary opinion to utilize the power they have before they seek from parliament the appointment of more judges. I will not go the length of suggesting that the clause be struck out, but I suggest that it be allowed to stand in the meantime, and that the other clauses be passed in committee, because there is no objection to them.

The SPEAKER—Being a member of the Bar of the province of Quebec, I think it is my duty not to let the Bill pass through committee without expressing my opinion. It has been suggested that the number of judges in Quebec is amply sufficient for the administration of justice. I would not go so far as to say that if the distribution of the judges in the province of Quebec was made over again they might not be sufficient; as it is now, I think I may say that this Bill is absolutely necessary. In the district of Quebec we do not want any more judges. We have four judges in the city of Quebec, and there are judges of the outside districts residing in the city, who are always willing, without extra pay, to help the judges for the district of Quebec, and so we do not complain. But in the district of Montreal it is now the desire to create new judges. The whole bar of Montreal, with a few exceptions, say that this Bill is absolutely necessary. The administration of justice in Montreal is certainly inadequate to the requirements of the district. They have done it for years past by calling the judges from the rural districts to help the judges of the city of Montreal, and it has been found very unsatisfactory, and, as the hon. Minister of Justice has just mentioned, it is not at all economical, because last year bringing the judges from outside districts to Montreal cost $16,000, while the expenses entail by this bill will be only $15,000, and the administration of justice would be dependent on judges residing there and always ready at the call of the chief justice, but now the chief justice is obliged to call the judges from the different districts to come daily and help the judges in Montreal. This causes great expense on account of the travelling and the mileage and the amount of money allowed to the judges for their absence from home. This Bill is to obtain additional judges only for the one district of Montreal. We do not want any more judges in the city and district of Quebec. The whole Bar of Montreal requests the passage of this Bill, because the administration of justice is delayed a good deal. There is no desire for political reward in this matter, as has been suggested. I hope this House would not think for a moment that the government would appoint three judges merely for the purpose of helping their friends. This has been asked for by the whole Bar of Montreal, irrespective of party. It is known in the city of Montreal that the administration of justice is not done as it should be, and for this reason it is required that three additional judges be appointed to administer justice. This will obviate the calling of the judges from the districts at a cost exceeding the salaries of the three judges to be appointed under this Bill.

Hon. Mr. LANDRY—The only answer to make to the last speaker is to ask the hon. senator, who is not now acting as Speaker, if any of the judges, either of the court of appeal or the court of review, or any court at all in the district of Montreal have asked for this legislation.

Hon. Mr. MILLS—They are behind with their work.

The SPEAKER—I may say the judges would not take upon themselves to make a public demand of that kind, but I have seen several of them, and they all said it was required; but the hon. gentleman ought to know that the judges would not make that request.

Hon. Mr. LANDRY—I have not the honour to belong to the bar, but sometimes I may approach a judge and ask him if he thinks

that such a measure is needed, and all the judges I have approached have told me that it is not needed.

The SPEAKER—That is not the view expressed by those I have seen myself.

Hon. Mr. LANDRY—Then we did not see the same judges. I am thankful to the hon. senator who sits on my left (Hon. Mr. Baker) for all the information he has given us. I could not extract it from the government, or the hon. Minister of Justice, who is supposed to know all about it, but it appears to me we have more light on this side of the House than they have. That may not be the opinion of the Minister of Justice.

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—I had intended moving that the first clause be struck out, but as my hon. friend wants more light, not from the Minister of Justice, but from his own study of the measure, I am content to let this clause stand and proceed with the rest of the Bill.

Hon. Mr. BAKER—I am not going to be drawn into any controversy as to the political aspect of this question, but it is an open secret in the province of Quebec, and has been for months, that this measure is intended for the purpose of shelving at least two of the ministers of the province of Quebec, and the gentlemen who are to benefit by it would not have the slightest hesitation to acknowledge that. But, I am not going to be drawn into that phase of the controversy. The true remedy for the state of congestion in the courts of the city of Montreal is to enlarge the salaries of the judges. My hon friend says he is not a member of the bar. I am a member of the bar of the province of Quebec, and have been so for forty years, and I know, and everybody else who is connected with the administration of justice in the province of Quebec knows, that it has been a scandal for years that judges have been compelled to supplement their salaries by engaging in literary work, some acting as executors of estates, and some compiling reports. It has been a scandal that the parliament of Canada has neglected to do justice to the judiciary of the province of Quebec. Their salaries were fixed at a time when the cost of living was not half what it is to-day. For years and years the judges of the province of Quebec have laboured under what amounts to a disability. If the parliament of Canada would have the fortitude to do justice to them and increase their salaries, so as to enable them to give their undivided attention to their duties as judges, if there is any congestion of business it would soon disappear. I do not believe that any member of the bar who knows the labour that members of the bar impose on themselves —I do not believe any member of the bar in the province of Quebec who stands in the foremost rank could be brought forward to say that, in his opinion, there is any necessity for a further addition to the judiciary of the city of Montreal.

Hon. Mr. PERLEY—I am neither a lawyer nor a doctor, but I have listened to the remarks of hon. gentlemen and I find there is no difference of opinion as to the fact that the present judges in Quebec are able to discharge all the duties of their office. In some districts there are too many judges, and in Montreal too few. Better re-apportion them than appoint more judges. Then, with regard to their pay, I always find there are a number of lawyers ready to take position on the bench, though they know what the pay is. From what the hon. gentleman (Hon. Mr. Baker) says, there are two members of Quebec government who are anxious for positions on the bench, and they are ready to take those positions at the present salaries. I think they are as well paid as any men in the country for the work they do. If the government would redistribute the judges that would be a better way to solve the difficulty. Otherwise, I do not feel inclined to vote for an increase in the judges when the present number can do the work.

Hon. Mr. MILLS—We have nothing to do with making the districts or constituting the courts. That is in the hands of the legislature.

Hon. Mr. LANDRY—Let them find their own remedy.

Hon. Mr. MILLS—That is not the constitutional view. They are responsible to the people of Quebec, they are not responsible to the people of the Dominion in the constitution of courts and determining the boundaries of their respective districts. Que-

bec has acted. The hon. gentleman for years supported the government that made the districts of Quebec what they are at this moment, and when they were asked to consider the subject of revision, no revision took place. Why, the hon. gentleman has never been heard in this House, or in the other House, on the subject of the re-organization of the courts of Quebec.

Hon. Mr. BAKER—They reorganize them in the Quebec legislature. We do not reorganize the courts here.

Hon. Mr. MILLS—So I contend, but the hon. gentleman has spoken here to-day as if we were reorganizing them here. He says there are plenty of judges, but they are not in their proper places—that the districts should be made different from what they are. We have not the power to make the districts different, and the parties who are the best judges of what the districts should be, are those elected by the electors of the province of Quebec to the local legislature with that function imposed upon them. Now, what have they done ? They have provided for the establishment of three additional judges. What has the hon. gentleman insinuated here to-day ? Why, that the judges that my hon. friend assisted in putting on the bench do not discharge their duties—they do not do their work—they are looking for commissions—they are seeking to supplement their salaries——

Hon. Mr. BAKER—I did not say that.

Hon. Mr. MILLS—I understood the hon. gentleman to say that.

Hon. Mr. BAKER—I will try to explain when the hon. gentleman is through.

Hon. Mr. MILLS—The hon. gentleman stated if they were paid better the work would be done. He admits the work is not done. He knows—no one in this House could know better, because he is a resident of the district of Montreal—that the judges of Montreal are in arrears with their work—that they have had that outside service which he says would be sufficient, and that they are still in arrears, and that that outside assistance has cost more than would three additional judges. There can be no doubt with regard to that; it is perfectly clear. I venture to say this: we have had a reconsideration of this question before—years ago. The hon. gentleman was a member of this House at that time. The hon. gentleman did not then favour the destruction of the system which prevails in Quebec and the establishment of a different system in its place. Neither did the hon. gentleman opposite (Mr. Bowell) who was a member of the government at that time.

Hon. Sir MACKENZIE BOWELL—It was not proposed.

Hon. Mr. MILLS—Why ? Because every man from the province of Quebec opposed it.

Hon. Sir MACKENZIE BOWELL—That was their business, not ours.

Hon. Mr. MILLS—It is not our business to-day.

Hon. Sir MACKENZIE BOWELL—It is our business to say what the number of judges should be.

Hon. Mr. MILLS—Did the hon. gentleman take that position before ? I know when the hon. gentleman said there were more judges in British Columbia than there should be, the leader of the House of Commons at that time said that the legislature of the province of British Columbia had decided there should be a certain number of judges, and they were responsible to the people of the country, and it is our business to appoint the judges required under that system which they had established.

Hon. Sir MACKENZIE BOWELL—It is our prerogative to appoint.

Hon. Mr. MILLS—Yes, and our duty. We are not at fault if the organization is not as perfect as it might be. It is the people of the province who elect the men to parliament who constitute the courts in that particular way that are to blame, and the hon. gentleman assumes that we, in this parliament, have the right to substitute our judgment for the judgment of the electors on a matter within the control of the local legislature. I say that that is not so.

Hon. Mr. PERLEY—You ought not to assent to that Act.

Hon. Mr. MILLS—The Act was within the jurisdiction of the local legislature. The Act was an Act for which they were responsible to the people. We have certain duties marked out for us by our constitu-

tional system. There are certain duties marked out to the local legislatures under the same constitution, and the men who go to the people go there stating the policy that is within their jurisdiction, elected upon that, legislate upon the policy to which they have so committed themselves, and which has had the approval of the electors, and if it was within their jurisdiction, I deny that there is any right, no matter what may be our personal opinion, to over-ride the judgment of the local legislature on a matter within their jurisdiction, and which in no way conflicts with powers entrusted to us. Our duty is to give effect to that legislation. Our duty is to appoint the judges.

Hon. Mr. CLEMOW—And pay them.

Hon. Mr. MILLS—Yes, and pay them.

Hon. Mr. BAKER—No matter how many. Suppose instead of three they had decreed thirty ?

Hon. Mr. MILLS—We cannot assume here, any more than we can assume elsewhere, that our constitutional system is going to be disregarded by those to whom the working out of the constitution has been entrusted.

Hon. Mr. LANDRY—Except in Manitoba.

Hon. Mr. MILLS—Nor in Manitoba. Last year the service that was obtained from without for the purpose of assisting the judges in the city of Montreal cost sixteen thousand dollars. The appointment of three additional judges would cost $15,000. In point of economy the cost, under this system, is less than under the other, and the hon. gentleman says there is no politics in this. There was not, so far as we are concerned, but there certainly is, so far as those gentlemen are concerned who are offering us active opposition. I venture to say that if the government of the side of the hon. gentleman was here in power he would take a different course.

Hon. Mr. BAKER—Do not impute motives.

Hon. Mr. MILLS—I am not imputing motives. I am expressing an opinion. I am making a prediction, and I say if the hon. gentleman's friends were here, and were proposing this Bill, that then I do not think there would be opposition to it.

Hon. Mr. CLEMOW—How does the hon. gentleman know ?

Hon. Mr. MILLS—I infer from what has been done heretofore. I draw the inference from an experience extending over thirty years, and I find that that system, which all these hon. gentlemen now say is wrong, radically wrong, is one that had their sanction under the greatest leader they ever had, Sir John Macdonald, during the whole period of his parliamentary career, and under the leadership of the very distinguished man who was connected with him for so many years, Sir George Cartier.

Hon. Mr. LANDRY—Where is the prediction ?

Hon. Mr. MILLS—That if their friends proposed a measure of this sort, they would be ready to give it their support and assistance, and I conclude that from what they have hitherto done, for this is the first time there has been an outcry against the system in Quebec in a period of thirty-four years.

Hon. Mr. LANDRY—What the hon. minister meant to be a prediction is, that as soon as we attain power we may do such and such a thing, but as he put his phrase it was a supposition. If the hon. gentleman is not able to distinguish between a supposition and a prediction, I am not astonished that he could not answer my question just now. The hon. gentleman says, that it belongs to the province to reorganize its administration of justice, I accept that theory. The province has done something, but the Act of the province was checked by this government here. What Mr. Archambault says is this :

> I proposed a law during the session of 1898 by which I empowered the judges of the rural districts to sit in review, thereby, as I thought, relieving the judges of Montreal and Quebec of the work which bears so heavily upon them, and at the same time giving the rural judges more work to do, but, he says, after I passed that law the Federal parliament passed another law which renders my law inoperative, in that it imposes upon the judges who come to sit in review certain restrictions and certain conditions which they will not accept.

So, this parliament bound, as the Minister of Justice says it was, to aid the province in the reorganization of its courts, did quite the contrary. Objections were raised and obstacles were thrown in the way of the operation of the law of the province of Que-

bec, and it is for that reason the Attorney General says:

I have been unable to obtain the desired remedy, so I have taken other means. In presence of the Statute which I propose to pass the Federal government will see that the remedy lies either in the law passed last year and in the provisions tending towards the same end, or in the law of this year.

I contend that if the province has the power to enact the law reorganizing their courts, the Minister of Justice has no right to say here that he did not prevent, by the legislation which this parliament passed, the operation of the provincial law, and it is because he prevented the operation of the provincial law that he comes to-day with a new Bill asking us to create three new judges and pay their salaries. Nothing of the kind has been asked by the province of Quebec, and the legislation which it passed, in 1899, was merely an enactment passed because obstacles were thrown in the way by the federal government. More than that, the last provincial law contained a proviso saying that the law would come into operation only by the proclamation of the lieutenant-governor in council, the ministers in the province of Quebec expecting in the meantime that the federal government would comply with the first law, so that the second one should not be needed at all, and it is because the government of the day refused any aid to the province that a certain law was enacted and came into operation by a proclamation of the governor in council.

Hon. Mr. POWER—I should like to ask the hon. gentleman whether he thinks it would have been better from the federal government to have adopted the course indicated by the first legislation of the province of Quebec? The hon. gentleman from Missisquoi (Hon. Mr. Baker) has explained why that law did not become operative. The federal parliament decided that these judges who were called in should not sit, and should not send any claims for indemnity to the federal government unless there was a certificate from the chief justice to the effect that the presence of any particular judge was necessary. Does the hon. gentleman think, that it would have been better for the federal parliament not to have imposed any conditions of that sort, and to have left the door open for all the outside judges to come in?

Hon. Mr. LANDRY—Certainly, because they do not come in themselves. They come in when asked by the chief justice.

Hon. Mr. MILLS—The hon. gentleman is mistaken. That is just the point, and the clause was inserted in the Bill, in order to prevent the abuse.

Hon. Mr. LANDRY—Does the hon. gentleman contend that a rural judge in the province of Quebec will come into the city and step on the bench without being asked by the chief justice?

Hon. Mr. MILLS—I pretend to say this, that all the amendment of which the hon. gentleman complains is that a person could only come when invited by the chief justice. Now, that is what the law required, and the hon. gentleman says that the law ought not to have required that, but should have left it to the parties themselves.

Hon. Mr. LANDRY—The hon. minister does not answer my question.

Hon. Mr. MILLS—I do answer it.

Hon. Mr. LANDRY—He thinks, I suppose, that a prediction is the same thing as a supposition, and that is the way he answers it. I say to the hon. minister that no judge in the province of Quebec in the rural districts can come up and sit in the court of review without having been previously asked by the presiding judge.

Hon. Mr. MILLS—Under the law as it is he could not.

Hon. Mr. LANDRY—Enacting a law to force the chief justice to give, in addition to his demand, a certificate that the thing is necessary is throwing on the chief justice the imputation that he asked those judges when it was not necessary.

Hon. Mr. MILLS—I know precisely what was done, and why it was done. I think I had some correspondence on the subject and I know this, that the clause was inserted in the Bill at the instance of a very distinguished member of the bench.

Hon. Sir MACKENZIE BOWELL—I thought the judges would not interfere.

Hon. Mr. LANDRY—The judges interfere?

Hon. Mr. MILLS—No, they do not interfere.

Hon. Mr. BAKER—Since a great many years I have had the advantage of sitting under the precepts of the hon. Minister of Justice. From time almost immemorial, I have heard him discuss constitutional questions, and it gives me pleasure, to say he has always done it with singular ability. It is only when he comes to apply his constitutional principles that he finds himself so far afield. There is no question about the inherent right of the local legislature to organize, to constitute, and to equip, so far as the machinery of the administration of justice is concerned, civil and criminal courts, and there can be no less doubt that the duty is imposed by the British North America Act on the Governor General in Council to appoint the judges, and upon the parliament of Canada to provide for the payment of their salaries; but surely that constitutional doctrine, which everybody accepts, is to be accepted with limitations. Where would it lead us to if a blind adherence to a fixed law is to be our only guide? Are we to say nothing, are we to submit in silence no matter what may be done? Is the parliament of Canada, empowered by the constitution to deal with the people's money, bound to put its hand to the public treasury and pay these judges no matter how many are to be appointed? I say such a proposition has only to be stated in order to carry its own refutation. The hon. Minister of Justice sought to discuss the judicial system of the province of Quebec. The right hon. Premier discussed that system and declared it to be antiquated. Without going the full length that the leader of the government went in the other House, I may say that when that system was devised, the condition of the country was widely different from what it is to-day. The rural districts were not as accessible as they are to-day. It required in every case a days' journey to reach them, and in many cases many days' journey to reach them, and under the circumstances the system of decentralization was adopted by Sir George Cartier, whose memory remains in the province of Quebec as fresh to-day as it was immediately after his decease. That system was then satisfactory to the wants and requirements of the population of the province of Quebec, but everything has changed. Times change, and men change with them, and the judicial system might fairly be expected to change to meet the new conditions. Now, instead of being remote, they are brought within a few hours of the city of Montreal. Montreal is more accessible from the chef-lieux of the rural districts than the residences of some of the judges who are assigned to duty in those rural districts. But we are not discussing the system in the province of Quebec. The question to-day is, whether we can fairly be asked to give our assent to the proposition before parliament. The legislature of the province of Quebec provided a means to utilize the judicial power of the province. They recognized the fact that there was sufficient power already created and in existence, and they devised a means for utilizing it. I am indebted to my hon. friend (Mr. Landry) for reading the remarks of the Attorney General which referred to the fact that the legislature had made that provision in providing that the judges could not be brought in from the rural districts to sit in the court of review. That Act was assented to in the month of January, 1898, and a few weeks after, parliament passed a statute here declaring that these rural judges should not be entitled to their allowance except upon a certificate by the chief justice that their services were necessary. It is no use to shut our eyes to the fact. It was stated fairly and fully by the hon. Minister of Justice when he said that that statute was passed for the purpose of correcting abuses. Abuses had sprung up, and shown themselves in the payment of the travelling allowances of the judges. I do not know myself, and if I did know I would not mention the names of the judges who were held, by common consent, to have given too liberal an interpretation to their privileges in drawing their allowances, and as the hon. Minister of Justice has said, that statute was passed for the purpose of correcting the abuse. It is still on the statute-book. They have a practical method of utilizing the judicial power in the province of Quebec, and I say that we are violating no constitutional principle if the parliament of Canada asks them to pause and let this matter stand in abeyance for another year, if the parliament of Canada should ask them to see whether the provision already made by the legislature of the province of Quebec

and of the parliament of Canada will not prove effective. I said a little while ago that I asked that this clause be permitted to stand over, and I am still of opinion it would be better, but if I were forced to action upon it this instant, I should vote for expunging the first section from the Bill.

Hon. Mr. MILLS—My hon. friend would do that at any rate, unless he carried the election.

Hon. Mr. BAKER—I did not hear that remark.

Hon. Mr. MILLS—My hon. friend would do that at any rate.

Hon. Mr. LANDRY—Unless what ?

Hon. Mr. BAKER—The hon. member said I would do that at any rate.

Hon. Mr. MILLS—Yes.

Hon. Mr. BAKER—Will the hon. gentleman be kind enough to explain ?

Hon. Mr. MILLS—My hon. friend said he would favour delay in the consideration of the clause, and if he could not have it delayed he would vote for expunging the clause.

Hon. Mr. BAKER—The hon. gentleman has no right to say that. The hon. member has no right to judge me by his inner consciousness, and to say that I would do that anyway. The hon. gentleman has no right to say it, and I do not say that to-morrow I shall vote for it or not. I ask that it be permitted to stand, and I shall look up the statutes and examine the statistics, and get what information I can, and I shall do whatever I think proper, and I shall not be intimidated by any insinuation from the Minister of Justice.

Hon. Sir MACKENZIE BOWELL—I wish to call attention to some remarks made by the hon. speaker and by the Minister of Justice. If we are to accept the statements which have been made, the judges are much more sensitive in Quebec than in some of the other provinces. My recollection of changes which have been made in the different laws, affecting not only the criminal, but civil law, is that on many occasions these suggestions have come from the judges themselves and I think I heard the Minister of Justice state to this House that such and such suggestions were made by chief justices of different sections of the province. Many of us remember also that there was a judge appointed in Manitoba a short time ago, without any law having been passed providing for his salary. The answer given to the objections then made in the Senate by the then Minister of Justice, now lieutenant-governor of Ontario, was that he was appointed upon the strong recommendation of the judges of that province who required further assistance. That is my recollection. The hon. gentleman was present at the time, so that, speaking of the judges, like my hon. friend from Stadacona, I am not a lawyer, but I have had conversations, both with the members of the bar from the province of Quebec, and also with some of the judges, and there is but one opinion that has ever been expressed, so far as I know, and that is that there are judges in the province of Quebec ample to perform all the duties that fall to the lot of the judges of the city of Montreal, if anything like a re-arrangement is made. That is the evidence, and that has been the assertion, not only of the bar but of the judges, and the judges, to my mind, are best able to speak as to what is required to enable them to perform their duties. There are some members of the judiciary of Montreal, as I have read in the newspapers, who are a long way behind with their work, There were others again, against whom great complaints were made when they were appointed, who have kept well up with their work, and it is because they are industrious and attend to their work. The simple question as to whether the parliament of Canada is compelled, under the constitution, to do that which the hon. Minister of Justice says we are bound to do. My own opinion of the constitution is that which was laid down by the hon. gentleman from Missisquoi (Hon. Mr. Baker). If the theory which has been enunciated by the Minister of Justice were put in practice, the constitution, so far as the courts of this country are concerned—that is so far as the parliament of Canada is concerned—would be an utter nullity. The hon. minister is giving that a kind of contradiction. If the parliament of Canada have no power other than to acquiesce in any demand made upon it by the local legislatures, I will not say of Quebec, but by the local legislatures, in reference to the appointment of judges,

then the constitution so far as Canada is concerned, is a nullity. The Confederation Act points out that the constitution of the courts shall be with the local legislatures. Then it says that the appointment of the judges, and the providing of the salary shall be with the Dominion parliament. There are two branches of authority. One is to arrange the constitution of the court, and the other is to furnish the means. If it were intended that there should be no option and discretionary power in the Dominion parliament, why in the world was there any distinction drawn between the two? Either the Dominion parliament should have the power of arranging the constitution of the courts of the different provinces, and the appointment of the judges, and the payment of the salaries; or the provincial courts, having the power to do the one, should also have the power to do the other. All we have to do, according the theory laid down by the hon. Minister of Justice, is to acquiesce in any demand which may be made by the local legislatures, no matter of what province. As the hon. gentleman from Missisquoi says; supposing they come and say: 'We want ten judges,' according to the hon. gentleman's theory we are bound to provide the salaries of the ten judges.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is the doctrine laid down. If the theory that we must furnish the salary for one is correct, then the only logical conclusion is that we must provide salaries for fifty if they demand it.

Hon. Mr. CASGRAIN (de Lanaudière)—Certainly.

Hon. Sir MACKENZIE BOWELL—The hon. member had better settle that question with his leader, the Minister of Justice. I acquiesce in the doctrine that the hon. gentleman from de Lanaudière accepts, and I am glad to know that there is one hon. gentleman at least, who takes that position, either the one thing or the other, we have the power or we have not, and the constitution gives us the power to say yea or nay to this very clause, and if we say nay it is for the legislature of the province of Quebec to say whether it is in the interests of the judiciary to take such steps in the reorganization of their courts, as to enable them to utilize the judges they have without appointing any others. I am rather pleased to see a little opposition to the hon. Minister of Justice, because he gets his blood up and speaks with a little more energy and vim; but he is apt to attribute to others motives which they probably never entertained. The hon. gentleman says: 'When you were over here you did not do so and so.'

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. member is worse in his practice than the leader of the government who says the usages and practice of the province of Quebec are antiquated. If you would take the theory of the hon Minister of Justice, he is the most antiquated old Tory in Canada. Because these things existed a long time ago, and because another party did not takes means to reform them, when it was not so much demanded as it is to-day, ergo you must let them alone. That is the decision of the Minister of Justice. I venture the assertion that the hon. gentleman himself holds opinions upon many questions which agitate the country to-day which he did not entertain thirty or forty years ago when he came into parliament. I frankly admit that the circumstances have changed. The requirements of the country are different from what they were twenty-five years ago, and the necessities of the people demand this change, and the man who is not prepared to advance with the advancing age must be designated an antiquated old fogy. Conservative as I am, I do not profess to hold views that were held so far back in antiquity as to follow the hon. gentleman in the theory he has laid down. The simple question we have to decide to-day is as to whether we shall compel—I may justly use that word—the province of Quebec to adopt a system by which this expense need not be incurred, or whether we should allow things to remain just as they are, and vote these salaries for the extra three judges. That is a simple question, and I believe, from what I have learned, both from judges and the bar of Quebec that these additional judges are not required, that all that is required is to rearrange and re-adjust the constitution of the courts, that the difficulty

can be avoided and a much better service performed. The reason given by the hon. gentleman from Missisquoi (Hon. Mr. Baker) is convincing—must be so to every man who knows the circumstances of this country before the construction of railways and other improved means of conveyance—that which was required in the older days of the province of Quebec and the province of Ontario is not required to-day. There were many rural districts which it would take a week to reach, which can be reached now in as many hours, and consequently it becomes a duty in this advancing age, in that legislature as well as others, to take steps to utilize the legal talent they have in the performance of the work which is necessary to do, without adding to the expense of the country.

Hon. Mr. SCOTT—The language of the constitution is plain, and I do not think it requires a legal mind to interpret it. Section 92 of the British North America Act reads :

Exclusive powers of provincial legislatures.—In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:

The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both civil and criminal jurisdiction, and including procedure in civil matters in those courts.

I do not think there is any ambiguity about that language.

Hon. Mr. LANDRY—What does the hon. minister understand by 'maintenance.'

Hon. Mr. SCOTT—I understand it perfectly well, and I think the hon. gentleman understands it. It says the constitution, 'maintenance and organization.' The clause 'Judicature,' reads as follows :—

The Governor General shall appoint the judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

There is no alternative there. It is not 'may appoint.' It is a rare case in which the word 'shall' is used. There it is positively imperative. The words are that the Governor General shall appoint. When there is to be a judge appointed under the organization of one of the provincial statutes, it is the duty of the Governor General to make the appointment. If it is his duty to appoint, and it is the duty of parliament to find the means. Parliament can, in an indirect way, say 'we will not permit the spirit of the Act to be carried out, but we will insist on the change in the organization of the courts of a particular province. If the province will not make the change, then we will decline to appoint the judges, and to pay them.' That is the simple point before the House.

Hon. Mr. DeBOUCHERVILLE—Is it 'shall appoint and pay'?

Hon. Mr. SCOTT—Oh, yes, there is no question on that point.

Hon. Mr. LANDRY—Is the appointment made ?

Hon. Mr. SCOTT—It depends on the Senate.

Hon. Mr. MILLS—The appointment is not made until the salary is provided.

Hon. Mr. LANDRY—I thought the minister read a part of the constitution which said 'the government shall appoint.'

Hon. Mr. MILLS—It does say so.

Hon. Mr. LANDRY—The judges have not been appointed yet.

Hon. Mr. MILLS—He shall appoint, but he shall appoint in conformity with the law, and in conformity with the law the salary must first be provided for. It is perfectly clear that there is no superintending or controlling given, or intended to be given, to the parliament of Canada. The constitution, maintenance and organization of the court is exclusively in the province. My hon. friend thought that he made a very strong point when he followed the hon. gentleman from Missisquoi, and said 'If there is no limitation upon the power then there might be forty or fifty judges appointed.' Permit me to say that, in my opinion, that is not a very strong argument. Our whole constitutional system rests upon the basis that we are qualified for self government. The controlling influence, both over the parliament of Canada, and over the local legislatures, is the electorate of the province, in the one case, and the electorate of the whole Dominion in the other. It is the electorate of the province to whom the legislature is responsible. If the legislature were to say there should be so many judges, the electorate of the province would call them to account, if it was an improper appointment,

and there is just the same possibility of abuse here as there is in the local legislature. and if the hon. gentleman undertakes, or if this House were to undertake, to prevent appointments being made by refusing the necessary appropriation, they would be abusing their powers just as essentially as if the local legislature were to provide for the appointment of twice as many judges as were necessary. The assumption in both cases is that parliament will act in conformity with public opinion. On those general questions which affect the entire Dominion, we are responsible to the whole electorate of the country, and they to the electorate of the province within whose jurisdiction they act. If these gentlemen undertake to establish an improper system, they are responsible to the electorate of Quebec. If we undertake to disregard our duty, we are responsible to the electorate of all Canada, and that is the only difference between us in this regard. What my hon. friends opposite insist upon doing is to undertake to exercise a superintending control over the legislature of Quebec and over the electorate of Quebec that the law in no way gives them —which it in no case confers upon them. The people of Quebec have elected the local legislature upon whom this power is conferred, and it is to that people the legislature is responsible, and not to us.

Hon. Mr. GILLMOR—It may be presumption on my part to speak upon this constitutional question, but it appears to me the legislature of Quebec has just as much right to dictate a change of constitution towards this parliament, as we have to dictate towards that legislature, and the supposition is that some absurd, ridiculous thing will be done in Quebec, that therefore we have not to carry out the constitution.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. GILLMOR—We are bound by the constitution the same as they are, and in order to carry out the constitution they have a right to organize this judiciary, and the constitution declares that the Dominion government shall provide the means to pay for it. I have listened to the argument and been quite interested in it, and it appears to me that the constitution is fixed with regard to Quebec, and that our friends here claim the right to alter the constitution in this particular case. I do not think they have any right to alter it. I think the constitution is plain and our duty is plain. I suppose they might appoint a hundred, but that is supposing something simply ridiculous, and the people of Quebec would be ashamed of a government that would do such a thing, and would reject them at the next election.

Hon. Mr. PRIMROSE—We have often heard, and I suppose the saying is not unfamiliar, that facts are stubborn things. We associate often times facts and figures together. There is, however, an important essential difference between figures and facts. It is said that nothing can lie like figures when they are properly manipulated. That can never be asserted of a fact. A fact can never lie. No amount of declamation, or of assertion, can override a fact. No deluge of verbiage, however copious, can drown out a fact. It seems to me the duty of this House, and the object set before us, to get down to rock bottom facts in this case. Those who are in a position to know, who are at the place, who have knowledge of all the facts, make a certain statement, and, coming from these parties, I, at least, am bound to accept these statements as facts. In regard to these judges, they say that in one district in the province of Quebec a judge will, perhaps, in the course of one month, deal only with two or three or four cases, whereas his fellow-judge in another district will, in the currency of one month, deal with as many cases as the other judge in the currency of a year. If this is really the fact, it appears to me that the question is not, shall we have more judges ? Because under these circumstances, there is no necessity for any more judges ; but cannot the work of these judges be so equalized that in the busiest district it can be easily accomplished by the present judges ? That is the matter that we have to deal with, and it seems to me that that is not at all impossible. Under the present circumstances, and the facts being as I am led to believe they are, it seems to me that the country is being called upon to pay for judges to do work which the judges at present should be able to do, and ought to do, without being at all overworked.

Hon. Mr. POWER—It is objectionable, I know, for me to rise to say anything more about the subject at this hour, but I venture to do it. The government of Quebec provided two means of settling this difficulty. It appears from experience that the judicial work in the city of Montreal is not done promptly or satisfactorily. It is the duty of the legislature of Quebec to get out of that difficulty. They provided for a system under which the judges of the outlying districts should be called in to the city of Montreal and hear cases, and this parliament in the year 1898, passed this enactment to which attention has already been called. It is in section 8 of chapter 52, of the Acts of 1898, dealing with the allowances of these judges. It reads as follows :

But no travelling allowance shall be granted to any judge requested to sit in review under section 1 of chapter 20 of the statutes of 1898 of the legislature of Quebec, unless it is certified by the chief justice or judge discharging the duties of chief justice in the district, that the attendance of such judge was, in his opinion, necessary.

I do not remember that there was any objection taken to the passing of that enactment in this Chamber. I think it is not an unreasonable enactment. We have to pay for the attendance of these judges, and it was only right that it should be seen that we were paying for no judges whose services were not called for. The motive which influences hon. gentlemen opposite now in opposing the clause before the committee is just that of saving money. The same motive actuated this parliament, I suppose, when they inserted that provision in the Act of 1898 ; consequently, one means taken by the legislature of Quebec to get over this difficulty with respect to Montreal failed, when those judges refused, as the hon. gentleman from Missisquoi tells us, to come in, because the certificate was required. Of course, we might undertake to provide that if any judge refused to come in, his place should become vacant, but I think, probably that, even the hon. gentleman from Stadacona would think that was rather a radical measure.

Hon. Mr. LANDRY—The hon. gentleman does not know what I think.

Hon. Mr. POWER—I am not saying that I do.

Hon. Mr. LANDRY—If the hon. gentleman says what he does not know, we are not astonished.

Hon. Mr. POWER—I simply conjecture. This is a free country, and I can conjecture. The hon. gentleman from Stadacona often conjectures as to what is in the mind of the government. This measure failed to become operative, through the action of this parliament. Then the legislature of Quebec come in and say that, in order to relieve the congestion in legal business in Montreal, we shall provide for the appointment of three additional judges for Montreal. It has been shown here that last year the expense of bringing in outside judges amounted to as much as the salaries of these three judges would be. The legislature of Quebec were acting within their own jurisdiction, and, as I understand, the government did not act upon that. They did not move last year. They thought there might still be found some means by which the necessity for appointing the judges should be got over. No means have been found. The legislature of Quebec did not do anything last year. The question which we must consider is, whether when the Commons, which has to do with the expenditure of money, which has charge of the public purse—a thing which we are not supposed to have anything to do with—when the Commons has voted the money to carry out this enactment of the province of Quebec, we shall oppose it and say that it shall not be done. It is not our duty to decide what is the right thing to be done in the province of Quebec. If there was any enormous iniquity being perpetrated, it would be our duty, perhaps, to intervene ; but this is not a very serious matter ; and I do not think, as members of a chamber like this, which has not to go to the people, that we are justified in rejecting this enactment.

Hon. Mr. BAKER—I move that the further consideration of this clause be postponed till the next sitting of the committee.

The committee divided on the amendment, which was defeated on the following division :

Yeas, 17 ; nays, 18.

Hon. Mr. McMILLAN—I wish to draw attention to the fact that the hon. gentleman

from London rose as the names were being counted.

Hon. Mr. MILLS—The hon. gentleman voted.

Hon. Mr. McMILLAN—He was not counted.

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—And the hon. gentleman from Rideau division was counted twice.

Hon. Sir MACKENZIE BOWELL—This motion which was lost was simply to allow the consideration of the clause to stand till to-morrow, but if we have the vote on the clause to-day, and it is a tie, then the clause will be lost. That is not what the hon. minister desires. I think the clause had better stand.

Hon. Mr. MILLS—We took a vote, and the proposition that the clause should stand over was lost.

Hon. Mr. LANDRY—No.

Hon. Mr. ALLAN—I think there is some mistake with regard to the vote. In addition to what has been said by the hon. leader of the opposition, many of us do not wish to strike out that clause, and I should like to have time to look over it.

Hon. Mr. PERLEY—I counted 18 to 18.

Hon. Mr. SCOTT—Then it is lost.

The committee divided on the first clause, which was rejected, contents 17, non-contents, 21.

Hon. Mr. SCOTT—No politics in this Chamber.

Hon. Mr. LANDRY—I know there is no tact.

Hon. Mr. McKAY from the committee, reported the Bill with an amendment.

BANK ACT AMENDMENT ACT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (Y) 'An Act to amend the Bank Act Amendment Act, 1900.'

Hon. Sir MACKENZIE BOWELL—This is a non-contentious Bill, and it is very important it should pass to enable the banks interested to carry out agreements which have been made, and I would suggest, after the second reading, that the hon. gentleman move to have the rules suspended and pass it and send it to the other House.

Hon. Mr. MILLS—That is what I propose to do. When we go into committee I propose to insert in the 30th line, after the word 'Bank' the words 'but without interest,' so that when a bank puts up money with the Receiver General for the purpose of complying with the provisions of this law, it being put up in the interest of the bank itself, and to facilitate it in carrying out this arrangement, the government shall not be charged with interest while the money is in its possession.

Hon. Sir MACKENZIE BOWELL—I am quite sure that suggestion was not made by the hon. gentleman opposite (hon. Mr. Cox). However, I am glad to see this new departure. We are advancing.

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. TEMPLEMAN from the committee reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed.

TRADE DISPUTES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (187) 'An Act to aid in the prevention and settlement of trade disputes, and to provide for the publication of statistical industrial information.' He said: The object of this Bill is to provide for aiding in the settlement of trade disputes between employers and their workmen. It authorizes the establishment of boards of conciliation. It is a purely voluntary Act. There is no compulsion about it. It also provides for the publication of a trades gazette. I will explain the details in committee.

Hon. Mr. FERGUSON—It is just the part of the Bill that my hon. friend referred to as he sat down that I propose to make a few remarks on—that is the publication of this gazette and compilation of statistics. It really contemplates the establishment of a

department of labour, but there will be ample opportunity to discuss that in committee; therefore I forego the discussion of it now.

Hon. Sir MACKENZIE BOWELL—It is not a contentious Bill. It does not amount to anything, and consequently cannot do much harm or much good to the labourer or to the employers. What the result of gathering statistical information may be, I cannot say, but it is a step in the right direction and has been in contemplation for many years. A good deal will depend on the selection to be made of the man who compiles the statistics and publishes the Gazette. If any improper appointment should be made, it will be within the control of parliament.

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

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (132) 'An Act to amend the Railway Act.' He said: There is only one novelty in this Bill. All the clauses except two are in substitution of clauses which already exist in the Railway Act, and can be more conveniently considered in committee. The departure to which I refer is giving the Railway Committee power to locate stations under certain circumstances, and authorizing the closing up and sale of a railway which is already bankrupt. That power already exists in some of the provinces, certainly in Ontario, and this Bill gives the same power over railways so far as the jurisdiction of this parliament is concerned.

Hon. Sir MACKENZIE BOWELL—Without pronouncing an opinion for or against this Bill, I think any one who will take the trouble to read it will find that, although it is a short Bill, it is not unimportant in any sense. It introduces new features which have never been recognized in this country before. It gives power to the Minister of Railways, through the Governor in Council, to compel the location of a station. When it was first introduced, I understood it to apply to railways that had received government subsidies, but if my memory serves me right, it gives power to the Governor in Council to supervise the location of stations in one clause, and in another gives the power to direct where they shall be built. That is a matter that might receive a good deal of consideration pro and con. There are cases, no doubt, which might justify it. However, it is giving extraordinary power to a government to interfere with railways.

Hon. Mr. SCOTT—The Railway Committee.

Hon. Sir MACKENZIE BOWELL—It has to be approved of by the Governor in Council as well as the Railway Committee of the Privy Council. The Railway Committee is only a creature of the government. This is a new provision altogether. It has not existed in the past. Whether they should have that power where a company constructs a road with its own money is very questionable. It is a question whether the power should be given, even where a subsidy has been granted. It places an extraordinary power in the hands of the government of the day, which might be used properly or improperly, as the case might be. They propose to control this particular branch of railway enterprise where they have given a subsidy, but if they propose to buy a railway which they have largely subsidized, they pay full value for it still, where they have purchased in the past, they did not take that into consideration. I do not know that the Senate will object to the principle laid down in the Bill, or whether individuals may object or not, but I object, speaking for myself to placing arbitrary power in the hands of any government which can be used for political or personal purposes. I do not say that it would be used improperly, but it could be used improperly, and it is a question whether such power should be given. The House of Commons has, however, given that power by a very considerable majority. The bill is materially changed from what it was when first introduced by the Minister of Railways and Canals. Might I repeat the question which I asked yesterday, whether it is the intention of the government, after the second reading, to move to have the Bill referred to the Committee on Railways, Telegraphs and Harbours, as was done in the Lower

House, or do they propose simply to refer it to a Committee of the Whole House ?

Hon. Mr. MILLS—I think we would prefer to refer it to a Committee of the Whole House. My hon. friend knows that a good many of the members of the Railway Committee are away, and there are many members of the House who are not members of the Railway Committee, who might want to take part in discussing the clauses of the Bill.

Hon. Sir MACKENZIE BOWELL—I do not think there is any doubt of getting a quorum. If the members are away, it is no fault of those who are here. The reason for not sending it to the committee is, that the Bill has been kept so long in the House of Commons.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 11, 1900.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE TEMAGAMI RAILWAY.

Hon. Sir MACKENZIE BOWELL—I have had placed in my hands three affidavits in reference to the resolution which was read in this House, alleged to have been passed by the council of Sturgeon Falls, reflecting on the character of Father Paradis. I stated to the parties that I would comply with their wishes by laying these affidavits on the Table. In justice to Father Paradis I think they should be read. He produces affidavits of three out of the six of the councillors of the village of Sturgeon Falls, in which they state that no such resolution was ever passed by that council as was read here the other day against the change of the route from Sturgeon Falls to Vernon. He also states in these letters that the mayor of the town acknowledges that he signed it under a misapprehension, not knowing its contents. He adds that this statement made by the mayor was in the presence of his solicitor, and would have made a declaration to the effect that he signed it under a misapprehension, if Father Paradis would have consented to forgo any prosecution for slander, which he refused to do. Father Paradis also states that, of the other three councillors who have not made declarations, one acknowledged the truth of the statements made in the affidavit, but refused to sign a declaration. The other was away from the place and could not be seen. The sixth was the son of the mayor, and he did not think he would be justified in asking that gentleman to make any declaration on the subject. I make this statement, in justice to a gentleman who was certainly vilified by the petition which was read here—that is, vilified if the statements contained in that petition were untrue. I do so for the purpose of bringing under the notice of the Senate the care which should be exercised in dealing with petitions presented here. I could not, nor could any one, blame any senator for reading a petition which had been placed in his hands, containing the name of the mayor of the town from which it purported to emanate, and also the clerk of the municipality, together with the corporate seal, and yet I hold in my hand these three affidavits to which I have referred, declaring that no such resolution was ever passed by the council, or that the subject came before the council. I might add that there is another statement here, signed by a number of gentlemen of the town of Sturgeon Falls, among them barristers, merchants and others, declaring that the imputations cast on the character of Father Paradis are untrue and unfounded, and that he enjoys a reputable and unimpeachable character. I shall not waste the time of the Senate by reading these. I have given a fair synopsis of what they contain, and as an act of justice to the reverend gentleman who has been so maligned in the petition, purporting to come from the corporation—that is, if the statements I have read to the House are true. None of us would like to be maligned as Father Paradis was by that petition, under the seal of the corporation, which these gentlemen whose

affidavits I have here declares to be a forgery.

Hon. Mr. SCOTT—I was not present when my hon. friend commenced his remarks on this subject, but I gather from what he has said that his object is to put right a gentleman who has been very much vilified by the reading of a petition in this House some days ago. When it was being read, I confess it shocked me very much. I knew something of the locality and of the gentleman himself, and I turned around and suggested to the senior member from Halifax that he should not proceed with it. Acting on that advice, he did suppress the last two pages of it. I recognize the fact that a document, presented under such circumstances was manifestly unfair, and that it should not be read, because it was got up in an improper way, and at a time when the town of Sturgeon Falls was very much excited over this matter and were opposing a proposition in which they did not concur. I am very glad the hon. gentleman has brought up the matter.

Hon. Sir MACKENZIE BOWELL—The letter is addressed to me. If it had been addressed to the Senate, I should have presented it, and asked that it be read. I would advise the hon. gentleman to read the document.

ELECTION LAW AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (133) 'An Act to consolidate and amend the law relating to the election of Members of the House of Commons.' He said: The changes in this Bill are not numerous, so far as the general principles of the law are concerned, and I will ask the House to give the Bill a second reading, as I apprehend there is no objection to the principle, and we can consider each clause of the Bill when it is referred to committee.

Hon. Mr. LANDRY—Is the Bill published in French?

Hon. Mr. MILLS—I cannot tell my hon. friend.

Hon. Mr. LANDRY—Then I object.

Hon. Mr. MILLS—If my hon. friend objects, that is a reason for not going on. If the House consents to the second reading of the Bill, then we could consider every detail when we go into committee.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Stadacona understands English better than some of us do, and I hope he will not press his objection, although the Bill should be printed in the two languages.

Hon. Mr. LANDRY—It is not because I do not understand English, but it is a question of right. If there is not to be a discussion now, all right, I shall not press my opinion; but if there is a discussion, I shall object.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, I shall forego the remarks I intended to make until we go into committee.

Hon. Mr. FERGUSON—There are one or two amendments that I think will be required to be made to this Bill, and whether it would be desirable that notice of them should be given, or whether they should be left for consideration until we reach that part of the Bill is a question. They are amendments, which were considered in the other House. If the hon. gentleman who has the Bill in charge thinks it desirable that notice should be given, that might be done to-day. I thought, probably, there would be some discussion to-day, and in the course of that discussion, these amendments, which are not very many, and I do not think would be considered serious at all, could be brought out in the discussion, and that it would not be necessary to put a notice on the Order paper. In fact, I do not know that a notice would be necessary in any case.

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

GAME PRESERVATION IN YUKON TERRITORY BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (190) 'An Act respecting the preservation of game in the Yukon.' He said: This is a very short Bill. It consists of one clause, and confers upon the commissioner and council of the North-west Territories

the power to make regulations for the preservation of game in that part of the country. Hon. gentlemen will see that it is a proper provision in order that the game may not be exterminated there.

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

JUDGES OF PROVINCIAL COURTS BILL.

THIRD READING.

The Order of the Day being called :

Consideration of the amendments made in Committee of he Whole House to (Bill 189) 'An Act to amend the Act respecting the judges of provincial courts.'—(Hon. Mr. Mills.)

Hon. Mr. MILLS—With the consent of the House I move that the House go back into committee for the purpose of reconsidering the propriety of restoring the section which was struck out yesterday. I hope this will meet with the approbation of the House.

Hon. Sir MACKENZIE BOWELL—Can that be done without notice ? When in committee a clause was struck out of the Bill, and the proposition now is to refer the Bill back to committee for the purpose of restoring that clause. I ask, as a matter of practice, whether that can be done without giving notice in order that those who may hold views different from the views of the hon. gentleman, or who may change their views, should be present.

Hon. Mr. MILLS—My hon. friend will see that we are considering the report of the committee, and in the consideration of that report we may ask the House to go into committee for the purpose of making any alteration, amendment or restoration, because, in doing so we are considering the report, and I would not think that, when the notice on the Order paper is the consideration of the report, that any further notice is required to consider it from this point of view.

Hon. Mr. CLEMOW—As I understand this matter, the other day the hon. Minister of Justice moved that the order be discharged.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. DeBOUCHERVILLE—I do not think we are gaining anything by this motion. It is not an ordinary motion. Supposing the motion of the hon. Minister of Justice is lost, where would we be ? We will be in a position to decide, if we adopt that report or do not adopt it, and why not do that at once ? If the majority of the House are in favour of adopting the report, there is no use putting the other motion. If the majority is against it, then comes the time to refer it back to committee.

Hon. Mr. SCOTT—It is a very common motion, when the report of a committee is before the House, that the report be not now received, but that it be referred back to committee with instructions to alter, amend, change, or restore a clause in the Bill. Of course the sense of the House is taken on that. If there is a majority of the House against reconsidering the subject, that of course puts an end to that particular clause. The hon. Minister of Justice cannot move that the House concur in a principle he was opposed to, and he therefore asks to get the opinion of the House that the proposal of the chairman of the committee to the House be not concurred in, but that it be an instruction to go back into committee and restore the clause. The sense of the House can be taken on that.

Hon. Mr. MILLS—The words are 'consideration of the amendments,' and the amendment was that the clause should be struck out, and in the consideration of that I am asking that the House go back into committee for the purposes of reconsideration.

Hon. Sir MACKENZIE BOWELL—There is force in what the hon. gentleman from Montarville has said, and also, in part, in the remarks made by the hon. Secretary of State, but when he says that the Minister of Justice could not move the adoption of these amendments because he does not concur in them, that is laying down the principle that when amendments are made to any Bill, with which amendments the party who introduced it does not concur, he should let it drop and not move concurrence. If he desired to have the Bill go through as amended, he would simply move concurrence and thereby affirm the principle of the Bill itself. Upon reflection, I am not sure that the hon. gentleman is not right, but the motion should be that the amendments be not concurred in, but that the Bill be referred back to the committee to recon-

sider it, and then if the majority of the House say No, it will be for the Minister of Justice to say whether he will drop his Bill altogether, or whether he will move concurrence in the amendment. If not, some one else will do it, and then the Bill could be passed so far as it affects the judges of the North-west and the Yukon districts.

Hon. Mr. MILLS—I will make the motion in that way.

The House divided on the motion which was lost on the following division.

Contents :

Hon. Messrs.

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Casgrain	Power,
(de Lanaudière),	Scott,
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Dever,	Thibaudeau (Rigaud),
Fulford,	Vidal,
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Non-Contents :

Hon. Messrs.

Allan,	Macdonald (P.E.I.),
Armand,	MacKeen,
Baird,	McKay,
Baker,	McKindsey,
Bernier,	McLaren,
Boucherville, de	McMillan,
(C.M.G.),	Montplaisir,
Bowell (Sir Mackenzie),	O'Brien,
Carling (Sir John),	Owens,
Clemow,	Perley,
Dobson,	Primrose,
Ferguson,	Sullivan.—24.
Landry,	

Hon. Mr. MILLS moved that the amendments be concurred in.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—In order to have the record correct, it will be necessary to suspend a rule, because there is an amendment, and being a public Bill, it could not be read without the suspension of the rule.

Hon. Mr. MILLS—The House went into committee and the amendment was made yesterday.

Hon. Sir MACKENZIE BOWELL—But we can only proceed one stage to-day. I think I am correct in that position.

Hon. Mr. POWER—The rule is that a public Bill shall not be read a third time on the same day on which it is reported from committee when any amendment has been made in committee, but this Bill came from committee yesterday, so that this rule does not apply.

Hon. Sir MACKENZIE BOWELL—I will not push the matter further, if it is going to interfere at all with the passage of the Bill, but the senior member for Halifax knows as well as any hon. member in this House, that the object of that rule is to prevent a Bill taking two stages in one day under certain circumstances. The report was made yesterday, and the stage was taken to-day, of the adoption of it, and it is clear that the next stage would be the third reading.

Hon. Mr. VIDAL—Rule 41 says :

No Bill shall be read the third time the same day that the Bill is reported from committee, when any amendments have been made in committee.

Hon. Mr. MILLS—That does not apply to this. The rule reads :

No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time, and no Bill shall be read the third time the same day that the Bill is reported from the committee when any amendments have been made in the committee.

Now, if I had moved yesterday for the third reading of the Bill, it would be necessary to suspend the rule, but no Bill shall be read the third time the same day. It does not say that no Bill shall be read the third time the same day that the report is considered. That would be a different proposition.

Hon. Mr. McMILLAN—But are we not to consider the report to-day ?

Hon. Mr. MILLS—Certainly, but it is not the same day that the report is presented.

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

THE CRIMINAL CODE AMENDMENT BILL.

MESSAGE FROM HOUSE OF COMMONS CONSIDERED.

The Order of the Day being called :

Further consideration of the Message from the House of Commons disagreeing to the amendment of the Senate to the amendments made by the House of Commons to (Bill K) 'An Act further to amend the Criminal Code, 1892.'

Hon. Mr. MILLS moved that the Senate insist on their disagreement to the third amendment made by the House of Commons to the said Bill. He said: That is the amendment which makes it a new crime to get credit under false pretenses. That seemed to me a dangerous power to put in the hands of a creditor who was trusting a party, and who would be tempted to construe the words used by him, if he failed to get his pay, in the way most favourable to himself, and that where there was a verbal understanding or conversation between the parties, it would be an unusual power to put in the hands of a creditor.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice having taken that ground, of course it is not for those who voted for that amendment before to object to the course he is pursuing, but I should like to ask him whether he thinks this is going to jeopardize the existence of the whole Bill? Because we were led to believe—not only that, but the House was covertly threatened the last time we had the Bill under discussion, that if we insisted upon our amendments, there was great danger of losing the Bill. I suppose the Minister of Justice can give us some explanation which will ease the consciences of those who voted with him before.

Hon. Mr. MILLS—This amendment was not put before. We only put the first one. In this case, I might say, upon inquiry I find that there is a division of opinion in the House of Commons on the subject, and I have reason to think that if we insist upon the rejection of this amendment it will not be pressed.

Hon. Sir MACKENZIE BOWELL—I am very much obliged to the hon. gentleman for telling me that this was not the motion which was put before, as I might have been labouring under a misapprehension. The only question I asked him was whether our insisting on this amendment would jeopardize the Bill.

Hon. Mr. SCOTT—I understand a number of lawyers in the other House think it an exceedingly improper thing to create a new offence, an offence which may be a very dangerous one in the community.

Hon. Sir MACKENZIE BOWELL—I am glad they have learned something.

Hon. Mr. SCOTT—You place a man, who has made a verbal declaration to obtaining goods, in the hands of his creditor. He may be arrested and put in jail, and before his statement of it could be given very serious injury might be done.

Hon. Mr. DeBOUCHERVILLE—I should like to remark that in voting on another amendment we were told that if we did not accept the first amendment from the other House, we should endanger the whole Bill, and some members may have been influenced by that threat not to vote as they would otherwise have voted. Let us examine the vote we gave the other day. We passed a resolution by which we agreed to the amendment made by the House of Commons—that is, that the law shall go into operation only on the first of January. I did not hear the Speaker declare that a message should be sent to the House of Commons to inform them that we had agreed to that amendment?

The SPEAKER—I remember particularly stating that it should be sent.

Hon. Sir MACKENZIE BOWELL—Has it been sent? I have just made that inquiry whether a message has been sent to the House of Commons acquainting that House that the Senate did not insist upon the first amendment, and I am informed that it has not been, and that the clerk was waiting, I think very properly, until the whole of the amendments were disposed of, so that it is still in the hands of the House.

Hon. Mr. DeBOUCHERVILLE—If it is still in the hands of the House, I do not see exactly how we could recall the motion, although I think I have established that some of us voted under a misapprehension that if we insisted on our amendment we would kill the Bill, but we can do this: supposing what I said at first is correct, it is a resolution which we have passed. We can rescind a resolution, but we have not the right to bring up the same resolution again. If I understand the position, it is this: there are in Montreal—perhaps it is so in other cities also—a number of people running lotteries, in which more particularly poor servant girls and young people put their money. I am sure the Minister of Justice is in favour of suppressing those lotteries, and I suppose a majority in

the House of Commons are also in favour of suppressing them. If the law were to come into operation on the first of September, these lotteries would be soon stopped. If it does not become law until the first January, they will have four months more in which to continue their swindling operations. But, as I said before, although we may rescind a resolution, we cannot move the same motion again. We can, however, move another motion, and I should think the Minister of Justice would agree to this: Why not say the Bill shall come into operation on the first January, except that part relating to lotteries, which shall come into force on the first of September. The hon. gentleman seems not to approve of that.

Hon. Mr. MILLS—At the present time we have this second proposition before us, and would it not be well to dispose of this and the next one, and then take the first amendment?

The motion was agreed to.

Hon. Mr. MILLS—I understand there can be only one message to the House of Commons, and that our agreement or disagreement would not be reported piecemeal. I move:

That the Senate do not insist on their agreement to the fifth amendment made by the House of Commons to the said Bill, but concur in the said amendment.

That is the amendment relating to the labour clause.

Hon. Sir MACKENZIE BOWELL—I took pretty strong grounds, from my own standpoint, against this amendment when it was discussed before. If I understand the position of the Minister of Justice in reference to this matter, it is that he is of opinion that unless this exemption be made, it will interfere with the rights and privileges of the working men and employees who have combines under the Trades Unions Act. Am I correct in assuming that was one of the principal reasons? Let me repeat it: The hon. gentleman, and those who took sides with him, were fearful that unless this exemption be made to this clause, it would interfere with the rights now enjoyed by working men under the Trades Unions Act, or some other Acts under which they are organized.

Hon. Mr. MILLS—Yes, I think that it is highly probable that that would be the effect, but this clause goes further than that in this respect, that that is confined to those who are organized under the Trades Unions Act, while this would embrace any voluntarily organization—that is persons who are not in the trades unions. If they choose to form voluntarily organizations for the protection of labour, they would have the same rights as the trades unions?

Hon. Sir MACKENZIE BOWELL—If that be the interpretation, it simply means this, that any body of men who think proper to enter into a combination of working men for the purpose of doing that which this clause makes a crime in another class of men, they would be exempt from the penalty. Let us read it and see what it says:

Every one is guilty of an indictable offence and liable to a penalty not exceeding $4,000 and not less than $200, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding $10,000 and not less than $1,000, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company—

(a) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce;

Any person committing that offence shall be subject to a penalty. All that would have to be done, under this exception, would be for a certain class or number of men to organize themselves into a combine of working men, and then perpetrate the very Act which this clause is intended to punish. Then you go on to subclause *b*:

(b) To restrain or injure trade or commerce in relation to any such article or commodity;

The same combination of men under similar circumstances could place themselves in a position, under the law—if the interpretation put on the clause by the Minister of Justice be correct—to violate this section of the law which imposes a penalty of $10,000 as a minimum.

Hon. Mr. POWER—That is in the case of a corporation?

Hon. Sir MACKENZIE BOWELL—Yes. The heavier penalty applies to corporations. However, that does not affect my argument. The third offence is:

(c) To unduly prevent, limit or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof;

If a combination of manufacturers violate this clause, they are subject to heavy penalties. If it is done by a combination of working men, who may combine for the very purpose of violating it, they are not liable to any penalties. Or in other words that which is a crime in one class or corporation becomes a virtue in another. Whether that is correct legislation or not is for the Senate to say. Then there is sub-clause *d* as follows :

To unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

This goes so far as to bring within its scope and meaning an insurance company—insurance of property against fire, or life assurance. If there is combination to put up the price of insurance by the companies, then they are subject to heavy penalties, as high as ten thousand dollars, and of being sent to jail. If, however, it is done by a combination of workmen, it would not be a crime. The question would at once arise, what constitutes workmen. Would not a number of clerks in an insurance office be workmen just as well as a number of men who are employed in a workshop ? Work does not consist altogether in manual labour, as we generally speak of it. I venture the assertion that the hon. Minister of Justice works more hours and more assiduously than any mechanic in this town, and has done so to his own injury. That is just as much work as if he laboured at a bench. I have worked at the bench and I have worked at the case in a printing office, and I have worked as many hours I think as any man of my age. I have worked in the editorial room and worked attempting to legislate in the interests of my country. It is all work, and can I not be classed as a workman ? If a number of us get together and combine, if we are manufacturers, we subject ourselves to a penalty. If, however, we are a combination of individuals, then we do not subject ourselves to a penalty, under the exception to the clause. That is the great objection I have to it. At the same time, I wish it distinctly understood,—and I think I am not only voicing my own opinion, but voicing the opinions of the senior member from Halifax, because he expressed them here, and I also think I am voicing the opinion of those who have taken somewhat the same view of this question that I have—that we have no desire notwithstanding the attacks which have been made upon us by government organs, to interfere with the rights of workmen in their combinations and trade unions. I repudiated that, but some journals, among them the leading government organ in Ontario, never can find a kindly word to say of the Senate, and when they speak of the Senate, in ninety-nine cases out of a hundred they misrepresent us, and, to use a short and terse Anglo-Saxon word, they lie, as they did in connection with this matter, though we expressed our views very strongly upon this question. In order to put on record my views on this subject I move an amendment reserving to workmen and trades unions all the rights and privileges they now enjoy.

Hon. Mr. POWER—Hear, hear !

Hon. Sir MACKENZIE BOWELL—I have no desire to interfere with them. I sympathize with workmen much more than those who are ever prating about them. They should have their rights and privileges, but no more rights than any other of Her Majesty's subjects, and I do hope the hon. Minister of Justice will accept this amendment. It will answer the purpose he has in view, and will meet the views, I think, of the members of the House of Commons who insisted on the retention of this clause. The amendment which the Commons asks us to adopt reads as follows :—

Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

I move in amendment that we do not concur in this amendment but that we suggest a provision of this kind :

Provided, that nothing in the foregoing clause shall be construed to apply to any rights now enjoyed by combinations of workmen or employees under the law as now existing.

That reserves to them all the rights and privileges that they enjoy under the law, and, at the same time, it does not exempt individuals entering into combinations to do that which this law makes a very severe crime. Whether the hon. gentleman will accept that or not, I cannot say. That is my view.

Hon. Mr. MILLS—I have already indicated my objection and why I was so very persistent when this question was before the House, because it was a part of the original Bill, and that is, that this reservation is simply a reservation to trades unions and not to anybody else. Those are the only persons that are specially protected by that provision in the Bill. My hon. friend confines the protection to these parties who are protected now. This amendment says:

> Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection.

It does not go beyond that. It is what is for their reasonable protection. If they acted improperly, if they used unreasonable means to protect themselves, they would bring themselves within the provisions of the law, but the court must hold that what they do is necessary for their reasonable protection in order that they may enjoy the immunity intended to be secured to them, and I know no reason why men who are ordinary labourers, and who are not within the trades unions, should be placed upon an inferior footing. It is because they are labourers, and because they are workmen, that I think a reasonable protection ought to be given them, and I should be very sorry myself to include a provision in the criminal law that would compel persons to join a particular union that otherwise would not go into it at all. So that my hon. friend will see why I differ from the view he has expressed. That resolution, if carried, would simply protect those that are provided for under the trades union law. I think when you undertake to give protection to men and to except them out of a class that may be punished, you should make it broad enough to include all those who are in like pursuits, and who require protection of the same kind, and so I should prefer the provision in the Bill instead of the suggestion made by the hon. leader of the opposition.

Hon. Mr. POWER—I may say, in reply to what has fallen from the hon. Minister of Justice, that I do not think the word 'reasonable' is very much protection to the public, because if a combination of workmen is alleged to have offended against the law, and the matter comes up for trial and it is tried before a jury, it would be probably almost impossible to secure a conviction if the word 'reasonable' is allowed to remain there. Anything a workingman could do would be held by a great many jurors to be reasonable. So that I do not think that word counts for much. While there is a good deal of force in what the hon. Minister of Justice has said on the subject of combinations of workmen outside the union, I do not think that there is as much force in it as might appear at first sight, because nearly all the difficulties which have arisen between workmen and employers have arisen between trades unions and employers.

Hon. Sir MACKENZIE BOWELL—Altogether.

Hon. Mr. POWER—Not between unorganized workmen, and the amendment proposed by the hon. leader of the opposition does not exempt the trades unions from the operation of section 520.

Hon. Sir MACKENZIE BOWELL—I have no objection to putting that word in.

Hon. Mr. POWER—It says they will have the protection of the Trades Union Act, which reads:

> 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, or otherwise, so as to render void or voidable any agreement or trust.

And this amendment says that that enactment, which was made deliberately, shall remain in force as to trades unions, and that is as much as the workingman can reasonably expect. It does not seem to say that any combination of workmen should be allowed to do the things which are forbidden by section 520, any more than any other men; and then, as the hon. leader of the opposition pointed out, this exemption is not confined to workmen strictly so called: it says employees. That means that the employees of a railway company can conspire together for the purpose of preventing the running of trains, and they would not come under the operation of this Bill if it is amended in this way—at least they would have to satisfy the jury that their conduct was reasonable. The reasons which we sent down to the House of Commons why we should not agree to this amendment are good and substantial, because the Trades Union Act, chapter 131, of the revised

statutes, gives the necessary protection to combinations of workmen, and because there does not appear to be any substantial reason why any class of persons should be exempted from the operation of section 520, of the Criminal Code. The only reasonable objection taken to that resolution was that taken by the hon Minister of Justice to the effect that it did not apply to unorganized workmen. What was the answer of the House of Commons to that resolution of ours? They said:

> Because this amendment seems to be essential to combinations of workmen for the legitimate protection of their rights.

And they did not point out how it was necessary for the legitimate protection of workmen that they should unduly limit the facilities for transporting and manufacturing, and so on. It is clear, on the face of it, that the reason given by the Commons is not a substantial reason. There is no necessity for this exemption for the working man at all.

Hon. Mr. SCOTT—The proposal of the hon. leader of the opposition, if carried out would have the effect of forcing all bodies of men into the unions. We know very well now that there are many employers of labour who will not employ union men. I know what I see every day. I read constantly of employers of labour saying: 'You may remain in my service, but you must not become a union man.' There is great objection on the part of employers to the men forming into a union. It is not fair that the men who are not permitted to go into the union should not be permitted to unite for their own protection. The policy should not be to drive men into the union, which would be the result of the carrying out of the proposal of the hon. leader of the opposition. I think that is a policy we should not favour, because, as I said before, there are very considerable bodies of men who are not in the union. They are outside of the union because their employers object to the union. They think the union exercises a tyrannical power over them, and they keep them out, but if they are kept out of the union, they should be allowed to unite among themselves.

Hon. Mr. MILLS—My hon. friend from Halifax thinks everything is unreasonable except what he himself has favoured.

Hon. Mr. POWER.

Hon. Mr. LANDRY—Hear, hear!

Hon. Mr. MILLS—My hon. friend from Halifax succeeded, with the aid of the hon. leader of the opposition in having this clause struck out of the Bill. What did they propose? They proposed that, as far as the trades union is concerned, the members of that union shall enjoy this privilege, which they say the labouring classes outside of the unions should not enjoy. That is the proposition. It is to make an exception to this provision of the law, section 520, to exempt from the operation of that law all those who are protected now, under the Trades Union Act. I am not prepared to support discriminating legislation and to confer on one class of workmen protection that I would not extend to another. The only effect of that is, in order that a man may have protection, to compel him to join a trade union. If people choose voluntarily to go into a trade union, it is their right to do so, but if they remain outside, it is their right to remain outside, and you are not going to help the position of the man to exercise his individual independence by undertaking to crush him between a provision of the criminal law and the power of a strong labour organization. I think it is perfectly clear that all the labouring classes should enjoy equal protection for a like reason. This provision reads:

> Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

They are entitled to undertake to organize so far as such organization is necessary for their own protection. They are entitled to act so far as that may be necessary, and if my hon. friend's amendment, which is supported by the hon. senior member for Halifax, was carried, every member of the trade union would have all the protection we propose to give by this provision of the Bill, but no other workingman would. Now, I say that that is a distinction that ought not to exist. I am perfectly sure of this, that the rejection of this provision will defeat the Bill. It seems to me that there is no reason whatever assigned. My hon. friend behind me has mentioned that it is important to give to the unorganized labourers the same protection that you give to those within those organized bodies, and my

hon. friend says that is an assumption that this will have that effect. I do not think it is an assumption at all; but if it is, it will do no mischief even from their point of view. It seems to me a reasonable provision. The hon. gentleman argued, when the Bill was up in the first instance, that you did not need to exempt any body of organized labour or unorganized labour. That is an intelligible proposition. You say precisely on what grounds the parties are proceeding, but it has been felt for a great many years in the United Kingdom, and in this country, that in order that the labourer may protect himself adequately against capital—especially those employed in ordinary skilled pursuits—they require a power which the mere capitalist does not require, which he himself possesses in another form, for the maintenance of his right. In doing this, it seems to me that we are simply acting upon the lines of that legislation which gave protection to trades unions; and we are giving to all the labouring classes, in so far as they choose to organize themselves, whether by voluntary association or otherwise the same protection. That is reasonable, and the declaration is not that there shall be protection for certain organizations, and not for others, but they are exempt for the reasonable protection of workmen, and of that the jury are to be the judges.

Hon. Mr. POWER—I do not think the distinction attempted to be drawn by the Minister of Justice between trades people and labourers—if he is trying to draw that distinction—is well founded. A combination of labourers is a trade union, as well as a combination of mechanics. The Act provides :

> 2. In this Act, unless the context otherwise requires the expression 'Trade Union' means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business, as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

Now, this law which produces, as the hon. Minister of Justice says, such an unsatisfactory condition of things has been in operation since 1872.

Hon. Mr. MILLS—What law ?

Hon. Mr. POWER—This Trades Union Act. The hon. gentleman claims that it makes a distinction, but that law has been in operation since 1872.

Hon. Mr. MILLS—I should like to ask the hon. gentleman to explain to the House what there is in this clause as it stands that he objects to, or thinks inferior to the section of the Act which he has read.

Hon. Mr. POWER—Well, if the provision in the existing law is quite equivalent to this, this is surplusage, and why should it be enacted ?

Hon. Mr MILLS—Not at all.

Hon. Mr. POWER—The hon. gentleman has to take one horn of the dilemma or the other. I say it means more than the paragraph in the Trades Union Act. If it means more, we object to it; if it does not mean more, it is surplusage, because we have the law already.

Hon. Mr. MILLS—No, we are repealing it, and my hon. friend is making a proposition to restore the law which we are about to repeal.

Hon. Mr. POWER—I do not understand that.

Hon. Sir MACKENZIE BOWELL—I adhere to the opinion that I expressed before when the matter was under consideration, and the hon. Minister of Justice has paid me the compliment of saying it is a consistent principle. I do not think any law should be put on the statute-book that favours one man more than another, so far as the commission of a crime is concerned. There may be circumstances under which concessions are made to individuals when they have rights under patent laws or copyrights, but when you make a crime, the question must necessarily arise as to whether it can possibly be a virtue in me if I commit it, and a crime in my neighbour to commit the same act. That is the principle I laid down, and in order to meet the objections taken to the position that we had assumed when the question was first under consideration, that if those provisions of the Trades Union Act, or any other Act on the statute-book, which made concessions to a certain class of people were to be interfered with by this Bill, then I was willing to meet that, though I

hold strongly to the other view. It does not follow because one holds strong views on a question, that one should not yield when he wants to make a law as perfect as possible. The position of the Secretary of State is this: if we confine those rights to the trades unions, it drives into the unions people who would not otherwise go there, and in order to enable those other individuals to do that which is made a penal offence if a manufacturer commits it, or if an unorganized body of workmen commit it, that they can do it with impunity by going into a trades union. Hence, I say if there is any force in his argument or in that of the hon. Minister of Justice, it follows that we should reject it altogether and make no compromise. The Trades Union Act was placed on the statute-book properly to protect workingmen as against, he says, capital—although I have not the strong views he holds on that question. I think capital and labour will find their own level if they are let alone, and it is a question for the House to consider whether these combines have been in the interests of workingmen themselves or in the interests of trade and commerce. I have a copy of the *Globe* in my hand here, which furnishes another illustration of how they deal with subjects of this kind. They give a full column dealing with the question of strikes and the interference with trade. There is a detailed account of what the result has been in St. Louis, in the United States. The depredations and crimes committed there are described, but it takes precious good care not to condemn one single Act, although some of those Acts were the stripping of females naked to their waists and tarring and feathering them, because they dared to ride on a street car. Is that right or wrong? If we are to pass a law to allow these combinations of workingmen and labourers outside of these associations, you ought to repeal the clause altogether.

Hon. Mr. MILLS—Does the hon. gentleman pretend to say that this clause would protect proceedings of that sort?

Hon. Sir MACKENZIE BOWELL—This clause gives power to certain workingmen to do certain acts and these acts are defined in subclauses *a*, *b*, *c* and *d* of that clause.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MILLS—Oh, no.

Hon. Sir MACKENZIE BOWELL—What does it mean then? It defines what are crimes in clauses *a*, *b*, *c* and *d*, and then it says that it shall not apply, to combinations of workingmen or employees. The presumption is, that trades union people have a right to do it.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then it goes on to say they have the right, and that the outside workingmen who do not belong to these combines shall also be exempt from the penalties. That is the argument of the hon. gentleman, as clear as he can make it. I am not going to argue the question any further. I have always held strong views on this kind of legislation. What I believe to be right I would try to enforce, and I lay down this general principle again, and I do not propose to go beyond it, that what is a crime in John is equally a crime in Sam, and that which is a virtue in the one cannot be a crime in the other. You lay down four distinct propositions in this Bill, that certain things are wrong, and subject those who commit them to heavy penalties; and then you immediately say it shall not apply to certain classes of the community. That is what I object to, and if I had my way I should strike it out altogether. I am not in favour of combines. The law provides against them; but to carry it to the length we propose to carry it, I think is vicious legislation, and will do a great deal of harm to trade and commerce, and to the individuals who engage in them.

Hon. Mr. MACDONALD (P.E.I.)—I do not see this matter in the same light the hon. leader of the opposition does. The clause provides that certain combines shall be an offence. Another class, that is those who combine for their own reasonable protection, shall not be subject to those penalties. That is the way I understand that clause.

Hon. Mr. MILLS—Yes.

Hon. Mr. MACDONALD (P.E.I.)—Now, it would be unreasonable to say that those who combine for their own reasonable protection should be subject to these penalties. It is quite right and proper that those who unduly combine to commit this offence should be punished, but where workingmen

combine for their own reasonable protection, I think they should be allowed to do so without coming under a criminal Act in any shape or form. Entertaining that opinion, I have not seen any reason to depart from it, and I am in favour of the clause as it stands.

Hon. Sir MACKENZIE BOWELL—Then why should not the exemption apply to manufacturers as well as to those people ? Because if they do not do it unduly, they are in precisely the same position as the workman.

Hon. Mr. MACDONALD (P.E.I.)—If they combine for their own reasonable protection, they should not be subject to a penalty.

Hon. Sir MACKENZIE BOWELL—Cannot manufacturers do the same ?

Hon. Mr. MACDONALD (P.E.I.)—If they combine for certain purposes mentioned in the clause, they are liable to the penalty, but if they only combine for their own reasonable protection they do not incur any penalty.

Hon. Sir MACKENZIE BOWELL—Does that apply equally to the manufacturer ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Would that apply equally to a canning factory, or a lobster factory,—if they unduly combine they are subject to a penalty, but if workingmen unduly combine there is no penalty. If they do it unduly why should any class be exempt from the penalty ?

Hon. Mr. MACDONALD (P.E.I.)—I do not see that it exempts any except those who combine reasonably for their own protection as workmen or employees. That is quite consistent with the first part of the clause, which imposes penalties on certain parties for what should be offences punishable under the law, but I cannot see that there is any contradiction between that and the provision that persons should be exempt from penalty who only reasonably combine for their own protection as such workmen and employees.

Hon. Sir MACKENZIE BOWELL—But you exempt certain classes of people from those penalties. That is what I object to.

Hon. Mr. MACDONALD (P.E.I.)—It exempts them all if they do not contravene the law.

Hon. Mr. DeBOUCHERVILLE—Is there any probability of the House of Commons accepting this amendment ?

Hon. Sir MACKENZIE BOWELL—The rejection of our amendment by the House settles the matter. Then it goes back to the House of Commons with only one of our amendments adhered to. If, however, this amendment which I have moved should be carried, the Minister of Justice has intimated that the House of Commons will not accept it. If they send word to us to that effect, then a conference might be held, but I am not prepared to carry it to that extreme.

Hon. Mr. ALLAN—One wants to vote with some sort of consistency on those amendments. We were told, in the first instance when objections were raised to the amendments of the House of Commons, and we were disposed to insist on our original amendment, that if we did so the Bill would be lost. I, myself, in consequence of the strong representations made by the Minister of Justice, abstained from voting for the refusal to agree to the amendment of the House of Commons, and insisting upon our own amendment, with regard to the question of lotteries, as I was told by the hon. gentleman, not only here in the House, but in conversation afterwards, that he had reason to believe very strongly that that our amendment would not be agreed to in the House of Commons. Now, the second amendment the hon. gentleman himself has asked us to insist upon, and, as I understand, has ascertained that it would not be liable to miscarry in the House of Commons, but would be accepted by them. But we are told equally strongly that if we do not agree to the third amendment of the Commons—if, for instance, my hon. friend's (Hon. Sir Mackenzie Bowell's) amendment were to pass here, the Bill would be thrown out in the Commons. I do not want to have the Bill thrown out, but I am really at a loss to know what course to take.

Hon. Mr. MILLS—The House will remember we deferred pressing the consideration of this subject in order that I might have time to consult some of my colleagues in the

other House, and other hon. gentlemen, and I have found that, so far as the first amendment was concerned, my representation here was strictly accurate, that it would certainly endanger the Bill. Hon. gentlemen will remember that for several years there were certain art unions excepted out of the law, and the parties conducting them claimed that they were entitled to have a reasonable time to close up those institutions that have existed under the law. Then, with regard to the second amendment, in which we have persisted in the course that we took, I ascertained that there was a division of opinion in the House upon that question, and that there was no strong disposition to insist upon the amendment which the majority there had favoured. But with regard to this third amendment, to which so large a number of the labouring classes throughout the country attach great importance, certainly it would endanger the Bill to alter it as suggested here. In fact, I am quite certain that would defeat the Bill altogether.

Hon. Sir MACKENZIE BOWELL—All you have to do is to come here in future and say: 'You must not touch this legislation, because the House of Commons will object.'

Hon. Mr. MILLS—Not at all. It is quite reasonable that the House should say: 'We want certain things in a Bill and if we do not have them in the Bill, we will not proceed with it this session.'

Hon. Mr. POWER—The members of the House of Commons were probably under the impression that we proposed not to make any such amendment to our original clause as would allow the trades unions to come in. The hon. Minister of Justice had declared in his place in this House that he believed the striking out of that paragraph in clause 520 by this House, left the trades unions without any protection—that as this enactment was subsequent to the Trades Unions Act, it repealed the Trades Unions Act.

Hon. Sir MACKENZIE BOWELL—That is what he said.

Hon. Mr. MILLS—I say so now.

Hon. Mr. POWER—Now the Trades Unions Act applies to all organizations, whether temporary or permanent, of working people. We say by this amendment, moved by the leader of the opposition, that clause 520 shall not apply to any combination or organization which comes under the Trades Union Act, and if the House of Commons, under these circumstances, choose to say that they are prepared to wreck this Bill, rather than accept this amendment, and we are not to insist upon what we believe is right, for fear they may act in that way, then I think the independence of this House has gone.

Hon. Mr. MILLS—I ask the hon. gentleman to read this clause——

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman is going to re-open this question we will keep at it all day.

Hon. Mr. MILLS—The hon. gentleman has spoken more than once himself.

Hon. Sir MACKENZIE BOWELL—So has the hon. Minister of Justice.

Hon. Mr. MILLS—Then we should have a conference to see who should speak again. I want to call the attention of the House to this fact: My hon. friend behind me (Hon. Mr. Power) talks of wrecking the Bill on what is practically no difference in this regard, and he reads a clause from the Trades Unions Act, which, without a similar clause in this Bill, would be repealed:

> Nothing in this section shall be construed to apply to combines of workmen or employees for their own reasonable protection as such workmen and employees.

Will the hon. gentleman venture to say what there is in this except that an hon. gentleman in this House of eighty members wants to force another House of upwards of two hundred and the government and a number of senators to accept his own particular phraseology? Now, I say that that is preposterous. He ought not to insist on doing anything of the sort, and so I stand by the clause of the Bill as it is.

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

Contents:

Hon. Messrs.

Armand,	Lovitt,
Baker,	McKindsey,
Bernier,	McLaren,
Bolduc,	McMillan,

Boucherville, de (C.M.G.),	O'Brien,
Bowell (Sir Mackenzie),	Perley,
Carling (Sir John),	Power,
Clemow,	Primrose,
Dobson,	Sullivan,
Landry,	Vidal.—20.

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Macdonald (P.E.I.),	

Hon. Mr. DeBOUCHERVILLE—We have passed amendments to this Bill. An amendment has been passed accepting the first of January as the date for the Act to come into operation. I wish to read from May as to the rules of parliament. The extract is as follows :

It is a rule of both Houses not to permit any question or Bill to be offered which is substantially the same as one on which their judgment has already been expressed in the current session. This is necessary in order to avoid contradictory decisions, to prevent surprises and to afford proper opportunities for determining the several questions as they arise. If the same questions could be proposed again and again, a session would have no end, or only questions could be determined; and it would be resolved first in the affirmative and then in the negative, according to the incident to which all voting is liable.

But however wise the general principle of this rule may be, if it were too strictly applied the discretion of parliament would be confined, and its votes be subject to irrevocable error. A resolution may, therefore, be rescinded, and an order of the House be discharged, notwithstanding a rule urged, 'That a question being once made and carried in the affirmative or negative, cannot be questioned again, but it must stand as a judgment of the House.' Technically, indeed, the rescinding of a vote is the matter of a new question, the form being to read the resolution to the House and to move that it be rescinded, and thus the same question which has been resolved in the affirmative is not again offered, although its effect is annulled.

To rescind a negative vote, except in the different stages of Bills, is a proceeding of greater difficulty, because the same questions would have to be offered again. The only means, therefore, by which a negative vote can be revoked is by proposing another question, similar in its general purport to that which had been rejected, but with sufficient variance to constitute a new question.

I think this shows that the resolution can be rescinded.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. DeBOUCHERVILLE—The hon. Secretary of State thinks this does not apply.

Hon. Mr. SCOTT—No, certainly not.

Hon. Mr. DeBOUCHERVILLE—If it can be rescinded, the amendment must not be exactly the same as the first amendment—that is to refuse it pure and simple—there must be a difference in the amendment proposed, and I would propose the following amendment :

That this House agrees to the Bill coming into operation on the 1st January, provided that the clause which applies to the lotteries becomes law on the 1st September.

The great question is the question of lotteries, against which every religious institution and every respectable class of society are arrayed. The hon. Minister of Justice told us just now that they had conferred with their friends in the other House and that the Bill would be killed if we did not accept the first of January as the date.

Hon. Mr. MILLS—It is killed now.

Hon. Mr. DeBOUCHERVILLE—That is another question. The reason why the law, as we passed it in the Senate, was changed in the House of Commons, I was told, was that it did not give time to people to understand the new clauses in the criminal code, and therefore might expose them to prosecution for infringing the law. That is a very good reason, but nobody wants these lottery companies to continue in existence if we can stop them at once, and if this amendment was carried, and if the House of Commons accepted it, the effect would be to stop these lotteries. I would like to hear the opinion of the hon. Minister of Justice in regard to that.

Hon. Mr. SCOTT—It is a clear cut question. The House of Commons carried an amendment that the Bill should come into operation on the first of January. After debate this House concurred in the proposal that the first of January should be the date. Now, my hon. friend proposes, in some other way, to get rid of that vote and to negative the proposition which this House concurred in a short time ago. It would be revoking a deliberate vote of this House, and it would be absolutely impossible. It is a question for the other House now. They

adopted an amendment and we concurred in it, and I do not think there is any way of getting rid of it.

Hon. Mr. DeBOUCHERVILLE—I resumed my seat thinking the hon. Minister of Justice would answer the question which I put. The hon. Secretary of State has spoken, and when I was reading from May he said it did not apply. What I read says that a resolution can be rescinded. We accepted the amendment of the House of Commons and that resolution can be rescinded. We accepted the amendment of the House of Commons and that resolution can be rescinded, if I understand what I read from May. The hon. gentleman did not speak of that.

Hon. Mr. LANDRY—He is giving his usual answer.

Hon. Mr. DeBOUCHERVILLE—I am convinced the hon. Minister of Justice is against those lotteries in Montreal. If anything depends upon him, he will certainly take means to stop them at once.

Hon. Mr. MILLS—I stated to the hon. gentleman before that the undertaking to bring the Bill into immediate operation would imperil the Bill, and I also stated that to strike out the fifth amendment would also have a like effect. The House has disregarded my view on that question. The hon. gentleman has asked my opinion, but the majority of the House are not disposed to attach much importance to it, and under the circumstances, it would be quite improper for me to express any opinion. Hon. gentlemen see what has been done. I warned them as to what would be the consequences of the vote, and they, notwithstanding that statement, amended it in a way and amended it with regard to a particular clause that could have no other effect than to be personally offensive to myself who was in charge of the Bill.

Hon. Mr. POWER—With respect to the question raised by the hon. gentleman from Montarville, as a matter of procedure, I think there may be such a thing as the rescinding of a resolution, but as far as my memory goes, I have never known a case where the House solemnly adopted a course of action upon a Bill and the next day without any cause shown, rescinded that action. There should be some notice, but at any rate, as the matter now stands, I think the House ought to bear in mind its own position. The Senate have acted in connection with this matter in a perfectly reasonable way, and I think that the statements made and the reflections cast by the hon. Minister of Justice on myself and some other members of the House are not called for and not deserved.

Hon. Mr. LANDRY—Hear, hear!

Hon. Mr. POWER—This Bill went down from this House in a certain shape. It had been considered carefully by this House. The House of Commons made fourteen amendments to the Bill. The Bill came back with fourteen amendments. We agreed to eleven and disagreed to three. As to the first amendment, we did not disagree absolutely. We met them half way. The Bill would naturally come into operation upon receiving the assent of the Governor General, and the Commons amended it so as to provide that it should come into operation on the first of January. We said 'the first of September is a reasonable date. It will give every one time to become familiar with the provisions of the Bill' and that was partially agreeing with the amendment. Then the House of Commons declined to consider the reasons that we gave, because the reasons which they sent back here for adhering to their amendment are not reasons at all.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—They are not reasons which show that any serious consideration had been given to our action. We agree to their amendment with respect to the date. We agree to twelve out of fourteen amendments. As to the other two, we say as to one of them, we do not agree, and it was an amendment which we are told they did not set much store by. As to the other amendment, we meet them half way. We say 'We agree to your amendments with a modification,' and that modification is one which the hon. Minister of Justice has told us is substantially the same as their amendment. If, under these circumstances, the House of Commons, the majority of which is supposed to follow the government, persist in rejecting this Bill

because we have not gone the whole distance with them as to these amendments, then I think the responsibility is on the House of Commons and ought to stay there. I understand that the art unions and other associations have made a very persistent and vigorous canvas of the House of Commons against the coming into operation of the Bill before the 1st of January because their drawings are held every six months and it would cut the business off at once—the business not of the mischievous lotteries, but of the art unions as well. Therefore I think, in order to show that we are not unreasonable, and that we are prepared to give and take with the Commons, it would be better not to meddle with our decision of yesterday. It may or may not have been right, but we had better let it stand. There is no use in raising a further difficulty and spending more time.

Hon. Mr. MILLS—The amendment adopted by the Senate does not make any sense.

Hon. Mr. POWER—The hon. minister says the amendment adopted by this House does not make any sense. The hon. leader of the opposition moved that this amendment be inserted. It has to be inserted in place of the clause the Commons sent up. We all understand that. It will be remembered, when these amendments were under consideration the other day, that some days were taken to allow the clerk to put our reasons and the resolution into shape, and I do not think the Minister of Justice would be justified in taking advantage of a mere technicality of that kind—that it was not worded properly. The hon. leader of the opposition proposed to substitute that amendment for the amendment sent up by the Commons.

Hon. Mr. MILLS—I moved that the Senate did not insist on their disagreement to the fifth amendment made by the House of Commons to the said Bill, but that the Senate concurred in the said amendment. The hon. leader of the opposition moved in amendment the following:

> Provided that nothing in the foregoing clause shall be construed to apply——

That is a proviso added to the clause as it now stands. The amendment went on to say:

> Shall be construed to apply to any right now enjoyed by combinations of workmen or employees under the law now existing.

That will be an addition to section 520 as it stands. It was carried by the House.

Hon. Sir MACKENZIE BOWELL—I was unfortunately out of the House and did not hear the objection taken, but from the remarks which have been made, I should judge the hon. Minister of Justice has taken exception to the form of the amendment, and it should be remembered that I stated that it would have to be placed as an amendment and that we did not accept the amendment of the Commons. The motion should have been made in that way and I intimated that that would be the motion—the substance of what the motion should be, that it should read in this way:

> That the Senate does not insist upon its amendment to the criminal section so and so, but that the following be substituted in lieu thereof:

That is what I said when I made my remarks, and that is what I proposed in my introduction of that motion. I admit the irregularity, and if the hon. gentleman persists in not allowing it to be amended in that way, I shall take an opportunity that the following be added or be the prelude or introduction to it. It was drawn up in a hurry and I knew it was not strictly in accordance with the rule or the manner in which it should be put, but I explained that in my introductory remarks, and I never supposed for a moment that a technical objection would be taken to frustrate the will of the Senate. If the hon. gentleman persists in that, I shall ask the permission of the House at the proper time, before it is sent down to the Commons, to move that the Senate does not insist upon its amendment but that the following be substituted in lieu thereof——

Hon. Mr. MILLS—The hon. gentleman proposes to put another motion?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MILLS—Certainly this must be reconsidered before that is done.

Hon. Sir MACKENZIE BOWELL—What?

Hon. Mr. MILLS—The House has voted upon the motion, and it is a completed and final act, as much as any other motion that has been put. After the motion has been

put and carried, I submit it is not susceptible of amendment.

Hon. Sir MACKENZIE BOWELL—I admit the full force of the objection made by the hon. minister, and had I not supposed it would have been accepted when I made that explanation at the beginning of it, I would have taken good care to have it so worded. I admit the irregularity and I promise the hon. gentleman he will never catch me again in that way.

Hon. Mr. MILLS—I am not catching the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I would ask whether the House would consent to have it put in the regular form.

Hon. Mr. POWER—Better move for the leader of the House to do it.

Hon. Sir MACKENZIE BOWELL—It is sugested by the hon. Minister of Justice that the matter stand until to-morrow. I am quite willing that it should.

The further consideration of the amendment was postponed until to-morrow.

CHARLOTTETOWN AND MURRAY HARBOUR RAILWAY BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (182) 'An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour.'

(In the Committee.)

Hon. Mr. MILLS—This is simply a Bill confirming an agreement entered into with the provincial government. The hon. gentleman will remember that there was a Bill carried through the House last year, and in that Bill it was provided that the local government of Prince Edward Island should contribute annually towards the construction and maintenance of this bridge a sum of $12,000. Two members of the local government met the Minister of Railways here and considered the matter, and the Minister of Railways and the local government agreed that $9,700 should be the amount with which the government of Prince Edward Island should be charged, instead of $12,000. So that under the terms of this Bill the provincial government is being charged for this structure $2,300 less than the amount mentioned in the Bill of last year.

Hon. Mr. FERGUSON—When we had the bridge Bill before us last session, it provided for a contract to be entered into for the construction of the bridge jointly with the provincial government, the local government to contribute $12,000 towards the construction of the bridge in perpetuity. It was then estimated that the bridge was to be a very expensive structure, much more expensive than it is now estimated it should be. I am aware that the hon. Minister of Marine and Fisheries, during some of the discussions that took place in the province in the autumn of last year, submitted a plan which he said was to be the plan of the bridge, and which he said he had worked over three very hard days at Moncton in completing. It was in an election contest, and at a public meeting that he made this statement. I am very well acquainted with the hon. gentleman's handwriting, and I looked carefully over the plan to see if I could find any evidence of his work on it, but I failed to discover that he had put any work on that plan. However, I think this is not the plan he submitted. At that meeting he submitted a plan and told the people that a very complete or perfect structure was to be erected to supply the wants of the province for ordinary traffic as well as a railway bridge, that it was to be of sufficient width for vehicles as well as for railway trains. It turns out now from the plan we have, that a very much cheaper structure is being proposed. I am not going to say that the bridge that is now proposed to be built is not adequate. I think, in view of the railway traffic that will be carried over that structure, and considering also the passenger traffic, that the bridge as proposed, will be found to be ample for both purposes; but the point I wish to take is this, that when the government decided on building quite a narrow bridge, and one which admitted only one passage for cars and vehicles, and giving only the right for vehicular traffic when railway trains were not running, of course closing the bridge to horses and carriages when trains were due or expected, and if they happened to be late shutting up traffic

for a very considerable period in each day, or two or three times in a day—when I come to consider that that is all that is going to be done, I must say I think that a lesser contribution than $9,780 should have been required from the province. There is another point which has agitated public opinion in Prince Edward Island a good deal with regard to the site of the bridge. It was the desire of the people, and of the provincial government, that the bridge should terminate at the foot of Cumberland Street, on the Charlottetown side, and one of the strong reasons set forth in favour of that terminus of the bridge instead of the old shipyard point, a very considerable distance out of the town, was this: the tolls that the provincial government will be entitled to collect on the vehicular and foot traffic will be diminished very considerably by starting from Shipyard Point. It will cut down the passenger traffic to a small amount, because the bridge does not touch at the little town of South Port, nor come directly into Charlottetown, but connects Shipyard Point with Mutch's Point, and while it will answer quite as well for horses and carriages, and perhaps better for railway purposes, it will have the effect of cutting away to a very small point altogether the tolls that will be collected by the provincial government for passenger traffic upon the bridge. Taking all these things into consideration, that the provincial government are obliged to keep the platform of the bridge planked, and keep the bridge lighted for their own purposes, which will serve for the railway also, although the railway is bound to keep it lighted when trains are passing—putting all these things together, the cheapened character of the bridge, the diminished cost to the federal government in building the bridge, the landing of the bridge at both sides, especially the Charlottetown side, at an inconvenient point for provincial purposes.—it seems to me that a very hard bargain has been made with the provincial government in calling upon them to pay so large a sum as $9,780 annually. I think a fair estimate of the different services to be drawn from the bridge by both parties—the location of the bridge and its adaptability for railway purposes, and its adaptability for pedestrian traffic, the fact of the bridge being made narrower, so that horses can use it only when it is not wanted for trains—putting all these together, the province should not have been called upon to give so large a contribution. I am of the opinion that, on account of the erection of this bridge as it is, so far up the river, the provincial government will have to incur expenses still for a ferry between the city and South Port. That being so, it puts the matter in a different position from a year ago. Although the amount the provincial government had to pay was larger, there was a better service for the province.

Hon. Mr. MILLS—The bridge is estimated to cost $837,000. I do not know how many railway trains run over it in a day. Perhaps the hon. gentleman can tell me now?

Hon. Mr. FERGUSON—There is no railway there now.

Hon. Mr. MILLS—The hon. gentleman knows the bridge would not be occupied twenty minutes out of the twenty-four hours by the railway.

Hon. Mr. FERGUSON—Trains sometimes are delayed.

Hon. Mr. MILLS—Delayed or not delayed, the fact is an immense sum is charged against the treasury of the Dominion, considering the use that will be made of the bridge for railway purposes, as compared with the use that will be made of it for pedestrians and ordinary vehicular traffic. I think that the Department of Railways has gone a long way in consideration of the revenues of the province in the arrangement which has been made.

Hon. Mr. MACDONALD (P.E.I.)—I agree with the remarks of the hon. gentleman from Marshfield respecting this bridge. The only observation I desire to make is on all fours with what he has said, that the federal government has made a very hard bargain with Prince Edward Island in the charge they are making for the limited use which the people of the island will make, outside of the use that the railway makes, of that bridge. If the bridge had been placed where it was originally proposed, directly from the city across to the town on the opposite side, it would have been but

reasonable to have charged what was proposed in the original scheme, but now, since it is removed to a less convenient place and is made smaller, it is a serious tax on the people of Prince Edward Island to pay for all time. It is true they have a right to collect tolls on the bridge, but we know very well what has been the result of all toll bridges, or nearly all toll bridges in Canada. In a short time an agitation is got up to drop the tolls, and they have to forego them. I have no doubt that will come to be the case with the bridge at Charlottetown, and when we take into consideration the large claim which Prince Edward Island has against the federal government, I think it would have been but reasonable if the federal government had striken out any charge against the provincial government for the use of that bridge for vehicular traffic, considering the limited resources of the province, and the large claims it has against the federal government.

Hon. Mr. CASGRAIN (de Lanaudière), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

TRADE DISPUTES CONCILIATION BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (187) 'An Act to aid in the prevention and settlement of trade disputes, and to provide for the publication of statistical industrial information.'

(In the Committee.)

Hon. Mr. SCOTT—This Bill is a purely voluntarily one on the part of all interested in it, and I presume it would not be regarded as a contentious measure in any sense. It is copied from the English Act, of 1896, which has been found to work fairly well. Two objects are in view—the establishing of a board of conciliation and the publication of a labour gazette, which is also non-contentious. In this labour gazette it is proposed simply to record the incidents that are of interest to the labour community, the wages paid in various parts of the country, the number of men employed in the various industries, and subjects of that kind.

On subsection 2 of clause 3.

Hon. Mr. MACDONALD (P.E.I.)—I see that boards are to be registered, but it does not say what means are to be taken to establish a board.

Hon. Mr. SCOTT—They are purely voluntary boards that may be established from time to time in any locality where they have a sympathy with the men, and in order to avoid strikes.

Hon. Mr. LANDRY—Is the number determined ?

Hon. Mr. SCOTT—No. They can be formed anywhere and on any occasion.

Hon. Mr. LANDRY—How many people form the board ?

Hon. Mr. SCOTT—There is no limit to the board. There may be three or more ?

Hon. Mr. LANDRY—Or a thousand.

Hon. Mr. SCOTT—Not likely. The object is a very good one, as every hon. gentleman will admit. It is well recognized that when disputes arise between large bodies of men and employers, each side becomes aggressive, and it is impossible, unless some third person intervenes and suggests some proposition for a settlement, for a settlement to take place. We know disputes go on from week to week and month to month and get worse, and only through the influence of other persons with tact and diplomacy are they settled. We had an illustration of that in British Columbia recently. The men went out and remained out. We selected a gentleman who was known to have very strong sympathy with working men, a barrister in Toronto, Mr. Clute, and after he had been there a short time he induced them to come to an arrangement. It is on that principle it is proposed to establish these boards of conciliation. They are found to be very valuable in England, and it is to be hoped they will prove equally valuable in this country. Another instance which is probably in the recollection of hon. gentlemen : a few years ago a big strike took place in London—a very serious strike affecting the shipping of that port. The dock labourers had hung out for a long time. Finally

Cardinal Manning was asked to intervene, and simply by making representations to one side and to the other, he finally got them to agree to a settlement. It is found by experience that where men are diplomatic and conciliatory in their tone, they effect settlements of that kind. It is to be hoped that by invoking boards of a similar nature in this country we may be able to settle strikes. They do not often occur, I am glad to say, in Canada, but it is well to be forearmed in case they do occur.

Hon. Mr. ALLAN—It is purely a voluntary matter ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—There is no sanction at all.

Hon. Mr. SCOTT—No, the board is registered by a minister of the government who is particularly charged with carrying it out, and there is a gazette published in connection with it, which simply records the rate of wages paid in the different parts of the country and the number of men employed in the different lines—information that is useful to the labouring classes.

Hon. Mr. LANDRY—I suppose when two of these contesting parties apply to the minister, the minister appoints the arbitrators ?

Hon. Mr. SCOTT—He appoints one.

Hon. Mr. LANDRY—And an investigation goes on and a settlement is arrived at ; but supposing one of the parties refuses to be bound ?

Hon. Mr. SCOTT—That ends the matter.

Hon. Mr. LANDRY—There is no compulsion about it ?

Hon. Mr. SCOTT—No.

Hon. Mr. CLEMOW—It is to be a government institution ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CLEMOW—Under the control of the government.

Hon. Mr. SCOTT—Yes, as far as making returns to the government is concerned.

Hon. Mr. CLEMOW—Is there any way of forming rules and regulations and by-laws ?

Hon. Mr. SCOTT—They make their own rules and regulations for it.

Hon. Mr. CLEMOW—Is it only for boards already established ?

Hon. Mr. SCOTT—Or which may be established.

Hon. Mr. CLEMOW—Will they all join together and make a general conciliation board ?

Hon. Mr. SCOTT—There are none yet formed.

Hon. Mr. FERGUSON—I should like one point explained. The Bill provides for the selection of a minister who shall have charge of conciliation matters generally, as provided for in the Bill, and he may appoint a conciliator or conciliation board, but I notice that section 3 applies to any boards established, either before or after the passing of this Act. That must refer to recognizing some boards that are now in existence.

Hon. Mr. SCOTT—If there are any.

Hon. Mr. FERGUSON—Are there any boards answering this description ? I thought we were really creating some machinery for effecting harmony between workmen and their employers, but we are recognizing something which is already in existence.

Hon. Mr. SCOTT—There may be in different parts of Canada boards which take a special interest in avoiding strikes and who makes it their duty to see the workmen and the employers in order to prevent the strikes.

Hon. Mr. FERGUSON—There must be some idea that there are such boards in existence.

Hon. Mr. SCOTT—There is no restraining of them, and they are not recognized.

Hon. Mr. FERGUSON—Is it not rather irregular to be proposing to legislate that some persons may set up a claim to be authorized in this capacity ? Would it not be better that the power should start with this Bill to create a board, and not have contentions come in from people throughout the country that they have some organization already ? I do not quite understand why we should do that. If there is no such thing in existence, why should we recog-

nize the possibility of there being such an organization, and if parties can come up and claim to act under the authority of the minister without being appointed by him, it would be irregular.

Hon. Mr. SCOTT—If there are any volunteer associations of that kind to come under this Bill, they will send to the minister their constitution and by-laws and they become registered under this Act. You would not shut out any associations now if there are any.

Hon. Mr. LANDRY—We have in the province of Quebec a conciliatory board, or tribunal, formed by law. We have a law which constitutes a provincial board of conciliation.

Hon. Mr. FERGUSON—That is what is meant.

Hon. Mr. LANDRY—I do not know if the question of provincial rights arises in that matter. Are we to have two laws, one by the Dominion and one by the province ?

Hon. Mr. SCOTT—If there is any provincial law, this does not in any way interefere with it. If you have any body of men organized as a conciliation board, and they choose to come in under the statute, they may do so, and if not, they need not.

Hon. Mr. LANDRY—In the province of Quebec it is compulsory. No man can sue in the courts now for an amount over a certain figure without taking the first steps in the way of conciliation before those boards, and if conciliation cannot be reached by these boards, then he is at liberty to sue before the ordinary courts ; but in the Bill presented to-day, suppose two parties are willing to try conciliation, if they do not succeed, if one refuses, what then ?

Hon. Mr. SCOTT—Then they are just where they were before.

Hon. Mr. LANDRY—There is no sanction at all ?

Hon. Mr. SCOTT—No.

Hon. Mr. ALLAN—Supposing two parties, between whom there had been some dispute, agree to refer the dispute to this conciliatory board, or conciliator, whichever it is, and the whole case is gone into and they sign the memorandum of agreement, then does the hon. minister mean to say that, if all that is done, the whole case gone into and the conciliatory board give their decision, that the parties are not bound by it, that they can accept it or reject it as they please ?

Hon. Mr. SCOTT—If they have signed any agreement, it will be for the law to take cognizance of that agreement. Then it is outside of this Bill altogether.

Hon. Mr. ALLAN—If a settlement of the difficulties is effected, either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives and a copy thereof shall be delivered to and kept by the minister. Supposing one party backs out, is there any means of enforcing it ?

Hon. Mr. SCOTT—No other means than under the laws of the particular provinces.

The clause was adopted.

On clause 4,

Hon. Mr. POWER—What are these clauses taken from ?

Hon. Mr. SCOTT—From the British Act of 1896, and the only difference is that the word 'minister' is substituted for the expression 'board of trade.'

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—Under this clause they would have power to take evidence under oath.

Hon. Mr. MACDONALD (P.E.I.)—It gives a further power to appoint commissioners to hold inquiry apart altogether from the conciliation board.

Hon. Mr. SCOTT—Yes, but all parties have acquiesced in it.

Hon. Mr. MACDONALD (P.E.I.)—It authorized the appointment of a commission for the purposes of this Act apart from the conciliation board.

Hon. Mr. SCOTT—Where all parties request it and communicate in writing to the minister that they desire it and where they want to inquire into fact and circumstances.

Hon. Mr. MACDONALD (P.E.I.)—It may be only where they require it, but I rather

think this measure is giving a good deal of power, and it may entail a good deal of expense on the government to carry it out. The Secretary of State referred, during the consideration of one of the first clauses of the Bill, to an inquiry which had been made in British Columbia a short time ago and which I observe by the papers cost some several thousand dollars. It is just possible that under this section a similar inquiry might be instituted which would cost an equal amount of money.

Hon. Mr. SCOTT—It would be money well spent.

Hon. Mr. MACDONALD (P.E.I.)—If people were dissatisfied with the wages they were getting in any place, and they made an application to the government, the government is authorized to appoint a commission and hold a further inquiry, and it means also the expenditure of a very large sum of money possibly to carry it out. It may be it will have a good effect, but I think it is a clause which should be closely looked into.

Hon. Mr. SCOTT—I venture to say, in reference to the strike in British Columbia, that there was a million dollars lost. Some mining stock went down 50 per cent.

Hon. Mr. POWER—Perhaps the hon. Secretary of State would communicate to the committee the clause of the English Act of which clause 7 is a copy.

Hon. Mr. SCOTT—Parts of that clause could not be in the English Act. It is not a clause that there could be any objection to. It is only where both parties desire it. They apply to the minister for the issue of the commission in order that those facts and circumstances may be inquired into. Nothing can be more reasonable. Then our Act steps in and a commission of that kind can be issued and the commissioners can be authorized to take evidence under oath.

Hon. Mr. CLEMOW—Supposing a trumped up claim is made.

Hon. Mr. SCOTT—That is for the commissioners.

Hon. Mr. CLEMOW—The government is proposing to provide a commission spending a large sum of money where possibly the party may be in error and should not have asked for the commission at all. I think there should be some penalty where a man makes a false statement.

Hon. Mr. SCOTT—It is only where both parties agree.

Hon. Mr. CLEMOW—They might trump up a claim. I think there should be a provision, where a claim is set up without cause, that some party should be made liable.

Hon. Mr. POWER—Who appoints the conciliatory board ?

Hon. Mr. SCOTT—The minister.

Hon. Mr. POWER—It is to be hoped that we will not be told that we are doing an outrageous thing if we criticise this measure. I think clause 7 is open to some criticism and that is the reason I asked to see the section of the English Act of which this is a copy.

Hon. Mr. SCOTT—That section could not be a copy of any clause of the English Act.

Hon. Mr. POWER—Not an exact copy. Clause 7 reads :

> If, before a settlement is effected, and while the difference is under the consideration of a conciliator or conciliation board, such conciliator or conciliation board is of opinion that some misunderstanding or disagreement appears to exist between the parties as to the causes or circumstances of the difference, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the members of the conciliation board, as the case may be, communicates to the minister such desire for inquiry.

I call attention to the fact that this originates with the conciliator who has been appointed by the minister. The clause continues :

> —and if the parties to the difference or their representatives, in writing consent thereto, then, on his recommendation, the Governor in Council may appoint such conciliator or members of the conciliation board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the Act respecting inquiries concerning public matters, to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which under the said Act may be conferred upon commissioners.

That clause is open to a certain danger. This conciliator is appointed to try and make a settlement, and he finds that there is a difference, some misunderstanding, and he thinks it would be a good thing to issue a commission. Apparently the commission

would be issued, in all probability would be issued to the conciliator, because he is the first person mentioned. And the conciliator, who may not have any regular occupation, thereby creates a job for himself. He is appointed as commissioner under this Bill, to inquire into a certain matter, and he receives fees for doing so. Perhaps there is that provision in the English Act, but I should like to be quite sure there was before we sanction it here. If the parties ask for an inquiry of that kind, it is well enough, but the conciliator is the man who originates it and obtains the consent of the parties.

Hon. Mr. MACDONALD (P.E.I.)—If the conciliatory board is to be of any benefit to the people who have differed, their decision should be final.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MACDONALD (P.E.I.)—It should not be necessary then that they should appoint any commission to settle the matter. If there is a conciliation board and both parties are represented on that board, and there is a conciliator appointed by the minister their decision should be final without the appointment of a further commission on their application.

Hon. Mr. LANDRY—They choose their own tribunal. Let them accept its decision.

Hon. Mr. SCOTT—I have the English Act here, and I do see a clause in it corresponding to clause 7. There are a number of Acts referred to in the English Act. 'The Council of Conciliation Act.' and the 'Arbitration of Masters and Workmen Act.'

Hon. Mr. MILLS—There is a difference between the English law and this law. This is on the lines of the English law, but in the English law all legislative power is vested in parliament, and they can confer whatever powers are necessary. Here property and civil rights are under the control of the local legislature, and there is no coercive power bestowed by this parliament in respect of such matters at all. Where boards of conciliation are established; they act simply as friendly intermediaries between the disputants. They cannot exercise any coercive power whatever. It is not intended that they should possess such powers.

Hon. Mr. LANDRY—Then this Act is quite useless.

Hon. Mr. MILLS—Not useless, because recently we appointed a commission and sent men to British Columbia, and we were immensely successful there, although we conferred no coercive power upon the commissioners. The result was, their minds were open and terms of agreement were arrived at between the mine-owners and the miners, and the result is all the mines are in operation.

Hon. Mr. LANDRY—Does the hon. gentleman think the government or parliament has a right to send a conciliator to one of the provinces where there is already a similar existing law?

Hon. Mr. MILLS—If there is a similar existing law under the jurisdiction of the province, the probability is it would be unnecessary to send any one.

Hon. Mr. LANDRY—That is not the question. I am asking if the government have a right to send a man to these provinces. Of course, the minister might not exercise his right because he thinks it is not necessary, but I wish to know whether the minister has a right to send a conciliator to a province where a similar law is in existence?

Hon. Mr. MILLS—If we choose we may do so.

Hon. Mr. MACDONALD (P.E.I.)—Why should not the board of conciliation take this evidence and hear both sides of the case? There is a commissioner appointed under a previous clause of the Bill, who is to act with the board, and I do not see why in that case, it is necessary to appoint a further commission in order to hear and decide a case.

Hon. Mr. SCOTT—There is no objection to clause 7.

Hon. Mr. LANDRY—There is an objection to the whole Bill.

Hon. Mr. COX—I should not like to accept this clause without understanding it better than I do at present. It appears to me it might work a great hardship. I should think if that clause were left out of the Bill it would accomplish what it was intended to accomplish. The word 'con-

ciliation' means getting the parties together and adjusting their differences. That is all the power conferred by this measure. There is nothing compulsory. If clause 7 were adopted, and a commissioner were appointed to make inquiry under oath, then what could they do ?

Hon. Mr. SCOTT—Nothing at all.

Hon. Mr. LANDRY—They would only have the power to gain the money.

Hon. Mr. POWER—It does seem to me that, if the conciliator is an intelligent man, and he finds there is a misunderstanding, he can explain that misunderstanding without having to issue a commission to take evidence under oath.

Hon. Mr. SCOTT—It is only where the parties themselves disagree as to the circumstances. If the commissioner takes evidence under oath the parties can accept the evidence just as a judge accepts it. It cannot be enforced in any sense. It is simply for the information of the parties who are differing about it. It cannot possibly do any harm.

Hon. Mr. LANDRY—They are not bound to accept it ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—If they do not accept it ?

Hon. Mr. SCOTT—Then it drops.

Hon. Mr. MACDONALD (P.E.I.)—Why should not the minister be empowered to take the evidence under oath instead of appointing a further commission ?

Hon. Mr. SCOTT—We had better pass that clause over. The Bill has been drawn by the Postmaster General, who has taken a good deal of interest it, and I will see him with reference to it.

The clause was allowed to stand.

On clause 11,

Hon. Mr. LANDRY—What are the expenses referred to in this clause ?

Hon. Mr. SCOTT—I understand the House of Commons has voted $10,000, for the year for the carrying out the provisions of clause 11. There is the printing of the labour gazette, which gives statistics of labour.

Hon. Mr. LANDRY—These expenses relate to the printing ?

Hon. Mr. SCOTT—There will be other expenses, no doubt. We had to pay Mr. Clute's expenses to British Columbia.

Hon. Mr. FERGUSON—Do I understand the provision that is made for carrying the law into effect is $10,000, in the estimates ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I have heard gentlemen say it was a harmless Bill, and I fully agree with that remark if that is all that is intended to be spent in carrying it out, because if clause 10 is carried out, $10,000 would be a mere bagatelle. We require agricultural statistics, and we have long been crying out for them, but we could not get the Minister of Agriculture to move for them.

Hon. Sir MACKENZIE BOWELL—I understand there is a bureau of statistics to be established, principally under the control and management of the Minister of Customs and that he is to carry out this idea. This is a subject which has been under the consideration of the government of Canada for the last ten years—the congregating together of all the statistical clerks in the different customs departments in all parts of the province, and have the statistics compiled here. That would apply only, I take it, to the trade and commerce of the country, and in order to enable the minister to compile his annual reports, this labour bureau to obtain the statistics in relation to labour would have to be a special provision, and it would be well, when inquiring about clause 7, to inquire what department they propose to establish, because it would cost more than ten thousand dollars unless it was done much cheaper than governmental matters are generally carried out.

Hon. Mr. MILLS—There is nothing in this regard to establishing bureau statistics. The $10,000 is for the collection of labour statistics in the publication of a labour gazette similar to that in England.

Hon. Mr. YEO, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

BILL INTRODUCED.

Bill (171) 'An Act respecting the Central Vermont Railway Company.' (Foreign.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 12, 1900.

The Speaker took the Chair at 11 a.m.

Prayers and routine proceedings.

CENTRAL VERMONT RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McKAY, from the Committee on Standing Orders, to whom was referred Bill (171) 'An Act respecting the Central Vermont Railway Company (Foreign),' reported that sufficient cause had been shown why the usual notices had not been given in respect to this Bill.

Hon. Sir MACKENZIE BOWELL moved that the 54th rule of the Senate be dispensed with in so far as it related to this Bill.

Hon. Mr. McKAY—The Committee on Standing Orders have found that, during the present session, there has been great laxity in complying with the rules of the Senate with regard to bills coming before this House, and more particularly with regard to petitions being presented to the House. The promoters of Bills appear to think that all they have to do is to come and apologize to the committee and they will get anything through.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. McKAY—That has been done generally this session, but the committee have expressed a determination that in future the parties promoting bills will have to comply with the rules strictly or else they will suffer the consequences.

Hon. Sir MACKENZIE BOWELL—I think the majority of the House will concur with the remarks of the Chairman. There has been a good deal of laxity in carrying bills through the House, without insisting upon compliance with the rules. The present case, however, is somewhat exceptional. The object which this company have in view is the amalgamation of certain railways in the province of Quebec, and this Act is necessary in order to enable them to carry it out. But the agreement between the Vermont Central, the Grand Trunk and others interested was not completed until a very short time ago, and consequently they were not in a position to present their petition at an earlier date. I have no doubt these were the facts which were placed before the Committee on Standing Orders, that induced them to make this report. I move that this Bill be placed on the Orders of the Day and read the second time presently.

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

THE DISMISSAL OF LIEUT.-GOVERNOR McINNES.

INQUIRY.

Hon. Mr. TEMPLEMAN rose to

Call the attention of the Senate to the correspondence laid on the Table which has taken place between the Premier, Secretary of State or any other member of the government and the Lieutenant-Governor of British Columbia, having reference to the dismissal of Premiers Turner and Semlin by the said Lieutenant-Governor, and the calling upon Mr. Robert Beaven, Mr. Joseph Martin, or any other person to form a cabinet; together with all reports, orders in council or other documents referring to the said dismissals and formation of such cabinets. And inquire if there is any further correspondence on the said dismissals?

He said: It is not my intention to make any remarks in reference to this notice of motion which I have placed on the Order Paper, but it was rather my desire to elicit from the hon. Minister of Justice his view and the views of the government on the constitutional question that is involved. The question is a very important one, and I am sure the House and the country desire to hear the views of the hon. Minister of Justice on this matter.

Hon. Mr. MILLS—The inquiry of the hon. senator is quite proper under the circumstances. The removal of the representative of the Crown from the government of the province, under the authority conferred by the British North America Act, is an important step which ought not to be taken without full consideration, and the reasons for which it is necessary, under the law, to communicate to both Houses of parliament. The reasons for the removal, which should be laid on the Table of each House, have already been submitted to parliament in the way the law requires. The statement is brief, but accurate, and one which comes strictly within the spirit and intention of the statute. Since His Honour Lieut.-Governor McInnes has been

removed from his official position in British Columbia, he has made complaint that a meddlesome oversight was exercised by the federal government, which led to all the difficulties which have arisen in British Columbia, which seriously interfered with his liberty of action, and which will account for the political unrest that prevails within that province. The statements call for careful consideration, and I think the House will come to the conclusion that they are altogether without foundation. The federal government did not in any way interfere with Lieut.-Governor McInnes. The Hon. Secretary of State, upon his own responsibility and unofficially, did write to the Lieut.-Governor of British Columbia, pointing out to him the dangerous path upon which he had entered, and warning him as to the consequences which might flow from the unconstitutional course which he was inclined to take. I need not say anything further upon that subject, as my hon. friend and colleague has already laid before the House the private and confidential correspondence which he has had with Lieutenant-Governor McInnes.

Let me bring under the attention of the Senate what His Honour did since he has been Governor of British Columbia. He has had no fewer than five prime ministers. Four of these have succeeded in forming cabinets, and all this has happened within the very brief period for which he was Lieutenant-Governor. When he entered upon his duties as Lieutenant-Governor, he found a government already in existence, of which Mr. Turner was the head. That government went to the country shortly after Mr. McInnes became Lieutenant-Governor; and after the elections were over, and without waiting for a meeting of the legislature, he dismissed his ministers. This was certainly a high-handed proceeding under the circumstances, for, at the time, the supporters and opponents of the government were very nearly equally balanced, and it would have been a reasonable thing to have complied with the request of His Honour's advisers and to have permitted them to meet the legislature and to have allowed the legislature to decide whether they were entitled to the continuance of public confidence or not.

Hon. Sir MACKENZIE BOWELL—May I ask if the first Turner administration were not dismissed from office, before the result of all the elections were known?

Hon. Mr. MILLS—I think there were two members that had not been returned. That is my recollection. The modern practice is for the Crown to leave the question of making or unmaking an administration to the legislature upon whom those ministers are depending, and in which they are supposed to have seats. The Turner government, I think, were entitled, when they said they believed they had a majority in the legislature, to retain office until that legislature could be called together. The legislature should, however, have had an opportunity of pronouncing an opinion of confidence or non-confidence in that administration. It is true, the practice has grown up in recent times, both in England and in this country, for a government that has been decisively defeated at the polls to retire from office, without waiting for the meeting of the legislature; but this is in every instance, both in the United Kingdom and in this country, the act of the advisers of the Crown themselves, and not the act of the Crown. And if the government of Mr. Turner desired to meet the legislature before retiring from office, it was its constitutional right to do so. It was open to His Honour to have insisted upon an early meeting, if he believed the government to have been defeated at the polls; so that the legislature itself, might decide whether it had confidence in that administration or not. But His Honour did not give the legislature an opportunity of expressing any opinion upon that government, but upon his own motion, and his own responsibility, he dismissed them from office.

The next step of His Honour was to call upon Mr. Robert Beaven, who was not a member of the legislature at all, to form an administration. Beaven undertook this task, and signally failed, and was compelled to resign into Mr. McInnes' hands the duties with which he had been entrusted, and which his failure shows ought never to have been committed to him. This assembly had just been returned, and it was a most extraordinary course, for the Lieutenant-Governor to take, to seek for a Prime Minister wholly outside of the provincial legislature which had just returned from the people, in which all of the ministry whom he had recently dismissed had seats.

In the third place, Lieutenant-Governor McInnes called upon Mr. Semlin to form an administration. Mr. Semlin, in forming his government, embraced prominent men of both parties, who had agreed upon a certain line of policy for the province, and who commanded, for the time being, a majority in the legislature. And by this act the mistakes which had been made in the dismissal of the Turner government, and in calling upon Mr. Beaven, were perhaps, obliterated. Afterwards, a dispute arose between the members of Mr. Semlin's administration, which led to the dismissal of Mr. Martin, who was Attorney General in that government. This, to some extent, weakened the administration, and led, during the following session, to the defeat of the government of Mr. Semlin by a majority of one. I understand negotiations at once took place between Mr. Semlin and some of those who had voted against him on this motion, and as the result of their discussion of public matters, they agreed to give him their support, and in fact they did sustain him subsequent to his defeat by a majority of seven. Mr. Semlin, as the result of this understanding, communicated to the Lieutenant-Governor the fact that he was able to carry on the government with the sanction of the legislature, as it then existed; but before the meeting of the House, on the day to which it stood adjourned, Mr. McInnes dismissed the Semlin ministry, and called upon Mr. Martin, who had not a supporter in the legislature at the time, to form an administration. The action of the House, and its reception of the Lieutenant-Governor, upon learning what had transpired, show what its judgment was upon the cabinet of the Lieutenant-Governor.

His Honour complains that the province has, for a period of ten months been in a condition of political unrest, and that this condition was due to the political uncertainty which had been brought about by federal interference. He complains that the federal government, by an unwarranted exercise of its power, against which he had protested, forbade him to interfere at the time when his ministry was about to summon a meeting of the legislature, and that the advice that was given him from Ottawa, at one time, was contradictory of that which had been given to him at another. He complains that, at one time he is told to follow the advice of his ministers, and at another he is told to take a different course. The federal government never interfered with him, never advised him in respect to the matters about which he makes complaint. It was no doubt His Honour's duty to follow the advice of his ministers when he had an administration having seats in the legislature and enjoying its confidence. The Secretary of State wrote to him unofficially, and as a friend, to warn him against taking an unconstitutional course. When the Lieutenant-Governor sought to compel his ministers to dissolve a legislature just elected, or to call a meeting of that legislature in midsummer, after it had its session in January, contrary to the wishes of his ministers, and when no public business was ready for its consideration, his action was, to say the least, unusual. What was the object? Upon whose advice was the Lieutenant-Governor proceeding in thus undertaking to force his ministers to choose between dissolving the House, calling a meeting of the legislature in midsummer, or retiring from office? Then, again, when His Honour proposed, at the instance of his advisers, five of whom had never sat in parliament, to delay the elections to a much later period than that at which it was possible to hold them, he complains that the Secretary of State advised him to insist upon an immediate election. Did he see no difference between accepting the advice of men who had a legislative body behind them, of which they were all members, and the advice of men, but one of whom was a member of the legislature, and the remaining five never having had seats in the legislature at all, who were carrying on the executive government without any responsibility to the legislature, and who were advising him to protract this state of things? It surely was of the first consequence that elections should be had, and that when he assumed to go outside of the legislature to find advisers, he should see that they found seats as soon as possible, and that the usual relations between his constitutional advisers and the legislative body of the province, was at the earliest possible moment established.

From what I have stated, it will be seen that had Lieutenant-Governor McInnes followed constitutional usage, he would, under

the circumstances, have allowed the Turner government to meet the legislature, and to have given the legislature the opportunity of pronounncing upon the fate of that government, the more especially as the legislature was fresh from the people, and must have then been held to be a fair representative of the public opinion at the time. His calling upon a man who was without a seat in the legislature at the time, and who utterly failed to induce any parties in it to join him, was a reflection upon his own political sagacity, and judgment; and in denying to the government of Mr. Semlin, when he was informed that it could command a majority of the legislature, the opportunity of going on with the public business, and unnecessarily forcing a new election upon the country, without any of those indications which usually guide the chief magistrate under our constitutional system in coming to a conclusion, as to whether public opinion has or has not withdrawn its confidence from his constitutional advisers, was a most improper proceeding.

Let me here briefly invite the attention of the House to the principles of the unwritten constitution in respect to the relation subsisting between the advisers of the Crown and the Crown's representatives in a province or dependency of the empire. In principle, there is no difference in the relations which subsist between the advisers of the Crown and His Excellency here at Ottawa, and the advisers of the Crown and the Lieutenant-Governor in each of the provinces. There may be a great difference in the degree of importance of the places which they hold, and in the importance of the matters with which they are called upon to deal, but the principles which settle the relations that subsist between the Crown and its advisers in each, are precisely the same. This is shown by several decisions of the Judicial Committee of the Privy Council. In the case of the Queen vs. Burah, in the case of Powell vs. Appollo Candle Company, and in the case of the Queen vs. Hodge, you find the Judicial Committee of the Privy Council laying down precisely the same doctrines. The first is a case from India; the second is a case from Australia; and the third is a case arising in the province of Ontario. And in each of these the doctrine laid down by the Judicial Committee of the Privy Council is, that the powers possessed by neither are delegated powers, but are inherent sovereign powers. The Crown in each is the fountain of executive authority, and wherever parliamentary government is established that authority must be exercised according to the principles which govern in every dependency of the empire where parliamentary government has been introduced. The relation between the Crown and the legislature is the same in a province of this confederation, as in the United Kingdom, and must find expression in the same way.

Now, since 1834, no instance has arisen in which the Crown has ventured to dismiss a ministry, in the United Kingdom, and no instance exists in this country since the establishment of our union, in which the representative of the Crown here at Ottawa has dismissed his advisers. The Crown has for more than sixty years acted upon the assumption that the work of making and unmaking ministries should be left to parliament. There are several instances in which the Crown may constitutionally dissolve the House of Commons or the legislature. In the first place, when the ministry gradually loses its support in the House, until the majority of the members of the House are found voting against it. Then the Crown may either accept the resignation of the ministry, if such resignation is tendered, or it may dissolve the legislature upon their advice, and leave the question of difference between the legislature and the ministry to the decision of the electorate. Now, which of these courses shall be taken in a given case, will depend on circumstances. If there have been a number of by-elections held during the life of parliament, and it becomes obvious that the current of public feeling is running against the administration, so that constituencies which formerly returned supporters are beginning to return opponents, the Crown may assume that public opinion is not favourable to the administration, and, so it may be, that an appeal should be made to the electorate who constitute the political sovereignty of the country, to determine whether it desires the advisers of His Excellency longer to continue in office. The Crown may, perhaps, without a very serious departure from modern usage, dismiss a ministry which still has a majority in the legislature if it insists upon the exercise, through parliament, of

conventional powers of legislation, upon matters in respect to which there is manifested a strong feeling of popular opposition. The Crown may, in that event, offer to ministers the opportunity of abandoning their policy or of going to the country upon it. So that the constitutional legislation proposed may have the sanction of the country if it is to be adhered to. This is an appeal from the legal to the political sovereignty for authority, in respect to legislation of great consequence. A dissolution may be a proper constitutional proceeding where a difference has arisen between the two Houses of Parliament upon a question on which the electorate of the country has never been called upon to pronounce. But this would be going, at least, as far as the modern constitution would warrant; but they fall very far short of affording any basis for the course which the Lieutenant-Governor of British Columbia ventured to take. Mr. Bagehot, who may be held to represent the advanced view of writers upon our constitutional system, says:

No monarch should dissolve parliament against the will and the interests of the ministry which is in power. No doubt the King can dismiss such a ministry, and replace it by another administration, whose advice to dissolve parliament he could take; but, even with this precaution, to act thus towards a ministry, which had a strong majority in parliament, would be to strike a blow which it is almost impossible to suppose. We do not believe that Queen Victoria herself, in spite of the popularity and respect with which she is surrounded, would even have recourse to such a measure. No Englishman can dream even of a catastrophe of this nature, but it, to him, appears to belong to the phenomena of a world altogether different from that which he inhabits. In practice, in England, the Sovereign considers himself obliged to follow the advice of the ministry which the House of Commons desires to maintain in power. All prerogatives at variance with this principle have fallen into disuse. To strike from behind, so to speak, and strangle by means of an appeal to the country a ministry sustained by parliament, would be an event which no longer enters into the calculation.

Hon. Sir MACKENZIE BOWELL—What a complete justification that is of Lord Head when he refused to dissolve.

Hon. Mr. MILLS—I think my hon. friend is mistaken. He further adds:

The Queen can hardly now refuse a defeated ministry a chance of a dissolution any more than she can dissolve in the time of an undefeated one, and without its consent.

That applies to what my hon. friend said.

Hon. Sir MACKENZIE BOWELL—That was a defeated ministry.

Hon. Mr. MILLS.

Hon. Mr. MILLS—Mr. Brown's was a defeated ministry. He was defeated in both Houses, and claimed he was entitled to an appeal, which he did not get. His Excellency Sir Edmund Head was not obliged to call upon Mr. Brown to form a ministry. He assigned as a reason for not giving a dissolution that the late ministry enjoyed the confidence of parliament. If that was the doctrine he acted upon—and he might have acted upon it—he ought not to have accepted the resignation of that ministry and should not have called upon Mr. Brown to form an administration, but when he did accept their resignation and called upon the leader of the minority he was bound on constitutional grounds to give him the right to appeal to the country and not to call upon anybody else.

Hon. Sir MACKENZIE BOWELL—If the extract is to be applicable in all cases—well, the hon. member had better go on. I am sorry I interrupted.

Hon. Mr. MILLS—It is the duty of a Governor to leave the business of making and unmaking ministries to the people's representatives, and to recognize the rule that he must choose his advisers according to their wishes.

The constitution of our day makes it impossible for a sovereign to retain a ministry to which the House of Commons is hostile, and it is equally impossible to remove from office a ministry of which the House of Commons approves. Now, if we judge of Mr. McInnes' conduct by this principle, we will find that it is without any constitutional support. He had, as his advisers, the Turner government. They went to the country. They did not tender, of their own accord, to him, their resignations, because they believed that the opinion expressed by the country had not been adverse to them. Holding the views they did, they were entitled to meet the legislature, but this opportunity was denied them. His Honour succeeded in forming an administration, with Mr. Semlin at the head, which did enjoy the confidence of that body, and so the unsual course which he took, of dismissing his ministers, was protected for the time being by that result. The true doctrine of the relation between the representative of the Crown and his advisers,

was well stated by Lord Dufferin, in a speech at Halifax in 1873. He said:

My only guiding star in the conduct and maintenance of my official relations with your public men is the parliament of Canada. I believe in parliament, no matter which way it votes; and to those men alone whom the deliberate will of the confederate parliament of Canada may assign to me as my responsible advisers can I give my confidence. Whether they are heads of this party or of that party, must be a matter of indifference to the Governor General. So long as they are maintained, he is bound to give them his unreserved confidence, to defer to their advice, and to loyally assist them with his counsels.

After Lord Dufferin returned to England, speaking at a dinner given to him at the Reform Club, he said:

If anything satisfactory to this country has occurred during the course of my administration, it is to be attributed to the patriotism, to the elevated spirit, and to the loyalty of the Canadian people themselves; and, my lords and gentlemen, I freely confess that I should not consider it a compliment to the head of any self-governing community, if he were credited with the exhibition of any personally invented policy, or any independent initiative of his own.

These observations are sound constitutional doctrines, but they were not observed by Governor McInnes. He did not make the opinion of his legislature his guiding star. When he learned that the Semlin government commanded a majority of that legislature, he dismissed them; he dissolved the legislature; he put the government in the hands of men who did not command the confidence of the legislature. They were not of it. And nothing had transpired during the life of that legislature to show that it had ceased to represent the country. It was carrying his constitutional discretion very far indeed, when the Lieutenant-Governor made his political life to depend upon the success which might attend upon the arbitrary course whch he had taken. If his last advisers, under Mr. Martin, had succeeded in obtaining a majority, he might perhaps have been permitted to remain at the head of affairs while they enjoyed the confidence of the House—though this is not the rule of the Colonial Office—but what would have been his position in case the Martin government failed, and those were called upon to form a government whom he had expelled from office, and from whom he had withheld the ordinary rights of constitutional advisers of the Crown? He was then precisely in the position in which Sir Charles Darling placed himself while Governor of one of the Australian colonies. Mr. Cardwell, who was Secretary of State for the Colonies at the time, said, in parliament:

It has been my painful duty to recommend that the Governor of Victoria shall be removed from his duties. My honourable friend, who has just sat down, truly stated that the reason of this is to be found, not in any error I considered he had fallen into in the difficult circumstances in which, I admit, he was placed, during the contest between the two branches of the legislature. It appeared to me that the proposal he conveyed to me that the members of the former Executive Council should be deprived of the distinction they enjoyed, because they presented a petition to the Sovereign, praying for the redress of grievances, which I thought they were justly entitled to do, was couched in terms which render it impossible that the Governor who employed that language and adopted that course, can be a safe guide to the colony, or an impartial arbitrator of difficulties in the circumstances in which the colony was placed.

Sir Edward Cardwell, in a despatch to Sir Charles Darling, in 1866, says:

It is one of the first duties of the Queen's representative to keep himself, as far as possible, aloof from, and above, all personal conflicts. He should always so conduct himself as not to be precluded from acting freely with those whom the course of parliamentary proceedings might present to him as his confidential advisers. While, on the one hand, it is his duty to afford to his actual advisers all fair and just support, consistently with the observance of the law, he ought, on the other hand, to be perfectly free to give the same support to any other ministers whom it may be necessary for him at any future time to call to his councils. The colony is entitled to know that the Governor gives this support to his ministers, for the time being, and that he is able and willing, if the occasion shall arise, to give the same support to others. I regret to say that in the present instance you have rendered this impossible. It must be evident to yourself that you occupy a position of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to you in the event of any change of ministry. This has resulted, as I think, entirely from your own acts, your adoption of a course of conduct which cannot be justified in law, and your strong denunciation, in which I am wholly unable to concur, of those who have objected to that course. It is impossible, I much regret to say, that, after this, you can, with advantage, continue to conduct the government of the colony.

Looking to your long services, and sincerely desirous to make every allowance for the difficulties of your position, I have been most reluctant to arrive at the decision which, nevertheless, I have been obliged to adopt. I am compelled to advise Her Majesty that you should be relieved of your duties, and the government of the colony be placed in other hands.

The doctrine of this despatch is most important. It points out that, under our parliamentary system, it is the duty of a governor to so stand towards all parties as to make it possible for him to call upon the leaders of any party who can command a majority in the House of Commons, or the

legislature, to form an administration. It will be seen that Governor Darling had made the disputes between his ministers and their political opponents his own. He had, in fact, entered into the political arena as a fighting politician, as the champion of a political party, and this was considered to be altogether inconsistent with the duties which pertained to his office.

Now, look at the case of Lieutenant-Governor McInnes. See the feeling in the province, which he has provoked in the minds of those whom he had ignominiously dismissed, and of all those who are friendly to them. At an informal meeting of the members of the legislature, embracing even those whom he had called upon to form a government, a vote of censure upon him was adopted. And this was due to the fact that he had, in all that he did, in making and unmaking ministries, departed from the settled usage of our constitution. This was not at all surprising. He bow-stringed public public men whom he called to his councils, right and left, with as little regard to the public interest, or to what was due them, as ever Sultan strangled and threw into the Bosphorus ministers of whom he had grown tired.

The doctrine which I have stated, and which is so clearly enunciated by Mr. Cardwell in the speech and in the despatch to which I have alluded, and from which I have quoted, was also, at an earlier period, clearly set forth by Lord Grey, who may be regarded as the initiator of the system of parliamentary government in the British colonies. In the instructions which he addressed to Lord Elgin, at the time when that distinguished statesman was appointed Governor General of Canada, he said :

> The object with which I recommend to you this course is that of making it apparent that any transfer which may take place, of political power from the hands of one party in the province to those of another, is the result not of an act of yours. To this I attach great importance. I have, therefore, to instruct you to abstain from changing your Executive Council, until it shall become perfectly clear that they are unable with such fair support from yourself as they have a right to expect, to carry on the government of the province, satisfactorily, and command the confidence of the legislature.

This doctrine Mr. McInnes has not observed, this instruction he has not followed, and his non-observance of it has largely contributed to the political unrest which has prevailed in the local politics of the province of British Columbia, and which has awakened a strong personal feeling against him, and which made his continuance in the position of lieutenant-governor most undesirable in the public interest. Let me here say upon another point that I very cordially subscribe to the doctrine stated by Mr. Cardwell, when he said in the House of Commons :

> I do earnestly hope that we are not about to constitute ourselves into a court of appeal with regard to colonial matters. When the question is whether you shall require a governor to observe the law, you have no alternative but to insist on its observance in the colony ; but when it is the question of the automatic action of the colony I can conceive nothing more calculated to sever the tie between the colony and the mother country, than that there should be in this House any disposition to constitute ourselves the judges of their rights, the guardians of their interests or the interpreter of their policy and their wishes. We have deliberately determined to leave these matters to themselves, and I earnestly and sincerely hope that we shall not by any discussion that occurs here, give rise to an opinion that we regret the course we have taken in that respect.

These observations must not be forgotten by the Senate and House of Commons in a case like the present.

I thought when the case of Mr. Letellier was under discussion in the House of Commons in 1879, that the resolution moved in that House was a most irregular proceeding. The appointment of the Lieutenant-Governor is an executive act. The removal of the Lieutenant-Governor is also the act of the executive government, and it is as open to this parliament to criticise the conduct of the govenment in respect to such a proceeding, as it is open to them to criticise the conduct of the advisers of the Crown on every other act done or neglected upon their advice ; but if the House of Commons, or the Senate, thought that a Lieutenant-Governor ought to have been removed from office who was not removed, it was their business to proceed by censuring the government for neglecting to do its duty, and not by calling upon His Excellency, directly, to remove the Lieutenant-Governor from office. Under our constitution, the Lieutenant-Governor of a province is removable by the Governor General for cause shown, and the immediate advisers of His Excellency are the ministers for the time being. As advisers of His Excellency in this case, we do not undertake to decide who the advisers of the Lieutenant-Governor shall be—whether they shall be Conser-

vative or Reformer, or whether made up of a coalition of parties, but they should be composed of men who enjoy the confidence of the legislature. Their continuance in office should be dependent upon the continued confidence of the legislature. To use the words of Lord Dufferin, the guiding star in the conduct and maintenance of his official relations with his ministers should be the confidence which a legislature reposes in them ; and no matter what may be the views of the legislature on public questions, an efficient executive should always be kept as near as may be in harmony with it. And so a Lieutenant-Governor must always look to the provincial legislature for advice in respect to those whom he may select as his counsellors in the discharge of his executive functions. This, it is clear, the late Lieutenant-Governor of British Columbia did not do. But he substituted his personal will, in the selection of his ministry, for the will of the majority of those whom the people returned, and he dissolved a legislature that he had no constitutional ground for assuming had ceased to accurately reflect public opinion, because he had for five out of six of his ministers gone outside of the legislature for them. Looking dispassionately at the course pursued by His Honour, I can come to but one conclusion —that from first to last, he never rightly grasped either the spirit or the principles of our system of government, so far as it related to the functions of the representative of the sovereign in a province of this Dominion.

Lieutenant-Governor McInnes mistook constitutional history for constitutional law, and he assumed that he could follow the practices of George III. as readily as those of Her Majesty. I greatly regret the course which he took ; I regret that he failed to realize that he was invading the province of the legislature in dismissing a ministry that continued to enjoy their confidence ; that he forgot that the advisers of the Crown, under our modern constitution, have rights not less certain than those which pertain to the representative of the Crown, and that those rights, in the course which he adopted, he wholly disregarded.

Hon. Sir MACKENZIE BOWELL—I should like to call attention of the hon. member to the fact that he has not answered the latter part of the question, whether there is any further correspondence on the said dismissal ?

Hon. Mr. MILLS—I may just say, with regard to that, I understand there is no further correspondence. Of course if there was it would come to my hon. friend the Secretary of State.

Hon. Sir MACKENZIE BOWELL—I am sure every one in the House has listened with a great deal of interest and attention to this exposition of the principles of constitutional government, not only in England but also in Canada. I have listened myself with more than ordinary interest to the speech the hon. gentleman has made, and I think we are all grateful at the clear and explicit manner in which he has laid down the constitution which governs, not only England, but this country, that while the modern system exists to which he has referred, he has not in his remarks denied the inherent right of the Crown to take any position that it may think proper. But under the present advanced system of government, and as we understand responsible government, it would be a very great stretch of the authority of the Crown to take any other course than that which he has indicated, unless under very extraordinary circumstances. I may say that while I listened with a great deal of interest, and while we have all learned a good deal from the remarks which the hon. gentleman has made, I must express some little regret that he referred to a controversial subject in Canada, in regard to which he and I and the vast majority of the people will not agree. The case of Lieutenant-Governor Letellier was somewhat similar to that of the Lieutenant-Governor of British Columbia. Mr. Letellier dismissed a ministry that had a large majority in both Houses at the time of the dismissal. Mr. McInnes dismissed the Semlin ministry after a vote of confidence in that ministry had been passed by the legislature. In that respect, there is no difference. I do not propose to discuss the question further than to point out that Mr. Letellier took a step which, according to the doctrines laid down by the hon. Minister of Justice, he had no right to take, hence the government of that day were justified in dismissing him from the position which he held.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—Just as we to-day, who approved of the dismissal of Mr. Letellier, justify the action of the present government in dismissing Mr. McInnes, he having violated the constitution as explained by the Minister of Justice.

Hon. Mr. MILLS—I did not refer to Mr. Letellier's case in any way except for this point: I spoke, not as to whether he ought or ought not to have been removed, but to show that, instead of condemning the government, if they thought he ought to have been removed, for not having taken action, parliament advised the government on the subject.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that the dismissal of Letellier, under the constitution, was wrong.

Hon. Mr. MILLS—No, I said nothing on that point at all.

Hon. Sir MACKENZIE BOWELL—I may be permitted, though a layman, to take issue with the hon. gentleman in reference to the statement he has just made as to the powers of parliament. If parliament thinks proper to advise the ministry, and the ministry take the responsibility of carrying out that advice, I do not understand that to be an infringement of the constitution. We have had many cases of that kind. We had the case of the New Brunswick school question, in which parliament passed a resolution advising a certain course to be taken, and the government took that course, and sent the question which was then at issue, to the law lords of the Privy Council in England, who decided it. In the case of Letellier, very much the same course was pursued, and the government of that day took the responsibility. They were responsible to parliament and to the people, and it was not an infringement of the constitution for the parliament of Canada to say to the government of the day: 'We are of opinion that such a course should be taken.' It is for the government of the day to decide whether they will assume the responsibility of acting on such advice. Hon. gentlemen will remember, also, that on this very New Brunswick school question a motion moved by the hon. gentleman, Mr. Costigan, was carried in the House of Commons, expressing an opinion as to what the government should do. Sir John Macdonald, then leading the government, dissented from that, and did not act in accordance with the instructions given by parliament. He assumed the responsibility of setting that resolution, which expressed the opinion that they should take a certain course, at defiance and parliament afterwards justified the course he took, and the people also sanctioned it. I could dwell upon that at very great length, but I do not propose to do so. Parliament has a right to express any opinion it pleases: it is for the government of the day to say whether they will act upon it or not. I regretted afterwards calling the attention of the hon. gentleman to the case of Sir Edmund Head on the formation of the Brown administration. However, the Minister of Justice declared that Sir Edmund Head, under the circumstances, was not justified. The facts are clear to the minds of all who have any recollection of what was then termed the double-shuffle, when the government of Sir John Macdonald was defeated by a small majority on the vote appropriating fifty thousand pounds for the commencement of the construction of these buildings. He resigned on the ground that parliament had delegated the selection of the capital for united Canada to the Queen. When we use the word 'Queen,' of course we mean the government. The Imperial authorities, or the Queen, decided upon Ottawa. When he asked for an appropriation of fifty thousand pounds to commence these buildings, he was defeated in the House. The sectional interest, were so great that they voted against it. The Quebec interest, the Montreal interest, the Toronto interest and the Kingston interest, all combined to defeat any action, and Sir John Macdonald resigned. Sir Edmund Head called upon Hon. George Brown to form an administration. Mr. Brown, in the course of the negotiations, as the documentary evidence will show, asked for a dissolution before he had formed his government. He was told distinctly by Sir Edmund Head that no dissolution would be allowed him, and the grounds upon which he made that statement and took that position were that they had just returned from the people. It was only a few months—I think it was the first meeting of parlia-

ment—after the election, and then, after the government was formed, the present Sir Hector Langevin, then a young member of the House of Assembly, in the city of Toronto, moved a vote of want of confidence in the Brown-Dorion administration, which was carried by 35 of a majority in a small House—only the two Canadas then.—and Mr. Brown, having been told before the formation of the government that a dissolution would not be allowed, that large majority voting want of confidence in his administration, justified the Lieutenant-Governor in the course that he had pursued. According to the doctrines laid down and read from that eminent author, I believe one of the best authors that has ever written on the constitution of England, Bagehot, Sir Edmund Head was fully justified. There was another part of the hon. gentleman's speech that was peculiarly gratifying to myself. When he quoted from Lord Dufferin in justification of the course that he had taken in not dismissing, at the demand of the Liberal party of that time, Sir John Macdonald's government from power on account of what was then termed the Pacific scandal. Though I was not in the government at that time, I felt gratified, because I had taken the same view as the leaders of the party with which I was then connected. Many of us remember the vilification, the condemnation, and the demand for Lord Dufferin's removal because he took the position that my hon. friend now cites with approval. My hon. friend, who was one of the opposition party at the time, now comes forward and justifies the course that Lord Dufferin pursued on that occasion.

Hon. Mr. MILLS—I said nothing about it.

Hon. Sir MACKENZIE BOWELL—Nothing about what?

Hon. Mr. MILLS—Lord Dufferin's course.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said nothing about Lord Dufferin's course, but he quoted from Lord Dufferin's utterances in Halifax and in England in justification of the course which he had taken at the time of the Pacific scandal, and adopted it as the true constitutional course to be taken in difficulties of this kind between the government of the day and his ministry. He laid down the doctrine, plainly and distinctly, that he could consider no other advice than that which was tendered to him by the ministry that was given to him by the people through the parliament of Canada, and if that were true—and I compliment the hon. gentleman on the quotations which he made to prove that it is true—it shows that Lord Dufferin was correct in the course that he took. The hon. gentleman quoted from authorities to show that Lieutenant Governor McInnes had overstepped the bounds of the constitutional position which he held as lieutenant-governor, in justification of his dismissal. I freely admit the hon. gentleman, perhaps, may not have thought there was any one here who knew anything about these transactions. I might take the opportunity to compliment him on his conversion on that point as well as upon many others. As I said to my hon. friend on my right, if I had shut my eyes and did not know the voice, I would almost imagine that it was my hon. friend, Sir John Macdonald, laying down the constitutional doctrine which guided him during the nearly half a century in which he governed this country. I have heard him make almost similar speeches. There were even extracts which the hon. gentleman read from Bagehot, which Sir John Macdonald cited in the Letellier case in the House of Commons when he was condemning the course which the Lieutenant-Governor of Quebec had taken. The doctrines which the hon. Minister of Justice has expounded today are the doctrines laid down by that great leader, who was one of the best authorities on constitutional questions that Canada ever had. I was delighted beyond measure to hear the hon. gentleman enunciate the very same views and the same opinions, in almost the same words of Sir John Macdonald, we might say it was the hand of Esau, but certainly it was the voice of Jacob that uttered those sentiments, and I congratulate him heartily, and I thank the hon. member from British Columbia (Hon. Mr. Templeman) for having made this motion in order to bring out the speech which has been delivered, and which will be a guide in the future to those who take the extreme views which have characterized the Liberal party in the past. I am glad that they have arrived at the same conclusions that Sir John Macdonald laid down in the parliament

of Canada, for our future guidance. The morning has been well spent, and when the speech of the hon. Minister of Justice is sent forth to the people of Canada, they will have a more distinct idea of how this country should be governed. I can only regret that lieutenant-governors should ever put themselves in a position to compel an administration to dismiss them. Under the administration of which I was a very humble member, we dismissed one, and I think we did right. These hon. gentlemen have followed in our wake in that, as in many other things; they dismissed one and I think they did right. I hope no future government will be placed in a position to dismiss lieutenant-governors for infraction of their duty as such.

Hon. Mr. LANDRY—To complete the interesting lecture given to us by the hon. Minister of Justice, I should lay before the House the opinion given by one of our constitutional authorities, on a constitutional question brought up lately in this House, and upon which the hon. Minister of Justice expressed certain views which were in contradiction of that authority. Before touching that question, however, I wish to point out an objection. If the views of the hon. Minister of Justice are correct, the prerogative of dissolution belongs to the Crown, and the hon. minister has given instances in which that power could be used—namely if the by-elections happened to be in a certain direction showing that the government of the day had not the confidence of the people; then the Crown could dissolve the legislature. If a public question of great interest was pressed in parliament, on which the views of the people have not been asked, or are not known, then a dissolution could take place. In the face of those declarations, I should like to know what authority the Prime Minister has to-day to promise another session? Why should the Prime Minister have the authority to promise another session without due regard to the constitutional powers which give to the Crown itself the power of dissolution? Such a promise is never sure to be fulfilled, but it might go with the other promises of the Prime Minister. I want to prove that the Prime Minister, in this instance, is acting against the spirit of the constitution. I come now to the point to which I wish to call the attention of the leader of this House In discussing the other day the act of the late Governor Angers, the hon. Minister of Justice said there was one point in his action which was clearly unconstitutional—that he had dissolved parliament when the British North America Act obliged the legislature of the province to meet once in twelve months. The clause is the 86th section of the British North America Act, which reads as follows:

There shall be a session of the legislature of Ontario, and that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the legislature in each province in one session, and its first sitting in the next session.

That question was discussed at the time, but I had forgotten that a very well known authority had give an opinion on that point—that is Bourinot, and to give my hon. friend an opportunity to throw on a future occasion more light on the subject—not of his own, but of those constitutional authorities—I shall quote what Bourinot said on the matter. It is in a letter dated from Ottawa, December 23, 1891:

My consideration of important and novel questions involved in dissolution of Quebec legislature leads me to conclusion that Crown as represented by Lieutenant-Governor, has right to exercise prerogative of dissolution, under law and constitution. Eighty-sixth section is simply directory, and no legal or constitutional rights can be prejudicially affected so far as I can see at present, but in my opinion, section does not take away from constitutional prerogative of Crown.

I think that settles the whole matter. It answers the only objection the hon. minister had to the act of the late lieutenant-governor, and this answer given by Mr. Bourinot may cause his conscience to be relieved, and his information on constitutional questions to be enlarged.

DEATH SENTENCES OF CAZES AND DUBE.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellecny will be pleased to cause to be laid before the Senate:

1. Copies of all telegrams, letters and petitions addressed to the government, and of all communications whatsoever exchanged between any of the members of the present administration and any person whomsoever, relating to the reprieve, to the commutation of, and to the execution of the sentence of death pronounced upon certain individuals named Cazes and Dubé.

2. Copies of the reports prepared and sent to the Minister of Justice by the judge who pro-

nounced sentence of death upon Cazes and Dubé.
3. Copies of the orders in council granting Cazes a commutation of the sentence of death and refusing Dubé any such clemency.

Hon. Mr. MILLS—A motion similar to this, I think, has been adopted in the House of Commons. If the papers come down in the House of Commons—so far as they can be brought down at all—I do not know if the hon. gentleman desires they should be brought down here also.

Hon. Mr. LANDRY—If there is no difference I do not want them twice.

Hon. Mr. MILLS—No, there will be no difference. The only papers not called for in the House of Commons are those mentioned in the second proposition, copies of reports prepared and sent to the minister by the judges who tried the cases. That is contrary to practice. These are considered confidential and are not brought down without the consent of the judge.

Hon. Mr. LANDRY—Do I understand they could be brought down with the judge's consent ?

Hon. Mr. MILLS—They might be brought down with the judge's consent.

The motion was dropped.

REFORM OF THE SENATE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether it is the intention of the government to put into execution the promise contained in the programme set forth by the Liberal convention held at Ottawa, in June, 1893, in so far as the reform of the Senate is concerned?
Whether the government intends to begin this reform of the Senate by giving this House a number of representatives in the cabinet equal to that which the former administration had granted?
Whether the government thinks it can continue this reform by ceasing to recruit from one province only the members of the Senate which it takes into the cabinet ?
Whether it is the intention of the government not to stop in the way of reforms, but to continue its work by giving, as the preceding government had done, a French representative among the number of senators forming part of the cabinet?
When will the government begin these reforms?

Hon. Mr. MILLS—Providence is engaged in the work of reform at the present time.

Hon. Sir MACKENZIE BOWELL—It has nothing to do with the hon. gentleman.

Hon. Mr. MILLS—My hon. friend is mistaken. I would say to the hon. gentleman that the subject of Senate reform will be considered in due time. I hope that that will be satisfactory to my hon. friend. Then he asks whether the government intends to give representation equal to that which the former administration granted. I don't know how many the former administration granted.

Hon. Mr. LANDRY—No, the hon. gentleman was not here at the time.

Hon. Mr. MILLS—I was not here.

Hon. Mr. LANDRY—I suppose we have equality now ?

Hon. Mr. MILLS—I am not aware that for several years there has been a French representative here, and if there is not a French representative, there is one more French representative in the House of Commons than there would be if there was a French member of the cabinet here. My hon. friend will see that the province of Quebec is very adequately and very fully represented in the government and the question of representing the province in this body would necessitate, my hon. friend knows right well, the appointment of seven representatives in this House.

Hon. Mr. LANDRY—The hon. minister is under the impression, apparently, that Hon. Mr. Geoffrion is still living, but he died and was replaced by Mr. Sutherland.

Hon. Mr. MILLS—Is that so ?

Hon. Mr. LANDRY—That is so. I see the hon. gentleman is not mourning.

BILL INTRODUCED.

Bill (191) 'An Act to amend the Post Office Act.'—(Hon. Mr. Scott.)

THE PARLIAMENT GROUNDS.

INQUIRY.

Hon. Mr. ALLAN rose to :

Call the attention of the government to the condition of the grounds surrounding the parliament buildings, and especially of that part of them extending along the face of the cliff overlooking the Ottawa River. And inquire if it is the intention of the government to protect them from further injury?

He said : Just a year ago, I brought before the Senate the conditions of the grounds surrounding these buildings, and especially that part of them along the face of the cliff overlooking the river. I pointed out, on that

occasion, the utter neglect of any precautions to prevent the destruction of the trees and shrubs on the slope above and below the Lovers' Walk by the disintegration of the rock, and washing away of the earth. I also drew attention to the fact that, if the beauty of the two groups of trees on either side of this building, east and west is to be preserved, proper and judicious thinning out was absolutely necessary. In answer to these representations, the hon. Minister of Justice certainly gave the House to understand, on that occasion, that steps would be taken without delay to remedy the matters complained of, and I may be perhaps permitted to say also that since that time I have personally urged these views upon two members of the government who at different times have represented the public works, and have received promises, at all events from one of them, that immediate steps would be taken to remedy the defects that I have alluded to. Within the last week or two I believe men have been set to work to rake up the dead leaves and debris of newspapers and dirty papers which disfigure the slope, and the dead branches which have been lying about. In doing so they have done very often much more mischief than good, for I see some of them not only vigorously employed in removing the papers, but raking away the earth from the face of the rock in many places, still further uncovering the roots of the shrubs and trees.

Beyond that, absolutely nothing has ever been done, and as I stated last year, the result will be that a great deal of the beauty of the cliff upon which the parliament buildings stand will be destroyed by the gradual dying out of the trees. The grounds also in every direction indicate want of proper attention. Take, for example, the beautiful hedge which runs round the top of the cliff—in many places there are great gaps which have never been replanted. On the east side there are at least half a dozen of these gaps which are made still worse by an endeavour to save trouble and labour on the part of the men who are employed in raking up the grass and in gathering up rubbish, and who use these gaps for throwing rubbish down the bank below. I half apologized last year for bringing this subject before the House, which, not being political, might not be thought to be of much consequence, but I maintain that the beauty of these buildings and their surroundings is a matter of very considerable importance as it concerns not only the people of Ottawa, but the people of the whole Dominion. We hear it is the intention of the government to commence sundry improvements, making, amongst other things, a drive from the opposite side of the Rideau to the Experimental Farm. It seems to me that while it may be an excellent thing to carry out further improvements of that kind, to beautify the city of Ottawa and its neighbourhood, it is scarcely right that these grounds should be utterly neglected in the way they have been. Any hon. gentleman walking round the cliff will see that in many places the steps leading down the face of the cliff are by no means sound and the railings are broken, and altogether there is an air of neglect and shabbiness that no gentleman would have about his own grounds, and I think, in the case of the ground owned by the government of the country, we should have something better. There is another suggestion which I would venture to make—although it would be a very difficult thing to repair what, I think, is almost an irreparable mischief which has been done to Nepean Point by the construction of the Interprovincial Railway, yet something may be done to render it a less disfiguring object in the landscape, if the company, whose road is now being subsidized, would do something towards covering up portions of the cliff now looking very much like a deserted stone quarry, with sufficient earth to cover the bare rocks so that it could be planted with small shrubs and creepers. It would, to some extent, render that point a less disfiguring object than it is at present. I venture another suggestion. Why should not the care of these grounds be transferred to Dr. Saunders and the authorities of the experimental farm? We would then have it in the hands of somebody who knows something about these matters. I feel strongly that unless the persons employed have some knowledge of arboriculture and landscape gardening, infinitely more mischief would be done than good by the mere pottering about of any of the gardeners who have been employed in the ground up to the present. The assistance of gentlemen like Dr. Saunders and those connected with the ex-

perimental farm, who have shown by their work there that they have some knowledge of these matters should be secured. I think if the care of the whole of these grounds were transferred to them instead of being under the charge of the board of works, we might possibly have an improved state of things. I feel half inclined to apologize to the House for bringing this subject forward, because it is one which does not excite any very general interest, but I confess I feel strongly about it, and I feel sorry to see what ought to be a source of pride to the whole Dominion so far neglected that one feels rather ashamed to come here and view the condition of things as they exist at present.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. MILLS—I entirely sympathise with the views which the hon. gentleman has expressed as to the desirability of putting these grounds in proper condition and maintaining that condition. The shrubbery going round the cliff on which this building stands has been cleaned out——

Hon. Mr. ALLAN—The cleaning out did more mischief than good.

Hon. Mr. MILLS—And it may be as the hon. gentleman has suggested that the workmen have disturbed the soil as well as removed the papers and rubbish collected there. With regard to the other cliff and Nepean Point, it will be difficult to undertake to make æsthetic improvements there while the work is going on and the retaining wall is being erected, but as soon as that work is completed, which no doubt will be at a pretty early day, it seems to me that steps should be taken to put the whole of that cliff in a proper condition. I understand that Mr. Beemer, whose railway is being brought in there, has agreed to do that, and of course it will be the duty of the Minister of Public Works to see that it is properly carried out. I will bring under the attention of my colleague who has charge of that department the observations the hon. gentleman has addressed to the House, and also the suggestions which he has made with regard to putting the care of the work in the hands of the manager of the experimental farm. If a good landscape gardener could be secured to take care of the grounds, there would be occupation for him for some time to come. I entirely sympathize with the view which the hon. gentleman has expressed and I do think that it is of great importance that the natural beauty of this location should be, not only preserved, but improved so far as we can improve it.

Hon. Mr. PERLEY—We could hardly make a park of it.

Hon. Mr. MILLS—It is not necessary to make a park out of it, but as it is a beautiful location, and as the prospect from it is as fine as from any building in Canada, we can do something to prevent it being disfigured and to see that violation is not done to one's æsthetic sensibilities by having it in a state of disrepair.

Hon. Mr. ALLAN—I am glad to hear what has fallen from the hon. Minister of Justice, and I should like to impress that one point, that whatever is done really ought to be done by some one who has knowledge of that kind of thing.

Hon. Mr. CLEMOW—I am thankful to the hon. gentleman from Toronto for bringing up this matter. He has been persistently urging the case, but I hardly think it is a fair time now, when Mr. Beemer is constructing his work, to call upon him for any improvement. If we allow a short time to expire, we will find that all the improvements will be made.

Hon. Mr. POWER—On the other side.

Hon. Mr. CLEMOW—All through. I have often thought of the difficulties which the people of the city experience with reference to this park and other parks. There is the Lover's Walk, a beautiful walk, as all hon. gentlemen know. I do not understand why the piles of wood have been left there. They have been there for years, and are a menace to the city; but I hope, now that the city have adopted a course with respect to the fire by-law, that they will insist that no lumber be piled near these buildings. Hon. gentlemen will remember the trouble we had in regard to the Ottawa River and the sawdust. It is as bad now as it ever was and perhaps worse, and still the government do not take the first step towards remedying it. I have brought the matter before the House and have been told that the Act is there, and it is for the people to enforce it. I dissent from that proposition. It is

ostensibly in the hands of the government, and they should take steps to prevent that sawdust nuisance. It is still there; everybody knows it, notwithstanding the Act of parliament. What is the use of an Act of parliament if it is being disobeyed in this way? I hope the government will see that the Lover's Walk and all these approaches are not filled up with paper and material of an inflammable character. I did hear that the contract existing with the mill-men with reference to piling lumber back of the buildings had been rescinded. I hope it has been. We want to avert any such catastrophe as happened two months ago. The government will be criminally negligent if they do not perform their duty in a way to reduce the danger from fire occurring. They have been notified time and again, and I hope this will be the last time that it will be necessary to bring the matter under the notice of the House to urge them to prevent this sawdust nuisance. I am informed that the sawdust impeded the speed of the boat to some extent on the trip to Grenville the other day. Should that be so? It is a river under government control, and they should exercise some supervision to prevent this nuisance. All this sawdust will have to be taken out of the river at some time at great expense. It has been a great expense for years and years. I thought last year that it was ended, and that there would be no further trouble. Will the government take the necessary steps to prevent the sawdust nuisance in the future, or do they intend to allow private individuals to become informers and take the steps which should be taken by the government?

Hon. Mr. MILLS—It is on the statute-book and anybody can take advantage of it.

Hon. Mr. CLEMOW—Yes, but would the hon. minister like to be an informer? Is it not under the Dominion government? Should they not take the necessary measures? They have the appliances. They can put the machinery in motion and no one will say one word, but if a private individual undertook to do it, he would find it difficult to live in the city.

Hon. Mr. MILLS—The hon. gentleman wants the government to do it.

Hon. Mr. CLEMOW—I want a man to perform his duty. If any duty is cast upon me, I feel the necessity of discharging it, but as an individual I do not want voluntarily to do what other men are paid to do.

Hon. Mr. LANDRY—It may be brought before the conciliatory board.

Hon. Mr. KERR—When this matter was brought before the House last session I felt personally a very deep interest in it, as other hon. gentlemen no doubt did. I felt that the hon. gentleman (Hon. Mr. Allan) who brought this matter before us had rendered a good service, not only to this House and the governement, but to the whole country, and I am sure that it requires no apology when he repeats and emphasizes it again this year. I look upon these buildings and grounds as perfectly beautiful, and we ought to do everything in our power not only to preserve their natural beauty, but to add to the beauty of the whole situation, including the buildings, grounds and river. They are perfectly unique, and one can scarcely ever look at them without being involuntarily reminded of the words of the poet that 'A thing of beauty is a joy for ever.' Another point in connection with this subject—I do not recollect whether the hon. senator referred to it or not—is the necessity of a railing, or protection around the walk on the river bank. It struck me in walking there that unless one walked very correctly he would be in some jeopardy of tumbling over the precipice.

Hon. Mr. MILLS—It is a walk for sober men.

Hon. Mr. YOUNG—It is a straight and narrow path.

Hon. Mr. KERR—I felt that is was necessary that some precaution should be taken. I am exceedingly pleased that this subject has been referred to again. People get their impressions, not only of Ottawa, but their impressions of the entire Dominion from this centre of light and leading. And it ought to be so. I feel it is to me a liberal education in itself to contemplate these buildings and grounds, and I hope that the timely and appropriate observations of the hon. senator who has brought up this matter will bear good fruit, and bear that fruit at an early day.

The Senate adjourned.

SECOND SITTING.

The Speaker took the Chair at Three o'clock.

Routine proceedings.

THE EMERGENCY RATION INVESTIGATION.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I should like to ask the government a question which I think is of some considerable interest to the people in all parts of Canada, and that is, whether after the investigation which has gone on in the other branch of parliament with reference to the emergency food ration supplied by Mr. Devlin, it is the intention of the government, owing to the evidence disclosed to take any action for prosecuting Dr. Devlin for the fraud he practised on them, giving a worthless article instead of a good article. It is a matter of some concern to the people of Canada, in times of war, when our young men have freely volunteered to go and fight the battles of the empire, to know if they are again called upon that they will be supplied with a ration fit for them in case of emergency. I think, on the evidence given before that committee, the government would be justified in punishing a man who imposed on them as Dr. Devlin did. I do not say it is possible to avoid frauds being perpetrated upon the government, but they should make a fair investigation and find out if a fraud was perpetrated, and, if so, the guilty party should be brought to speedy justice. I should like to know if the government propose to take any action in reference to prosecuting Dr. Devlin if he is found guilty.

Hon. Mr. MILLS—I have had no discussion with the Minister of Militia upon the subject. I do not know what action he has taken. My hon. friend refers to an investigation had by the committee. I have not myself, being so much occupied, read over that evidence with any degree of care, nor have I noticed whether it covers the whole ground. As far as I remember, the evidence showed that the food purchased was nutritious, that it was not an unwholesome food, but that it was not an emergency food properly so called; that is, that the percentage of nutriment in it was less than there ought to be in food which is intended as an emergency food. Whether Dr. Devlin has in what he has done rendered himself liable to any law in force, I cannot say, because I do not know what are the terms of agreement with the minister, nor am I in a position to express any opinion either upon the majority report or the minority report. If the matter is referred to me on legal grounds, I shall be obliged to consider the contract and the circumstances under which the food was purchased. The impression I got from the evidence was, that a fraud had been practised upon the department in the sale, but I am not in a position to say more than that. It may be the minister intends making a thorough investigation himself. That I think is right, if he feels that there is anything to investigate beyond what appears in the committee's report, and when he seeks advice from my department, I shall be prepared to give it, but that has not been sought from me up to the present moment, nor could I expect it would be during the closing days of the session, when every minister has his time fully occupied.

Hon. Mr. FERGUSON—I think hon. gentlemen will admit that the reply of the hon. minister has been a careful one, and almost entirely non-committal, with regard to the subject. It shows at least that the matter is undergoing serious consideration. There is just one point that the hon. minister made where it seems to me he is labouring under a misapprehension. He has called attention to the fact, which I think has been fully established, that this food contained some nutrition, but not enough to entitle it to be regarded as an emergency ration. My hon. friend will remember that under the Adulteration Act it is not necessary to prove that food is non-nutritious or unwholesome in order to pronounce it adulterated. It may be adulterated if it falls short of what is claimed for it either on its label or in its description. In this respect, the food has fallen short, and it may be found that it will have to be regarded as adulterated under the Adulteration Act. I just mention that, because it seems that the hon. gentleman was under the impression that nothing could be seriously wrong if it was not proved to be entirely non-nutritious, although it might fall short of being an emergency ration. Under the Adulteration Act, food which is entirely wholesome may, nevertheless, be declared to be adulterated,

and the vendor liable to criminal prosecution.

Hon. Mr. MILLS—The hon. gentleman knows that food containing more than a certain amount of nutrition is possibly injurious. There may be cases of too great concentration. The human stomach does not differ from the stomach of some other animals in that too high a degree of concentration is injurious.

Hon. Mr. LANDRY—Not a high price.

Hon. Mr. MILLS—That is another matter.

Hon. Sir MACKENZIE BOWELL—That is not the complaint in regard to the emergency food. The complaint was that they bought an article purporting to contain 60 per cent of nutritious matter, whereas it only contained 16 on analysis, as shown by the report of the government analyst in Ottawa. I do not think anybody complained of its being too nutritious or too strong so as to injure the health of any person. It is a serious question, apart altogether from the culpability of the minister, or those connected with the department. I do not propose to discuss the subject now. It is simply a question whether an article purporting to be an emergency food was palmed off on the government with 35 to 40 per cent less strength than was agreed upon, and whether Devlin did, as the evidence shows, adulterate it, or whether he obtained a certificate or put a label upon it purporting to state what it was, and whether he obtained a label similar to that used, I suppose, by the inventor of the food and by that means palm it off upon the government. It is singular how little things lead to great discoveries. The old adage that murder will out is very well illustrated in this case. Dr. Devlin got his labels printed at the Montreal *Herald* Office and the printing department of that office, having printed the labels supposing them to be for the proprietor of the true food, sent the account to him and he repudiated it, as he had given no such order. Then that led to the discovery of Dr. Devlin's little trick of imposing upon the government an article for two dollars a pound which he entered at the customs at a value sworn to as being worth thirty cents a pound. That is what the government have to look into, and if they do their duty they will prosecute Devlin for the imposition upon them. It is not for us to discuss whether the government were deceived through their own negligence or not. The simple fact brought out in evidence, and the government analysis, apart from anything else, are sufficient justification to prosecute the man who committed the fraud, and if he can show he did not commit a fraud, then he will disabuse the minds of the people who have read the evidence and will stand well before the public.

Hon. Mr. CASGRAIN (de Lanaudière)—The leader of the opposition, I am sure, knows Dr. Rodier, of Montreal, very well. He is a very good friend of my hon. friend's own party and he told me himself—and when I say that, I know well the responsibility I take in saying anything in this House—that vitaline food stronger than that furnished by Dr. Devlin would be injurious, that he is daily in the habit of buying this stuff for his patients and using it all the time. I declare this solemnly on the floor of this House, knowing full well the responsibility if I said something which was not true. Dr. Rodier offered to come here and declare that under oath. He is a son of Dr. Rodier who was for many years a member of this House. He told me it would be the same as drinking whisky over proof. The same thing would apply to the food. If it were more concentrated than that, and given to a healthy person it would be injurious.

Hon. Mr. McMILLAN—That is to invalids—to his patients—to the sick people. We can understand that concentrated food would be injurious to sick people while in this case we were sending food to soldiers which would be used as an emergency food when they could not get anything on which they could live for a few days. It was sworn to at that investigation that they could not live upon this food except, perhaps, part of a day and the whole question is in a nutshell, could they live on the food or could they not? The evidence brought forward as to Dr. Rodier amounts to nothing. That is only with reference to people getting over an attack of sickness.

Hon. Mr. LANDRY—Did Dr. Rodier tell the hon. gentleman anything about the price, or that that vitaline contained 14 per cent of proteid and it was sold at two dol-

lars a pound ? A bushel of pease, 66 pounds, gives about 22 per cent proteid. Every farmer in the country would then be in a position if the same government remained in power, to sell their pease to the government at $181.50 a bushel. What is the opinion of Dr. Rodier on that ? I do not see what Dr. Rodier had to do with it. If he was such a valuable witness, why did he not appear and give his evidence and be cross-examined ? But we are not in a position to cross-examine him or the hon. gentleman who speaks for him.

Hon. Sir MACKENZIE BOWELL—That is not the question. The question is whether Dr. Devlin sold an article to the government purporting to contain 60 per cent of nutritious matter when it only contained 14. The analogy of whisky does not apply at all. It would be just exactly the same as if you purchased highwines, or spirits purporting to be 60 per cent above proof, and it contained but 25 per cent. The question is whether he committed a fraud or not, and if the emergency food were too strong, he could treat it precisely as my hon. friend would treat the whisky—he could put more water in it and it would not do him so much harm.

Hon. Mr. FERGUSON—It was out of kindness to the poor soldiers that Dr. Devlin reduced the percentage so much.

RAILWAY ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (132) 'An Act to amend the Railway Act.'

(In the Committee.)

On the third clause,

Hon. Mr. SCOTT—Under the law as it has heretofore stood in filing plans there was a deviation of one mile allowed. Several clauses of this Bill propose to take away from railway companies that latitude, compelling them to file a plan showing exactly where the line is to be constructed, and section *a* refers to where the railway crosses street railways. Section *a* reads as follows :

Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section 4, shall not by reason only of the fact of crossing or connecting with one or other of the lines of railway mentioned in section 306 be taken or considered to be works for the general advantage of Canada.

It brings them within the Act, and it also, so far as street railways and tramways are concerned, includes the tramway built along the Niagara River, which runs from Queenston to Chippewa.

Hon. Mr. POWER—I do not rise for the purpose of finding any fault with the clause, except that I think the latter point of it is not wide enough. I submit to the minister that this exception should be wide enough to include any electric tramway built in any other part of the country. It should not be confined to the Niagara district. I do not know whether it is the practice in Canada generally, although I believe it is in Ontario, that these electric railways run out several miles into the country. There are electric railways of that kind in Toronto, and they should be excepted in the same way as the street railways in the Niagara district.

Hon. Mr. SCOTT—There is no exception.

Hon. Mr. POWER—The first subsection of the clause applies to street railways and tramways.

Hon. Mr. SCOTT—That takes in everything all over Canada, except the Niagara Falls road.

Hon. Mr. POWER—Are not the railways in the Niagara Falls Park tramways just the same ?

Hon. Mr. SCOTT—It is thought better to bring it in so that it would not be regarded as an exception.

The clause was adopted.

On clause 2,

Hon. Mr. SCOTT—Clause 2 refers to the drainage question. In some of the provinces, I know in Ontario, there is a provincial law which governs the construction of drains on railway lands or across railway lands, and this clause is for the purpose of enabling the parties, where they are entitled under the provincial Act, to apply for the building of a drain through the railway lands. They are entitled to apply to the Railway Committee of the Privy Council, who will consider the question and take evidence on it.

Hon. Mr. POWER—I am very glad to see this provision. This question has been before the House on various occasions. It was brought up by the hon. gentleman from Monck, I think, three different occasions, and Bills were passed by this House twice. This provision is not identical with the provisions of the Bill of the hon. gentleman from Monck, but it brings about the same result in a somewhat different way, and I am glad to see something has been done about it.

The clause was adopted.

On clause 3,

Hon. Mr. SCOTT—The substitution is removing from the original clause the right to go over the lands of a person as shown on a plan anywhere within one mile. All through the Railway Act there is a deviation allowed. In filing plans the railway companies are not obliged to adhere to the line as located. They may deflect a little without filing a plan. This proposes to take away from them that latitude. If they want to change the location, they must file a new plan so far as that section is concerned, showing where they do cross a man's land.

The clause was adopted.

On clause 4,

Hon. Mr. SCOTT—This clause does away with the one-mile deflection altogether. If they propose to deflect in any way, they must file a new plan.

Hon. Sir MACKENZIE BOWELL—Have any abuses arisen under the law as it stands, permitting a mile deviation ?

Hon. Mr. SCOTT—My hon. friend will see it is open to a very grave objection. In crossing a man's farm, a railway company may on the plan show the line a mile from the man's barn, and may after all locate the line close to the barn. The same way, it may show the line passing through the woods on a farm, and afterwards it may be located through a field. In the early days of railway building, when plans were not so accurately made, the mile deviation was not considered such a great deflection, but in recent years, in the more thickly cultivated parts of the country, it has been found to be attended with very great hardship.

Hon. Sir MACKENZIE BOWELL—I am quite in accord with the amendment proposed. I only asked whether the hon. gentleman was aware of any abuses having arisen under the existing law ? I can readily understand how abuses could arise. Some abuse, I suppose, must have arisen under the law as it stands ; otherwise this step would not be taken to amend the law.

The clause was adopted.

On clause 8,

Hon. Sir MACKENZIE BOWELL—Supposing you have a road of one or two hundred miles, can they commence the work under this clause before the plans and specifications and location are completed and filed with the department ? And then, after they have been filed, should it be found necessary to make a deviation of the line, could they go on with that until they submit other plans and profiles to the department ?

Hon. Mr. SCOTT—Yes, but it would only be at the place of deviation.

Hon. Sir MACKENZIE BOWELL—The first part of my question I think is most important. I am not sure but it would be a good provision to prevent charter mongers from dealing in railway charters of this kind if they are not permitted to commence work until the line has been fully surveyed and the plans deposited. Is that the meaning really of this clause ? Referring to charters which we have granted this year, running from Quebec to Lake Winnipeg or somewhere up there, could they possibly commence that line until it was fully surveyed and the plans and specifications filed with the department here ? Would not this clause restrict them to that ?

Hon. Mr. SCOTT—I think the department under this could insist on the filing of the whole line of survey, but I know that this has not been the practice of the department. They are permitted to go by sections. I presume we would have to leave that somewhat to the discretion of the department, depending on the circumstances. The minister may enforce it if he thinks proper

The clause was adopted.

On clause 10,

Hon. Mr. SCOTT—This clause authorizes the government to force a railway company that has been incorporated after the first of June, 1899, to locate its station at a point where, in the opinion of the Railway Committee, a station ought to be placed

Hon. Mr. McMILLAN—Hear, hear; that is a good law.

Hon. Mr. CLEMOW—It is pretty arbitrary.

Hon. Mr. SCOTT—Looking at it from an abstract point of view we would say that a railway company ought to be permitted to place stations where they please.

Hon. Sir MACKENZIE BOWELL—Suppose a railway which comes within the purview of this clause submits to the Committee of the Privy Council a plan showing the selection of some spot for a station, and the Railway Committee say no, that is not the place for it, we will not approve of it, can they then go to work and locate a station? The Railway Committee say you must put it somewhere else. The railway company say no. There is nothing in this clause to compel them to accept the conclusion of the Railway Committee.

Hon. Mr. CASGRAIN (de Lanaudière)—It is provided for in the location plan filed in the department. The plans indicate where the stations should be.

Hon. Sir MACKENZIE BOWELL—Under the present law you may file the plans and show where you propose to make stations, but you can change them where you please. This provides that you cannot establish a station until you receive the sanction of the government through the Privy Council.

Hon. Mr. CASGRAIN—It is that way in fact, because you must have extra right of way for a station, and that is shown on the location plan. That plan must be approved, and so the government control it.

Hon. Sir MACKENZIE BOWELL—The government have never interfered in a matter of that kind. If you want to change the location of a station, you have only to purchase the land for it. But you cannot do that under this Bill unless you receive the sanction of the Railway Committee.

Hon. Mr. SCOTT—The object of the clause is to give the Railway Committee control over the location of stations. It has been found that railway companies often buy land outside of a town and locate their station and lay out lots. The town or village feel it a great hardship that they have to drive to that place instead of having the station located in the village. This is to give the Railway Committee control where such a thing is attempted.

Hon. Mr. ALLAN—We know railways has been forced to go a little distance outside of towns and villages because people ask immense prices for their lands.

Hon. Mr. SCOTT—That is quite true. The Railway Committee would deal fairly with such a case. If they found anything like an attempt to tax the railway unduly, they would say 'you can go outside.' We can always trust the Railway Committee to do what is fair between a railway company and a town.

Hon. Mr. De BOUCHERVILLE—Supposing a railway wants to pass through a village, and the village is a mile in length, if the government decide that a station shall be put in such a place, the proprietor of that place will be at liberty to ask any price for his land. Why not give some latitude in the location, so that they can make better terms?

Hon. Mr. SCOTT—They have a latitude. This does not fix any particular spot. The point must be approved of. If the Railway Committee consider that an exorbitant price is being asked for the land at a particular spot, they would not compel the railway company to put a station there. Those conditions will come out before the Railway Committee.

Hon. Mr. CLEMOW—It virtually places the location of all the stations in the hands of the government and takes it out of the hands of the railway companies.

Hon. Mr. PRIMROSE—That is about a synopsis of the position.

Hon. Mr. CLEMOW—If the government say 'we think this is a proper locality,' although the railway company may have advantages by going a few miles one way or the other, they must adopt the location selected by the government. In a good many cases it may subject a company to exorbitant charges. We all know when a rail-

way company wants land, the price goes up. If this is the case, would not this place the railway company in a very unfavourable position to compel them to accept any site selected by the government, irrespective of their own opinion.

Hon. Mr. SCOTT—You can trust the Railway Committee.

Hon. Mr. CLEMOW—I don't want to trust anybody.

Hon. Mr. POWER—The railway company select the site in the first instance, and submit their selection to the government. Then, if there is any substantial reason why the site selected should not be the site for the station, the government would not approve. The only criticism I have to make on the clause is one not of very much consequence it is, that this right of the government to interfere should be limited to railways which receive assistance from the public. But inasmuch as every railway built in Canada receives that assistance, it does not matter.

Hon. Sir MACKENZIE BOWELL—There are railways, or portions of railways, in Ontario, that have never received any assistance either from the Ontario government or this government. There is one some sixty or seventy miles in length running into my own county that has never received any aid. The extension northward, however, is receiving aid by the railway bonuses now being granted, but until that was done, that portion of the road running from Trenton out to Coe's Hill, did not receive either governmental or municipal aid. This clause, where exorbitant prices might be asked, has two sides to it. The railway would leave the place which would be most convenient to the population and go a little beyond that in order to enhance the value of property which they might own themselves. If the road was built out of the money of the stockholders exclusively, without any government aid, there is no reason or right why the government should step in and say, you shall build the station at such a place. but in this case it does not give them that power. The only power it gives them is to approve or disapprove, and if they disapprove then there would be no station built at that particular point. or it would be built at the place where the government suggested it ought to be. We know cases where people have bought up large quantities of land, and asked exorbitant prices for it, and the railways have been driven away from the place because they would not pay the price. We know other cases again where the railways have intimated their intention to locate their stations. Properties have been bought in those localities and settlers have gone there, and then, for their own benefit—yes, for their own benefit, although they did not change the route—they moved it somewhere else. As an illustration of what I am saying, when the Grand Trunk was built in my own town they wanted to put the station at a place more convenient than where it is now to Belleville, but the people wanted £400 an acre for their land, and that land has since been sold for taxes. The company had to put the railway some distance off, where they could get land at a reasonable rate. Those are difficulties occurring all the time. This clause does very little good or very little harm. It provides simply for an approval or disapproval, but it might be used to the disadvantage of some people, and it might be corruptly used to the disadvantage of other people. Friends of the government might be interested in property—I am not saying it is possible, but I am putting a hypothetical case,—and they might influence the Railway Committee of the Privy Council to compel the railway to go to that place and increase the value of their property, and they might have an interest in it themselves or they might not. They might be perfectly honest, but human nature is human nature, and as the hon. gentleman from Rideau says, in matters of this kind they should be made so plain that the most dishonest man or the biggest rogue could not take advantage of it. It is a good plan upon which to deal with public matters, not leaving it to the discretion of any particular individual to do wrong if he felt inclined.

Hon. Mr. CLEMOW—I do not think we should interfere too much with the railway companies. They have undertaken a great work in the country and performed the work well, and now it is sought to put other restrictions upon them. I do not know what the effect will be. It may have a good effect or a bad effect. In their own interests they will do what is right. They will obtain the land they require as cheaply

as they can, and I do not think the government should take this excessive power. I do not know what power they have now with regard to the location of a railway station. I suppose they have the right to change the location according to the profiles and plans.

Hon. Mr. MILLS—The legislation on the subject of railways is practically progressive legislation, and it has been altered and amended from time to time as experience has shown changes to be necessary. We give to railway companies the powers of expropriation,—of taking other people's land. It is the sovereign power. It is the right of domain that belongs to the Crown as an absolute proprietor. You confer that power upon the company upon what ground? Upon the ground that the company is quasi a public body, and the expropriation is not given in the interests of the company alone, but in the interests of the public, the road being to serve the public, and when a company comes and asks for incorporation and for those extensive powers, the public have a right to attach what conditions they please. Those conditions have from time to time been of a character that can only be exercised through the Railway Committee of the Privy Council. For instance, you want a crossing. The terms upon which that crossing will be given to a town or village is determined by that body. You do not leave the matter to the railway company. You do not say that the party will be absolutely at the mercy of the railway, but you constitute a public body for the purpose of determining between the public and the railway company what shall be done and upon what condition it shall be done. Now, you are doing the same thing with regard to the crossing. A village requires a crossing, and you state whether it shall be underground or overhead. You give the power of determining that to the Railway Committee of the Privy Council. You are simply extending that power, giving them a little further power with a view of exercising that authority in the public interests as between the public and the railway company or it may be in the interests of the company as against unreasonable demands by the public.

The clause was adopted.

On clause 11,

Hon. Mr. SCOTT—This is precisely the same in principle, only applying to railways holding their charters from provinces but receiving aid from the federal chest. The condition of the subsidy shall be their agreeing to come in under that clause.

Hon. Sir MACKENZIE BOWELL—This goes a good deal further than the other clause. There is a difference between the wording of this clause and the one we have just passed.

Hon. Mr. MILLS—The object is just the same.

Hon. Mr. POWER—Yes, but the power given to the government it greater. I think it should be just the same. The clause says:

> The company for the time being owing or operating such railway shall when thereto directed by order of the Railway Committee, confirmed by the Governor in Council, erect, maintain and operate a station, with such accommodation or facilities in connection therewith as are defined by the committee, at such point or points on the railway as are designated in such order.

Those are railways who are not under the legislative control of Canada except in so far as they receive subsidies. They are railways incorporated by the provincial legislature, but which receive subsidies from parliament, and I think that the provision should be the same as with respect to railways under our legislative control, that the company should submit the location for the approval of the committee. Here the company have nothing to say in the matter. The committee of the Privy Council, whose report will almost, as a matter of course, be confirmed by the Governor in Council, have the right to say absolutely where the stations should be, and I think it would be better to say that the provisions of the 10th section shall also apply in the case of railways which are not subject to the legislative authority of the parliament of Canada but are subsidized.

Hon. Sir MACKENZIE BOWELL—But that does not deal with subsidized railways.

Hon. Mr. SCOTT—I can assure my hon. friend the power of the Railway Committee over the companies chartered by parliament is so strong that there is no danger. Look

at the last line which says : 'The company shall erect and maintain a station, &c.'

Hon. Mr. POWER—The difference is that under section 10 the railway company come in and submit a location for approval by the Railway Committee of the Privy Council. The initiative is with the company. Under clause 11 the initiative rests with the railway company. I think they should be the same.

Hon. Mr. SCOTT—Practically they are the same. We must assume they are worked out intelligently.

Hon. Mr. PRIMROSE—It appears to me it gives unlimited powers to the Railway Committee of the Privy Council and very little power to the railway companies : whether it is right or not I cannot say.

Hon. Sir MACKENZIE BOWELL—The only thing in this clause is that, if a railway company think proper to accept their subsidy under these conditions, they know what they are doing.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—You make provision for railways exclusively provincial as well as those that come under the Railway Act and exist under a Dominion charter.

Hon. Mr. SCOTT—If they choose to accept the subsidy, their stations are subject to the approval of the railway company.

Hon. Sir MACKENZIE BOWELL—I understand, but it applies only to railways that are to be subsidized afterwards. You direct where station houses shall be erected on all railways that shall receive a subsidy hereafter, whether they be exclusively provincial or Dominion. That is what the clause provides for.

Hon. Mr. SCOTT—It applies only to companies holding provincial charters.

Hon. Sir MACKENZIE BOWELL—Why not make it apply to those which have been, or may hereafter be subsidized ?

Hon. Mr. SCOTT—We thought we would not make it retroactive. It would not be quite fair.

The clause was adopted.

On clause 12,

Hon. Mr. SCOTT—In Ontario we have power given to our courts to sequestrate and sell by order of the Court of Chancery a railway that has gone into liquidation, practically, under a mortgage and the provincial statutes, of course only affecting charters that are granted by the province. This clause proposes to give to the province the power to sequestrate the road under similar conditions, although the charter may have been granted by the parliament of Canada.

Hon. Mr. OWENS—I think the great objection to this clause is that the Railway Committee of the Privy Council will divest themselves and hand over power to the provincial legislature.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. OWENS—That is precisely what the Bill provides for.

Hon. Mr. SCOTT—No. Clause 12 reads :

89a. Whenever there is in force in any province a law under which a railway which is situate wholly within the limits of such province and subject to its legislative jurisdiction, and in aid of which or any part of which the government of such province has previously granted and paid a subsidy, may be sequestrated or sold for any cause, then, on application by the attorney general of such province, and on good course shown, the Governor in Council may order that any railway similarly situate and subsidized, but subject to the legislative authority of the Parliament of Canada, may be sequestrated or sold in accordance with the provisions of such provincial law, and all proceedings for that purpose may be validly taken in the same manner and with the same effect as if such last mentioned railway had been before such order, and continued to be thereafter, within the legislative jurisdiction of the said province.

Hon. Mr. OWENS—You allow the province to take proceedings to sequestrate or sell that property. Would it not be much better if that was reserved to the Privy Council of the federal parliament ?

Hon. Sir MACKENZIE BOWELL—I should like to ask the Minister of Justice, for my own information, what power has the Dominion government over railways which are exclusively under the control of the provincial legislature, or what interest ? If they become bankrupt and the laws of the province in which they are situated have the power to sequestrate and sell, why should they apply to the Attorney General of the Dominion asking permission to do that which they have power under their own law to do ?

Hon. Mr. SCOTT—They would not have the power to proceed where the company holds a charter from the Dominion of Can-

ada. They would have power to proceed against a company holding a provincial charter where the company is sequestrated. When they cannot proceed against it on account of the provincial charter, then, on the authority of the Attorney General, this clause authorizes sequestration under the laws of the province.

Hon. Sir MACKENZIE BOWELL—I understand that. But how far does that interfere with what are termed, in the constitution, civil rights and property ? Has not the railway when exclusively within the province, though it may have been subsidized by the Dominion government, and built under a Dominion charter, just as much the civil right to hold property as if it were built by an individual ; and if not, in what respect is it removed from that clause of the constitution governing property and civil rights ?

Hon. Mr. MILLS—What particular provision has the hon. gentleman in view ?

Hon. Sir MACKENZIE BOWELL—Clause 12, where, under certain circumstances, the Dominion government give the power to the local government to deal with private property. Because a railway is as much private property as any other property I would call attention to the objection which is made to this clause. The idea prevails in the minds of some people that this Bill is being introduced for a special purpose, to sequestrate and throw into bankruptcy a certain railway, and thereby deprive creditors of their rights. I hold in my hand a telegram from Toronto, from Mr. G. R. K. Cockburn, president of the Ontario Bank, in which he says :

The last section of Blair's Act to amend the Railway Act, which has gone up to the Senate, is aimed directly at the Baie des Chaleurs Railway, and intended to wipe our claim out. I hope you will see that we are protected in this.

Then here is a similar one sent to my hon. friend from York, from Mr. Barwick, solicitor of the Bank of Ontario :

The last section of Commons Railway Act before Senate to-day has been drawn with apparent intention of enabling local government to sell Baie des Chaleurs and wipe out the claim of McFarlane estate, established by Senate in 1891. Hope this clause will not be allowed to pass.

Then here is a telegram sent to my hon. friend from Missisquoi (Hon. Mr. Baker) :

The last section of Commons Railway Act before Senate to-day has been drawn with apparent intention of enabling local government to sell Baie des Chaleurs Railway and wipe out the claim of McFarlane estate established by Senate in 1891. Hope this clause will not be allowed to pass.

If that be the effect of the passage of this Bill, it would be rather a serious matter for the Ontario Bank, and one can scarcely conceive that such is the intention.

Hon. Mr. SCOTT—We will let it stand until the next sitting and make inquiry.

Hon. Sir MACKENZIE BOWELL—I am much obliged to the hon. gentleman. The bank is deeply interested in claims which it has upon the parties connected with that road. Whether it be against Macfarlane, the original contractor, or whether it be against the road itself, I do not know. I only speak from what has been placed in my hands, and we all know the difficulties which have arisen in connection with that road in the past. The examination before the Senate committee exposed a good many things which are not what we call strictly honest or right, and it would be a great pity that a clause of this kind should pass which would wipe out of existence claims which a bank, or a contractor, or any individual has. If some provision could be made by which these claims should be protected in case of sale, to the extent of the amount, I daresay those people would have no objection.

Hon. Mr. POWER—I do not think that this clause is intended to have the effect indicated by the first telegram which the hon. leader of the opposition read. The hon. gentleman from Rideau will remember that in the case of the North-west Central Railway, there was very great difficulty in securing the sale of that road, just on account of the want of some such provision as this.

Hon. Mr. SCOTT—And several other roads.

Hon. Mr. POWER—The creditors of a railway company, who have a lien on the road should have some means of enforcing it, and that is the object of this clause.

Hon. Mr. SCOTT—Of course, in this Bill, the prior rights would not in any way be disturbed. The actions would be in the courts of the province. Just now they have no jurisdiction. This proposes to give them jurisdiction. It is very desirable in the case

of several bankrupt roads in the Dominion that they should change hands, but in doing so the priority rights of creditors must be preserved. Of course the courts would take congnizance of that, I think we can trust them to do so. We could not, of course arrange that particular parties should have special rights. It would be outside of our jurisdiction. Probably there are mortgages. The mortgages would stand first. There may be second mortgages, and unsecured creditors. You could not give unsecured creditors priority over mortgages. However, we will let it stand until to-morrow, and inquire into it.

Hon. Mr. CLEMOW—There is a large amount due for wages from them claimed.

Hon. Mr. OWENS—The same objections raised by the Messrs. Macfarlane I would say, apply to other creditors. The object should be to protect the creditors. The hon. senior member for Halifax says he can see no intention in this Bill to wipe out any claims, but if he would refer to the original Bill presented to the House of Commons, he would see it was clearly the intention of parties who had no particular interest in this property, to obtain possession of it at a forced sale, which would be injurious to all the creditors, and I must say I think the legislation is very bad, and that even as amended at present, to hand over to the local authorities the right to sell private property is a step in the wrong direction, and that the legislation would be very dangerous.

Hon. Sir MACKENZIE BOWELL—I hope the hon. Minister of Justice will look at the point I have raised. One would think, reading this clause closely, that it was an indirect way of accomplishing what was attempted to be done by a private Bill which passed the House of Commons and was rejected by the Senate committee—to get possession of these properties in Gaspé. The Senate committee rejected that Bill because they believed it was interfering with private rights. They did not stop to ask who was connected with it, or whether the man was reputable or disreputable, but rejected it on that ground. One would be led to infer, knowing the other facts, that this clause was intended to accomplish in another way that which the same parties attempted to secure by a private Bill. I would ask the Minister of Justice, when considering this clause, to see whether that is not the intention of this Bill if it should become law.

Hon. Mr. MILLS—Supposing there was a private Bill introduced in the House to accomplish this same object and it failed, that would be no evidence that this was not proper legislation. My hon. friend knows that when we undertake to act in any province, we act in conformity with the law of the province. For instance, you expropriate lands for railways, but when you come to require a conveyance to be made, it must be in conformity with the law of the province in which that portion of the road is situated, and all that this clause does is this: the railway may be financially embarrassed; that is no reason why it should be allowed to remain for ever in that condition. There may be bonds issued. There may be a mortgage lien on the road. There may be a lien for work by workmen. Now, the order in which these charges are made, I have no doubt, will be in conformity with rights of the province in which the road is situated. The private rights of the parties, whether it be in a railway or some other property, will be in conformity with the law of the province where the right lies. All I see that this clause proposes to do is, if a road were to go into liquidation, if it passes into other hands, it does not take away the right of any private party. It leaves the right of the private party, who had a lien upon the line of railway before to share in the proceeds, in the same order in which their rights existed before. I do not see that that in any way affects the right of a party, because if a road is financially embarrassed, there is no reason why it should remain for ever in that position. You must provide some means by which it may get free of its embarrassment, and that whatever the road is worth, whatever it may bring, will go towards the payment of the claims of those who have claims against it, in the order of their priority. Those who have the first claim would, of course, be the first paid, and so on in their order, until the funds would be exhausted.

Hon. Mr. LANDRY—Could the hon. gentleman tell us what induced the government to make this change in the general law?

Hon. Mr. MILLS—There is no change in the general law.

Hon. Mr. LANDRY—Then why is this Bill brought in ?

Hon. Mr. SCOTT—Because the provincial powers could not sell through their courts, in that summary way the property of a company that holds its charter from the parliament of Canada. It is to enable the province, if necessary, to sell or sequestrate.

Hon. Mr. LANDRY—At the request of what province is it introduced ?

Hon. Mr. SCOTT—The province in which the line happens to be situated.

Hon. Mr. LANDRY—That is not what I am asking. I am asking, at the request of what province is this legislation brought in ?

Hon. Mr. SCOTT—At the request of the particular province interested. I do not know that there was any particular case in view.

Hon. Mr. MILLS—If this was a provincial corporation, this legislation would not be necessary, but being a Dominion corporation, the enabling power is necessary in order that it may be dealt with in conformity with the law of the province where it is situated.

Hon. Mr. FERGUSON—I remember we had a private Bill dealing with the Baie des Chaleurs railway this session. That Bill gave a new company the right to acquire the existing Baie des Chaleurs road, and also power to parallel that road. If I remember right, those were the principal provisions of that measure, and I know there was a very strong demonstration from the counties of Bonaventure and Gaspé against that Bill, and it was rejected by the Railway Committee of this House. It would seem to me, from the recollection I have of the object and scope of that private railway Bill, that this clause is a part of the same general plan. That legislation aimed at paralleling the road, and in that way forcing the sale, and giving power to this other company to buy it. This Bill would give power to the Attorney General of Quebec to force the sale. It seems to me as if this legislation was intended to fit exactly into that private legislation that was sought for, but which the Railway committee of the Senate refused to give.

Hon. Mr. SCOTT—The question is this: is it better that when a railroad becomes bankrupt, it should be lying useless there, going to decay or that it be sold and bought in by somebody and revived. Heretofore on different occasions the parliament of Canada has ordered the sale of a road. One of the first I remember was the sale of the railway running from Ottawa to Prescott, and I think the road running to Brockville, by the Court of Chancery. Then I think we authorized the sale of the North-west Central. When a railway becomes tied up by a number of mortgages, claims and liens, in the interests of the public it should be put on a different basis. I do not know what condition the Baie des Chaleurs road is in, but I do not think it has been running very regularly.

The clause was allowed to stand.

Hon. Mr. BAIRD, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

BRITISH AMERICA PULP AND PAPER COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. LANDRY moved concurrence in the amendments made by the House of Commons to Bill (U) 'An Act to incorporate the British America Pulp and Paper Company.'

The motion was agreed to.

ELECTION LAW AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole House on Bill (133) 'An Act to consolidate and amend the law relating to the election of members of the House of Commons.'

(In the Committee.)

On clause 6, subsection 2,

2. If a member of a provincial legislature, notwithstanding his disqualification as in the next preceding section mentioned, receives a majority of votes at an election, such majority of votes shall be thrown away, and the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

Hon. Mr. McMILLAN—What is to prevent a candidate putting up a job of that kind

for the purpose of defeating an opponent and securing the election of a third candidate ?

Hon. Mr. MILLS—The rule is well settled in England, and has been ever since the day of Wilkes, and that rule has been recognized in this country, that if the public knowingly vote for a man who is not eligible for election, they throw away their votes. If a member of a provincial legislature, notwithstanding his disqualifications, received a majority of votes, such majority of votes shall be thrown away, because it is presumed and assumed that everybody knows who the members of local legislatures are. There can be no mistake.

Hon. Sir MACKENZIE BOWELL—Why does not that subclause apply also to members of the council in the North-west Territories ? Do they not occupy a similar position to members of local legislatures ? Members of local legislatures were disfranchised in order to do away with what is called dual representation. It is needless for me to say, I have always been opposed to that : I believe the people should be at liberty to choose as their representatives the men that suit them best. The members of the North-west Council occupy, to the Dominion parliament, precisely the same position as the members of the local legislature, and why should they be allowed to be elected to a seat in the House of Commons, while the members of local legislatures are disqualified.

Hon. Mr. MILLS—I suppose members of the North-west Council are excluded by the North-west Territories Act. If they are not, we would have to deal with the subject of the North-west Territories if my hon. friend thinks it desirable.

Hon. Sir MACKENZIE BOWELL—I am not particular about it.

Hon. Mr. MILLS—I think we are only dealing in this Bill with the provinces.

Hon. Sir MACKENZIE BOWELL—No, because the law applies to the North-west Territories just as much as it applies to any province. There may be exceptional clauses, but the representatives representing constituencies in the North-west Territories have to come within the provisions of this law just the same as the gentlemen who represent the local legislatures in the provinces.

Hon. Mr. LANDRY—Could the hon. minister point out what would take place in a case like this : a member of the provincial legislature sends his resignation to the Speaker of the House to which he belongs but he does not send it in the proper form. The public are under the impression that he is no longer a member of the legislature. Will their votes be thrown away ?

The CHAIRMAN—There is no form required.

Hon. Mr. MILLS—My hon. friend (hon. Sir Mackenzie Bowell) will see it is all right. The interpretation Act provides that the word 'provincial' shall include the representative of the North-west Territories.

Hon. Mr. LANDRY—I was putting a question to the hon. minister. A local member sends in his resignation. There is something defective in the form, or the letter does not reach the Speaker in time and he formally remains a member of the local legislature, but the public at large believe that he has ceased to be a member. What would happen if he received a majority of the votes ?

Hon. Mr. MILLS—If he is still a member of the local legislature, he would be disqualified.

Hon. Mr. LANDRY—Then the distinction made just now has no foundation.

Hon. Mr. MILLS—What distinction ?

Hon. Mr. LANDRY—If the people know or do not know.

Hon. Mr. MILLS—Not in his case, but that distinction may apply to other disqualifications. A man may have committed some crime which disqualified him under the law. He might have given or accepted a bribe at an election which disqualifies him for any office at any time, and while that may not be known to the public, the votes given to him are not thrown away, but they go to defeat his opponent.

The clause was adopted.

On clause 8,

Hon. Sir MACKENZIE BOWELL—There is no difference in this ?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I think the decisions have been that it is not unlawful for a candidate to employ canvassers, but if the canvasser receives money, that disqualifies the agent who has been canvassing for the candidate from voting?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—That is the only penalty?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—And that remains as it was?

Hon. Mr. MILLS—Yes.

The clause was adopted.

On clause 12,

Hon. Sir MACKENZIE BOWELL—It is supposed that the Privy Councillors are not fit for the position of a returning officer, deputy returning officer, election clerk or poll clerk. This is the point to which I called attention a few moments ago. It speaks of 'members of the legislature of any province.' Why are not the members of the North-west council disqualified as well?

Hon. Mr. MILLS—I have just stated that the interpretation clause provides that members of the North-west council are included with members of the legislative assembly.

Hon. Sir MACKENZIE BOWELL—Why not mention it?

Hon. Mr. MILLS—Because the word 'legislative assembly' is broad enough to include it.

Hon. Mr. SCOTT—The interpretation clause reads:

The expression legislative council or legislative assembly includes the lieutenant-governor in council, also the legislative assembly of the North-west Territories.

The clause was adopted.

On clause 20,

Hon. Mr. FERGUSON—With regard to the penalty provided in this clause, for neglect of duty by election officers, while the amount is large enough it does not appear to me that the scope of this section would apply to some difficulty we would have of a local character in the province of Prince Edward Island. There we come to the point that hon. gentlemen will bear in mind that we have open voting, and that there are no lists, and it is provided in the local law that the returning officer shall be subject to a penalty if he should protract the voting or in any way interfere with the progress of the election so as to prevent votes from being recorded, by allowing unnecessary questions to be asked, and there is a penalty fixed for that. I am afraid this section would hardly reach it, and there is another section in the local law where a returning officer is held liable to a penalty if he allows a mob to control the poll, and it is doubtful if section 19 would cover such a case. A word or two would make it clear. If we added in the third line, after the word 'Act' the following:

Or the provincial Act.

Possibly, as there are some other clauses dealing with a kindred subject, it might be allowed to stand, but I raise the point at this stage.

Hon. Mr. MILLS—I think this is sufficient as it is, but I will let it stand, and if my hon. friend wishes to go back with a view to reconsidering afterwards I will not object.

The clause was allowed to stand.

On clause 21,

Hon. Mr. LANDRY—Why are the words 'if there are any' inserted in this clause?

Hon. Mr. MILLS—Because in the North-west and in Prince Edward Island there are no voters lists prepared at all.

Hon. Mr. LANDRY—I suppose the lists of this year are not ready yet?

Hon. Mr. MILLS—No, it is not that.

Hon. Mr. LANDRY—It might be construed in that way.

Hon. Mr. MILLS—In most of the provinces there are voters' lists. In some provinces there are none. In Prince Edward Island there are none, and therefore we have inserted 'if there are any,' because you cannot provide for voters' lists in provinces where there are none.

The first subclause was adopted.

On subclause 2,

Hon. Mr. FERGUSON—I suggest a small amendment to this clause. It deals with oaths. It reads as follows:

The instructions referred to in subsection one of this section shall contain forms of the oaths referred to in sections 65, 66 and 68 of this Act, and in the case of returning officers in the province of Prince Edward Island.

Then I propose to insert after the word 'Act':

Having been made applicable to the election being held.

It will be remembered that in the Dominion Elections Franchise Act in 1898, the closing section provided that it shall be lawful for the Governor in Council to issue as schedules to that Act the provincial forms of oath, having made them applicable to the election being held. That is repealed by this Bill, but that provision is included in section 66, but does not do it as effectually as it was done in the Franchise Act. The object is to provide that the Governor in Council, in issuing the instructions shall make these oaths applicable, that the deputy returning officer would not have anything to do with it, but he should have the oaths made applicable and sent to him in that way. If it were left to the deputy returning officers, they might wilfully or ignorantly present a different oath to the different men. If this were put in, it would settle it, and there would be no possibility of any trouble at the poll.

Hon. Mr. MILLS—I do not like the wording of my hon. friend's suggested amendment. I think the effect of the clause as it is meets the objection of my hon. friend. His amendment is very awkwardly framed. It would read better in this way:

Having been made applicable to the election when held.

Hon. Sir MACKENZIE BOWELL—It cannot be applicable at any other time.

Hon. Mr. FERGUSON—I think it amounts to the same thing.

Hon. Mr. MACDONALD (P.E.I.)—That provision should come in after the reference to Prince Edward Island, because putting it in where the hon. member suggests makes it refer to those sections of the Dominion law

Hon. Mr. MILLS.

Hon. Mr. FERGUSON—No. The oaths referred to in sections 65, 66 and 68 are oaths that belong to Prince Edward Island, and therefore it is unnecessary to make it any more specific than it is.

The amendment was adopted.

Hon. Mr. FERGUSON—It was my intention to move another amendment but, on close examination, I see it is not necessary in the form which I proposed. I was going to suggest that after the word 'provincial law' the following words be added 'and Franchise Act of 1898.' There is no voters' lists in Prince Edward Island, and the officers have to make their lists on election days, and it would be necessary that they should have a copy of the Franchise Act, but, on looking over the Franchise Act, I think it essential that it should be furnished to all the returning officers in Canada. It deals with cases where there are voters' lists, and says so little about cases were there are none, that it would be of little use in Prince Edward Island.

Hon. Mr. MILLS—It is furnished invariably along with the Election Act?

Hon. Mr. FERGUSON—It is not so provided in this Act.

The subclause was adopted.

On subsection 3 of clause 22,

Hon. Mr. McMILLAN—I should like to ask the hon. Minister of Justice the meaning of the word 'or of any part thereof.'

Hon. Mr. SCOTT—In some places they would not need a full list. In some cases the lists are made out to the provinces, and would take in an area that would probably only take in a part of the federal list.

The subclause was adopted.

On clause 41, subsection '*e*':

On a poll being granted, the returning officer shall * * * * * *

(e.) Furnish each deputy returning officer with a sufficient number of ballot papers (all being of the same description and as nearly as possible alike), to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers,—every ballot paper so furnished by the returning officer being stamped by him with a stamp furnished to him for that purpose by the Clerk of the Crown in Chancery, the stamp being so placed on the ballot paper that when the latter is folded by a voter the stamp can be seen without the ballot paper being opened.

Hon. Mr. McKINDSEY—It seems to me the stamp should be in the custody of some other person than the returning officer, and the returning officer should have the ballot stamped by such other person. For instance, I would suggest that the stamp be sent under seal to the county judge, and let the returning officer go there and get his ballots stamped by the judge, because, as I know, in some of the late elections in Ontario the returning officer appointed persons as deputies who were not known to him and under fictitious names, and a great many other things of that kind occurred. It might happen, during the time the returning officer is stamping these ballots, that he might unintentionally turn to look out of the window for a moment, and a person use the stamp upon bogus ballots and carry away some of them.

Hon. Mr. SCOTT—That cannot be.

Hon. Mr. McKINDSEY—I have been a returning officer very frequently. I contend that some person outside of the returning officer should have the custody of the stamp. I would not object to the ballots being furnished from the department here, to each constituency if they were stamped by the clerk of the Crown here before they were sent. They could not then be duplicated, because each deputy returning officer has to give a receipt for the number of ballots he receives, and has to account for them. But that is not the question. There may be ballots outside of that.

Hon. Mr. SCOTT—The paper is sent from Ottawa. They cannot procure the paper otherwise.

Hon. M. McKINDSEY—If the stamp is to be at all a security against frauds of that kind, it should be in the custody of some person outside of the machinery of the election. I think myself that the best prevention of frauds in election would be for the authorized scrutineers, who are permitted to go into the polling booths by each of the parties, should, with the returning officer, put their initial on the ballot papers. Then there would be no possible chance for frauds of that kind. That would be the best prevention. If not, I think the stamp should be sent to some other person and let the returning ocffier go there and get his ballots stamped.

Hon. Mr. DeBOUCHERVILLE—What will be on the stamp ?

Hon. Mr. MILLS—The Bill does not provide except the name of the constituency. We do not want to make the law so stringent that we cannot hold an election.

Hon. Mr. DeBOUCHERVILLE—I think we have a perfect law in the province of Quebec, but there is this danger : when an elector comes to vote, the deputy returning officer, or the returning officer himself, signs his name on the counterfoil. The elector puts on his cross, folds the ballot up and hands it back to the returning officer, who tears off the counterfoil. There is one danger, if the returning officer, or deputy, is not honest, he may beforehand have one of these ballots marked and change it afterwards. But this might be prevented by requiring the representatives of the candidates to sign the ballots at the same time as the deputy returning officer. Then they could not change them. I think the proposal was made, but the objection was raised that it would take too much time. That is no valid objection, because if each of the representatives had a stamp, it would not take more than a second for both to put on their stamps.

Hon. Mr. MILLS—It is the returning officer who stamps, and the deputy returning officer receives the stamped ballot. The initials on the ballot are initials of the deputy returning officers.

Hon. Mr. SCOTT—The Bill makes provision that the ballot paper shall be provided at the Bureau ; that it shall be waterlined paper—paper that cannot be obtained anywhere else in Canada. The proposal first was to print the ballots here, but it was found to be impracticable, because we would have to know the names of the candidates, and they would have to be sent to remote distances. The printer who prints will have to account for all the paper he receives and delivers over, so that there will be a check on all the ballots. The returning officer must return all unused ballots. All the ballots have to be numbered, and they are to be in packages of 25, 50 and 100, and the unused ones must be returned, so that it would be quite impossible for other ballots to be substituted.

Hon. Mr. McKINDSEY—What is the object of having the stamp on ?

Hon. Mr. SCOTT—It is an additional protection.

Hon. Mr. McKINDSEY—It is a protection all right enough, if put in proper hands. I only submit the suggestion. I know how these things have been manipulated before. I think if a stamp is to be used as a matter of precaution, it should be in the hands of somebody else besides the returning officer. If the Minister of Justice would come to the conclusion to allow the scrutineers to endorse the ballots before the voters receive them, there will be no necessity for any further precaution to be taken. That would be really settling the whole question: if they were allowed, in counting the ballots afterwards, to see the ballots, and see that they are right, then there could be no possible substitution of false ballots.

Hon. Mr. MILLS—These matters were very fully discussed when this Bill was prepared. One of the reasons for not adopting the system which the hon. gentleman suggests was, we thought that too much time might be consumed, and that if the ballots were received already stamped, and the deputy returning officer initialled them before they were given out to be marked by the voters, and had to account for the total number that he received, the security was as complete as it was really necessary it should be.

Hon. Mr. McKINDSEY—That is all right enough, but if it is necessary to have precaution at all, let us use our best endeavours to make it perfect, and if it is necessary to have these ballots initialled in the morning, let it be understood that these two scrutineers shall appear before the deputy an hour before the polls open, and initial the ballots. If that is going to remedy an evil that has existed before, let us make the proper provision. My opinion is that the stamp will not be of any use, as intended to be used in this clause. I cannot see any reason why the scrutineers, who are authorized to be in the polling booths, should not initial these ballots with the returning officer.

Hon. Mr. POWER—The less machinery you have about these elections the better.

Hon. Mr. McKINDSEY—That is not machinery.

Hon. Mr. POWER—Excuse me, it is machinery. The stamp shows that the ballot comes from the returning officer. The remedy suggested by the hon. gentleman from Halton (Hon. Mr. McKindsey) is that in order to secure greater certainty that nothing is wrong, the scrutineer should come an hour beforehand. Every hon. gentleman knows that frequently there is a scrutineer for only one party present.

Hon. Sir MACKENZIE BOWELL—Sometimes none at all.

Hon. Mr. POWER—And sometimes no scrutineer, and it would involve a great deal of additional trouble, and as far as I can see would not give additional security. The fact that the stamp is on the ballot shows that it is a ballot which has come from the returning officer, and that is all you need to know.

Hon. Mr. McKINDSEY—If the scrutineers are there, I should think they ought to have the right to initial those ballots if they want to, so as to identify them when they are counted. The fact of the matter is, the stamping of these ballots does not prevent fraud. There is no reason why that stamp could not, in a fraudulent way, be put on duplicate ballots printed for the purpose of fraud and the original ones destroyed, and the fraudulent ones used, which it is well known has been done. If they can get the stamp on fraudulent ballots, it is no protection. But if you place the stamp in the hands of the County Judge, and the returning officer has to go to him to get the ballots stamped, then the fraudulent ballots cannot have that stamp on them; but if that is not done, there is no protection. If the candidates do not choose to put scrutineers in the booth, they must suffer the consequences of their neglect.

Hon. Mr. PRIMROSE—The hon. senator from Halifax seems to think there is too much machinery about this. The object of the hon. gentleman from Halton (Hon. Mr. McKindsey) is to prevent the use of 'The Machine.'

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's idea is sound if he can carry it out in practice. The object of the Bill is to prevent frauds such as have been practised in the past, and if any one can obtain a stamped ballot by any means at all,

he can practice the same frauds that have been practised in the past, and which have been exposed lately, by what they call 'switching ballots,' and when we come to that clause, I shall make a suggestion in order to avoid that kind of fraud as much as possible. One of these clauses provides that the ballot shall be held in the hands of the returning officer when it is handed to him, and torn off in the presence of the voter, and also of the agent, but there is nothing to compel the returning officer to expose that ballot after he has torn off the counterfoil, so that by switching, that we have heard of lately, a man might have a false ballot up his sleeve, and put the wrong ballot in the box.

I think a few words will obviate that difficulty. This is all in connection with this question now before the House, and another thing I shall propose to the minister when we reach the clause, in order to preserve the purity of elections, as far as possible, is to have the ballot-box so placed that the candidates, the agent, or any one on behalf of the candidates, or the voter, shall see that the ballot is put in the box. I will give an illustration when we reach it, and give my reasons for it. If the suggestion of the hon. gentleman from Halton (Mr. McKindsey) should be carried out, that the ballots should be stamped by the judge of the district and sent to the returning officer already stamped, it would prevent to a very great extent improper acts being done by the returning officer. It may be all very well to say returning officers will not do that. We know cases where the returning officers have actually lent themselves, whether designedly or not, I am not going to say, to the appointment of deputy returning officers who were not known, and without taking the oath perpetrated these frauds. I know in my own county an attempt was made with the sheriff, when he had the writ in his hands, to appoint strangers he did not know, and whom nobody else knew, but they were sent there for a purpose. That was at the last election. He is a strong partisan of my hon. friend opposite, but I believe he is an honest man. As soon as he heard, accidentally in a bar-room where he happened to be, that these things were to be perpetrated, he refused to allow the papers to go out of his hands, and he made the appointments himself. If he had done what some other sheriffs have done, he would have placed the papers in the hands of dishonest men, and the result would have been the same as we have heard of in other elections. If the judge had the stamping of these, and not allow the stamp to go out of his hands, and then hand them to the returning officer, these little ballot-boxes containing 250 in each division, they would be stamped by the sheriff, and no one else would have the stamp, and I think it would be a good provision, but you would have to alter one or two clauses to meet that case.

Hon. Mr. PRIMROSE—If the hon. minister think it is not practicable to adopt that suggestion there is no use in having them stamped.

Hon. Mr. LANDRY—It might be practicable in Ontario where they have the county judges, but I do not think it would do in Quebec.

Hon. Mr. MILLS—Take British Columbia or the North-west Territories, where there are several thousand square miles and not half a dozen judges, supposing the judge was away on leave of absence at the time, while your election is being held, it could not be worked.

Hon. Sir MACKENZIE BOWELL—The distance would not affect it, because if they were sent to the judge of the Caribou district, he would stamp them and hand then to the returning officers. They have to be sent from here in any event.

Hon. Mr. MILLS—The judge might be three hundred miles away.

Hon. Mr. WATSON—Extra precautions are being taken for the protection of the ballot. In section 48 we have the description of the ballot-paper. It has to be furnished by the Queen's Printer, bound in certain form, and the printer's name has to be on each ballot, and then there is the printer's affidavit setting forth the description on the number of the ballots, and the fact that no other ballots have been supplied by him to any one else. Those are precautions which prevent any extra ballots being printed for the operations suggested by the hon. leader of the opposition.

Hon. Sir MACKENZIE BOWELL—I admire the hon. gentleman's simplicity.

Hon. Mr. WATSON—I suffered from the ballot switching process myself long before I came to this House. In fact, I think the first place the ballot switching was discovered was in Macdonald, where I lived.

Hon. Sir MACKENZIE BOWELL—No, we have plenty of it in Ontario.

Hon. Mr. WATSON—And the operation was not by holding it up the sleeve, but by switching it on the table. I know there are additional precautions taken here, because formerly the printer furnished his own paper and kept no particular trace of it.

Hon. Mr. McKINDSEY—Supposing the question of stamping the ballots is not approved of, what is the objection to the scrutineers, who are always on hand, putting their initials to the ballot ?

Hon. Mr. SCOTT—Supposing they are not there ?

Hon. Mr. McKINDSEY—But if they are there ? If one or the other party choose to have a scrutineer, what is the objection to having the scrutineer initialling the ballot ? There could not be substitution then.

Hon. Mr. SCOTT—There cannot be any substitution under this arrangement. If my hon. friend will allow the Bill to go to a certain stage, he will see that there can be no substitution.

Hon. Mr. POWER—With respect to scrutineers, in Nova Scotia at any rate, in a great many cases, where a deputy returning officer is known to be an upright, honest man, the two parties trust to him and do not put in scrutineers at all.

Hon. Mr. McKINDSEY—They suffer, that is all.

Hon. Mr. POWER—Ontarions must be immoral ; they are always suspecting evil.

The subclause was adopted.

Hon. Mr. MILLS—I propose to add to clause 41 the following as subclause 2 :

The stamp referred to in paragraph 'E' of this section shall be specially designed and made for the purpose of each election, and shall be forwarded by the Clerk of the Crown in Chancery to the returning officer so as to reach him on or about the day of the nomination of candidates. It shall show the names of the electoral district and the year of the election, and shall be of such design that an impression made from it shall be readily recognizable.

The amendment was agreed to, and the clause as amended was adopted.

On clause 45,

Hon. Mr. MILLS—I move to strike out the words 'screens, &c.'

Hon. Sir MACKENZIE BOWELL—Why ?

Hon. Mr. MILLS—They only cost five cents.

Hon. Sir MACKENZIE BOWELL—Oh, more than that. They could be folded and put in the ballot-box.

Hon. Mr. MILLS—They are just pieces of cotton.

Hon. Mr. FERGUSON—It is provided in another part that they shall be put in charge of the postmaster, or some other official.

Hon. Mr. MILLS—At the end of five years it is suggested that they should be put in the hands of some postmaster, who shall be accountable for them at the next general election.

Hon. Mr. MILLS—Somebody might.

The amendment was agreed to, and the clause, as amended, was adopted.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

BILL INTRODUCED.

Bill (155) 'An Act to amend the Militia Act.'—(Hon. Mr. Mills.)

THE DECENNIAL CENSUS.

Hon. Mr. LANDRY—Is it the intention of the government to bring down a Census Act this year ?

Hon. Mr. MILLS—I am not aware that it is. That is an administrative matter. I I have not spoken to the Minister of Agriculture.

Hon. Sir MACKENZIE BOWELL—The only reason for asking that question is to ascertain whether the same system is to be adopted in taking the census next year, that was adopted under the late government.

The hon. gentleman will remember that there was a great difference of opinion as to whether it should be de facto or de jure. The system adopted I know was condemned by the opposition at the time.

Hon. Mr. POWER—And will be condemned by the hon. gentleman himself.

Hon. Sir MACKENZIE BOWELL—I should like the hon. gentleman not to judge others by himself because it is very unsafe. I do not think the opposition in this House—I am not saying anything about the other House—have objected to anything which they have once advocated. It is a fair question and the hon. minister might answer it to-morrow.

Hon. Mr. MILLS—I will answer to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, July 13, 1900.

The Speaker took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

DOMINION ELECTIONS BILL.

HOUSE AGAIN IN COMMITTEE.

The House resolved in Committee of the Whole in consideration of Bill (133) 'An Act to consolidate and amend the law relating to the election of members to the House of Commons.'

(In the Committee.)

On clause 48,

Hon. Mr. MILLS—I propose to make some verbal changes in this section. At the top of the next page after the word 'counterfoil' I propose to add the words 'and a stub.'

Hon. Mr. FERGUSON—I notice that it says, 'shall also be provided with a blank counterfoil and a stub,' in form P. Turning to form P, I see it shows where the counterfoil is to be, but not the stub. Therefore, form P would have to be amended in order to show where the stub is to be.

Hon. Mr. MILLS—We can consider that when we come to form P.

Hon. Sir MACKENZIE BOWELL—This has reference to the ballot paper. I would call the attention of hon. gentlemen to another form of ballot. I do not know whether the government has had it under consideration or not. It was put in my hand yesterday. I do not know whether it is too late to adopt it. This ballot is patented by some reverend gentleman in Cornwall, or somewhere in Glengarry.

Hon. Mr. MILLS—We had that before us and considered it when the Bill was being prepared.

Hon. Sir MACKENZIE BOWELL—It seems to be a system by which the intention of the voter would be better assured than under the proposed system. If the government have decided against it, then it is not necessary for me to discuss it. The principle of this ballot is described in a letter which I have here. On these ballots it would make no difference where the mark was made, so long as it was made anywhere on that part of the paper where the candidate's name appears, and there is no other place unless you put it on the top of another candidate's name. Then every ballot paper would have a number on it, number 2, or 22, and when it is selected by the returning officer to hand to the voter, it would be taken indiscriminately from the box—they would all be thrown in. Then you tear off the number 22 when the voter returns with his ballot folded. Then if you see it is 22 like the counterfoil which the returning officer retains, you know it is the original ballot, and it is put in the ballot box. It might be said that you could print these just the same as another ballot, but the fact of your selecting the ballot indiscriminately, no one knows, not even the returning officer until he takes it out of the box, what number is to be given to this voter. So that if you had a quantity of them numbered, he would never know whether it was 22 or 522 he was going to get. It seems to me to be a good protection. I bring it under the notice of the government because, having looked at it casually and for a short time, I think there is a great deal of merit in it, and it is the best system to ensure the purity of the ballot. I bring it under the

notice of the government and it is for them to say whether they should adopt it or not.

Hon. Mr. SCOTT—This has been considered by the members of the government, and it has also been considered by the House of Commons.

Hon. Sir MACKENZIE BOWELL—Was it discussed in the House of Commons?

Hon. Mr. SCOTT—Yes. I thought very highly of it myself, and endeavoured to get it adopted. At one time we thought we could have adopted it and have it put in an ordinary Bill, and have the ballots numbered in the Printing Bureau. It was represented that they could not number them in the country printing offices, the numbers being too high, and the only way was to have them printed in the Printing Bureau. That was found not to be possible, in consequence of the wide distances between the constituencies. It would be impossible to get within seven days the names of the candidates and have them printed, and the ballots sent out. And it was said the higher number could not be printed in a country printing office.

Hon. Sir MACKENZIE BOWELL—Whoever said that, did not know anything about it.

Hon. Mr. SCOTT—It was said that they had not the numbering machines to do it.

Hon. Sir MACKENZIE BOWELL—It does not require number machines. You put the ballots through the press.

Hon. Mr. SCOTT—I tried to have it adopted and the House of Commons said it was impossible.

Hon. Sir MACKENZIE BOWELL—It does not necessarily require a numbering machine.

Hon. Mr. McMILLAN—Who was the inventor of the one that has been adopted?

Hon. Mr. SCOTT—It has grown out of the discussions on the subject.

Hon. Mr. McMILLAN—It appears to me the ballot the government have adopted is the result of patented ballots.

Hon. Mr. MILLS—No, it was suggested by the Clerk of the Crown in Chancery in 1896.

The clause as amended was adopted.

Subsection 3 of clause 48,

Hon. Sir MACKENZIE BOWELL—I would call attention to the weight of the paper. This subsection reads:

3. The ballot shall be printed upon thick writing paper of the following weight: if foolscap paper is used, it shall be of a weight of not less than seventeen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-nine pounds to the ream.

Now, whether the large post is meant or whether it should be royal or some other size that would justify the 29 pounds is not clear. Octavo weighs 8 pounds to the ream, that is called post, I asked Mr. Young of the Stationery Department to bring me these samples and to give me the weights. If this post paper is of the size now exhibited, and is to weigh 29 pounds, it would be equal to pasteboard. If, however, you take foolscap, which is to be 17 pounds, you have a much larger size and a much lighter paper.

Hon. Mr. VIDAL—I would make a suggestion, if it is practicable; all the paper furnished should have a slight tint of colour. It would be a greater protection than anything else.

Hon. Mr. MILLS—It has to be water lined.

Hon. Mr. VIDAL—Why would it not be an additional advantage to give it a shade colour?

Hon. Sir MACKENZIE BOWELL—I was going to suggest this to the hon. gentleman if he would accept the amendment to-day:

All ballots to be printed upon the same weight, colour and quality of paper.

This would prevent the possibility of having a recurrence of what took place in the West Huron case. It was shown before the committee that the ballots which were supposed to be bogus, and which were bogus if we believe the evidence, were printed on a different quality and shade of paper, and as the government will have to furnish this paper, it would be well that it should be of one weight, one quality and one colour.

The subclause was allowed to stand.

On clause 48,

Hon. Mr. MILLS—I propose to strike out subclause 5, of clause 48, and substitute the following :

The ballot papers shall be numbered on the stub and shall be bound or stitched in books, containing 25, 50 or 100 ballots as may be most suitable for supplying the polling districts proportionately to the number of voters in each.

That is to prevent a great deal of waste that would take place in the way of unused ballots if there were 250 in every book.

Hon. Mr. DeBOUCHERVILLE—I think there is no objection to that. Sometimes a ballot is spoiled.

Hon. Mr. MILLS—There will be plenty of ballots sent.

Hon. Sir MACKENZIE BOWELL—Why not say : 'or 250 as the case may be' ? Because then you would only want one book in a division where the full number resided.

The amendment was adopted.

On subclause 6,

Hon. Mr. McMILLAN—That word 'printer' is too loose an expression. He is the man who sets the type. I think it would be better to insert the name of the office, say the *Freeholder*, or the *Glengarrian*.

Hon. Mr. POWER—How could the *Glengarrian* file an affidavit ?

Hon. Mr. McMILLAN—The proprietor could, but the printer may be only a boy with no stake in the country, and he would not be particular in what he declared. There would be no guarantee about it.

Hon. Mr. MILLS—It is not simply a guarantee, but he becomes the party who takes the affidavit, and if any difficulty arises he may be summoned as a witness.

Hon. Mr. McMILLAN—He may be in the United States or South Africa at the time.

Hon. Sir MACKENZIE BOWELL—How would you meet a case where it is done at a job office ? There are those offices in every town and city.

Hon. Mr. SCOTT—Some one is head of the establishment.

Hon. Mr. BAIRD—It says that no other ballot shall be supplied to any one else, but he could supply one an hour afterwards to some one else.

Hon. Mr. FERGUSON—We might say : 'or that he has printed no more than he has supplied.'

Hon. Sir MACKENZIE BOWELL—There is this difficulty about it. He may be printing a thousand ballots and may spoil some of them. We might say : 'And that he had printed no more, and those that were spoiled were destroyed.' I know that I gave positive instructions that every spoiled sheet that went through the press must be destroyed instantly, burned, so that there would not be a possibilitiy of it getting out.

Hon. Mr. MILLS—All the paper must be accounted for, and if there is any spoiled ballot, it would have to be returned with the residue of the paper.

Hon. Mr. POWER—I would suggest to the minister that there may be a little difficulty with respect to subclause 7, which reads as follows :

7. The printer shall, upon delivering the ballot papers to the returning officer, file in his hands an affidavit setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any one else.

I think that some such word as 'similar' should be inserted before the words 'ballot papers,' because the printer may print ballots for two or three counties, and the printer cannot make an affidavit that he has not supplied any ballot papers to any one else.

Hon. Mr. MILLS—Yes, he could.

Hon. Mr. POWER—In Halifax one office will print the ballot papers for four or five counties.

Hon. Mr. FERGUSON—They would not be the same ballots in the different counties.

Hon. Mr. MILLS—He is only swearing with reference to that county.

Hon. Mr. FERGUSON—The names of the candidates would be different.

Hon. Sir MACKENZIE BOWELL—I think there is some force in this. A printing office in Toronto may print ballots for the four divisions of the city of Toronto,

and print ballots for all the polling subdivisions in York east and York west.

Hon. Mr. MILLS—I do not think that that would make any difference.

Hon. Sir MACKENZIE BOWELL—The intention is good.

Hon. Mr. MILLS—He is swearing with reference to each constituency.

Hon. Sir MACKENZIE BOWELL—Would the hon. minister not adopt the suggestion of the hon. gentleman from New Brunswick and add: 'And the fact that no other ballot paper has been supplied by him or will be.'

Hon. Mr. MILLS—It is not the practice to swear prospectively as to what you are going to do.

Hon. Sir MACKENZIE BOWELL—Oh, yes. You swear that you will not do so and so.

Hon. Mr. DeBOUCHERVILLE—If he were a dishonest man he might print further ballots and give them to the returning officer himself. We might strike out the words, 'or any one else.'

Hon. Mr. MILLS—I do not think it is necessary.

Hon. Mr. POWER—Suppose the printer is called upon to print the ballots for West Toronto, and he prints them: if the suggestion of the hon. gentleman is adopted, he would swear he would not print any other ballots, and that would hinder the same printing office from printing ballots for Centre Toronto.

Hon. Mr. BAIRD—He does not swear he will not print them, but that he will not deliver any.

The subclause was adopted.

On clause 49,

Hon. Mr. POWER—I should like to know if there is any provision in this Bill for the case of the Printing Bureau being burned. It is a possible contingency, and there should be some provision made for supplying the ballot papers in case the Government Printing Office was destroyed.

Hon. Mr. MILLS—Oh, no. The Act does not provide that they shall be printed at the office on Nepean Point. If that office should be burned, the Government Printing Office might be located in some other place.

Hon. Sir MACKENZIE BOWELL—The government could constitute any office a government printing office.

The clause was adopted.

On clause 67,

Hon. Mr. MACDONALD (P.E.I.)—There is no reason why the clerk of the candidate should not act as agent.

Hon. Mr. MILLS—You might as well allow the candidate himself to act, as allow his clerk.

The clause was adopted.

On clause 64, subsection 3,

Hon. Sir MACKENZIE BOWELL—I want to point out a difficulty which will arise in cities and towns where there is a list of registered voters. I have already called the attention of the hon. Minister of Justice to it; whether he takes the view I desire to have embodied in this clause, I do not know. Subsection 3 reads as follows:

3. If the elector's name is found on the list of voters for the polling district of the polling station, he shall, subject to the provisions hereinafter contained, be entitled to vote.

That is the embodiment of the principle of the whole Bill—that is, that every elector shall have an opportunity to vote. There are certain regulations and restrictions which govern that. If you turn to clause 65, you will find that an elector may be required to take the oath of qualification. Take the city of Toronto, which has four divisions—I think what I am pointing out will only affect cities and towns that have a list of voters on the principle of registration. Bear in mind, our present law provides that in the city of Toronto, or any town where a registration has to take place, if the voters' list be not over one year old, it shall be used for the purposes of the election. The Ontario law provides that before a general election a registration shall take place at least ten days before the polling. When the oath is to be administered to the voter, it compels him to swear that he is a resident of the division in which his name appears on the voters' list. Now, supposing a Dominion election takes place and the voters' list is eleven months old, or eleven

months and twenty-nine days, that would be the list of voters that would have to be used for the Dominion election. There is another provision, however, in the Ontario Act which recognizes the position of the leader of the opposition—something unusual I admit in legislation. The provision is of this character, that if the Premier of the province and the leader of the opposition think that voters' list is too old, and that there have been many changes in the different divisions, they can jointly, if they agree, ask for another registration, but that must take place before the ten days.

The principle of this Bill and the principle of the Franchise Act is that every man shall have a vote. In the city of Toronto if a man moves across Dufferin Street, which divides the two electoral districts, after the registration has taken place, if he goes from the north to the south side of the street, he is deprived of his vote. That cannot be the intention of the law, particularly when you read subsection 3, of section 64, where it declares that the elector's name shall appear on the list of voters for the polling district of the subdivision, he shall, subject to the provisions of the law, vote in the district. I want to add an amendment to the law so that any voter who moves from one division to another would not be deprived of his vote. The amendment I suggest would be that he must continue to be a resident of the city or town in which he is to cast his vote. In another clause it makes a special provision for changing the oaths to meet the particular circumstances that may arise, particularly in Prince Edward Island, so that the elector shall not be deprived of his vote. I hope that I have made the point sufficiently clear, that what I fear is that this would deprive electors of their votes in a large city like Toronto—it would not apply to Montreal, because there the principle of registration of manhood suffrage does not exist.

Hon. Mr. SCOTT—It would apply to all the county towns in Ontario.

Hon. Sir MACKENZIE BOWELL—It applies only to Ontario, because the Ontario law provides for the registration of voters in cities and towns, but now in the counties. I have reason to believe, from what I have heard, that this amendment would not be objectionable to the gentleman who introduced this Act in the House of Commons, but that they did not wish to deal with it owing to lack of time and that it might be dealt with in the Senate. I propose to add to section 64 the following:

(6) If the name of any person is found on the voters' list to be used at any polling subdivision of an electoral district situated wholly or partially within the limits of a city or incorporated town, and if, between the time when such list came into force for the purpose of a Dominion election and the polling had at such election such person has changed his residence from one part of such city or town to another part thereof, then, notwithstanding anything to the contrary in the provincial law as applicable under the Election Franchise Act of 1898, or under the Act to such election, such person shall be not disqualified from voting in such polling division.

(7) From any oath which any such person offering his vote at such election may be required to take, there will be omitted any statements as to residence which he cannot, by reason of such change of residence mentioned in the next preceding subsection, truthfully make, and instead of such statement the following paragraph may be added to such oath:

That you are now actually a resident of and domiciled in the city or town as the case may be.

I point out again that while subsection 3 gives the elector the right to vote, clause 65 provides that a certain oath be administered to the voter, and he could not truthfully take that oath if he had moved from one division into the other. I have reason to believe that this is not objectionable to the gentlemen in the House of Commons who have the matter in charge. It will preserve to hundreds their right to vote. I am told in a large city like Toronto it may preserve the vote of perhaps a thousand young men. There is a law in Ontario that they should have the right, and I do not think we should do anything to deprive them of it.

Hon. Mr. MILLS—I would say to the hon. gentleman that of course it is strictly true of the provincial law with regard to residential qualification. A party lives in one part of a city and his name is entered on the voters' list in that electoral division. Before the period for election comes he moves into another division. The hon. gentleman says it is unfair that he should be deprived of the right to vote, notwithstanding his having gone elsewhere and gone into another division. It seems to me the logical amendment would be to see that his name is put on the list if there was some provision in the law of the province

by which his name could go on the list of the district into which he has moved. I think that would be a better amendment than the one suggested by the hon. gentleman. But there is a further difficulty. Supposing a man is living in the city of Toronto and he moves from one side to another side of a street which is the dividing line between two electoral divisions, he ceases to be a resident and so ceases to be qualified to vote, under the provincial law, in the district in which he was registered. But my hon. friend does not propose that, if he goes into the township of York, outside, that he should be entitled to vote, and yet why should the one man be disqualified permanently any more than the other, if it is necessary that his name should be on the list? Then, take another case, which is not an uncommon thing among those engaged in labouring, and who are income voters on the voters' list. Here is a county divided into two electoral divisions. He is a resident of one at the time the voters' list was prepared. He ceases to be a resident of that division and moves into another electoral division of the same county. My hon. friend does not propose to give him a vote, although on the principle my hon. friend suggests, he would be as much entitled to a vote as the one for whom he does undertake to provide. But the case to which my hon. friend refers, and for which he wishes to make special provision, could not arise in the coming general election, because there is no voters' list, so far as I know, in any one of the county towns, or in the cities, that would be enforced or upon which a vote would be taken. A new list will be absolutely necessary in all those cases, so that the grievance for which my hon. friend undertakes to make provision is not a grievance which could arise at the general election which is before us, because in all these cases it would be absolutely necessary, under the law as it stands, to make a proper provision, to prepare a list so far as the manhood suffrage vote is concerned to which my hon. friend refers. I hope the hon. gentleman will not press the amendment at this moment. If he desires to press it, I would ask him to let it stand till the afternoon session so as to give me an opportunity of discussing it with some of my colleagues in the House of Commons. The Senate will bear in mind the fact that this is a measure relating to the constitution of the House of Commons, and in which, of course, the House of Commons are chiefly interested. The amendments we have been making have been amendments not to alter the principle of the Bill, but for the purpose of making its provisions more clear. My hon. friend makes a motion which will, to some extent, alter the principle of the law and if he desires to press it I will let this clause stand till the afternoon.

Hon. Sir MACKENZIE BOWELL—I have no objection to accede to the request of the hon. gentleman. Probably he has not had time to consult his colleagues.

Hon. Mr. MILLS—No, I have not.

Hon. Sir MACKENZIE BOWELL—But if I were to enter into the objections which he has taken, I would object to the whole Franchise Act in the province of Ontario. I do not believe, and I never did believe, in the propriety of the one man one vote principle, and I would go further and say that I believe a man ought to have a substantial interest in the country to give him a vote.

Hon. Mr. MILLS—Then my hon. friend should not press this amendment.

Hon. Sir MACKENZIE BOWELL—The fundamental principle of this Bill is to carry out the intentions of the law as it stands upon the statute-book in the different provinces. There is no question about that. Then what is the principle that guides and actuates the statesmen in the province of Ontario? Every man who is of age shall have a vote. They restrict him to residence in the electoral district, and my amendment would provide that a man shall not be deprived of his vote if he happens to move across the street. It does not apply to electoral districts outside of cities or towns. Nor can the difficulties arise in counties or townships. If a man moves from one township to another, or one lot to another, he may live in the first concession of a division, or the tenth concession, but still he retains his vote.

Hon. Mr. MILLS—Not if he gets into another division.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman need not have told me that,

I did not say that. The hon. gentleman instanced moving about a township. I said the cases were not analagous, for the reason that there is not a registered voters' list in any county or riding. It is only confined to cities and towns, consequently the difficulties I have pointed out in a city like Toronto could not by any possibility arise. The hon. gentleman says we are interfering with the Franchise Acts of the provinces. Why this very law interferes with them. Take the Dominion Franchise Act, a copy of which I hold in my hand; there are a number of changes in the Franchise Act placed on the statute-book by the Dominion parliament, interfering with and changing the Franchise Act of the different provinces. The province of Prince Edward Island is a notable case. There are many people disfranchised in Prince Edward Island that are specially given votes under this Act. In Nova Scotia we have precisely the same thing, and in British Columbia, where a certain class of people in the service of Her Majesty are deprived of their votes, the Dominion parliament did not consider that was just or equitable, and they make a provision in this very measure to give the franchise to the electors resident in these provinces to whom I have called attention, who would be disfranchised if they were not exempt under this law. And this is only a slight departure, but while it is a slight departure, it is not an interference with the principle laid down by the legislature of the province of Ontario of giving a vote to every man who is of age and a resident of the city. I will let the clause stand.

Hon. Mr. SCOTT—Has the hon. gentleman in view the manhood suffrage vote?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—I just wish to point out that it would not do in the shape in which it appears, because under the Ontario law the manhood suffrage vote is applicable only to cerain county towns and to Niagara Falls and the places that are specified. The amendment speaks of incorporated towns. It would not do, because it is not applicable to all incorporated towns.

Hon. Sir MACKENZIE BOWELL—I think my hon. friend is right. This was drawn by the law clerk.

Hon. Mr. SCOTT—There would have to be a manhood suffrage list formed specially. It would be unnecessary, of course, when the manhood suffrage vote is taken up, because the Ontario statute names a board that would have to pass upon this subject, and the government would be obliged to name that board, the board of the province, and they make up the list.

Hon. Sir MACKENZIE BOWELL—This has one simple object in view, and that is what I desire the hon. gentleman to keep in view: the object is not to deprive a man, who has moved from one ward to another, of his vote. It compels him to vote in the division in which his name appears on the voters' list.

Hon. Mr. MILLS—That is perfectly clear, but my hon. friend has undertaken to make provision for one man, while another who stands in exactly the same position has no remedy at all.

Hon. Sir MACKENZIE BOWELL—I would like to go the whole length, but I dare not go so far as that. I frankly admit the principle. If I thought the Commons would accept it, I would not deprive any man of his vote whose name was upon the list if he had moved from one county to another, or from one province to another.

The clause was allowed to stand.

On clause 69,

Hon. Mr. FERGUSON—I want to raise the question which I raised yesterday about the penalties provided under the Act. The two last clauses we have just agreed to provide for two things. Sixty-seven provides that when a voter has complied with all the provisions of this Act and the provincial law, and has been willing to take the oaths that he shall be given the ballot-paper and be entitled to vote, and section 68 provides that when he does not so comply, he shall not be allowed to vote, I think the law is lame in this respect, that should the returning officer, in disregard of these sections, refuse the ballot-paper to a man who has complied with the law, the penalty in section 19 would not cover it. I think the Solicitor General expressed himself to that effect elsewhere. In Prince Edward Island, arrange it as you will, the deputy returning officer will have some right to say whe-

ther a man has complied with the provisions of the law and to say whether he gets a ballot or not, and that being so, it would give the deputy returning officers the power to reject the vote of a qualified voter, without his being subject to a penalty, and the only right would be for the voter to sue him for damages. Turning to clauses 19 and 20, I think that was admitted by the Sollicitor General in discussing it elsewhere, and I think that neither of these sections would reach the case of a deputy returning officer refusing a ballot, or a right to vote to a qualified voter, or giving a ballot to a man who had not complied with the requirements of this law, or the provincial law, and my suggestion is that we should, immediately following section 68, enact a subsection which should read in this way:

68 (a). In Prince Edward Island if the deputy returning officer refuses a ballot and the right to vote to any person who is willing to take the oaths prescribed by this Act and the provincial law, and has otherwise complied with the requirements of the law, or gives a ballot to and allows to vote any person who refuses to take such oaths or to otherwise comply with the requirements of the law, he shall, for such offence, be liable, to any person who may sue for the same, to a penalty of two hundred dollars.

If he violates clause 68 or 67 he shall be liable to this penalty. I think it is perfectly reasonable. There is a strong doubt whether the penalties provided in sections 19 and 20 would meet this case, and this is simply providing this penalty for the violation of the provisions of sections 67 and 68, on the one hand, if he refuses a ballot to a man who has complied with all the conditions of the law; or, on the other hand, if he gives a ballot to a man who has not so complied.

Hon. Mr. MILLS—There not being a voters' list, I suppose the deputy returning officer will have to exercise a discretion.

Hon. Mr. FERGUSON—There will have to be some discretion.

Hon. Mr. MILLS—And where he honestly exercises that discretion, you could hardly punish him for it.

Hon. Sir MACKENZIE BOWELL—Who is to be the judge of that?

Hon. Mr. MILLS—The hon. gentleman's proposal is that in Prince Edward Island, if the deputy returning officer refuses a ballot and the right to vote to any person who is willing to take the oaths prescribed by this Act and the provincial law, and who has otherwise complied with the requirements of the law, or gives a ballot and allows to vote any person who refuses to take such oaths, or otherwise refuses to comply with the requirements of the law, he shall be liable to anybody who may sue for the penalty of $200. Is that precisely the same?

Hon. Mr. FERGUSON—That is the same. He would only be liable for the penalty on a person suing him and showing he had violated the law.

Hon. Mr. MILLS—Has this amendment been proposed in the House of Commons?

Hon. Mr. FERGUSON—It is not the same. It broadens it out somewhat. It contained these words in the fourth line:

'And has otherwise complied with the requirements of the law.'

These words which were inserted in the House of Commons, section 67, have been put into this amendment so as to make it fit in with what would be a violation of 67.

Hon. Mr. MILLS—We will let it stand and consider it this afternoon. I do not like to give my consent to an amendment which the House of Commons considered and rejected.

Hon. Mr. FERGUSON—Then, in connection with this subject, there is another point. There are two sections in the provincial law that provide penalties. Where there is an open vote dangers arise in two directions: first, where there would be a very strong influence in favour of one party the scrutineers might be overawed and intimidated and afraid to apply the rules. In such cases, it is provided that the deputy returning officer should take the matter in his own hand, and that he should put the oaths himself, but if a condition of violence prevailed, and he refused to submit the remedy, he should be liable to a penalty. Then there is a penalty if he should put factious and useless questions to voters and delay and prevent them casting their votes. There is a small penalty of $32, provided for each of these offences. I do not think as this Bill stands that there is any provision for either of these sets of circumstances which might arise, I have provided no amendment for these cases, although I

think 19 and 20 might be amended so as to cover these two cases. I think it would be sufficient if section 20 were amended, after the word 'Act' insert 'or the provincial law.' The provincial law provides that he shall prevent the factious and needless asking of questions. If that were inserted, it would answer the purpose. It will come up with the whole question of penalties after the minister has consulted his colleagues. My hon. friend will notice that this amendment which I have submitted is not the amendment rejected by the House of Commons, but is a provision which brings it entirely in harmony with the 67th section which has been approved by the House of Commons.

Mr. POWER—Would it not be better to put it as a subclause to clause 67, which deals with Prince Edward Island alone?

Hon. Mr. FERGUSON—No, because there are two sections. One provides what the returning officer shall do where a man has complied with the requirements of the law, and section 68 says what he shall do when he refuses to comply. My amendment provides a remedy for one or the other, and therefore it should follow 68.

Hon. Sir MACKENZIE BOWELL—Would it not be met by making the change in clause 20?

Hon. Mr. FERGUSON—No, it would not meet it.

The clause was allowed to stand.

On clause 69,

Hon. Sir MACKENZIE BOWELL—Would it not be well to add after the words 'South Africa' the following:

Or any other war waged against Her Britannique Majesty.

In view of what is going on in China, it is just possible some of our volunteers may be sent there. The clause provides for retaining the franchise of any volunteers who are now in South Africa should they return in time to record their vote. I know of no reason why it should not apply to any other war which may occur hereafter.

Hon. Mr. SCOTT—We might add 'or elsewhere.'

Hon. Sir MACKENZIE BOWELL—That would not do, because it would not apply to the present war. I want to provide for any war.

Hon. Mr. MILLS—Then we would be making provision in conformity with an abstract proposition, whereas in this Bill we are dealing with an existing fact. There is a war in South Africa, and voters are away serving in that war and we make provision that that service shall not be to their detriment on the voters' list. Is it necessary to go further?

Hon. Sr MACKENZIE BOWELL—I think so.

Hon. Mr. MILLS—There is no other war.

Hon. Sir MACKENZIE BOWELL—The English Franchise Act makes special provision for the recording of the votes of soldiers, not volunteers, and under the amendment proposed by the Imperial parliament lately, there is special provision made for officers and soldiers who are abroad to retain their vote, and I was very glad to see that the government did not attempt to enforce the clause which was originally in this Bill disfranchising the volunteers in this country. In England they go further. They make a special provision for the permanent soldiers in England to be marched from the barracks under an officer to the polling division, but they make a provision also that he shall not remain there, in order to keep themselves out of difficulties, and I do not see why they should be objected to.

Hon. Mr. MILLS—I was thinking, when the hon. gentleman was speaking, whether our volunteers in the garrison at Halifax, would be disqualified from outside of their own particular districts?

Hon. Sir MACKENZIE BOWELL—I hope not, but they will be under the law as it exists.

Hon. Mr. MILLS—I am speaking of whether it does so under the law as it stands. We might make this clause read:

While serving or attached to any corps dispatched whether for service in Canada or abroad.

Hon. Sir MACKENZIE BOWELL—I think that is a good amendment.

Hon. Mr. MILLS—I will let it stand and put it in proper shape.

The clause was allowed to stand.

On clause 70,

Hon. Sir MACKENZIE BOWELL—It has been suggested so as to prevent the possibility of switching ballots, that one of the agents of each candidate, if any such be present, put his initials on the ballots.

Hon. Mr. SCOTT—That would be too cumbersome ?

Hon. Sir MACKENZIE BOWELL—I think so myself.

Hon. Mr. MILLS—We might have four or five candidates.

Hon. Sir MACKENZIE BOWELL—One is all that would be necessary.

The clause was adopted.

On clause 72,

Hon. Sir MACKENZIE BOWELL—There is nothing in this law which directs where the ballot box should be placed. I would suggest that a provision be made that the ballot box shall be set upon a table, in view of all who are present.

Hon. Mr. POWER—That is what it says.

Hon. Sir MACKENZIE BOWELL—It does not say where the ballot box shall be placed. I suggest that the following words be added :

Which box shall be placed on a table in full view of those present.

I know a case in my own county, where the returning officer insisted on placing the ballot box on the floor, right along side of him by the table. He had a long pair of boots on, and when he took the ballots, it was not known whether he put them in the box or in his boots—well it was known afterwards, because in that division they knew how every one was voting, and the Liberal candidate was declared to have a majority. The candidate with the minority of votes, obtained an affidavit from every man who had voted for him in that division, and showed a good round majority in his favour.

Hon. Mr. MILLS—Those words may be added.

The clause as amended was adopted.

On clause 73,

Hon. Sir MACKENZIE BOWELL—Does this clause give sufficient protection ? I would suggest that it be made to read in this way :

In such manner that it cannot be conveniently used shall, after defacing the ballot by marking out the names of the candidates, deliver it to the returing officer.

It might be destroyed to a certain extent, but afterwards put in the box, and the object is to prevent all iniquities of this character.

Hon. Mr. MILLS—We will make it read this way :

Shall on returning it to the deputy officer, who shall deface it, obtain another ballot paper in its place.

The amendment was adopted.

The Senate adjourned.

SECOND SITTING.

The Speaker took the Chair at three o'clock.

Routine proceedings.

ELECTION LAW AMENDMENT BILL.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (133) 'An Act to consolidate and amend the law relating to the election of members of the House of Commons.

(In the Committee.)

On clause 79,

Hon. Mr. FERGUSON—Does this clause imply that if a man who has been found guilty of any of these crimes, pays his fine, he is not amenable to imprisonment besides? The latter part of the clause reads :

Is guilty of an indictable offence, and shall be liable, if he is a returning officer, deputy returning officer or other officer engaged at the election, to a fine not less than three hundred dollars and not exceeding one thousand dollars, or to imprisonment for any term not less than one year and not exceeding five years, with or without hard labour, in default of paying such fine,—and if he is any other person, to a fine not less than one hundred dollars and not exceeding five hundred dollars, or to imprisonment for any term not exceeding two years and not less than six months, with or without hard labour, in default of paying such fine.

Has he the option of paying the fine ?

Hon. Mr. SCOTT—It is an alternative.

Hon. Mr. FERGUSON—I should think that there should be imprisonment and hard

labour whatever the fine is, in the case of some of those offences.

Hon. Mr. SCOTT—He cannot be imprisoned if he pays the fine.

Hon. Mr. FERGUSON—Is that enough ?

Hon. Mr. MILLS—That is what the House of Commons, the body to be affected by this, have decided, and I do not feel disposed to interfere.

Hon. Mr. FERGUSON—Would it not be open to proceed on a charge of forgery against him, independent of the penalty in this clause ? If the crime is forgery would he be amenable to the Criminal Code in addition to this.

Hon. Mr. MILLS—It is an alternative proposition as it stands in the law, and the law is not altered in that regard.

Hon. Mr. FERGUSON—I know it is not altered, but we are dealing with different circumstances. Men with money might commit this offence, and think nothing of paying the fine if detected. I should like to know if those parties are open to prosecution, under the criminal law, apart from this penalty altogether ?

Hon. Mr. MILLS—I would require to look at the provisions of the code to see whether the definition of forgery in the code is sufficiently broad to cover this, but my impression is that the punishment imposed here is the specific punishment for this offence.

Hon. Mr. BAKER—And the point is whether it should not be imprisonment without option. It is alternative as it is now. The man who commits the offence, and has the money to pay the fine need not be imprisoned.

Hon. Mr. MILLS—I think it is sufficiently severe to meet the requirement. No one has been prosecuted under this provision of the law up to the present time.

Hon. Sir MACKENZIE BOWELL—No, unfortunately.

Hon. Mr. FERGUSON—Will the hon. gentleman let it stand and inquire into it ?

Hon. Mr. MILLS—There is nothing to inquire into. The question is whether there should be an alternative. The House of Commons having discussed it and having come to a conclusion——

Hon. Mr. FERGUSON—Was this point raised in the House of Commons ?

Hon. Mr. MILLS—I do not know. I have no objection to looking into it.

Hon. Sir MACKENZIE BOWELL—Let it pass with the understanding that we can look into it again.

The clause was adopted.

On clause 83, subclause 4,

Hon. Sir MACKENZIE BOWELL—This subclause provides that the ballot box shall be locked and sealed with the seal of the deputy returning officer, and shall be delivered forthwith, but it is not stated by whom it shall be sealed.

Hon. Mr. MILLS—Nobody else would have the seal but the deputy returning officer.

Hon. Mr. POWER—The deputy returning officer's clerk would seal it up.

The subclause was adopted.

On clause 89,

Hon. Mr. POWER—This clause reads :

89. After the close of the election the returning officer shall cause to be deposited in the custody of the sheriff or of the registrar of deeds in the county or registration division, or of the postmaster in the locality, in which the nomination was held, the ballot boxes used at the election; and the sheriff or registrar shall, at the next ensuing election, deliver such ballot boxes to the returning officer named for such election.

But it does not provide in the latter part of the clause, where they are given to the postmaster. We should make it read : " Sheriff, registrar or postmaster, as the case may be."

Hon. Mr. MILLS—Yes.

Hon Mr. DeBOUCHERVILLE—The postmaster does not give such a guarantee as the deputy returning officer. Let the deputy take care of it. Sometimes the postmaster is a mistress, and may be living alone in the house.

Hon. Mr. POWER—The postmistress could take care of an empty box as well as any one else.

Hon. Sir MACKENZIE BOWELL—The chairman suggests substituting the clerk of the municipality, who is always a responsible person. But then sometimes you have not a municipality.

Hon. Mr. McMILLAN—I think that is a good idea, because the boxes are used afterwards at the municipal elections. If they were left with the postmaster, you would have to travel and get them. They would be easily reached if they were left with the clerk of the municipality.

Hon. Mr. MILLS—The number of cases where the postmaster would take care of the boxes would be very few, and there are counties where the registrar does not reside in the division. An electoral division may consist of parts of two or three counties. If you were to say that it was to be deposited with the sheriff, one part of the ballot boxes would have to go to one county and one to another, but in a case of that sort, you could deposit it with the postmaster in the place where the election is held. We will add the words 'or postmaster' in this section.

The clause as amended, was adopted.

On clause 90.

Hon. Mr. FERGUSON—I have an amendment to propose to clause 90. It is one amendment, although there will have to be changes made in different parts of the section. They are all intended to carry out one idea. We have provided in the earlier clauses of the Bill, that in Prince Edward Island, where there is no voters' list, and where the work of making up the voters' lists has to be practically proceeded with on the day of election, we have provided that where a person offers to vote, whose vote is thought to be bad, by the candidate against whom it is being polled, he may take objection to it, and that objection is entered on the poll book, and the ballot is initialled and numbered, and put, at the close of the poll, into a separate envelope, all of which leads to an investigation at some later period, as to whether this vote is good or whether it is bad. In all the other provinces where there are voters' lists, this investigation is held at the making up of the lists. As we have no lists in Prince Edward Island, the object is to get a judicial investigation into these votes after the election, just simply trying to effect, after the election, what is done in the other provinces before the election. We have provided for the objection being taken, and for the initialling of the ballot, and the corresponding number on the poll book, and for the ballot being placed in a separate envelope, and for its being counted for the candidate for whom it is cast. The point comes, how is it to be settled whether those men have good votes or whether they have not? There is no provision in this Bill for deciding that. Two years ago, when the Franchise Act was going through, the Senate made some amendments to it, which allowed the initialling and numbering of the ballot, and all that, by which it was aimed to get a simple summary inquiry before the county court judge at the time of the recount. That was the aim of parliament two years ago. Hon. gentlemen may be told that it is doubtful whether parliament did at that time what it thought it did—that is, whether it gave full jurisdiction to the county court judge, as we all thought we had given. It is doubtful whether that was done. However, these provisions that were then enacted in the Franchise Act are repealed, and there is no corresponding provision made for the purpose of investigating these objected votes. The amendments I propose will work out in this way: on the demanding of a recount, there are four grounds on which that recount may be demanded in the affidavit. We propose to add another ground of a recount, and that is that the candidate who has lost the election, or some person in his interest, may, as one of the grounds of a recount, object that persons have voted who were not qualified to vote: that that shall be the ground of a recount, or investigation, or whatever you like to call it. It might be the only ground, and the investigation might turn on that point, or it might be one with other grounds. When this legislation was effected two years ago, it was left open to the person proceeding with the objection to have investigated at the recount all the votes that might be objected to on the day of the election, and I know my hon. friend the hon. Minister of Justice took strong objection on the ground, that heated agents, or those who had not very good judgment, might object to a very large number of votes, and that, as a consequence, the inquiry might be made unnecessarily broad. It is proposed in the amendment that when a defeated candidate, or his agent, or any credible witness, demands a recount, he shall then specify in this de-

mand the votes that he intends to challenge before the judge. As he is amenable to costs, he would not wantonly proceed, and it is likely that the list would be very much reduced, and that he would only proceed with the names of those he thought he could prove to be bad. As this inquiry is a wider one and involves more expense than an ordinary recount, we propose to provide as follows :

And when the application is made on this ground, that the deposit should be $300.

The ordinary deposit in other parts of Canada will not be disturbed, nor in Prince Edward Island when the object is a mere ordinary recount, the $100 will stand, but where this particular ground is to be taken, then the deposit should be put up to correspond with the nature of the inquiry. A week intervenes between the election and the declaration. Four days afterwards, under the law, a recount may be demanded. Four days further elapse before the recount is commenced. It is provided in the amendments that I am submitting that a copy of the affidavit under which the recount is demanded shall be furnished to the opposite side immediately by the judge, and that is a notice to them of the identical votes that are going to be objected to. They have then their notice. It is proposed to provide that the other side may then put in another affidavit at the opening of the recount, and it will be open to the other side then to allege that bad votes have also been recorded against them, and they are required to put up a deposit, just exactly the same as the other side put up, but they are only allowed to come in with these objections to answer any case where a recount has been demanded on this particular ground of objection, and then we propose to give the county court judge jurisdiction to deal with all these votes that may be objected to by both sides, to hear witnesses on both sides, and to finally decide whether each particular vote is good or bad. We propose to provide that the identity of a voter shall not be disclosed during the investigation. A ballot shall not be turned to discover what the number is, or to identify it with the name of the person whose vote is being objected to, until the vote has been declared bad. If the vote is declared good, it having been already counted, there is no cause to investigate as to how the man voted, but if it is declared to be bad, the judge shall then go to the envelope and trace this particular vote and discover for which candidate it was polled, and then it will be taken from the count of the man in whose favour it was given. Thus there will be no disclosure of how a man voted, until it is found that the vote is bad. When that point is reached, that vote shall be taken from the number of votes counted for the candidate in whose favour it had been cast. I think that this will prove to be a very simple and inexpensive remedy. Hon. gentlemen will agree with me that it is very desirable, apart from all other considerations, that the man who has the majority of good votes should be the man counted in. In all the other provinces of Canada, the declaration by the deputy returning officer, or the county court judge, if a recount is demanded, is a declaration that the man who has the majority of votes, has a majority of good votes. It is only to put the province of Prince Edward Island in the same position as all the other provinces with regard to this subject that I propose these amendments. I would certainly regard the provisions that we have inserted in the Franchise Act of two years ago, and which are all introduced in this Bill again for initialling and marking these votes, as a blemish on the law unless we provide a judicial settlement at the end, because there can be no doubt in the world that the initialling and numbering of ballots, if it does not furnish a clue as to how a man votes, at least intimidates him and makes him fear that there are some means of getting at his vote ; and if he happens to be in any position in which he feels himself in any particular danger from the fact of how he has voted being disclosed, it will have a deterrent effect on him. It is a blemish in the law unless you have some good purpose in it, and I fear there will be no good purpose served in initialling these votes unless you have a means of ascertaining whether they are good or not. It may be said that all that can be settled by the Controverted Elections Act.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—If my hon. friend looks into it he will see how useless that would be. A man is counted out by twenty

or thirty votes, and it is only when the vote is close that this will be implemented at all. If it is decisive, nobody will be foolish enough to incur this expense. A man is counted out by a small number of votes. If there is no other remedy, he is forced to file a petition under the Controverted Elections Act. He puts up a thousand dollars and he claims the seat. He must claim the seat. As soon as he claims the seat, it is open for his opponent, under the Controverted Elections Act, without putting up any deposit whatever, to attack him upon all grounds. He can not only attack him, but set up that some of his agents have been guilty of corrupt practices, or that some irregularity has occurred in the elections, and it will be open for the other side to open up the whole arena of investigation under the Controverted Elections Act, without putting up any deposit, and the consequences will be that the man who was counted out by these bad votes will have to submit, because the moment he asks, under the Controverted Elections Act, to have an investigation and puts up this money, everything is at issue and the other side can meet him at once with all kinds of litigation and without having to put up any deposit whatever. My hon. friend will see that, unless some such provision as this is made, there is no use, and possibly a good deal of harm in loading the Bill with the provisions it contains for initialling and numbering the ballot; because it is certain that no inquiry under the Controverted Elections Act can be had. When hon. gentlemen consider the case of Prince Edward Island, they will see the feasibility of this remedy. It is a small country and thickly peopled, and none of the districts are very extensive. Good travelling exists everywhere. A week intervenes before declaration, and four days more before the recount is demanded, and another four days before commencing the recount; there is ample time for a party who feels he has lost his seat by bad votes being recorded against him, there is ample time for him to make out a list of these and put in his objection. Of course, when this is in the air the other side must know it. They know the situation is close and critical, and they will be looking up what grounds they may have for the purpose of meeting these objections by putting in other objections, so that nobody will be taken short. While the party who made the objection is proving his case, the other side have ample time to bring up their witnesses and make good their objection. It is a simple matter, and I think it would provide an efficacious way of dealing with the question. My hon. friend may say that this amendment was proposed in the House of Commons and rejected.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—In the main it was proposed, but the details differ considerably from those of the amendment offered in the House of Commons. A discussion went on, and it was found how it could be improved, and now, with better light, I propose this remedy. Two years ago this principle was accepted by parliament on an amendment to a Bill in this House, and I am very sorry that the weaknesses that belonged to the legislation of that year were not corrected and the principle retained. I know that on that occasion the gentleman who had charge of this Bill in the House of Commons this year expressed himself as favourable to these provisions. I know he did so to myself, and in the presence of my hon. friend, the leader of the opposition, and he said he thought that they were very fair provisions and they were agreed to on a conference held between members of both Houses. I may say I watched the course of this Bill in the other House very closely and carefully, and I feel bound to say that the Solicitor General showed great tact and fairness in dealing with it, and I do not at all despair of my hon. friend the Minister of Justice and of the Solicitor General, who has naturally given this Bill more care than any other of his colleagues, having had charge of it through the House of Commons, and I am not at all unwilling to hope that these gentlemen will see that these amendments that I propose are reasonable and fair and that they will work well in practice, and are necessary in order to carry out the other provisions of the Bill.

Hon. Mr. MILLS—I could not agree to the amendments which my hon. friend proposes to this section. The law provides for a scrutiny by the ordinary methods in controverted elections. That may be a good or a bad system, but it is the system that

has been provided universally, and I know of no reason why a different rule should be adopted in Prince Edward Island from that which is adopted elsewhere. What is the objection of the hon. gentleman to applying the principle of the Controverted Elections Act? He says if you propose to have a scrutiny, there may be all sorts of objections. Why should there not be? Supposing a man who undertakes to claim a seat under a scrutiny has been guilty of bribery, has bought, perhaps, the very votes that he is seeking to have kept upon the list; why should not that question be tried along with the other in Prince Edward Island, the same as it is anywhere else? My hon. friend wants a scrutiny for a recount. The hon. gentleman can have a recount under the law. Under the law there is no matter of controversy under a recount such as there would be under a scrutiny, and the law provides the method by which the scrutiny shall be conducted. The matter shall be tried before a Superior Court Judge, and the parties have an opportunity there of mutually attacking the ballots involved in the case. They may bring forward any question provided for by the objection that may affect the validity of the seat, supposing a man has won the election. But he knows right well that his opponent has undertaken to bribe the electors, and his opponent asked for a scrutiny. He cannot defend himself without entering a second suit under the Controverted Elections Act for the purpose of having that matter inquired into.

Now, I say that where the seat of a member returned is attacked, all those grounds of contesting the validity of the election, or the validity of the grounds on which a seat may be claimed, ought to be open to him the moment that his right to hold the seat is brought in question, I see no reason in the world why the question of a scrutiny should be raised on a recount for the purpose of ascertaining which of two candidates is returned, if a vote is received, whether it is good or bad, and if it is counted, then the party who is returned ought to be open to have his seat attacked by his opponent, under the provisions of the Controverted Elections Act, which enables him to do so. I am perfectly certain that the majority in the House of Commons will never agree to the propositions which the hon. gentleman has submitted. All these questions were before the House. They were brought forward there by some gentlemen from Prince Edward Island; they were considered and rejected. It does not matter whether the precise words used in the hon. gentleman's proposition are the words that were used in the House of Commons. We have to look behind the particular words employed to see what is sought to be accomplished by the amendment, and what the hon. gentleman aims at accomplishing by the amendments he proposes to this section 20 were sought to be accomplised by others in the House of Commons, and that House, after full and careful consideration of those proposed amendments, did not agree to them.

Hon. Mr. FERGUSON—I desire to call the hon. gentleman's attention to two points on which he failed to appreciate my argument. He says that he sees no reason whatever why this matter of the scrutiny of votes should not be dealt with before a superior judge in Prince Edward Island, the same as in the other provinces of Canada, along with questions that arise under the Controverted Elections Act. My hon. friend will see that in no other province but Prince Edward Island can such a state of things as this exist, because these is no provision for contesting the qualifications of votes except in Prince Edward Island, and therefore they cannot come up in the other provinces. It is only in Prince Edward Island where you have this particular difficulty, and therefore you can find no possible similarity between Prince Edward Island and the other provinces. I am surprised to hear my hon. friend say that he can see nothing wrong, when a candidate demands an inquiry to ascertain whether votes are good or bad, that it should be open for his opponent to come in under that inquiry and raise questions of corrupt practice against him.

Hon. Mr. MILLS—Where a man personates, say, in Ontario or Quebec, or accepts a bribe, and so has disqualified himself to vote in the election, whether there is any provision in either provinces that there may be a recount before a proper officer, and whether he may go into an inquiry——

Hon. Mr. FERGUSON—These are matters which come up properly under the Controverted Elections Act. This does not. The

Act provides that the objected vote shall be marked and initialled, so that a judge can inquire into it. The candidate puts up his deposit of one thousand dollars under the Controverted Elections Act in order to have that settled, and claims the seat. His opponent, without putting up any deposit, can come in and hunt for some corrupt practice on the part not merely of the candidate, but of his agents. He has put up his money and runs all the risk without his opponent putting up any deposit.

Hon. Mr. MILLS—That is under the Controverted Elections Act.

Hon. Mr. FERGUSON—It is so when a man under the Controverted Elections Act puts up a thousand dollars if he claims the seat, but it is not necessary under the Controverted Elections Act to claim the seat; the demand may be to unseat his opponent. But in this investigation, it is a necessary ingredient of the case that he claim the seat. Why are you trying to count out those bad votes, but to get the majority you are lawfully entitled to, and in that case your opponent can enter the court and bring up all possible questions and defeat you. Hon. gentlemen can see at once that it is impossible to get an inquiry into these objected votes under the Controverted Elections Act. No sane man would put up his thousand dollars and start that inquiry, when he makes himself thereby liable to have his opponent attack him on every ground he can possibly raise. The other side are not deprived of their remedy. If afterwards it is found that this man, who has applied for this recount, has a majority of good votes, it is open for the other side to come on him for corrupt practice.

Hon. Mr. MILLS—Two suits.

Hon. Mr. FERGUSON—The hon. gentleman need not trouble his mind about that. The first question is who has the majority of good votes, and that man should have the seat. The man who is willing to take the responsibility of proving who has the majority of good votes is required to put up the money, while the other side is not required to put up any. I think the House will see that the amendment I am proposing is a good one; and further than that, the Solicitor General was of that opinion two years ago. I have looked over the discussions in another place, and I do not find that he has put anything on record to show he has changed his mind. I cannot find that the Solicitor General has pronounced himself as opposed to the principle of this amendment.

Hon. Sir MACKENZIE BOWELL—Is there anything in the Controverted Elections Act which would enable the court to ascertain if the man gave a good vote or not?

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—If you could not tell how he voted, what difference would it make?

Hon. Mr. MILLS—Under a scrutiny.

Hon. Sir MACKENZIE BOWELL—There is a scrutiny under the Ontario law. They are able to carry on a scrutiny there, because they have the number on the counterfoil and on the ballot that is cast, and if you object to the vote you can refer to the counterfoil and ballot, which correspond with the number on the poll-book. That is what we object to in Ontario, because many are afraid to vote, or they vote differently to what they otherwise would vote, for fear of it being traced. Under our law there is no means of ascertaining how a man votes and the proposition made by the hon. gentleman from Marshfield, where voting as they do, without a voters' list——

Hon. Mr. MILLS—Which they ought to remedy themselves on the island.

Hon. Sir MACKENZIE BOWELL—Is that the doctrine? That is precisely the position we took on the Quebec judges question. What is sauce for the goose ought to be sauce for the gander?

Hon. Mr. MILLS—So it is.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman took a contrary position to that yesterday in the other matter.

Hon. Mr. MILLS—Oh, no.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says, let the people of Prince Edward Island change the law. I agree with the hon. gentleman. They ought to have some means by which they could first scrutinize whether a man has a right to vote. But that is not the case, and we are dealing with facts as they exist—

dealing with the laws as they are, and we make exceptions for different provinces to meet their laws, or, where we think they are wrong, we have provisions in this Act to depart from them. That is all the hon. gentleman from Marshfield asks. This proposition was acceded to by members of the government, when the Franchise Act was amended in this House, on condition that the hon. gentleman from Marshfield would not propose other amendments which he contemplated. My hon. friend thought this was the most important, and said he was willing to give way on the others. If it was a good amendment then, I do not see why it should be considered bad now.

Hon. Mr. FERGUSON—If the hon. gentleman will not consent, I shall have to move my amendments. I therefore move that the following words be inserted in section 90, subsection 1, after '4':

That in Prince Edward Island any person not qualified to vote in such electoral district has voted, stating the name, designation and residence of such person, and also the name and number of the polling division in which he has voted, or (5)——

The committee divided on the amendment, which was adopted: contents, 16; non-contents, 11.

Hon. Mr. FERGUSON moved to amend subsection 1, line 23, by inserting the following:

Or in Prince Edward Island $300, if the application is made in relation to the fourth ground of application.

If the ground of application in Prince Edward Island is that bad votes have been cast, it will involve more expense than an ordinary recount, and therefore, the person making the application should put up $300 instead of $100; but if in Prince Edward Island the ordinary recount is called for, it should be $100.

Hon. Mr. MILLS—This proposition, like the other, will enable a man who may have bribed at an election to escape a contest.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. MILLS—It necessitates, in every case where there has been bribery, two suits.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—Yes, because there is this question of recount, which is one, in which case each party is obliged to deposit $300; and if the other candidate is confident that his opponent has bribed at the election, he must enter a suit under the Controverted Elections Act, being a second suit.

Hon. Sir MACKENZIE BOWELL—That is under the presumption they are going to contest the whole election. This proposition is simply to ascertain whether a sufficient number of persons voted who had no votes to change the final result. It is simply enlarging the power for recounting.

Hon. Mr. MILLS—But a man who accepts a bribe has no vote, even though his name is on the voters' list. A man who is an alien has no vote, although his name may be on the list, and a man who personates has no vote, and yet in every other place in the Dominion there must be a scrutiny, and a scrutiny under the Controverted Elections Act, and my hon. friends are undertaking to except Prince Edward Island from the general law.

Hon. Sir MACKENZIE BOWELL—The reason is, because the province of Prince Edward Island is an exception. It is not governed by the same rules and laws that govern the other provinces, there being no voters' list.

Hon. Mr. MILLS—But my hon. friend will see there is exactly the same principle. If a man personates you have to file a petition in order to get quit of his vote.

Hon. Mr. FERGUSON—But the greatest difference in the world exists, and I am surprised that the hon. gentleman should fail to see it. If a man personates, the consequences fall on the candidate or himself. The candidate may lose his seat because of the act of personation.

Hon. Mr. MILLS—He may know nothing about it.

Hon. Mr. FERGUSON—But he can be unseated. In this case, it is merely to settle who have good or bad votes, and the hon. gentleman need not try to mystify it. It is simply doing in Prince Edward Island after the election what was done in all the other provinces before the election. The law does not contemplate an objection at the poll on the ground of personation. It must be dealt

with in another way. The personator in Prince Edward Island is dealt with the same as in the other provinces, but there being no voters' list in that province, and it being possible for men wholly disqualified to go and record their votes, the case is exceptional, and this is a simple remedy, which leaves the other parties all the remedy they had before.

Hon. Mr. MILLS—In the North-west Territories there are no voters' lists.

Hon. Mr. FERGUSON—I am surprised, because there was a provision in the North-west Territories Election Act for an investigation after an election, somewhat similar to what we propose. Gentlemen in the government proposed, in the first instance, to include the North-west Territories in this Bill, but when they struck this difficulty in the Territories, they dropped all reference to the North-west Territories out of the Act.

Hon. Mr. MILLS—How does the hon. gentleman know that ?

Hon. Mr. FERGUSON—I think I know.

Hon. Mr. MILLS—I know that is not so.

Hon. Mr. FERGUSON—I accept the hon. gentleman's statement if he says that is not the reason.

Hon. Mr. MILLS—I never heard that was the reason before, and I ought to know, because I had something to do with the matter.

Hon. Mr. FERGUSON—When this came up first, it included the Territories, and we felt in Prince Edward Island our position was much stronger because we would have the support of the Territories, and that the government would have to provide, as they were making law for the Territories, some provision similar to this for the Territories and Prince Edward Island, but they dropped the North-west Territories out—whether that was the cause of it or not, the effect was all the same—it would not have been possible to pass an Act dealing with the Territories, without having some such provision as this incorporated in the law.

The amendment was agreed to on a division.

Hon. Mr. FERGUSON—These amendments are all simply carrying out the one idea, and it is necessary to have several small amendments to make the general provision. I, therefore, move to amend section 90, line 30, by inserting the following after the word 'application':

Or decide whether any person not qualified to vote has voted, if the said application is made on the fourth ground of application.

Hon. Mr. MILLS—I am opposed to this amendment.

The amendment was agreed to on a division.

Hon. Mr. FERGUSON—I now move to amend subsection 2, line 37 by inserting the following after the word 'be':

Together with a copy of the affidavit aforesaid.

This is providing that a notice shall be sent to the other side with a list of the names that are to be objected to.

The amendment was agreed to on a division.

Hon. Mr. FERGUSON—I now move to amend subsection 4, of section 90 by inserting the following as subsection *a*.

At the time and place appointed and before proceeding to recount the votes, the judge may receive an affidavit from the candidate, or his agent, against whose return the affidavit mentioned in subsection 1 of this section has been directed, declaring that any other person, not qualified to vote has voted, giving the name, designation and residence of such person and also the name and number of the polling division in which he has voted; provided always, that the affidavit authorized by this subsection shall not be received by the judge unless the applicant has deposited with the clerk of the county court in the aforesaid judicial district the sum of $300 in legal tender or the bills of any chartered bank doing business in Canada as security for the costs in connection with the recount, or final addition, of the candidate appearing by the addition to be elected; and further provided, that the affidavit authorized by this subsection shall not be received by the judge except when the recount has been demanded on the fourth ground of application.

The amendment was agreed to on division.

On subclause 5,

Hon. Mr. FERGUSON—I call attention to the words at the close of this subclause 'and no other ballot-papers,' I think that these words are of no use. They are taken from the old Franchise Act which had provision for ballot-papers in undecided appeals. Unless we have created in the meantime some new distinction to which this will apply, I do not see the use of these words.

Hon. Mr. MILLS—I will not disturb that, because it cannot do any harm. At most it will be surplusage.

Hon. Mr. FERGUSON—It might do harm. If there are other ballot-papers not to be opened, it is necessary. I have no objection, but the danger I apprehended from it is that there is provision for the opening of the used ballots which have been counted and the rejected ballot-papers, and the spoiled ballot-papers. We have provided in this Bill for another set of ballots, and that is those which have been numbered and initialled in Prince Edward Island. They have been opened and should be counted under the first section. But supposing the returning officer took it into his head he should not open those, what would happen ?

Hon. Mr. MILLS—It is the used ballot-papers.

Hon. Mr. FERGUSON—If there is no use for these words, and if they are inherited from the old Franchise Act which had a provision for ballot-papers in undecided appeals, there is no use in having them in this Bill.

Hon. Mr. MILLS—No, but you send perhaps 300 ballots to a certain division. There are fifty people who do not vote, and you have a lot of blank ballots, and it is not necessary that these should be opened.

Hon. Mr. FERGUSON—Is it provided that these shall be put in an envelope and sealed. It is a dangerous thing to leave words in a law that have no right to be in, because the courts will attach some meaning to every word in the section.

Hon. Mr. BAKER—There is a provision in another section for putting unused ballots in an envelope.

The subclause was adopted.

Hon. Mr. FERGUSON moved that the following be inserted as subclause 5a :

5. (a) In Prince Edward Island the judge when recounting the votes, shall decide the qualification of all voters whose ballot papers were numbered and initialled under section 67 of this Act as having been objected to on the ground of the want of qualification, and who have been described in the affidavits provided for in this section, and for the purposes of such decision he shall hear the candidates or their agents and may examine on oath the person whose vote has been objected to, or any person. Both candidates may be represented by counsel, and the judge shall ascertain the facts and may take such other evidence as he thinks necessary, and is able to obtain, and may require the attendance of witnesses and the production of documentary evidence, and shall for all purposes of such decision have all the powers of a county court judge in Prince Edward Island exercising his ordinary jurisdiction in civil cases.

Hon. Mr. MILLS—The $300 would cover no such expense.

Hon. Mr. FERGUSON—There is a deposit of three hundred dollars by each side.

Hon. Mr. MILLS—That would not begin to do it.

Hon. Mr. FERGUSON—I think it would.

Hon. Mr. PRIMROSE—Law is cheap in Prince Edward Island.

Hon. Mr. FERGUSON—I have had some experience of these investigations, and we have learned that it is utter folly to go into them unless the majority is very small. They will only be implemented in cases of very small majorities. Where there is no remedy for a wrong, people will commit the wrong, but if there is a remedy they will not resort to it. The investigations we have had were not expensive.

Hon. Mr. MILLS—Supposing a man is attacked and obliged to put up $300, in consequence of the scrutiny, and he is maintained in his seat, under the hon. gentleman's arrangement he proposes that the expense, so far as he is personally concerned, shall be charged against him and not against the unsuccessful man.

Hon. Mr. FERGUSON—The candidate who is found ultimately to have the majority of good votes, is to be indemnified.

The subclause was adopted on a division.

Hon. Mr. FERGUSON moved that the following be added as subclause b :

(b) In determining the qualification of the voters aforesaid the judge shall not identify, nor allow to be identified, any ballot paper, until it has been decided that the person casting it was not legally entitled to vote, in which case he shall identify the said ballot paper and deduct the vote or votes marked thereon, from the total number of votes received by the candidate or candidates in whose favour it has been marked.

The amendment was agreed to on a division.

On clause 92,

Hon. Mr. BAKER—I have been asked to propose an amendment which is based on an amendment which should be made to clause

41, and I will submit it to the committee. The object of this Bill is to prevent all possible fraud, and especially, I may say, the switching of ballot papers, and it is suggested in subsection 'e' of the 41st section, which heads as follows :

On a poll being granted, the returning officer shall furnish the deputy returning officer with a sufficient number of ballot papers (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district.

I wish to add the words :

And a certificate of the number of such ballot papers.

It is to make an authentic record of what is done in sending out these ballot papers. I would add also :

And that he should keep a record of the ballot papers so furnished.

The object of this proposed amendment is to impose upon the returning officer the duty of sending out these ballot papers in making a record that shall be transmissible later on to the Clerk of the Crown in Chancery, by which there shall be authentic evidence of the number of ballot papers. I think there can be no possible objection to the insertion of that amendment in clause 41.

Hon. Mr. MILLS—That clause stands.

Hon. Mr. BAKER—If we go back to 41 and provide for the granting of that certificate, then it would be necessary to amend subsection 3 of clause 92, and make the returning officer transmit to the Clerk of the Crown in Chancery the records provided in clause 41, subsection 'e'—that is the certificate and the record that the certificate has been granted. This is merely adding an additional safeguard to secure the honest carrying out of the law. He sends a sufficient number of ballots to the deputy and makes a certificate showing the numbers sent to the polling divisions.

Hon. Mr. POWER—Our object is, of course, one, but it seems to me that to require the returning officer to return this certificate would, perhaps, defeat the hon. gentleman's object.

Hon. Mr. BAKER—In what way ?

Hon. Mr. POWER—I shall explain. This provision is, that the returning officer shall, immediately after the sixth day make his return. Any defeated candidate or elector may petition against the election, and these certificates, which the hon. gentleman proposes shall be returned to the Clerk of the Crown in Chancery, would probably be required as evidence in case there were a petition, and it does not seem to me they should be papers that would come to the Clerk of the Crown in Chancery until the thirty days had expired.

Hon. Mr. BAKER—There are six days for a recount, and the deputy returning officer does not return the ballots until after the expiration of that delay.

Hon. Mr. POWER—I did not think the ballots were returned until after the expiration of the time for the petition.

Hon. Mr. BAKER—They are returned after the sixth day. It will be necessary to provide that this certificate be returned with the stamp and the ballot papers.

Hon. Mr. MILLS—My hon. friend will see that his amendment should be made to clause 41. The word 'documents' in this subsection would then cover it.

The clause was adopted.

On clause 96, subsection 5,

5. No candidate, officer, clerk, agent or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, or attempt to ascertain at the counting of votes the number on the back of any ballot paper; but this provision shall not apply to ballots marked in accordance with sections 67 or 74 of this Act.

Hon. Mr. FERGUSON—Why should this exception be made ?

Hon. Mr. MILLS—You could not get on without it.

Hon. Mr. POWER—Subclause 6 protects the voter in Prince Edward Island.

Hon. Mr. FERGUSON—Why should the officer be at liberty to know how the voter has voted ?

Hon. Mr. MILLS—We will meet the hon. gentleman's wishes if we stop at the words 'ballot paper,' and strike out the last two lines which contain the exception.

Hon. Mr. LANDRY—I think the exception must stand in clause 74. It applies to where a man comes to vote, and finds his name has been taken by another party. You

must have something to identify him, because there are two votes given for the same name, and the second vote might be a bogus vote, and it must be known for whom it was cast.

Hon. Mr. FERGUSON—I am not sure about clause 74, but I think the reference to clause 67 should be struck out.

Hon. Mr. MILLS—Clause 67 applies to Prince Edward Island, and my hon. friend thinks all should not be known there.

Hon. Mr. FERGUSON—It prevents secrecy. The number is only to be utilized by the judge, after he finds the vote to be bad.

Hon. Mr. MILLS—Does this go further than that ?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. POWER—The fact is, the ballots could not be marked that way under this clause, unless the returning officer ascertains how the voter voted. If the hon. gentleman would take the trouble to read subclause 6, he will find that secrecy is fully provided for there.

Hon. Mr. FERGUSON—It is clear nobody at the counting of the votes, has the right to ascertain the number on the ballot paper, but is simply allowing them to do that in order to carry away information that will lead to the discovery of how the vote was polled. The same objection applied to clause 74. At the close of the poll no officer has a right to inquire into that number.

Hon. Mr. MILLS—We will take those two lines out.

Hon. Mr. LANDRY—If those lines are struck out how could that information be got in case of a controverted election ?

Hon. Mr. FERGUSON—As far as clause 74 is concerned, it may not be possible to get it, but I know as far as 67 is concerned, my amendments provide how the judge shall get at it.

Hon. Mr. LANDRY—I am speaking of clause 74 : how could the judge reach those ballot papers ?

Hon. Mr. FERGUSON—He could, at the trial of the election.

Hon. Mr. MILLS—I agree to let those two lines go for this reason, that if subsection 5 does not apply to 67 and 74, there are no other sections of the Act to which it does apply. Instead of those two lines I propose to insert after the words 'balloting station' the following : 'Except to a court or judge, lawfully requiring him so to do.'

The subclause was amended and adopted.

On clause 108,

108. The following persons are guilty of bribery and shall be punishable accordingly :

(a) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election.

Hon. Sir MACKENZIE BOWELL—What about public speeches, when candidates promise public works ? When a candidate or minister of the Crown tells the people that unless they vote in a certain way they will receive cold justice, and in case they vote another way that a bridge or a railway will be built. A minister goes to a constituency and says, unless you elect such and such a man, you will not get that railway or bridge built. It might do for gentlemen in opposition to say that, because they have not the power, but if a minister should make such a statement, I would disqualify him. What does the Minister of Justice think of an amendment of this kind : after the word 'or' in the 20th line insert :

Every person who directly or indirectly, himself or by any other person on his behalf, makes him any gift, loan, offer, promise or agreement as aforesaid, or who, by public speech or otherwise, holds out directly any advantage which would accrue to the individual voter or to the constituency in which the election is being held in order to induce such person to procure, or endeavour to procure, the return of any person to serve in the House of Commons or the vote of any voter at any election.

Hon. Mr. SCOTT—If the hon. gentleman would make it retroactive for the past ten years it would be better.

Hon. Sir MACKENZIE BOWELL—That might be a good idea, for we would have some of the ministers in trouble.

Hon. Mr. PRIMROSE—It should be relegated to Prince Edward Island politics.

Hon. Sir MACKENZIE BOWELL—I would make this apply to Prince Edward

Island. Is it not one of the grossest abuses of public speech on the part of gentlemen who occupy ministerial positions? A minister goes into a constituency and holds out inducements and tells the people plainly and distinctly, as some of them have done—that is if they are reported correctly in the newspapers—that such and such a public work shall stop, or that he shall not carry out that which has been promised by previous administrations and which he intended to have carried out, unless they act in accordance with the wishes of the government.

Hon. Mr. MILLS—It seems to me I remember a Prime Minister some few years ago—and I am not speaking ill of the dead—who proposed the construction of the Trent Valley Canal upon the condition that the people living along that line returned members to support that government. Let me mention another case. In my own constituency for several years we undertook to get the River Sydenham dredged. I put the question expressly to the Minister of Public Works on the floor of parliament whether the work would be undertaken. It was promised, but for at least three general elections my opponent said to the people 'unless you return a supporter of the government you cannot expect any of these improvements made.' That was the doctrine preached regularly. I think it is wrong. I do not know that it is particularly relevant to the discussion of this Bill, but my hon. friend opposite has mentioned the matter as though it were a novel thing and done by the present administration for the first time—a sort of new invention. I think my hon. friend was one of the greatest sinners in Christendom in that regard.

Hon. Sir MACKENZIE BOWELL—I accept the admonition and castigation of the hon. gentleman, and so far as I am individually concerned, in reply to him, I defy him to find any instance in which he can apply the charge to myself. The Premier to whom he refers—it is not necessary to mention a name—never, to my knowledge, made any such promise. The Trent Valley Canal and the Murray Canal have been a plank in the platform of every party since I was a boy. If these errors and iniquities to which he refers existed in the past and continue to exist let us reform and put a stop to them. My hon. friend speaks of the River Sydenham. I remember distinctly that every session we had that question up as to the improvement of the River Sydenham. That was an old story.

Hon. Mr. MILLS—And it was promised.

Hon. Sir MACKENZIE BOWELL—Very likely, and so was the Trent Valley Canal and the Murray Harbour. If the hon. gentleman will look at the records he will find that the agitation began in 1812 or 1813, and ever since I remember, for fifty years, I have heard those things discussed at every election, but I question whether we had as palpable a case as when the hon. gentleman was in office, when he sent Mr. Kingsford up to the Goderich Harbour and told them what they should have in the way of the extension of their pier and breakwaters if they would only vote for Mr. Cameron, a supporter of the hon. gentleman, and it is only lately that we had the present Minister of Customs, when he was seeking a constituency, after being defeated in his own constituency, making promises to the people. What did he promise them? What did Mr. Hardy, the Premier of Ontario, promise them? He said 'if you do not want cold justice, you had better vote for Mr. Paterson.' That is the kind of thing I want to put a stop to. If our party have done it, let us stop it, because I anticipate we are soon coming back to power; but let us stop it. I think some of the hon. gentleman's friends do not hesitate to do it, for we have the Minister of Marine and Fisheries, who made himself very officious at a local election; and the Minister of Railways went down and told them what he would do in reference to the construction of a railway, and actually appointed men to value the right of way while the elections were going on, and before they knew where they were going to put the road. I could cite a number of other cases. It might fill a volume if it is of any interest to the hon. gentleman. Since he has referred to two or three instances in the section of country from which I come, I may say that I advocated through the newspapers, ever since I had anything to do with politics, the construction of the Murray Canal, and I am glad we had it dug although I do not know that it is of as great importance now, as it would have been some years ago. It connects Lake

Ontario with the Bay of Quinte. If you make it an issue at an election it is excusable. If you want to build a railway from Quebec through the northern part of the country, if they like to make that an issue between the parties when you go to an election, that is a matter that might be fairly discussed.

Hon. Mr. MILLS—So I think.

Hon. Sir MACKENZIE BOWELL—But if you say to them 'you shall not have $25,000 to deepen the harbour unless you vote for me,' it is wrong.

Hon. Mr. PRIMROSE—Should there not be a provision in the criminal code ?

Hon. Mr. MILLS—My hon. friend from Marshfield lost a local election lately in the province of Prince Edward Island by over 300 votes on account of having some tons of his speeches sent into the constituency.

Hon. Mr. FERGUSON—If some of my hon. friend's speeches had been sent down there we would have got the election by acclamation. If some of his observations were circulated down there, no candidate of his politics would show his face in the constituency. If my hon. friend's amendment, or suggestion, should be carried into law, and it would be made an indictable offence or corrupt practice for ministers to promise public works to constituencies, as far as I know the constituencies and the men in the government, the art of eloquence with them would be entirely extinguished, and the newspapers would have no speeches to report. Their eloquence would completely dry up, because this is their whole theme—the improvements they are giving to the constituencies.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, I will not press my amendment.

The subclause was adopted.

On clause 114,

Hon. Sir MACKENZIE BOWELL—I should like to see subsection *b* of this clause amended. It provides :

> Every person who at an election
> (b) having voted once at any such election, applies at the same election for a ballot paper in his own name—
> is guilty of personation and liable to a penalty not exceeding $200 and to imprisonment for a term not exceeding two years.

I should like that clause made positive. It is all very well to have these permissive Acts, but I think it should read : 'Not less than six months or more than two years. There are certain magistrates, when these offenders are brought before them, who treat them very lightly. I could give illustrations which would almost surprise hon. gentlemen. In one province a grand jury made a presentment to court condemning the government for prosecuting the merchants who employed a pilot to do the smuggling, on the ground that we should have punished the pilot who did the smuggling. I know of another case in Ontario where a man was caught attempting to bribe another, and the law said the penalty should be not more than so and so, under the Audit Act, which was positive. He fined this man 25 cents and sent him to goal for ten minutes. He complied with the law. This system of personation has been practiced to such an enormous extent in the large cities that until you make a signal example by a positive punishment, you will never put a stop to it. I would make a penalty of $200 and imprisonment for a term not less than three months or more than two years.

Hon. Mr. DeBOUCHERVILLE—Two hundred dollars is too much.

Hon. Mr. McMILLAN—It cannot be too much.

Hon. Sir MACKENZIE BOWELL—We know in the large cities they go round and change their clothes and vote eight or ten times.

Hon. Mr. MILLS—I may say that what the hon. gentleman says is perfectly true of a certain class of men, who engage in personation, but there are some simple minded men who are put up to do it by others, and in punishing them you are not punishing the most guilty party.

Hon. Mr. CLEMOW—Punish both.

Hon. Mr. MILLS—We might put it, 'not exceeding $200, and not less than $50, and imprisonment for a term not exceeding two years and not less than two months.'

Hon. Sir MACKENZIE BOWELL—That will do.

Hon. Mr. POWER—I have this remark to make with respect to this paragraph, that

I think one of the results of the change is likely to be that persons will not be convicted. If you make the penalty so heavy the ordinary magistrates throughout the country and the jury will not find a man guilty.

Hon. Sir MACKENZIE BOWELL—A judge will be obliged to instruct the jury if the evidence is positive, and if the evidence were not positive he would not be found guilty.

Hon. Mr. WATSON—The experience of prosecuting under the liquor license law is about the same thing as this, that if you state that it shall not be less than three months and not more than two years, very often you will find the magistrate would be quite willing to inflict a penalty of $50 or thirty days in jail, but he would say: 'I won't put that man in jail three months. There is some one more guilty than he is. He is a poor fellow and I will simply dismiss him.'

If you make the penalty too high, you find a great many people who ought to be punished escape. Take the ballot box stuffing in Manitoba. In every case that was tried there, the chief justice of the province of Manitoba charged strongly against the prisoners. The jury acquitted them . Why ? Because it was a criminal proceeding. If it had been a civil action, every one of them would be fined and would have paid their fine. There was no doubt about their guilt, but they were acquitted because the punishment was too severe.

Hon. Sir MACKENZIE BOWELL—You might apply it to any crime in the calendar.

Hon. Mr. WATSON—It is practised wholesale in the cities, and we should inflict some fine by which we could get at the people and have them convicted. I think the election trials at Macdonald were a farce. In every one of those cases the judge would have sent the men to penitentiary for stealing the ballots.

Hon. Mr. ALLAN—If they were simple minded men, there would be something in the objection, but from what I know takes place in Toronto, there are many people who are not simple, but who are dishonest. They have no moral sense of what is right or wrong, not merely in political elections, but otherwise. Take the case of the running of street cars on Sunday; there were numbers of people who came up and voted for other parties, and who knew perfectly well what they were doing. They were not so simple, but they had the sense of what was right and moral. I think it is possible that if you inflict a very heavy penalty you may defeat the object of the Bill, but if some of these men could be sent to jail it would stop the thing quicker than anything else.

Hon. Mr. WATSON—I am in favour of a minimum fine of $50. If you make it not less than three months, a good many might escape, because if you leave it optional with the judge to fix the limit of not more than two years, the judge who tries the case can judge of the character of the man found guilty and let him exercise his discretion. It might be some man who did not know what the law is. There are a number of cases such as the hon. gentleman describes, but there are a number of others who are more entitled to charity than to blame for what they have done.

Hon. Sir MACKENZIE BOWELL—We should impose a heavier penalty to punish the man who induces the other to personate.

Hon. Mr. WATSON—That is right.

Hon. Sir MACKENZIE BOWELL—That would be a good law. The man who would commit the offence would say: 'So and so asked me to do it' and I would say: 'Punish him doubly.'

Hon. Mr. LANDRY—I think the hon. minister might consider the propriety of making another subclause there for personation. There is a personation for balloting, but I think there is another kind of personation which has been brought forward lately—persons who take false names to act as agents. A case happened in Gaspé lately where a man named Lemieux acted under the name of Lamoureux. Has the hon. minister any suggestion to make about that ?

Hon. Mr. MILLS—No.

The clause as amended was adopted.

On clause 72,

Hon. Sir MACKENZIE BOWELL—I want to call attention to clause 72. I was otherwise engaged when it went through. I

think we could make it plainer and better. The 8th line of this clause reads :

That it is the same which he furnished to the elector, and shall then, in full view of those present, including the elector, remove the counterfoil.

I want to add : 'And destroy the same.' That would prevent him slipping the counterfoil into his pocket for the purpose of ascertaining how the man voted.

Hon. Mr. SCOTT—He could not tell by that.

At Six o'clock the committee rose for recess.

AFTER RECESS.

The committee was resumed.

On clause 127,

Hon. Mr. FERGUSON—There is a part of this clause that I have never been able to understand. The clause reads as follows :

If, on the trial of an election petition, the court decides that a candidate at such election was guilty, by his agent or agents, of any offence that would render his election void, and the court further finds—

(a) That no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate.

I have never been able to understand how a candidate could give an order to prevent the commission of an offence he knew nothing about.

Hon. Mr. MILLS—Well, he does constantly.

Hon. Mr. FERGUSON—It must only be a general order of instructions.

Hon. Mr. MILLS—Certainly.

Hon. Mr. LANDRY—A general order.

Hon. Mr. FERGUSON—That is the view I took of it, but I know the court did not hold that view in one case.

Hon. Sir MACKENZIE BOWELL—I know candidates who make a general declaration that nothing shall be done in contravention of the law, and then, in order to avoid personal responsibility, the candidates ignore all committees, have nothing to do with them—never go near them.

Hon. Mr. MILLS—And further than that, the candidate must not invite the people at a public meeting to give him their support and work for his election, and so on, because if he does, and any of the people do wrong, they are held to be his agents.

Hon. Sir MACKENZIE BOWELL—They are construed to be his agents. It is a pretty strained interpretation.

Hon. Mr. MILLS—It was adopted in England by the courts, and followed in this country.

Hon. Sir MACKENZIE BOWELL—The same wording ?

Hon. Mr. MILLS—The same principle of agency.

Hon. Mr. FERGUSON—It appears to me that there is some clashing between subsections *a* and *b*, or something which is not clearly logical. The candidate must, according to *a*, be able to show that the offence mentioned—that is, the offence which the judge finds to be committed by some agent—was committed contrary to his order, and without his sanction or connivance. He must also show that he took all reasonable means for preventing the commission of corrupt practices at such election. That would be warning his friends and using his own personal influence to promote a pure election. I can easily understand that, but how he could have given an order to prevent the commission of some special offence that he could not have foreseen, I do not understand.

Hon. Mr. MILLS—If he gives a general order, it includes everything. Every offence must be a special one.

Hon. Mr. FERGUSON—The gneral order is what is referred to in subsection *b*, but subsection *a* must mean a special order that would be directed against a particular offence.

Hon. Mr. MILLS—No.

On clause 140.

Hon. Sir MACKENZIE BOWELL—There are certain penalties in reference to summonses and disobeying summonses. There is no penalty provided for witnesses who have been served with subpœnas or summonses for not attending. We have had a great deal of that ; I was going to sug-

gest that we should add a paragraph in the following words :

Any person evading the service of a subpœna, or failing to appear after a subpœna has been served, unless a reasonable excuse has been given, the judge to be arbiter in such case, shall incur a penalty of ($).

That provides for imposing a penalty on a witness who is required to attend before an election court if he evades the service of the summons by leaving the country, or if he goes out of the country after it has been served. We have had lately a great many instances of this kind. Just as soon as an election is contested, and it is known that corrupt practices have taken place during the election, and who the witnesses are who can prove that, they go to the neighbouring republic and remain there until the trial has been finished. Trials have taken place and the cases been dismissed when it was well known that if these witnesses could have been put in the box, they could establish the charges against the candidates in many cases, and voided the elections.

Hon. Mr. MILLS—There is no clause needed, because the power of the court to punish for contempt is the power that deals with all cases of that sort.

Hon. Sir MACKENZIE BOWELL—That may be, but that contempt consists in not obeying. If the man evades the subpœna, as we know has been the case, no punishment is provided. I know plenty of such cases. In Kingston they boasted of it afterwards. When asked : 'How in the world did you get clear and have the protest set aside' ? the answer was : 'Why the witnesses were all over in Cape Vincent.' We know what has taken place in western Ontario. They go over to Detroit and remain there, and it is known that they go there for the purpose of evading the service of the summons.

Hon. Mr. MILLS—Like Mr. Foster when he was elected in King's, when he kept out of the way to avoid a recount.

Hon. Mr. BOWELL—The late Finance Minister ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I never heard of the case to which the hon. gentleman refers. If he were guilty, punish him. All frauds of that kind ought to be prevented, if possible, by fine and imprisonment.

Hon. Mr. SCOTT—You cannot punish a man unless you serve him with a subpœna. You cannot assume, because a man goes out of the country, that he goes away on that account.

Hon. Sir MACKENZIE BOWELL—All convictions are based upon proof, and if you could prove that a man left the country for that purpose, you should punish him. If you cannot prove it, then he goes free. I should like to see a clause of that character, but I do not want to press anything which would jeopardize the passage of this Bill, because I want to see it become law.

Hon. Mr. KERR—The subpœna itself is sufficient legal machinery, if he comes back into the country and they follow it up.

Hon. Sir MACKENZIE BOWELL—What is the good of it ?

Hon. Mr. KERR—I do not know.

Hon. Mr. FERGUSON—I understood the hon. minister to introduce Mr. Foster's name in the category of those my hon. friend referred to as having gone out of the country for the purpose of evading giving evidence in election trials. I think my hon. friend has made a statement which is unwarranted and incorrect. The Act is not changed. We are not changing the Act with regard to the notice of a recount. The clause with reference to recount reads :—

And the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit.

Therefore it was not possible that Mr. Foster could evade a notice of a recount by keeping out of the way. I am surprised that my hon. friend should introduce Mr. Foster's name in connection with the names of persons who had been guilty of corrupt practices and gone to the United States. He introduces the name of a prominent and respected public man, which I think is highly improper, and my hon. friend has done wrong.

Hon. Mr. MILLS—I do not see that.

Hon. Mr. FERGUSON—My hon. friend's statement could not be correct, because no person could keep out of the way of a recount. The law provides that the notice may be substitutional and may be done by posting and so on.

Hon. Sir MACKENZIE BOWELL—Apologize.

Hon. Mr. MILLS—To whom ?

Hon. Sir MACKENZIE BOWELL—To the late Finance Minister.

Hon. Mr. MILLS—When I see him.

Hon. Mr. FERGUSON—I should like to ask my hon. friend who has charge of the Bill with reference to subsection 5 of clause 140. It seems to me it should receive more consideration than we gave it as we went over it. The subsection reads as follows :—

No fine or penalty shall be imposed under this section if it appears to the court or judge that the person has already been sued with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

I think that section furnishes a means by which any culprit could escape. All he has to do is to get some friend to sue him, and then the case might be tried and protracted and never go to trial, and the ends of justice be defeated. He could get a friend to issue a summons in all haste, before those who were after his scalp could act, and then their hands would be tied and nothing could be done. The second part of this section also requires some explanation, because I hardly see why a man, who was convicted on his own evidence, should not be punished.

The CHAIRMAN—It is in the old Act.

Hon. Mr. FERGUSON—I think the hon. Minister of Justice will see that there is a possibility of defeating the ends of justice. A party who has committed a serious offence may get an accomplice, or a friend, to sue him and then the matter is tied up.

Hon. Mr. MILLS—Does my hon. friend suppose that a man may be fined as often as he is brought up for the same offence ?

Hon. Mr. FERGUSON—There should be some provision that unless the party suing him proceeds with his case, some other parties might intervene. I have pointed out the weakness of the section and the loophole there is in it. I do not pretend to say that I have any remedy at hand, but I think some remedy should be provided.

Hon. Sir MACKENZIE BOWELL—Really the meaning of this clause is that where he has been sued and penalties imposed as provided in this Act, then, under certain circumstances, he should not be again tried and punished, but unfortunately, as has been pointed out by my hon. friend to my right, if he is sued, no matter what the result is, he cannot be tried under this clause.

Hon. Mr. MILLS—We might add after the words 'has been sued' the following, 'to judgment or acquitted.'

Hon. Sir MACKENZIE BOWELL—Would that carry the penalty ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—The last words of this clause 'Nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.' With those clauses all a man need do, if he was going to be sued and punished, would be to go to court and admit that he committed an offence, and under that clause he would be acquitted.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Then what does it mean ?

Hon. Mr. SCOTT—Somebody else would have to corroborate him. We want corroborative evidence.

Hon. Sir MACKENZIE BOWELL—You cannot under this clause punish a man who acknowledges he has done wrong—that is, upon his own evidence or admission. He turns Queen's evidence against himself, and he goes clear. That is the meaning of the clause, is it not ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Is that intended?

Hon. Mr. MILLS—Yes, if you have no further evidence.

Hon. Sir MACKENZIE BOWELL—Then all I have to do, if I commit an offence against the election law, is to go and confess it, and I escape punishment.

Hon. Mr. MILLS—The law is as you made it. We are not changing it.

Hon. Mr. LANDRY—Is not the meaning of that clause this: when a man is examined as a witness, if he makes admissions when giving his evidence, he cannot be punished for it?

Hon. Mr. FERGUSON—He would not be called on to criminate himself.

Hon. Sir MACKENZIE BOWELL—It is a case of this kind: if a man steals a horse and confesses his crime to the magistrate, if this was the law affecting a case of that kind, and no other corroborative evidence could be got, he would go clear. That is, a man is not to be committed on his own admission or evidence.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—I move the adoption of subclause 6, of which I gave notice this morning.

Hon. Mr. MILLS—I cannot consent to that. My hon. friend will have to carry it.

Hon. Sir MACKENZIE BOWELL—I am sorry for that. I would ask my hon. friend if he would accept it. It is a departure, I admit, from the law as it stands upon the statute-book governing elections in Ontario, but we have changed the practice and the law in other provinces, and why not in this province, where we know that it will affect so many voters. I promise the hon. gentleman, speaking for myself, that if he will allow this amendment to go in, if the Commons reject it I will not fight the Bill on that account.

Hon. Mr. MILLS—I cannot consent to it. I am not objecting.

The subclause was adopted on a division.

Hon. Sir MACKENZIE BOWELL—I move the adoption of subclause 7, of which I gave notice this morning.

Hon. Mr. POWER—I suggest to the hon. gentleman that it will be desirable to insert here 'Under the preceding subsection.'

Hon. Sir MACKENZIE BOWELL—I do not know how that would affect it. This is the draft of the law clerk, after studying the matter for four hours.

Hon. Mr. SCOTT—Why not state that he had been a resident of that particular district for six months, or a certain time?

Hon. Sir MACKENZIE BOWELL—That would complicate it still more. The representatives of Toronto are anxious about this.

Hon. Mr. SCOTT—His name will not appear on the list the deputy returning officer will have.

Hon. Sir MACKENZIE BOWELL—Yes, that is the list he will be on. He lives in No. 1 division, and he moves to No. 2, and he can go into No. 1 and record his vote.

Hon. Mr. MILLS—You might add after 'town or city' the words 'of which this polling division is a part.'

Hon. Sir MACKENZIE BOWELL—Yes, I will add those words.

The subclause was agreed to on a division.

On clause 68,

Hon. Mr. FERGUSON—This is the section which I wish to amend by adding clause 68*a* of which I have given notice. The hon. gentleman who has charge of the Bill undertook to look into the matter and see whether that amendment, of which I gave notice this morning, will be acceptable. It is imposing a penalty on the returning officer if he violates either of the preceding sections. It reads as follows:

68 (a). In Prince Edward Island if the deputy returning officer refuses a ballot and the right to vote to any person who is willing to take the oaths prescribed by this Act and the provincial law, and has otherwise complied with the requirements of the law, or gives a ballot to and allows to vote any person who refuses to take oaths or to otherwise comply with the requirements of the law, he shall, for such offence, be liable, to any person who may sue for the same, to a penalty of two hundred dollars.

It simply provides that if the deputy returning officer violates either section 67 or 68—that is, refuses a ballot paper to the voter who complies in every respect with the law, or on the other hand, gives a ballot paper and allows a man to vote who refuses to comply with the law—he shall be liable to a fine of $200.

Hon. Mr. MILLS—I will ask the committee to rise, report progress, and ask leave to sit again. I want to further consider

in what form any change in clause 69 shall be put.

The clause was allowed to stand.

On clause 22, subclause 3,

Hon. Mr. LANDRY—The hon. minister will allow me to call attention to subclause 3 of clause 22, which reads as follows:

3. The legal custodian of any voters' list shall deliver certified copies thereof, or of any part thereof, as last revised and corrected, to any person applying therefor, on payment therefor of a fee not exceeding the fee (if any) allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list and one cent for every two names in writing if the list or part of the list is written.

I would call attention to the discrepancy which exists between the cost of lists of the different provinces. I have a list here of the province of Nova Scotia. It is in manuscript form, and the rate is 50 cents per hundred names, and the names are given—only the names. No residence is given, or anything of that kind. If the hon. minister will compare this with the list of the province of Quebec, he will see quite a difference. In Qubeec they give the name, occupation, residence, whether the party is proprietor or owner, and the cadastral number, and the parish in which it is situated. In Quebec there are fifteen words to each name, compared with Nova Scotia and New Brunswick, where there are only three words per name, counting the number. In Nova Scotia they receive 50 cents per hundred. I think it might be better to insert:

On payment of a fee not exceeding in any case ten cents for a printed list and one cent for five or six or seven or eight words.

Hon. Mr. MILLS—Oh, no. Two names a cent.

Hon. Mr. SCOTT—They have a tariff in each province. That is not disturbed. The Crown pays the tariff which exists in the particular province.

Hon. Mr. LANDRY—In British Columbia they pay 25 cents per folio of 100 words, and in Quebec we have a certificate that contains over 100 words. In the other provinces those lists are not certified. I think we should adopt a tariff of so much per 100 words.

Hon. Sir MACKENZIE BOWELL—Did the hon. minister consider this question?

Hon. Mr. MILLS—Yes, in the preparation.

Hon. Mr. SCOTT—We pay the tariff, whatever it is, in Nova Scotia, and in Quebec we pay the tariff.

Hon. Sir MACKENZIE BOWELL—That is all right. I thought the tariff was fixed here.

Hon. Mr. MILLS—No. This is only where there is not a fixed tariff.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

THIRD READINGS.

Bill (171) 'An Act respecting the Central Vermont Railway Company, Foreign.'—(Hon. Sir Mackenzie Bowell.)

Bill (190) 'An Act respecting the Preservation of Game in the Yukon Territory.'—(Hon. Mr. Mills.)

CRIMINAL CODE AMENDMENT BILL.

CONSIDERATION OF AMENDMENTS POSTPONED.

The Order of the Day being called:

Further consideration of the message from the House of Commons disagreeing to the amendment of the Senate to the amendments made by the House of Commons to (Bill K) 'An Act further to amend the Criminal Code, 1892.'—(Hon. Mr. Mills.)

Hon. Sir MACKENZIE BOWELL—The hon. minister might let that stand. I want to make further inquiry as to the practice in the case to which he called my attention the other day. The hon. minister said that the course that had been taken was not strictly in accordance with parliamentary practice, and I have not had time to look into the question.

Hon. Mr. MILLS—In order to proceed regularly, we will have to move that the House rescind the motion and move again.

Hon. Sir MACKENZIE BOWELL—I propose to do that. I propose to move for the rescinding of the motion, which was carried the other day, and to declare that we do not insist upon our amendment, but that we suggest such-and-such an amendment. I want to look into the authorities.

Hon. Mr. MILLS—I was going to ask my hon. friend, seeing that his motion of proposed amendment approached very nearly the provision of the Bill as it now stands,

that he should not insist on it, because my hon. friend will see that it would be scarcely fair to the House of Commons or to myself, to insist upon amending a Bill by the substitution of another clause which meant very nearly the same thing, unless the hon. gentleman could point out very clearly that there were objections to the form of expression to which his suggestion was directed.

Hon. Sir MACKENZIE BOWELL—If I thought for a moment that it would be an act of unfairness to the hon. gentleman I would accept his suggestion at once, but I do not know that I am to consider whether it is in accordance with the feelings or wishes of the House of Commons. We have been five months and a half in session here, and the most important Bills have been kept to the last week, and I am not of the opinion, nor do I think there is any argument that would convince me, that we should pay any undue deference to the House of Commons on a matter upon which we have very strong opinions. My reason for moving this amendment is that I have no desire to interfere with any rights which existing corporations hold, but I have a distinct objection to extending it to any one else.

Hon. Mr. MILLS moved that the Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

The motion was agreed to.

TRADES DISPUTES CONCILIATION BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (No. 187) 'An Act to aid in the prevention and settlement of trade disputes, and to provide for the publication of statistical industrial information.'

(In the Committee.)

On clause 7,

Hon. Mr. SCOTT—Mr. Mulock, who has given a great deal of time and attention to this Bill, considers clause 7 very essential. It is only a clause enabling an officer to make inquiry into the facts. They recognize inquiries of that kind under chapter 114 of the Revised Statutes, and, where a quarrel exists, it may be as to the rate of wages paid elsewhere, each party may be satisfied when the facts are ascertained, and there is no reason why this clause should not pass.

Hon. Mr. POWER—This Bill is based on an English Act, I understand. I have not the English Act in my possession, and I was only anxious to find out if there was any provision in the English law similar to this clause. The explanation of the Secretary of State is exceedingly lucid, I must say.

Hon. Mr. SCOTT—It is simply to ascertain the facts. The men may say such and such wages are paid at such and such a place, and information obtained on oath might satisfy the men.

Hon. Mr. POWER—It means that the commissioner is to send and get evidence under oath on the subject. I dare say a telegram would get the information just the same.

The clause was adopted.

On clause 10,

Hon. Mr. SCOTT—The proposed gazette is to be a record of the different trades in the country, the wages paid at different points, &c., simply matters of information.

Hon. Mr. LANDRY—Is that to be published by the government?

Hon. Mr. SCOTT—Yes, and sold at a nominal price.

Hon. Mr. LANDRY—Is that to be in English and in French?

Hon. Mr. SCOTT—I suppose so.

Hon. Mr. FERGUSON—It struck me, on reading this clause casually, that it would involve a very considerable expenditure.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—My hon. friend says 'No,' and I think he informed the committee that about $10,000 was being put in the estimates this year in order to meet the expenditure which might arise in the establishment of this gazette. I am quite aware that the English Board of Trade, which, we know, is a department of the British government, issue a monthly bulletin, and I can very well understand that it is a very estimable thing to do; but it would be perfectly useless, unless there is a con-

siderable amount of expenditure behind it in order to do it well. To collect these statistics and compile them in a thoroughly reliable manner, and distribute them will all mean money. In that connection, I may mention what I did before, when we were in committee on this Bill, that I have been calling the attention of this House to the necessity and importance of collecting and distributing agricultural statistics. Agriculture is the leading industry in this country, and we stand alone among the agricultural countries in not procuring and distributing agricultural information. I am well aware that the present Minister of Agriculture, like all his predecessors, has very strong views on that question. I know my hon. friend from London (Sir John Carling), when Minister of Agriculture, put his views on record when he called attention to the great necessity for collecting statistics relating to agriculture and distributing them. Though more interested in agriculture than in other industries, I would not raise the slightest opposition to getting information for the industrial population of the country; and, in making these observations, I am not finding any fault with this measure, only I hope that the government will place a larger sum than $10,000 in the estimates in order that, when they undertake to do it, they will do it well; and I have no doubt it will be found to be of great benefit and advantage to the industrial population of Canada.

Hon. Mr. ALLAN—I do not know whether the hon. gentleman is confining his observations to the Agricultural Department here, because, in Ontario bulletins are sent out every month containing not only information as to the crops, but as to labourers' wages and other information which is exceedingly useful. Ontario, at all events, is not wholly behind in that matter.

Hon. Mr. FERGUSON—I know my hon. friend is right. Ontario has been doing a good deal of useful work in that way, but Ontario, though a very large and important part of the Dominion, is not the whole Dominion. We have a very large country, and there are absolutely no agricultural statistics collected and distributed in the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and the territories. Something has been done in the province of Manitoba, but not very much, and it would not be necessary to duplicate the work that is being done in Ontario. Wherever a provincial government is doing work, it would be easy for the federal government to utilize the result and co-operate with them. Any province might turn in and assist in collecting statistics, but the effect of making it a Dominion work would be this: When foreigners, or people who belong to other parts of the empire, want to get agricultural information regarding Canada apply to the Department of Agriculture in Ottawa. It will be found in the report of the department year after year, there is a standing paragraph that a vast amount of inquiry is coming to the department, for agricultural statistics, which they are not able to supply. It is very desirable that it should be done. The present Minister of Agriculture mentioned a year ago that he had in view some plan by which co-operation might be obtained with the provinces in this matter of getting agricultural statistics and distributing them. I only hope that it will come forward and that it will not be too long until this whole matter wil be consummated. I mention this, not with a view to opposing the Bill before us, but to express the hope that the government may not be content to confine themselves to collecting and publishing this information for the benefit of the industrial population of the country, but will also give us what is so much required, agricultural statistics.

Hon. Mr. POWER—I do not object to collecting statistical information, and the publication of it, but I submit to the hon. Secretary of State whether it would not be desirable to modify the language of the clause. It is liable to lead to misapprehension. It says the minister shall establish and have charge of the department of labour. When you use such language in an Act in this country, immediately there rises before one visions of a department with a deputy head and staff of clerks. It seems to me that some more fortunate expression might have been used than 'a department.' I do not suppose the government intend to add a fourteenth department to those which already exist. I do not think it is necessary. We have too many departments already, but as regards the collection and publication of this information, it is

a desirable thing, and might be put under some existing minister.

Hon. Mr. SCOTT—So it will.

Hon. Mr. POWER—The point is this: I object to the expression 'a department of labour.' Cannot the minister compass his end without using that language? We might as well undertake that there shall be a department of dry goods, or something of that sort. The better way is to provide for the work, but do not call it a department.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will see by the second clause that the word 'minister' is defined. The Governor in Council can allot the work of carrying out this branch to any of the ministers. There is the same provision in the Chinese Act. However, there is a good deal of force in what the hon. gentleman from Halifax says. My own impression is that all the provisions of this Act should be carried out without the appointment of an editor which makes an additional expense, for if you appoint an additional official you would have to pay a good deal of money—by placing it all under the charge of the government statistician of the Agricultural Department this expense could be saved. There is where, it seems to me, the work ought to be done. He has a staff of officers now for preparing certain statistics. It will require, no doubt, the addition of a practical man who is in the habit of consulting all the journals placed in his hands for the purpose of obtaining information from all parts of the world. What is more particularly required is statistics affecting our own country, but it is equally important that, while you obtain statistics showing the output of every industry in the country, that you should also ascertain the requirements of other countries, in order to enable the manufacturer to select a country to which he could send the surplus products of his factory. The work could be carried out just as well by placing it under Mr. Geo. Johnson, and with much less cost than it will to employ an extra staff, just exactly as the Chinese Act was carried out without any cost to the country, by placing it under the management of the Minister of Customs. However, there is the provision, and I have no doubt Mr. Mulock, the Postmaster General will have it placed under his charge, if so, he will require a special staff to take care of it. If it is placed under the charge of the Minister of Agriculture, he has a staff ready.

Hon. Mr. LANDRY—If the intention of the minister is to have that publication in the two languages, it should be so stated in the Bill?

Hon. Sir MACKENZIE BOWELL—Is not that in the constitution?

Hon. Mr. SCOTT—All official documents are published in the two languages.

Hon. Sir MACKENZIE BOWELL—The Confederation Act provides for that.

The clause was adopted.

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

The Bill was then read the third time and passed.

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (191) 'An Act to amend the Post Office Act.' He said: This Bill consists of one short clause and proposes to reduce the present tariff on the carriage of newspapers from one-fourth of a cent to one-eighth of a cent. That is the only change.

Hon. Sir MACKENZIE BOWELL—Oh, no. However, we will not trouble the hon. Secretary of State with it now. We will have the debate in committee.

Hon. Mr. SCOTT—That is the important element in it.

Hon. Sir MACKENZIE BOWELL—I may say if the hon. gentleman will confine the Bill to his explanation there will be no opposition to it.

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

MILITIA ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (155) 'An Act to amend the Militia Act.' He said: I suppose hon. gentlemen have the Bill before them.

Hon. Mr. DeBOUCHERVILLE—No.

Hon. Mr. MILLS—It provides for amending sections 41, 45, and 47 of the Militia Act. It substitutes for section 41 the following:

41. In and for each of the twelve military districts hereinbefore mentioned there shall be appointed an officer, who shall have rank not below that of lieutenant-colonel, and who shall command the militia in his district, and he shall be paid at the rate of twelve hundred dollars per annum.

2. There shall also be appointed in each of the military districts aforesaid such staff officers and such other officers as are necessary, and the salaries of such staff officers shall be fixed by the Governor in Council.

3. If any two or more districts are amalgamated for administrative purposes, one such officer only shall be appointed to command the militia in the districts so amalgamated.

4. Her Majesty may adopt such designation or name of office as Her Majesty thinks proper for the officer who commands the militia in any district, and may, from time to time, change such designation or name of office.

In substitution for section 45 the Bill provides the following:

45. Officers holding commissions in the militia may be placed on the retired list with honorary rank not exceeding that of colonel, or without honorary rank, and officers now on the retired list holding commissions as lieutenant-colonel may be promoted to the rank of colonel, under regulations approved by the Governor in Council.

2. Officers from the retired list may be re-appointed to the active list or such other list as is from time to time authorized; but no officer so re-appointed shall be compelled to serve in a lower rank than that with which he retired.

Section 47 is amended and the following section substituted therefor:

47. In time of peace no person except the officer commanding the militia shall hold higher rank in the militia than that of colonel; but Her Majesty may, whenever the militia is called out for active service in the field, appoint therein other officers of rank superior to that of colonel, but not higher in any case than that of major general.

These are the provisions of the three substituted sections which this Bill is intended to provide.

Hon. Sir MACKENZIE BOWELL—It is materially changed from the Bill as first introduced, but we will discuss it in committee.

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

JUDGES OF PROVINCIAL COURTS BILL.

RETURNED FROM THE HOUSE OF COMMONS.

A message was received from the House of Commons with Bill (189), 'An Act to amend the Act respecting the judges of Provincial Courts,' and to acquaint the Senate that the Commons cannot agree with the amendments made by the Senate for the following reasons:

1. Because by section 92 of the British North America Act, it is provided that in each province, the legislature will have exclusive power to make laws concerning 'the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction and including procedure in civil matters in those courts';

2. Because by section 96 of the same Act, it is provided that the Governor General shall appoint the judges of all courts organized by provincial legislatures (except those of the courts of Probate in Nova Scotia and New Brunswick);

3. Because by an Act of the legislature of the province of Quebec, passed in 1899, viz., 62 Vic., ch. 29, it was provided that the constitution of the Superior Court of the province of Quebec should be amended, and that the said court should be composed of thirty-four judges, the object being to give three additional judges to the district of Montreal;

4. Because the object of the first section of the present Bill, which was rejected by the Senate, is to comply with the duty imposed upon the federal government and parliament by the aforesaid section 96 of the British North America Act, in so far as the above action of the legislature of Quebec is concerned;

5. Because the act of the Senate in rejecting the said section of this Bill is an infringement of the principle of provincial autonomy secured in the British North America Act.

Ordered, that the Clerk of the House do carry the said message to the Senate.

Hon. Mr. MILLS moved that the message from the House of Commons be taken into consideration to-morrow at the first sitting.

Hon. Sir MACKENZIE BOWELL—No, I think it is necessary that we should have a little longer time to consider the objections that have been made to the amendment, and I should like to read the debates which have taken place to acquaint myself with the reasons advanced to justify the course taken by the Commons, and as it is not a matter of paramount importance to consider that to-morrow, it might be taken up on Monday.

Hon. Mr. MILLS—I do not know what will be coming up to-morrow. We will take up the other business first, and if it is necessary to postpone it to Monday it will be done. We are not going to press it against my hon. friend's wishes.

Hon. Sir MACKENZIE BOWELL—With that understanding I will not oppose the hon. gentleman's motion.

Hon. Mr. DeBOUCHERVILLE—I should like to inquire of the government if it is

the intention to prorogue on Saturday or on Monday.

Hon. Mr. MILLS—I cannot inform my hon. friend as to that, because if the hon. leader of the opposition wants till Monday to consider this Bill, of course we cannot adjourn until we get through with the business which has been brought before us, and the Supply Bill—I do not know whether we will get that to-morrow or not. I have no idea of the state of progress in public business in the House of Commons.

Hon. Sir MACKENZIE BOWELL—They are not through yet.

Hon. Mr. MILLS—I propose that we shall meet to-morrow at 11 a.m.

Hon. Mr. FERGUSON—It is impossible to prorogue to-morrow.

Hon. Sir MACKENZIE BOWELL—Or on Monday.

Hon. Mr. LANDRY—In that case we do not want two sittings to-morrow.

Hon. Sir MACKENZIE BOWELL—Oh, yes. We want to get through the business.

Hon. Mr. LANDRY—It is agreed that this Bill will not come up to-morrow.

Hon. Mr. MILLS—Not agreed.

Hon. Mr. LANDRY—If not I will object to the motion to sit to-morrow morning.

Hon. Mr. MILLS—The hon. gentleman can not object.

Hon. Mr. LANDRY—Where is the 24 hours' notice? I can object. I want it to be understood this matter will not come up to-morrow. We are willing to do all the other business, but that matter is too important to bring up to-morrow when we have not had time to study it.

Hon. Sir MACKENZIE BOWELL—The hon. minister, in reply to my request to fix the Bill for Monday, said that if we were not prepared to go on with it to-morrow, at our request he would postpone it till Monday.

Hon. Mr. DeBOUCHERVILLE—Any hon. senator stating he is not prepared can have it postponed till Monday.

Hon. Sir MACKENZIE BOWELL—Yes, if the hon. gentleman is not prepared I will make the request.

The motion was agreed to.

Hon. Mr. DeBOUCHERVILLE.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call the attention of the ministers to some two returns that I moved for some time ago, one of them having reference to the Paris Exposition, and the expenses connected with it, and the other to orcharding experiments in Prince Edward Island. They were both moved for in June. I wish to call attention to them in order that they may be brought down.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will get them next session.

Hon. Mr. FERGUSON—No, these are small matters, and there should be no trouble in getting them before prorogation. Will the hon. minister see that they are brought down?

Hon. Mr. SCOTT—I have a return here of a statement showing in detail the work undertaken and the expenditure incurred and the results obtained in the experimental operations carried on in the last year in regard to orcharding in Prince Edward Island.

Hon. Mr. FERGUSON—That is one of them, and the other is in regard to the expenditure incurred in reference to the Paris Exposition.

Hon. Mr. SCOTT—I will inquire from Mr. Fisher.

Hon. Mr. LANDRY—If the hon. minister would look in his desk, perhaps he would find a couple of answers to my inquiries, which are missing.

The Senate adjourned.

THE SENATE.

Ottawa, Saturday, July 14, 1900.

The Speaker took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

ELECTION LAW AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (133) 'An Act to consolidate and amend the law relating to members of the House of Commons.'

(In the Committee.)

On clause 68,

Hon. Mr. MILLS—I move that clause 68 be adopted.

Hon. Mr. FERGUSON—I gave notice that I would propose an amendment.

Hon. Mr. MILLS—With regard to that amendment, I have to say that I could only consent to it going in the Bill upon condition that the words 'entitled to vote and is' are put at the end of the second line. The motion reads at present:

In Prince Edward Island, if the deputy returning officer refuses a ballot and the right to vote to any person who is entitled to vote and is willing to take the oath prescribed by this Act and the provincial law, and has otherwise complied with the requirements of the law, or gives a ballot and allows to vote any person who refuses to take such oaths, or otherwise comply with the requirements of the law, he shall, for such offence, be liable to any person who may sue for the same to a penalty of $200.

Hon. Mr. FERGUSON—I have no objection.

The motion was adopted as amended.

On clause 69,

Hon. Mr. MILLS—This clause is satisfactory as it stands, as far as I am concerned, but with a view of getting an expression of opinion here, which seemed to be the opinion of the majority, I propose to substitute a section for the one that is in the Bill. There is very little change. The proposed clause reads as follows:

69. Notwithstanding anything contained in any Act of parliament or in any Act of a provincial legislature, no person otherwise qualified to vote at an election of a member to serve in the House of Commons shall be incompetent to vote at such election by reason only of his having been absent from the electoral district in which such election is held, and in which he would otherwise be entitled to vote by reason of his serving with or being attached to any corps despatched from Canada for military service, or performing military service in Canada, whether as an officer, non-commissioned officer or private, or in any other capacity, or while serving Her Majesty in any military capacity or acting as a war correspondent in connection with any war in which the Canadian contingent is serving.

2. From which oath any such person tendering his vote at such an election may be required to take, there shall, in the case of any person within the meaning of subsection 1 of this section, be omitted any statements as to residence which such person cannot, by reason of such absence as aforesaid, truthfully make, there may be added to any such oath the following paragraph:

That you served with or were attached to the corps known as ———— as an officer, non-commissioned officer or private, or otherwise, as the case may be; or that you served Her Majesty in connection with ———— war in a military capacity as ———— or in connection with ————, or as a war correspondent.

Making the oath correspond to the change.

Hon. Mr. MILLS— My hon. friend proposes to make an amendment to clause 20.

Hon. Mr. FERGUSON—On further reflection, I do not propose to make any change, though strong representations were made to me on the subject. There are two penalties proposed by the provincial law which it was thought would not be applicable under this law, but it refers to cases where the polls would be congested. That does not occur now, where the electoral district is divided up into so many small polls. When they used to poll 500 or 600 votes at a poll, there was a danger. Now there is none, and I do not see any necessity for making the change.

Hon. Mr. SCOTT—In the last line of schedule number 3, hon. gentlemen will notice these words, 'section 9, so far as it applies to Manitoba.' Section 9 of the Franchise Act declares:

9. Where under the laws of a province the voters' lists for any provincial electoral district or division or any of them are prepared, not at regular intervals, but at such times as are fixed by the Lieutenant-Governor in Council, or some other provincial or local authority, or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used for the purpose of any Dominion election in the territory comprised in such provincial electoral district or division, or the parts thereof for use in which they were prepared if such lists have been prepared not more than one year before the date of the writ for such Dominion election; otherwise, new voters' lists shall be prepared, and for the purpose of preparing and giving effect to such voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and bringing into force of such new voters' lists the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed and followed.

Now, in Manitoba, as hon. gentlemen are aware, the lists in the past have only been prepared just before a general election last year, when it became necessary to hold an election there, we appointed officers to revise the lists. Before we had proceeded far, the provincial officers prepared a list in view of the general election, and so ours was cancelled. There are three cities in Quebec

in the same position, Montreal, Quebec and Three Rivers, and therefore section 9 ought to be repealed in toto, because it only refers to constituencies where the revision of the lists does not take place each year. In the House of Commons they repealed it so far as Manitoba was concerned. That seemed to be the only case that was brought to their notice, whereas it affects these three cities in the province of Quebec. I propose to repeal the whole of section 9 of the Franchise Act, so that the last revised lists, which were prepared lately in those three cities, may be used. Because, I see by the Quebec Act, except in the case of Montreal, Quebec and Three Rivers, a list is prepared yearly by the secretary treasurer, of each municipality. The lists for Montreal, Quebec and Three Rivers are prepared under special provisions. Under the Manhood Suffrage Act in Ontario, the lists can only be made up after the writ of election has issued. Section 9 was drawn up to govern just such cases as Manitoba, and without having any other constituencies in view.

Hon. Mr. LANDRY—If clause 9 is repealed what will regulate the preparation of the lists in Quebec ?

Hon. Mr. SCOTT—Their last official list, whatever it is.

Hon. Mr. LANDRY—That is done by the ninth section.

Hon. Sir MACKENZIE BOWELL—This is a very important suggestion which has been made by the Secretary of State, and certainly requires some consideration. Speaking for myself, I have not had time to look into the effect that the repealing of this section would have, I remember distinctly that when this Franchise Act was passed, there was a good deal of discussion in the lower House upon the principle contained in this very clause. I remember that these difficulties were suggested then. The hon. Secretary of State has spoken of the province of Quebec. As I understand, from the hon. gentleman from Stadacona, the lists are revised there every two years.

Hon. Mr. SCOTT—Except in those three places I have mentioned, they are revised every year.

Hon. Sir MACKENZIE BOWELL—Then the difficulty would not arise. The contention on the part of the representatives of the cities in Ontario was, that in case of a by-election the lists might be so old as to disfranchise a large section of the residents of the city, more particularly of the young men. That would be after the adoption of Manhood Suffrage, and it was argued that in case a voters' list was a year old, or even six months old, even then it would disfranchise a great many, and the concession was made to the representatives of the city of Toronto in particular. I remember Mr. Clark calling attention to it and arguing the question for some time. He asked to have a new list in case of a by-election, or any election, if the list was over six months old. A compromise was arrived at that the expense of a new list should not be incurred unless the existing voters' lists was a year old. And that is the reason why I moved that amendment yesterday, so as to preserve the rights of the younger men, or of older men who might move from one part of the city to the other. Will not the repeal of this 9th clause of the Franchise Act completely nullify the objects that the representatives of the city had when they insisted upon having this clause placed on the statute-book ? It may or may not. Not having had time to look at it, I am not prepared to say whether I am correct or not, but that is the view that suggested itself to me.

Hon. Mr. SCOTT—The general principle of of the Franchise Act is that we must adopt the provincial franchise. We are obliged to do that.

Hon. Sir MACKENZIE BOWELL—Except as otherwise provided.

Hon. Mr. SCOTT—Any person entitled to vote at a provincial election is entitled to vote at a parliamentary election. Under the Ontario statute, what is called the manhood suffrage vote is a vote made up at the very last moment after the writ of election has issued.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of Ontario.

Hon. Mr. SCOTT—Yes, exclusively. It is made up, and there is a board named in the statutes. They are certain officials. It applies to the cities and the county towns. The only place outside the county towns which is included is the town of Niagara.

Hon. Sir MACKENZIE BOWELL—Yes, I understand that.

Hon. Mr. SCOTT—Under the statute that list is made up after the writ of election has issued, and it can only be completed, therefore, just a few days before the actual polling takes place. The officers are named in the statute in different places; the county officials from what is called the registration board. They issue a notice and all young men who are on the list, and who claim to be permitted to vote under the manhood suffrage vote, call and have their names registered. They must be three months resident in the electoral district. That is the proper qualification. That vote will have to be taken under the law as I read it in the province of Ontario in the next general election, and the authorities that are charged with the making up of that list will have to be the authorities that the federal government must appoint to prepare that list. As I read section 9, outside of that altogether if there are any localities where the lists are not made up annually, then a new list would have to be devised, as in the case of Manitoba. In the province of Quebec, as I have said, in all parts of the province except the three cities I have named, the city of Quebec, the city of Montreal and Three Rivers, the lists are made up regularly. They are all now received by the Clerk of the Crown in Chancery. Unless section 9 is repealed, the lists for Montreal, Quebec and Three Rivers, if more than one year old, would have to be revised by a special commission, and I do not think that is desirable.

Hon. Sir MACKENZIE BOWELL—That is the very principle of this clause. The hon. gentleman has not answered my question, or perhaps I did not put it clearly. Take the city of Toronto at present: there is a vacancy caused by the unfortunate death of the member for Centre Toronto, Mr. Bertram. Supposing a writ were issued for an election now, it would be the last voters' list upon which that election would be held. As I understand it the voters' list is over twelve months old—nearly two years.

Hon. Mr. SCOTT—Oh, no. I have the list here.

Hon. Sir MACKENZIE BOWELL—Well, I will put a suppositious case. Supposing it is over a year old, and you repeal this clause upon what voters' list would you go to the electors?

Hon. Mr. SCOTT—The last one received. Under the Franchise Act, there is a heavy penalty on the officers if they fail to send them. In Ontario the lists, as a rule, are not really completed till December or January. The list for 1899, only began to come in in December. The majority of them came in January and February. As hon. gentlemen know, in Ontario, after the return of the assessment roll, and the making up of the list, there is an appeal to the court of revision.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman is not dealing with the Franchise Act as it affect every consttuency outside of the cities and towns. I take the city of Toronto. I think the last revised list received by the Clerk of the Crown in Chancery was in December or January, perhaps a little later. I can find out the exact date. Before January next there will be another list.

Hon. Sir MACKENZIE BOWELL—The hon. minister is speaking of the list compiled from the assessment roll.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I am referring to the registration of voters.

Hon. Mr. SCOTT—Manhood suffrage.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—Supposing we ordered an election in the city of Toronto, after the writ was issued we would have to appoint the same board that are designated under the Ontario Act, to make up a list of the manhood suffrage vote in the city of Toronto.

Hon. Sir MACKENZIE BOWELL—Even with this clause?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That is all I want to get at.

Hon. Mr. SCOTT—You would have to interpret the Franchise Act in its most liberal sense or you would be disfranchising persons entitled to vote at the Dominion election unless you did so, and I will give an illustration. Since this Act has been passed, wherever an election has been held, in a

town or city affected by it, that commission was issued.

Hon. Sir MACKENZIE BOWELL—I understand all that, but I want to know what the effect would be if we repealed this clause which gives the power——

Hon. Mr. SCOTT—It is not under that. It is under the Ontario Statute.

Hon. Sir MACKENZIE BOWELL—Where do you get the power to appoint the board ?

Hon. Mr. SCOTT—I understand the matter in this way : if we were to repeal this clause, the manhood suffrage that we would have would be the last one prepared by the local legislature for that purpose.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLS—The Ontario Act gives us power to prepare a list. It does not provide a list for us at all. It is by our own legislation that we make their list ours. This section reads :

> Where under the laws of a province the voters' lists for any provincial electoral district or division, or any of them, are prepared, not at regular intervals, but at such times as are fixed by the Lieutenant-Governor in Council, this Act shall operate.

If they are prepared at regular intervals, although those intervals may be more than a year, I take it that there would be no power of revision, and for that reason, I think the lists prepared in the cities of Montreal, Three Rivers, and Quebec, although only biennial lists, would not be affected by this provision, because they are prepared at regular intervals.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MILLS—But at such times as are fixed by the Lieutenant Governor in Council. Where does the Lieutenant Governor in Council fix periods for revising the list? The Lieutenant Governor in Council does so in the province of Ontario so far as it relates to certain towns and cities, and therefore this clause applies to those towns and cities. The clause proceeds :

> Or some other provincial or local authority, or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used for the purpose of any Dominion election in the territory comprised in such provincial list or division, or the parts thereof, for use in which they were prepared, if such lists have been prepared not more than one year before the date.

Hon Sir. MACKENZIE BOWELL—That is it.

Hon. Mr. MILLS—There may be lists prepared more than a year before date, but if they are prepared at regular intervals, they do not come under the provisions of this Act, but those that are prepared not at regular intervals, but at such times as the Lieutenant Governor in Council thought proper to order their preparation, then such list, if not more than a year old, may be used and a new list must be prepared, and so this was intended to provide for the case in the city of London. There is a list there three years old now, so far as the manhood suffrage vote is concerned.

Hon. Sir MACKENZIE BOWELL. That is the registration ?

Hon. Mr. MILLS—Yes. That list could not be used because it is more than a year old and a new list would become necessary, so far as that manhood suffrage vote was concerned.

Hon. Sir MACKENZIE BOWELL—That is under clause 9.

Hon. Mr. MILLS—Yes. Then the same power is given to the Governor in Council to appoint officers to prepare a manhood suffrage Dominion list in conformity with the law of Ontario, the men having the same qualifications that the Ontario law gives, for preparing the manhood suffrage list for Dominion purposes. Supposing you had in Ontario a government that would refuse to prepare a list and would say 'our statute authorizes us to prepare the list for provincial purposes, and when a writ by the lieutenant-governor has been issued, but we have nothing to do with your Dominion election, and having nothing to do with your Dominion election, we do not propose to provide for the constitution of the board, or do any one of those things which our law requires for our own purpose, then this was intended to confer upon the Governor in Council to do in the province of Ontario precisely the same thing that the Lieutenant-Governor in Council may do after the issue of a provincial writ for the holding of a provincial election, and from that point of view, I think if we were to repeal this clause it would be impossible in the province of Ontario to prepare a manhood suffrage list in the towns and cities.

Hon. Sir MACKENZIE BOWELL—That is precisely the view I took of it.

Hon. Mr. MILLS—I think if we take that out, that will be the result.

Hon. Sir MACKENZIE BOWELL—I am very much afraid that if we repeal that law, after the explanation given by the hon. Minister of Justice, which accorded with my own view, as a layman, that we may compel a by-election to be held in the city of Toronto, at any time on a list which may be one, or two or three years old. Supposing Mr. Beatty were to vacate the seat in London by death or in any other way, and the government should issue a writ, with this clause repealed you would be obliged to go to the vote in the city of London on a voters' list three years old, and I want to point out that if the hon. gentleman wants this Bill passed, I am afraid he will find there will be a good deal of discussion and objection to taking away from the Dominion government the power which they now hold under this clause, for the reason which I have given. There is another law which has been passed since that in the Ontario consolidated statutes from which the Secretary of State has read, which gives the power to the Premier of Ontario and the leader of the opposition, if they jointly desire it, to have a new registration in the case of an election or by-election taking place for the local legislature.

Hon. Mr. MILLS—But that is for provincial purposes.

Hon. Sir MACKENZIE BOWELL—Yes, that is what I am pointing out, and if that new registration of voters took place a month before the by-election for the Dominion, you would have to use that list.

Hon. Mr. MILLS—If this clause is repealed.

Hon. Sir MACKENZIE BOWELL—Whether it is repealed or not, because that would be the last revised list of voters for the city, and you would take that without going to the expense of empowering the board, which is constituted under the local law, for having another registration. There would be no necessity for it. The hon. Minister of Justice has taken precisely the same view that I have taken. It is not necessary to argue how the voters' lists are constituted in the rural districts of the country. That has been in force for a number of years. I am not going to oppose the repeal of this section if the government think it is necessary, but the hon. minister will find some difficulty in getting it through the Commons at this stage, particularly with the view which the Toronto members hold.

Hon. Mr. SCOTT—I have not in the slightest degree considered the possibility of any government ignoring the manhood suffrage vote, because I believe the law giving the voter the right to vote in so general and so large. It reads :

> The qualifications necessary to entitle any person to vote thereat shall be those established by the laws of that province to entitle such person to vote in the same manner as at a provincial election.

I have laways construed that to mean that under that the government were bound, in holding an election in any locality where the manhood suffrage came in, to adopt the machinery of the provincial authorities. It was not necessary to get the consent of the provincial authorities. That board is an existing board. It is made up of the county judge, the county registrar and certain officials. I am not going to press the point. If the opinion of the House is that it is so clear, I do not desire to press my own view, only I considered that the ruling principle in section 9 was that no list should be more than one year old. Where you say that it does not apply when the lists are made up at regular periods, the lists may be only made up every three or four years, and it would be a monstrous proposition to say that a list four years old should be used. Under my proposition the lists could not be more than a year old—absolutely impossible, and the manhood suffrage vote must, under any circumstances, be made after the writs have been issued. However, I am not going to press my view.

Hon. Sir MACKENZIE BOWELL—The hon. Minister of Justice has just told us that in the city in which he lives the list is three years old. The hon. gentleman has got beside the question. No one accused the government of desiring to interfere with the manhood suffrage. All we wanted to know was what effect this would have on the election in cities and towns, if this were repealed. The hon. gentleman has given an explanation with which I am fully in accord. If the hon. minister takes the responsibility of throwing difficulties in the way, I have no objection.

Hon. Mr. BERNIER—What is the clause for repealing section 9, so far as it applies to Manitoba ?

Hon. Mr. SCOTT—In Manitoba they are making up a list now, I understand. They had a list made up, as the hon. gentleman knows, at a late period last year, and under the law passed at the recent meeting of the legislature, they proposed making up their lists annually. At least, I am so advised.

Hon. Mr. BURPEE—I have an amendment, or an addition, with reference to the electoral districts of New Brunswick. In that province we have not the one-man-one-vote provision. I wish we had.

Hon. Sir MACKENZIE BOWELL—I am glad that they have not.

Hon. Mr. BURPEE—But we have a great many non-residents not residing in the polling districts in which their property is situated. Most of them reside in the cities, in St. John and in other parts of the province, and the law as it stands here will compel them to go to their distant polling places in order to cast their vote on election day. In New Brunswick it was found so necessary that they made a provision that the non-resident voter may, by signifying his wish, have his name transferred from the district in which his property is situated to some district which would be on a railway station, or some district where it would be convenient for him to vote. In constituencies which I know of, there are about 500 non-resident votes, and a large proportion, about one-half of those, is generally got to the poll. It is a good deal of trouble and causes delay to the voters themselves to get to the polling district. The local House of Assembly passed a provision which I propose moving to insert in this Bill. It reads as follows :

That in such cases a written request signed by the elector shall be delivered to the returning officer stating the polling district in which the elector's name is registered, and the district to which he wishes his name transferred, and the signature of the elector shall be verified on oath by some person, a witness of the same, and the ratification thereof, with a written request, shall be filed by the returning officer, and be open to the inspection of any elector upon request.

I wish to have this inserted in the Bill so that it would prevent a great deal of trouble and expense in the non-residents getting to their respective polling booths. The fact is that many of these non-residents own property and it is generally situated in distant districts, and it would entail a good deal of trouble to get to those districts to vote. In the county of Sunbury there are eight polling places and only three polling places supplied by railway accommodation, and the usual practice in New Brunswick is to transfer those names to some polling district on a railway line, to which place they can go and return again quickly. It may take days to get to the polling district, and it will only take a few hours to go to the place where they would likely be transferred.

Hon. Mr. MILLS—Subsection *f*, of section 5, of the Franchise Act reads as follows :

(f) The provisions of the law of the province as to places where non-resident electors shall vote shall apply 'mutatis mutandis' to such Dominion election, and the returning officer at such election shall have the powers and be charged with the duties of the sheriff or returning officer under those provisions; but nothing herein shall enable any person to vote by schedule or otherwise than by appearing personally.

Hon. Mr. SCOTT—It is acted on in the province of British Columbia, I know, because there they vote in the way the hon. gentleman proposes.

Hon. Mr. MILLS—It is completely covered.

Hon. Sir MACKENZIE BOWELL—Do I understand that the provincial law of New Brunswick enables a rural voter to vote at the nearest polling place, but it must be within the constituency ?

Hon. Mr. BURPEE—Yes.

Hon. Mr. SCOTT—I know under that clause they vote at the poll that is most convenient.

Hon. Sir MACKENZIE BOWELL—In that province it is evident they recognize a property qualification, which we do not in Ontario. I wish it were so all over.

Hon. Mr. MILLS—It may be that some verbal changes will be required in the schedules to make them conform to the Bill. If so, I suppose there will be no objection to amending the schedules ?

Hon. Sir MACKENZIE BOWELL—They can be amended in time for the third reading.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments, which were concurred in.

THE POST OFFICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (191) 'An Act to amend the Post Office Act.'

(In the Committee.)

Hon. Mr. SCOTT—This Bill consists of one clause which is as follows :

1. The section substituted, by section 3 of chapter 20 of the statutes of 1898, for section 26 of the Post Office Act is amended by inserting after the word 'weight' in the twenty-second line, the following words: 'for transmission beyond the province or territory wherein they are published, and at the rate of one-eighth of 1 cent for each pound weight or any fraction of a pound weight, for transmission within such province or territory.'

I have section 26 referred to here. It is as follows :

On and after the 1st day of January, 1899, newspapers and periodicals published in Canada, mailed by the publisher in the post office at the place where they are published and addressed to regular subscribers or news-dealers in Canada, resident elsewhere than in the place of publication, shall be transmitted by mail to their respective addresses as follows: If they are required to be transmitted by mail a distance within twenty miles from the place of publication, or within a circular area of a diameter not exceeding forty miles, and if their publication is of no greater frequency than once a week, they shall be so transmitted free of postage within one or other of such areas, to be selected by the publisher in accordance with regulations in that behalf to be established by the Postmaster General.

That is what is called the free zone which affects weekly newspapers. The remainder of the section has to be particularly noted :

If they are required to be transmitted a greater distance, or if their publication is of greater frequency than once a week, then in either of such cases postage thereon shall be paid on and after the said 1st day of January and until and inclusive the 30th day of June next following, at the rate of one-quarter of 1 cent and thereafter at the rate of one-half of 1 cent, for each pound weight or any fraction of a pound weight, which shall be prepaid by postage stamps or otherwise.

It is proposed to reduce the rate there to one-eighth of a cent for transmission beyond the province or territory wherein they are published. The general reduction is half of what it was before. It is alleged that some newspapers are placed at a disadvantage—those that have a circulation outside of the province. It is quite impossible to frame a clause that would meet all cases, because the character of the circulation is not at all alike and, therefore, it is thought by reducing the charge one-half of what it had been, that that would be the most reasonable concession that could be made. Hon. gentlemen are aware that many of the newspapers—those with a large circulation—cost the Post Office Department a very considerable sum to transmit them. The rate charged does not pay the cost. There are occassions when, I am told, it takes two cars to carry the issue of a single newspaper—the Saturday issue. That is carried at a large expense to the country. Of course the rate fixed here does not at all cover the cost, but it is something on account. Where the circulation of a newspaper has swollen to fifty or 75,000 copies, it costs a very considerable sum to carry it through the mails. There is no reason why newspapers should go free and letters be charged. Newspapers embrace a very much larger volume than letters, and the proposal seems reasonable, although it may not affect all equally.

Hon. Mr. BERNIER—It is difficult to meet all cases, but in this case if the government were to remove the distinction between one province and another, I think it would meet all objections.

Hon. Sir MACKENZIE BOWELL—We have had during the present parliament most extraordinary propositions in legislation. The principle of our confederation is the closest possible intercourse between the provinces, and also between sister colonies. To-day every party is advocating what is called the United Empire. The very principle of the confederation is to bring together all the provinces, and that the intercourse between those provinces should be as unrestricted as possible in every particular. Yet we have here this extraordinary proposition laid before parliament that a tax shall be imposed on a newspaper if it passes from one province to another. The Secretary of State just told us that it was unfair to the revenue to carry a large quantity of newspapers through the country, as it costs them so much more than to carry letters. You can send a letter from Ottawa to Vancouver for two cents, or you can send a letter from Vancouver to Hull for two cents, but under the proposed law a publisher in Ottawa, if they want to send a newspaper from Ottawa to Rat Portage and beyond

that until they strike the boundary line of Manitoba they send it under this Act for an eighth of one cent per pound. But if he has a pound of newspaper matter that he wants to send across the Ottawa to Hull, a distance of less than two miles, the charge would be five mills, and the Postmaster General tells us that this is based upon an equitable principle of paying for the distances you carry the commodity. I do not wish to be disrespectful, but a more violent attack upon the very principles of confederation could not by any possibility be suggested to parliament. What reason is there in this? Why should we be asked to perpetrate an Act of this kind unless it is to gratify some—what shall I call it? spite—No, I will not say that—but to gratify a morbid sense of what they consider duty to the country, and to injure the publshers of certain newspapers. I am glad to see that even the most servile of the ministerial press, are entering their protest against a proposition of this kind. They enter the protest because it is unfair in principle; it is in opposition, I repeat, to all the theories and opinions we have ever had. These gentlemen are going back to the middle ages on the question of postage. I can remember when a young man, when I sent a letter from Belleville to Kingston it cost 4½ pence, to Cornwall 9 pence, and to England 1s. 4½d. Now, you can send all over the world from Canada a letter for two cents, but the unfortunate newspaper is to be restricted for cheap postage, to the province in which it is published. Why not carry the principle further? Why not restrict it to the city or town in which it is published? The principle is precisely the same. If you post a newspaper in the province of Ontario to be delivered in the city of Montreal, or the city of Ottawa, the man goes and gets it, or the letter carrier delivers it to him. Why not put a smaller tax upon that than you would if you sent it from Montreal to Vancouver? For the life of me I cannot understand it unless there is something behind it that we do not know. I find that the Montreal *Herald* —and no one will accuse that paper of ever publishing anything against the government—deals with this in the following fashion:

> Mr. Mulock proposes an amendment to the law relating to the payment of postage on newspapers which will have the effect of reducing the burden borne by provincial papers, but will leave the existing rate to be paid by publishers of papers circulating outside the province in which they are printed. The change implies discrimination, in addition to that which prevails under the law as it stands, and which has been an objectionable feature of that law.

That is precisely the principle which appears to actuate these gentlemen, and the doctrine on which they are legislating during the last four or five years. I can call attention to several cases: The Stewart case, a case where they attemped to take away the rights of the owner of property by ex post facto legislation—a number of such cases which parliament rejected, as I hope they will reject this Bill on the principle I have laid down. The *Herald* article continues:

> At present, newspapers are entitled to free carriage through the mails within a zone immediately surrounding the place of publication, beyond that zone postage at the rate of half a cent a pound having to be paid. Obviously, this is discrimination in favour of one particular class of publications—the local weeklies. Now it is proposed to establish another favoured class, embracing the publications that are purely provincial in their circulation. These are to be carried at one-eighth of a cent a pound, while the half cent rate continues to be applied on all papers passing beyond the provincial boundary.

Hon. Mr. SCOTT—It has been reduced to one-eighth cent.

Hon. Sir MACKENZIE BOWELL—I am reading from the *Herald*. Whether the rate is one-eigth or one-half a cent, the principle is the same. The *Herald* continues:

> Equality of taxation, equality of charge for equality of service, is a fundamental principle of government which appears to be ignored in the proposition now before the House. It does not cost the Post Office Department more to carry papers from one province into another than from one part of a province to another, although, as the department pays the railways according to space occupied per train mile, those publishers whose circulation is the most widely distributed will impose a heavier burden on the department for each pound of mail carried than will the publishers with a more concentrated circulation. But this increased cost bears no relation to provincial boundaries. An Ottawa paper with a large circulation in western Ontario would put the department to heavier expense than a Montreal paper circulating in eastern Ontario. Mr. Mulock is, no doubt, seeking to make publishers pay according to the service they receive, and he perhaps feels that the provincial zone system will provide a fair, if somewhat rough, measure of justice. A fairer and more equitable system, and one free from complications of any kind, is that adopted in dealing with the carriage of letters—an absolutely equal charge for equality of weight, no matter what the distance. What is now proposed is that the publishers who have enterprise enough to push the circu-

lation of their journals beyond the confines of one province, or who are located in a city near a boundary line, must bear a heavier proportion of the expenses of the Post Office Department than their less enterprising or more fortunately situated brethren.

The zone system, either in the limited degree in which it is now applied, or in the wider exemplification of it to which we are to be treated, is unwise and unjust, inasmuch as it is distinctly discriminatory in its character. In postal matters, as in all others, there should be but one law for all.

What a picture this presents to the world of having a reform administration legislating as thus described by one of their own supporters, in favour of a favoured class, a system and a doctrine that they have been repudiating for the last fifty years. It only shows they are getting back to antiquated days and want to re-establish a a principle that existed half a century ago Then, the Ottawa *Free Press*—and no one will accuse that paper of saying much against the present administration——

Hon. Mr. LANDRY—No, not much.

Hon. Sir MACKENZIE BOWELL—The *Free Press* gives utterance to these sentiments in yesterday's issue:

The Montreal 'Witness' strongly deprecates the provincial boundary system in connection with newspaper postage. The Montreal 'Witness' probably voices the opinion of the majority of publishers, and probably readers also.

Now, I could easily understand why the *Witness* should take such strong grounds against this measure. The *Witness* circulates largely in the province of Ontario, and because it has a circulation outside of its own province, it is to be taxed double the amount that it would have to pay if circulated in its own province. There are other newspapers in precisely the same category. Now, the Montreal *Witness*, is declared to be a very independent paper, but its independence consists in always supporting the government, though it may occasionally denounce candidates in the city of Montreal. When it come to any issue, it falls into line, and votes according to the instructions of its own party or its own inclinations. The *Witness* deals with the question as follows:

The Postmaster General's new Bill reducing to almost nothing the postage on newspapers within the province of publication, far from mending the deliberate injustice of his former measure, of placing a distinctive tax upon city publications, while giving preferential privileges to country newspapers, is a serious aggravation of that tyrannical injustice.

That is not bad language for one Liberal to apply to another, but it is so truthful I could not help placing it on record. The article continues:

Why Mr. Mulock, of all people, desires to develop provincialism in the newspapers of Canada, and keep one province from intercourse with another, it is hard to conceive. He has been talked of as an expectant knight for the breadth of his policy in breaking down the lines of demarkation between one British country and another, and for that feat he certainly deserves the honour. Yet here he sets up distinctions between the provinces of Canada such as enormously favour his own province and give him effective vengeance on the Montreal papers, which so vigorously condemned him. How can he and Sir Wilfrid Laurier now face each other—Sir Wilfrid who went into such rhapsodies of patriotism against the iniquity of giving one province a deliverance from drink-selling that another did not have, and the prospective Sir William, who deliberately fines newspapers for going beyond their own provinces or out of the country. This new Bill is little else than a special tax and handicap on certain Montreal newspapers, which are the only ones which have the bulk of their circulation outside of their province. We have always favoured newspaper postage, but we are not favourable to its being collected off a few papers, and thus making them pay for the carriage of their rivals.

That is a fair exposition of the Bill which is now before us, and the policy of the Postmaster General, with the sanction, of course, of his colleagues unless we are to have another inroad upon the principles of responsible government. We have been told in the past that each minister is to suggest such changes in the laws, and to govern his department upon his own responsibility, irrespective of the responsibility devolving upon the whole cabinet, and it is just possible the Postmaster General may have introduced this Bill 'off his own bat,' as the saying is, without the knowledge or consent of his colleagues, and one would suppose so on looking at the debates which have taken place on this Bill in the House of Commons. We find even the Premier objecting to the principle of the Bill. Whether he is the master or the servant of the Postmaster General, the country must decide. He says, in discussing this matter, that newspapers are as much entitled to pay postage as letters.

Although, I have been in the newspaper business all my life, when acting as a minister of the Crown, I have always advocated that. Although, I was a member of the government that took the postage off newspapers, still I had always grave doubts as to the correctness of that policy, and being interested in a newspaper now, I would

a thousand times rather see the law remain as it is and have double the tax, if thought advisable, than to have a law put upon the Statute-book making a discrimination in favour of one province against another. We have enough race, creed and religious cries in this country, and this is only intensifying it in a secular manner. Sir Wilfrid goes on to say :

As to the restriction of the reduction to provincial limits, there might be something in the objection to it; indeed in conversation with the postmaster general he had suggested geographical rather than political, or provincial boundaries.

But, though he made that suggestion, which was a much more sensible one, but which should not be adopted in this country, the Postmaster General evidently had his own way, showing that he was master of the situation no matter what the views or opinions of his Premier might be. Mr. Bergeron, in his remarks against this Bill, pointed out that it had every appearance of being framed to get after papers in Montreal. Well, perhaps it had. I do not know, but it looked very much like it. Mr. Bergeron proceeds :

The 'Star' and 'Witness' circulated generally in Canada, while 'La Presse' circulated extensively among the expatriated French Canadians in the United States.

From which he argued that a Canadian paper with Canadian sentiments, and with love of its country circulating among the expatriated French Canadians, who are very numerous in the eastern sections of the United States, might induce them to return to their own country, but if any literature of that kind is sent among them, you must tax the publisher and the man who sends it four and one-half times more than what you charge him if he circulated it in his own province. I do not wish to repeat the charge which Mr. Wallace made against the Postmaster General of being interested in newspapers, and that he was doing this for his own benefit, but what surprised me was that, a charge of that kind being made, it was not repudiated by the Postmaster General, because one can scarcely conceive, whatever he might do for political reasons, that he would do it for his own pecuniary benefit. I should be very sorry to attribue that to the Postmaster General, or to any other minister, but I do not hesitate to attribute the motive to him of putting a tax upon a class of papers which circulated largely in other provinces than that in which they are published, because he thinks the political influence which is exercised by those papers, is inimical to the interests which he, as a politician on behalf of his party, possesses. He could not hit these papers that he desires to hit, without striking some of his own, and he little thought, I fancy, that he was striking a blow at papers like the Montreal *Herald* which, thanks to the energy and enterprise of a young Ontario man who has taken hold of the paper which had always been a failure for fifteen or twenty years before, is now becoming a success. Speaking politically, I am sorry it is gaining ground and circulating very largely in Ontario. The Postmaster General could not hit other papers that he wants to suppress without striking his friends, and it is for the House to say whether, under the circumstances, they will sanction a Bill of this kind. I have no objection to a reduction of postage to one-eighth of a cent, if it is considered in the interest of the public, in the education of the people, that the reduction should be made and to apply uniformly all over the country ; but if it is to be accompanied with a discriminating tax upon the publishers in one province when they send their papers into another, then I say I would much rather see the law remain as it stands upon the Statute-book, and whether the government and the Postmaster General would accept an amendment of that kind, striking out that discriminatory portion of his Bill.

Hon. Mr. MILLS—It is a revenue Bill.

Hon. Sir MACKENZIE BOWELL—Then we will defeat the Bill if we can. The minister says it is a revenue Bill, which is a gentle hint that we have no right to change it. In that respect I differ from him again, if he will permit me to say so. I know that the Commons of Canada have the right to make any motion for the reduction of a tax, while they have no power to make a motion to increase a tax, and if you strike out that portion of the Bill which imposes a discriminatory tax and a higher tax, it would be lowering the tax on the people and not increasing it. However, if the interpretation of the constitution is such that we have no right to amend a money Bill, I am very much inclined to think that the

only alternative for those who disapprove of the Bill is to vote against it. For the reasons I have given. I certainly would not hesitate a moment to vote against it.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I have only to repeat my opinion of the utter absurdity of the proposition. You take 100 pounds of newspapers and send it from Ottawa, 2,000 miles until you reach the border of Manitoba or Keewatin, and you send it there for 12½ cents. If you send the same parcel across to Hull, two miles, you pay fifty cents. Is there any reason or sense that such a law should be placed upon the statute-book? But a still greater objection I have is the placing upon the statute-book a law which imposes a tax upon any commodity that goes from one province to another. Supposing you put a discriminatory tax upon a crate of cabbage. It is something that is shipped every day. I mention that because I do not suppose there is a place in America that produces a better quality of that vegetable than the district of Montreal, and we know that it is shipped all over the Dominion. Suppose you were to put an extra tax on cabbage so that a man who sends it from there will pay more than the man who sends cabbages in any part of Ontario or the lower provinces.

Hon. Mr. MILLS—It cannot be done.

Hon. Sir MACKENZIE BOWELL—I know precisely what my hon. friend is going to say: he will say: 'Oh, that is your system of protection. Why do you impose a tax on goods going from one country to another'?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The difference to my mind is this: we want to consolidate the British part of this continent under one government with the freest possible intercourse between every portion of it, in trade and commerce and in friendly feelings altogether. That is not to be done if you are going to put upon the statute-book a law which taxes one part of the country for carrying an article from which you relieve another, and the inequality of it is so great that any man, unless he is swayed by the strongest partisan feeling and will vote against his own conscientious convictions, should vote against this Bill.

Hon. Mr. MACDONALD (P.E.I.)—The hon. Secretary of State, in referring to the matter, spoke of the present tax as a quarter of a cent a pound. Looking over the law, I scarcely think he read far enough in the section. The 26th section, to which this Bill refers, goes on to say respecting newspapers:

> If they are required to be transmitted by mail a distance within twenty miles from the place of publication or, within a circular area or a diameter not exceeding forty miles, and if their publication is of no greater frequency than once a week, they shall be transmitted free of postage within one or other of such areas, to be selected by the publisher, in accordance with regulations in that behalf to be established by the postmaster general. If they are required to be transmitted a greater distance, or if their publication is of greater frequency than once a week, then, in every such case, postage thereon shall be paid on and after the first day of January and inclusive of the 30th day of June next following, at the rate of one quarter of one cent, and thereafter at the rate of one cent for each pound of weight, or fraction of pound of weight, which shall be prepaid by postage stamps, or as the postmaster may from time to time direct, etc.

I look upon this as a tax which does not amount to a great deal of money, but it is an onerous one, and it is in a great measure a tax upon knowledge and upon the distribution of literature throughout the country by means of newspapers. Taking that view, I think it is a tax that should not be imposed. It was at one time imposed by a former government, and after a time it was found to be so objectionable that it was done away with. We have again placed that same tax on the statute-book, and we had better do away with it as was done with the former tax. The hon. Secretary of State referred to the weight of papers which had to be carried from some of the larger cities, as a couple of car-loads going daily from certain offices. If those papers went by carload they would probably go as freight, and it would be for the benefit of the railway, if they are going in such quantities, that they should be carried in that way. Then, if they were paying a tax of half a cent a pound, the amount paid on a couple of carloads would reach a considerable sum of money. I see that the amount collected from newspaper postage last year was somewhere about $85,000. That was at a quarter of a cent a pound. The quarter of a cent rate prevailed up to the 30th of June last. The other rate came in since that.

Hon. Mr. SCOTT—The 30th of June 1899.

Hon. Mr. MACDONALD (P.E.I.)—Yes, since the 30th of June 1899. If the whole amount collected under that rate was a little over $80,000, the amount that would be collected under the reduced rates, if it prevailed all over the same area, would be only one quarter of that or only about $20,000.

Is it worth the while of any government, desirous of distributing education throughout the country, to impoese a tax amounting to $20,000, upon the distribution of newspapers in the Dominion ? With respect to the law as it is proposed now, it is going to act very prejudicially, in my opinion, to a newspaper published in a small province, especially in a province like Prince Edward Island, where its principal circulation is within the province itself. It has not a great circulation abroad, whereas it has to pay the same amount for circulating the paper within the small province of Prince Edward Island that it would have to pay if it had a large circulation over the Dominion or Continent. Taking these things into consideration, viewing the Bill as I do, that it is not one which it is desirable to pass, I am quite prepared to give my vote against it.

Hon. Mr. FORGET—Will the hon. Secretary of State tell the House how much money the government is losing in carrying the newspapers through the country ?

Hon. Mr. SCOTT—I cannot say ; I have no statement of it. It is a very considerable amount. I know cases where they have to use a second and even a third car for a weekly newspaper.

Hon. Mr. FORGET—Does the Post Office Department make any money carrying letters all over the world.

Hon. Mr. SCOTT—No, there is a deficit. The ordinary deficit used to be about $600,000. Mr. Mulock thinks he has reduced that, or hopes to reduce it, by the introduction of the penny postage, but there is still a very considerable deficit. The Post Office Department make a charge on the public revenue over and above their receipts of a sum varying from $300,000 to $600,000.

Hon. Mr. FORGET—If there was a loss of $600,000 a year, and it is now only $300,000, what is the proportion of that loss attributable to newspapers ?

Hon. Mr. SCOTT—I could not tell. I have no opinion about it.

Hon. Mr. FORGET—Perhaps the hon. minister could tell how many tons of newspapers are carried through the country during the year.

Hon. Mr. SCOTT—I have heard. I did not keep the figures. It is a very large volume. There have been times when they have had to put on a third car to carry the issue of a single paper.

Hon. Sir MACKENZIE BOWELL—Is that the *Globe* ?

Hon. Mr. FORGET—I do not think the hon. minister has given any reason why we should pass such an iniquitous law. He says it is not fair that the government should carry such an amount of freight for a low rate, and the government says that the newspapers of the country should pay for that. The government prides itself on having a surplus of $8,000,000. Why does not the government apply a part of that surplus as a bonus to carry the newspapers through, so as to educate our people ? I think the country will look with pleasure at the government trying to educate them by carrying such knowledge through the post office free.

Hon. Mr. DEVER—Would it not be equally fair to reduce the duty on goods ?

Hon. Mr. FORGET—But the government will not do it. Instead of spending that money all through the country bonusing railways which do not exist and never will exist——

Hon. Mr. BAKER—Hear, hear !

Hon. Mr. FORGET—I think if the government were spending some of that money to help the circulation of the newspapers through the country it would be very much better.

Hon. Mr. CLEMOW—There is no doubt that the deficiency of the Post Office Department has to be borne by the whole of the people, whereas the people who receive newspapers comparatively speaking receive no benefit from the reduction of postage. A very large portion of the deficit of the Post Office Department necessarily falls on those people. The Post Office Department have a variety of ways to collect revenue

from the people. They charge one cent for each newspaper sent from one individual to another, which must amount to a large sum of money during the year. There can be no question about that. If the cost of transporting papers only amounts to $70,000 a year it is hardly worth while to bother with it, although in principle the government is perfectly justified in saying we should charge something for the amount of money we are obliged to spend to be in a position to transport the papers of this country from one end of the Dominion to the other, but what is found fault with is the discrimination. Make one price general for the whole Dominion, and then there will not be a word said. If the department think it is necessary for revenue purposes to increase the rate, let them do it on a scale that will not be discriminating against one province or the other. It is perfectly fair that the government should charge for newspaper postage. All the people have to pay their quota of the extra amount required for the purpose of transporting these papers, and they receive very little benefit, but they are obliged to pay a proportion of the amount of deficit, whatever it may be, in carrying papers and letters just the same as the majority of people. The merchants of this country have derived the benefit from the reduction of postage, and, therefore, if it could fall on this class of people, it would be all right enough, but unfortunately it falls upon the poor people in the country, who receive no advantage whatever from the reduction of the postage.

Hon. Sir MACKENZIE BOWELL—My attention has been called to the fact that we have no power to amend this Bill. I wish to read from May the following extract:

> By the practice and usage based upon that resolution the Lords are excluded not only from the power of initiating or amending bills, dealing with public expenditure or revenue, but also from initiating public bills which would create a charge upon the people by the imposition of local and other rates.

So that, instead of attempting an amendment to this, we must either allow it to carry or defeat it, and it will be for those who are opposed to the principle of the Bill, when the motion is put, to vote against it. I notice that clause 121, of the Confederation Act, declares as follows:

> All articles of the growth, produce or manufacture of any one of the provinces shall, from and after the union, be admitted free into each of the other provinces.

The answer to that will be that the imposing of a tax for carrying the mail is not a tax in the sense of this clause, but the principle is precisely the same. You could not levy a duty under this clause upon an article coming from one province to another, but by this Bill you impose a tax upon the product of a certain industry passing from one province to another, under the pretense that you do it as compensation for the carrying of the article, while at the same time you take another article, and carry it all over the Dominion for the same price. Then you are told you cannot afford to do the one, but you can afford to do the other. If there is any praise which the Postmaster General has secured from the public, both in England and in this country, it has been by the adoption of penny postage for the whole world. Mr. Henniker, the originator, has been advocating that for years, and if there is any praise due to Mr. Mulock for following his lead in this respect, certainly he ought not to try and pass a discriminatory Bill by which he is going to favour one portion of the Dominion at the expense of the other.

Hon. Mr. MILLS—I dare say many hon. gentlemen remember very well when the principle of zones was applied to the carriage of letters, when letters carried a short distance were charged a very much less figure than those carried further. That system of zones for letters was abolished in the United States a great many years ago, when a uniform postage of three cents was at first adopted upon letters all over the republic, and we a little later followed their example and did away with the system of letter zones, and provided for a uniform postage over the entire Dominion. The penny postage systems is an extension of that principle, still further, so far as letter carriage is concerned, and we have introduced into this country, so far as newspapers are concerned, the zone system which formerly applied to letters; but we have in the Bill before us undertaken to mark the zone system a certain distance from the place where the paper was published and a further zone to the extent of the limit of the province. My hon. friend has read section 121 of the British North America Act. That, of course, prevents any tax being im-

posed by one province against the products of another coming within the territory, as a protective duty,and it prevents this Bill imposing any tax of that kind. The question might arise whether the spirit of that article is violated in undertaking to make provincial zones. That is what my hon. friend opposite suggested. and if this were a tax there would be a great deal of force in that proposition. We are treating it, to some extent, as a revenue, and my hon. friend. reading a paragraph from May, is treating it as a revenue. Properly speaking, it is not such. It is a payment for services performed. It stands exactly in the same position as if those services were performed by somebody else.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman suggested it was a revenue tax.

Hon. Mr. MILLS—Yes, I suggested it, and I am pointing out that it is not a revenue Bill in the same sense as a Bill imposing a duty upon imports, or excise duties upon products that are produced in the country, because, in those cases, the object of your law is the raising of revenue. In this case, your object is to obtain compensation for services performed. It is not adequate compensation : it is but partial compensation. It does not cover the cost you have incurred, and you have always charged the loss sustained in accommodating the public by the discharge of this duty on their behalf against the revenues of the country, and so far there is a charge upon the revenue in consequence of the service you performed, but the question of the amount of charge imposed upon newspapers is interesting from a revenue standpoint only by virtue of the protection that your charge gives to the revenue against a still larger charge. If you were to adopt a lower rate of duty, whether the introduction of a system of zone limits corresponding with the boundary of the provinces is or is not a fair way, I need not discuss at this moment. The Postmaster General seemed to think it was a convenient way of drawing the limiting line, because you may have papers published at fifty different centres, and if you adopt the distance limitory line marking the zone, each newspaper will be obliged to determine when it passed that zone for itself, ascertaining whether it was being unduly charged upon its circulation or not. In the province, as a zone, the limitory line is easily ascertained, and there is no difficulty in saying that the paper that you are publishing has gone abroad when it has gone beyond that line, and so perhaps it is the most convenient line that could be taken. My hon. friend has read extracts from the Montreal *Herald*, and Montreal *Witness*, in opposition to a provincial zone line being adopted, because Montreal is in the province of Quebec and very near its western boundary, and so far as those newspapers are concerned, and the *Star*, they circulate largely amongst the English speaking population beyond the limit of the province of Quebec, and so they are affected to a larger extent than would be a paper published, say, at Halifax, or at Toronto or at Winnipeg. Whether this suggestion ought to override the idea of convenience hon. gentlemen will determine for themselves. There is no doubt whatever that, if there is to be a zone limit at all beyond that which was marked in the law as it now stands, the provincial zone is a very convenient one, for the reason which I have stated. Every newspaper, no matter where it may be published, can always ascertain that without difficulty, and it knows precisely how many of its newspapers are circulating beyond that limit. If you were to say a zone limit of 200 or 300 miles, every newspaper that is published would have to count that distance from the place of publication, which is very much more confusing than the limit that is already suggested by this Bill.

Hon. Mr. FERGUSON—If I understand my hon. friend correctly, he drew a distinction between a Bill providing a tax and a Bill for services rendered, and that this was not a tax but a charge for services rendered. Was that the point the hon. minister made ?

Hon. Mr. MILLS—I stated that I was not undertaking to make a distinction for the purpose of applying the provision explained in May. We have applied the rule so long in the parliament of this country to Bills of this sort, as well as to revenue Bills, properly so called, that I do not think we can now raise the question of distinction. I am simply pointing out that a distinction exists.

Hon. Mr. FERGUSON—If there is a distinction, it would possibly be proper for this House to amend this Bill.

Hon. Mr. MILLS—I think not.

Hon. Mr. FERGUSON—If my hon. friend takes the ground that we cannot amend it, I see no course but to vote against the Bill, because certainly it is a retrograde step and grossly unfair to go back and establish the provincial zone. We want to do away with provincialism as far as we possibly can do so, but by this measure it is proposed to revive it. Some of the provincial papers may feel competition coming from the large papers, but people living in the remote provinces appreciate the value of being able to get the large, and consequently the more valuable, papers at reasonable rates, and I think that a measure that would, by a tax, exclude the leading papers from the provinces is a bad measure and one which I could not support.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. Minister of Justice how the railways and steamboats are paid for the carrying of mail? As I understand it, the railways are paid per mile, no matter what amount the car may contain. If the car has 100 pounds of mail matter, the railway company receive just as much as if it had 500 or 1,000 pounds. The steamers running from Montreal to Hamilton, carry mail and receive so much for carrying the mails, a lump sum, no matter how much mail there is. You may have a ton of mail matter, or ten tons, but if that mail matter is going from Montreal to Ontario by the steamer, the publisher is taxed more than double what he would be if it were taken from Montreal to Chicoutimi, which is double the distance. The mode and manner of paying is such that the expenditure is not of that character.

Hon. Mr. SCOTT—It involves a considerable staff of clerks.

Hon. Sir MACKENZIE BOWELL—If this Bill could be amended, I would very readily make the motion, because it would be in the interest of all the newspaper publishers, and more particularly the country newspapers that have a smaller circulation. I know some of the Montreal papers that come into the city in which I live, circulate every day between 300 and 400 papers, and it is a very strong competition against the local paper, but that would not justify my voting for a Bill containing what my hon. friend has designated just now as a most iniquitious principle.

Hon. Mr. FORGET—Up to 1896 when the papers were carried free, the Richelieu and Ontario Navigation Company had a subsidy of $8,500 a year for carrying the mails. Afterwards, when the charge of half a cent was imposed, the subsidy was reduced to $4,500.

Hon. Mr. MILLS moved that the committee rise and report progress and ask leave to sit again.

Hon. Sir MACKENZIE BOWELL—Why not take the vote? It will not take five minutes.

Hon. Mr. FORGET—I move that the committee rise. Will the hon. minister give us more information this afternoon?

Hon. Mr. MILLS—We may.

Hon. Mr. FORGET—Then I withdraw my motion.

Hon. Mr. McMILLAN, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

BILL INTRODUCED.

Bill (193) 'An Act to authorize the granting of subsidies in aid of the construction of lines of railways therein mentioned.'—(Hon. Mr. Mills.)

The Senate adjourned.

SECOND SITTING.

The Speaker took the Chair at Three o'clock p.m.

Routine proceedings.

POST OFFICE AMENDMENT BILL.

DEFEATED.

The House resumed into a Committee of the Whole in further consideration of Bill (191) 'An Act to amend the Post Office Act.'

(In the Committee.)

Hon. Mr. MILLS—I suppose all that is necessary is, that the committee rise and report the Bill without amendment.

Hon. Sir MACKENZIE BOWELL—We do not propose to rise and report it without amendment.

Hon. Mr. MILLS—I understand my hon. friend wants to move for the rejection of the Bill.

Hon. Sir MACKENZIE BOWELL—No, I did not propose to move that. Looking at this Bill, I do not think it comes within the category of what might be termed revenue Bills. It is simply changing the mode of collecting postage, and it is, as the hon. Minister of Justice said, not a tax, but a charge for a service rendered. That being the case, it would not come within the meaning of the prohibitory clause of the constitution which declares that we shall not amend a revenue Bill. I therefore move :

That all the words after 'by' in the first line of the said section be struck out, and the following inserted in lieu thereof : striking out the words 'one-half' in the twentieth and twenty-first lines of section 3 of chapter 20 of the Statutes of 1898 (Post Office Act), and substituting therefore the words 'one-eighth'.

This substitutes one-eighth for one-half. That is the proposal made by the Postmaster General in his Bill, leaving out all that which has reference to provincial lines, and simply reducing the rate on newspapers from one-half to one-fouth of one cent. That would be the effect if this amendment be adopted. We discussed for some little time the effect of the reduction at ¼ per cent, and unintentionally the hon. Secretary of State made the statement and we all fell into it. It was originally one-quarter cent, and last July it rose under the law to one-half cent, so that really we were discussing the question of one-half cent per pound as the law exists now.

Hon. Mr. SCOTT—I made the correction, but my hon. friend did not hear it.

Hon. Sir MACKENZIE BOWELL—I had all my calculations based on the half cent, and when the hon. gentleman said one-quarter I thought I must have been mistaken, and so changed it. The point is that, if you take a pound of newspapers from here to Hull it costs, under the proposed law more than twice as much as to take it from here to Rat Portage, 2,000 miles. This is the effect of the present law. As the Postmaster General is desirous of reducing the tax on newspapers, we are prepared to meet him that far, and it is a compromise which I hope will be accepted.

Hon. Mr. MILLS—The hon. gentleman says this is not a revenue Bill. He did not say on what grounds he based that.

Hon. Sir MACKENZIE BOWELL—I based it on the hon. gentleman's statement. I understood the hon. gentleman to say to the hon. member from Marshfield that this was not strictly a revenue Bill, as provided for in the constitutional Act, but that it was a charge for a service rendered.

Hon. Mr. LANDRY—Like a toll collected at a turnpike.

Hon. Sir MACKENZIE BOWELL—Precisely the same, so if you charge for carrying an article from one point to another, the motion is simply to reduce the charge four-fifths, and basing the reasoning on business principles, it would not be a revenue Bill in the sense we understand it. I thought at first it was until I heard the hon. gentleman.

Hon. Mr. MILLS—It is a revenue Bill in the sense it yields a certain amount of revenue.

Hon. Sir MACKENZIE BOWELL—We have no evidence that it is going to raise any more revenue. On the contrary, if the newspapers which are sent now from one province to another are decreased in number under this Bill, the revenue must decrease, and you increase the tax on the provincial newspapers four-eighths of a cent.

Hon. Mr. MILLS—The revenues derived from this are part of the revenues of the country, and they are in the sense that this is embraced along with the ordinary revenues of the country in the payment of postage and the expense incurred by the post office, and if the effect is that we get less revenue, than we had under the law prior to the change, then this House is practically altering a revenue Bill. I thought my hon. friend, when I saw him last, proposed to consult an authority on the subject.

Hon. Sir MACKENZIE BOWELL—I have been trying to find the authority, but I cannot.

Hon. Mr. BAKER—The hon. gentleman accepts the Minister of Justice.

Hon. Mr. MILLS—Not at all. I stated that while there was the logical distinction

that I mentioned, the practice of this House had been, ever since confederation, to treat charges of this sort as revenue.

Hon. Sir MACKENZIE BOWELL—If that reasoning be correct, is it not equally applicable to the Judges Bill that we rejected? Now, in the reasons assigned for not accepting our amendments in the House of Commons, the constitutional ground that it would affect the revenue is not taken.

Hon. Mr. FERGUSON—To my mind, the distinction is between what is a tax on the subject and a charge for services rendered. This is a charge for services rendered, but it is not a tax on the subject, and I think that would be a fair and reasonable way to draw the distinction.

Hon. Mr. MILLS—No, but my hon. friend will see that if the result of the amendment proposed to-day is, that you diminish the compensation that is to be received in this way, the difference is made up by taking moneys out of the public revenue, and so you make a charge even against the ordinary revenues.

Hon. Mr. DeBOUCHERVILLE—Has this Bill the recommendation of His Excellency?

Hon. Mr. MILLS—I could not tell my hon. friend, but all government Bills are supposed to have the sanction of His Excellency.

Hon. Mr. DeBOUCHERVILLE—But this is a money Bill, I understand?

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—Rule 46 provides that:

> The Senate will not proceed upon a Bill appropriating public money that shall not, within the knowledge of the Senate, have been recommended by the Queen's representative.

Hon. Mr. MILLS—But this is not appropriating it.

Hon. Mr. SCOTT—It is taking away from the revenue.

Hon. Mr. DeBOUCHERVILLE—It could only be considered by the Senate if recommended by the Queen's representative. The hon. gentleman says he does not know that it has that recommendation, and we do not know either.

Hon. Sir MACKENZIE BOWELL—The point is well taken.

Hon. Mr. DEVER—As a layman, I think this is a portion of the revenue of the country, included in the fifty-one millions of dollars that I believe we are to raise this year. Therefore, being a portion of the revenue I feel we have no right here to interfere with a money Bill. I do not pretend to be a lawyer or a statesman.

Hon. Sir MACKENZIE BOWELL—Oh, yes, you are.

Hon. Mr. DEVER—It seems to me it is a portion of the revenue of this Dominion, and therefore we cannot amend the Bill.

Hon. Mr. LANDRY—Can the hon. gentleman point out in the $51,000,000 of revenue we are going to vote, the precise item which is covered by this Bill?

Hon. Mr. DEVER—The hon. gentleman can find the post office items every time.

Hon. Mr. LANDRY—The hon. gentleman is confounding the public accounts with the estimates.

Hon. Mr. DeBOUCHERVILLE—The rule is against taking into consideration this Bill which the hon. Minister of Justice has declared to be a money Bill. I have quoted the 46th rule of the House. We are told by the hon. minister that he does not know if the Queen's representative has sanctioned this Bill, and therefore we cannot proceed with it.

Hon. Mr. MILLS—All government measures are assumed to have the sanction of His Excellency. There was an exception to that in the province of Quebec, and that is what brought the hon. gentleman and the representative of the Crown into collision.

Hon. Mr. DeBOUCHERVILLE—I did not think the hon. gentleman would bring up that question here, but if he would look at the records he would see this, that the Governor was away from Quebec. I was Prime Minister at that time. I wrote to him stating that I wanted to present such-and-such a Bill. He sent me a telegram saying 'you have carte blanche.' I relied upon that. If my hon. friend has any doubt on the subject, he should read the book published by the hon. Mr. Casgrain, father of our hon. colleague from De Lanaudière.

Hon. Mr. MILLS—Bourinot says :

If any Bills are sent down from the Senate with clauses involving public expenditure or public taxation the Commons cannot accept them. Such Bills may be ordered to be laid aside. The same practice is also strictly carried out in the case of amendments made by the Senate to Common Bills. Laterly, however, it is not always usual to lay such Bills immediately aside but to send them back to the Senate with reasons for disagreeing to such amendments, so that the Upper House may have an opportunity of withdrawing the amendments. As an illustration of the strictness with which the Commons adhere to their constitutional privileges in this respect, it may be mentioned that on the 23rd of May, 1874, a Bill was returned from the Senate, with an amendment providing for an increase in the quantity of land, granted to certain settlers in the North-west. The Premier and others doubted the right of the Senate to increase a grant of land—the public lands, being in the opinion of the House in the same position as the public revenue. The amendment was only adopted with an entry in the journals that the Commons did not think in 'necessary at that late period of the session to insist on its privileges in respect thereto, but that the waiver of the said privileges was not to be drawn into a precedent.' Many other entries will also be found in the House accepting Senate amendments rather than delay the passage of the Bill at an advanced period of the session.

Now, the proposition here is, to make a certain charge which experience shows is not at all adequate to pay for the service performed.

Hon. Sir MACKENZIE BOWELL—That is not set forth in the Bill.

Hon. Mr. MILLS—No, but I am stating a fact. If my hon. friend can cut it down, he could abolish it ; he could move that newspapers should be free. There is no difference between saying that a charge shall be reduced and that it shall be removed. Because if you take off three-eighths of a cent you can take off the remaining one-eighth. My hon. friend will see that that is so, and certainly his amendment is one which must have the effect of affecting the public revenue, and increasing the charge upon that revenue.

Hon. Mr. FORGET—Will the hon. gentleman tell us what increased charges the government has been put to since this law has been in operation ?

Hon. Mr. MILLS—I do not remember, but I know the Postmaster General said that the effect of the general reduction was, that there was about $80,000 derived from this source, and that the charge is very much beyond that, because the weight carried is far in excess of the weight of the letters.

Hon. Mr. FORGET—I understand that since the law, which this Bill is to amend, has come into operation, the revenue derived from it is $80,000, and the hon. gentleman does not know what the service costs to earn that $80,000. The hon. gentleman should be prepared to furnish information on the subject of what amount the country is going to lose by this reduction. The hon. gentleman asks us to vote for the Bill and cannot give us reasons for doing so.

Hon. Mr. SCOTT—I mentioned in my opening remarks that the first year of which we have any record, it was about $85,000.

Hon. Mr. FORGET—What was the cost of the service ?

Hon. Mr. SCOTT—It is quite impossible to tell that.

Hon. Mr. FORGET—Why not ?

Hon. Mr. MILLS—Because we carry letters at the same time.

Hon. Mr. FORGET—The letters do not go in the same bag. Then you say you must have extra cars. The charge is by the mileage. Has the mileage increased since 1898, and, if so, how much ?

Hon. Mr. SCOTT—The increased cost has been in engaging a larger number of cars than anticipated, and the employment of a much larger staff.

Hon. Mr. LANDRY—To what amount ?

Hon. Mr. SCOTT—I cannot tell what amount.

Hon. Mr. POWER—I really do not see how there can be any question as to this being a revenue Bill. The revenues of the country are derived from the customs, excise and post office. This Bill deals with the revenue which comes from the post office, and I cannot see that this House has any more right to amend this Bill than it would have to amend a Bill which relates to the excise or customs. They all deal with the public revenue.

Hon. Mr. FORGET—But we have a right to inquire whether this Bill is benefiting the country. The ministers should be prepared to say, that by passing this Bill, the government will profit to such an extent, or sustain a loss to such an extent. I do not want to amend the Bill, but I want to know why it

is introduced. Is it to get more revenue or to lessen the expenses of running the Post Office Department, and if so to what extent? Then I will be able to tell whether I should vote for this Bill or not. If the country requires money and would derive a large benefit from the Bill, it might be another question, but they are bringing up a Bill to us to pass, and they give no reasons why we should pass it. They propose to amend the law so as to establish what might be called provincial zones. Would the hon. gentleman allow the Intercolonial Railway to discriminate on freight as the post office does in this Bill on postage? If you send a thousand pounds of papers 500 miles away from here, and 500 pounds more only ten miles, would you charge less for the greater distance than for the shorter distance ? That would not be allowed.

Hon. Mr. MILLS—Certainly not.

Hon. Mr. FORGET—Then why do it in the case of newspapers ? It is freight and nothing else. The hon. gentleman said so himself, that more cars were required to carry so much.

Hon. Sir MACKENZIE BOWELL—The government has recently taken action to prevent just such discrimination in carrying oil.

Hon. Mr. MILLS—If the hon. gentleman considers newspapers as freight and nothing more, he should insist that the rates be the same as on other freight. But the hon. gentleman himself makes a distinction. He practically suggests there should be no charge at all. If you were carrying a cargo of cotton he would not say that.

Hon. Mr. FORGET—Certainly not.

Hon. Mr. MILLS—Then there is some reason in the hon. gentleman's mind which leads him to put newspapers on a different footing ?

Hon. Mr. FORGET—No.

Hon. Mr. MILLS—Certainly, the hon. gentleman would not ask the government to accommodate the cotton manufacturers to carry their cotton for nothing. So in the hon. gentleman's own mind he makes a distinction between newspapers and freight of any other kind. What he does the government do also. They have the same reasons for doing it that the hon. gentleman has. Newspapers are, to a certain extent, an educating force in the country. The government recognize that. Parliament has never charged the newspaper men of the country the full value of the services rendered in carrying their papers from point to point. But they did a few years ago undertake, when it was proposed to impose some charge upon the newspapers for the service performed on their behalf, propose to exempt local newspapers from the operation of the provision within certain area. That has been done. This Bill carries it a little further, that is all.

Hon. Mr. FORGET—Suppose I were a publisher at Ottawa. I send a ton of newspapers to Toronto on which I will have to pay $2.50 to the Post Office Department. If I sent the same quantity of papers to Hull, I would pay ten dollars. Does the hon. gentleman mean to say that in sending a ton on any kind of freight I should pay in that way ? Why discriminate between Hull and Toronto in newspapers any more than in goods ? You would not do that in carrying a ton of cotton. You would not take it from Ottawa to Toronto for $2.50, and charge $10 to take it from Ottawa to Hull. I think it applies in the same way to newspapers, because after they are wrapped up in parcels, they are merchandise, so many tons, requiring so many cars to carry it. There should be no discrimination. The rates, should be the same all through the country, or they should be carried free.

Hon. Mr. MILLS—That is not the rule.

Hon. Mr. VIDAL—I presume the objection of the hon. gentleman is to have it recorded that his objection to the Bill is not the reduction in the charge, but these peculiar features which have been pointed out. The hon. gentleman opposite (Mr. Forget) has just shown the utter absurdity of the proposed arrangement, and I presume if the amendment is placed on record and ruled out of order, we will be quite satisfied and then be disposed to try and throw out the Bill altogether.

Hon. Sir MACKENZIE BOWELL—Of course we should have to get the Speaker in the Chair to rule on the point of order. The hon. gentleman on my left (Mr. Forget) has made a very pointed illustration. The

government has just been asked to prevent discriminating rates being charged on the Canadian Pacific Railway, and Grand Trunk Railway on oils. Why ? Because the railways have been charging a cheaper rate for a long haul than for a short haul, thereby discriminating against Canadian oil. In this case they proposed to put on a discriminating rate on newspapers. I should like very much if the Senate would adopt this amendment. It does not interfere with the proposition made by the Postmaster General to reduce the postage : it applies that reduction to the whole country, to every publisher in every section of the country. My object is to remove from the Bill, so that it will not appear on the statute-book, a clause which creates discrimination in carrying an article between one province and another. If the statement made by the Minister of Justice be correct, as to the carrying of newspapers, apply the same principle to letters. Letters, are not public educators, and consequently the low rate of postage is for the special private advantage of commercial men and others who correspond with each other. The information contained in the letter is for the special advantage of those who write. A newspaper is for the purpose of disseminating news and whatever opinions it may advocate, whether they be right or wrong. If the hon. gentleman wants to make the postage a quarter or half a cent all round, we could understand it. The hon. gentleman from Sarnia has voiced my reasons for making this proposition to amend the Bill, to show that while we have no objection to the reduction of postage on newspapers, we object to any discriminating rates between provinces. I do not ask that the rate of postage on newspapers be reduced from one-quarter to one-eighth. That is the proposition of the government. I have been in favour of postage on newspapers. It is a debatable question, I admit, and I should like very much to have the amendment go down to the House of Commons, and if we have overstepped our rights under the constitution, let them say so. They have abused us already, and there is no reason why they should not amuse themselves in the same way again. I do not know how others feel about it : I feel like the big Englishman whose little wife thrashed him, his excuse for submitting to it was that it amused her and didn't hurt him.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MILLS—I find the revenue from the post office, last year was over four millions of dollars. This certainly is legislation affecting the postal revenue.

Hon. Mr. VIDAL—It will facilitate the matter if the committee is allowed to report the Bill and the hon. gentleman could let this amendment be a notice that on the third reading he will move it. That will place it on record.

Hon. Mr. McMILLAN, from the committee, reported the Bill with a proposed amendment to which the hon. Minister of Justice objected as being out of order.

The SPEAKER—If I understand the point of order, it is that an amendment proposed before the committee is out of order because the Bill before the House affects the revenue of the Dominion. I cannot consider otherwise than that the Bill before the House is a Bill affecting the revenue of the Dominion, and any amendment which would tend to increase or diminish the revenue is certainly out of order and cannot be moved in the Senate. I therefore rule that the point of order is well taken.

Hon. Mr. LANDRY—The hon. gentleman from Montarville raised another point of order. This Bill has been declared a money Bill. He raised the point of order that it has not been introduced on a message from His Excellency.

The SPEAKER—That is a question of fact which I cannot ascertain. I am not in a position to decide the point.

Hon. Mr. DeBOUCHERVILLE—This is the point of order. I understood the hon. Minister of Justice to say that this Bill was a money Bill, and I say that as a money Bill we cannot consider it here, because the hon. Minister of Justice has told us that he did not know if the Queen's representative had sanctioned it. I have quoted the 46th rule of the Senate under which I contend we are not in a position to deal with this Bill.

The SPEAKER—If the hon. Minister of Justice has said that he does not know whether the Bill has been sanctioned by His Excellency, I am not in a position to ascertain the fact.

Hon. Mr. DeBOUCHERVILLE—We cannot proceed with the Bill unless some min-

ister is in a position to tell us whether it is based on a message from the Governor General.

Hon. Mr. SCOTT—A message from His Excellency is needed only when money is to be appropriated for the public service. In this case parliament is taking away a certain amount of revenue.

The further consideration of the Bill was resumed in Committee of the Whole.

Hon. Mr. BAIRD—This being a question that affects the revenue of the country I shall keep myself on the safe side by voting not to reject the Bill. I would prefer the government took all the postage off, and as this is a step in the right direction, I am willing to take all the reduction I can in the postage on newspapers.

The committee divided on the motion to adopt the first clause which was rejected.

Contents, 10 ; non-contents, 17.

Hon. Mr. McMILLAN, from the committee, reported that the Bill had not been adopted.

MILITIA ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (155) 'An Act to amend the Militia Act.'

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—What effect has this clause ? Is it providing for the appointment of a new officer ? The section of the Act which this repeals reads as follows :

In and for each of the twelve military districts hereinbefore mentioned, there shall be appointed one Deputy Adjutant General of militia, who shall have the rank of a Lieutenant-Colonel, and who shall command the militia in his district and who shall be paid at the rate of $1,200 per annum.

The clause of the Bill before us reads as follows :

41. In and for each of the twelve military districts hereinbefore mentioned there shall be appointed an officer, who shall have rank not below that of Lieutenant-Colonel and who shall command the militia in his district, and he shall be paid at the rate of twelve hundred dollars per annum.

In the clause before us hon. gentlemen will notice that the only change is the addition of the words : 'who shall not have rank below,' instead of the phrase : 'who shall be of the rank.'

Hon. Sir MACKENZIE BOWELL—Is it the intention to dispense with the service of a deputy adjutant general who now performs the same duties that are to be performed by this new officer ? If so, what becomes of the deputy adjutant General ?

Hon. Mr. LANDRY—He is a district officer commanding.

Hon. Sir MACKENZIE BOWELL—Does he become an officer and lose the name of deputy adjutant general ?

Hon. Mr. MILLS—I do not understand so. The expression is : 'who shall have the rank of lieutenant-colonel.' The deputy adjutant general has that rank under the law as it stands, and he cannot have a higher rank. Under the Bill he cannot have a rank below that, but he can have a higher rank.

Hon. Mr. LANDRY—The hon. minister is mistaken. If he reads the law he will find that as the law stands the commanding officer in his district is termed : 'the deputy adjutant general.' That is done away with and an officer is substituted in the present Bill, so that the Bill as it reads now does not speak of any deputy adjutant general of militia at all. It is an officer who becomes a district officer commanding of the district.

Hon. Mr. POWER—It seems to me the only change which this Bill makes as regards this particular section of the Militia Act is that indicated by the Minister of Justice. It provides that the officer shall not necessarily be a lieutenant-colonel. He may be a colonel. If the committee will look at the fourth subclause of this clause, they will see what I mean. The clause reads as follows :

4. Her Majesty may adopt such designation or name of office as Her Majesty thinks proper for the officer who commands the militia in any district, and may, from time to time, change such designation or name of office.

Hon. Mr. POWER—If hon. gentlemen look at the section which we are repealing, it reads :

Her Majesty may, whenever it is expedient, change the designation or name of office of the officer who commands the militia in any district.

As a matter of fact the designation of the officer was changed under the administration of hon. gentlemen opposite, and he is now known as the district officer commanding, and has been known in that way for years, so that the only change provided is that an officer holding the rank of colonel may be a district officer commanding, as well as lieutenant-colonel.

Hon. Sir MACKENZIE BOWELL—That information is conveyed on the face of it, and the question I ask is: are the deputy adjutant generals to remain in command of the districts, and is this to be an additional officer?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—It cannot possibly be the intention to reduce the deputy adjutant general to the rank indicated in this Bill, because they receive $2,500 a year.

Hon. Mr. LANDRY—No, $1,200.

Hon. Sir MACKENZIE BOWELL—It strikes me the intention is, under another name, to provide an officer that the parliament and country dispensed with years ago, that is the brigade major. They dispensed with those officers, on the ground that the deputy adjutant general was quite able to perform all the duties necessary to both offices. You do not resuscitate the brigade major, but you appoint an officer to do his work.

Hon. Mr. LANDRY—The brigade major has been replaced by an officer called the district staff officer. The abolition is only in name.

Hon. Mr. MACDONALD (P.E.I.)—How many officers are there in receipt of this salary of $1,200 a year? There are those officers commanding and district staff officers, and this is providing that there shall be an officer who shall rank not below that of lieutenant-colonel. These officers certainly held higher rank than the officer who would be below the rank of lieutenant-colonel. It appears to me it is providing for an additional office.

Hon. Mr. POWER—The only change is the one I indicated.

Hon. Mr. MILLS—The only change is the addition of the words: 'shall have rank not below that of lieutenant-colonel.'

Hon. Mr. MACDONALD (P.E.I.)—What has become of the district officer commanding?

Hon. Mr. MILLS—They continue. This Bill puts nobody out.

Hon. Mr. MACDONALD (P.E.I.)—Are there twelve men of that rank appointed?

Hon. Mr. MILLS—There are twelve men in the service, and these men retire when they get a certain age, and when they retire others take their place, but until that change takes place, they continue in office.

Hon. Mr. PRIMROSE—Does this section provide that the officer below the grade of lieutenant-colonel may have this position?

Hon. Mr. MILLS—Certainly not. It says not below, and it must be above.

Hon. Sir MACKENZIE BOWELL—I am at a loss to know why this change is made. The old law says: 'Who shall have the rank of lieutenant-colonel.' The present law says: 'An officer shall be appointed who shall have rank not below that of lieutenant-colonel.'

Hon. Mr. MILLS—Certainly not below. He may be above. If a man who is a colonel were to accept the position of commading officer in a district, he would only have the rank of lieutenant-colonel although he was entitled to a higher rank. You are not going to degrade him in his rank in order to put him in this office.

Hon. Sir MACKENZIE BOWELL—Is this for the purpose of appointing any officer they think proper to this position, and giving the rank, whether he is entitled to it or not? It says he shall not have a rank lower than that. Under the old law, if you read it technically, I think you cannot appoint anybody but a person having the rank of lieutenant-colonel. Under the new law you can appoint anybody you please, giving him that rank.

Hon. Mr. MILLS—So you could in both cases.

Hon. Sir MACKENZIE BOWELL—They could give him the rank before the appointment.

Hon. Mr. MILLS—They could always do that.

Hon. Sir MACKENZIE BOWELL—I do not see the difference, unless you might appoint a colonel to this position at $1,200.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Under the old law you could not ?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—That is an interpretation of the law which I do not think the hon. Minister of Justice would give. The greater would include the less. There are a great many men in the volunteer force who hold commissions who are now serving as privates and officers. It says 'shall have the rank of lieutenant-colonel.'

Hon. Mr. MILLS—He is only lieutenant colonel under the statute as it stands.

Hon. Sir MACKENZIE BOWELL—I do not see the force of it myself.

The clause was adopted.

On clause 2,

Hon. Mr. LANDRY—Is that the clause creating civilian colonels ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—By what law were the civilians created colonels ?

Hon. Mr. MILLS—That was struck out.

Hon. Mr. LANDRY—By virtue of what law has it been done ?

Hon. Mr. POWER—It has not been done.

Hon. Mr. LANDRY—Yes, it has been done. We have Lieutenant-colonel Laurier.

Hon. Mr. MILLS—There was a statutory innovation to confer upon a man an office of honour, and when you make a military office an honorary office, that is prerogative that belongs to the Crown, and unless there was an express inhibition in the statute the Crown could always do it.

Hon. Sir MACKENZIE BOWELL—That is the theory advanced in the lower House, and that was the practice in England. What necessity is there for this Act? It is the prerogative of the Crown ? It has been in regulations appointing honorary colonel and honorary lieutenant-colonel to the battalions, and that is really what this clause is for.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I want to know where the clause is in this Bill that gives the power to appoint honorary colonels if this is not the one ?

Hon. Mr. MILLS—I do not think there is any such clause in the Bill.

Hon. Sir MACKENZIE BOWELL—This was framed for that purpose.

Hon. Mr. POWER—And it was struck out in the Commons.

Hon. Mr. MILLS—Let me read the old law : It is as follows :

Officers holding commissions in the militia may be placed on the retired list with honorary rank not exceeding that of lieutenant-colonel, or to that honorary rank according and under regulations approved by the Governor in Council.

That is the law as it stands.

Hon. Sir MACKENZIE BOWELL—But that is not this law.

Hon. Mr. MILLS—The hon. gentleman was asking me where was the clause conferring upon persons honorary rank. This clause is the same as the other. The honorary rank is conferred upon persons who are entitled to military rank. A civilian is not taken up under this law, or under the old law under this particular division, and military rank conferred upon him. What is done here is to confer a higher rank upon those who are already entitled to a military rank.

Hon. Mr. LANDRY—By the old law a man serving in the active militia could retire, retaining his rank.

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—He could not be named to a superior position on the retired list ?

Hon. Mr. MILLS—Yes, he could here under the law now, so long as he did not go beyond lieutenant-colonel.

Hon. Sir MACKENZIE BOWELL—My hon. friend misunderstood me. My question was not as to retiring from the volunteer office with the honorary rank. That I know is the case. It is the case with myself. I was in the force some fifteen or seventeen years, and when I retired I retired with a rank higher than I held in the militia force.

That is the point my hon. friend has explained. I was asking where the power was under this law to appoint a person to the honorary rank of colonel of a battalion to which he did not belong. That is what I meant. The discussion took place for hours in the lower House, some opposing it very strongly for the reason that it was conferred on non-military men, men who had never been in the service.

Hon. Mr. DeBOUCHERVILLE—That has been taken out.

Hon. Sir MACKENZIE BOWELL—And you can only appoint a man now to the honorary rank of colonel or lieutenant-colonel of a battalion if he has been in the service, and I did not agree with some of my old volunteer friends in the lower House who took very strong ground against the promotion of gentlemen to that honorary position, because it is nothing more nor less, and while upon that subject I will give an illustration which leads to that conclusion. It does seem rather incongruous, I admit, to take a civilian and make him an honorary colonel, or a lieutenant-colonel in a battalion, where he would rank if he were in active service over the other men, but he does not do that. He only occupies an honorary position. In the 15th battalion in Belleville, Lord Lorne was offered and accepted an honorary colonelcy. It was in the Argyle Light Infantry. That is the reason he accepted it, he was an Argyle man himself, and it has given a status to that battalion it had not before. The Princess Louise has sent out presents, and so on to the battalion. They are very proud of that, and he has that position of honorary rank. In London, through political dissensions, and animosities, a very fine battalion went all to pieces, and they got together and said 'We will make the hon. Sir John Carling, who has never been in the force, an honorary colonel.' Everybody liked him and everybody was willing to act under him if he would only accept the position. All he had to do was to go and take the chair. They have now a good battalion under him. There is another reason why I would not object to civilians receiving these appointments, because anybody who knows anything about a volunteer force knows that it is a continual drain upon his pocket for which he receives no return, and if you can find a wealthy man who will associate himself with the force——

Hon. Mr. MILLS—You can bleed him.

Hon. Sir MACKENZIE BOWELL—No, I will not say that. That implies what I do not mean. But from the fact of being connected with it, he will assist the officers of the battalion to keep it up and subscribe liberally. The view, however, taken by the majority of the House of Commons is different from that, and this law is now confined to military men. It does seem, perhaps, a little absurd when we dub some one lieutenant-colonel, honorary colonel, who is scarcely able to walk. I do not object, and I do not suppose any one else would object, to the Premier having the honour of being called a lieutenant-colonel, although he says himself the only service he ever performed was that of an ensign. He says:

> I would mention of my own case. I did not pride myself very much about my military career. I know my military career affords a good many arguments for hon. gentlemen on the other side of the House, and that when I said I was willing to defend the minority that had been deprived of their rights, hon. gentlemen based some arguments upon it.

It was necessary, I have no doubt, for the Premier to justify his declaration that he was willing to shoulder his musket to shoot down the volunteers in the North-west on the banks of the Saskatchewan, on the ground that rights had been interfered with. No rights had been interfered with at that time. I have been reminded that when a man is prepared to fight a whole regiment, he ought to get credit for it, and should have been made a lieutenant-colonel. The only question is whether the power can be abused. It cannot be under this clause, as it could have been under the original provision. I have no objection to the clause being passed.

The clause was adopted.

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

The Bill was then read the third time and passed.

RAILWAY SUBSIDIES BILL.

FIRST AND SECOND READINGS.

Hon. Mr. MILLS moved the second reading of Bill (193) 'An Act to authorize the granting of subsidies in aid of the construc-

tion of the lines of railway therein mentioned.'

Hon. Mr. MACDONALD (P.E.I.)—I have the same objection to the present Bill that I have urged against similar Bills in former sessions. For a number of years past those Bills come in at the very close of the session when we have no time to examine them and see the claims of various roads which receive those subsidies from the government. I understand that in the present Bill there are as many as forty roads which are to receive subsidies. We do not know anything about many of the roads, and on other occasions, when similar Bills of this kind were introduced by this government, and I may say the same was the case with the previous government—Bills came in at the very close of the session, when there was no time to examine and criticise them, I raised my protest against the practices. It is true, the Senate has not the power to amend or alter any item in these Bills, but it is well we should know something about the reasons for the votes we give, even if we have not the power to alter or amend the measures. A Bill may come in on some occasion when it would be the duty of the Senate to reject it in toto, I am not going to say it is the case with the present Bill, but I am quite satisfied that there are many items in this Bill, from what I have heard about it, that would scarcely be justified by many of us without further information than we have been able to obtain up to the present time.

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

RAILWAY ACT AMENDMENT BILL.

FURTHER CONSIDERATION POSTPONED.

The Order of the Day being called. 'House again in Committee of the Whole on Bill (132) 'An Act to amend the Railway Act.'

Hon. Mr. SCOTT said: I am not prepared to go on with this Bill owing to the absence of Mr. Barwick, who objects to the sequestration clause. The Minister of Railways thinks it will not interfere with the lien of the Ontario Bank in any way. I do not profess to know enough of the laws of the province of Quebec to really give an opinion upon it. I therefore move that the Order of the Day be discharged, and that it be fixed for Monday next.

Hon. Sir MACKENZIE BOWELL—I have taken some little pains to look into the history of this case, and I find it to be of this character: I make the statement now, because I intended to make it in committee. The Macfarlane estate has a claim against the railway. Whatever claim that is, belonged to the banks not to the Ontario Bank alone, but the Eastern Townships Bank as well. They not only have a claim for money advanced, but they have spent $20,000 in law costs in contesting this question since 1891. It was only in February last that a decision was rendered by which they could place the property of the railway in the hands of the sheriff for sale. Now, that is all this law wants to do, and it would have been sold on the 19th day of this month were it not that those who are the directors of the railway have thrown some difficulties in the way.

Hon. Mr. SCOTT—Filed an opposition.

Hon. Sir MACKENZIE BOWELL—They have filed an opposition, and it is awaiting now the decision of the courts as to whether that opposition is valid or not. If it is not valid, then the object which this Bill contemplates will be attained, because the Macfarlane estate will be enabled to sell all the interests of the present owners, or pretended owners, who have control of it, in the railway, and whatever sum is realized from the sale of the railway will, after paying the costs incurred by the Ontario Bank and the Eastern Townships Bank, be divided pro rata among the creditors, after the lien of the Macfarlane estate has been paid. An Act was placed upon the statute-book in 1891, giving the claim of Henry Macfarlane, or his legal representatives, a priority over all the other creditors. That is chapter 97, of 54-55 Victoria, so that if the railway be sold and fall into the hands of any one else, the claims of the Macfarlane estate have to be paid under this law before the other creditors receive anything.

Hon. Mr. MILLS—I introduced a statute last year in this House, and I introduced a short one afterwards postponing the time when it was to come into operation.

Hon. Sir MACKENZIE BOWELL—That is right, and this is the principal part in which the bank is interested. I take this opportunity to make the statement and show shortly how the affair stands. It is much more far-reaching than that, but the House will understand it. This Act is objectionable from many standpoints. The law of Ontario now gives the power of sequestration of railways, and so does the law of Quebec. Here is a railway that is in difficulties—that has not paid its debts. There is a special law on the statute-book showing who shall have priority of claim. They have sued in the courts. It is now before the courts, and the new Bill, which we are asked to consider is simply to legislate this whole question out of the court. That is a kind of legislation which I do not think we ought to adopt, and I am very glad indeed to hear the Secretary of State say that he wanted to delay it in order to obtain more information, notwithstanding his colleague, the Minister of Railways and Canals, is desirous to have it placed on the statute-book.

Hon. Mr. SCOTT—The Minister of Railways says he does not think it will at all disturb the priority of the Ontario Bank.

Hon. Sir MACKENZIE BOWELL—That is very true, but the interested parties, who want to get this railway, want power given to the Attorney General of the province of Quebec, to come to the Dominion government and ask for authority to sequestrate a railway, part of the property that is now under the jurisdiction of the Dominion, in order to accomplish that which the Senate refused to allow them to accomplish when they rejected the Bill which was before them about a month ago, and it is simply another attempt to legislate people out of the courts in favour of interested parties, and destroy, to a certain extent, and ruin the interest of those who have, under the law, a priority.

Hon. Mr. MILLS—My hon. friend is discussing the Bill, but the question is not before us.

Hon. Sir MACKENZIE BOWELL—The question is before us. The hon. gentleman moved to discharge the order, and put it off until Monday. We surely have a right to discuss it on that motion, if we think proper.

Hon. Mr. DeBOUCHERVILLE—I saw in the papers yesterday, or the day before, that this railway has been sold. Does the government know anything about it?

Hon. Mr. SCOTT—No. I think not. It would be sold by the sheriff first.

Hon. Mr. POWER—I venture to suggest that the difficulty might be got over by adding a few words to the twelfth clause of this Bill to provide that nothing herein shall prejudicially affect the interest of Macfarlane or his representative.

Hon. Mr. SCOTT—This Bill is general. It does not affect the Baie des Chaleurs road alone.

The motion was agreed to, and the Order of the Day was discharged and fixed for Monday next.

ELECTION LAW AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved that Bill (133) 'An Act to consolidate and amend the law relating to the election of members, House of Commons,' be referred back to the Committee of the Whole.

The motion was agreed to.

(In the Committee.)

Hon. Mr. MILLS—In parts of Quebec and other sections of the Dominion, there are unorganized districts, where no voters' lists are prepared, and where, without some such provision as this, the parties would not be entitled to vote at the next election. I therefore, propose the following amendment for the consideration of the committee:

23a. In any unorganized district where at the time of the issuing of the writ of election there is no list of voters in force under the provincial law and no provision exists for the making of such lists, the lists used at the last Dominion in such unorganized district shall be the legal list for such unorganized district and shall be forwarded to the returning officer by the Clerk of the Crown in Chancery together with the writ, and the returning officer shall make all necessary and proper provision with respect to polling divisions and polls in such district to enable the voters on such list to poll their votes.

2. This section shall not apply to Prince Edward Island.

Hon. Mr. LANDRY (P.E.I). I think that clause should not be accepted. In Quebec

the last election was that of 1896, and would the hon. gentleman use the list that was used for the election ?

Hon. Mr. SCOTT—In the absence of any other list.

Hon. Mr. LANDRY—Why does not the province pass legislation necessary to enable those parties to vote in their own elections ? You have legislated for the use of provincial lists ; now you want a Dominion list. If you want Dominion lists, let us have them for the whole Dominion, and not for a portion of a province.

Hon. Mr. DeBOUCHERVILLE—The cost of having elections in those unorganized districts would be very great.

Hon. Mr. MILLS—I understand in the province of Quebec there are some parishes in which no voters' lists have been prepared.

Hon. Mr. LANDRY—According to the municipal law, when a parish is not organized, there are certain proceedings taken to annex that locality to one already organized. If they do not do that themselves, I do not see why we should do their work here.

Hon. Mr. FERGUSON—You might as well copy the names from the tombstones as use the old lists. In 1894 this list was made, and now you are going to search for names in a wild unorganized part of the country. It would be no practical use whatever ?

Hon. Mr. MILLS—I understand in one constituency there are about 500 parties who live in an unorganized district, and in another constituency a very considerable number—I could not say how many.

Hon. Mr. LANDRY—Where ?

Hon. Mr. MILLS—In the province of Quebec.

Mr. LANDRY—Where in the province of Quebec ?

The SPEAKER—In the unorganized portion of Kamouraska.

Hon. Mr. LANDRY—How many are there on the list ?

The SPEAKER—There never was any list made.

Hon. Mr. LANDRY—Then we cannot refer back to a list, and this would not apply.

Hon. Mr. MILLS—Under the principle the hon. gentleman from Stadacona lays down, we would disfranchise the whole province of Prince Edward Island.

Hon. Mr. FERGUSON—We might as well provide lists in Prince Edward Island, as to do this. The province must surely have made provision for the provincial elections, and why not avail ourselves of whatever provision the province has made ?

Hon. Mr. DeBOUCHERVILLE—It seems to me, the government having adopted the principle of taking the local lists, we ought not to interfere with what is done in the province. It may be that it is necessary to have this provision. The people may be so far away that they could not take part in an election. There are some people living near the northern line of the province of Quebec, and it would cost hundreds of dollars to get lists of them.

Hon. Mr. LANDRY—The government has decided to do away with Dominion lists and take the local lists. Let them take the local lists with all their disadvantages.

Hon. Mr. MILLS—The proposition is made on the ground that it is most undesirable to disfranchise anybody. If the provincial legislature does not make any provision for the making of lists in an unorganized district, and such lists have been made heretofore, those parties found on that list in that district shall be entitled to vote.

Hon. Sir MACKENZIE BOWELL—Where ?

Hon. Mr. MILLS—In the unorganized districts, wherever they voted before and the provision made for the appointment of officers there and the holding of elections there, the same as in the organized districts.

Hon. Sir MACKENZIE BOWELL—Who is to make the lists ?

Hon. Mr. MILLS—The lists are the old Dominion lists.

Hon. Mr. DeBOUCHERVILLE—Made six years ago ?

Hon. Mr. MILLS—If they are not there, they will not vote.

Hon. Mr. LANDRY—According to that principle, all those who have acquired their rights during the last five or six years, and

were not on the list seven years ago, are excluded. That amendment is not a proper one.

The CHAIRMAN—How will they vote if they do not vote on that list ?

Hon. Mr. MILLS—They would not vote at all.

Hon. Sir MACKENZIE BOWELL—It seems to me the adoption of that resolution is going to put very dangerous powers in the hands of somebody in those unorganized districts. I venture the assertion that any person running for a seat in parliament, with that power in the law, could carry it—that is, if they are anything at all like the agents that we have read of lately. The most objectionable feature in the clause is the point raised by the hon. gentleman from Stadacona. If he understood the Minister of Justice right, this only applied to electoral lists that exist under the old Franchise Act of the Dominion.

Hon. Mr. MILLS—Yes, because there are no others.

Hon. Sir MACKENZIE BOWELL—Just what I was going to say : there are no others. Then it would only give the right of the franchise to persons who resided in the unorganized districts prior to, or at the time of the registration of the voters under the old lists.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—And that was in 1894. In these unorganized districts, take it for granted, the population is much larger now than it was in 1894. If I am to compare the unorganized districts of the province of Quebec with those in Ontario, the settlements must be much greater in those districts than they were seven years ago ? The hon. gentleman shakes his head. It may not be the case in the province of Quebec. I do not speak of that, because I do not know ; but I do know in Ontario, in the unorganized districts that existed a few years ago. After the construction of the Canadian Pacific railway, the country was filling up rapidly, and that there are villages and towns—important towns, and industries springing up in those districts which were unorganized, and they are numerous to-day. That is one of the advantages of the construction of the road. It has opened up new territory altogether. There may be districts in the province of Quebec which have been developed by the building of railways. I should hope so. They may be organized, and they may not. If there are any districts which are unorganized, the proposition should be, if you want to have anything like an equitable amendment to the election law, to have a new list to cover all the inhabitants that are now in that district. There may be hundreds of men who were working in these districts, in 1894, that are off in different parts of the country now. There is no provision to prevent them going into the province of Quebec and voting. You might take hundreds from the city of Quebec into the unorganized districts. Such things have occurred in the past, and there is no reason why they may not occur in the future.

Hon. Mr. MILLS—Unless the hon. gentleman thinks the original list was a fraudulent list, you could not take people from Quebec. Those districts are on the Lower St. Lawrence, I believe. There are no railways there, and I think the population has been stationary there for the past forty years.

Hon. Sir MACKENZIE BOWELL—I dissent in toto from the inference the hon. gentleman has drawn from my remarks. Neither by implication nor directly did I say the lists were fraudulent. The lists, might be honestly made, but what I say is, lists which existed six years ago are not the lists that should be adopted for an election at this time—perhaps a year or six months hence. In the very law that we have been discussing, the Franchise Act, provision is made for preparing a new list in cities and towns if the list be a year old. Why ? Because there are so many changes. The movements of population in those centres is so great that it would not be fair or equitable to hold an election even this year on an old list. That principle has been recognized by the law. The Secretary of State, it is true, tried to repeal it to-day, but when he found the effect it was going to have he, did not persist in it, and I would seriously recommend my hon. friend not to insist on this amendment, unless he is prepared to go further—and I would argue the same as I did to-day in reference to the non-disfranchisement of any elector. If you are to have

a list for the unorganized districts, let us have a new one and know who is there. It is a dangerous proposition to make and I hope the Minister of Justice will not push it to a vote.

Hon. Mr. FERGUSON—This amendment will extend not simply to the province of Quebec, but also, I understand, to some unorganized parts of Ontario, the North-west Territories and to British Columbia. I presume in all the provinces excepting Prince Edward Island, New Brunswick and Nova Scotia, there will be territories to which this will apply. The Minister of Justice made the statement that there were as many as 500 in one part of the unorganized sections of the province of Quebec. It is not unlikely, but there may be a good many in the unorganized districts of Ontario, British Columbia and the Territories. It seems a remarkable thing that the government, who have been dealing with this question so long, having this measure before the other branch of parliament for nearly three months, perhaps more than three months, and here we are just on the eve of prorogation with a proposition of this kind before us for the first time. It is a very serious thing if the people of all those unorganized districts are not protected ; but the kind of protection proposed in this amendment is not, I submit, of any value. We might as well go back to the tombstones, as I said before, to get our list of names in remote unsettled parts of the country, as to go to the voters' list of 1894. A great many men would be away, many dead, and a vast number of new-comers would appear upon the scene. It would not be a representation of the people of that part of the country, and surely there is some provision for the conducting of elections for provincial purposes in those places. As the principle has been adopted by this parliament of using the provincial lists and franchise, why not, in those districts as in the rest, fall back upon what the provinces are doing and what the law in the province is ? It is a deplorable thing that we should have reached the end of the session and almost completed the consideration of this Bill without having discovered during all this time that the franchise of those people has not been considered until now, and we are asked at the last moment to adopt this amendment which is altogether inadequate to give representation to the people who are in those unorganized territories and which opens the door for all kinds of wrongdoing in those territories.

Hon. Mr. LANDRY—It is a new machine.

Hon. Mr. MILLS—I understand there are two districts in the Lower St. Lawrence, Saguenay, for instance, in which there is no list. It simply means, if you are to depend wholly upon the provincial statute, that there will be no opportunity of recording the vote. I am willing to let the Bill stand until Monday to consider the question as to whether we may do in that district the same as we are doing in Prince Edward Island or in the North-west Territories, letting the parties who are qualified under the law come forward at the time of voting, or come forward as in the North-west Territories before, and prepare a list, if a list is thought necessary.

Hon. Mr. CLEMOW—That is right.

Hon. Mr. MILLS—In the province of Prince Edward Island we have not insisted on that.

Hon. Mr. LANDRY—It is a general system there.

Hon. Mr. MILLS—It does not matter. For this Dominion election you allow people to vote whose names are not on the voters' list.

Hon. Mr. FERGUSON—Because there is no voters' list in Prince Edward Island.

Hon. Mr. MILLS—There is none in these territories.

Hon. Mr. LANDRY—There are voters' lists in the province of Quebec.

Hon. Mr. MILLS—I shall ask the committee to rise and consider this amendment further, but am not prepared to disfranchise a large population in a district simply because there is no municipal list, no municipal organization, and no provincial machinery with which a list is to be prepared. If my hon. friend is willing to have applied to his own province, on account of the failure of the province to prepare a list, the rule that he wants to apply to the counties to which I refer, then we can consider that question.

Hon. Mr. FERGUSON—I do not know what the hon. member means by proposing a different rule for my own province. I have made no suggestion such as that. If the hon. gentleman wanted to treat Prince Edward Island the same as he is treating these parts of the province of Quebec, he would have provided lists in some way. He is here providing a list, the very list he said all the time he would not provide in the case of Prince Edward Island.

Hon. Mr. MILLS—No, I am not.

Hon. Mr. FERGUSON—I may tell my hon. friend, the province of Prince Edward Island feels under no particular obligation to the government for the way they are dealing with this Bill. They were fairly well satisfied with the Dominion Franchise Act, under which they were able to conduct the elections very well. They are perfectly well satisfied with their own laws, under which they have open voting in provincial elections, but the present government are attempting to graft a ballot system upon a condition of things where there was no voters' list, and hence all the difficulties have been of their own creating, because they attempted to do this incongruous thing. The province did not demand it. It is because these gentlemen adopted a principle they find very difficult to carry out, and the difficulty is all of their own creation.

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—The hon. minister must not forget that we had a Dominion list and a Dominion franchise; the present government did away with all that, and laid it down as a principle to accept the local lists.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Let him accept the local lists. In the Saguenay district he said there were no electoral lists. I deny that. They have a list.

The SPEAKER—They have no list for provincial elections——

Hon. Mr. LANDRY—Is there any list at Tadousac?

The SPEAKER—The hon. gentleman might let me finish.

Hon. Mr. LANDRY—I had the floor. Tadousac has lists. L'Anse St. Jean has lists. Bersimis has lists, and different places near the Saguenay River are all provided with lists; but I suppose, in the far east, on the Labrador coast, there may be no lists. Those portions of that county are unorganized, but in our municipal organization we have the means to provide for all those unorganized places, when they are adjacent to parishes which are organized, to have all the advantages which the organized parishes have. If the Dominion government are making their own choice in taking the electoral lists of the province to substitute them for the federal lists, let them take them.

The SPEAKER—I want to tell the committee that I know, personally, in a great many places along the St. Lawrence, on the north shore, where there are 1,000 electors, they were voting under the Franchise Act at the last election, but since the Franchise Act has been done away with, they would have no voters' list. They never had any municipality organized: they never had any lists except for the federal elections. If the amendment now before the committee is not passed, all those electors will have no list to vote upon, and will be disfranchised.

Hon. Sir MACKENZIE BOWELL—How did these parties obtain the right to vote at the last election, held in 1896? Because the Franchise Act had been repealed some time before that. No, perhaps I am mistaken.

The SPEAKER—They all voted at the last election, and could not vote now.

Hon. Mr. FERGUSON—Were they disfranchised in the provincial elections?

The SPEAKER—It is an unorganized district, along the St. Lawrence, where there are no municipalities.

Hon. Mr. FERGUSON—They voted in the local election?

The SPEAKER—They voted under the Dominion Franchise Act.

Hon. Mr. POWER—I do not suppose any of us want to disfranchise people. The Minister of Justice has moved to report progress, with a view to providing a means for those hundreds of electors to vote. Whatever scheme is reported will be submitted to the committee when we meet again, and I do not see any object in discussing the matter now.

Hon. Sir MACKENZIE BOWELL—We are obliged for the lecture the hon. gentleman has read us.

Hon. Mr. POWER—I have not read any lecture. I object.

Hon. Sir MACKENZIE BOWELL—I do not care whether the hon. gentleman objects or not. The condition which has arisen upon this information which the hon. Speaker has just given this House is something of which most of us probably were not aware. He has given us information in regard to the unorganized districts and the manner in which they have voted in the past, and the desire to give them a franchise in the future. I venture the assertion, that no one in the House, except those directly acquainted with the subject, had that information. I know I had not, and it might be the means of changing my opinion, and that is what we are here for, to discuss questions of this kind, instead of being read lectures. We are not in the habit of swallowing everything holus bolus. When I read this clause, I thought it was a dangerous thing, but the information given by His Honour the Speaker has modified my views, and if this is changed, I might consent to it; but I do not think the Senate would consent to an arrangement to record votes on a list five years old. Does His Honour the Speaker tell us that there is no organization, municipal or otherwise, in these places, and no law which controls these people?

The SPEAKER—They are hundreds of miles apart, and it is impossible to have any municipality regulating them with so much distance between them.

Hon. Mr. FERGUSON—It appears it was possible for the government of 1894 to provide a list, and it seems most remarkable that the provincial legislature having lists for the whole province, did not provide a list for these districts. I think my hon. friend the Speaker said that the elections for the province in 1897 were held on the Dominion list of 1894, and these people all voted on this list if their names appeared on it.

The SPEAKER—Yes.

Hon. Mr. FERGUSON—It was not so very bad as it will be on in 1900 or 1901, but it certainly seems poor data to work upon, a list of that date.

Hon. Sir MACKENZIE BOWELL—It is a most extraordinary statement to make, that an inhabited, but unorganized district voted under the law which gave them no power to vote, because under the Dominion franchise they could only vote for a Dominion member, and my hon. friend said they actually voted in the local election on the Dominion list, which had no force, as far as they were concerned, in the province of Quebec, unless the legislature adopted the Dominion lists for that particular district.

The SPEAKER—That was the way it was done.

Hon. Mr. FERGUSON—By law?

The SPEAKER—Yes, it could not be done otherwise.

Hon. Mr. MILLS—Does my hon. friend object to this clause?

Hon. Sir MACKENZIE BOWELL—Oh, certainly.

Hon. Mr. MILLS—I will ask the committee to rise and report progress, and discuss the question with my colleagues. It may be that it will be found the best way will be to allow the persons to vote without this, because it will be very expensive work to prepare a list extending over some hundreds of miles with very difficult means of communication.

Hon. Sir MACKENZIE BOWELL—How will this affect the inhabitants of Anticosti?

Hon. Mr. MILLS—I do not think it will affect them. There were a few there, but they were driven out.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday.

CRIMINAL CODE AMENDMENT BILL.

CONSIDERATION OF AMENDMENTS POSTPONED.

The Order of the Day being called:

Further consideration of the message from the House of Commons disagreeing to the amendment of the Senate to the amendments made by

the House of Commons to (Bill K) 'An Act further to amend the Criminal Code, 1892.'—(Hon. Mr. Mills.)

Hon. Sir MACKENZIE BOWELL—I would prefer to have this item stand. It is a contentious item, and will take some time, unless the hon. minister is prepared to accept the amendment.

Hon. Mr. MILLS—I am not prepared to accept the amendment, but I expect the hon. gentleman will have his way. I was anxious to get rid of it and have it go to the House of Commons. Unless we deal with the matter to-day, the probability is the Bill will never reach the House of Commons. The House of Commons are expecting to rise on Tuesday.

Hon. Sir MACKENZIE BOWELL—I do not know what they may expect. We have not had a great deal to do here, and I think as they have kept us waiting, we will have to keep them waiting until we can intelligently consider the measure sent to us.

Hon. Mr. CLEMOW—They have kept us five months and a half.

Hon. Sir MACKENZIE BOWELL—It would not be unfair for us to keep them for a month.

Hon. Mr. MILLS—If my hon. friend is very desirous, I will not press it.

Hon. Sir MACKENZIE BOWELL—It will not take twenty minutes to say whether they will accept it or not, and I am inclined to think they will, from what I have learned, because it does not deprive them of all they desired, and it is a compromise between the opinion this House has expressed in the former Bill and what they want. I think if they are reasonable they will accept it.

Hon. Mr. ALLAN—That is another matter.

Hon. Mr. MILLS—I will agree to the proposition to let it stand over to Monday, but I will say to my hon. friend at the same time that to propose such an amendment as he proposes, and which he is going now to bring before us again, which differs so very little from what is already in the Bill, can hardly be considered as resting upon any particular principle.

Hon. Sir MACKENZIE BOWELL—If it differs so very little, as the hon. gentleman says, there can be no objection to accepting it.

Hon. Mr. YOUNG.

Hon. Mr. MILLS moved that the Order of the Day be discharged and placed on the Orders of the Day for Monday next.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, July 16, 1900.

The Speaker took the Chair at Eleven o'clock.

Prayers and routine proceedings.

DOMINION ELECTIONS BILL.

HOUSE AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (133) 'An Act to consolidate and amend the law relating to the election of members of the House of Commons.'

(In the Committee.)

Hon. Mr. DeBOUCHERVILLE—It was understood that any opposed orders would be taken up this afternoon.

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—I understood there was some opposition to this.

Hon. Mr. FERGUSON—This is simply with reference to a new proposition the hon. minister was introducing with regard to unorganized districts.

Hon. Mr. MILLS—Yes. I suggested an amendment and I have put it in the following shape:

In any division of any electoral district in the province of Quebec in which there is no voters' list, parties who are qualified under the franchise law of the province of Quebec to have their names placed upon such voters' lists, shall be entitled to vote at such polling division on taking the oath in the form ————.

Hon. Mr. DeBOUCHERVILLE—Is not that provided for by the Quebec law? Perhaps the minister would tell us if he has looked into the Quebec law.

Hon. Mr. MILLS—I have not looked into it personally, but the Solicitor General has,

and he has reported to me, and so I drew this clause this morning, and asked him to prepare a form of affidavit meeting the requirements in the province.

Hon. Mr. DeBOUCHERVILLE—He told the hon. minister there was no provision in the Quebec law about it ?

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—I suppose this might go through committee and we could take the third reading this afternoon ?

Hon. Mr. MILLS—Yes. I would say to hon. gentlemen that in accordance with the understanding we had, the clerk, Mr. Fraser, went over the schedule and at the same time went over the Act, and I wish to make some verbal changes such as he has pointed out to make the Act uniformly consistent throughout. In section 41, I propose to strike out the word 'district' and substitute 'division.'

Hon. Mr. DeBOUCHERVILLE—Will the word 'division' apply to all the provinces ?

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—Unless the hon. minister is perfectly certain, it may happen that in some of the provinces the word 'district' is used, and in others 'division.' Why not put 'division or district.' ?

Hon. Mr. MILLS—It is in reference to our own divisions that we are making provision.

The amendment was adopted.

Hon. Mr. MILLS—Then all that is left is the amendment of which I have given notice.

Hon. Mr. LANDRY—I asked the hon. gentleman to let it stand till this afternoon.

Hon. Mr. MILLS—Yes. The only thing is, the House of Commons has to concur in all this. If they object to our amendments, it means further delay.

Hon. Mr. LANDRY—I understood that any controversial matter was to be left over till this afternoon.

Hon. Mr. MILLS—Certainly.

Hon. Mr. DeBOUCHERVILLE—Take a man in an unorganized district, say Labrador, will he vote ?

Hon. Mr. MILLS—The unorganized will be divided the same as the organized territory and he will vote in the polling division in which he resides.

Hon. Mr. LANDRY—Who will make the division ?

Hon. Mr. MILLS—The returning officer, where there is no division made. That is provided for in the Bill.

Hon. Mr. DeBOUCHERVILLE—In a district of ten miles there might be only one resident. Will the Bill provide for him ?

Hon. Mr. MILLS—The returning officer will exercise his judgment.

Hon. Mr. DeBOUCHERVILLE—There are places north of Quebec, to the limits of the province of Quebec, where there are no settlers at all for an immense number of miles.

Hon. Mr. MILLS—They are not in any polling division. The hon. gentleman misapprehends what is being done. I understand that in some counties in the lower St. Lawrence there is no municipal organization. There are portions of some of the electoral divisions as they now exist. We are not disturbing any electoral division ; we are dealing with those electoral divisions as they now exist. There is some portion of them in which there is no voters' lists prepared. Those parties who reside there that would be qualified under the old law to have their names placed on the voters' list, and so vote after the name is on the list, will, under this proposed clause, be enabled to come forward at the poll established within their district and vote, although their names are not on the voters' lists, just precisely as they do in the North-west Territories. That is all that is intended. It is not intended to embrace territory not in an electoral district, but it is intended to enable everybody, who is otherwise qualified, to vote, although his name may not be on the list. If he resides in an organized district, where there is a voters' list, it will not enable him to vote, but it will where there is no list.

Hon. Mr. LANDRY—The amendment will provide for that ?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—And the amendment will be complete when the form is added to it ?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—So we must wait for the form. Will it be ready this afternoon ?

Hon. Mr. MILLS—Yes. But it will add nothing. It is to give effect.

Hon. Mr. FERGUSON—Did I understand the hon. minister to say that some such system prevailed in the North-west Territories ?

Hon. Mr. MILLS—Yes.

Hon. Mr. SCOTT—There are no lists there.

Hon. Mr. FERGUSON—But there is ample provision for a revision, something such as we have introduced in this law.

Hon. Mr. MILLS—This is exactly the same in principle as the provision in the territories. In the territories there is a voters' list prepared after the lists are issued, but it may be that a man's name is not found on that list, and he may come forward on the day of voting, and swear that he is a qualified elector and possesses the necessary qualification, and on taking the oath he is entitled to vote.

Hon. Mr. FERGUSON—He is entitled to vote undoubtedly. But my hon. friend stopped there and did not say what follows. Immediately on his voting, an objection can be put in, and he is summoned to appear before a revising board some days after, and there is an appeal from the rivising board to a judge. All that is provided for in the territorial law. There is nothing of that kind proposed here. It seems to me it would open the door for bad votes being put in.

Hon. Mr. LANDRY—It is intended for that.

Hon. Mr. DeBOUCHERVILLE—I understand it perfectly. Supposing there is a settlement at the other end of the county of Beauce, which is not organized as a municipality, where they have no lists ; those men can take advantage of the amendment?

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—But if they are living in a place unorganized and not belonging to any county——

Hon. Mr. WATSON—They have no vote.

Hon. Mr. DeBOUCHERVILLE—I am not asking the hon. gentleman, I am asking the hon. Minister of Justice. They are living in a place which does not belong to any county. Will they take advantage of it.

Hon. Mr. MILLS—They cannot.

Hon. Mr. DeBOUCHERVILLE—It would be necessary to put it clearly in the amendment, because there are some places that do not belong to any county.

Hon. Mr. MILLS—It is clear as it is.

The CHAIRMAN—The clause reads :

In any polling division of any electoral district of the province of Quebec.

Therefore the voter must be in some district already established.

The amendment was allowed to stand.

On clause 140,

Hon. Sir MACKENZIE BOWELL—When clause 140 was under consideration the other day, I called attention to what I thought a very extraordinary provision in this clause, which provides for the non fining nor punishing people who committed a wrong at an election. The clause reads :

No fine or penalty shall be imposed under this section if it appears to the judge or jury that the person has already been sued——

The CHAIRMAN—We have added the words 'to judgment or acquittal.'

Hon. Sir MACKENZIE BOWELL—That is not the point to which I desire to call attention. The next three lines read as follows :

—nor shall any fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

That is, a man may have committed the grossest violations of the law at an election, and if he admits it himself, and there is no other witness before the court, he is to be acquitted. Have not the judges in the province of Ontario, who have just made a report in the Elgin case, based their report

upon the provisions of a law similar to this clause? We have the candidate in that clause who contested the election, Mr. McNish, who was defeated, making an extraordinary confession, signed by his own hand in order to prevent an investigation of the court, in case it went into court to contest his right to hold a seat. We have also the confessions of some of the parties who committed the grossest of frauds, and there was no other evidence brought before the judges and before that court to sustain the contentions which had been made by these parties, and yet the judges report, and properly so, under such a clause of the election law that no wrong had been committed by anybody, or rather that there was no evidence to convict them. There was no evidence brought before that court, owing to the manner in which it was constituted—which perhaps it is not necessary for me to discuss just now. Owing to the manner in which it was constituted by the Ontario government, no evidence was brought forward to sustain the contentions of these men who left the country, some of them, nor to sustain the confession of the candidate himself. Of so gross a character were they that, rather than go into court, the candidate made a general confession over his own signature, of the wrongs which had been perpetrated. Well, individually I know the reason he did that, but it is not necessary for me to repeat that here in order to intensify the objections which I have to this clause. I think it is an extraordinary provision, unless we are to lay down the principle that every man who commits a fraud at an election, can turn Queen's evidence and go clear. There would be no difficulty in perpetrating any amount of villainy at an election by a man who has no scruples of right or wrong. He could perpetrate all the offences that are attempted to be committed under the election law, and afterwards make a full confession of the whole thing and he could not be convicted of it unless you have other evidence to corroborate his confession. I hope the minister will consider that clause before the meeting this afternoon. I am not prepared to accept the theory, or argument, because it has been the law in the past that it should remain there. There are a number of provisions in this Bill which never existed before. We made a change in one of those clauses which provided a penalty. They were optional. It was discretionary with the judge to say whether there should be a penalty imposed or not. In one or two of these we have made it imperative, if the crime be proved, that the culprit must be fined a minimum or a maximum sum, and then he must go to jail for having done it, for a minimum or maximum time.

As we want to make this law as perfect as possible, we should leave no loophole for a man to escape punishment if he commits wrong. Let us have a fair expression of opinion from the people if we can, and whatever that opinion will be, the minority are bound, under our system of government, to accept it until public opinion changes. I look upon this feature of the law as very dangerous—all the more dangerous from facts that have transpired lately, and I dare say we shall have more of it, very likely, in the Brockville and West Huron cases particularly. In view of what transpired in the committee investigating these cases in the House of Commons, let us remove all chance of escape if we possibly can.

Hon. Mr. FERGUSON—I would not see such an objection to this if it were confined to cases where the witness became evidence for the Crown. We know that principle is recognized in criminal cases, and that a man who becomes Queen's evidence is allowed to escape with a small punishment. I think the distinction ought to be drawn.

Hon. Sir MACKENZIE BOWELL—I had no reference whatever to Queen's evidence. I do not propose to interfere with that.

Hon. Mr. MILLS—This has been in the statutes for a good many years. It was revised and inserted again in precisely the same words in the revised statutes, and certainly those who inserted it in the first place, and those who continued it, must have had a reason, and a reason which they regarded as adequate. I would not be prepared, myself, to strike this out, unless there was some adequate reason for it.

Hon. Mr. FERGUSON—Let it stand over.

Hon. Mr. MILLS—I have seen affidavits published alluding to some person that I

feel perfectly confident, on a question of moral certainty, that the person who made these affidavits did not tell the truth. Supposing you had a very close election, and had an inquiry, and testimony of this sort were admitted, a man might be bribed to testify against himself with a view of affecting the election. I should be very sorry indeed to place the return of a man who had attempted to conduct his election honestly, at the mere mercy of one who would make an affidavit of this sort against himself. This matter was fully discussed at the time by Sir A. A. Dorion, Mr. Blake, Sir John Macdonald, John Hillyard Cameron and others, and the conclusion they reached and embodied in the law I should be very sorry to set aside upon some abstract theory. In my opinion, the effect of repealing this clause would be to enable a party not merely to testify against himself, but if this testimony was accepted, to affect the seat of the successful candidate, who had conducted his election honestly. I think the law is safer as it is.

Hon. Sir MACKENZIE BOWELL—I confess I do not understand the argument of the hon. gentleman.

Hon. Mr. MACDONALD (P.E.I.)—This clause may possibly be amended to carry out the intention, and remove any objection, by requiring corroborative evidence.

Hon. Mr. MILLS—That is the case now.

Hon. Mr. DeBOUCHERVILLE—I understand a man gives his evidence in an election case, and the law, as it stands, says that the member sued will not lose his seat or be punished on account of this man's testimony: but does it prevent the man who gives the evidence from being punished?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. DeBOUCHERVILLE—Of course this evidence will not go against the member who is sued, but will it not go against the man who gives the evidence himself?

Hon. Mr. MILLS—It is upon the trial of an election petition that this law applies. It applies to all parties.

Hon. Mr. DeBOUCHERVILLE—The witness himself cannot be punished.

Hon. Mr. MILLS—Not upon his own testimony.

Hon. Sir MACKENZIE BOWELL—If this principle is to be carried out, there is no reason why it should not apply to an investigation which takes place when a candidate has been cited before the court to hold what is called an examination for discovery. A candidate is brought in Ontario, and I suppose in the other provinces, before a judge, to discover what has been done. He is put under oath and subjected to all sorts of cross-examination. If he admits, under that examination, that he has violated the law, is he to go free in that case, or only when he comes before a court for an election trial? If a man is guilty of stealing, and he is brought up before a magistrate and confesses that he stole a horse, the magistrate does not set him free. It may be a mitigation of the offence, I admit. The jury would have to find him guilty, and it would be for the judge to say what punishment should be administered, and he would take the circumstances into consideration as to whether it should be a few months in jail or he should go to the penitentiary. Here is a law under which if you prove that a man has carried an election by the grossest fraud, and if there is no evidence to convict him but his own admission the only penalty is the voiding of the election.

Hon. Mr. MILLS—The costs will fall on him.

Hon. Sir MACKENZIE BOWELL—That would depend altogether on the judges. But that puts the other candidate, who might otherwise have been elected, and it puts the country to the expense of another contest. I should like to see that put beyond a doubt. My hon. friend says it might prevent a man confessing. They do not often confess. What are you going to do with a man who is put in the witness box during an election trial. The candidate himself is often subjected to cross-examination of the severest possible kind by the best legal talent obtainable. He is compelled, during the cross-examination, to admit violations of the law which he would not have admitted voluntarily, or under any other circumstances, but rather than perjure himself, he makes the confession. Now, if there is no other evidence to show that he did commit that

breach of the law, you cannot punish him under this law. Is that right ?

Hon. Mr. MILLS—Yes, unfortunately it is.

Hon. Sir MACKENZIE BOWELL—Then it is utterly absurd to put a man in the witness box at all to try and discover whether he has done wrong. I know there is no provision of the law which says a man is obliged to convict himself and subject himself to a penalty, but we have had cases where cross-examination proved beyond a peradventure that a crime was committed, and the man was allowed to go free, and the Minister of Justice says that is right.

Hon. Mr. MILLS—Yes, that is right.

Hon. Sir MACKENZIE BOWELL—My hon. friend and I generally agree in matters of this kind, but in this case, we are diametrically opposed to each other. Where you can drag the facts out of a witness, he ought to be punished, or if he perjures himself, and you prove it, you should punish him.

Hon. Mr. MILLS—My hon. friend will see that, without this cause, there would be strong temptation to prevent a man telling all he knew. You have an election trial and the man makes a statement, and is called as a witness. He says : 'I have received a bribe from a certain party.' If you could prove that by another witness, you could punish him but if you were going to punish him for every confession he makes with regard to his own wrong conduct, you would simply hold out every possible motive to him not to come forward and tell what he knows. I remember very well this matter was thoroughly thrashed out.

Hon. Sir MACKENZIE BOWELL—I confess I do not remember it.

Hon. Mr. MILLS—There was a general agreement on the subject. It was felt that in an election trial, almost every man who could give evidence would be a man who would be liable to punishment if the facts about which he is called upon to give evidence could be established by other parties, and so, in order that he may testify freely, the intention is to allow him to testify with the full knowledge before him that he is not going to be punished for the admission or confession which he makes.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

RAILWAY ACT AMENDMENT BILL.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole in consideration of Bill (132) 'An Act to amend the Railway Act.'

(In the Committee.)

On the last clause,

Hon. Mr. LANDRY—I would suggest that this clause be allowed to stand until the afternoon.

Hon. Mr. SCOTT—I have an amendment here which may remove the objections which have been raised to the clause. The Minister of Railways is of opinion that this would not interfere with the claim of the Ontario Bank and the McFarlane estate. The amendment which I propose is as follows :

Provided always that nothing in this section contained shall affect or interfere with any judgment now existing against any railway company upon which final process may have issued authorizing the sale of the said railway, but such sale may proceed in accordance with the law of the province authorizing the same.

Hon. Mr. ALLAN—The hon. gentleman stated on Saturday that he was communicating with Mr. Barwick.

Hon. Mr. SCOTT—I have done so, and have just received the answer. The Minister of Railways thought this clause in its present shape did not in any way interfere with any existing judgment, or any process that was now in course of operation against any railway company, and I asked Mr. Barwick to say whether he agreed or consented to this. He answered :

I dissent from that view. The clause, as I learned on Saturday, is intended to meet the case of the Baie des Chaleurs Railway. There is no necessity for it. The provincial law makes provision for sale.

The amendment I proposed meets the case.

Hon. Sir MACKENZIE BOWELL—It is a mystery to a layman what necessity there is for this law at all. There is but one railway in the whole Dominion that it would apply to.

Hon. Mr. SCOTT—There are other railways. The Minister of Railways mentioned one in New Brunswick which was embarrassed in the same way.

Hon. Sir MACKENZIE BOWELL—We know what this Bill was intended for, because it has been stated. I cannot understand what necessity there is for making a general law to meet a special case. The railway is bankrupt, as this clause implies it is, but the whole case is before the court now, and the road ready to be sold to any one who may desire to buy it. If any one buys the road and afterwards it becomes bankrupt, then this law might step it, but what we are attempting to do is to place it in the power of the attorney general of any province to apply to the Dominion government for permission to do that which the law of the province permits him to do now; but, the argument is, it being a Dominion railway, the local law does not apply. In this case, the road it is intended to strike is one that is now under the hammer, and is to be sold in the interest of those who have claims against it. It is like a good deal of other legislation, we have had, to meet a particular case and particular circumstances, where a local government desire to get rid of one class of men and put the enterprise in the hands of another. That is what the Bill provided for that was rejected a short time ago by a committee of the Senate this session. That attempt having failed, this Bill is introduced to accomplish that which was formerly rejected. The Secretary of State has made a declaration as to the opinion of the Minister of Railways and Canals. We have the law officer of the Crown, and it is his opinion on matters of this kind that should guide us, if we are to be guided at all by it. If it becomes a question of law that divides the House, the law officer is the gentleman who should give his opinion, and not the Minister of Railways. The Minister of Railways introduced this Bill for a purpose, and his opinion would be in accordance with the idea paramount in his mind, and he would so give it. Has this matter been submitted to the hon. Minister of Justice, as the legal adviser of the Crown, and what is his opinion of the clause, and what would be the effect of passing the amendment? First of all, I should like to know whether this has been submitted to the Department of Justice.

Hon. Mr. MILLS—Not that I am aware of.

Hon. Sir MACKENZIE BOWELL—Just what I anticipated. We have had cases of the kind before, where clauses have been introduced affecting the titles to lands, in the North-west Territories, which this House objected in the interests of the North-west, and had it materially amended, and when the question was put to the hon. Minister of Justice, he had never seen it and knew nothing about it. The majority in the House concurred in the view we took when it went back to the House of Commons with amendments. So palpable was the attempt to do that which should not have been done by any legislature, that the House of Commons not only accepted our amendment, but actually improved it, and made it still stronger. Here is a similar case. I am not arguing in favour of the individuals, but here is a similar case, in which civil rights are attempted to be interfered with by legislation. Perhaps the hon. gentleman who has just come in will tell us whether he approves of this kind of legislation or not. However, as it is not to be passed until the afternoon, I shall say nothing further about it at present.

Hon. Mr. POWER—I think that some such clause as this is necessary. As it is now, if a railway is within the provincial jurisdiction, then the provincial courts cannot deal with it. If a railway gets into debt, the creditors can make their claims good under the provincial law, but if a railway is situated within the province, and that railway has been declared by statute to be for the general benefit of Canada, so that it comes within the jurisdiction of this parliament, then the legal authorities, as I understand, cannot deal with it without further legislation by this parliament. Now, what does this clause propose to do? It proposes simply that where a railway is altogether within the limits of the province, the courts of the province which are the only courts, I think, which have a right to deal with it, shall have the right to deal with it effectually. It seems to me that is a reasonable proposition. The courts shall not have the right to deal with

it unless the officer of the province makes application to the Governor in Council for an order to allow the railway to be dealt with. I do not know enough about the merits of the case to which the hon. leader of the opposition refers, to discuss it, but if such a proviso was added to this clause as would make it clear that it was not to affect that particular case, the clause in itself, as a general clause, is a good one, even though in this particular instance the leader of the opposition may think it would work mischievously. But if a proviso were added to it, providing that it should not apply to this particular case, then the clause is one which I think we should have on the statute-book.

Hon. Mr. LANDRY moved that the committee rise, report progress and ask leave to sit again.

Hon. Mr. SCOTT—At this stage of the session it seems unreasonable to allow a number of Bills to stand over.

Hon. Sir MACKENZIE BOWELL—That is not our fault.

Hon. Mr. SCOTT—I moved an amendment in accordance with the view of my hon. friend opposite: we are most anxious that no proceedings of ours should interfere with cases pending in courts, and my amendment was to exempt cases now in court from the operation of this clause. Nothing could be more in that line than the method in which we are legislating. Where a case is subjudice, we exempt it from the operations of the statute.

Hon. Sir MACKENZIE BOWELL—Did I understand, from the reading of this telegram, that this amendment has been submitted to the solicitor who was acting on behalf of the bank?

Hon. Mr. SCOTT—No, I drew it this morning.

Hon. Sir MACKENZIE BOWELL—He only dissents from the view taken by Mr. Blair.

Hon. Mr. SCOTT—I telegraphed that the Minister of Railways thought it would not affect the case Mr. Barwick is interested in, and I said: 'If you think otherwise wire me,' and he wired me and I prepared an amendment which will exempt it from the operation of the clause.

Hon. Mr. FERGUSON—If my hon. friend is right about that, it will not take much time to consider it after luncheon.

Hon. Mr. SCOTT—All right.

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress and asked leave to sit again.

RAILWAY SUBSIDIES BILL.

THIRD READING.

The Order of the Day being called:

Committee of the Whole House on (Bill 193) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.—(Hon. Mr. Mills.)

Hon. Mr. MILLS moved the third reading of the Bill. He said: we do not go into committee on a Bill of this sort.

Hon. Mr. FERGUSON—Perhaps the hon. gentleman may be able to tell us how much these subsidies amount to in the aggregate. I know there is a sliding scale relating to some of them.

Hon. Mr. MILLS—Something less than three and a half million. I think it is $3,400,000.

Hon. Mr. FERGUSON—That is, without counting anything for the sliding scale by which they can go up to $6,400 per mile in special cases.

Hon. Sir MACKENZIE BOWELL—And without considering the extra provision for Prince Edward Island.

Hon. Mr. MILLS—No.

Hon. Mr. ALLAN—These are all new. These are not subsidies which have been granted hitherto and not expended.

Hon. Mr. MILLS—Some of them are revotes and some of them are the extension of existing lines, and there will be in some of these further extensions hereafter. The appropriations do not cover the whole length of line contemplated, but what may be reasonably expected to be undertaken during the present year. Hon. gentlemen know that a number of these roads, in Northern Ontario, for instance, are due to the development of the mines and to the establishment

of the pulp business. The construction is necessary to enable the material to be got out in the one case and in the other, and with regard to the North-west Territories, the construction of some additional railways, for the purpose of meeting the requirements of new settlers, persons going into the country who will have no railway facilities owing to the districts which they are occupying being at some considerable distance from the railroads already constructed. Then there are roads, to a limited extent, undertaken in the maritime provinces and also in the province of Quebec. The principle adopted in the subsidies,—and of course they embrace the very limited number of the roads requiring subsidies—has been to take the population of the provinces roughly as the basis of the railway appropriation, so that each province will have an appropriation for the roads which have been projected and which are contemplated as necessary to construct in proportion to its population—in other words, in proportion to its contribution to the public revenue. It would be scarcely fair to push certain roads in one province to the exclusion of railway construction altogether in another province, and that seems to be the fairest rule that could be adopted. Certain railways which have been projected in almost all the provinces will stand over after this, because when making a very large charge beyond what it would be possible to undertake in the year all the demands for aid could not be acceded to, but those that were regarded of greatest urgency, the construction of which would be most advantageous to the public and to certain large enterprises, some of which have been projected and some of them completed, the system adopted on the whole is a fair one. In British Columbia, I think, there is but one road aided this year. There was another spoken of in the northern part of Vancouver Island, the extension of the road that is constructed as far as Nanaimo to the northern part of the island. That was omitted simply because the friends were not pressing it for the present season. Perhaps they are not anxious to go on with it at once, but, no doubt, a good deal of advantage will accrue to the country when it is constructed, and the fact that it was not upon the list of railways to be aided is no indication that it is not regarded as a work of merit.

Hon. Mr. MILLS.

Hon. Mr. FERGUSON—I would ask my hon. friend whether in former Bills for granting subsidies it has not been stated in the Bill in each item whether it happened to be a revote, I can find nothing of that kind in this Bill, and therefore it was not a revote except in one or two cases in lieu of a former vote, where they were making it larger. I think there were only one or two cases of that kind.

Hon. Mr. MILLS—I think my hon. friend will find it in the estimates brought down, but not in the Bill.

Hon. Mr. LANDRY—I would ask the hon. Minister of Justice to give me some information. I see in the 16th paragraph of section 2, that there is a grant to be given to the Grand Trunk Railway Company of Canada of $270,000 to make up the grant in aid of the undertaking to $500,000 upon condition that the tolls upon the bridge for passengers and vehicular traffic shall be subject to the approval of the Governor in Council, a sum not exceding $200,000. Is that condition imposed by the government? Was the approval of the tolls of the bridge by the Governor in Council a condition that could be imposed on every bridge?

Hon. Mr. MILLS—It is with some.

Hon. Mr. LANDRY—What I want to know is, could that condition be imposed upon a subsidy provided for by chapter 7, clause 10 of the Act, referring to the subsidy for the bridge over the St. Lawrence at Quebec? I merely ask if such condition as is imposed upon the Grand Trunk in the public interest could be similarly imposed upon another? Perhaps the hon. minister might avoid making any search for the purpose of answering the question if he could say whether the Senate could alter the present Bill so as to impose that condition on the Quebec Bridge Company?

Hon. Mr. MILLS—No, we cannot make any amendment to this Bill.

Hon. Sir MACKENZIE BOWELL—I do not know how it is with other hon. gentlemen, but if this Bill is to be discussed at all, we should have an opportunity of reading it. I understood the hon. minister in moving the third reading to say that the subsidies are principally for the opening up and developing of unsettled and new sections of

the country. So far as the principle of subsidizing railways for the purpose he has indicated is concerned, I think we would all approve of it, but we find in this, as in other subsidies which have been granted of late, they have not been confined to that object. In the last subsidies that were voted by this House, there was one for the sixty-sixth part of a mile. I wonder if that was for the development of the unsettled portions of the country.

Hon. Mr. MILLS—Which is that ?

Hon. Sir MACKENZIE BOWELL—That is not in the Bill this year. I am speaking of the past. I find in some of these before us now, having looked at them casually, that there is some seven miles of a railway from Caradoc Station on the Canadian Pacific Railway to the town of Strathroy. I was under the impression that that was one of the best settled portions of Ontario. It may be necessary to have it in the interests of the people who live there, but it certainly does not come within the category of developing a new section of the country. No. 3 is really for the purpose of development. That is a railway running from Bancroft northward twenty miles to connect with the Pembroke Southern Railway, or what is known as the Booth road. That would give them not only an outlet for all settlers, and for those going west and east, but it would also open up a new section of country entirely. This is not open now except by the colonization road which those who have travelled in that section of the country know is very difficult to travel by. No. 5 is of the same character, but here are some roads going through the best settled portions of the country. It is almost unnecessary to discuss these matters. Here is a subsidy for four miles, another for seven miles, and a variety of others. I should like to ask an explanation about item 27, a road from Farnham to Frelighsburgh and International boundary line, not exceeding twenty-one miles. Is that not the road that has become, I might say, defunct ? It has been subsidized in the past by the local government ; whether it has been aided by this government or not I do not know. It has gone into disuse, and the rails have been taken up and now we are to subsidize it again in order to enable a new enterprise to take hold of it and lay some more rails. Is that the fact with reference to it ?

Hon. Mr. MILLS—I am unable to answer.

Hon. Sir MACKENZIE BOWELL—I am sorry the Minister of Railways has not furnished us with the reason for this—that is, if this House has a right to know what we are called upon to do.

Hon. Mr. MILLS—I understand it is a new enterprise.

Hon. Sir MACKENZIE BOWELL—I understand that this road was subsidized formerly and that rails were laid. Since then the rails have been taken up, the scheme abandoned, and the subsidy pocketed by somebody, whether for their individual benefit or whether they spent it in buying the rails which they afterwards sold, I do not know. Now we are going to subsidize it again, or is it for the purpose of enabling the Grand Trunk to build this road to connect with the United States or other systems ? If it is, I could understand it, and it might be defensible, but I want more particularly to call the attention of the committee to the sixth clause. This clause is just about of the same character as the Alien Labour Law, which was placed upon the statute-book, and the Chinese Act which we have just enacted, and, what is still more pertinent to this point, what is termed the Conciliation Act.

Hon. Mr. MILLS—I would have thought that that was a clause above all others which the hon. leader of the opposition would have admired.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had only been patient for a moment he would have had my opinion of the clause. The principle involved in the clause is quite correct; but it is vicious and in every respect vile if the utterances of the two hon. gentlemen who sit before me, the hon. Minister of Justice and the hon. Secretary of State, are to be taken as guides in matters of this kind. I have, upon previous occasions, read the utterances of these gentlemen in reference to bonuses, the principle of protection, and various other things. Here is one of the strongest evidences in condemnation of the utterances

of these gentlemen for the last eighteen or twenty years; but while approving, in the abstract, of the principle laid down in this clause, what I was pointing out when interrupted was, that it is of the same character as the laws which have been placed upon the statute-book to which I have already called attention. Those who were in the Senate at the time the late Minister of Justice introduced the Alien Labour Law, reserving the exclusive right to the Minister of Justice, or rather, the Attorney General of the Dominion, to say when the prosecution should take place, I, with others in the Senate, pointed out that, under the law, no action would ever be taken until some circumstance arose which would induce them to take action if there were an election pending on, and they wanted the labour vote. That prediction made by the Senate, although prophets are never appreciated at home, has been literally carried out. Numbers of people have been imported from the United States during the last four years, to which the labour organizations, for which my hon. friend has such admiration, and with whom he does not wish to interfere in the least, complained to the Minister of Justice—I do not know whether the present Minister of Justice or not—and asked that the law be put into force. In not a single instance, until the other day, has the law been put into force. Some Italians who crossed the Niagara border and commenced to work, have been sent out of the country. If there were reasons existing for refusing to put the law in force in the past, they exist to-day, but there is an election approaching, and these Italians were sent out of the country. With regard to the pledge of the ministers in reference to the Chinese Act, all they have got is the increased capitation tax, while the law has been extended for the admission of this Mongolian race into the country to a limited extent I admit; under a former law British Columbia had one-fourth of the gross receipts. They get now only one-fourth of the net receipts. I hope that satisfies the British Columbia member, whose interests he is supposed to look after. What have we here? This is precisely of the same character. The idea of putting a clause of this kind in the law, the Governor in Council may make it a condition of the subsidy hereby granted or of any heretofore granted by any Act of parliament as to which the contract has not yet been entered into between Her Majesty and a company for the construction of the railway, that the company shall lay its road with new rails made in Canada. If it stopped there it would be all right. Then it would meet my views precisely. When the hon. gentleman made that interpolation I was saying that, so far as protecting Canadian interests, I am prepared as an individual, to go any length. The clause proceeds:

> Shall be made in Canada, if such rails are procurable in Canada of suitable quality, upon terms as favourable as other rails can be obtained upon, of which the Minister of Railways and Canals shall be the judge.

If that is not a deceptive clause, I should like to know what you could call it. First, the rails are to be made in Canada if such rails are procurable in Canada.

Hon. Mr. DeBOUCHERVILLE—At the same price.

Hon. Sir MACKENZIE BOWELL—Yes. It goes on to say they must be of the same quality and must be as cheap as they could be got in any market.

Hon. Mr. MILLS—It says of a suitable quality.

Hon. Sir MACKENZIE BOWELL—The rails must be of a certain quality, whether steel or iron, &c., and of which forsooth the Minister of Railways is to be the judge. I am sorry to say I have not the same confidence in the Minister of Railways that some gentlemen have.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And from what has taken place lately, I am afraid what little confidence I had and what little confidence the public had has been weakened. The idea of putting a discretion of this kind in the hands of the present Minister of Railways or any other Minister of Railways, is not only an absurdity, but a fraud upon the face of it. I do not know that I could use stronger language—if I could find it I would have no objection to using it—in this case, but I compliment the free traders who have advanced so rapidly in the line of protection that they are prepared to make the provision that the rails

must be made in Canada. If they had made that provision absolute they would have my support. But, depend upon it, this clause will have no more effect than if it were not there. The railway companies will get rails wherever they like.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is the 'hear, hear' of a free trader. I have great respect for a man who has an honest opinion and adheres to it; more particularly an opinion upon the question of political economy such as this. But, who would suppose for a moment that a rail would be purchased in Canada when there are the great factories in the States and the great works in England to produce them? The very moment a railway was being constructed, the agent of a company would be here, and they could turn out these rails at a less rate than they could possibly be obtained in Canada. If the intention of the government is to help and encourage the establishment of steel rail factories in this country, let them put a duty upon steel rails at once—a sufficient duty to justify the investment of large sums of money which it would be necessary to expend to start such factories. I believe the iron industry, under the tariff that exists, and under the increased bonuses which these gentlemen have given, contrary to all their professions in political life—and if they would go a little further we would have these articles manufactured in Canada and sold in the market as cheap as anywhere else. Experience has shown that to be the result of the manufacture of iron in this country, and it is more than shown in agricultural implements and other articles. Where there has been a legitimate and fair protection given to them, they have given employment to the artizans and labourers of the country, and these machines can be purchased now in Canada just as cheaply as they can be purchased in the States or England. Even the principle has been adopted which they condemned so vehemently, of a drawback on articles that went into the construction of these machines in this country. Where the articles that went into the construction of any article and exported a drawback of the duties paid, this government has increased it to 99 per cent. I do not find fault with that, though the one per cent may not cover the cost of warehousing and going through other forms necessary to send the machines out of the country. I thought it was a good policy, and now they have gone so far as to put upon the statute-book another affirmation of the principles on which the late government acted so long in the protection of industry. That is the only point which strikes me in looking at this clause. There may be others equally inconsistent. A subsidy is granted for two miles here, and for a mile and a half in my own county. A subsidy is granted in the eastern townships for the sixty-sixth part of a mile and there is a provision put in the law that there shall be deducted from that whatever it will cost to the extent of three per cent of the subsidy for carrying mails. These clauses are delusive in character. I do not hesitate to say that they are put there for the purpose of deceiving.

Hon. Mr. MILLS—Order.

Hon. Sir MACKENZIE BOWELL—All those who have not given the attention and thought to this question that those having to deal with it in this House have to do cannot but come to the conclusion that it is a useless provision. My hon. friend shakes his head knowingly and wisely. He would never admit—I would not expect him to admit—that this was put in for the purpose of deceiving, but the probabilities are my hon. friend was not consulted in this matter. It is just as likely that he had as little to do with this absurd provision—for such it is—as he had to do with the Railway Act which is before us in which a question of law is dealt with. And we are asked to take the opinion of a member of the House of Commons on a measure which has never been submitted to the legitimate source from which we should receive our instructions affecting any questions of a legal character. It is just as well that those who have thoughts upon this subject should advance them. I hope my hon. friend from British Columbia is satisfied. His province is amply looked after in this, and why that subsidy is not given for an extension of the line from Nanaimo northward to the coal fields, to the northwest of Nanaimo, and to open up a certain section of country which could be opened up for settlement, I do not know. I sup-

pose that meets the approval of the people from British Columbia, for we do not hear so much talk about the rights of British Columbia as we used to when I was on that side of the House, and if they are satisfied I do not know why I should complain, except upon the principle that every province should be treated alike.

The further consideration of the Bill was postponed.

BILL INTRODUCED.

Bill (173) 'An Act respecting the Quebec Harbour Commissioners.'

The Senate adjourned.

SECOND SITTING.

The Speaker took the Chair at Three o'clock p.m.

Routine proceedings.

THE CASE OF AVELIN BOURASSA.

Hon. Mr. LANDRY—I wish to call the attention of the Minister of Justice to an item that has appeared in the newspapers to the effect that the Department of Justice has named a commission to inquire into the mental condition of a man named Avelin Bourassa, who was condemned to death lately in the city of Montreal. If the government is in a position to do so, I should like to be informed if such a commission has been appointed for that purpose.

Hon. Mr. MILLS—The papers in the case of Bourassa were forwarded to my department some days ago, but I have not considered this case nor shall I have the opportunity to consider it until parliament rises. I have not appointed any commission, nor do I yet know whether a commission will be necessary or not.

Hon. Mr. LANDRY—I have called attention to it because the papers had mentioned it, and it was looked upon that a commission was not necessary, as the minister says, because the mental condition of Bourassa now may be different to what it was at the time of the commission of the crime, and it would be only reopening the case, I do not know what was the report of the judge in that case.

Hon. Mr. MILLS—I have not taken the case up, and whether a commission will be necessary or not, I do not know. The department has never acted on the assumption that a commission is unnecessary because the present condition of a condemned man may not be what it was when the act for which he was condemned was committed. Therefore, commissions are frequently appointed to make inquiry, and always have been. This man's case, as reported to me, was that he had been in a lunatic asylum. The statement is that he woke up in the night and immediately strangled his wife.

RAILWAY SUBSIDIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (193) 'An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.'

Hon. Mr. LANDRY—I find in this Bill the following items:

38. Towards the construction of a railway bridge over the St. Francis River, in lieu of the grant under chapter 7 of 1899, at St. François du Lac, on the condition that the bridge, with approaches, be built so as to allow the municipalities to make use thereof, to establish and maintain a suitable roadway for the free passage of foot passengers, vehicles and animals, to be approved by the Minister of Railways and Canals, $50,000.

39. Towards the construction of a railway bridge over the Nicolet River at Nicolet, in lieu of the grant under chapter 7 of 1899, $15,000.

These works are in the counties of Yamaska and Nicolet, and form part of what is called the South Shore Railway. I wish to call the attention of the government and the public to this fact, that the South Shore Railway extends from Sorel to Lévis, and a part of the road that was subsidized last year extends from Sorel to Lotbinière, a distance of 82 miles. That was a revote. There is a revote for the line from Yamaska to Sorel, a distance of 11 miles. That portion is to receive the ordinary subsidy of $3,200 per mile, but it must be observed that that part has already been subsidized by the federal government, so that is the second time that the 11 mile section has been subsidized by this government. I also call the attention of the House to the fact that last January, Mr. Beauchemin, acting in the name of the South Shore Railway, acquired that part of the South Shore road from the Canadian Pacific Railway, that is to say, that

line from Sorel to Yamaska, for the sum of $25,000. The railway has been constructed twenty-five years, and that part has already been subsidized by the federal government and by the provincial government to the extent of $4,000 per mile, and by the town of Sorel to the extent of $40,000, and by the county of Drummond to the amount of $250,000, as forming part of the South-Eastern. These two last subsidies of $40,000 and $250,000 were voted for the South-Eastern Railway, so that that part of the South Shore road forming part of the South-Eastern received its share in that subsidy. More than that, from Yamaska to St. François on the South Shore Railway, just where the bridge is to be constructed, for which a subsidy is granted in this Bill, there is a distance of six and one-half miles of railway which already has received a subsidy from the federal government of $3,200 per mile, and from the local government of $4,000 per mile. It was built in 1887. From Nicolet to St. Gregoire, the distance is about nine miles, and that part of the railway which formed part of the Great Eastern, also received a federal subsidy as well as a local subsidy—the federal subsidy being $3,200 a mile, and the local subsidy, $4,000 a mile—so, on the whole, you have on that road of 81 miles from Sorel to Lotbinière, a distance of 26½ miles which has been already subsidized by the federal government, apart from the subsidies they obtained from the local government, and the town of Sorel and the county of Drummond. I call attention to these facts so that the government, if they feel inclined, will be able to give those subsidies to the other end of the line, and not subsidize the same parts twice.

Hon. Mr. MILLS—They are not.

Hon. Mr. SCOTT—It is the bridges only.

Hon. Mr. LANDRY—I am calling attention to the matter to explain that from Lotbinière to Lévis there is a part that has not been subsidized yet, and I ask that the parts the government have already subsidized be not subsidized again. They might use the subsidy voted to help the parts that need money. Such a distribution would further benefit the interest of the whole line.

Hon. Mr. MILLS—If the hon. gentleman will look at a subsidy Act of last year, he will find both items in that Act. They are revotes, not new votes. 'Towards the construction of a bridge across the Nicolet, $15,000; towards the construction of a bridge across the St. Francis river, $50,000.' These two amounts are the same as those mentioned last year. The only change is that the amount of $50,000, instead of being an estimate upon 15 per cent, is made an absolute sum in the appropriation of this year, and that is because the bridge, I understand, is a very long one, and will cost a very considerable sum of money, and they propose putting up a free passage for foot-passengers along the side, and the sum was made absolute on that account. But that is not a new vote, or a second vote to the same railway. It is a revote.

Hon. Mr. LANDRY—That is not my contention either. What I wanted to point out to the hon. minister is this, that the bridges for which a subsidy is granted form part of the general scheme comprised in the South Shore Railway. I am calling attention to the fact that if the subsidies of last year are not paid already on that road, the government should not forget that in the eighty-one miles subsidized last year, there are 26 miles which have been already subsidized once by the federal parliament, and they might in consequence devote the money appropriated for that part to another part which needs it, and which has not yet been subsidized, that is from Lotbinière to Lévis.

Hon. Mr. MILLS—I shall call the attention of the Minister of Railways to the statements made by the hon. gentleman.

Hon. Mr. CLEMOW—The observations made by the hon. gentleman from Stadacona show how impossible it is for the Senate to consider a Bill of this magnitude at so late a period of the session. As I have said on previous occasions, it is a pernicious principle to bring down those important Bills at a time when it is utterly impossible to give them the consideration they deserve. We cannot criticise this Bill. We have no time to cover three or four pages of these subsidies, or make any calculation as to the need of these projected lines in localities where they are situated. However, the government have been very liberal with these subsidies. I shall be glad to know whether there has been a fair distribution.

Hon. Mr. MILLS—Yes, I think so.

Hon. Mr. CLEMOW—I am not going to criticise the Bill, because it is utterly impossible to undertake a criticism on such short notice, and even if we did, we have no power to alter or amend the Bill. That is why we should have this information before us early, so that we could form an intelligent opinion on the subject. We are debarred from that at the present time, and only for the few observations made by the hon. gentleman from Stadacona we would not have been in possession of facts which, to some extent, have been explained by the hon. Minister of Justice. However, the government have taken this responsibility on their shoulders, and no one will accuse them of being any way remiss in granting public moneys in the way of railway bonuses. When they were in opposition, they railed at the government of that day for spending some thirty or thirty-five millions of dollars. Now, they spend 60,000,000 without saying a word.

Hon. Mr. MILLS—Oh, nonsense.

Hon. Mr. CLEMOW—There is no doubt about the fact. The sooner the country understands it the better it will be for this government or any other government. I am not saying whether the money has been wisely expended or not. Here they bring in an immense volume of accounts late in the session, and we cannot criticise them. I find, on casually looking over them, that a great many appropriations were made which were not made before. Whether they have been judiciously made it is utterly impossible for us, in this House, to give an intelligent judgment upon them; the government must assume the responsibility. I agree in toto with the sixth resolution giving the advantages to manufacturers of steel rails in this country to furnish the steel rails required for the construction of the railways. Three or four Bills were passed this session, incorporating companies with large capital for this particular work. I hope they will go into operation. This condition making it optional with the Minister of Railways to enforce the law, is pernicious. No such power should be given to any minister. Everything should be done by statute, and if these large concerns are to be stimulated, that one in Welland particularly, and also one in the county of Ottawa, the law should be unconditional. We have vast deposits of iron ore north of this city, and all that is needed to develop them is capital. I was told the capital was secured, and the mills were in course of construction. If that is the case, and steel rails can be manufactured in this country, the railway companies receiving bonuses from the government should be compelled to procure their supply of rails from these Canadian establishments on the conditions mentioned. The general principle is right, and cannot be controverted. If you want to stimulate those large manufacturing establishments, you must give them every facility in your power by creating a demand, and realize for them the benefit that such undertakings deserve. I want to draw special attention to the fact that the government have not thought proper to grant any subsidy or assistance towards the construction of the Ottawa and Georgian Bay Canal. I look upon it as the most important public work in this country. That is generally acknowledged. When we look at what happened at the Welland Canal last spring, we must all admit the sooner the Ottawa Canal is built the better it will be for the Dominion.

This canal can be built, and it will answer all the purposes of transporting the surplus products of the North-west to the seaboard better and cheaper than they could be transported by any other route. An endeavour was made to incorporate a company to build a railway from Toronto to Collingwood, to connect with large steamers, to obtain a portion of this trade. I do not find fault with that, I believe we have sufficient trade in the country to employ all the facilities we can create by rail or water. But the Georgian Bay Canal is a project by which the produce of the country could be transported cheaper, more beneficially and better than by any undertaking which has been suggested. But the government have not come down with any appropriation in aid of the project. The people in England are in earnest in this matter. They have raised $35,000,000, but the government have turned a deaf ear to it. They would not accede to the proposition by guaranteeing two and a half per cent after the completion of the work and after the $35,000,000 have been expended in this country. I consider that the expenditure of that money

alone would be a boon to this Dominion. During the five or six years which would be occupied in the construction of that canal the benefit to the country would be so great that we could afford to pay 2½ per cent on the investment for a long time to come. But everything savouring of the character of an Ottawa enterprise has been side-tracked. We have been side-tracked for thirty years. I think it is a great wrong perpetrated against this section of the country that ought to be benefited above all others. It is true we are all making the country what it ought to be, but we could utilize all our minerals in that vast region of country. We could utilize our water power by the construction of this canal better than by any other means. There is another matter which deserves some attention. We have been told from year to year that it was desirable to make Ottawa the Washington of the North. We were told that we were to get a large appropriation for the building of a geological museum. Parties waited on the government this session and we were told it would be attended to this year, but nothing has been done. They still leave the valuable museum in the place where it is, and the government could not replace it if it were destroyed. They come down with a long list of subsidies to various railways through the country, varying in length from two miles upward. They may be all right, or they may be all wrong ; but, if they are right, how much in the interests of the country can a small road of two miles be ? The government have not acted as they should have acted with reference to giving some assistance or subsidy to the people in England who are ready to undertake the construction of the Ottawa Canal and to bring this large amount of money out to this country for the general benefit of Canada.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. minister if the subsidies to which the hon. gentleman from Stadacona called attention, are in aid of portions of the South Shore Railway ? I do not ask that question in opposition to the grant. I ask it for information.

Hon. Mr. MILLS—The subsidies are for the two bridges mentioned.

Hon. Mr. LANDRY—Which form part of that road.

Hon. Mr. MILLS—Yes, but it was granted last year. The bridges were separate items.

Hon. Sir MACKENZIE BOWELL—They always are.

Hon. Mr. MILLS—And so they are in this Bill.

Hon. Sir MACKENZIE BOWELL—Is there a subsidy in this for the Quebec bridge ?

Hon. Mr. SCOTT—No, that is by statute, granted last year.

Hon. Sir MACKENZIE BOWELL—This clause with reference to the South Shore, for the completion of a line which has been partly built, is a provision with which I do not think the country would find any particular fault, because that is the line which ought to have been selected when the Drummond County Railway was purchased. But it is another evidence that the Premier has to a certain extent, in this case fulfilled his pledge. He pledged himself at the Nicolet election that certain subsidies should be given, and although it has taken two years to get them, yet it will be a gratification to those interested in the road to know that the pledges have been fulfilled at last.

Hon. Mr. MACDONALD (P.E.I.)—These bills for granting subsidies to railways I think are objectionable measures. They are carried by a species of log rolling. People make an application to parliament for a charter to enable them to build a road in some section where they suppose they can obtain some assistance from parliament. They say that a road in the eastern section of the Dominion is required. They find another person from the west that wants a road under similar circumstances. They find another to the north, and another to the south, and by combining their forces they compel their representatives from the different sections to support such a measure in parliament and to get them a subsidy for a road which perhaps, under other circumstances, would not deserve a subsidy at all. That is the mode in which those subsidies are forced upon one government after another, and I believe it would be in the interests of the country if a Bill similar to this were thrown out by the Senate of Canada. It would put the system that is now in force

on a much better footing than it is at present. We have now granted perhaps some fifty millions of money, between forty and fifty millions of money since the power was given to the government of granting subsidies to railways. That is a very large sum of money, and I doubt very much whether the benefit to the country has been equivalent to the expenditure. We know that many of these roads are not built in the general interests of the country, but that they are sectional. They are such roads as should be bonused by a particular locality; they are not deserving of subsidies from the Dominion government. It is, I think, a very vicious principle also that is embodied in this Bill, that if a road costs more than $15,000 a mile it is to receive $6,400 a mile, whereas the general amount allowed as a subsidy is $3,200 per mile. There is an inducement in that for parties to increase the cost of the road beyond what is probably a reasonable amount for building a road in many localities in this country, and I do not think that it is a wise provision either. Then we are told that there is a charge made of 3 per cent against these companies and that that is taken off only when the government send mails or employ the road for any purpose. It must be evident to hon. gentlemen that on many of these roads mails will never be sent. They are not localities where mails would travel by such roads. They are in some places where they parallel existing lines, and it is unreasonable to suppose that the government would require to send mails on two roads which run parallel from the same point, and terminate at the same point. That, I think, is an improvident provision in this Bill, as it has been in many others. We know that there has been an immense amount of money invested in railroads in this country, that the amount contributed to railways through the parliament of Canada, through local grants and by the provincial legislatures amounts to $200,000,000 up to the present time. It is an immense sum of money, and it is a question whether the benefits conferred by those railways are at all equivalent to the amount that has been advanced for the purpose of building them. Some of those roads do not pay the promoters in any shape or form. Some have been abandoned, and some are not able to maintain trains running over them, and I think that when applications are made to parliament for subsidies for railways we should have in each one of those cases before us a report, showing the requirements of that section of the country in which it is proposed to build the road, showing whether it is going to be any benefit after it is built, so that we would be able to vote intelligently on the different items that are contained in the Bill, even if we cannot amend the bill by striking out any one of them. We might find that so many of them were objectionable that it would be advisable to throw out the Bill altogether.

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

DOMINION ELECTION LAW AMENDMENT BILL.

HOUSE AGAIN IN COMMITTEE.

The House resumed in Committtee of the Whole, consideration of Bill (133) 'An Act to consolidate and amend the law relating to elections of members of the House of Commons.'

(In the Committee.)

Hon. Mr. MILLS—I move that the following be added as clause 23a:

In any polling division, or any electoral district in the province of Quebec, in which there is no voters' list, any person qualified under the franchise law of the province of Quebec to have his name placed on such voters' list, were there such a list, shall be entitled to vote in such polling division upon taking the oath in the form U in the first schedule to this Act.

Hon. Mr. LANDRY—Is that the introduction of a judicial system where a man is made judge, jury and witness?

Hon. Sir MACKENZIE BOWELL—I hope the hon. minister will not persist in that motion. The more I think of it, the more I am inclined to think that it would open the door to fraud which it would be impossible to prevent. If it were to be adopted it ought to be adopted with all the safeguards which surround the voters' list in the province of Prince Edward Island. There exceptional legislation is necessary in order to meet the case of no voters' lists. If it is to be enacted at all, it should not apply exclusively to one province. It should be equally applicable to all provinces, and if

you provide for that, then you give the franchise to a large class of people that are now disfranchised and have no representation in this House. Take, for instance, the Klondike; there are thousands of people there who belong to the different provinces. They are deprived of their franchise. There is a section of the country which pays into the revenue, if we are to accept the statement of the Minister of Finance, between $3,000,000 and $4,000,000 annually, without representation or the right to vote. If that section of the country had been given the right of representation in parliament, or if provision had been made to give them the representation in parliament at the next election, or if there had been any provision to enable them to record their votes, there might be some reason for this, but here is a special clause, for a special purpose, and for an individual province. If there are unorganized districts—and I think there are not so many as there used to be—in the province of Ontario, it should apply there also. The Nipissing district, as far as my recollection serves me, includes the unorganized portions of that part of Ontario which was not embraced in any constituency prior to the last distribution of seats, and whether that applies to the whole of that district termed new Ontario—that is the Rainy River district, and the whole of that portion of western Ontario—I am not sure. I have another reason: I am very anxious to see this Act go into force. I think it is a very great improvement on the old law. It remedies many defects in the other, and I would not like to see anything put in the Bill at this stage which might endanger its being carried, but I think they will find a very strong and long opposition to this clause.

Hon. Mr. MILLS—I do not think so.

Hon. Sir MACKENZIE BOWELL—My information is to the contrary. It may not be from the ministerial side, many of whom have an object in having that placed upon the statute-book, but there are others who take decided objections to it, and I think it is exceedingly dangerous if this House is going to carry it. If it is carried, it should be surrounded with all the safeguards for investigation afterwards and for inquiry as in the case of Prince Edward Island.

Hon. Mr. MILLS—My hon. friend is assuming that the Prince Edward Island amendment is carried. The Prince Edward Island provisions are, in my opinion, extremely objectionable, because they provide for a scrutiny without the security that the law intended to give those who contested the elections. They are absolutely without security, and, so far as this is concerned, there will be the same opportunity for calling in question the votes that there would be on a scrutiny in any other portion of the Dominion. We are making exactly the same provision that was made in the North-west Territories. Here are certain districts that are without municipal organization in the North-west. In the unorganized districts of Ontario, provision is made for the preparation of a provincial voters' list, and so they are on the list, but in certain portions of Quebec they are not on the list. They have the necessary qualifications. They ought to be permitted to vote, and we are taking all the necessary precautions that can be had in a district of that sort, and that is requiring a party to take the oath that he possesses the qualifications under the provincial law if he were upon the list to vote.

That, I think, is a proper provision. In the North-west Territories Act it is provided that, the deputy returning officer shall, while the poll is open, if required by an elector, whose name is not on the list, administer to such elector the oath prescribed in the Act, and the name is then added to the voters' list. They have a list, but one which does not contain all the names. Now, we propose to take, in the province of Quebec, exactly the same security that is taken there. There is no difference whatever between the provision in the North-west Territories and that in the province of Quebec. I understand in one electoral division in the province of Quebec, there are at least 500 persons, who, without this provision, would be disqualified.

Hon. Mr. LANDRY—That is half the number mentioned on Saturday?

Hon. Mr. MILLS—I am giving the number in one division, I did not say one division on Saturday.

Hon. Mr. LANDRY—Another hon. gentleman did. He said there were a thousand.

Hon. Mr. MILLS—He spoke about that number being on the north of the St. Lawrence River, but he did not say in one division.

Hon. Mr. FERGUSON—Will the hon. gentleman kindly tell us when the North-west Territories Act to which he has alluded was passed?

Hon. Mr. MILLS—In 1886. It will be found in the revised statutes, chap. 7.

Hon. Mr. FERGUSON—There is more recent legislation in the Territories than that.

Hon. Mr. MILLS—Not with respect to the voters' lists. The voters' lists are prepared after the writ issues, and in some cases the names of parties may be omitted, but they are not disqualified because they were omitted. They are entitled to come to the poll and take the oath. In some districts of the province of Quebec we are giving to parties in those constituencies, who would be entitled to have their names on the voters' lists if there was any voters' lists, the privilege of voting as an elector may do in the North-west Territories—come forward take the oath, swear in his vote, and then have his vote recorded. If upon a scrutiny, or a contested election, it is found that these persons were not entitled to vote, then of course, they would be struck off the list of voters.

Hon. Mr. FERGUSON—My hon. friend was reading, I understand, the federal law for the representation of the Territories.

Hon. Mr. MILLS—Yes, section 44.

Hon. Mr. FERGUSON—What we are dealing with owing to the policy of my hon. friend and his colleagues, is the provincial law, I thought when this government came in we were doing away with the federal law establishing a franchise.

Hon. Mr. MILLS—We are not establishing a franchise under this.

Hon. Mr. FERGUSON—I thought we were falling back on the provincial laws.

Hon. Mr. MILLS—So we are.

Hon. Mr. FERGUSON—My hon. friend says what we are proposing to do in this case is exactly what is done in the Territories. I have not had time to refer to the federal law of the Territories, but I know in the territorial law for the conducting of elections—and I apprehend a good deal of that Act was applicable to the federal elections as well—when a man presented himself at the poll and offered to vote, if his name was not on the list, (and I think even if it was on the list), he proferred his name to be put on the list, and it was then open to objection. When the ballot was handed to him and he returned with it after marking, notice was served on him to appear before the board of revisers if the vote was objected to. All those safeguards are in the territorial Act. I looked them over very carefully, and I know what I am speaking about, because I studied the question very carefully in the early part of the session. When I found some provisions were introduced in the other House by the Solicitor General providing where no voters' lists were that such-and-such things should be done, and that I understood was to be applied to the Territories and unorganized parts of the provinces. I accordingly took up the territorial law of the North-west, and there I found that they have a system almost identical with what we are introducing in the federal law relating to Prince Edward Island. A man comes up and votes. If his vote is objected to, he is served with a notice, and the ballot is initialled and placed in an envelope, and he is served with a notice to appear before the board of revisers, consisting of the deputy returning officer and a magistrate, and if it is thought this board does not do justice, there is an appeal to a judge. All these provisions are in the territorial law—I am speaking of the law in a provincial sense, and what this government adopted as their guide is the provincial franchise. Now, the government are falling back on the federal law in the North-west Territories as their guide for what they are to do in the province of Quebec. When the Franchise Act was introduced two years ago it provided for Prince Edward Island what is proposed here, that a man could go to the polls, and if he took a certain oath, or oaths, a ballot was given to him, and that ballot went into the box, and there was an end of it; it was counted whether right or wrong. I was simply appalled at that proposition. I knew the danger that would arise in Prince Edward Island, and if there was danger in

Prince Edward Island from such a proposal as that, how much greater would the danger be in unorganized districts, in very remote parts, where very unsettled conditions prevailed, where there are no municipalities, and it is very hard to exercise a proper and legitimate control. Under this amendment now proposed, plainly the government of the day can appoint a returning officer. He may be a good man or he may not. We have heard of Duncan Boles.

Hon. Mr. MILLS—I have heard of a good many other toughs besides Boles.

Hon. Mr. FERGUSON—Then the greater danger if these characters are more common than I thought they were. A returning officer, whether he is good or bad, is sent there, with almost unlimited authority. There is no law so far as I know to control him. A party comes up and takes the oath and he comes back with votes enough from that part of the country to swamp the vote in the old established parts of the constituencies. I am supposing an extreme case, and we know from our experience in other parts of Canada that we are not speaking of an impossible case. With no remedy, or possibility of scrutinizing whether those men have votes, and no safeguard but their own willingness to take the oaths, you are able to go to these unsettled districts of the country and gather in votes to swamp the vote of the older parts of the country. I do not think we are called on to do this at such a late hour of the session. The government could not have been oblivious of the fact that there were unorganized districts without municipal government in the early part of the session, and it was their duty to have put in the Bill some provision, and they did not do it; but here, at the very last moment, when we have not the time required to carefully study it out, we are asked to adopt this provision. Our friends of the government claimed that they are adopting the provincial franchise. The province of Quebec has not, it appears, thought proper to take the vote of those unorganized districts, and those votes, as a fact, were not counted or recorded in 1897, and I cannot see why we should now, at this late moment of the session, without being able to provide the necessary safeguards, do what the province of Quebec in its wisdom did not deem fit to do, with regard to the votes of these people; and as the leader of the opposition remarked, I do not see why we should have more solicitude about these people in the unorganized districts of Quebec than we have about the people of the Yukon. I called attention early in the session, to the fact that the British subjects who would be entitled to vote in that country were being denied the franchise, that there was no provision made to give that important part of the Dominion representation in parliament. I called my hon. friend's attention to it, and at a more recent period we saw the Toronto *Globe* took the question up and pointed out that there were over twelve hundred British subjects who would be entitled to vote, within the environs of Dawson alone. Some consideration should have been given to these people.

Hon. Mr. MILLS—That is not the point before us just now. Mr. Chairman, the question is this amendment.

Hon. Mr. FERGUSON—I am dealing with this amendment.

Hon. Mr. MILLS—My hon. friend is not.

Hon. Mr. FERGUSON—I am pointing out by way of analogy that if the hon. gentleman is so solicitous to gather in the unorganized votes in Quebec he should have shown the same solicitude for the inhabitants of the Yukon who are more numerous, and occupy a much more important part of the country in the way of producing revenue, giving employment and creating wealth. I claim that there should have been provision made for its representation, certainly, before we propose doing such an extraordinary thing as we are asked to do by the government in this Bill now before us. If my hon. friend was prepared to throw all the safeguards around that vote, that we have been able to throw round the vote in Prince Edward Island, well and good. If he is prepared to take the matter up in that way he will have my support, even if I have to stay here some days, but I think, at the same time, he should take the Yukon into consideration, and if he is going to take care that all the people of this country are to be represented, he should see that the people of the Yukon are represented at the same time. If he will do that, I, for

one, am prepared to remain for days if we can give those people the right to vote, and throw the necessary safeguards around our action. But I cannot see how we can do so at this late period of the session—certainly not under this proposal—a bald proposition, that these deputy returning officers, appointed, as we know they will be, under the influence of the government of the day, can go into that unorganized territory and hold polls in any way that may seem fit and right to them, and give ballots to every one who comes up and takes the oath. They are away beyond the reach of law, I may say, and as I have already said, all conceivable danger lies in such a step as that. The government of the day and the deputy returning officers will have everything in their own hands, and there can be no doubt the effect will be most serious. I fail to see that this committee will be justified in adopting such an extraordinary proposition as this, so late in the session, and without having an opportunity of knowing what they are doing.

Hon. Mr. POWER—I fail to see this in the way the hon. gentleman does. I gather from his speech that he is prepared to accept a proposition of this kind if applied to the Yukon.

Hon. Mr. FERGUSON—I did not say so.

Hon. Mr. POWER—I should like to know what proposition the hon. gentleman was prepared to make for the Yukon ?

Hon. Mr. FERGUSON—My proposition was made early in the session, that the government should give representation to the Yukon and bring it in under the law the same as the rest of the country.

Hon. Mr. POWER—I cannot see how it would be practicable to provide a scheme to give representation to the Yukon. In the first place, the region is almost inaccessible at the present time. The great bulk of the population in the Yukon are not British subjects. It may be true——

Hon. Mr. LANDRY—I think the hon. gentleman is out of order.

Hon. Mr. POWER—I think it was maintained that the hon. gentleman to whom I am replying was in order. It must be borne in mind that twelve hundred voters do not constitute a unit for the purpose of representation. You have to throw the Yukon, I suppose into British Columbia, and that would be rather an impracticable thing. Then, again, you have in the Yukon a very considerable foreign population who would be very likely to attempt frauds upon the election law, and until things become more settled there, I think we had better wait. With respect to unorganized districts in the older provinces, it is altogether different. The population who will be disfranchised, if some such amendment as this is not made, are not foreigners—they are not adventurers, but farmers and fishermen, who have been living on the north shore of the St. Lawrence River for generations—they and their ancestors—and the hon. gentlemen from the province of Quebec as I understand it now, are prepared to vote that these men shall be disfranchised—decent, honest, truthful men as a rule. If one of these men comes up to vote, and is prepared to swear that he is qualified, the hon. gentleman from Marshfield thinks that he should not be allowed to vote. The hon. gentleman did not think so in 1886, as the Minister of Justice has pointed out. In that year the Conservative government made a provision for the North-west Territories, where there was more of a floating population than there is in the lower St. Lawrence, where there is no floating population. Section 44 provides :

> The deputy returning officer shall, while the poll is open, if required by any elector whose name is not on the voters' list, administer to such elector oath number one in the said form P, and such oath having been taken, the deputy returning officer shall at once cause the elector's name to be added to the voters' list, with the word 'sworn' written thereafter.

Form 'P' is not nearly as elaborate a form as the one prescribed by the amendment moved by the hon. Minister of Justice. The form is simply this :

> You do swear that you are a bona fide male resident and householder within this polling division of this electoral district, that you are of the full age of twenty-one years, that you are not an alien or an Indian, and that you have resided in this electoral district for at least twelve months immediately preceding the date of the issue of the writ for this election : So help your God.

Upon taking that oath the man was allowed to vote. I do not see why we should treat the lower St. Lawrence any worse than the North-west Territories were treated.

Hon. Mr. MILLS—About all that need be said has been said on this question. The hon. member from Marshfield has stated what the local law in the North-west Territories is, but the local law of the North-west Territories is not the law on which the people have voted for the return of members to the Dominion parliament. The hon. gentleman was in parliament when the federal statute was adopted, and when it was continued in force. That is the only protection, and he says now in the province of Quebec, the population of the lower St. Lawrence are such rascals that they cannot be trusted, that they will perjure themselves, and that all sorts of frauds will be committed.

Hon. Mr. FERGUSON—I said the door was open.

Hon. Mr. MILLS—Yes, and the hon. gentleman voted to open the door. The hon. gentleman supported this law for the North-west Territories that I propose shall be applied to those portions of the electoral districts of the province of Quebec that have not, under their local law, any voters' list. The hon. gentleman says we are proposing to depart from the provincial franchise. We are not. We are adopting the provincial franchise, and we are requiring a voter to take the oath when he comes forward to vote, that he is qualified, under the provincial law, to vote after his name is on the list.

Hon. Mr. LANDRY—You are making the law for the province.

Hon. Mr. MILLS—Yes, because there are none made. But, there were none in the North-west for those who were to come and swear in their votes. There was provision to put their names on the list when they swore. There is no need for that in the province of Quebec, because the poll-book will constitute such a list. It is unnecessary to state anything further. I am proposing nothing further in regard to the Bill, and I ask now that the committee adopt the amendment.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. Minister of Justice did justice to the gentleman who preceded him. The hon. gentleman from Marshfield made no charge or insinuation against the individuals who would be asked to vote. What he did say, and I fully concur, is that power might be given to parties who, after taking their votes, would induce them to do that kind of thing—I am not speaking of one part of the country more than another—if you thought you could carry a constituency by a little sharp practice of that kind, I doubt not there are men belonging to both parties who would do it. The position we took, and the position that I took in the first place, was that we should try to frame a Bill to meet all cases, to stop fraud by both parties. I am dealing with the general question. I think the proposal in this Bill is a very dangerous proposition. It only shows another difficulty arising in trying to graft upon the Dominion franchise law all the different Acts that existed in the different provinces. It would be very easy to get over all these difficulties if we just had a franchise Act of our own. That the government has decided against. After the repeal of the Dominion Act, what I supposed was going to be done, would be to put the Dominion law in precisely the same position it was prior to the adoption of the Dominion Franchise Act, and that was, after confederation, there was a provision in the law that the voters' lists which could be used at the different elections should be those which were used in the province. All we had to do then, when an election took place, was to take the lists as we found them, and we knew when we were supervising those lists that we were doing it for the Dominion parliament as well as for the local, and there was no interference with them. We took them exactly as the provinces had them. That would remove all these difficulties. I think the whole principle on which we are acting is wrong. A body like ours should have a distinct and positive franchise for themselves, but that not being the case, let us have the least troublesome and the least expensive one possible; and in that way we avoid all these extra clauses to deal with exceptional cases. The people whose case we are discussing now, have no vote. That occurs in other parts of the country as well as in Quebec.

Hon. Mr. LANDRY—I wish to call the attention of the Minister of Justice to a few facts which might change his mind. The first one is, that he is taking a great deal

more interest in making electors in the province of Quebec than is taken by the province of Quebec itself. He wants quite a number of new electors to secure the counties of Saguenay and Chicoutimi at the general elections, and for that purpose he is trying to make a few more votes. But does he know what happened in the past? There was a list made for that division, in 1896, when the Dominion electoral list was in force. Parties in that part of the country were put on that electoral list, and what occurred? I have here the report of the last general election, and what do we see? From Shelldrake and Magpie, two settlements of that unorganized territory no report was received as we may see by the following remarks of the Clerk of the Crown in Chancery:—

No statement of polls received from the deputy returning officer of these two polling divisions. With the consent of the candidates and their representatives, the addition of the votes cast at the election was made regardless of those two missing divisions, as they could not affect the final result of the election.

Hon. Mr. CASGRAIN (de Lanaudière)—What was the result of the election? What was the majority of the Liberal candidate?

Hon. Mr. LANDRY—The majority was 1,086. I do not see that a man who has such a majority as that need go to such a length to try and get a few more votes. Will the hon. gentleman, who is so well posted, answer this question: Are those part of the country in the county of Saguenay or in the county of Chicoutimi?

Hon. Mr. CASGRAIN—In the county of Saguenay.

Hon. Mr. LANDRY—Will the Speaker assert to-day that those people voted on the Dominion list in the last general election?

The SPEAKER—I wish to correct the statement I made last Saturday. I was under the impression they had voted, but immediately after the sitting I informed the leader of the opposition that I had made an incorrect statement, that I have been misinformed, that they did not vote in the local election, because there was no organized municipality.

Hon. Mr. LANDRY—The hon. gentleman from de Lanaudière (Mr. Casgrain) says that these unorganized territories are in the county of Saguenay.

Hon. Mr. CASGRAIN—I understood they were.

Hon. Mr. LANDRY—Why did the hon. gentleman say they were? Are they in the county of Saguenay or where?

Hon. Mr. CASGRAIN—Either Chicoutimi or Saguenay. The two counties are united for electoral purposes. There are no other counties east, so that Chicoutimi and Saguenay take the whole of that territory. Saguenay extends as far east as the province of Quebec goes, and the unorganized districts are in either of those counties.

Hon. Mr. LANDRY—I agree with the hon. gentleman, but what is the question now? Are they unorganized territories? Here is the municipal code of the province of Quebec, and what does it say? It says:

Every territory erected into a county, at or after the time when this code comes into force, for the purpose of parliamentary representation in the legislative assembly of the province, constitutes by itself a county municipality, under the name of 'The Municipality of the county of'—

So what they call unorganized territories, are embraced in an electoral division, in a municipal county. Further on the code provides:

The inhabitants and ratepayers of such territory so governed by the county council and its officers are alone subject to all municipal obligations arising either from the law or from the municipal acts in force therein, in the same manner as if such territory was organized into a municipal corporation.

Hon. Mr. MILLS—That does not touch the question whether they have a voters' list or not?

Hon. Mr. LANDRY—They are bound to have it, based upon an assessment roll, made by the county officers—does the hon. minister say no? He dare not say no.

Hon. Mr. MILLS—Oh, yes, he dare say what he likes.

Hon. Mr. LANDRY. Well, let the hon. gentleman say no. The hon. minister, in talking of the province of Quebec and its municipal organization, does not know all the facts.

Hon. Mr. MILLS—Neither does the hon. gentleman.

Hon. Mr. LANDRY—What one do I not know ?

Hon. Mr. MILLS—Many. They are too numerous to mention.

Hon. Mr. LANDRY—What one ? Mention one. Section 43 of the code is as follows :

The members and officers of the council of the municipality to which a territory has been annexed, in office at the time of the annexation, remain in office, and form the municipal council, or are the officers of the whole municipality as constituted after the annexation.

This regards annexed territories which are taken from the unorganized territories. Such officers act under the jurisdiction of the county council, and that council has all the proper officers to make an assessment roll and prepare the municipal lists and the provincial lists, and that duty is imposed on them. More than that, and this is a fact to which I call the attention of the hon. minister—a Bill was presented during this parliament in the House of Commons by one of the supporters and closest friends of the government of the day, Mr. Carroll, and what was this Bill :

An Act to amend the Franchise Act, 1898.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Section 9 of the The Electoral Franchise Act, 1898, is amended by adding thereto the following subsection :—

'2. Where, in the province of Quebec, the voters' lists for a territory not as yet organized as a municipality have not been prepared and revised under provincial or local authority, the Governor in Council may appoint all necessary officers and confer upon them all necessary powers for the purpose of preparing and giving effect to the voters' lists in such unorganized territory; and in the preparation and revision of such lists such officers shall be governed by the law regulating the franchise in the said province in reference to the qualification of voters; such qualification shall be based on the assessment roll or any other information at their disposal; and such officers shall, on receiving notice of their appointment, take the oath of office and proceed forthwith to the preparation and revision of the said lists, by posting up eight days at least before so proceeding, a public notice of the day, place and hour for such preparation and revision; and a copy of the list so prepared and revised shall be posted up during eight clear days, at the expiration whereof it shall go into force, unless appealed from as provided by the franchise laws of the said province.'

By this Bill provision was made to obtain lists where lists were wanted. Why did not this Bill go through ? Why did not the government take up this Bill when the electoral law was discussed in the House of Commons ? It was thrown aside, though containing much better provisions than the one suggested here. At the last day,—in the expiring hours of this session, here is an amendment, drawn in such a way that the minister could not say what it meant, and those provisions are pressed on us and we are asked to do what ? To enable the government to create, he says, five hundred electors in one county to retain the present member in his seat in parliament. The electors in that part of Saguenay have never voted, not even in the last election. They are scattered over a distance of more than 600 miles in length, and it is quite impossible to record the votes of those people. The only thing that could be done, and what the government are trying to do, is to have the people vote without qualification at all, and find out after the election what votes shall be struck out and what shall remain. That would undoubtedly bring on a controverted election. It cannot be otherwise if the proposition of the hon. Minister of Justice is acceptel. There is a difference between Prince Edward Island and the province of Quebec. Prince Edward Island has no electoral lists at all, and, if I understand aright, has manhood suffrage, so every person living in certain parts of Prince Edward Island has a right to vote. It is not the same thing in our province. We are not under manhood suffrage, but under the franchise of the province of Quebec, and if those people come up, they will be their own witness, their own jury and their own judge. They will do the whole thing themselves, and there will be no one to contradict them. A man will say 'I am an elector. I judge I have the proper qualification, I decide that I have, and I record my vote. That is the way they are going to be dealt with in the province of Quebec. I think this legislation is an infringement upon our provincial rights. You have no right to come and qualify those people when the province itself does not interfere and does not think proper to give them the proper qualifications to vote for even the local legislature. When they are qualified to vote for the provincial elections, then you might take their vote for the Dominion, but as long as the province itself does not think proper to take the means to give those people the right to vote, I do not see why the Dominion should come with this legislation and open the door to all possible and probable frauds ?

Hon. Mr. DeBOUCHERVILLE—I have not seen this amendment. Is it printed ?

Hon. Mr. MILLS—I thought that this amendment had met with the approval of my hon. friend opposite.

Hon. Mr. DeBOUCHERVILLE—I cannot agree to that amendment for reasons which I will give. I voted with the Conservatives when the late government brought in a Bill by which the franchise was to be decided by the local government. I thought in each province the government would understand better what were the reasons why a man should have a vote, and it has been shown that in Prince Edward Island, the conditions are not the same as in Quebec, and they are not the same in British Columbia as in Quebec, and so on. Therefore I think I am consistent with the vote I gave then, believing that the local government ought to be the judge of the qualifications of the electors, and that seemed to be at the same time the opinion of the government when they brought in their Bill. What are they doing now ? This amendment means simply that the local government is not fit, or is not willing to do what they ought to do. We are taking their place after declaring that the local government is the government to decide upon the qualifications of voters.

Hon. Mr. MILLS—No.

Hon. Mr. DeBOUCHERVILLE—Certainly. The government of Quebec has not found it necessary to give a right to those people that live in unorganized parts of the country to vote, and they ought to be the judge. The federal government ought not to interfere ; after the provincial legisture has decided we ought to accept their decision.

The committee divided on the amendment, which was lost on the following division :

Contents, 13 ; non-contents, 17.

Hon. Mr. LANDRY—Before the committee rises I should like to bring up a matter on which I may have been misinformed ; I was given to understand that the hon. gentleman from Brockville had paired and now he has voted.

Hon. Mr. FULFORD—I had paired with Mr. McLaren up to to-day. He offered to pair and I wrote a letter some time ago accepting it. I suggested to him to make the pair good for the balance of the session, and he wrote back and said no, that he had promised to be here on Monday.

Hon. Mr. LANDRY—I received the telegram to-day from the Hon. Senator McLaren that he had paired with Mr. J. T. Fulford.

Hon. Mr. FULFORD—The pair was till Monday.

Hon. Mr. LANDRY—To-day is Monday.

Hon. Mr. FULFORD—Until to-day, but not including to-day.

Hon. Mr. LANDRY—Does it not include it ?

Hon. Mr. FULFORD—It was not Senator McLaren's intention at all, because he telegraphed back declining to include to-day. He answered : ' I cannot pair for the balance of the session, because I promised to be in Ottawa on Monday.'

Hon. Sir MACKENZIE BOWELL—It is well to have the explanation, because it was understood the pair had been made. The Hon. Senator McLaren came to me and said business required his presence in North Carolina in connection with some mining operations he had there and he said : ' Will it be all right if I pair with Mr. Fulford ?' and I said all right, because I thought neither of the hon. gentlemen would be here.

Hon. Mr. FULFORD—His telegram stated until Monday. He could not accept it for the balance of the session, because he had promised to be here to-day.

On clause 41,

Hon. Mr. BAKER—Before the committee rises, with the permission of the hon. Minister of Justice, I desire to return to the consideration of subsection *e* of clause 41 with respect to which a suggestion was made, and practically acquiesced in, but owing to an accident when the clause was reconsidered it was not inserted. It was to insert after the word district in the 28th line, ' and a certificate of the number of ballot papers so furnished.' It is for the purpose of better securing against the danger of switching ballots. The effect of it will be to promote a greater efficiency and prevent as far as possible the perpetration of any

fraud. It will not complicate matters in the least.

Hon. Mr. SCOTT—I thought it was inserted before. It will do no harm.

The amendment was agreed to.

Hon. Mr. YOUNG, from the committee, reported the Bill with several amendments, which were concurred in.

The Bill was then read the third time and passed under a suspension of the rules.

RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (132) 'An Act to amend the Railway Act.'

On clause 12,

Hon. Mr. SCOTT—All the clauses except clause 12 have been carried, and I propose the following amendment to clause 12:

Provided always that nothing in this section contained shall interfere with any judgment now existing against any railway company upon which final process may have issued authorizing the sale of said railway.

That would not interfere with the suit said to be proceeding against the Baie des Chaleurs Railway.

Hon. Mr. THIBAUDEAU (Rigaud)—I must object most strenuously to this clause and the amendment. This is a clause specially directed against one railway in Quebec, and the province of Quebec does not want any interference by Mr. Blair or any other Minister of Railways. When it comes to the third reading, I shall decidedly object.

Hon. Mr. SCOTT—I understand there is a second railway in the eastern townships that requires this legislation.

Hon. Mr. THIBAUDEAU (Rigaud)—That is the sequel of the intrigues in the House of Commons. The government will not pass that Bill as long as I am here.

Hon. Mr. LANDRY—I should like to know from the hon. Secretary of State what is the other railway.

Hon. Mr. SCOTT—It was a railway in the eastern townships.

Hon. Mr. LANDRY—I thought the hon. gentleman first said New Brunswick. This morning it was New Brunswick and now in the eastern townships, and to-morrow it will be in the Pacific Ocean.

Hon. Mr. SCOTT—I asked the Minister of Railways what other railways were affected by it. I believe the Baie des Chaleurs Railway was affected. He said there was another railway in the province of Quebec. Whether this railway enters the province of New Brunswick I am unable to say. I asked the minister where the railway was situated. He said in the province of Quebec. I have only his word for it.

Hon. Sir MACKENZIE BOWELL—Perhaps it is the one to which I called attention when the government was subsidizing again.

Hon. Mr. SCOTT—I do not know.

Hon. Mr. MACKENZIE BOWELL—I object to the clause because it is sectional. I do not think we ought to legislate in that way.

The committee divided on the amendment, which was lost on the following division:

Contents, 13; non-contents, 15.

Hon. Sir MACKENZIE BOWELL—The whole clause is gone now.

Hon. Mr. BAIRD, from the committee, reported the Bill with an amendment, which was concurred in.

JUDGES OF PROVINCIAL COURTS BILL.

AMENDMENT INSISTED ON.

Hon. Mr. MILLS—I move that the Senate do not insist on the amendments made by them to Bill (189) 'An Act to amend the Act respecting the judges of the provincial courts.'

Hon. Sir MACKENZIE BOWELL—The motion put by the hon. minister would be tantamount to the rescinding of the motion which was carried, striking out the clause providing the salaries for the Quebec judges. I confess for some little time I was somewhat in a quandary to know whether we had done right or not, considering the opinions expressed by members in the lower House, but upon reading very carefully the whole of the debate in the House of Commons, and also looking at precedents to

which I will call the attention of the House before I resume my seat, I have come to the conclusion that the course pursued by the Senate is strictly in accord with past precedents, and that we are justified in what we did, as the Senate was justified by rejecting such proposals in the past as have been introduced here during this session in the Bill which we are now considering. Apart from that, there is one thing that probably might have induced us to accept the suggestions of the Commons, did we consider the courteous manner in which the question is treated by the ministers and their followers. A question of this kind, of a constitutional character, should be approached with some little degree of moderation, without appealing to the passions of any race or any section of the country. Unfortunately, that has not been the case in connection with this measure. The first compliment paid to the Senate, in moving the rejection of the amendment made by the Senate, was by the first lieutenant of the Minister of Justice, the Solicitor General. I find in the report of his speech some very interesting statements; among some of them was one referring to this body in the following language:

> I would almost say it is the duty of the Senate, constituted as the present Senate is, that institution which is the haven of rest for the rejected of the people, that they should be deaf to the people.

I do not know why a statement of that kind should be made by a gentleman who occupies the second position to that of my hon. friend opposite, more particularly when we consider his chief is one of the defeated, whom his sub sneers at.

Hon. Mr. MILLS—It is highly irregular to discuss in this House the debates of another House.

Hon. Sir MACKENZIE BOWELL—Then I shall not refer to the debates in the other House. I will speak of what I see in the public newspapers. My hon. friend is strictly correct, but we have not been in the habit of confining ourselves to this rule.

Hon. Mr. MILLS—We are a lawless body.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman. I only wish our Speaker had the same power that the Speaker of the other House has, to call us to order when we transgress the rules. We would get through with business more quickly. Here we find it publicly stated that the Solicitor General denounces this House because he thinks it a refuge for the defeated of the people. When I look at the number who have been brought to this House since the present government came into power, I could not help regarding it as an astounding denunciation by a subordinate of the leader of the Senate and many of his supporters. The hon. gentleman may retort that we did the same thing. We did, and I approve of it. Take a gentleman like the hon. leader of the House, who has had twenty or thirty years' experience: if when removed from the turmoils of the political atmosphere that surrounds the House of Commons, why should he not be translated to this Chamber, with his judicial mind and ripe experience, it would be a benefit to the country, and it seems strange that the Solicitor General should rise in the House of Commons and denounce the Senate as a refuge of those who have been defeated. When you come to consider it, you will find that a large proportion of the hon. gentlemen who have been made senators since the present government came into power are gentlemen who have been rejected by the people. We will begin first with the Hon. David Mills, of Bothwell. I have already said what I think of that gentleman. Let me say a little more; I have reason to believe that he never sought this position. I believe the position sought him, and for this reason, the government of the day thought they wanted somebody with brains in this House. They treated the hon. Secretary of State in a manner that I should not like to treat a colleague of mine; they thought it necessary first to bring in Sir Oliver Mowat. He had not been defeated. Then they brought in the present hon. Minister of Justice, a gentleman of whom the House might be proud. We find the next gentleman is the Hon. George A. Cox. I do not know whether any of you know his political career. I have a recollection that he was defeated—it is true only by one of a majority; still, he was rejected. Then Hon. Mr. King, who was taken from the House of Commons, had been previously defeated. Hon. Mr. Lovitt is, I believe, not in the category of the defeated. Hon. Mr.

Dandurand I think was not, but Hon. Mr. Fiset occupies the same position as Hon. Mr. King—he formerly represented Rimouski in the House of Commons, but was defeated, and then appointed to this Chamber. The Hon. Mr. Templeman is among those who lost the confidence of the people in British Columbia. The Hon. Mr. Carmichael was defeated in Pictou. I do not think Mr. Yeo was ever defeated. He is here, like myself, coming from the House of Commons, without having sustained a defeat. My hon. friend from Cobourg had the honour of losing the confidence of his constituency on one occasion.

Hon. Mr. KERR—And my hon. friend was wise enough to anticipate that fate.

Hon. Sir MACKENZIE BOWELL—Yes, I think I anticipated it at the time, and if I could have done anything to assist in the defeat of the hon. gentleman I would have done it with great pleasure, not because of any personal animosity towards the hon. gentleman, because we have been the best of friends for forty years, and I hope will continue to be, though we never meet on any political question without disagreeing with each other, and I am inclined to think, from the exhibition we have had of him here, we will continue to disagree. Then, Hon. Mr. McSweeney, and Hon. Mr. Fulford, I think, were not defeated; but our venerable friend opposite, Hon. Mr. Burpee, had the honour of meeting the same fate as the majority. I am not aware that Mr. Casgrain (de Lanaudière) ever ran, consequently he is not one of the defeated. Perhaps the hon. gentleman will state if he ever ran?

Hon. Mr. CASGRAIN—I never was defeated.

Hon. Sir MACKENZIE BOWELL—Then our two venerable friends—well, not venerable, they are active and experienced parliamentarians. The hon. gentleman from Marquette (Mr. Watson), and our friend from de Lorraine (Mr. Young), were both defeated at the last election. If they had not, they would not have the honour of occupying seats in this House. Then we have the last, but not least, our venerable friend Mr. Gillmor. Take all those gentlemen who have been defeated, and I ask if there could be any objection, from a party standpoint, to selecting them to occupy seats in a legislative body that is expected to revise, re-model, consider, and amend the election laws.

Hon. Mr. BAKER—None whatever.

Hon. Sir MACKENZIE BOWELL—I am glad to hear a Conservative say that, because that is the principle on which we have acted in the past. That being so, it comes with very ill grace from the Solicitor General to attack his chief as he has done. He seems to have a good deal worse opinion of the leader of the House than I have.

Hon. Mr. LANDRY—I think the chief gave him an example some time ago.

Hon. Sir MACKENZIE BOWELL—Yes. The chief, when he was a good deal younger man than he is now, used different expressions altogether with reference to this body. My recollection is refreshed by looking at an old scrap-book where I took care to preserve his record, I heard the then gentleman of the House of Commons say the Senate was 'a Magdalen asylum—a refuge for political prostitutes seduced by the government of the day.' However, that is a matter of very little consequence. Then we find another hon. gentleman, who is reported to have referred to the defective brains of the members of the Senate and their want of ability, or something of that kind. However, he says they are deficient in brains and in legs. I do not think that is an expression that should fall from any man. If age and infirmity overtake us as we advance in years, and we lose the power of locomotion as we had it in our younger days, it is not a fit subject of ridicule for a member of parliament, speaking of a body of men as intelligent and respectable as himself. I was pained to hear an expression used by the hon. Minister of Justice a few days ago in reply to the hon. gentleman from Stadacona, because I was in hopes that a sentiment of that kind could only be used by a man with as little heart and feeling for his fellowmen as the Minister of Trade and Commerce. That gentleman boasted at a meeting in Toronto, where he delivered a speech, when asked almost a similar question to that put by the hon. gentleman from Stadacona in this House—when were they going to

reform the Senate—his reply in cold blood was 'Providence is doing that.' I was surprised to hear the hon. Minister of Justice say the same thing, because I do not think he intended to convey the same meaning when replying to the hon. gentleman from Stadacona. Providence will take care of the whole of us, and death may meet the supporters of the hon. gentleman opposite just as soon as it may meet the supporters of those who do not support the administration.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—These were expressions which, to my mind, should not have fallen from any senator at least, and certainly they fell with very bad grace from even a member of the other House. It is not our fault that we are getting old. We would all, I have no doubt, remain young as long as possible. We will submit to the will of Providence, as my hon. friend, with the rest of us, will have to do. But a reform of this body should not be looked for by any man who has any kindly feeling for his fellowman, through the intervention of Providence in order to wipe us out of existence. I have taken this opportunity to refer to these matters, because I think that they are not at all consonant with the dignity of either House of parliament. We have next the argument advanced by the lower House that we are trenching on the rights and autonomy of the province of Quebec. That is the issue which they seek to lay before the people of this country at the present moment. These gentlemen, assisted by the Secretary of State, whose vote and speech were in the same direction as those we are now uttering thought nothing of the autonomy of the province of Nova Scotia, nor of the autonomy of British Columbia, when they rejected Bills of an exactly similar character to that which we are discussing to-day, as I will show before I sit down from the record. What in the world has the autonomy of the province to do with a question of this kind? The Solicitor General laid down the doctrine that the province of Quebec had the exclusive right to deal with their courts and the manner in which they should be constituted. No one denies that. So has every other province. Then he said, immediately afterwards, that it was the duty of the Dominion parliament and government to acquiesce in their demands, unless there were extraordinary circumstances or good reasons for departing from them. Who is to be the judge of the reasons that are to govern us? Is it to be confined to the Solicitor General, and to the party that happens to be in power at the present moment? Are we not just as capable of judging the requirements of a province as these gentlemen are? As an illustration, to show that the position we have taken is a correct one, and somewhat similar to the position taken by the Secretary of State, in 1879 and 1891, the Solicitor General told the House of Commons, in giving the reason why extra judges should be appointed:

> I may say, en passant, that one judge, whose district is in St. Hyacinthe, sat 222 days in the last year in Montreal out of 250 working days.

So that, if this be correct, and I have no reason to doubt the statement made by the Solicitor General, the judge of the district of St. Hyacinthe had but twenty-eight days' work in his own district.

Hon. Mr. MILLS—For his own district?

Hon. Sir MACKENZIE BOWELL—Yes, and that he sat 222 days in the city of Montreal. What does that mean? Does it mean he had nothing to do in his own district?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice says no. Then who did the work if there was any? That is an easy way of answering the argument. I take the statement made by the Solicitor General. He tells us that out of 250 working days the judge of the district of St. Hyacinthe sat 222 days in a district not his own, and consequently he would not be dealing with the litigation that would take place in his own district, and that leaves 28 days to do the work of the district for which he was appointed. Now, let us accept that declaration, and where do we find ourselves? A judge receiving full pay for 250 working days, is only occupied 28 days in his own district, provided always that he had work to do all those 28 days; and the other 222 days are given to the district of Montreal. There, I say, is the strongest possible argument of the cor-

rectness of the position taken by those who opposed the passage of the clause in the Act providing salaries for three extra judges. Then, I find that another gentleman who spoke long and rather energetically on this subject, Mr. Fortin, made this declaration in the House, that during the Conservative administration nothing of that kind had ever occurred. I find also that another gentleman, Mr. Monet, said that the Senate had the right to reduce the salary of the judges, and I find that the Solicitor General asked the question whether any precedent existed under the Conservative administration, leading the House to believe, by insinuation that there were no such precedents that could be cited; yet these are the gentlemen who are teaching us what constitutional law is. Then the position taken by the Premier was an extraordinary one. His position was, that this branch of the legislature had no power to differ from the opinion expressed by a local legislature in matters affecting the courts. Then he went on to say that this was a direct infringement, an invasion of the prerogatives and autonomy of the province of Quebec; and, not satisfied with that he appealed, as he constantly appeals, when addressing the House of Commons and the people, to race prejudice. He said, and other members of the House who support him said, that their opponents are continually attacking the province of Quebec. Then he boasted that he is French. He is quite right to be proud of his origin, but what would be thought of me if every time I rose in this House to speak, I boasted that I am an Englishman, and felt proud of it? I am a British subject, and I am proud of it, and so should every British subject, no matter of what race or creed, be proud of his country. On almost every occasion when that hon. gentleman and some of those who surround him speak in the House of Commons, they appeal to their nationality? There are members in this House from the province of Quebec who have strong opinions on this subject, and just as good a right to speak for their provinces as Sir Wilfrid Laurier, or those who surround him, but they do not appeal to race prejudice. It was by such appeals that the hon. gentleman succeeded in securing his majority last time, and he hopes in that way to succeed again. I say it is one of the most vicious of all practices that can possibly be resorted to by any public man. We live in a country inhabited by men from all parts of the world. We have the two important races, the Anglo-Saxon and the French and Celtic races, and we should learn to live together in peace and harmony, and if we only carry out the principles which actuated Sir John Macdonald and Sir George Cartier and statesmen of that kind, we would not have those cursed cries of race by which some men seek to arraign one portion of the people against another. Having said that much on the general principle, I shall now refer to another point: it is said that the legislature and the bar of Quebec are unanimously in favour of this increase of judges. The Senate, when it passed their resolution took the ground that they had reason to believe that by a proper rearrangement of the work of the staff of judges now on the bench, there would be no necessity for incurring this extra expense and the evidence given by the Solicitor General himself, where he says one judge occupied 222 days of his judicial year in Montreal, is the best argument in favour of the position we take. Another reason assigned was this, that Mr. Casgrain the late Attorney General of the province of Quebec, was in favour of this change, and that he had introduced a measure to that effect in the legislature at Quebec. The Premier himself in discussing the question, when it was originally proposed, said he was fully in accord with Mr. Casgrain. The Solicitor General said also that he was in favour of it, so we find that both the leaders of the two parties were in favour of some kind of reform by which this additional expenditure would be saved. I stated, when I addressed the Senate on this subject a short time ago, that I had had information from and conversation with some of the judges in the province of Quebec, on this very subject. Since that time I find that in January, 1899, at a banquet given in the city of Montreal to the bar, the chief Justice, Sir Alexander Lacoste, gave utterance to the same sentiment. I am not guilty of any breach of confidence in reading an extract from what he said, because it was published in the newspapers. The learned judge said:

In our province we have enough judges for the Superior Court. What we need is a more equitable distribution of the work. Certain rural district judges have only a few weeks' work during the whole year. Why, the Montreal judges sit nearly twenty-five days per month.

I know that other judges hold the same view, because I am speaking from conversations I have had, though I do not wish to mention names. Is it unreasonable therefore, that the Senate should under such circumstances, take the more moderate course, and allow them time to make this reform in the province? Oh, says the Premier, the people of our province will not submit to any such change. What reason did he give for it? Because, he says, their ideas are antiquated. If I had used an expression, or if any English speaking senator had spoken of the French Canadians as antiques who wanted to adhere to antiquated usages, we would have been attacked at once as having insulted the French race, so that when I use that word, I use it, not as my own, but as one uttered by the Premier himself. Now, let me look at the authorities and see what they say upon this question—that is as to the rights of the Senate, and after I have called attention to these references, I shall then call attention to the position which was taken in the House of Commons and in this House upon exactly similar subjects, and I think I shall be able to show that the members for British Columbia objected to the increase—I shall be able to show from the record that the late Mr. Mackenzie, afterwards Premier, took precisely the same position that we do, and I will quote very strong reasons and arguments advanced by my hon. friend, the Secretary of State, in favour of the very course which we are pursuing, and will go a little further and show how he voted on that occasion. Bourinot says in his parliamentary Procedure and Practice, pages 472 and 473:

The number of Bills of public importance rejected by the Senate since confederation is very small compared with the large number coming under their review every session. In the latter part of the session of 1868 they refused to consider certain measures assimilating and revising the laws relating to criminal justice, on the ground that it was impossible at that late period of the session to give such measures that careful deliberation and examination their importance demanded.

That was in 1868 just after confederation. And that is a reason why the Senate might fairly object, at the present moment, to considering a number of important Bills brought down the last few days of the session. The extract proceeds:

In 1874 the Senate threw out a Bill respecting Tuckersmith, altering the electoral divisions of a county. In 1875 Bills respecting the Esquimalt and Nanaimo Railway and county court judges in Nova Scotia; in 1877, a Bill respecting the auditing of public accounts; in 1878 a Bill creating the office of attorney general; in 1879 a Bill respecting two additional judges in British Columbia. In all these cases the Senate differed from the majority in the Commons on grounds of public policy and public necessity.

And I may add that in none of these cases did the House of Commons take the position which has been taken by the House of Commons to-day in reference to this question. We heard nothing of the autonomy of Nova Scotia and the infringement and the invasion of the rights and autonomy of British Columbia when this House rejected the Bill providing for the salaries of two judges in British Columbia and of Nova Scotia. In 1875, I find, on looking at the records, that Mr. Miller made a motion, that was during the administration of the late Hon. Mr. Mackenzie—and I will read from the debates as follows:

Mr. Scott moved a Bill to enable the government to place the salaries of the county court judges on the same basis as those existing in the province of Ontario, in giving the six county court judges $1,200, and in the county of Halifax $2,500. Mr. Miller moved the three months' hoist to that Bill, and it was carried on a division of 34 to 17.

So that that Bill affecting the judges of that court was thrown out on a motion of Mr. Miller on a vote of thirty-four to seventeen. But that is not so close nor so pertinent to the question under consideration as the one to which I shall now call attention. On May 6, 1879, the Hon. Mr. Campbell, afterwards Sir Alexander Campbell, moved the second reading of an Act to provide for the salaries of two additional judges of the Supreme Court of British Columbia. That is an exactly analogous case to the one we are considering. In discussing that question, I find that Mr. Cornwall who was then a senator as many hon. gentlemen will remember, used this language in opposition to the Bill:

The question now is as to the appointment of two extra judges; but we might go further, and suppose that the local government thought fit that five additional Supreme Court judges should be appointed. Would the hon. gentleman then have come forward and said that it was necessary, because this Act had been passed by the local legislature it should be supported by the

government and should be given effect to by both Houses of parliament. It is only a question of degree.

That is precisely the same argument that was used by many senators a few days ago. The extract continues :

And the argument that the hon. gentleman has used will not, when looked at in that light, have the weight or consideration which he attempts to place upon it when he brings the matter before the notice of the House.

Then I find, on turning to another page, a speech by a gentleman named Scott, the Hon. Mr. Scott I presume; we had no other here, so that it must be the present hon. Secretary of State, who used the following language in reference to this question :

It has always struck me that the administration of justice, particularly on the mainland, where the legal functions consist mainly of the collection of very small debts and breaches of the peace and misdeameanours of various kinds, would be most fitly carried out by judges of the character called into existence by the condition of affairs before the union ; that is, county court judges who had little judicial knowledge, but a wide knowledge of the circumstances of the country.

That view was intensified by the arguments of the Hon. Mr. Macdonald, our present colleague in this House, who pointed out that many of that character of judges had been on the bench administering justice in the rural districts for some fifteen or twenty years, and that they were quite able to perform the duties as long as the population remained in the state in which it was at that time. I may say, however, that as the province increased in population, as the necessities for other and more learned judges was made apparent to the government and parliament of Canada, they acquiesced in the demand for those two judges, and passed a law in the lower House granting the salaries, which was confirmed and agreed to by this House. That is precisely the same position we take in reference to the Quebec matter at the present time. If, after mature consideration, it is shown that the services of the judges in the rural districts cannot be utilized and that no reform can possibly take place, and that there is reaffirmation of their demands, I do not pretend to say, whatever our individual opinions might be, that we should not acquiesce in the demand made by the local legislature and by the Commons of Canada. Mr. Scott went on to say :

Now it does seem to me that the government is yielding to local prejudices.

Precisely what the Premier said in the House the other day. The extract continues :

In this particular case to the fact that the legislature of British Columbia passed this Act and sought to change the system, and they have yielded, I think, rather too lightly in the face of the large expenditure which has been entailed on the country in the administration of justice in that province.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is pretty strong language and it is precisely in accord with the argument which we have advanced in this Chamber for rejecting this clause—that the House of Commons yielded to the prejudice, if I may so term it, or their love, as the Premier would term it, of antiquity, in acceding to the request of the local legislature. Then Mr. Macdonald, who is a British Columbian, used the same argument and language that are used by the French Canadian gentleman who opposed this Bill in this House. He said :

We have plenty of judges to conduct the administration of justice efficiently. I think that it would not be a wise rule to lay down in this House that all the Acts of local legislatures should be given effect to by this parliament.

And we know they are not, because during the existence of the present government and, I think, during the administration of the Justice Department of the hon. gentleman opposite me, that he has disallowed a number of Acts which were passed by the local legislatures, a right to do which no one questioned, but he did it upon grounds of public policy.

Hon. Mr. MILLS—I do not know that any Act was disallowed on other grounds than the ground of being ultra vires. If the hon. leader of the opposition can name one, I shall be glad to hear it.

Hon. Sir. MACKENZIE BOWELL—Perhaps I am mistaken. Was it ultra vires for the province of British Columbia to pass a law restricting the immigration of Chinese and Japanese into that province ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—If it were ultra vires, then the hon. gentleman did right in disallowing it. But there were many other Acts I should like to call his attention to that are considered ultra vires by the hon. Minister of Justice and the

government of the day, but they say to the province that they will allow them to go into operation, and let the parties who are interested in them fight them out in the courts of law.

Hon. Mr. LANDRY—I always understood that disallowance was a remedy to be applied when an Act was not ultra vires. If it were ultra vires the courts could throw it out themselves.

Hon. Sir MACKENZIE BOWELL—That is just what I said, only in other language. Mr. Macdonald goes on to say :

> In this case I believe that it is nothing more or less than caprice on the part of provincial government simply because the county court judges are not lawyers. These judges have been in office for sixteen or seventeen years ; they have a knowledge of their work, and a knowledge of the country, and I hope the House will agree with us that it is not in the interest of British Columbia or of the Dominion that this Bill should pass.

Then Mr. Dickey refers to the question, in reference to Nova Scotia, and when we come to the vote we find that it is carried. The motion was made by Mr. Cornwall for the three or six months' hoist, and I am going to read the names for the reason, that it was laid down, as a fundamental principle of the Liberal party by the Solicitor General and the Premier and others who spoke upon this question, that it was the policy of the Liberal party and had been from all time not to interfere with what they termed provincial autonomy. If we are interfering with provincial autonomy now, they were equally interfering with provincial autonomy in 1879, when they rejected the British Columbia Bill, and yet we find all the following Liberals voting for the three months' hoist. The first is Mr. Baillargeon.

Hon. Mr. LANDRY—He was a Liberal.

Hon. Sir MACKENZIE BOWELL—And Mr. Brouse, an Ontario man, and Mr. Brown.

Hon. Mr. LANDRY—He was a Liberal.

Hon. Sir MACKENZIE BOWELL—Mr. Bureau, Mr. Christie, Mr. Cormier, Mr. Fabre, Mr. Grant, Mr. Haythorne, Mr. Hope, Mr. Leonard, Mr. Paquet, Mr. Pelletier. I presume that is His Honor the Speaker. If not I will look for some other Pelletier, but I have no recollection of any other Pelletier in the House. Then there were Mr. Penny and Mr. Power.

Hon. Mr. LANDRY—Oh.

Hon. Sir MACKENZIE BOWELL—He will vote the other way to-day. Then Mr. Poser, Mr. Reesor, Mr. Scott, Mr. Simpson, Mr. Stevens, Mr. Thibaudeau,

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Mr. Trudeau and our venerable friend Mr. Wark. All those are Liberals that affirmed the same principle and acted upon the same doctrine precisely that the Senate has acted upon to-day. So much for the Senate upon these questions. Let us look at what they did and said in the House of Commons. In the House of Commons, when the Bill went back with an amendment similar to that which we have made to this Bill, we find that a discussion took place of this character : Mr. Macdonald of Pictou, who was then Minister of Justice and Attorney General, moved a resolution that whereas by an Act passed by the legislative assembly of the province of British Columbia in the year 1878 and known as the 'Better Administration of Justice Act, 1878' provision is made for the appointment of two judges now authorized to be appointed to that court. 'It is expedient to make provision for the salary of two judges,' &c., and then the next clause is providing for a $4,000 salary for the judges. Mr. Mackenzie, in reply, said he desired to know if the government considered this demand of the legislature of British Columbia a reasonable one. Of course, the reply to that was that they must have considered it a reasonable one or they would not have introduced the resolution providing for their salary. Then he went on to say :

> He did not think that because the local government had the power to create courts that we had nothing to do but fill these courts as soon as created.

Hon. Mr. BAKER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We have had so short a time to consider this question that I have not had time to look at the utterances of my hon. friend the Minister of Justice, who always had a lively time looking after the interests of the country. But we find the leader of the government, the leader of the Liberal party, the gentleman who occupied the position for five years of

Premier, gave an opinion precisely in accord with that which we have given by saying that he did not think because the local government had the power to create courts, that we had nothing to do but to fill them when created. Then he added :

The Nova Scotia government passed an Act establishing county courts in that province, which was brought to this House and passed by this House, and he did not think the Act was an unreasonable one but it created such a divergence of opinion, and the Bill was defeated in the Upper House, though it subsequently became law.

It subsequently became law in the same manner and for the reasons given for bringing the British Columbia Act into force. Then he adds these significant words :

This House should not agree to a proposition of this sort, merely because the local government of British Columbia thought it necessary to have two more judges appointed to act in that province.

Hon. Mr. MILLS—What is the date of that?

Hon. Sir MACKENZIE BOWELL—It is on the 17th of April, 1879. It will be found on page 1288 of the second volume of the Debates in the House of Commons for 1879.

Hon. Mr. MILLS—The hon. gentleman will find what Sir John Macdonald said in that same debate.

Hon. Sir MACKENZIE BOWELL—I have an extract to read from Sir John Macdonald's speech, on which I was going to comment when interrupted by the Minister of Justice.

It being six o'clock the Speaker left the chair.

AFTER RECESS.

Hon. Sir MACKENZIE BOWELL—When the House rose at six o'clock, I had just completed a quotation from the speech of the Hon. Alexander Mackenzie. The hon. Minister of Justice interposed with a remark as to what Sir John Macdonald had said. I was about quoting the remarks of Sir John Macdonald upon this very question, when interrupted by the hon. Minister of Justice——

Hon. Mr. MILLS—Not interrupted.

Hon. Sir MACKENZIE BOWELL.—I will withdraw the word 'interrupted,' and say : when my attention was called by the hon. Minister of Justice to the remarks of the Hon. Sir John Macdonald. The Hon. Sir John Macdonald, in reply to Hon. Mr. Mackenzie, said :

This argument has been taken when this question arose shortly after confederation.

That would be the time that the question was brought before parliament when Nova Scotia asked for increased judges or increased salaries. Then he says :

Mr. Blake, he believed, then took the ground that it was not a matter of necessity that the Dominion parliament should sanction the legislation of every province with respect to the increase of judges, and the consequent expense to the administration of justice.

I should have liked to have had more time to consult the record on that point and learn for my own satisfaction what Mr. Blake had really said upon the subject ; but Sir John Macdonald, it will be seen, says that Mr. Blake took the view which Mr. Mackenzie and the hon. Secretary of State had taken, not mentioning their names, when discussing this question. Then he says :

That was assented to as a general principle.

That is, the principle that it was not a contravention of the constitution for the Senate, or the House of Commons either, to disagree with those who argued that the provincial demand should be acceded to. Then he goes on to say :

But it was argued, and he had argued it so himself, that when the whole responsibility of the administration of justice rested on the local governments and legislatures, it would be a very grave responsibility for the Dominion government to take to oppose a solemn Act of the local legislature declaring that additional judges were required, unless it was clearly proved that any local government making this demand had unjustly exercised its power and would throw needless expense on the Dominion government. We ought as a general rule, to accept the solemn professions of a local legislature that it required additional judges as being correct.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—While he states very clearly, and lays down the principle, that it is a grave responsibility to assume to reject the demands of a local legislature, he does not, in any utterance which he has made, declare that it is an infringement of the autonomy of a province, or that the Senate has not the power, as has been declared by those who have discussed the question in the Lower House, to deal with this question, and he says, fur-

ther, that it should not be done, nor should parliament assume the grave responsibility of taking that step, unless for good reasons. The question is whether we have good reasons to-day or not. I am of opinion, and so are many others who have studied this question, from the facts which I have already laid before this House, that we have good grounds upon which to base a rejection of this Bill. I may add that Sir John Macdonald went further in his remarks, which were very short—I wish to put the strongest part of his remarks before the Senate—and made the following statement :—

We should make a clear case against any province before objecting to its claims in this respect.

Now, the point is, whether they have made a clear case against the province in their demands for three extra judges. If we think they have, and we reject their demands, then we are acting strictly in accordance with the opinions and sentiments expressed by Sir John Macdonald, whose opinions have been quoted by those who take the opposite view. My hon. friend will say, no doubt: 'You were a member of that administration that proposed that legislation in 1879.' That is quite true, but when the Senate rejected that proposition, neither Sir John Macdonald nor his cabinet insisted upon the Commons rejecting the will and the decision of this House. They accepted it, and we have heard nothing from Sir John Macdonald, or those of his government of that time, against the right and the privilege of the Senate to act in this matter, and the very fact that they respected the decision of the Senate is shown by the fact that they took no such step as has been taken in the Lower House on this occasion. There was no cry about provincial autonomy, no cry about infringing the rights of the people.

Hon. Mr. POWER—There probably would have been, if there had been a Liberal majority in the Senate.

Hon. Sir MACKENZIE BOWELL—It is strange that the rejection of that measure was carried by a combination of Liberals, of which the hon. member for Halifax was one, and the Conservatives. A certain portion of the Conservatives and a very few Liberals voted with the government at that time, but it was the whole body—with the exception of one or two, and I am not sure if there was even that—of the Liberal party, together with a contingent of the Conservative party, when the Conservatives had a majority of 40 or 50 in this House, that defeated that government measure. And, notwithstanding that fact, Sir John Macdonald did not ask the House of Commons to reject the decision of the Senate upon that occasion, neither did he do so upon the defeat of the Nova Scotia Bill. The imputation thrown out by the hon. senior member for Halifax is unworthy of him.

Hon. Mr. MILLS—That is out of order.

Hon. Sir MACKENZIE BOWELL—I say that it is not out of order. It is neither improper nor unparliamentary for me to say that, because I have a sufficiently good opinion of that hon. gentleman to believe that, upon a moment's reflection, he would not have said it, because it implies dishonesty on the part of the Premier of that day and those who were supporting him, and the government of that day. He says, had there been a Liberal majority in this House, the probabilities are that Sir John Macdonald and his cabinet would have insisted upon the rejection of the decision of the Senate simply because the Bill had been rejected by a Liberal majority. It was rejected by a Liberal majority. If the Conservatives had voted straight upon that question, the government would have been sustained. If the hon. gentleman holds the same opinions now as he did then, and if he will vote now as he did then upon an exactly similar proposition, he will vote with us upon this question, and denounce, by his vote to-day, the decision at which the Liberal party in the Lower House has arrived. Then we find, going a little further, that Mr. Anglin spoke upon this question, and everybody knows that Mr. Anglin possessed a great deal more than ordinary ability. Although not a lawyer, he was perhaps one of the best debaters and one of the best constitutional authorities, and certainly was one of the clearest men intellectually that ever occupied the Chair as Speaker of the House of Commons. In discussing this question, he said, in reply to Sir John Macdonald :

He thought that if the doctrine laid down by the right hon. gentleman was accepted, they might look for a very large increase of the judiciary.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. BAKER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is precisely what we said the other day, and the reply of the hon. Minister of Justice to me was that it was an absurd proposition, that no one should make such a proposition. He compliments Mr. Anglin for having given utterance to language which implies precisely the same idea which we advance and which the hon. gentleman now ridicules.

Hon. Mr. MILLS—That was not my point.

Hon. Sir MACKENZIE BOWELL—I do not know what the hon. gentleman's point is.

Hon. Mr. LANDRY—He has no point.

Hon. Sir MACKENZIE BOWELL—That 'Hear, hear,' might have been a derisive hear, hear, or a hear, hear of approval. I do not know which it was, but I took it for the latter, and upon that I based my remarks.

Hon. Mr. MILLS—I mean to say that Sir John Macdonald, in Mr. Anglin's estimation, held the doctrine a good deal more positively than the extracts which my hon. friend has just read would seem to indicate.

Hon. Sir MACKENZIE BOWELL—I have no doubt that my hon. friend, with his legal and intellectual abilities, will put some other construction upon it, but I think I have put a very fair construction on it, and there is no language of Sir John Macdonald's which lays down the principle which has been advocated and laid down by the government of which he is a member, and by those whom he supported in parliament. Let me get back to Mr. Anglin. He said:

> He thought that if the doctrine laid down by the hon. gentleman was accepted, they might look for a very large increase of the judiciary. If the legislatures of the provinces were to have the absolute right of creating any number of new judges they chose, or thought necessary, and throw the burden on the Dominion treasury, such an increase would certainly be made.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. BAKER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is a stronger declaration against the provincial governments than any of us have made. He continues:

> He was not at all disposed to accept that doctrine, and he contended that before they consented to provide the salaries, they should be satisfied of the necessity that existed for the additional judges. He did not think they ought to be satisfied merely with the statements made by the local authorities to make the provision, because the local legislature created the office.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is pretty strong language, and that is language from a gentleman who always had the confidence of the Liberal party in the House of Commons. I do not propose to pursue this portion of the subject any further, and I apologize to the House for having spoken so long upon the question, nor should I have done so had it not been for the remarks made in the Lower Chamber. It is now for the Senate to consider whether a sufficient case has been made out for us to pursue the same policy that the opposition pursued when a similar question was before them during the time of Sir John Macdonald's administration, and whether sufficient has been advanced to show that the demands made by the local legislature of the province of Quebec should be acceded to.

I have shown in the first place, that the Senate rejected the Nova Scotia Bill, of a somewhat similar character, that it rejected the British Columbia Bill, of exactly the same character, and that the leaders of the Conservative party, whatever their opinions may have been at that time, did not ask the House of Commons to reject the amendments made by the Senate. I have shown from the remark of Mr. Casgrain, the late Attorney General for Lower Canada, that these extra judges were not required. I have quoted from the language of Mr. Fitzpatrick, the Solicitor General, and from Sir Wilfrid Laurier himself, that he agreed with Mr. Casgrain. I have stated from my knowledge that many judges of the province of Quebec hold precisely the same opinion. I have read from the declaration of Sir Alexander Lacoste, the Chief Justice of Quebec, at a public banquet, that no more judges are required, and when he says that, we are forced to admit he knows what he is talking about. I have shown from the language of the Solicitor General, that in one district alone, out of 250 working days, 222 of those days were spent in the administration of justice in Montreal, leaving only 28 days for the work of his own district, showing

conclusively that he had nothing to do, and not having any thing to do there that occupied more than a month of his time, it could be utilized in the interests of the country which pays him $4,000 per annum, where there was work for him to perform. I have shown, by statements made in the other House, that Mr. Cimon, a judge in one of the other districts, declared that he had not a month's work in the whole year to do, and that he wanted more. I have quoted from Mr. Mackenzie's declaration showing that he held precisely the same opinion on this question that we are now advocating. I have read Sir John Macdonald's remarks that Mr. Blake held precisely the same opinion. Mr. Anglin also enunciated the same opinion. The present Secretary of State not only enunciated those views and principles, but emphasized them by recording his vote in condemnation of the increase of the judges. I have shown, further, that Sir John Macdonald, in neither case took the same position that Sir Wilfrid Laurier and his followers have taken, by appealing to the race feelings of the people of Quebec in attacking members from Ontario and other parts of the Dominion who occupy seats in this House, because they dared to hold opinions different from those held by some of the people of Quebec. I was of the opinion that when I came to the Senate, my duty was, to the best of my judgment, to legislate for the whole Dominion, and that when I thought a proposition was made which affected Ontario, or any other province, it was my duty, as it is the duty of every senator, to express our opinion in language and by vote in the line of what we believe to be right. I have also shown clearly that the language of Sir John Macdonald is such that while he thought, unless it was under grave circumstances, we should not reject the wishes and desires of the local legislature, he never denied the right of the Senate to reject any measure nor did he appeal to the House of Commons to reject the opinion of the Senate expressed by their action. I have shown also that the Minister of Marine and Fisheries (Sir Louis Davies) declared in his speech in discussing this question, that unless and excepting on one ground, and that is where we are convinced by incontrovertible evidence that the provincial authorities are improvidently exceeding their rights, we ought not to object to this proposition. Whether that has been established by the facts which I have laid before the House, is for the Senate to decide. No matter which way this matter may be settled, my principal reason for speaking at such length this evening is to show, first, that the Liberal party, when the Conservatives laid a similar proposition before parliament, rejected it on the same grounds on which we ask the Senate to reject it to-day. I have also shown that when the Senate did reject it, the House of Commons did not attempt to interfere with the decision of this House. Whether the Senate be made up of refugees who have been defeated by the people, or whether, as Mr. Monet declared, there was a certain softness in the Senate, in their brains as well as their legs, is a question for us to decide. For my own part, these personal allusions to the members of the Senate have very little weight. I would freely concede to that hon. gentleman all the ability of the Liberal party, were it not that in his language he showed a lamentable ignorance of the constitution when he told the country we had certain powers, which any child who has read the constitution knows we have not, If it be an argument why they should reject the opinions expressed by the Senate because we are weak in the legs, it is for those who have strong legs to decide. That does not apply to all of us. However, brainless we may be, our legs are all right in case we require to bring them into action. I hope that the Senate will show its independence in this matter, and put upon record the fact that they have the right to reject or accept any proposition which may be made to them coming from the lower House. In this case, as in the case of British Columbia, and in the case of Nova Scotia, after sufficient time has expired to enable those who are most interested in this question to consider it fully, if after the elections it is shown that the will of the people—that is the best way to put it—is in that direction, the Senate, I am sure, in this case, as the House of Lords in England have always done, will yield to the will of the people.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Up to this date we have had no evidence to the contrary. We know this, and it is suggested by

the 'hear, hear' from the hon. Minister of Justice that the House of Lords have rejected important proposals which have been laid before them, passed in the House of Commons with a very large majority, and the people upheld them on these very questions, condemning the judgment of the House of Commons by the largest majority ever given by the people of England. The Senate in the past has acted on that principle, and acted judiciously, and however weak they may be in brains, they understand the functions and duties of the Senate, being analogous to, as far as can be under our system, those of the House of Lords. They will always yield to the will of the people, when it is expressed through their representatives after the question has been submitted to them. I have been led to this argument by the hon. gentleman's derisive 'hear, hear.' It has been argued and very properly argued, that the will of the people is expressed through their representatives in the House of Commons. That is the general theory, but the House of Commons very often place upon record sentiments, by resolution and acts of parliament, which were never laid before the people, and on which, consequently, they have never had an opportunity of expressing an opinion. It is upon those questions that the House of Lords have opposed the will of the House of Commons for the time being, on the very ground which I have intimated, that the people had no opportunity to express an opinion on the issue. That is precisely the case here. I am sure those of us who understand the principles of responsible government and the duty and functions of the House of Lords, of which this House is a miniature, and certainly as far as practicable based upon the same principles, will do as they have done, when the opportunity offers.

Hon. Mr. MILLS—I have listened with not a little interest to the speech of my hon. friend. It was a long speech, and further protracted because my hon. friend was not altogether satisfied with his argument, and he seemed seeking for something that he did not succeed in bringing before the House. Sir Walter Scott says of an individual who had been condemned to be hanged :—

He adjusted the rope, he traversed the cart,
He often took lease and seemed loath to depart.

My hon. friend seemed very loath to bring to an end the speech which he was engaged in making ; I am not going to follow the hon. gentleman in all his devious ways in the address which he has just delivered to the House. My hon. friend said that the opposition to him—that is the government side of the House here—consisted mostly of defeated candidates for the House of Commons. I tell my hon. friend I do not think I was defeated.

Hon. Sir MACKENZIE BOWELL—Do not open that question.

Hon. Mr. MILLS—I was cheated. Open it ! Why ! The hon. gentleman devoted nearly half an hour's speech to discussing it. What happened me in 1896, happened a good many gentlemen on our side of the House in 1887 and in 1891. I am not going into a discussion of that question, but I believe had there been an honest return of the votes as they were polled by the electors in 1887, and again in 1891, the majority who sat in the House of Commons on both occasions would have been men returned by the Liberal electors of Canada.

Hon. Sir MACKENZIE BOWELL—That is a very violent assumption.

Hon. Mr. MILLS—I do not think it is an assumption.

Hon. Sir MACKENZIE BOWELL—It is in my opinion.

Hon. Mr. MILLS—And in that I differ from the hon. gentleman as I do with many of the opinions he has expressed this evening. Several newspapers supporting the hon. gentleman said that the Senate were anxious to support this Bill—anxious that it should become law, but that it was owing to the tactics of myself that it was rejected when it was under consideration a few days ago. The hon. gentleman from the district of Bedford (Hon. Mr. Baker) asked for delay in the consideration of this Bill, but he made that request after he had delivered a very violent speech against the Bill. That left no doubt on my mind, as I am sure he did not leave any doubt on the minds of many hon. members of this House, that so far as he was concerned, he could not consistently do otherwise than offer to this first clause of the Bill, relating to judges, his most determined opposition. Let me read

some extracts from the speech which the hon. gentleman on that occasion addressed to the House, and the Senate will see that, if he were speaking for himself, and I assume that it was for himself he was speaking, when asking for delay, he had already made up his mind, and nothing that could be disclosed would in any degree alter the opinion which the hon. gentleman had expressed. The hon. gentleman said:

> There was ample provision for utilizing the judicial power of the province of Quebec which everybody admits, friend and foe alike, is amply sufficient to meet every demand that can be made upon it. There was ample provision made for them, but because the parliament of Canada, in its wisdom, had declared that no travelling allowances should be made to these judges unless the chief justice certified that it was necessary that they should be brought into the city of Montreal, and the judges resented that, the Act was held to be inoperative, whereupon the Quebec legislature declared that the Superior Court of the province of Quebec should consist of three more judges. Nobody justifies it. Nobody can justify it. The judicial power of the province of Quebec is amply sufficient to meet every demand that can possibly be made upon it, and if the parliament of Canada would stand upon its dignity and in doing so they would play different roll from the roll that was played by these judges who refused to go into the court of review.

Now, it is perfectly clear what the hon. gentleman's view was and is, and it is absurd to suppose that any new light that I could furnish the hon. gentleman, or that any papers in our possession could furnish him, could alter his opinion. His mind was made up. Then, again, he says:

> A man who has any aptitude for business, who is fit to be a judge, who could earn the scanty salary each judge enjoys in the province of Quebec, could dispose of a hundred of those cases in a day.

Well, if he could do so he would do at least fifty times as much as any one of the judges in that court does. Let me read another extract from the speech. The hon. gentleman says:

> For years and years the judges of the province of Quebec have laboured under what amounts to a disability. If the parliament of Canada would have the fortitude to do justice to them and increase their salaries, so as to enable them to give their undivided attention to their duties as judges, if there is any congestion of business it will soon disappear. I do not believe that any member of the bar who knows the labour that members of the bar impose on themselves—I do not believe any member of the bar in the province of Quebec who stands in the foremost rank could be brought forward to say that, in his opinion, there is any necessity for a further addition to the judiciary of the city of Montreal.

And the hon. gentleman intimates that the reason the judges do not get along better, is because, in order to live, they are obliged to go outside and seek employment, and so they occupy their time, which should be devoted to the administration of justice, to other and different pursuits. That is the position which the hon. gentleman took, and it seems to me preposterous either for the hon. gentleman, or any newspaper on his behalf, to pretend that the defeat of this first clause was due to the fact that I was disposed not to grant delay. I believed then, and what happened the next day showed the accuracy of the view I entertained, that the hon. gentleman, and others on that side of the House, were anxious to have time to assemble their forces. They wanted to defeat this Bill with a more decisive majority than they could on that day when the question came up, and so, on the next day, we find when the question was brought up again there were at least five more members on that side of the House ready to vote against my proposition than there had been the day before. Then the hon. leader of the opposition refers to the speech made by Hon. Mr. Fitzpatrick. In that speech Mr. Fitzpatrick points out that the judge in the district of St. Hyacinthe devoted 222 days out of 250 working days to judicial work in the city of Montreal instead of in his own district, and from that draws the inference that he devoted only 28 days to his own district, and that he had little to do. I say that does not follow at all. It only shows this, that in all probability his judicial duties in his own district were in a large measure neglected, because of the pressing necessity for his services in the district of Montreal. There is nothing to warrant any other conclusion.

Hon. Mr. LANDRY—Can the hon. gentleman prove that?

Hon. Mr. MILLS—My hon. friend asks can I prove it. I have no case to make out. My duty is clear. A measure carried by the government possessing the confidence of the majority of the people of Quebec declares that additional judges are necessary, and we in this House have the constitutional duty imposed upon us to make the appointment unless—taking the most favourable view of the contention of hon. gentlemen opposite,—it could be shown that there was no necessity for these appointments, that it was an abuse of authority on the part of the

government and legislature of Quebec. I say no such abuse has been shown. The burden of proof is not upon us, but upon those who question the proceedings of the legislature of Quebec and of the House of Commons and the government. Unless they are prepared to show that the government is wrong in what is being done—to show that the House of Commons is wrong in what it has done—unless they are prepared to show that the legislature and government of Quebec are wrong in what they have done, I say the opposition have no right to resist this proposition upon their view of the situation, and that they have not shown, on the present occasion. What do the facts show? Why, that there were, at the last sittings of the court in Montreal, 317 new cases that had not been reached at all by the court and were sent over; that there were 383 cases entered in the Court of Review that had not been considered; that remanets, as we say in Ontario, occupied the court until its duties came to an end.

Hon. Mr. BAKER--How many cases in the Court of Review?

Hon. Mr. MILLS—Three hundred and eighty-three.

Hon. Mr. BAKER—There are thirty-five standing on the roll, and only thirty-five.

Hon. Mr. MILLS—The Solicitor General says 383, and I must take his statement on this occasion as an accurate statement.

Hon. Mr. BAKER—And I will convince the hon. gentleman, if I have an opportunity, that the figures of the Solicitor General are not to be taken.

Hon. Mr. MILLS—Let me point to another fact; the hon. gentleman has undertaken to compare Quebec with Ontario. The hon. leader of the opposition intimated before, although he has passed the question by on the present occasion, that Quebec might adopt the Ontario system and have county judges, and so make the necessary provision for the local cases that arise. Every hon. gentleman knows that there are, in every province, local cases arising which require to be dealt with immediately, and which require a judge on the spot to deal with them. Although, it may be, in some districts of Quebec, as in some counties in Ontario, and I have no doubt in other provinces where the county system exists, there are judges who have no great amount of work to perform—an amount of work that does not begin to occupy the whole of their time, yet the public would suffer very great inconvenience if there were no judges at all in the district, and so it becomes necessary, although the amount of work may not be great, that there should be local judges in order to deal with those cases as they arise. If you were to change the Quebec system and adopt the Ontario system, it would not and could not diminish the expenses. Let us compare the Quebec system with the Ontario system. In Ontario last year, the expense was $264,000; in Quebec it was $196,000. That is $78,000 difference in a year in favour of Quebec. It is true Quebec has a smaller population than Ontario, but Quebec has adopted a different system, and I say, again, that if you were to adopt the system of Ontario in Quebec, it would not diminish the charge on the treasury, but increase it. Let us look at the provision of the British North America Act upon this question, and I think hon. gentlemen will see that, so far as the law is concerned, we have not the right to do what the hon. gentleman says. It is true this is a species of co-partnership. The local government create the courts, and we have a right to say to the local government we think it is abusing its authority by making the system unnecessarily expensive. We have a right to say to the local government, 'You ought to reconsider your proposition,' and we did say that. We waited for more than a year since this Act came into operation, and the local government have stood by their proposition. Remember this, you have no right to say to the government of Quebec, no matter what view you may take of the constitution, that they must change their whole judicial system. That system has been in operation for 34 years. It has, during the whole of that period, undergone no change; new judges have been occasionally appointed. What is the result under that system? That in the district of Montreal the amount of business has outgrown the bench that you provide, that in numbers the judges are not equal to the performance of that duty. Montreal has become a much greater commercial centre than it was when

this system was first organized. It has more than doubled the population it then had. It has more than three times the amount of judicial business it then had, and what is now proposed by the government of Quebec, without altering the system or making any change in it, is to provide three additional judges in conformity with that system to meet the requirements that have arisen in the district of Montreal. Is that an extravagant provision? Look at the amount of business that is being done. Is it an extravagant provision that three additional judges should be appointed for the purpose of discharging the additional duties that devolve upon the court? Everybody will see that it is not, that the duties that devolve upon the court of Montreal are better met, with less disturbance of the system, by the proposal to appoint three additional judges than by undertaking to recast the whole system over the province of Quebec. Now, let us look at the words of the British North America Act. Subsection 14 of section 92 provides:

In each province, the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

14. The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts.

Now, those are the powers that are exclusively conferred on the local legislature. You have no authority to interfere with those matters at all. They are not in any way referred to you.

Hon. Mr. BAKER—Why do you challenge their action? You say you kept them waiting a year.

Hon. Mr. MILLS—I am not challenging their action now.

Hon. Mr. BAKER—You waited more than a year.

Hon. Mr. MILLS—Let my hon. friend keep quiet. He will have an opportunity to make his speech. When I say that we waited a year, I say that we have the power to provide the salaries. We have the power of appointing the judges; therefore, there is a duty devolving upon us in this case. We waited, in the discharge of that duty, for the purpose of considering, along with the government of Quebec, whether they could devise any other system that would be a less burden upon the public treasury. We had a right to ask that. The burden that falls upon us imposes that duty, but the government of Quebec still adhered to their view, and I say there is no other course open to us than to comply with their wishes and make the appointments called for. That is the fair and proper construction of the constitution. Now, what are the words of the Act, so far as we are concerned?

The Governor General shall appoint the judges of superior, district, and county courts in each province.

Who advises whether there shall be a superior, a district or a county court? Who determines which of these courts shall exist? Is it the government or parliament here? Certainly not. It is the local legislature of each province that determines this question, a local legislature, led by a government, in each province, responsible to the majority of that legislature and responsible to the electorate of the province—I say responsible in their sphere, just as much as we are in ours. Our whole constitutional system recognizes the principle of political sovereignty in the electorate, not in parliament. And if the electorate acquiesce in what those who represent the electorate do, there the question must necessarily end. My hon. friend has referred to the cases of Nova Scotia, and the county judges, and the case of certain judges in the province of British Columbia. I need not enter into a discussion of the case in Nova Scotia. It was a new departure in their system, and it stood over; but they had their way in the end. It was ultimately adopted. In the case of British Columbia, the government of the day, of which the hon. gentleman was a member, proposed to add to the court. My hon. friend made a speech here of more than an hour in length, and in that speech referred to the opinions of the Secretary of State and of Mr. Mackenzie and Mr. Anglin. But what were the hon. gentleman's own opinions at the time? What were the opinions of those who were associated with him in the government of the country at the time? That they would appoint judges for the purpose of giving effect to the views entertained by the legislature of British Columbia. That is what was decided upon, and

upon that opinion they acted, and when my hon. friend quoted the views of Mr. Anglin, you see at once what the views of Sir John Macdonald were from the speech of Mr. Anglin. Mr. Anglin infers, from the speech made by Sir John Macdonald, that if you adopt that view—that is, the view put forward by Sir John Macdonald and the government—you had no check on the local legislature; they could make the court consist of as many judges as they thought proper. That is perfectly true; but there is no difficulty in it. That is true of every part of our organization. Under our parliamentary system, you assume that those entrusted with authority will act rightly. You assume that the local legislatures will properly discharge the duties with which they are entrusted, and that the government and parliament of Canada will do the same thing. The whole system is based on that theory. It may be that you think this Act on that account is wrong, but the theory of the constitution is that the people are capable of self-government, and those you entrust with authority will not abuse the authority with which they are entrusted. Why should they? I say the whole system is based on that assumption, and to that assumption I cordially subscribe. Those who do not concur in that view ought to undertake to change our constitutional system and adopt some other.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman had better wait until somebody advocates some other system.

Hon. Mr. MILLS—My hon. friend has been advocating it for a good part of the afternoon.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—The hon. gentleman has referred to the functions and the duties of the Senate in this matter. I am most anxious to uphold the dignity and authority of the Senate. But I hold, if you want to make of the Senate a partisan body, with a view to frustrate the intentions and designs of the House of Commons, you will make this House an odious body, instead of making it an influential body. Its influence will depend upon the moderation and the fairness with which its duties are discharged, and they are discharged neither with moderation nor with fairness, when the Senate undertakes to set itself against what? Against the local legislature, against the government of a province, against the authority of the Queen as the head of the government of this country, against the House of Commons that has been returned by the people for the discharge of their duties. If this Bill is defeated, whose opinion is expressed by that defeat? Not that of the local legislature, for they ask for the appointment of three judges, and have provided for it by the law of their province; not the views of His Excellency the Governor General, because he acts upon the advice of his ministers, and those ministers regard those appointments as necessary and proper, and have introduced a Bill for that purpose; not in conformity with the views of the House of Commons, for they agree with the Crown, and they sanctioned a measure for the purpose of giving effect to that. But then, we expressed the opinions embodied in the vote of this House a few days ago, in which my hon. friend has indicated his determination to persist, of the majority of the Senate of Canada against the Crown, against the House of Commons in the federal body, and against the Crown and against the people in the legislature of the province of Quebec. That is the position which the hon. gentleman has taken, and to that position he has committed himself. My hon. friend has talked about appeals to race and religion. Nobody has appealed to race and religion. He says they did not do so in the case of British Columbia. They could not do so in that case. In this case, in the province of Quebec, you have set at naught the wishes of the legislature. So far as they are concerned, they have acted under the provision in the constitution which gives them exclusive power as to the constitution of that court, and you have utterly disregarded the power which they possess. The hon. gentleman has, in this matter, advocated another system, for some reason or other. Is it because it is cheaper and more efficient than the system adopted by the province of Quebec? I have pointed out that the payment of the judges' salaries in Ontario is $78,000 more than in the province of Quebec. So that that is not the reason. The judiciary of the province of Ontario cost, as I have already mentioned, $264,000, and of the province of Quebec, $186,000.

Hon. Sir MACKENZIE BOWELL—That is about the proportion of the population.

Hon. Mr. MILLS—My hon. friend says that is about the proportion of the population. Then, Quebec is not worse than Ontario. If Quebec is not worse than the other provinces, what right have we to come here and attack the system of Quebec and say to the local legislature that unless they change that system we will not give effect to what they do? They have no power to appoint judges. The power is not entrusted to them of appointing men qualified to discharge the duties of judges, to properly carry on the work of administration of justice. There is a high trust committed to us in this regard, and that trust hon. gentlemen are about to say shall not be discharged. It is perfectly clear that the position taken by the hon. gentleman and those associated with him in this matter, who are undertaking to frustrate the wishes of the province of Quebec, is unwarranted by the constitution, and is having the effect of placing this House in antagonism to the legislature of the province, to the Crown and to the majority in the House of Commons.

Hon. Mr. BAKER—My hon. friend who leads, or misleads, this Senate, according to the measure of his abilities, has made it necessary for me to make one or two observations. In the first place, may I be permitted to comment on the observations that he made which were so personal to himself? He referred to the circumstance that at the last election he was rejected at the polls. I am not acquainted with the facts connected with that rejection, but I know that his defeat was regretted throughout the length and breadth of Canada by men who differ from him in their political views as widely as the north is separated from the South Pole. I will do him the justice to say that when he formed a member of the Mackenzie administration, when he discharged the functions of Minister of the Interior, he filled that office in a way to commend his action to the electorate of the people of this Dominion, and when he was defeated it was felt that a strong man had gone down in the battle, and it was a matter of regret among those of his political adversaries who had watched his career, that the right hon. gentleman—he was not then the right hon. gentleman—Mr. Laurier, who was charged with the formation of a cabinet, did not treat him as he treated some of the members of the party who had been defeated at the polls and find a constituency for him. He was left out in the cold, but in the course of time he came into this Senate, and when he came here I confess I had high hopes for the hon. gentleman. He came into this Chamber, which he had ridiculed when he was a member of the Commons. He came into this Chamber with a reputation to lose, and I will do him the justice to say he promptly lost it. He came into the Chamber with a reputation to lose, and in the course of time he came into an official position and was installed as the leader of the government in this branch of the parliament of Canada. He came here, but he very soon lost that independence of character that had characterized him when he was a critic in opposition. He came here and he has degenerated into one of the most active partisans that will be found in the whole ranks of the Liberal party.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. BAKER—There is no act of the government of which he is a member that he has not been ready to justify, although he has sometimes confessed that the acts of that government were not justifiable. However, I am not disposed to make this discussion one so purely personal to the hon. leader of the government, but he has made it necessary for me to refer to the circumstances in connection with the rejection of the first clause of the Bill that was presented to the Senate. At the time the House went into committee, I sat on one of those benches in conversation with his colleague, the hon. Solicitor General, and I was referring at the moment to the fact that I had noticed from the gallery that the Solicitor General had been mistaken in the figures which he submitted to the Commons, I heard the discussion that was going on, and that the hon. Minister of Justice was mistaken in the reference he made to some remarks that had been made in the legislative council at Quebec by the Attorney General. I came in without the slightest intention of taking part in this discussion. I know the measure was passed through the legislature

of Quebec for a purpose, and everybody else who was in touch with political matters in the province of Quebec knows the main object of the legislation was to provide a seat on the bench for one of the members of the legislature. In conversation there is no secret about it. They confessed it, and so far as the cheaper kind of party politics was concerned, it would have been good party politics to have allowed it to pass. There are three judgeships, but there would have been thirty applicants—three men satisfied and twenty-seven sore-heads. That would have been the practical operation of it, and if I had looked at the question from a purely partisan point of view, I would have done everything in my power to facilitate the passage of the Bill, in order that this discord might arise in the ranks of the Liberal party. But now, I must apologize to the members of this House for having been drawn into such a phase of this discussion. We are here engaged in the consideration of this Bill. What has been the attitude of the hon. Minister of Justice? He has attempted to justify the reasons that were given in the Commons for refusing to consent to the amendment by the Senate. Let us see what those reasons are. The Solicitor General moved in the Commons on July 13 that this House do disagree with the Senate in the said amendment, for the following reasons:

First, because by section 92 of the British North America Act it is provided that in each province the legislature will have exclusive power to make laws concerning the administration of justice in the province, including the constitution, maintenance and organization of provincial courts of both civil and criminal jurisdiction, including procedure in civil matters in those courts.

Then follows the 2nd subsection of the section of the British North America Act that has been so often quoted, and then we find in two subsections the following reasons:

Because the object of the present Bill which was rejected by the Senate is to comply with the duty imposed upon the federal government and parliament by the aforesaid section 96 of the British North America Act, in so far as the above action of the legislature is concerned.

The fifth reason is as follows:—

Because the act of the Senate in rejecting the said section of the Bill is an infringement of the principle of provincial autonomy secured in the British North America Act.

Now, the hon. Minister of Justice has made no attempt whatever to justify these reasons. He begs the whole question. He asserts, and nobody ever disputed it, nobody every attempted to deny it, that the organization and constitution of the courts is with the local legislature. Nobody quarrels with that. They have a right to their own system, though it has been denounced by the right hon. leader of the government; it is there and they have a right to it. It is the duty imposed on the parliament of Canada to appoint and to pay the judges for their courts. Nobody disputes that, but that is to be taken with limitations. The leader of the government in the House of Commons asserted that the duty was imperative, that it was imposed by the British North America Act, and that there was no discretion on the part of the parliament of Canada. That is not the doctrine that has been expounded by the Liberal party through its leaders from the time of confederation. That is not the doctrine that is propounded now by members of the government. That is not the doctrine that the hon. Minister of Marine and Fisheries propounded on the floor of parliament. He said that the questions for parliament to determine was whether it was provident or improvident. I am not disposed to play upon words, but it was provident in the sense of providing for members of the party who were seeking for positions upon the bench, but it was most improvident so far as the parliament of Canada was concerned, in needlessly involving the payment of salaries. Then the last reason is one that was given by the leader of the government—that it is an attack upon provincial autonomy. That is a fine phrase, but the leader of the government has been always a man of phrases. There is no man in Canada, who can coin phrases more readily than the right hon. leader of the government, and there is no man in Canada who is less persistent than he is in upholding the principles that are enunciated in those phrases. Provincial autonomy, indeed! That will be rolled on the tongue of every election heeler in the province of Quebec in the coming elections. Provincial autonomy assailed, forsooth. In what way? The system of the province of Quebec is not attacked, and it is conceded that it is the duty of those who oppose the Bill to show that a case has not been made

out. The hon. Minister of Justice says that he has no case to make out. Well, if he takes that view he has succeeded admirably for he has made no case. He has referred to the system. The system is not attacked. But he said also that the government had waited more than a year for the Quebec legislature to take action. What becomes of the doctrine propounded by the leader of the government that the parliament of Canada is bound to act upon the suggestion of the Quebec legislature.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BAKER—Why did they wait? Why did they make a counter proposition? Why did they hesitate to bring down to parliament a proposition to provide the salaries of the three additional judges? If there was no objection, why hesitation? Why delay? To my mind it is perfectly absurd, if I may be permitted to use the expression, that parliament has nothing whatever to say about it, but to provide for any demand that may be made by the Quebec legislature. A quotation was made from a speech of the Right Hon. Sir John Macdonald upon an occasion similar to the present one, and it is admitted that a clear case has to be made. Has not a clear case been made in this instance? Let us take the evidence of the Solicitor General himself. At page 9331 of the Commons *Hansard*, the Solicitor General himself, charged with the introduction of this Bill in the House of Commons, said:

I notice that the hon. member for Montmorency was content to speak of the judges in the province of Quebec, saying they were sufficient in number to perform all the duties assigned to them under our system.

Is not that an end of the argument? Is not that an end of the evidence, so far as making a clear case is concerned? What more do you want? The man who is proposing that Bill to the consideration of parliament admits that no necessity exists.

Hon. Mr. POWER—Who made the admission? I did not quite catch what the hon. gentleman said.

Hon. Mr. BAKER—For the benefit of the hon. gentleman from Halifax, I am most happy to repeat it, and I thank him for the opportunity he has given me of entering it a second time in debates. It is as follows:

I notice that the hon. member for Montmorency was content to speak of the judges in the province of Quebec, saying they were sufficient in number to perform all the duties assigned to them under our system. With that statement I have absolutely no quarrel.

Hon. Mr. POWER—The hon. gentleman did not read that last sentence.

Hon. Mr. BAKER—Can anything be more explicit? Can anything be more to the point? Is there another word to be said when the hon. gentleman introducing the Bill says he has nothing to quarrel with in the statement that more judges are not required? Why in the name of all that is reasonable and just and honourable and fair to the Dominion do they insist on forcing the measure on parliament in the face of the declaration of the Solicitor General that he has no quarrel with the statement that no more judges are required? I referred a moment ago to the fact that I was seated on the bench outside the bar of this Chamber, in conversation with the Solicitor General, when this Bill was taken up in committee here. I had been in the gallery in the Commons when this Bill was under discussion there, and I sat, as I often do, in the Senator's Gallery, overlooking the conflict going on below, and when he made the statement, referring to the cost of bringing judges into Montreal from the country districts to do duty there, in a moment of thoughtlessness, when I caught his eye, I elevated my eyebrows, as much as to say, 'What induces you to say that'? I was so much struck by it I could not refrain at the moment from expressing my surprise, and when the statement was repeated by the leader of the government in this House, which showed he had studied the question just as little as the Solicitor General, I came into my place, and in a moment, I will not say of thoughtlessness, but without having any previous intention, I entered into a discussion of the matter, and from one point I was drawn on to another, till it resulted as it did. The Solicitor General attempted to make, and he did make, a point in the other House, and he almost converted some of the members of this House by the statement that he made, that the bringing into Montreal of the judges from the country to do duty in the city had cost the country the sum of $12,000.

Hon. Mr. LANDRY—Sixteen thousand dollars.

Hon. Mr. BAKER—I think the hon. member for Hochelaga said it had cost the country $16,000. He was instantly corrected by the hon. member for Montmorency, who said about $3,000 or $4,000. Then the Solicitor General said :

We have in the estimates this year no less than $16,000 to provide for the travelling expenses of judges who go about from one district to another.

Mr. CASGRAIN. Into Montreal

The SOLICITOR GENERAL. Take it outside of Montreal. I venture to say that outside of Montreal, with the exception of the members of the Queen's Bench, there is not $1,000 expended for travelling expenses.

Mr. CASGRAIN. Oh, yes, there is.

The SOLICITOR GENERAL. There cannot be.

There is the dictum of the Solicitor General. I do not by any means charge him with having intentionally misrepresented the matter, for I will say that I am always ready and disposed to speak justly, if not generously, of those opposed to me in politics. I will say that he has always, so far as I know, shown himself to be eminently just and fair-minded, and I was, therefore, the more surprised to hear him make that statement. I did not attribute to him any intention to mislead the House. I knew he was mistaken, and I went over to the bench, when I saw him, for the purpose of ascertaining the source of his information, and, if possible, correcting it, and I did it in the spirit of the greatest good-will, and from the personal friendship that I entertain for the Solicitor General, and without any intention to obstruct in any way the passage of this Bill. But however just his intentions may be, I appeal from his positive statement to the record. In the Auditor General's Report for the year ending 1900, I find, on page I—14, a statement of the different amounts paid to the judges in the province of Quebec for their travelling allowances, and I find that that amounts to a sum total of $15,182. That includes not only the travelling expenses of every judge of the Superior Court in the province of Quebec, but it includes the travelling expenses of the Court of Queen's Bench, which amount to $2,520. I have procured from the Auditor General's office a detailed statement of the travelling allowances that were paid to the judges from the rural districts who were doing duty in the city of Montreal, detailed from day to day and from month to month, and I find that, instead of amounting to the sum of $16,000, or even to the sum of $12,000, they amount to the sum of $4,220. That is the whole of it.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BAKER—We divide the statement made by the Solicitor General, upon his responsibility as one of the responsible ministers of the Crown, and we reduce it 75 per cent. Now, I say—and I say it without intending offence—that the House of Commons was misled by the statement that was made on the floor of parliament by the Solicitor General. The record of the Auditor General's Department shows that he had no justification for that assertion. I can show by the estimates that the sum of $16,000, that he declared from his place in parliament was entered in the estimates to provide for the travelling allowances of the judges for the next year, provides for the travelling expenses of every judge in the province of Quebec, including the six judges who sit in the Court of Queen's Bench, and the whole 31 judges who exercise their functions in the city of Montreal and throughout the province. Is it right? Is it reasonable? Is it fair? Is it to be tolerated, that the parliament of Canada is to be misled by statements such as these? And then we find the Minister of Justice, the father of the Bill here, coming into this House without knowing a single thing about it, standing up and indulging in his positive assertions as to the volume of business and the way it is done. One would imagine, from the way he discusses the question from his place in this Senate, that he never had a case in court in his life. What I said about the 100 cases being disposed of in a single day, I will explain. It was cases about which there was no controversy, based upon promissory notes, bills of exchange, or obligations about which all the judge had to do, if he distrusted the correctness of the prothonotary or clerk of the court, or if he distrusted his ability, was to verify the service. All he had to do was to turn over the writ and read the return and see if the exhibits were filed. Talk about its being a serious labour to dispose of those cases! A man who was fit to be a judge could dispose of them as rapidly as he could pass them through his hands. I know there are cases which take a considerable time and impose an immense amount of labour on the judge

who disposes of them. But judges are supposed to be trained men, and are supposed to have, and in the majority of cases do have, a profound knowledge of the law. They are assisted in the cases brought before them by counsel. All that is to be said is said on both sides. The authorities are cited, and to say that it imposes a month's labour for a man to go through the record, to examine the authorities for himself and draw his conclusions, is to cast discredit upon the ability and capacity of the man who has the work to do. I may have spoken too hurriedly the other day: I may have treated too lightly the pretense that the judges are overworked, but it is a matter of constant conversation among the judges themselves. They do not seriously pretend they are overworked, and I may say again, as I said the other day, that if parliament would do justice to the judiciary, if parliament would give the judges a salary that would be fair compensation for their full services and for the employment of their full time, I believe an effective and effectual remedy would be found for the congestion, as it is called, that is said to exist in Montreal.

I want to say one word about the statistics. I am a member of the profession. I know how things are managed. I have been a young lawyer myself; I remember the time when it was a gratification to me to see a long roll, and the same state of things exists in Montreal. The roll is congested, but the business is not obstructed. I have been in there myself, looking into the court room, and I have seen the rolls gone through in ten minutes. No one was ready. In many cases there were good reasons for the cases not being proceeded with, but in other cases they were put upon the roll for the purpose of making a good showing. Not two days ago one of the judges in Montreal admitted that such a state of things existed. The members of the bar of Montreal are more to blame for the state of congestion. As I said a little while ago, from a purely partisan point of view, I should be glad to see the government embarrassed by the responsibility that would fall upon them of filling three vacant judgeships. I know they have behind them on the back benches of the House of Commons more than two or three times three members of parliament who would be glad to take refuge on the bench to escape the storm that they feel is impending. I do not blame them. I am not of those who believe it is a mortal sin to appoint a member of the House of Commons to an important office. I am not of those who believe that it is a mortal sin politically or morally, for members of parliament to accept office. Why should they, of all other men, be debarred? It is only the men who have hypocritically pretended, for ten years in opposition, that it was a sin that it becomes so.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. BAKER—We have had the lecture read to us in the other House session after session about the enormity and iniquity of members sitting on the benches behind the government with the prospect of office before them. I know enough of politics and political men to know that members are not influenced by that. Members who belong to a party support their party through thick and thin. They do it in nine cases out of ten. The hon. Minister of Justice supported his party in a recent discussion when he announced here, from his place in parliament, that a fraud had been committed upon parliament.

Hon. Mr. MILLS—No, I did not.

Hon. Sir MACKENZIE BOWELL—He announced it; I heard it with my own ears.

Hon. Mr. MILLS—My hon. friend is mistaken.

Hon. Mr. BAKER—I accept the hon. minister's statement.

Hon. Mr. MILLS—I said I had not read the evidence, but as far as one could judge from the evidence, a fraud had been committed; I had not the information to speak positively. I have been too much occupied with my own work.

Hon. Mr. BAKER—I am sure the hon. Minister of Justice could not have read the evidence in the election cases and sought to justify them from his place here. I quite agree with him that not only the appearance, but the evidence, indicated that a fraud was committed.

In the management of that matter, in my opinion, the government of this country showed the incapacity that has character-

ized them from start to what will soon be the finish of their career. Other men may pretend to believe, but I do not believe, that the Minister of Militia was bribed into giving that contract. I do not believe a word of it. I know too much of politics to believe it. He was induced to do it to satisfy a political supporter. He was induced to do it by the importunity of political friends, but having done it, why had he not the moral courage, why had not his associates in the government the moral courage, to say, as I understood the hon. leader of the government in the Senate to say the other day, that a fraud had been committed? Why did he not say: 'I admit it. Let us find the man who committed the fraud.'

Hon. Mr. PRIMROSE—Hear, hear.

Hon. Mr. POWER—What has this to do with the question before the House?

Hon. Mr. BAKER—'And nail his ear to the post.' There is no Dr. Devlin or any one else of sufficient importance to the Liberal party, or any other party in this country, to induce them to condone an offence of that kind. I admit the force of the remark of the hon. gentleman from Halifax, whose beaming face smiles upon me now, that this is irrelevant to this question, and I apologize to my hon. friends around me for having taken so much of the time of this House, but the remarks of the hon. Minister of Justice left me no option. I was forced to say something, and I have discussed the matter, not in all its bearings, not in any of its more important bearings, because those were disposed of by the hon. leader of the opposition, the hon. gentleman from Hastings. Now, I want to say one parting word. It was more than insinuated; it was asserted, that the Senate was moved by partisan motives in rejecting this clause.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. BAKER—It was so urged first of all, and the leader of the government in this House now assents to what I say by saying 'Hear, hear.' I can tell him if I know anything of human nature that this Senate is composed of men who will not be deterred from doing their duty by revilings.

Hon. Mr. MILLS—Their duty is to turn out a Liberal government, as far as they can?

Hon. Mr. BAKER—No, that is the duty that will devolve upon the electorate of this country, and I am neither a prophet, nor the son of a prophet, but I venture to predict that when the electorate of this country get the opportunity they will not shrink from the performance of that duty. In the meantime, I can assure my hon. friend, on behalf of the members of this Senate, that they will not shrink from the duty that is imposed on them by the constitution of this country, though it may involve what Sir John Macdonald called a grave responsibility. They have more than once taken upon themselves the responsibility of such action, when Sir John Macdonald himself led the government. They more than once rejected government measures that had been introduced by Sir John Macdonald's government and since the present government came into power, they have exercised that power and that right to the eminent advantage of the people of this country. The hon. Minister of Justice shakes his head. Does he dissent from the statement that the Senate discharges a duty to the country and placed the country under obligation to the Senate when they rejected the Yukon Bill?

Hon. Mr. MILLS—I do. I consider it little short of treason.

Hon. Mr. BAKER—My hon. friend reminds me of a story that I heard about a man who took passage on one of the Mississippi boats some years ago when the tide of travel set in volume down the river to New Orleans. A great many went on that way in search of employment. It was very necessary that every one who went down should be fortified with certain recommendations as to character, that were called facetiously 'a character.' On one occasion it is reported that a woman was armed with this necessary voucher, but it got mislaid on the passage, and she went to the captain in a great state of excitement about it, and insisted, although it was beyond his ordinary duty, that she should be supplied with one. This woman said she had a character when she went on the boat, but she lost it going down the river.

Hon. Mr. CASGRAIN—Order.

Hon. Mr. BAKER—Will the hon. gentleman state his point of order?

Hon. Mr. CASGRAIN—There are ladies in the gallery.

Hon. Mr. BAKER—The hon. Minister of Justice came into this House with a character which he had won for himself by preaching constitutional doctrine and setting forth, in unmistakable terms, the duty of public men. But evil communications have evidently corrupted good manners, for he now after the lapse of so many months, in which his zeal in the matter has had time to cool, believes the Senate was not justified in rejecting the Yukon Bill, It is the universal sentiment of this country, from one end of it to the other, that a greater service was never rendered by the members of a deliberative body to the people of the country than was rendered by this body in the rejection of that measure.

Hon. Mr. MILLS—Sir Charles Tupper has since pressed the government to go on with the road.

Hon. Mr. BAKER—Not under the same conditions. However, that is beside the question.

Hon. Sir MACKENZIE BOWELL—Even that would have been a mistake.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. BAKER—That is beside the question. The people of this country and the members of the House of Commons have time and again, not once or twice, but in scores, expressed their satisfaction that the country was saved from the iniquity that was involved in that Yukon proposition.

Hon. Mr. MILLS—The iniquity was practiced in the Senate.

Hon. Mr. POWER—I had, a day or two ago, a vision of an early prorogation in my mental eye, but I regret to say the vision is fading away into the distance, and the speech of the hon. gentleman who has just sat down has pushed it a little further back. At the same time, I rejoice in this discussion, because it has given us a chance to hear the hon. gentleman from Bedford. I do not remember that he has ever before made as long a speech in this Houser as he has made to-night. I had heard him when he was a member of the other Chamber, and I regretted that we did not hear him oftener here, I only regret on the present occasion that he had not spoken some weeks ago instead of now. He is a seductive sort of orator, is the hon. gentleman from Bedford, and is very likely to lead one astray unless one is very guarded; and I think we had better not listen to the voice of the charmer, but look at what we have really to do. I do not think that what was said by the Solicitor General in the House of Commons, or what was said by any other hon. member there, is a subject for discussion here. The House of Commons passed this Bill, and a majority of this House, in its wisdom, or as the hon. gentleman indicated with respect to the Minister of Justice, its want of wisdom, amended the Bill in a very important particular, and the question for us is, the House of Commons having, in the exercise of their constitutional right, declined to concur in our amendment, whether we should insist on the amendment.

I must say to the hon. gentleman that I do not think he has made out a very strong case in favour of our insisting on the amendment. The hon. gentleman said that the Minister of Justice had not dealt with the message of the House of Commons at all, that he had not shown any reason why we should agree with the House of Commons. Then the hon. gentleman took up the message from the House of Commons, and, dealing with the first paragraph, the one with respect to the fact that section 92 of the British North America Act gives the provincial legislature the exclusive power to make laws for the administration of justice, the hon. gentleman says, we all know that; paragraph 1 of the message did not need any argument on the part of the Minister of Justice. Paragraph 2 of the message reads as follows:—

2. Because by section 96 of the same Act, it is provided that the Governor General shall appoint the judges of all courts organized by provincial legislatures except those of courts of probate in Nova Scotia and New Brunswick.

The hon. gentleman did not deny the facts set forth in that paragraph. Nor did the hon. gentleman deny the facts stated in paragraph 3 of the message, which is as follows:—

3. Because by an Act of the legislature of the province of Quebec, passed in 1899, viz., 62 Vic.,

chap. 29, it was provided that the constitution of the Superior Court of the province of Quebec should be amended, and that the said court should be composed of thirty-four judges, the object being to give three additional judges to the district of Montreal.

The hon. gentleman did not deny the statement contained in the 4th paragraph.

4. Because the object of the first section of the present Bill, which was rejected by the Senate is to comply with the duty imposed upon the federal government and parliament by the aforesaid section 96 of the British North America Act, in so far as the above action of the legislature of Quebec is concerned.

Paragraph No. 5, I think the hon. gentleman probably did deny :

5. Because the act of the Senate in rejecting the said section of this Bill is an infringement of the principle of provincial autonomy secured in the British North America Act.

That is the only one of the five reasons sent by the House of Commons which the hon. gentleman undertakes to question. I think there is a good deal to be said on both sides of that. I do not think the hon. gentleman has made out a very clear case. I find that in 1879, in the case of the British Columbia judges, the hon. gentleman who then led the government, Sir John Macdonald, said this at page 1299 of the House of Commons *Hansard* :—

Unless it were clearly proved that a local government making this demand had unjustly exercised its powers, and would throw needless expense on the Dominion government, we ought to accept the decision of the local legislature.

That is an authority which the leader of the opposition and the hon. gentleman from Bedford division ought to be prepared to accept.

Hon. Sir. MACKENZIE BOWELL—I quoted that.

Hon. Mr. POWER—The hon. gentleman did, but he did not seem to lay as much stress on that as he did on the views entertained by Mr. Anglin and other gentlemen whom he has not been in the habit of endorsing or following. Having dissented somewhat from the line taken by the hon. gentleman from Bedford, it would hardly be fair to follow him into what I may call divagations. For instance, with respect to one member of the present government, the hon. member referred to the views which he had expressed when he was in opposition. Every hon. gentleman knows that the opposition is a sort of liberty hall.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POWER—Every member of the opposition is not bound to follow his leaders in everything. He does not make himself responsible. The government is in a different position. Each member of the government is responsible for what every other member of the government says. It happens that one or two hon. gentlemen, who are now members of the present administration, did when in opposition, make rather extreme statements. I know there are numbers of hon. gentlemen who are now in opposition who make very extreme statements that they would not wish to be bound by if they ever came into power, and it is absurd to hold the present government responsible, as a body, for statements which were made by one or two gentlemen when they were in opposition, and were not responsible for one another's sayings. I should be very sorry to be held responsible for the statements of all the Liberal members of parliament.

Hon. Sir MACKENZIE BOWELL—Or by your own either.

Hon. Mr. POWER—The hon. gentleman, I suppose, is going to refer to the fact that when this British Columbia Bill was before parliament, I voted with the opposition against the Bill. I was young and foolish at the time. Hon. gentlemen may notice that perhaps I am not as keen as I was some time ago, but if I were a young senator like the leader of the opposition, or quite a boy like the hon. gentleman from Bedford, I could get worked up and thump my desk and shake my hand and all that, but I am an old fellow, and look at things in a rather cold-blooded way.

Hon. Sir MACKENZIE BOWELL—May you always be young.

Hon. Mr. POWER—Various authorities have been quoted by the leader of the opposition, and more of them by the hon. gentleman from Bedford. I propose to read from an authority whom I think every hon. gentleman here will be willing to accept. I turn to the Senate Debates for May 6th, 1879, page 469. This was during the discussion on the question of the British Columbia judges. On that occasion, Mr. Campbell (subsequently Sir Alexander Campbell) said :

Some one must speak for British Columbia, and it seems to me, that some one must be the legislator of the province. If it is necessary that it should have not only its own legislature to govern it, and to say what shall be done with its courts and how many judges there shall be, but that it must have a majority of its representatives in both Houses of the Dominion parliament in favour of any change that may be proposed, it will be impossible for the province to preserve its autonomy.

I direct the attention of the hon. gentleman from Bedford to this language :

If my hon. friend from Ashcroft had addressed those parts of his remarks which referred to the convenient and efficient administration of justice, to the legislature of British Columbia, he would have been quite right, and his reasoning which have been very strong and cogent, and for my own part, if I were a member of that legislature I should, I think, be disposed to be guided by him ; but here they come to us against the voice of the legislature of his province. Now it seems to me that we should deal with British Columbia as we would with Ontario, and those of us who represent this province in this House would feel it quite out of the question, I think, to set up our views against those of our local legislatures. Suppose the legislature of Ontario desired to concentrate the county courts, and have one where there are two now, to increase the number and have two where there is but one now, would any member of this Senate from Ontario rise and say that the decision of the provincial legislature was to be disregarded and his view adopted. They would submit to the decision of the legislature of their province. It is impossible for parliament to listen to more than one voice from any province. Take the legislature of Prince Edward Island, for instance. Suppose that it had a certain view with reference to the judiciary or the judicial districts of the island, and passed an Act to give effect to that view, and that law, not having been interfered with by the Governor General, were to go into operation, is it open for members from that province, in this House, to say that the legislature did not speak the views of the people ? If they thought it was a wrong course, they should endeavour to get the legislature of their province to come to a different opinion here against the views expressed by the legislature of the province. The suggestion thrown out by the hon. senator from Ashcroft, that this change is being made in the interest of certain individuals, may be true, but all that we know is, that the legislature of British Columbia desires the change, and this parliament ought not to withhold the money required to carry out that change—more particularly this House. If the arguments of my hon. friend on the financial question were addressed to the House of Commons they would be legitimate and proper, but I do not at all think that his remarks on the mode of administering justice in British Columbia would be proper consideration for either House, because you must have final authority for each province, and it must be, I think, the local legislature. The British North America Act defines what shall be done by the legislatures of the several provinces, and members are elected by the people for the purpose of performing the duties which the British North America Act charges them with. The members of this House are charged with various functions, but, amongst them is not that of deciding upon or being responsible for, or dealing with, the mode in which justice shall be administered. The constitution says that it shall be done by the local legislature, and that legislature has spoken. I am sure that we all respect the views of the hon. gentleman from British Columbia, and nobody is more gratified than I am, to see the high esteem in which they are held by this House, but, if we are to listen to their opinions, instead of those of the provincial legislature, we shall find ourselves in a dangerous position. It is the duty of this House not to listen to the voice of the hon. gentlemen, charm they never so much, but to the voice of the legislature of the province, which has spoken in the way that this Bill proposes to carry out.

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Then with regard to the calculation which has been made to the increased expense which this change will cause, the first reply is that the House of Commons has seen fit to vote that money, and it does not become us to gainsay what they do with reference to money matters.

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Whether the legislature have exercised a sound judgment in this matter, or whether the representatives of that province in this House exercise a wiser judgment, is not a question for us to decide. We must take the voice of the legislature as speaking for the province ; and, particularly as the House of Commons has voted this money, I trust that those who generally support the government will do so in this instance, because we feel strongly that it is very important to carry the Bill.

The hon. gentleman who made that speech was the Hon. Sir Alexander Campbell, at that time Minister of Justice, who led this House, who was as good a parliamentarian and as judicious a constitutional lawyer as I remember to have met; and I think there was no question about his being one of the ablest and most respected members whom the Conservative party in Canada ever produced.

Hon. Mr. FERGUSON—Did Sir Alexander Campbell's speech convince my hon. friend at the time?

Hon. Mr. POWER—I said I was young and foolish. I was not trying to convince myself. I am now addressing the Quebec Conservative members in this House. There is no necessity to try and convert the Minister of Justice and the hon. gentleman from Toronto. They are all right. But I am giving hon. gentlemen who sit on the Conservative side of the House what I consider the very best authority that the Conservative party has ever produced in this country, as to the line of action to be taken with respect to this Bill.

Hon. Mr. VIDAL—And, notwithstanding that, the hon. gentleman voted against it.

Hon. Mr. FERGUSON—I think, probably, we have heard nearly all the arguments that are available, either on one side or the

other. I have not held strong opinions on this question from the time it was brought up in this House. I might say this, that if the Senate had been led with more moderation, and courtesy, and fairness, probably these different opinions would not have arisen.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—I remember quite well, when a similar Bill was brought before this House with regard to Manitoba, I sat on the opposition side, as I do now, and the House was led by Sir Oliver Mowat on the other side. I took objection to the action of the government in creating an additional judge in the province of Manitoba, and there were circumstances connected with the case that made it a fair subject for discussion. I raised the point, and the matter engaged the attention of the House at several sittings. I must say that if I had been met as the hon. gentleman from Bedford was met on this occasion, there might have been a conflagration, and the result might have been the same as occurred on this Bill; but I was met by Sir Oliver Mowat in a conciliatory spirit, and with courtesy. He came over to this side of the House and talked the matter over in a friendly way and disarmed my opposition, and my friends took the cue from what was going on, and the result was the Bill was passed. I think that a mistake is being made, in magnifying little differences of this kind between the two Houses of Parliament, and making more of them than they are entitled to. I do not think this is a big question for the government. When the appointment of an additional judge for Manitoba was up, this House did not take drastic action, but in 1879, when the Conservatives were in power, this House did defeat a Bill of the Conservatives, to which reference has been made by the hon. gentleman from Halifax, and, on another occasion, when Mr. Mackenzie's government was in power, a similar Bill, creating county court judges in Nova Scotia, was held over. No great harm was occasioned by those acts of this House. There was no cry of provincial autonomy being disregarded—no temper, no hectoring speeches, such as we have heard here to-night. Time was allowed to intervene, and the matter was smoothed over, and no harm was done. I do not know why there should be those hectoring speeches, and all this declamation in another place, and attempts made to set a province on fire on this question. It is over a year since the province of Quebec passed this legislation. We met in parliament after this legislation was passed. The government had it before them. They did not act. They thought a year would be no harm to intervene. Evidently, they came to the conclusion that it was not a matter of life and death, and they took a year to consider it, and, at the end of this session, they come down with their Bill. Why should it be a crime, on the part of this Senate, to take another year? Is it such a serious matter that this country is going to be rent assunder because the Senate say: 'We will take a year to consider this matter.' I am one of those who believe that the view of the province must ultimately prevail in a matter of this kind. But, in view of the contradictory statements that have reached our ears since this discussion has begun, with regard to judicial work in the province of Quebec, the fact that the Solicitor General admitted, as has been quoted by the hon. gentleman from Bedford, that he did not quarrel with the statement of the late Attorney General of the province of Quebec, Mr. Casgrain, in another place, that the judicial power of the province of Quebec was ample to do its work without the necessity of creating those new judges at the present time—I cannot see, for the life of me, why there should be any such excitement over this question. It only involves a little delay. If the legislature of Quebec adheres to its views, of course it must have its way after a time, but I cannot see what great interest is being affected more than there was a year ago, and why a little delay should be so outrageous now, when it was all right when the Minister of Justice took that time, a year ago, for the consideration of the question.

Hon. Mr. KERR—It was not my intention at this late stage of the session, and especially at this night session, to detain the Senate or trouble them with any remarks upon this Bill now under consideration; but I felt that I would be recreant to the trust reposed in me, as a citizen of Ontario, if I did not rise in my place and enter my solemn protest against the doctrine that has

been propounded here, this evening, by the leader of the opposition in the Senate.

I call upon Ontario to take note of it. I call upon Quebec to take note of it, as she undoubtedly will, but I call upon the other provinces to take note of it. It is not simply the mere matter of appointing three judges. It is not merely the matter of the saving or the expenditure of a few thousand dollars. That seems to be the idea entertained by some hon. gentlemen who have opposed the passage of this Bill. To my mind, there underlies, in the opposition to this Bill, a very dangerous doctrine as propounded this evening. We all know, we have all been living witnesses of the fact, that the provinces of this country struggled long and hard to get control of their own local affairs, and if the doctrine propounded here to-night is to prevail the element of the federal principle in our constitution is gone.

Hon. Sir MACKENZIE BOWELL—Oh, humbug!

Hon. Mr. KERR—And we might as well go back to a legislative union at once. Before I come directly to the point, I want to make one remark, and I will touch it as briefly and gently as I can. The hon. gentleman from Bedford, for whom I entertain a high opinion, as he knows, I thought was unhappy in the latter part of his allusion to the hon. leader of the Senate. He says that he felt pain and regret when he heard of his defeat. I am sure the whole province would sympathize with that, and trace it to its cause, going back as far as 1882, having considerable memory, but then he straightway destroys the good effect of that charitable and kindly expression by saying that the Minister of Justice straightway, almost immediately, fell into a state of bitter partisanship. I call upon this Senate, and I ask them one and all, take the Minister of Justice and the Secretary of State, if they have not, as representing their government in this House, been moderate, temperate and, sometimes even forbearing, in the expression and advocacy of the policy of the government before this Senate? I fancy though that the cat has been let out of the bag by the last hon. gentleman who addressed this House. If I heard him correctly, he said that probably if a little more courtesy had been shown by the party supporting the government in the Senate this opposition to the Bill would not have shown itself or would not have been serious.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. KERR—Now is that all there is between us? If that is the reason, I think we should know it, and the country should know, and that is really the only substantial reason for opposing this Bill. My hon. friend the leader of the opposition in this House impressed me in his speech with the idea that when this Bill was before the House on a former occasion and the first clause was struck out, the majority in this House had made a mistake and committed a serious blunder, and that his whole effort in his speech to-night was to justify, or at any rate to try to excuse the action of the majority in the Senate on that occasion. I ask hon. gentlemen to say that he lamentably failed. In this case there are just two points to be considered, as in every case, one a question of fact and the other a question of law. When my hon. friend the leader of the opposition was stating what he called facts, and also stating his legal propositions, I was reminded of an anecdote of that eccentric genius, Artemas Ward. He said when he was lecturing down south he had a very violent attack of cholera morbus. The cholera was bad enough, but when the morbus set in it was perfectly dreadful. The application I make of that is that the statement of alleged facts by the hon. leader of the opposition was bad enough, but his statement of the law was simply dreadful. I should like to have that argument made before the Supreme Court of this country. I speak now as one who has for thirty-three years been called upon, in examinations upon that statute as well as the other statute law of this country, to read every section, every line, every word of the British North America Act, and if the doctrine propounded and the interpretation put upon that Act to-night by the hon. leader of the opposition be the correct one, then I have been wrong in my teaching for thirty-three years. I am going to give the House a sample of the hon. gentleman's law, or to show that the hon. gentleman, not being a lawyer, does not cite correct precedents. I am not blaming him for not being a lawyer. He is better en-

gaged. He is a newspaper man, and I think that is better than being a lawyer. At any rate, it is a good profession, but if he had been a lawyer he would not have cited some of the precedents that he has cited. Among others, he referred to the action of this House upon the Tuckersmith Bill. I should like to ask the hon. gentleman, and I ask him and other hon. gentlemen in this House, if there was one iota of constitutional principle involved in that Bill. That was a Bill that emanated from and passed through the other House, and it was quite within the province of this Senate to reject it, because there was no constitutional principle involved.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. KERR—Then, also, with regard to the Esquimalt and Nanaimo Railway Bill. That was a measure that emanated from the other House. I am not saying anything about the wisdom or unwisdom of the action of the Senate upon that Bill, but there was no constitutional principle involved in their action. So that I say those two precedents—and I take them just as a sample—have not the slightest bearing upon this question before us to-night. The Supreme Court would not listen for one minute to these citations as precedents having any bearing upon the case. If hon. gentlemen are going to be guided by that kind of thing, they will be labouring under a very great mistake. This matter came before us last week. I said before, in my opening remarks, that there were two questions involved, a question of fact and a question of law. Let us look at the question of fact, and there is no dispute about the fact in this case. What I take to be a fact is that the legislature of the province of Quebec have organized courts and provided machinery for three additional judges. That is a fact, about which there is no dispute. My argument, further, is that they had the constitutional right to do that, and that that was the only proper constitutional way of expressing their right to do it, and they have done it. We are agreed upon that point. Then that is not only endorsed by the parliament and the government of the province of Quebec, but it is endorsed by the bar of Montreal. We have had it stated here, I know, by the hon. gentleman from Bedford, very strongly, that there are judges enough in the province of Quebec, if the work was properly distributed, to do all the judicial work in that province. Very likely that is so, but we have nothing to do with that. We have had it from the lips of His Honour the Speaker, who knows as well as any man in this Chamber or out of it, what the volume of law business in the Montreal district is now and has been—that without the appointment of these three judges it is likely to continue to be in a congested and backward state. It is no argument to say that by the redistribution of work the pressure might be relieved. We have no right to look at that. That is my proposition, and I say, even if we had a right, we are not to set up our judgment in the face of the judgment of the representatives of the people in that province. They know their business better than we can possibly know it.

Hon. Mr. LANDRY—Question.

Hon. Mr. KERR—We will get to the question quickly enough. Supposing that some people would say—and I have no doubt some pretty sensible people do say—that we could get along very well with half the number in this Chamber——

Hon. Sir MACKENZIE BOWELL—So we could.

Hon. Mr. LANDRY—Yes, certainly, and without the hon. gentleman's speech.

Hon. Mr. KERR—And very likely without the speeches of the hon. gentleman from Stadacona, but that is not the question to be considered. The question to be considered is, has the legislature of the province of Quebec a right to organize courts?

Hon. Mr. LANDRY—Certainly they have.

Hon. Mr. KERR—And have they organized courts?

Hon. Mr. LANDRY—Certainly. No question.

Hon. Mr. KERR—And has the British North America Act imposed the duty upon the Governor in Council to appoint judges?

Hon. Mr. BAKER—Not absolutely.

Hon. Mr. KERR—I take issue with the hon. gentleman on that.

Hon. Mr. LANDRY—We will discuss that to-morrow.

Hon. Mr. KERR—And does the British North America Act impose the obligation on this parliament to fix and provide for the salaries of judges ?

Hon. Mr. BAKER—Under certain limitations.

Hon. Mr. KERR—The statute says nothing about limitations. But supposing it should say something about limitations, is there anything we have heard to-day, or on a previous occasion, which would lead us to believe that there should be any limitations ?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. KERR—The hon. gentleman that says 'certainly' in the face of what has transpired here, of course is not amenable to my argument.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is quite correct in that. That is the most truthful statement he has uttered to-night.

Hon. Mr. KERR—It is a difference of opinion and the issue is narrowed down to this fifth reason which reads :—

Because the act of the Senate in rejecting the said section of this Bill is an infringement of the principle of provincial autonomy secured in the British North America Act.

Hon. Mr. LANDRY—We do not admit that.

Hon. Mr. KERR—That is really the only point between us. I contend that it is an infringement and an infringement such as the province will not submit to. I know there was, not many years ago, creeping up in the provinces an agitation for power to appoint their own judges, and depend upon it, if this kind of thing is to be persisted in, the several provinces of this Dominion will make common cause, and will agitate until they get that right.

Hon. Mr. LANDRY—All right.

Hon. Mr. KERR—The hon. gentleman says 'All right.' If he is prepared to force them to that position before they can get justice, on him must rest the responsibility.

Hon. Mr. LANDRY—Hear, hear. We will take it.

Hon. Mr. KERR—Is there, after all, any reason for opposing this Bill ?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. KERR—I have not heard one good substantial reason for opposing it.

Hon. Mr. LANDRY—Then the hon. gentleman is deaf.

Hon. Mr. KERR—I am not deaf. I suppose I am like the others——

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. KERR—Perhaps I am strongly partisan. I will admit that——

Hon. Sir MACKENZIE BOWELL—That is another truth.

Hon. Mr. KERR—But I want to add to that. My hon. friends in the opposition may be partisans as they please, apparently, according to their view, but the moment a supporter of the government, or a Liberal on this side of the House ventures to express his opinions forcibly and fearlessly, that moment he is set down as a bitter partisan.

Hon. Sir MACKENZIE BOWELL—Quite true.

Hon. Mr. KERR—I have not heard a man who is opposing the government who does not take that position. To such I would commend the words of Robbie Burns, who says :

"O wad some power the giftie gie us
To see oursel's as ithers see us !
It wad frae monie a blunder free us
And foolish notion.'

I do not want to refer to this matter. We are all friends here, but I want just to say this, that if I were in a minority of one in this Chamber, and I conscientiously held strong views upon any subject, I would declare it as fearlessly and forcibly as I could, and I would say : 'If you want war, we will have war ; and if you want peace we will have peace.'

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. KERR—We are pretty nearly levelled up now in numbers, and I wonder if that is what is the matter ; but I hope if we should be two to one in this House, that we shall be very careful how we veto legislation, let it come from what government it will. If the doctrine propounded by my hon. friend be true, this Senate can interfere in any provincial legislation on any

question that they, in their wisdom, think not wise or provident. I deny that doctrine in toto. The word 'exclusively' in the 92nd section of the British North America Act assigning certain classes of subjects to the provinces, was not put there accidentally; it was put there on purpose. Exclusively, it says. It was intended as a provincial boundary line fence, strong enough to resist the assaults of every intruder, and it was intended to be high enough to prevent any one vaulting over it; even this Senate—which some naughty people consider to have breachy instincts. I hope the word exclusively will prevent us from vaulting over that fence and getting into the provinces.

Hon. Mr. LANDRY—Where is the stiffness in that?

Hon. Mr. KERR—The hon. gentleman will find that out. I wish to say in conclusion, that I do not think the people of Quebec are fools.

Hon. Mr. LANDRY—Neither do I.

Hon. Mr. KERR—I do not think their representatives are fools. I think they know what their business is, and I am bound to take the statement of the chief justice, but the chief justice did not say that the law business in the district of Montreal is not congested, but simply that there were judges enough if the work was properly distributed. Very likely that is so, and it may be that he will want redistribution all over, but this Senate is not the revising body for provincial legislation. It is not a court of review over them. But are not we in danger of falling into the habit and thinking that we can revise everything and anything that comes before us, right or wrong?

Hon. Sir MACKENZIE BOWELL—Did they not do it in the past?

Hon. Mr. KERR—I have been asked by sober minded, thinking people 'who runs this country? Who governs this country?' I have said that an irresponsible majority in the Senate at Ottawa practically have things their own way.

Hon. Mr. BAKER—The hon. gentleman was not in earnest when he said that.

Hon. Mr. KERR—I was in earnest, and what I have seen here has caused me to say that. I will not yield to any man in this Senate in my desire to uphold the dignity and efficiency of this body; but, so long as I occupy a place on the floor of this Chamber, I trust I shall never cease to advocate the doctrine of provincial rights. What is confederation but the principle of provincial rights, and I say that if this Bill is thrown out, it will be a direct assault and onslaught upon that principle. Supposing this Bill should carry, which I hope it will, I would not be vain enough, or foolish enough, to consider it a party triumph. In my opinion, it would be a triumph of justice and for the constitution. That is the kind of triumph we are working for, but the majority in this Senate are setting up their judgment, not only against the province of Quebec, not only against the government of the country, as stated by the hon. leader of the Senate, of the majority of the representatives of the people and a very large minority in this Chamber, if there be a minority, and yet we are asked, in the face of that consensus of opinion, in the face of that intelligent expression, to say that the people of Quebec do not know how to manage their own affairs. Are we to be told here that the province that produced such men as Lafontaine, Cartier, Chapleau, Dorion and Laurier do not know how to manage their business?

Hon. Mr. PRIMROSE—Why does the hon. gentleman leave out Lacoste?

Hon. Mr. KERR—I thank the hon. gentleman: I want to include him. He says they could by proper management.

Hon. Mr. MILLS—He is not the judge of that.

Hon. Mr. KERR—He is not the judge of that. I do not want to make any implication of reflection upon a man like Chief Justice Lacoste. He is an able judge and a splendid man. I have never heard anything but good of him, and my not mentioning his name was because he was not present to my mind; but will hon. gentlemen tell me that men of that stamp, or a province that can produce such men and others that I see around me from that province, on both sides of the House——

Hon. Mr. LANDRY—Why is the hon. gentleman looking at me?

Hon. Mr. KERR—Will any one say that they do not know how to manage their own affairs, but that it is left for the majority

in this Senate to tell them how they should manage their affairs? All I can say is: what may be Quebec's case to-day, may be Ontario's case to-morrow.

Hon. Sir MACKENZIE BOWELL—Treat them in the same way, if the circumstances are the same.

Hon. Mr. KERR—If that doctrine is to prevail, the sooner we know it, the better. If that is the gauntlet thrown down by the opposition, that if Ontario does not distribute or establish courts according to the wish of the majority in this Senate, that province cannot have them.

Hon. Sir MACKENZIE BOWELL—That is not the question.

Hon. Mr. KERR—That is the real question. I understand the question as well as my hon. friend, although I have not been so many years in parliament, but I am longer a student of the laws of this country, and I will not allow the hon. gentleman to dispute the soundness of my law.

Hon. Sir MACKENZIE BOWELL—I will do that easily enough.

Hon. Mr. KERR—Because I am quite willing to risk the opinion of the Supreme Court as to whether what is proposed to be done is not a violation of the constitution, or a failure to comply with the duty cast upon this parliament by the constitution.

Hon. Sir MACKENZIE BOWELL—A very good suggestion. I hope the government will act on it.

Hon. Mr. KERR—Hon. gentlemen may take whichever position they like. It may be a matter of fun and laughter and interruption, but I tell hon. gentlemen that the provinces are going to win in the long run, and they are not going to be dictated to by the irresponsible—shall I say oligarchy—in the Senate. I am talking plainly, and I feel strongly. I know the mind of the people on this question, and I intend, so far as I can interpret it, to declare it here so long as I have an opportunity.

Hon. Mr. LANDRY—Hear, hear. Dispense.

Hon. Mr. KERR—I will occupy whatever time the Senate gives me.

Hon. Mr. LANDRY—The hon. gentleman has not more than two hours.

Hon. Mr. KERR—It is always a sign that somebody is hurt, when he squeals.

Hon. Mr. LANDRY—Why does the hon. gentleman squeal so loudly?

Hon. Mr. KERR—What excuse can the man who votes against this clause give to the country? What satisfactory explanation? I would be ashamed to return home, if I voted against this measure. I would feel that I was an enemy, not only of the province of Quebec, but an enemy of provincial autonomy; but I do not say that those who vote against the clause will be enemies. I suppose I have a right to assume that they will vote according to their consciences, but if I were not here to enter my solemn protest and to correct some of the bad law enunciated by the hon. leader of the opposition in this Chamber, this afternoon and to-night, I would feel that I would have a violent attack of insomnia all night long. I have given hon. gentleman my views on this question. We must legislate in this Chamber, as I understand it, not for a temporary party triumph. We must legislate to carry out the constitution of this country, as we understand it. We must do as that Greek historian, Thucydides, did, when he wrote the history of the Peloponnesian War: 'I write this history as a perpetual possession, not as a prize task for the present hour.' This is not a task for the present hour; let us legislate in such a way that what we do will, in coming years, when others occupy these benches, when another Speaker adorns the Chair and other officers record the proceedings, when other skilled hands may be directing the swift pencil, be a beacon light, and a map, and a chart by which to steer the ship of state, so that she shall avoid all rocks and shoals and quicksands, in the years that are to come.

Hon. Mr. DeBOUCHERVILLE—I think this question has been discussed in all its aspects by the members on this side of the Chamber, particularly by the hon leader of the opposition and the hon. senator from Bedford, and I have not heard any reason given against what has been advanced on this side of the House. But there is one point to which I wish to call attention, although

I have done so once already. The hon. Minister of Justice has told us that there was a difference of $78,000 between the expenses of the judges of Quebec and the judges of Ontario. Reading the speech of the Solicitor General, I thought it was $70,000, but it does not matter. If hon. gentlemen will examine those expenses and compare the population of Ontario and the population of Quebec, they will see that the proportion is the same, that we have in the province of Quebec, according to population, the same amount as they have in Ontario. This exists and has existed for a long time. I really thought, and I think still, that among our old legislators, Macdonald, Cartier, and some that have followed them, the intention was that, as we had the same subsidy coming from the federal government for the difference in proportion to our number, the same thing applied to the administration of justice, that we received in proportion the same amount, more particularly between Quebec and Ontario. I make the distinction that in the new provinces, British Columbia, Manitoba and the Territories, this will not apply, because those provinces are infant provinces. They are increasing much faster than the old provinces, and certainly we must give them more judges than their population at present warrants, because they require those judges. I think, for those who desire to keep up between the provinces a good feeling, it is dangerous to press any measure which might create a jealousy between the provinces. It is proposed to give to the province of Quebec $15,000 more. If, as I said just now, the proportion is at this moment equal between the two provinces, you are changing the proportion, and you are changing the proportion while we are still basing our actions on the census of 1891. We are going to have a new census in a year. Perhaps this census may change the proportion between the old provinces, more particularly between Ontario and Quebec. Why not wait before doing something which may create a bad feeling? The hon. gentleman who has just spoken says that what happens in Quebec may happen in Ontario. That is just one of the reasons why I think we ought to keep the old proportion, but there is one thing in which I agree with the hon. gentleman from Coburg, and that is that the great point before us to discuss is the reference to the paragraph which says that the act of the Senate in rejecting the said section of this Bill is an infringement of the principle of provincial autonomy secured in the British North America Act. With this I agree, and I think the discussion of this very interesting question has wandered a little from the point, but now, I would ask, it we reject the clause in the Bill giving three new judges to the province of Quebec, how are we interfering with the autonomy of the province?

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. DeBOUCHERVILLE—What autonomy is given to each province? The province of Quebec has the power constituting the Superior Court. The British North America Act says:

> The legislature will have exclusive power to make laws concerning the administration of justice.

It does not touch that. The section proceeds:

> Including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in these courts.

We do not touch that. Therefore, how can any one say that we are infringing on the principle of autonomy? We are not interfering at all with that. We leave them the constitution and all the rest. But the judges are named and paid by the federal government. Then there is another point. It has been argued by some hon. gentlemen that it was obligatory on us to name and to pay the judges. If it is obligatory, what necessity was there for coming before parliament?

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. DeBOUCHERVILLE—If it is obligatory, let them pass an order in council and get it signed by the Governor. Certainly nobody thinks that we are obliged to do things without amending those Acts. If it is obligatory let them name the judges by an order in council. I venture to say they dare not do it. That is the only way they could do it, if it is obligatory upon them. But that is the only way that remains, because otherwise you admit that it is not obligatory. If it is not obligatory

we can discuss the question. That is what we are doing, and in doing that, passing the amendment we passed, we are not infringing on the authority of the province.

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

Contents:

Hon. Messrs.

Burpee,	Power,
Casgrain (de Lanaudière)	Scott,
Cox,	Thibaudeau (de la Vallière),
Fulford,	Thibaudeau (Rigaud),
Gillmor,	Watson,
Kerr,	Yeo,
Mills,	Young.—16.
Paquet,	
Pelletier (Sir Alphonse) Speaker,	

Non-Contents :

Hon. Messrs.

Baird,	Macdonald (P.E.I.),
Baker,	McKindsey,
Boucherville, de (C.M.G.),	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Carling (Sir John),	Montplaisir,
Clemow,	O'Brien,
Ferguson,	Primrose,
Landry,	Sullivan,
	Vidal.—17.

Hon. Mr. LANDRY—I ask that the names be read.

The names were read by the clerk.

Hon. Mr. LANDRY—I call the attention of the House to a fact—a very grave fact. The hon. member opposite may laugh, and think it is a sharp trick (cries of 'Order') I am in order.

Hon. Mr. MILLS—No.

Hon. Mr. SCOTT—The hon. gentleman has no right to make any comments. He must state what he has to state.

Hon. Mr. LANDRY—The hon. member for LaSalle (Hon. Mr. Paquet) paired this afternoon with the hon. member for Repentigny (Hon. Mr. Armand) about a quarter to six, for the rest of the session. Mr. Armand then went away. After the departure of Mr. Armand, the hon. member for de Lanaudière interfered and annulled the pair.

Hon. Sir MACKENZIE BOWELL—He could not do that.

Hon. Mr. LANDRY—He could not do that in honour. Before dinner I told Mr. Armand that he was paired, and that it was not necessary he should be here this evening. If the dictates of honour had been complied with, I would have been notified by the hon. member for de Lanaudière that the hon. member for LaSalle was still here and intended to vote, and then I would have had time to have Mr. Armand here. The hon. member for de Lanaudière kept the hon. gentleman from LaSalle in the background hidden somewhere. He has not been seen until the vote was called. I do not see that there is any great honour in that, but I call the attention of the House to these facts. Notwithstanding that, the motion put by the hon. minister was lost, so that kind of a trick, if trick it is, has failed.

Hon. Mr. PAQUET—I came to vote because I was not paired.

Hon. Mr. LANDRY—I call the Hon. Mr. DeBoucherville as a witness. I told Mr. DeBoucherville to go and see Mr. Paquet so as to make certain that there was a pair. He saw Mr. Paquet. After having seen Mr. Paquet he told Mr. Armand that he need not come here to-night. I appeal to the word of the Hon. Mr. DeBoucherville.

Hon. Mr. DeBOUCHERVILLE—As I am called upon to declare what I know, this is what I know : The hon. member for Stadacona told me that the Hon. Mr. Paquet had paired with Mr. Armand. He told me to ask Mr. Paquet himself. I went to Mr. Paquet and asked him if he was paired with Mr. Armand. He said : Yes. I board at the same place as Mr. Armand. After taking my supper, I went to see Mr. Armand at his rooms. He said : 'Do you know that two have come to see me to-night ?' I did not know what he meant. I knew people had been to him asking him to resign his seat, offering him something to do that. I said : 'What do you mean ?' He said : 'They wanted me to resign my pair. They told me they would give me a pair for the rest of the session if I would resign it to-night. I told them I had a pair to the end of the session. I asked him for the names of those who had seen him. He said one was Mr. Paquet. I said, to be sure before leaving, 'You have not broken your pair for to-night ?' He said : 'No, but to-morrow my pair will be broken.' I did not understand what the hon. member (Hon. Mr. Paquet) said just now.

Hon. Sir MACKENZIE BOWELL—He said he was not paired.

Hon. Mr. DeBOUCHERVILLE—The hon. member would not say that before me. Did I not ask the hon. member if he had paired, and he said he had paired.

Hon. Mr. THIBAUDEAU (Rigaud)—A statement has been brought forward by the Hon. Mr. DeBoucherville that some people had asked Mr. Armand for his seat. Mr. Armand's seat has never been asked for by anybody. It is the fact that Mr. Armand's people have tried to get outside parties to induce him to resign, but he has never been asked for his seat. Outside parties would be very loath to ask for Mr. Armand's seat, because Mr. Armand is a very respectable senator, and there is no reason why any one should ask to take his place.

Hon. Sir MACKENZIE BOWELL—Perhaps it would be well to delay that discussion.

Hon. Mr. THIBAUDEAU—I wanted to make that statement.

Hon. Mr. CASGRAIN (de Lanaudière)—I am very glad that the hon. gentleman from Stadacona has called the attention of the House to this pair. Just as we were leaving the House at six o'clock, Senator Paquet informed me that the hon. member for Stadacona wanted to pair him off with the senator from Repentigny, and I said it was quite unfair to pair a healthy man against a man who is sick, and probably could not come this evening. However, I went myself with the senator from LaSalle to the hospital, to the sick room of Hon. Senator Armand, and there Hon. Senator Paquet told him that he had changed his mind and was not leaving to-night, and asked him to call off the pair, and told him to come and vote in the House if he wanted to this evening.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman admits there was a pair.

Hon. Mr. CASGRAIN—When the hon. member from Stadacona came to me and asked me if the hon. gentleman (Hon. Mr. Paquet) had left the city. I said 'I will have nothing to say to you.'

Hon. Mr. DeBOUCHERVILLE—The hon. member has omitted this: that he went with the Hon. Mr. Paquet and asked Hon. Mr. Armand to break the pair.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLS—Which was quite right.

Hon. Mr. DeBOUCHERVILLE—I am surprised that the hon. member would make the statement that he had not paired.

Hon. Mr. PAQUET—I said 'I am not paired,' because I went to Mr. Armand and said 'I am not going to-night, I want to call off the pair.' He said 'with pleasure; if you want to vote to-night you can do so.'

Hon. Mr. LANDRY—I do not see how, if a man has paired, he can undo it at his pleasure.

Hon. Mr. MILLS—Because he changed his mind, which he had a perfect right to do.

Hon. Mr. LANDRY—But if he said he did not pair?

Hon. Mr. PAQUET—I said 'I am not paired.'

Hon. Mr. MILLS—I understood the hon. gentleman said that when he voted he was not paired, and if we went to Senator Armand in time and told him he wished to call off his pair, he had a right to do so, and Senator Armand, if he was in a condition to come here and vote, was at liberty to do so. I understand Senator Forget expressed his desire to remain and vote for the Bill, but some hon. gentleman on the opposite side of the House told him there would be no vote—that the amendment that had been made to the Bill in the Senate was not to be persisted in; consequently, he is not here for the purpose of voting with the government on this question.

Hon. Mr. LANDRY—I would ask the hon. Minister of Justice, who seems to be very well posted on these matters, if he thinks that man in honour, the Hon. Mr. Paquet, having through me paired with the Hon. Mr. Armand, should not have told me that the pair was broken?

Hon. Mr. WATSON—I wish to say a word, as I have been entrusted with making some pairs on the government side of the House, that I regret very much that a gentleman who assumes the position of whip—the hon. member from Stadacona—should throw a doubt on the sincerity of men who make

pairs. It will be recollected this afternoon that the hon. member for Brockville rose and voted. He was accused by the hon. gentleman from Stadacona of having paired for Monday simply because the hon. member for Perth was not here. I did not say anything about it this afternoon, but I knew something about that, because I was in communication with the hon. gentleman from Brockville, and he informed me that he tried to arrange the pair with the hon. member from Perth for the balance of the session, but he would not consent. The hon. member from Perth had stated, what the hon. gentleman from Brockville said this afternoon, that he intended to be here this afternoon to vote, and notwithstanding that, the hon. gentleman from Stadacona said he had a telegram that he could not be here this afternoon. The hon. gentleman raises a question of the same kind to-night again, notwithstanding the denial of the hon. senator, who is in his place, and another senator who went with him to see Mr. Armand. Still the hon. gentleman from Stadacona insists that the hon. gentleman broke the pair. It is very unfair.

Hon. Mr. LANDRY—It is not unfair.

Hon. Sir MACKENZIE BOWELL—There is another hon. gentleman present to-day who voted, Hon. Mr. Cox, who was paired with Mr. Kirchhoffer. Mr. Cox returned to the city to-day, bringing a note from the Hon. Mr. Kirchhoffer, saying that they mutually withdrew the pair, and the hon. gentleman from Toronto was quite right in voting. When attention was called to the pair of Senator McLaren with Senator Fulford, the latter gentleman rose at once and said it was true, there had been a pair, but Mr. McLaren had wired him, and it was mutually withdrawn. Both of these votes were quite correct.

Hon. Mr. FULFORD—The pair of hon. Senator McLaren and myself was only until Monday. I suggested until the end of the session.

Hon. Sir MACKENZIE BOWELL—There is no misunderstanding about that. The moment the hon. gentleman made the explanation, no one objected to his voting. This case is quite different. I differ from the hon. leader of the House upon this point, and on the question of pairs. That there was a pair between the hon. gentleman from LaSalle and Senator Armand is beyond a doubt, because not only the hon. gentleman from Stadacona, but my hon. friend from Montarville (Hon. Mr. DeBoucherville), whose word no one would doubt, said there was a pair. The whip takes upon himself the responsibility of undertaking to break that pair. If Mr. Armand, who is ill, and probably did not want to come out, and the hon. gentleman from LaSalle had mutually agreed to break the pair, they would stand in the same position, but Senator Armand said, as I understand from the hon. gentleman on my right, 'no, my pair is made, and I intend to remain here until the end of the session.'

Hon. Mr. DeBOUCHERVILLE—The pair was to be broken to-morrow.

Hon. Sir MACKENZIE BOWELL—But he declined to have it broken to-night. Because, had not that pair been made, I know there was arrangements made by the hon. gentleman for Senator Armand to dine here and remain to vote. I am not going to insist upon the hon. gentleman from LaSalle changing his vote. If he thinks, under the circumstances, that he had a right to vote, and that his conduct with Senator Armand is what one gentleman should be to another, that is for him to decide, not for me. It will not affect the result in the least, and putting it in that way, I should suggest to my hon. friend from Stadacona not to press this question any further. It will only be a lesson for the future, when elderly gentlemen like myself, who are infirm, whose legs are not so good as they used to be, want to remain away at night, to be very cautious with whom they pair. My elderly friend, as he styles himself, will accept my interpretation of it. I would give him this advice, when pairs are made, he had better get a mutual consent to have them broken, or let them alone; otherwise there should not be any pairs made in this House.

Hon. Mr. CASGRAIN—There is another little incident about this division, and it refers to the hon. leader of the opposition in this House. Hon. Senator Forget told me he was in favour of the Bill. (Cries of 'Oh, oh!') I hope I shall be allowed to make my

statement. He told me he was in favour of the Bill, and had pledged himself to vote for it, but that he had spoken to the leader of the opposition, who had told him he could go home in peace, that it was useless for him to return to Ottawa to vote, because there would be no vote on that question. Otherwise, I assure hon. gentlemen, I would, as whip, have telegraphed to Mr. Forget to come here and register his vote, in which case the division would have stood 17 to 17.

Hon. Mr. LANDRY—And it would have been lost, the same.

Hon. Sir MACKENZIE BOWELL—Senator Forget, in whom I have the most unbounded confidence, misunderstood me, if he ever gave utterance to that opinion, I could not have said it because I was determined after reading the debate in the Commons to push this matter to an issue, and it is not at all likely that I would have said to any member: 'Do not return, because there will be no vote,' when I had made up my mind to push it, whether I should lose or win. I do not desire to repeat conversation, but I was told by a gentleman that had had a conversation with Senator Forget at the club, and that Senator Forget had expressed opinions very similar to what the hon. gentleman has intimated, but, when he got the explanation, he changed his mind and would not come back. There is the difference in the statements, but to suppose that I, who intended to push this to an ultimate issue, would advise any of our friends not to come back, is something that I do not think anybody will attribute to me, for the reason that, it implies deception, and I do not think those who have known me for a number of years would believe I could be guilty of anything of the kind.

Hon. Mr. CASGRAIN—The hon. Senator Forget also asked me not to mention this publicly as it was useless, but to mention it to the leader of the House, which I immediately did as soon as he left me at the door of the Senate.

CRIMINAL CODE AMENDMENT BILL.

COMMONS AMENDMENTS AGREED TO.

The Order of the Day being called.

Further consideration of the message from the House of Commons disagreeing to the amendment of the Senate to the amendments made by the House of Commons to (Bill K) 'An Act further to amend the Criminal Code, 1892.'—(Hon. Mr. Mills.)

Hon. Sir MACKENZIE BOWELL said: I gave notice of a motion in reference to this question. As the Minister of Justice said, there was very little difference between the law as it stands, and the proposal which I intended to make in opposition to it. I have expressed my opinion on the question very strongly in the past, and I have no desire to prolong the session in discussing it again. My views are upon record. I firmly believe that the object in reinserting that clause in the Bill was for political reasons of the lowest possible kind. I have made up my mind to allow the government to take the responsibility of what they have done, and whatever may follow in its wake. It is not necessary for me to say, I have been engaged in strikes and endeavoured to put them down. I have strong opposition to exempting persons from the consequences of what is a crime in others. The government can take the responsibility of what they are doing. I shall not make any motion, but content myself with voting against the proposition which has been made.

Hon. Mr. MILLS—The hon. gentleman, I understand, does not persist in his motion?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—I move that the Senate concur in the amendment by the House of Commons to this Bill, which reads:

> Nothing in this section shall be construed to apply to a combination of workmen or employees for their own reasonable protection as such workmen or employees.

This clause was in the Bill as originally introduced, and was struck out in the Senate, but the House of Commons restored it.

The motion was agreed to on a division.

Hon. Mr. CLEMOW—I call for the yeas and nays.

Hon. Mr. SCOTT—Two members must call for the yeas and nays.

The SPEAKER. I allowed ample time for any hon. gentleman to call for the yeas and nays. If the House wishes to rescind the decision, well and good.

Hon. Mr. CLEMOW. No, but I rose in time, I think, and called for the yeas and nays, and I do not like that kind of thing.

PRINTING COMMITTEE'S REPORT.

Hon. Sir JOHN CARLING moved the adoption of the 5th report of the Joint Committee of both Houses on the printing of parliament.

Hon. Mr. FERGUSON—I wish to make a remark upon one point in that report. It will be observed that there is a reference in the report to an application which was received by the Printing Committee from the Department of Customs with reference to the publication of monthly bulletins, or reports, which the department proposed to publish, containing statistics regarding the trade of the country. The Department of Customs, in making this application, recognized the point which I consider to be one of considerable importance, with regard to the printing and publication of reports and other documents from the departments. I understand that the Joint Committee on Printing of both Houses of parliament have absolute control, of the printing of all documents issued by this parliament, and by the different departments of the government of the country. The Department of Customs, in making this application, did what was right, and I assume that at some time or another the various authorities have applied for similar authority from the Joint Committee of Printing with regard to the various reports and documents issued by the departments, and I think it is well that we should clearly understand how we stand with regard to that matter. I have a document in my hand which has been issued from one of the departments of the government—the department of the government conducted by the hon. leader of this House, the hon. Minister of Justice. This is a document showing the action of the government in preference to the manufacture and sale of twine produced by convict labour, and the document is published for the information of members of parliament, and it is signed 'D. Mills, Minister of Justice.' The statement I have to make is that this document is nothing more nor less than a political pamphlet, a mere campaign sheet, dealing with political questions, and that it has been issued and charged to the accounts of the Committee of Printing without the authority of that committee. That is the statement that I have to make and I think that it is a very serious one.

Hon. Mr. CLEMOW.

Hon. Mr. POWER—Bring it up to-morrow.

Hon. Mr. FERGUSON—I have no doubt the hon. Secretary of State will bear me out, when I say that the Committee on Printing of both Houses of parliament are the only authority to decide what documents shall be printed and what shall not be printed, whether they come from the parliament of Canada here, or whether they come from departments, in the first instance, the authority must have come from the Committee on Printing with regard to the publication of all those documents and that the appropriation for the printing of all parliamentary and public documents is under the control of the Committee on Printing, and I have therefore to complain to this House of the conduct of the hon. Minister of Justice in publishing a document which is purely and essentially a political document, pure campaign literature, and publishing that document at the expense and having it published under the authority of the government. To show that this document is of the character I have described, I will read one or two extracts from it. This is with reference to the management of the sale of binder twine. The extract is as follows:

> Four applications were received from Mr. Rees, Mr. Mucklestone, Mr. Chown, and Mr. Kelly, of Montreal. Mr. Rees wrote Mr. Geo. Taylor, the member for Leeds, asking for his support. Mr. Taylor forwarded this letter to Mr. Dickey, and accompanied it with a recommendation which stated that Mr. Rees was supported by the friends of the government in this locality. Mr. Mucklestone wrote Mr. Taylor and Mr. Taylor forwarded Mr. Mucklestone's letter to Mr. Dickey, the Minister of Justice, and he added a note at the bottom in which he informed the minister that he had written Mr. Mucklestone, and he told Mr. Mucklestone that in his communication to the Minister of Justice he had pronounced him a first-class man for the position. And so, Mr. Taylor persuaded both Mr. Rees and Mr. Mucklestone that he was actively supporting each of them, although he knew that the intention was to appoint but one agent.

Here is a statement that he, Mr. Taylor, was acting a double part. The whole pamphlet is nothing more nor less than a political campaign sheet and my complaint is that this document was issued from one of the departments of the government, the Department of Justice, that it has been charged to the Printing Committee of parliament without the authority of that committee, and in that way the duty and the rights of the Printing Committee have been invaded.

Hon. Mr. MILLS—Not at all.

Hon. Mr. FERGUSON—The document is not in itself a report in any sense of the word. It is a controversial document, a political sheet, intended to controvert some of the statements that Mr. Taylor and Mr. Sproule and some other gentlemen have made in the House of Commons. The document is not one that should have issued from any department of the government, and it should not have been charged to the Committee on Printing, or printed at the public expense. That is my complaint. That it should have been authorized by the Committee on Printing is clearly shown by the fact that in the report we have now before us, the Department of Customs intending to enlarge their work in the way of issuing bulletins containing statistical information of the working of the department from month to month, apply and apply properly to the Committee of Printing for authority to have these things printed and published and charged to the accounts of the Printing Department. If the Department of Customs did right in making that application, it is certain that the Department of Justice has done wrong in printing documents not authorized by the Committee on Printing, but it makes the case still worse if a document so printed and distributed and charged to the Printing Committee is a document of a character that should not be issued by any department in Canada. I have referred to some points of the document, and it will be seen that it is a reply to Mr. Clancy's statements in the House of Commons and also to Mr. Sproule's statements, it discusses this question with gentlemen in the House of Commons, matters that might be discussed very properly in this parliament by the hon. Minister of Justice, a member of this parliament, but it should not be put out in the shape of a public document, when the matter contained in the document is nothing more or less than political campaign literature.

Hon. Mr. MILLS—I do not know what the hon. gentleman calls it, but I published it within my official right, and I had no necessity to go to any Printing Committee for the purpose of issuing that to the public. The department of which I am head, so far as the manufacture of binder twine is concerned, was attacked and misrepresented in the House of Commons by Mr. Taylor and also by Dr. Sproule. I had a right to determine for myself in what way I would answer the attacks upon the department and upon myself as head of that department. I concluded, as I was not a member of the House of Commons where those attacks were made, that I would answer it by an official communication written over my own signature, and sent out from the department to which I belong. When the hon. gentleman says that I had no right to issue such a pamphlet from the department, then I say I entirely dissent from any such contention. I say that neither under law, nor reason, nor anything else can it be said that a minister may be attacked and misrepresented with regard to his administrative work in the department and that he is not at liberty, as a minister of the department, to answer those misrepresentations. There is not, from the beginning to the end of that document, a statement that is not a fact and not borne out by the facts. Mr. Taylor, for instance, stated that I had awarded a contract to Messrs. Bate & Son, of this city, and that they had put up no security : the fact is that they did put up a cheque of over $200,000, that the contract was awarded to them and that the money was paid the moment the twine was delivered, and there was no difficulty in that regard. So there were misrepresentations with reference to the other transactions. There was a statement that there was a combination, and the facts show that a combination was an impossibility. The facts were altogether against any possible combination between the Department of Justice in the manufacture of binder twine in connection with the Kingston penitentiary, and any other manufacture in any part of the country, I should like to know what the Printing Committee have to do with that matter. I say they have nothing whatever to do with it. The communication emanates from my department, and has been sent out from my department over my signature as Minister of Justice, and I am prepared, on a fitting opportunity, to defend every statement of fact in that communication. Every statement made there has been carefully considered, and when the hon. gentleman makes complaint of it at the last hour of the session, and says that I

have no authority or right to publish that communication, then I say that he has no authority for any such statements.

Hon. Mr. FERGUSON—I did not say the hon. gentleman had no right to publish it, but that it should not have been published at the public expense.

Hon. Mr. MILLS—The hon. gentleman has been occupying nearly half the session with his speeches and getting them carried through the mails all over Prince Edward Island. The result was that, on account of the tons of literature he sent there, his candidate was overwhelmingly defeated, but I do not make any complaint of the hon. gentleman doing that. Does it matter to the public what I write or state here in the House if reported at the public expense and sent abroad, or whether it is published in the blue-book from my department? Where is the difference? The hon. gentleman has been sending abroad his speeches the whole session, making speeches reported at the public expense, and carried to Prince Edward Island at the public expense, and he does not see any impropriety in that. I say there is no more impropriety in my defending myself and my department by the blue-book issued from the department than there is in the hon. gentleman undertaking to make a speech here and having it reported at the public expense and sent abroad at the public charge.

Hon. Mr. FERGUSON—The difference between my hon. friend and myself is that when I make a speech here and think it is of such importance that I should distribute it among the residents of my province, I pay for it.

Hon. Mr. MILLS—The hon. gentleman does not pay for the reporting.

Hon. Mr. FERGUSON—The hon. minister is entirely wrong.

Hon. Mr. MILLS—The hon. gentleman pays for the extra copies. I have issued no extra copies.

Hon. Mr. FERGUSON—I have not sent any of my speeches this session, notwithstanding all the hon. gentleman has been saying. I had no special edition published of my speech, and beyond half a dozen which I got from the distribution office, I have not circulated any of my speeches this session. But in other sessions I have distributed them, and I have paid as much as $80 or $100 a year for printing them. That is the difference between my hon. friend and myself. Instead of paying for printing them and sending them as I do, the hon. gentleman goes behind the back of the Printing Committee and gets the document printed at the public expense, and sends it all over the country, attacking his opponents for their statements in another place. I consider the hon. gentleman has done very wrong in that matter. He says he is prepared to stand by every word of this: perhaps he is. I do not say that he cannot, and if he had made that sppech in this House and circulated it as I have to circulate my speeches when I make them, it would be another matter altogether, but abusing his position as a minister, and going behind the back of the Printing Committee and ordering the printing of this document, and then circulating it and attacking gentlemen who have exercised their natural right in the House of Commons, of criticising the management of the binder twine industry in his department, he is taking an improper advantage of them which he should not have taken.

Hon. Mr. MILLS—Not at all. They took an improper advantage of me.

Hon. Sir MACKENZIE BOWELL—I think the difference between the two is that the hon. gentleman has his speeches reported at the public expense, just as my hon. friend beside me. We are all upon an equality in that respect. If he thinks proper to have an additional number of his speeches printed and pays for them, it is all right.

Hon. Mr. MILLS—I did not issue an additional number.

Hon. Sir MACKENZIE BOWELL—I was not talking about the hon. minister. If he will keep his temper I will speak about him later. The hon. gentleman has a right when he makes a speech of sufficient importance, either for his constituency or for the general public, to go to the Queen's Printer and say: 'I want a thousand copies of that speech' and get them printed specially and pay for them. When I was in the other House I did so, and I paid for them on every occasion. I exercised the right, as

every member does, of franking them. We all stand upon an equality in that respect. What my hon. friend complains of is that the hon. gentleman, as Minister of Justice, deliberately writes out a speech——

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman dictated it and somebody else wrote it. We will not quarrel about that. It is published in pamphlet form and sent broadcast as if it came from the Printing Committee.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I do not say that it is so, but I am drawing attention to the difference between them. What the hon. gentleman says is that that was written by the Minister of Justice, circulated and charged to the printing of parliament.

Hon. Mr. SCOTT—No, not charged to the printing of parliament.

Hon. Mr. MILLS—That is not a fact.

Hon. Mr. FERGUSON—That is a fact. I have that from the secretary of the Printing Committee.

Hon. Mr. MILLS—That is not a fact. They issued a blue-book from my department.

Hon. Sir MACKENZIE BOWELL—I was coming to that department, I would not find fault even if the hon. gentleman did what no other minister had ever done under any circumstances—that is, write a campaign sheet and issue it by the department. If it was circulated and charged through the Printing Committee, as printing of parliament, then I say it was decidedly wrong.

Hon. Mr. MILLS—I say it was not.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said that before. The hon. gentleman from Marshfield says he had it from the secretary of the Printing Committee that that document was paid for out of the appropriation for doing parliamentary printing. The hon. gentleman said it was not. I am not going to decide between the two, but I have a little dispute with the hon. gentleman which I will attend to in the proper time. I do not intend to permit myself to be placed in the position of trying to deceive a member of the House and allow myself to rest under any such imputation. However, I shall refer to that at the proper time.

Hon. Mr. MILLS—The pamphlet to which the hon. gentleman refers was written and sent out from my department. The usual number of any blue-book or departmental report was the number that was printed in that case, and if the hon. gentleman lays down the doctrine that a minister may be traduced in the House of which he is not a member, and his capacity as minister and in his departmental work, and he is not at liberty to answer it, then I entertain a view of the rights of a minister very different from those which are expressed by the hon. gentleman. Let me make another remark: The hon. gentleman says he always publishes his speeches at his own expense. Each member of this House, each member of the other House, receives two or three copies of the report which is made at the public expense, and printed at the public expense, every day. All the newspapers of the country receive copies, and all those are printed at the public expense, and the hon. gentleman will find that there is not a speech made in this House of which there is not as large a number printed and published at the public expense as there was of that blue-book issued from my department.

Hon. Mr. FERGUSON—The hon. gentleman made a statement a few moments ago that I had sent down to Prince Edward Island great bags of my speeches, and then he added the allegation that I was doing that at the public expense, but now the hon. gentleman narrows down his charge and says I am treated like every other member of the House in having my speech printed and a few copies furnished to me from the distribution office. That is all he has to go upon for the unwarranted statements he has made.

The motion was agreed to.

QUEBEC HARBOUR COMMISSIONERS BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading (Bill 173) 'An Act respecting the Quebec Harbour Commissioners.'—(Hon. Mr. Scott.)

Hon. Sir MACKENZIE BOWELL—We had better let this stand until to-morrow.

Hon. Mr. DeBOUCHERVILLE—Will we prorogue to-morrow ?

Hon. Mr. MILLS—I am unable to answer. It all depends on the progress the public business makes in the two Houses. We will have the second reading of this Quebec Harbour Commissioners Bill to-morrow, and it cannot be completed till the afternoon. I will move that when the House adjourns to-night it do stand adjourned till 11 o'clock to-morrow—the usual motion.

Hon. Sir MACKENZIE BOWELL—There has been no notice given of this motion, and we will meet at the regular hour.

Hon. Mr. MILLS—I understand that the House of Commons expected to get through the Supply Bill this evening, but the objection of the hon. gentleman prevents us getting through to-morrow.

Hon. Sir MACKENZIE BOWELL—Then we will remain a little longer. I object to the motion on the ground that the hon. gentleman has given no notice of it.

Hon. Mr. SCOTT—At the end of the session it is not usual to stand on such strict rules. I was not aware that there was any opposition to this Bill, nor do I think there is, and it would facilitate business to allow it to go through.

Hon. Sir MACKENZIE BOWELL—Perhaps there would not be opposition under other circumstances. I intend to avail myself of all the privileges that pertain to a member of this House.

Hon. Mr. MACDONALD (P.E.I.)—It would be wise to drop such Bills coming in at this hour of the session.

Hon. Mr. SCOTT—There never was a session during the whole eighteen years the Conservative government was in power in which Bills have come down with the same regularity as this session.

Hon. Sir MACKENZIE BOWELL—Oh, oh.

Hon. Mr. SCOTT—I have under my hand the minutes of the session of 1895, when all the important Bills came down the day before prorogation. The Customs Act, the Dominion Elections Act, the Subsidy Bill, the Bounties on Iron and Steel Bill—all came in the very day before prorogation. Here we have had those important Bills on the paper for over a week or ten days and hon. gentlemen are not in a position to reproach us.

Hon. Mr. MACDONALD (P.E.I.)—I never saw this Bill till to-day.

Hon. Mr. SCOTT—It is an unimportant Bill. It contains one clause. We passed it last year and they wanted to make some change in the agreement.

The Order of the Day was allowed to stand.

SENATOR FORGET'S VOTE.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I desire to make a further statement in reference to the matter mentioned by the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain) I have no recollection of having had any conversation with Mr. Forget upon the question of the Provincial Judges Bill. I may have had a conversation with him on Saturday as to the vote, and it is just possible that I may have said to him that he might go and there would be no vote that day. That may be the case. I knew there would be no vote that day, for the reason that an arrangement had been entered into between the leader of the government and this side of the House, at the instance of the hon. gentleman from Stadacona, that no contentious matter should be discussed on Saturday, but would be postponed till Monday.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—So that there may possibly be that misunderstanding. If the hon. Minister of Justice had spoken to me about it before, the probabilities are that I could have made that explanation, and I should not then be left under the imputation of having deceived a gentleman for whom I have so much respect as I have for Mr. Forget, and adopt that mean, contemptible manner of preventing him from voting. I leave the question with the leader of the gentleman who tells us that he was told by Mr. Forget not to mention to anybody the fact that he intended to vote for the Bill in this House, and who now informs the House of the statement of the hon. gentleman without having been asked and

without any necessity for it. Mr. Forget will know now how to deal with men who move about in society and are considered gentlemen, and with whom it is supposed one can hold a private conversation without having it retailed, and more particularly when he is told not to do so. The hon. gentleman may think he was justified in mentioning the name and in mentioning the matter, from the fact that the leader of the government intimated that there was somebody in the Senate who had deceived Mr. Forget. I was going to ask him who had taken such an unwarrantable step with reference to any brother senator, but it never entered my mind that I was the person who was accused of doing it, until it was repeated by the hon. gentleman who has been selected as Whip on behalf of the government. I shall make an explanation to Hon. Mr. Forget, and very likely we may have another side to the story.

Hon. Mr. MILLS—All I have to say is that when I referred to it to-day I had quite forgotten who it was that my hon. friend said Mr. Forget had mentioned the matter to or had the conversation with, and when my hon. friend mentioned it to-night, it recalled to my mind the statement that he had made to me. All I wish to say, and all I intended to affirm, was that the hon. senator had mentioned the matter to me that Mr. Forget had said to some one—I had forgotten whom—on that side of the House, that he intended to vote for the clause relating to the appointment of the judges in Quebec.

Hon. Sir MACKENZIE BOWELL—He never told me that. I never had any conversation with him about it.

Hon. Mr. MILLS—I do not say that the hon. gentleman had. I accept his word for that. I am not imputing anything wrong to the hon. gentleman at all. I simply affirm the statement my hon. friend made. He said he had mentioned it to me, and I said that that was a fact, and when he mentioned it to me he mentioned the name of the leader of the opposition. I remembered then that it was the leader of the opposition, but I had quite forgotten that he said who it was Mr. Forget had had the conversation with. That is all I have to say with regard to that matter. I impute nothing to the hon. gentleman, and I do not question the hon. gentleman's word for a moment.

Hon. Sir MACKENZIE BOWELL—I do not accuse the hon. gentleman of doing that. I said that when the hon. gentleman made that statement, my intention was to ask him who had taken upon himself the responsibility of deceiving Mr. Forget.

Hon. Mr. MILLS—The hon. gentleman partly said that and had his attention turned off to something else. I knew that the hon. gentleman intended to put the question to me, but I could not have answered it then. I had forgotten who it was, but when my hon. friend mentioned with whom Mr. Forget said he had the conversation, it recalled the statement he made to me.

Hon. Sir MACKENZIE BOWELL—I have been over thirty years in parliament, and it is the first time that anybody has imputed to me so mean and contemptible an act. I will consider where it comes from.

Hon. Mr. CASGRAIN—In this matter we have simply a tempest in a teapot. Mr. Forget simply made the statement to me——

Hon. Mr. LANDRY—And the hon. gentleman repeated it.

Hon. Sir MACKENZIE BOWELL—After he was told not to do it. He said so himself.

Hon. Mr. CASGRAIN—Allow me. This is a free country, and though the opposition have a majority in this House, we have some rights, and I wish to say that the Hon. Mr. Forget came to me and told me he was in favour of the Judges Bill, and that he had spoken to the hon. leader of the opposition in this House, and that the leader of the opposition had told him there would be no vote on that Bill, and he could go home, and he, the Hon. Mr. Forget, would not come back on Monday. These are his very words. And he said, 'Now, don't mention it, but you may go and tell Mr. Mills. Mr. Mills was just passing and I went and told him. That is all that took place. When the hon. leader of the opposition takes offence at that, it is simply a misunderstanding between them. The Hon. Mr. Forget did not want to influence other senators, I suppose, and before the vote was taken I would not have mentioned it, but

now that the vote has been recorded it makes no difference. If he had been here, people could have seen on which side he was voting, and nobody could find any fault after the vote was taken for saying what took place, and I am glad to give the hon. leader of the opposition a chance to explain, because I must say that I have always held him in high esteem, and I thought it was a strange conversation, and I am glad it was brought out. But the matter was mentioned to me and I was somewhat surprised to hear a statement of that sort. I said I cannot understand it, and I am glad the matter has been ventilated. Now the hon. leader of the opposition can settle the matter with the Hon. Mr. Forget.

Hon. Mr. CLEMOW—It is a most unfortunate thing that private conversations should be made public at any time. They should not be made public. Under no circumstances is a man justified in detailing a private conversation, I do not care whether before or after the vote. If it is a condition precedent to making the assertion that it should not be spoken of, and therefore I think it is highly objectionable to make it public.

Hon. Sir MACKENZIE BOWELL—What object could the hon. gentleman have in giving publicity to the statement that I had done a thing of that sort, unless to leave the impression on the mind of members of this House and the public that I had deceived Mr. Forget? What other object could the hon. member have had? He could have had no intention other than to show that I had practiced deception unworthy of the lowest type of politician.

Hon. Mr. CASGRAIN—I gave the hon. gentleman a chance to clear himself of any such imputation.

Hon. Sir MACKENZIE BOWELL—If that is the hon. gentleman's idea of the conduct of one gentleman to another, I leave it to himself and his associates to settle.

The Senate adjourned.

Hon. Mr CASGRAIN.

THE SENATE.

Ottawa, Tuesday, July 17, 1900.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

OIL SUPPLIES FOR PRINCE EDWARD ISLAND RAILWAY.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate statements regarding the lubrication of the Prince Edward Island Railway, as follows:

1. The dates at which the oils of the Galena Oil Company were first used.
2. The quantities and prices of each kind of oil furnished and charged to store account, with dates of such charge.
3. The quantities and prices of each kind of oil charged to locomotive and car services, with dates of such charge.
4. The actual consumption, in quantity and value, of lubricating oils for each year or part of year from the introduction of the Galena oils up to June 30, 1900.
5. The locomotive and car mileage for each year or part of year as in the next preceding paragraph.
6. All deductions from the accounts of the Galena Oil Company made up to June 30, 1900, in pursuance of the contract of September 17, 1896, between the said Galena Oil Company and the Minister of Railways and Canals.
7. Similar particulars to those mentioned in paragraphs 3, 4 and 5 of this motion regarding the last complete year before using the oils of the said Galena Oil Company.

Also a statement showing the number of gallons of signal hand lamp oil purchased for the Intercolonial Railway and the Prince Edward Island Railway from the Galena Oil Company, in pursuance of the contract dated September 23, 1896, and the price per gallon paid for the same.

The motion was agreed to.

THE CENSUS.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire from the hon. minister if the government has come to a decision respecting the next census—whether it will be taken on the basis de jure or de facto?

Hon. Mr. MILLS—I am unable to answer the hon. member. Nothing has been finally decided on that question. Whether there shall be a de jure census or de facto census, or whether the census shall combine both features, has not yet been determined upon by the government.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman should have said that he has not been informed of what the Minister of Agriculture intends doing in the matter, or what decision he has arrived at. It is another evidence, to my mind, of the departmental management of the affairs of this country by each individual minister without the knowledge of his colleagues. It was only last night the Minister of Agriculture told the House of Commons that the de jure system was to be continued, and if the hon. gentleman will look at the report of the debate in the House last night, he will find that that was the declaration made by his colleague, although it appears he had not informed him, a member of the cabinet, of what he intended to do.

Hon. Mr. LANDRY—I would call the attention of the government to this fact, also, concerning the census: In the last census that was taken, the origin of the people was not mentioned. They were divided into two classes: English speaking and French speaking. I think it would be a more fair division if they made the census similar to the one in 1881, dividing the population according to its origin and not as has been done.

Hon. Mr. MILLS—I have heard what the hon. gentleman said, and I shall call the attention of the Minister of Agriculture to it.

Hon. Mr. DeBOUCHERVILLE—If the census was divided by language, it would be better than by origin. There are people, for example, at Murray Bay, below Quebec, with Scotch names whose language is not English. They speak only French. There may be other places where people of French origin do not speak French at all, but English. I think it would be better by language.

Hon. Mr. LANDRY—On the other hand, in the last census, every French Canadian who spoke English was registered as an Englishman.

Hon. Mr. SCOTT—I do not think that ought to occur.

Hon. Mr. LANDRY—It was done.

Hon. Mr. McMILLAN—What did you do with Frenchmen who spoke Gaelic?

QUEBEC HARBOUR COMMISSIONERS BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (173) 'An Act respecting the Quebec Harbour Commissioners.' He said: In the session of 1899 a Bill was passed authorizing the Quebec Harbour Commissioners to make an agreement with the Great Northern Railway Company for the erection of an elevator. The terms of the agreement were set forth in the schedule. One of the terms was, that the work was to be commenced before the 31st of December, 1899, and it was to be finished on the first of May, 1900. Some doubt exists as to whether they did begin then. This Bill ratifies thé work, whatever was done, as coming within the terms of the original agreement, and extends the time for three or four months for the completion of the work. It also alters the terms of the guarantee. The guarantee was 6 per cent interest on the $200,000, and under that the elevator company were to deposit $6,000 a year to meet the interest. The guarantee was interest at 3 per cent. This agreement contemplates a change from that. It authorizes only $100,000, $75,000 to be guaranteed for the elevator and $25,000 to be guaranteed for the continuation of the marine tower. It is purely a domestic matter between the harbour commissioners and the Great Northern Railway Company for the building of this elevator at Quebec.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On clause 2,

Hon. Mr. COX—Will this in any way affect the interest on the outstanding bonds of the Quebec Harbour Commissioners?

Hon. Mr. SCOTT—They guarantee the interest at 3 per cent on the bonds of the Great Northern Railway so far as the Quebec grain elevator is concerned. They have a lien on that for the $200,000, as well as the interest, and the hon. gentleman will see that they are to make a deposit in the bank.

The second paragraph of the agreement reads as follows :

2. The second paragraph of the seventh clause of the contract of June 30, 1899, above referred to, beginning with the words 'it is also agreed if the said earnings aggregate an amount exceeding 6 per cent,' &c., and ending with the words 'shall be used to pay such interest as may be due on the bonds,' is hereby abrogated and eliminated from the contract, and the following substituted therefor: The said company shall, out of the first surplus earnings, deposit in a bank to the joint order of the Quebec Harbour Commissioners and the company, a sum of $12,000, to be applied to the payment of the interest on the bonds guaranteed by the Quebec Harbour Commissioners, and shall maintain the said sum of $12,000, provided, however, that such deposit shall not be required if the elevator be leased to the Great Northern Railway Company, on condition that the railway company shall pay a rental sufficient to pay the interest on all bonds guaranteed by the Quebec Harbour Commissioners and a sinking fund for such bonds.

Hon. Mr. COX—The point I was anxious about was whether entering into this guarantee would make it a prior claim upon the revenue of the harbour to the interest on their outstanding bonds. I do not know whether there is any hon. gentleman who could give that information.

Hon. Mr. SCOTT—I think this is a first preference under the Act passed in 1898. I think it is part of an amount of $365,000 that the Quebec Harbour Commissioners were authorized to issue under a statute some years ago and which stands before the government lien. It is a first lien. I do not suppose it would supersede any charge outside the government lien.

Hon. Mr. COX—If this were a prior charge to the interest on the $365,000, bond——

Hon. Mr. SCOTT—It is part of that.

Hon. Mr. COX—I do not then understand how that can be. These bonds are held in Toronto and if this was a prior charge to the interest on the bonds to which I refer, I do not think it ought to pass in that way without some consideration and explanation.

Hon. Mr. SCOTT—This supersedes the Act passed in 1889. In that Act of 1899 the provision is :

All amounts payable by the corporation under a guarantee provided for by the said agreement shall be a charge upon the revenues of the corporation, and shall have the same priority of payment as the interest on the debentures or bonds which the corporation is authorized hereafter to issue under an Act passed during the present session of parliament, entitled 'An Act to amend and Consolidate the Act relating to the Quebec Harbour Commissioners.'

Hon. Mr. COX—That refers to the bonds of the railway company. I am speaking of the bonds of the harbour commissioners.

Hon. Mr. SCOTT—That is what I read : it is a charge upon the harbour. When were the bonds issued to which the hon. gentleman refers ?

Hon. Mr. COX—I do not know. It was an issue of $865,000, but they were a first charge prior to the government charge.

Hon. Mr. SCOTT—Then this does not supersede it in any way ?

Hon. Mr. FERGUSON—That is the point. We had two Bills last year on the subject. The first was a consolidation of existing statutes, a complete and perfect consolidation. I remember going into that matter very closely at that time, and we were perfectly satisfied that the government's position with regard to the harbour commissioners was not affected. It was only consolidating existing statutes. Then we had a short Bill towards the end of the session on the subject, and I think we satisfied ourselves on that occasion that we were not putting the government in an inferior position as far as their claim on the harbour commissioners stood from what it occupied before.

Hon. Mr. COX—What is the effect of this section ? Does it make the bonds referred to here rank differently from what they did in the Bill of last year ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. FERGUSON—I see in section 2, a provision that the guarantee of interest

mentioned in the said agreement and memorandum of agreement shall be a preferential charge upon the revenues of the commissioners, after the expenses provided for in paragraphs 1 and 2 of section 36 of chapter 34 of the Statutes of 1889, and after the capital and interest of the bonds authorized by chapter 48 of the statutes of 1898, and by section 35 of chapter 34 of the statutes of 1899.

I do not think there is any difference in the ranking of these bonds.

Hon. Mr. SCOTT—I will read the ranking fixed by the statute to which the hon. gentleman has referred. It is as follows :

The lawful charges upon the revenue of the corporation arising from all sources whatever

shall be as follows, and shall be paid in the following order:

(1) All necessary expenses incurred in collecting said revenue and the indispensable expenses of management.

(2) Necessary expenses attendant on keeping the wharfs and other works and property of the corporation in a thorough state of repair.

(3) The principal and interest on all debentures and bonds issued by the corporation under the provisions of chapter 48 of the statutes of 1898, or of this Act.

The bonds referred to by the hon. gentleman were under one or the other.

Hon. Mr. COX—Yes, under the statutes of 1898.

Hon. Mr. SCOTT—And they came in before the government claim and the government came next.

Hon. Mr. FERGUSON—The ranking of the bonds is not affected by this ?

Hon. Mr. SCOTT—It is not an issue directly. They take security on the elevator. They have the double security. They have the security of the elevator company and the security of the Great Northern Railway Company, for whom the elevator was built, and I notice by the agreement that the elevator was to be insured and they guaranteed the interest on it. I assume the property is worth what it represents. I do not think the status of the bonds will be affected.

Hon. Mr. COX—I wanted to make sure of that.

Hon. Mr. POWER—The bonds are referred to in the next item.

Hon. Mr. COX—Yes, those are the bonds.

Hon. Mr. McMILLAN, from the committee, reported the Bill without amendment. The Bill was then read the third time and passed.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (195) 'An Act further to amend the Act respecting the judges of provincial courts.'

The Bill was read the first time.

Hon. Mr. MILLS—This Bill consists of a single section. It has reference to the courts of the Montreal district. In the circuit court of Montreal there are three judges. The senior judge has hitherto been paid the same salary as the others, and this Bill contains the proposition to pay the senior judge $600 more than is paid to either of his colleagues. It will make his salary $3,600, instead of $3,000.

Hon. Mr. BAKER—What justifies the introduction of a Bill increasing the salary of one of the judges in the courts of one of the districts of Montreal without taking into consideration at the same time the necessity for increasing the salaries of the other judges ? What emergency has arisen?

Hon. Mr. LANDRY—Hear, hear !

Hon. Mr. MILLS—No emergency has arisen at all, but the court has been treated the same, I suppose, as a chief justice would be treated in the other courts. In the other courts there is the court en banc, and the presiding judge is absolutely necessary when the court sits in that capacity. In the circuit court of Montreal the judges discharge their duties as separate judges. They do not sit en banc, and so the salary of the senior judge is not raised quite to the position of that of a chief justice.

Hon. Mr. BAKER—But if they do not sit en banc, what reason, what necessity, what excuse can be given for increasing the salary and creating this disparity in the salaries of judges who have concurrent status and concurrent power in the circuit court of Montreal ? It appears to me such a Bill as this is inopportune at least on the very last day of the session. Very strong reasons should exist for such a Bill, and I am certain the hon. Minister of Justice will not persist in urging that Bill upon the attention of the Senate at this stage of the session and under the circumstances, no necessity existing for creating this distinction. I am sure the hon. Minister of Justice will allow the Bill to drop.

Hon. Mr. MILLS moved that the 41st rule of the Senate be suspended in so far as the same relates to this Bill.

Hon. Mr. LANDRY—I object.

Hon. Sir MACKENZIE BOWELL—I think the hon. minister should be prepared to accede to the request of the hon. gentleman from Missisquoi. In a case of this kind, where it is proposed to increase the salary of a judge, or any one else, some

reason should be given. The only reason the hon. Minister of Justice has given is that he, being the senior, should be placed in the same position in regard to that court that the chief justice occupies in regard to the other court. What may be the necessity for that I do not know, and the hon. member from Missisquoi has asked a very proper and legitimate question, and I think, at this late stage in the session, that the government should not introduce a Bill affecting the judges when we know that all the judges in the whole Dominion have been clamoring for years for an increase of salary. There was an increase proposed and provided for in the Bill which we had before us the other day, and that clause which was rejected was the clause creating three new judges. But there was an increase given to some other judge of an inferior rank to that of a judge of the Queen's Bench or the other courts, and in this case we are simply asked to increase the salary of one judge without any explanation further than the fact that he is senior to the other. The lawyers must be the best judges of whether that is a good reason.

Hon. Mr. SCOTT—We recognize that in Ontario. The senior judge of the county court receives $2,400, and the junior judge $2,000, but his salary gradually increases until it reaches $2,400. So that practically their jurisdiction is quite as distinct and separate as the jurisdiction of the circuit judges referred to in the Bill. There is that principle that seniority always counts for something. It gives increase; in time the other two judges will get their increase.

Hon. Sir MACKENZIE BOWELL—In Ontario we have a senior county court judge and a junior, and when the junior county court judge is appointed, his salary is lower than that paid to the senior judge. Then the Secretary of State says that that salary is gradually increased until it is the same as the salary of the senior judge. I was not aware of that before, unless it is done by special vote. Do I understand the hon. gentleman to say that there is a law upon the statute-book which guarantees to the junior judge an annual increase?

Hon. Mr. SCOTT—I do not know whether the increase is annual, but in time it reaches $2,400.

Hon. Sir MACKENZIE BOWELL—Then I am correct that he is not entitled to an increase unless it is specially provided by a vote in parliament.

Hon. Mr. MILLS—No. Under the law formerly the junior judge got $2,000. I think it now begins at $2,000 and runs up to $2,400.

Hon. Sir MACKENZIE BOWELL—In Toronto and Hamilton I think they are paid more.

Hon. Mr. MILLS—Last year I carried through a Bill putting the junior judges on exactly the same footing as the others. They received $2,000 for the first two years and the third year they received $2,400, the same as the senior judges.

Hon. Sir MACKENZIE BOWELL—As far as the labour is concerned, the junior judges generally do the most of it.

Hon. Mr. MILLS—Then the senior judges have the probate duties to discharge and they receive, according to the amount of probate business to be done in the different counties, a salary for the discharge of their probate duties which adds sometimes as much as a thousand dollars to their salary.

Hon. Mr. POWER—The Bill has been read the first time and the hon. member from Stadacona objects to the suspension of the rules, so that there is nothing before the House.

Hon. Mr. MILLS moved that the Bill be read a second time to-morrow.

The motion was agreed to.

ELECTION LAW AMENDMENT BILL.

Hon. Mr. DeBOUCHERVILLE—May I ask the leader of the House if there is any prospect of prorogation soon?

Hon. Mr. MILLS—The two Bills that we have sent back have yet to be considered by the House of Commons, and we have yet to know what their action will be—whether they will accept the amendments of the Senate, or drop the Bills for the present session.

Hon. Sir MACKENZIE BOWELL—I should regret very much if the House of Commons were to drop the Election Bill on account of the numerous amendments.

Nineteen-twentieths of them were proposed by the hon. Minister of Justice himself, and all the amendments were accepted by the government except two, one relating to Prince Edward Island, and the other to the franchise in the city of Toronto. It would be a great misfortune if we are to have another election, and all the doors are to be left open that existed in the past, for frauds because the House of Commons might not be in accord with these amendments. I am quite sure that, however anxious we may be to have these amendments adopted, the Senate will be quite prepared to go any length almost in order to obtain an election law which would, as far as at all practicable, secure a correct and much more pure election than we have had in the past. These are the only two important amendments of which I have any recollection. All the others were accepted by the government except those two. I understood they have run against a snag, and I am not at all surprised. The numerous amendments made to the Bill may possibly have introduced some incongruities of a minor character in working it out.

Hon. Mr. MILLS—I do not think so.

Hon. Sir MACKENZIE BOWELL—I hope not, because the hon. gentleman gave a great deal of attention to it and tried to bring each clause into harmony with the others, but it appears there is a defect in the clause relating to soldiers, especially to those in garrisons. If the House of Commons thought that necessary to be amended, the Senate would not object to it.

Hon. Mr. MILLS—I do not think there is any incongruity in that.

Hon. Sir MACKENZIE BOWELL—One of the ministers told my hon. friend (Hon. Mr. Ferguson) that he had run across a snag in connection with it. A few words will set that right, and I sincerely hope they will not reject the Bill altogether on account of the amendments. Let us have consideration of it again, and perhaps by conference and mutual concessions we can arrive at a decision which will be beneficial to the country and an improvement to the Bill itself.

The Senate rose for recess.

AFTER RECESS.

PROGRESS OF BUSINESS IN THE HOUSE OF COMMONS.

Hon. Mr. MILLS—I have made inquiries as to the progress of business in the House of Commons, and ascertained that nothing will be sent up to us this evening. The Election Bill has been disposed of, and will be ready to submit to the Senate in the morning at ten o'clock. The Supply Bill is at present before the House of Commons, and will be passed to-night, and will also be submitted to us to-morrow morning. I was told by Sir John Bourinot, clerk of the House of Commons, that there would be no delay—that all these measures will be before us promptly at ten o'clock to-morrow. I therefore move:

That when the Senate adjourns this day it do stand adjourned until to-morrow, and there be three distinct sittings on that day, the first of such sittings to be at ten o'clock in the forenoon, and to continue until one o'clock in the afternoon, unless the Senate be sooner adjourned; the second of such sittings to begin at three o'clock in the afternoon and continue until six o'clock, unless the Senate be sooner adjourned; and the third of such sittings to begin at eight o'clock until such time as the Senate adjourns.

Hon. Sir MACKENZIE BOWELL—Could the Minister of Justice inform us, or has he any idea, what the Commons has done in reference to accepting or rejecting the amendments which were made in the Senate to the Election Bill? I understand that all the amendments made by the Senate have been adopted by the Commons except those relating to Prince Edward Island, and also the amendment moved by the hon. minister himself in reference to the North-west Territories. If those are the only amendments the members of the Senate would be better able to judge what course to take to-morrow when the Bill comes before us.

Hon. Mr. MILLS—I do not know of any others.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 18, 1900.

The Speaker took the Chair at Ten a.m.

Prayers and routine proceedings.

DOMINION ELECTIONS BILL.

AMENDMENTS NOT INSISTED ON.

A message was received from the House of Commons to return Bill (133), 'An Act to consolidate and amend the law relating to the election of members to the House of Commons,' and to acquaint the Senate that the House of Commons agreed to the 1st and 3rd to 45th inclusive, and 54th to 87th inclusive of the amendments made by the Senate to he said Bill, and that they disagreed to the others, as follows :

To the 2nd amendment to the said Bill for the following reason :

'That it is unnecessary and would render the working of the North-west Territories Representation Act cumbersome.'

And to the 46th, 47th, 48th, 49th, 50th, 51st, 52nd and 53rd amendments to the said Bill for the following reasons :

1. Because the Controverted Elections Act already makes ample and proper provision for the scrutiny before two judges of the Supreme Court of all objected votes polled in Prince Edward Island under conditions which assure to all interested parties, electors and candidates, the amplest guarantees that the rights of the voters will be examined into and determined on after proper notices given.

2. Because the addition to the powers of the county court judge of holding a scrutiny in conjunction with the recount will prolong the proceedings to an undesirable length, and will raise serious question of conflict of jurisdiction between the county court judge under this Act, and the judges of the Supreme Court under the Controverted Elections Act.

3. Because the addition of a scrutiny to a recount is inadvisable and takes away from the parties who may consider themselves aggrieved, any right of appeal from the decision of the county court judge.

4. Because the provisions in the amendment for a scrutiny are inadequate and do not provide for the giving of proper notices to the parties interested, of the votes to be attacked, and because it is difficult if not impossible, to make provision within the time in which a recount should be held for the giving of such notices and procuring the necessary evidence against or in support of such votes, and the expenses of such an election scrutiny would be largely in excess of the suggested deposit.

5. Because the acceptance of the amendment leaves it open for the same questions to be adjudicated upon first by the county court judge and afterwards under the Controverted Elections Act.

Hon. Mr. MILLS—I move that the Senate do not insist upon the amendments to which the House of Commons have taken exception.

Hon. Mr. MILLS.

Hon. Mr. DeBOUCHERVILLE—I thought there was only one amendment that they did not accept.

Hon. Mr. MILLS—There are several—all those relating to Prince Edward Island and the amendments relating to the North-west Territories. I am sorry that they have not concurred in the amendments relating to the North-west Territories, because the reason shows that they are labouring under a misapprehension.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. MILLS—We are not in any way, by that amendment, interfering with the provisions made in the North-west Territories Act in respect to elections. There is one provision in the North-west Territories Act which we, by the Bill, undertake to amend, and that is one which says that section 67 in the old Act, paragraphs *a*, *b* and *h* of section 2, subsection 1 of section 20, and sections 66, 67, 73 to 88 both inclusive, and 90 to 99 both inclusive, 100 and 101 and others mentioned here, which are parts of the Dominion Elections Act, shall be incorporated into the North-west Territories Act. The whole of that Act has been repealed. We have substituted this Bill, if it becomes law, for it. The order of the sections is altogether changed. Therefore, what we did in the section which we added to the Act was to substitute it for this provision of the North-west Territories Act, making no change whatever, but naming the new sections which are not in the order in which they stand in the old Bill. So that I will not say at this moment how they are going to carry out the North-west Territories Act when this most important provision which incorporates the old law has practically been repealed. There will be great inconvenience, even if it continues law for the purpose of the North-west Territories, to look up the provisions of the new Act. They are somewhat modified and the numbers of the sections are altogether different, and it was a matter of convenience that it should have been in.

Hon. Mr. CLEMOW—That section is repealed, is it ?

Hon. Mr. MILLS—That is struck out. I acquiesce in that provision. Of course it

affects the other House and not this House and therefore they must ultimately be the judges of what is best in their own interests. I therefore move that the Senate do not insist upon those amendments to which the Commons have taken exception.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Marshfield has not yet arrived, and I would ask the hon. minister if he would move concurrence in the first amendment to which the Commons object, and postpone the second of those amendments affecting Prince Edward Island, as the hon. gentleman from Marshfield desires to say something upon the subject. While on my feet I may say I was strongly reminded, when I heard the speech of the hon. Minister of Justice, of that trite and correct saying of the Psalmist, 'Behold how good and pleasant it is for brethren to dwell together in unity.' We have the Minister of Justice contending in the most solemn way that his proposed amendment to the Election law affecting the North-west Territories is right and proper. In the House of Commons last night his first lieutenant, the Solicitor General——

Hon. Mr. BAKER—His running mate.

Hon. Sir MACKENZIE BOWELL—His running mate—no, I should judge he was the off-ox and a balky one at that. When his attention was called to the fact that the amendment was proposed by his chief, the Minister of Justice, his reply was: 'I don't care who did it; I am responsible for this Bill.' It is another happy illustration of that unity under responsible government that prevails among the gentlemen who control the destinies of Canada at the present moment. We have had exhibitions of this kind over and over again, and, as I have had some little experience in the past of having colleagues bucking against one another, he will know how deeply I sympathize with him in his present situation; but when an underling directs and controls and sets at defiance the will, the opinion and the ripe judgment of his master, why, of course, we on this side of the House, and those who like to see unity of action, cannot view it without regret. I speak feelingly on that point, as the hon. gentleman can readily understand. Had I not gone through the same mill, I probably would not have had such deep sympathy with the hon. gentleman, but under the circumstances, whatever may have occurred, I have no recollection of any other illustration, during the long time which both of us have been in parliament, of ministers in the same government, if not in the same cabinet, running amuck against each other almost every day. However, that is a matter within the family. I have no desire to enter into the little disagreements among them in their family circles, but let me hope, for the sake of the dignity of the position held by the hon. Minister of Justice, that he will in future teach his underlings not to throw out insinuations and insults of the character of those thrown out two or three times during the present session.

Hon. Mr. MILLS—I do no object to deferring the further consideration of this Bill. I may say, in reply to the hon. gentleman, that I have no doubt he speaks feelingly, but we have no family quarrels as he had. My hon. friend had a serious quarrel in the family, but I am not disposed to express any opinion upon it. I remember on one occasion hearing an old gentleman tell how he undertook to put an end to the quarrel between a man and his wife, and he got struck over the head with a pan and his head went through, and he had to walk five miles to a blacksmith shop to get it cut off—but we have no quarrel.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can have no personal quarrel with the cabinet council simply for the reason that they never consult each other. Their difficulties arise from each one acting his own part and playing off his own bat. I am very glad to hear that the hon. gentleman has no quarrel; I hope that he will continue to live in harmony and peace. I do not propose to put myself in the position of the man who got thrashed for interfering in the quarrel between man and wife. The members of the cabinet can go on and quarrel till doomsday, and I will not interfere, but will congratulate them on the unanimity of feeling which exists, and has existed all along, if we are to judge from the utterances of ministers in the lower House and in this House.

Hon. Mr. BAKER—I am not disposed to offer a single word to intensify the awk-

ward situation which is disclosed by the remarks which have fallen from the Minister of Justice, but I think it is a pity that such a state of things should be disclosed. The hon. gentleman who leads the government in this House is the responsible head of the department, and it is a pity that he did not offer the very substantial argument to his colleagues that he used in this House. I say that it is a pity that such a state of things should be disclosed in a matter emanating from the office of which the hon. gentleman is the head and that his amendment should have met with such a singular rebuff. I have not the slightest hesitation in saying that I believe the Minister of Justice is right, and that his opinion ought to prevail in the cabinet and in the House of Commons. Of course, there is nothing more to be said about it. After submitting his argument he has moved that it be overridden. I do not wish to intensify the awkwardness of the situation, but I think it is a pity that such a situation should have been disclosed in this House.

Hon. Mr. MILLS—Hear, hear.

The motion was agreed to.

THE DISCHARGE OF COL. HUGHES.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, would the hon. minister inform us if there is any reason assigned for the dispensing with the services of Col. Hughes in South Africa ?

Hon. Mr. MILLS—Not a word.

Hon. Sir MACKENZIE BOWELL—I noticed the Premier stated last night that he had no official knowledge, but it is stated in this morning's *Citizen* that a conversation took place afterwards between him and the gentleman who asked the question, thereby leaving the impression that he knew something that was not official. We are all interested, of course, in our own volunteers in South Africa, and it would be a matter of satisfaction to the people if we could have any information on the subject.

Hon. Mr. MILLS—No, there is nothing.

THE DEATH OF LIEUT. BORDEN.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I desire to take this opportunity to express for myself, and I think for all of us in the Senate, our deep sympathy with the hon. Minister of Militia in the loss of his son. Of course we all know what may follow from war: It is either the grave or victory. In this case, one of our bright young officers has been called to his long home in a recent battle, in which he displayed a bravery characteristic of his race. I do not wish to say more than to express my own deep sympathy with the hon. Minister of Militia and his wife, in the loss they have sustained, a sentiment which I am sure will be echoed by every one in Canada.

Hon. Mr. MILLS—I thank my hon. friend for his kind words of sympathy for a colleague. Every one who knew Lieut. Borden speaks very highly of him. He certainly made a very good impression on every one with whom he came in contact. Kind and conciliatory in disposition and courageous, as a young man he was an ideal officer, and I am sure every one in the country will regret that his career should be so suddenly brought to an end, and feel all the keener sympathy for the hon. Minister of Militia and Defence when he remembers that it is his only son who has thus been sacrificed.

THE MANITOBA SCHOOL QUESTION.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to ask the hon. Secretary of State if he has at last found the documents he was searching for with such activity and interest on the Manitoba school question. There were two or three documents laid aside one day on the table of the Privy Council. It was intimated that they were lost, but they happened to fall under the eye of the hon. Secretary of State another day. They had never been brought before this House in answer to the address to His Excellency, adopted by the Senate for the bringing down of these documents. I should be happy if, before we part, he would leave us those documents as a souvenir. They might be useful in future days, if only to show that the hon. minister is always disposed to do what the House asks him to do. He cannot refuse such production on the ground that such documents are of a confidential character, because I happened to see, in a few documents which have been produced to this House, that confidential

letters of his own were published. I would ask that the same rule apply to these. If his own confidential correspondence with the ex-Lieutenant-Governor of British Columbia could be published, I should think he would not refuse the House the satsifaction of perusing the letters I refer to, be they confidential or not, since they have reached, in an official way, the government of the country.

Hon. Mr. SCOTT—I am sorry that I am unable to gratify my hon. friend, but I think if I did bring down every document that might be in the Privy Council, or the office of the hon. Secretary of State, or in any other office, there is not a particle that is new in any of them. The last documents were brought down last session. There was one document addressed to His Excellency, or the Premier, which I was going to bring down, but the Premier said to me that he had received a letter from the authority who sent him this document that it was not intended to be made public. The document I may say, however, for the information of my hon. friend, did not contain anything new. I myself think it has already been published. All the letters connected with it went to the press in Manitoba and have been published from time to time, and there is really nothing recent, or even, if I could bring anything down, that would throw additional light on the subject. The last petitions were brought down the end of last session—petitions from some parties disapproving of the law and from others approving of the law.

Hon. Mr. LANDRY—Yes, we received those petitions.

THE DEATH SENTENCES OF DUBE AND CAZES.

Hon. Mr. LANDRY—The other day I asked in this House for the correspondence exchanged between the Department of Justice and parties outside in relation to the execution of Dubé, and the reprieve of Cazes, and I asked particularly for the reports of the judges in these two cases. I was answered by the hon. Minister of Justice that the report of the judges could not fairly be laid before the House. At the same time, while I was asking that question, the Quebec press was publishing the report of the judge in the Dubé matter. I claim that the Senate should be favoured as well as the public in general, and that we should get these reports in an official way from the Department of Justice. I know the reports in the Dubé and Cazes cases did not come from the Minister of Justice, but as they are now before the public, I should like that the address voted by the House of Commons be supplemented by that part of the address for which I moved in this House, and that we should be put in possession of the reports on the two cases.

Hon. Mr. MILLS—I shall communicate with the judge, and if he consents, seeing that the reports have been made public, I will have no objection to bringing them down, although I think it is very unfortunate that a judge's report should be published, for this reason, that if we once commence publishing confidential reports which the judges make, we will get very much less frank and full information from them. What I understand the Quebec press published was, not the judge's report, but the judge's reference to his charge to the jury in his report. What he said he had charged the jury was given, and that is all. Usually we get the charge of the judge to the jury, accompanying the papers, but in these cases, they did not accompany the papers, and that quotation from the report as to what he said in his charge to the jury was the only thing, so far as I know, that was given to the press. If his charge had been given, of course, it might have been published. There is nothing to communicate to the public, therefore, more than the judge himself communicated in his charge.

Hon. Mr. LANDRY—I think the hon. gentleman did not see what I saw published in the Quebec press. It is not the charge to the jury, but the report made by the judge to the Minister of Justice.

Hon. Mr. DeBOUCHERVILLE—An extract?

Hon. Mr. LANDRY—The whole report.

Hon. Mr. MILLS—I have not seen that.

Hon. Mr. LANDRY—I am stating the fact. It was the whole report made by the judge in the case written to the Minister of Justice that was published. It was not an ex-

tract, nor was it the charge to the jury, but the whole report. I concur in the remarks made by the Minister of Justice as to the advisability of not publishing the reports, because it might in the future prevent the government from having full reports, perhaps, on matters of the kind, and in the public interest, those reports should not be published, but I am asking for the production of what has already been published, and I am only asking that this House be put on the same footing as the public in general. If anybody should know anything about the matter, it is the parliament of Canada, and it is because the public have that report, I am asking for it. That is my only reason.

Hon. Mr. MILLS—I shall communicate with the judge, and if he assents, I will produce it. Notwithstanding what has been published, I would not, myself, take the responsibility of bringing down a confidential report without the sanction of the judge who made it.

POST OFFICE, MONTMAGNY.

Hon. Mr. LANDRY—I shall now address myself to the colleague of the Minister of Justice. An address was voted some time ago, in the month of March, I think, calling for the production of all the documents and correspondence relating to the post office at Montmagny. The site has been secured, and the different title deeds have been ordered to be produced. In answer to that address I have a number of documents, but, as I have remarked to the hon. Secretary of State, there are some important papers missing. He promised to look into the matter. I suppose the amount of work this session has prevented him from doing so, but now that we are going to give him a little leisure, I hope he will have time to find out those titles to the property, and that he will be good enough to have them produced here in order that the return may be completed. It is in relation to the sale by parties in Montmagny to the government of a site for a public building.

Hon. Mr. SCOTT—If it rests with me, the hon. gentleman may be assured that the documents will be brought down. Certainly there can be no object in withholding documents relating to the title. The department furnished all they had at the time. It is possible that the title deeds would be with the notary who prepared the abstract.

Hon. Mr. LANDRY—I know there is a copy in the Public Works Department.

Hon. Mr. SCOTT—I shall be glad to make further inquiry.

Hon. Mr. LANDRY—I share in the joy of the hon. minister.

JUDGES OF PROVINCIAL COURTS BILL.

Hon. Mr. MILLS moved the second reading of Bill (195) 'An Act further to amend the Act respecting the judges of provincial courts.'

Hon. Mr. LANDRY—I object to this item. The Bill is not printed in French.

Hon. Mr. SCOTT—If the hon. gentleman persists in his point of order, I regret very much the Bill cannot be proceeded with. The responsibility will rest with the hon. gentleman of having defeated the measure.

Hon. Mr. LANDRY—I take that responsibility, but the hon. minister will be good enough to share it. If the Bill is not printed in French, it is not my fault. If I defend my rights I take that responsibility, and I maintain my objection.

Hon. Mr. SCOTT—In the long experience I have had in the Senate, it is the first time I have heard at the end of the session an objection taken on the point that a Bill is not printed in French.

Hon. Mr. MILLS—A Bill of seven lines.

Hon. Mr. SCOTT—If my hon. friend really required to understand the Bill in the mother language, I could appreciate his motives, but he understands it quite as well in the language in which it is printed, as if it were in French, and, therefore, he simply takes advantage of a technical point to defeat the Bill.

Hon. Mr. LANDRY—I do take advantage of it. It is my right. I do not want to shelter myself behind any ignorance of the English language, but I take the position boldly that I object to the Bill.

Hon. Mr. POWER—All right, next order.

ELECTION LAW AMENDMENT BILL—SENATE INSISTS ON ITS AMENDMENTS.

The House resumed consideration of the Senate amendment to section 90 of Bill (133) 'An Act to consolidate and amend the law relating to the election of members of the House of Commons.'

Hon. Mr. FERGUSON—I wish to submit some reasons to the House why we should insist on our amendment to section 90 of this Bill. It is essential to the proper working out of the Act in Prince Edward Island that these amendments should be agreed to, and I think I shall be able to show hon. gentlemen that they should form part of the Bill. This amendment is simply to put Prince Edward Island in the same position with regard to judicial inquiry into votes as all other provinces of Canada. When the list is made up, there is a judicial settlement of the right of parties to vote. That is the mode which prevails in all the other parts of Canada. In Prince Edward Island, there is no list; there is open voting for provincial purposes, and it works well. There is no feeling in the province to change it. You could not induce the legislature of the province to change it. Lists were used at one time, and after two or three years' experience they were abolished. But the difficulty with which we are concerned in this matter arises out of the policy of the present government in adopting a provincial franchise for federal purposes. In doing that in Prince Edward Island, they are attempting to do a very difficult thing, an almost incongruous thing, and that is, connecting a condition of things where there is no voters' lists with the ballot. Hon. gentlemen can see, in discussing the proposition about the unorganized districts of the province of Quebec, that when the making of the list is practically settled on the polling day, there is no provision for objecting, and afterwards scrutinizing, the bad votes that may be offered. The ballot box might be filled, in some cases, with bad votes. When the government introduced the Franchise Bill in 1898, I pointed that out in this House, and the reasons I advanced were sufficiently strong to convince the government and both branches of parliament that some remedy was necessary. It was agreed to that where a vote offered that way was objected to, the objection would be entered on the poll book, the ballot paper would be numbered, and the corresponding number put on the poll book—that the ballot papers would find their way into separate envelopes, and it was provided that a demand might be made for an investigation of these votes at the recount. That was the provision inserted in the Franchise Act of 1898 to meet the position of Prince Edward Island. The government, in consolidating the Election Act, repeal the Franchise Act of 1898, and fail to introduce in the Bill this year the all-important provision, that an appeal should be had to the county court judge for an inquiry into those votes after the election. I have shown the House the necessity that exists for this provision, and I have shown hon. gentlemen that this principle was conceded two years ago, and has been conceded all through the Act this year, in the marking and initialling of a ballot, and leading up to an investigation later on.

Hon. Mr. LANDRY—That is the law now.

Hon. Mr. FERGUSON—Yes, until this law is passed. It is true we did not, possibly, effect all we aimed at in the Act of 1898. The amendments were put in, for reasons which need not be recounted to-day, in a hurry, and it is doubtful, more than doubtful, whether we gave the county court jurisdiction to do that, but it was the intention of parliament to give that jurisdiction. The crucial amendment here is the Act of 1898, that is, that one of the grounds for a recount should be, in Prince Edward Island, that where persons not qualified to vote, had voted——

Hon. Mr. SCOTT—Where is the Franchise Act repealed?

Hon. Mr. FERGUSON—All these clauses are repealed.

Hon. Mr. SCOTT—The Franchise Act is not repealed.

Hon. Mr. FERGUSON. Every one of these provisions is repealed in the Bill before us, from section 11 to the end—all relating to Prince Edward Island fall to the ground, and it is only proposed to re-enact part of them, and those are the sections relating to the initialling and marking of ballots. We are met now with this argument: Oh, it is

not necessary to give the county court jurisdiction, because it can be dealt with by the Supreme Court under the Controverted Elections Act. I want hon. gentlemen to follow me on this point. I submit it cannot be so dealt with, because if a candidate is counted out, with a small number of bad votes against him, and it is necessary to proceed under the Controverted Elections Act, he must claim the seat. It is a proceeding to get the seat which he believes he was rightly elected to by a majority of good votes. He must put up a thousand dollars. The moment he claims that seat, his opponent can take advantage of the Controverted Elections Act, to raise any other questions he pleases, without putting up any deposits.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—The hon. gentleman says 'hear, hear.' Perhaps it is useless to appeal to my hon. friend, but I am sure it is not useless to appeal to the House as a whole. Would any man put up his thousand dollars and proceed in that way, if he simply laid the foundation for his opponent to attack him on every ground, without putting up a deposit ?

Hon. Mr. MILLS—He does that in every contest.

Hon. Mr. FERGUSON—I would ask my hon. friend to look into this question a little, and know something about it before he makes those inconsequential remarks. This is a different contest from the rest. The contest rises over these rejected votes, and bears no analogy or resemblance to petitions in ordinary cases.

Hon. Mr. POWER—I want to ask the hon. gentleman a question for information. I should like to know whether, in the provincial law, there is any provision of this kind—whether, if a man goes up to vote and his vote is objected to, there is any provision that that question shall be tried out when the votes are counted, or if there is any method of going over the result of the polling, as the hon. gentleman now proposes he should have under the law ?

Hon. Mr. FERGUSON—I shall reach that point later on, but just to clear the mind of the hon. gentleman, I will leave the question I was discussing, and settle the point with my hon. friend, before I proceed any further.

There are all necessary provisions in the provincial law for objecting to votes. Hon. gentlemen will see this difference at once. There are no lists, and consequently everything is open as the day, and these votes are scrutinized and objected to, and a man knows exactly how the election is going, whether the vote is against him or whether it is not. All that is apparent as it goes along, and that being the case in the provincial law, there is a remedy as you go along which is not provided in this Bill, where you are connecting incongruous things—that is a condition of things where there is no voters' lists with a ballot. Then, further on, I may say in reply to my hon. friend, there is a scrutiny provided before the sheriff under the provincial law. It is a very partial and a very inefficient one I admit, and it not before a judge, but we propose now, when we make a scrutiny, that we will make it efficient, and that we shall make it before a judge, and there is no reason, because the local law is faulty, why we should follow its faults, and when we provide for one we provide for one before a judicial authority, and even if there were the provisions for a scrutiny in a provincial law, the cases are not analogous, because the Provincial Controverted Elections Act is not framed on the same lines as the Dominion Controverted Elections Act. It does **not** provide for putting up any cash. You put in security for $600. Altogether there are no analogies between the cases. I have made this point clear, I think, to every member of this House, that it is a perfect absurdity to put all these provisions into the Act calling for the initialling and numbering of ballots, and the keeping of them in separate envelopes, and it is really a blemish in the Act having that put in, unless some good purpose can be served in the way of having an investigation, and I submit, as I have shown hon. gentlemen that there can be no investigation, it should end under these provisions. Let me say here that I am not divulging anything private or confidential, because my friend the Solicitor General referred to the circumstance that I am now going to speak of in another place, and he referred to it properly. I have no fault to find with the

statement he made. The point I made is freely conceded by the Solicitor General and by the Minister of Fisheries, that by putting up his deposit and claiming his seat, the petitioner is simply doing the work of the other side, and preparing for his own defeat, and a great amount of cost, and cannot accomplish his purpose. As a remedy for this, the Minister of Marine and Fisheries has suggested to me that he might amend the Controverted Elections Act by a very short amendment, which would have the effect of making that Act apply, thus doing away with the difficulty I have referred to; and I may say further, that Sir Lous Davies sent me a copy of the Bill that he drafted with that object in view. On looking over the Bill I saw at once that it created another difficulty even greater than the one that it was intended to remove. It provided for a limited inquiry, so that the person who is counted out on these objected votes could file a petition for an investigation on these votes, and these votes only, and the court could not go beyond that. On the face of it, that entirely met my objections, but the effect of it would be, that the candidate who was returned would be deprived of his right of petition on general grounds. He would have no right to file a petition against his own return. His opponent files a petition on the last day, and he would be unable to file a petition in reply, and it would be fought out on these grounds alone. The returned member would be debarred from filing a petition under the Controverted Elections Act to bring up the question of corrupt practices and all other questions. It is inherent to the proper solution of it that both should have their rights, that the man who is counted out by a few bad votes should have a simple and feasible way of getting that question settled without putting up a thousand dollars deposit and furnishing the ground for the other side to attack him without putting up anything at all, and it is equally necessary that the rights of the returned member should be secured to him. The provision which was proposed to remedy the difficulty created another one quite as serious as the original difficulty. It became painfully evident to any one who would look into it that you could not make the Controverted Elections Act suit that case without a considerable amount of time to consider the necessary provisions and without a pretty elaborate law. The very fact that the Solicitor General and the Minister of Marine and Fisheries suggested an amendment such as I have indicated to the House shows conclusively that they see the difficulty and admit the full force of the objection that I have been offering. I may say, further, before I leave it, that the Solicitor General, as my hon. friend the leader of the opposition may remember very well, and Sir Louis Davies, when we held an informal conference in his room in 1898, when the Franchise Act was under consideration, the Solicitor General then told the Minister of Marine and Fisheries that in his opinion this proposition was a very reasonable one and should be acceded to, and that advice was followed and the amendment was accepted. That is the amendment we are now proposing and elaborating, removing many of the objections offered against it at that time. In the conversation I had with the Solicitor General, he said to me that if the Minister of Marine and Fisheries withdrew his objection to this amendment, he would be quite willing to accept it, and he gave me authority to say that to Sir Louis Davies. I want to point out that the Controverted Elections Act was never designed to deal with such a case as this.

It could not have been designed to deal with it, because in the whole Dominion of Canada at the passing of that Act up to this moment—until the Dominion Franchise Act was passed—no condition could arise in which the qualification of the voter could be assailed under the Controverted Elections Act. Therefore, the framers of the Controverted Elections Act never had in their minds any such idea that that Act could apply to a case like this. That Act has nothing to do with it, unless the amendments we are now making, would make it so, of which I have some doubt. Unless these amendments would do it, they would have no right to enter into the qualification of any voter in Canada under the Controverted Elections Act. There is only one case in which the name of a voter can come up at all, and that is on a charge of personation. A man comes into a poll and says he

is John Smith, and he is given a ballot and votes. Subsequently the real John Smith comes in and takes the oath, and that ballot is initialled and numbered. That question would come up under the Controverted Elections Act, but the only question would be, whether it was the real John Smith. The question whether he was qualified to vote was settled when the list was made. Assuming under this Bill we are passing, and the Franchise Act of 1898, that the Controverted Elections Act would have application to such cases as this, I want to point out, as I have pointed out, that the remedy that it would apply, would be no remedy at all, that the man would be defeated in his application, from the fact that he would have to claim the seat as a necessary ingredient to the charge of bad votes being recorded against him, and by putting up the deposit he would be doing his opponent's work, and no man with any brains would do that, and consequently there is no remedy unless we pass the amendments I propose. I will offer some further objections. Admitting for argument's sake, that the Controverted Elections Act would apply to this case, what have we got? We have a great deal of delay. The question as to who has the majority of good votes is an unsettled question. A petition is being filed, and it is being fought out under the Controverted Elections Act. We have all this fighting going on about preliminary objections, and it might occupy weeks and weeks going over that. There would be filing particulars and fixing day of trial, and making rules of court. All this we know is a magnificent machine for lawyers, out of which they make large fees, and despoil poor, unfortunate candidates who get into the clutches of the law. All that would be involved in settling the simple question, whether John Smith was a qualified voter or not, which I say is settled in all the other provinces in Canada in a summary way when the list is made up, before the county court judge, and which we now say should be settled in the province of Prince Edward Island in a summary way in regard to these disputed votes after the election is over. Some strange reasons have been given by the House of Commons for disagreeing to the amendments. The first reason I have fully dealt with in my remarks. It is as follows:

Hon. Mr. FERGUSON.

1. Because the 'Controverted Elections Act' already makes ample and proper provision for the scrutiny before two judges of the Supreme Court of all objected votes polled in Prince Edward Island under conditions which assure to all interested parties, electors and candidates, the amplest guarantees that the rights of the voters will be examined into and determined on after proper notices given.

The remarks I have already made entirely disprove that statement. The second reason reads:

2. Because the addition to the powers of the county court judge of holding a scrutiny in conjunction with the recount will prolong the proceedings to an undesirable length, and will raise serious questions of conflict of jurisdiction between the county court judge under this Act, and the judges of the Supreme Court under the 'Controverted Elections Act.'

I ask hon. gentlemen to consider, for a moment, whether the proceedings are more likely to be prolonged under the Controverted Elections Act, with a battle going on between lawyers on preliminary objections and rules of court, and fixing date of trial, and filing affidavits for months; or whether the matter is more likely to be prolonged by a simple inquiry, which is to be taken fifteen days after the election, and continued until it is through, which would not be more than two or three days altogether—whether the matter is more likely to be prolonged in that way, than by waiting before you proceed at all, to see if the Controverted Elections Act can be invoked—and I think it is impossible to invoke it—and then go on and fight a battle for months and months as we know is the practice. I am surprised to hear the other point raised, that it raises a serious question of conflict between the jurisdiction of the county court judge, and the judges of the Supreme Court under the Controverted Elections Act. The fact that that statement was made convinces me that the gentlemen who framed these reasons have not looked into the question seriously.

Hon. Mr. MILLS—Hear, hear!

Hon. Mr. FERGUSON—It is imposible that that reason could be given if the gentlemen had looked into it. Everything we are providing to be done by the county court judge is done before the return is made. My hon. friend from Bedford (Mr. Baker) knows that you cannot start a petition until you have a return to petition against. How can there be a conflict of jurisdiction between the two courts when what the one

has to do must be completed before the jurisdiction of the other begins?

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLS—Not necessarily at all.

Hon. Mr. FERGUSON—If the hon. Minister of Justice would consult the Solicitor General and ask him to look at the Bill and look at the dates, he will find it is so exactly. Everything the county court judge has to do under this he must do before there is a return. Anything done by the Supreme Court judges cannot be undertaken before there is a return; consequently the conflict of jurisdiction between the two is absolutely out of the question. The third reason is as follows:

3. Because the addition of a security to a recount is inadvisable and takes away from parties who may consider themselves aggrieved, any right of appeal from the decision of the county court judge.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—If that is so, what we are doing now does not take that away, and there may not be an appeal from the county court judge, which I think would not be desirable at all. If the contention of these gentlemen is right, the courts could be invoked later on, and they can go over the ground, but I altogether differ from them. Practically, you cannot get before the election court, and that being the case, while theoretically it may be all right, practically you cannot have it. If the gentlemen who gave these reasons are right and you can have a trial before a superior judge, you have what is much better than an appeal. You have an independent revision of the work of the county court judge at a later period. That being so, what is there in this argument that there is no appeal? While the Controverted Elections Act never contemplated the deciding on a qualification, there being no Election law that called for that in Canada at the time the Controverted Elections Act was passed, it did provide in contested elections that you could produce the ballots and go over the work that the county court judge did in regard to the rejection or acceptance of ballots. Hon. gentlemen seem to think that is all right. Here is a duplication of work. The county court judge does that work. There is no appeal from the county court, but there is an independent decision later on, and for that purpose the Act provided for it, and there is no doubt there would be, and I submit that in both cases it is an advantage that the county court judge should know that somebody may revise his work later on, because it would make him very much more careful than he would be if he knew there was no appeal. When there is a possibility, under the Controverted Elections Act, of a case coming before the Superior Court judge, it would make the county court judge more careful, and the effect would be that we would have better decisions in the first instance. I feel that I have gone over all these points and I think I have convinced hon. gentlemen.

Hon. Mr. SCOTT—No, certainly not.

Hon. Mr. FERGUSON—The hon. gentleman says not. The Secretary of State is generally very reasonable, but in this case, it is as one says so say all, although the hon. gentlemen do not always act on that maxim. They often get at loggerheads and contradict each other, but I think I have convinced hon. gentlemen that this amendment is essential to the working out of the provisions of the law in Prince Edward Island, and if you do not pass this amendment and provide for a judicial investigation of the votes, it would be infinitely better if every provision about initialling and marking votes were out of the law from beginning to end, because if you cannot get a judicial decision on these votes—which I think you cannot get under the Controverted Elections Act—there is a practical difficulty in the way which would prevent any man coming in and demanding an investigation on that ground alone, and that being so, we ought to go over every clause of this Bill, if this amendment is not made part of it, with regard to initialling and objecting to votes. The hon. gentlemen in the government seem to be willing to put all that in the Bill, but are not willing to give us a measure which will provide a remedy and lead up to a judicial investigation into those votes. I admit frankly that that provision would not often be invoked. No candidate would be foolish enough to invoke it except where he was sure of his ground, but the fact of having this provision under which a man who believes he was counted out by bad votes can go before

the county court judge and get the question settled as to who has the majority of good votes, would have a deterrent effect upon candidates and upon their agents and upon voters at the poll, because they would know that even if they put in bad votes, there was a chance of the whole thing being undone, and the bad votes expunged. We ask that this provision shall be made perfect by adding this amendment to section 90. If that is done, we will have a good wholesome election law for Prince Edward Island, as I hope the law is for every part of Canada. I am confident the government, when they look at this matter, as they will have to look into it before they finally decide this question, will see the entire reasonableness of this amendment. They will see that there is no remedy as the Bill stands. They have admitted that by trying to amend the Controverted Elections Act to get over the difficulty. Knowing that is the case, that they have put all these provisions for initialling and numbering the ballots into the law, and that there is no practical way of ever getting it tried afterwards on its merits, I am convinced that the government will see the practical character of these amendments and accept them, having in 1898 accepted the same principle. I, therefore, move in amendment :

That the Senate doth insist on its 46th, 47th, 48th, 49th, 52nd and 53rd amendments, for the following reasons :—

1. Because it is desirable that in Prince Edward Island as in all the other provinces of Canada the candidate declared to be elected should have a majority of votes of qualified electors.

2. Because these amendments provide a simple, effective, timely and speedy mode of determining the qualification of persons whose right to vote is objected to, including all necessary provisions for notice to parties concerned, and giving ample time for taking the proceedings.

3. Because such a mode of determination is analogous to the mode adopted for all the other provinces of Canada. In those provinces the qualification of a voter is determined by the fact of the person's name being found on the list of voters and cannot be questioned in proceedings under the Controverted Elections Act. It is desirable that in Prince Edward Island also, where there are no voters' lists, the qualification or disqualification should be determined before the return is made, leaving to the operation of the Controverted Elections Act, only the decision of those questions which may properly be dealt with thereunder. A scrutiny had under that Act deals only with the validity of the ballot papers polled, not with the qualifications of the voters polling them.

4. Because the Controverted Elections Act was designed and enacted as an integral part of the election laws of Canada before the radical change made in those laws by the Franchise Act, 1898, and therefore had not, and has not now, within its purview the determination of any question as to the qualification of a voter, and, if at all, it is only by a strained construction thereof that it can be made applicable to the case which the said amendments provide for. Moreover, it lacks necessary provisions for the determination of such questions.

5. Because, even admitting that the Controverted Elections Act provides a remedy for the evils which the said amendments are intended to obviate, and this the Senate denies, nevertheless such remedy is objectionable on the following grounds :—

(a). It involves delay and is much more troublesome and expensive than the procedure proposed by the amendments.

(b). The candidate petitioning under the Controverted Elections Act for a judicial investigation of votes objected to would necessarily claim the seat, and by doing so and providing the necessary deposit he would open the door for the member returned to raise all other questions without making any deposit, and in this way the object of the petitioner would be defeated.

6. Because, even admitting that the amendments would lead to conflicts of jurisdiction between the county court judge and the Supreme Court of Prince Edward Island sitting to try election petitions, and this is denied by the Senate, it is practicable, by a simple amendment to section 90 of the Bill, to provide that the decision of the county court judge as to the qualification of any person whose vote is objected to shall be final and unquestionable in any proceedings under the Controverted Elections Act.

7. Because, even admitting that the result of the said amendments would be to create a double course of procedure, and this is denied by the Senate, this result, so far from being disadvantageous, would conduce to the exercise of care and discretion by the county court judge in the discharge of the duties devolving upon him, and would greatly discourage any attempt to reverse his decision by proceedings under the Controverted Elections Act.

8. Because there can be no conflict of jurisdiction between the county court judge acting under these amendments and the Supreme Court of Prince Edward Island acting under the Controverted Elections Act, inasmuch as there can be no return made until the former has discharged his duties, and the action of the Supreme Court under that Act cannot be invoked until there has been a return made.

Hon. Mr. MILLS—I am not going to detain the House more than a few minutes in discussing these questions. We have discussed this question fully before. My hon. friend said this was agreed to before. Yes, rather than lose the Franchise Act it was agreed to, but nearly everybody in the House of Commons felt it was an unreasonable and improper provision, and I have no doubt it is upon that subject. There is in every part of this Dominion the power of recounting, but what is that power? It is to recount every vote that has been polled. That is a proper proceeding if you want a scrutiny—if you want to contest the election—if you deny that the number of votes

polled is the number of legal votes. Then, there is another process that is provided for, and it is as applicable to Prince Edward Island as to any other part of the Dominion.

Hon. Mr. DeBOUCHERVILLE—That is the recount.

Hon. Mr. MILLS—It is a recount with the scrutiny added. There are other places where they have a recount, and they can have it in Prince Edward Island. My hon. friend wants a recount and a scrutiny as well.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—That is not a proper proceeding, as I propose to show. Prince Edward Island does not stand in a different position in this regard from other parts of the Dominion. In Ontario, although a man may have his name on the voters' list, he has not the privilege of voting, if he moves from the constituency and become a resident elesewhere ; he may vote, and there may be a scrutiny to remove his name. Then there may be personation. It does not matter how a name comes in the list, if it is not legally there. In Prince Edward Island, if a man votes improperly, once his vote is polled he stands exactly in the same position as the man who has given an improper vote anywhere else. There is the same remedy in Prince Edward Island that there is elsewhere. This amendment is an improper provision. If my hon. friend wants greater security in Prince Edward Island than he has got, he ought to labour there for the purpose of inducing them to have a proper voters' list prepared. That is their remedy, if they desire greater security. What does the hon. gentleman propose ? He says that one man may have 500 votes, and another 490. There is a difference of ten that some of his agents have bought votes, demands a recount, and a scrutiny. What is the object of the scrutiny ? For the purpose of ascertaining whether any of these 500 votes are improperly recorded. The principle of our law, like the principle of the English law, is that a man who has the majority of votes shall be returned.

Hon. Mr. FERGUSON—Good votes.

Hon. Mr. MILLS—He shall be returned. The question whether they are all good votes or not is to be determined after the return, and not before. You return the man the majority of the people voted for, and if his seat is to be attacked, it must be attacked by showing that he has bought votes, or that some of his agents have bought votes. or people have voted for him who were not entitled to vote. All this may be inquired into by a petition before the court. What does the hon. gentleman's proposal mean ? It means that a man who has been returned must first fight a demand for a scrutiny, and if he is unseated, he then must file an election petition in order to maintain his rights.

Hon. Sir MACKENZIE BOWELL—I want to explain the difference between the voters' lists of the province to which the hon. gentleman is referring and Prince Edward Island. In Ontario, the right to vote is indicated by the voters' list laid before the returning officer. In Prince Edward Island there is no such thing. That is the difference.

Hon. Mr. MILLS—No, that is not the difference. Once a vote is polled, even if there be a voters' list, the vote is counted. Supposing a man is an alien, and his name is on the voters' list. Supposing he has been guilty of corrupt practices, and his name is on the voters' list, you have a right to strike off his name.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—If you strike off his name, you never know for whom he votes.

Hon. Mr. MILLS—The rule is, under a Dominion election petition, to strike off every bad vote, and if the number of bad votes exceeds the majority, the election is off.

Hon. Mr. FERGUSON—Will the hon. gentleman be kind enough to show us, under the Controverted Elections Act, how you can deal with the qualification of voters ?

Hon. Mr. MILLS—The hon. gentleman has spoken for about an hour, and he understands the law. A bad vote recorded in Prince Edward Island does not differ from a bad vote recorded anywhere else. The hon. gentleman wants a remedy

in Prince Edward Island that does not exist anywhere else. That is preposterous. This is a measure relating to the constitution of the House of Commons. It has been discussed and considered there. If there is anybody in the House of Commons who entertains my hon. friend's view he has had an opportunity of stating it, yet here is one member undertaking to set up his own peculiar views on this question against the views of the whole House of Commons, and against the views of the vast majority of this House, because no one here from Quebec, or Manitoba, or Ontario, or elsewhere is asking to have incorporated in the law, in order to protect a defeated candidate, the provision that the hon. gentleman seeks to have incorporated for Prince Edward Island. Certainly the House of Commons can never agree to the proposition of the hon. gentleman, and the concurrence in that amendment will have the effect of defeating the Bill.

Hon. Mr. FERGUSON—The hon. gentleman has no right to throw out such a threat.

Hon. Mr. MILLS—I am not making a threat. I am stating a fact. The House of Commons has refused to accept this proposition. His Excellency will be here at three o'clock to prorogue parliament.

Hon. Mr. FERGUSON. We know that bluff.

Hon. Mr. MILLS—The hon. gentleman calls it a bluff. I have listened to him for the past hour undertaking to force his views upon the House of Commons. He is not an elected member. He has not to go before the electors, and he is undertaking to force his views upon the whole parliament on this question. I say that the proposition is a most unreasonable one. If a man records his vote improperly in Prince Edward Island, his vote can be struck off the list just the same as in other parts of the Dominion.

Hon. Mr. DeBOUCHERVILLE—Does not this amendment exist in the Prince Edward Island law as it is now ?

Hon. Mr. MILLS—No, the hon. gentleman undertook to force this provision upon the House, but it was utterly unworkable.

Hon. Mr. DeBOUCHERVILLE—I am speaking of the law as it is.

Hon. Mr. MILLS—So am I. The hon. gentleman (Hon. Mr. Ferguson) undertook to amend the Franchise Act, and the government acquiesced in his amendments rather than have the measure defeated, but they agreed to his amendments under protest. They are in a form to render the Act unworkable, and the hon. gentleman himself admits that. I am not prepared to agree to this pernicious provision, and certainly the pressing of it simply means the defeat of the Bill.

Hon. Mr. FERGUSON—The very argument my hon. friend is——

Hon. Mr. MILLS—The hon. gentleman has no right to make another speech.

Hon. Mr. FERGUSON—Certainly I have. I am making a substantive motion.

Hon. Mr. MILLS—No, the hon. gentleman is not making a substantive motion. The substantive motion was made by myself.

Hon. Mr. FERGUSON—What was the hon. gentleman's motion ? I did not hear it.

Hon. Mr. MILLS—I cannot help that. The hon. gentleman was not here. We delayed some time to give him an opportunity to get here. My hon. friend has made a speech, and that is the end, so far as he is concerned.

Hon. Mr. FERGUSON—I think the House will see that the hon. gentleman is enforcing the rule very unfairly now. I was not in the House——

Hon. Mr. MILLS—The hon. gentleman has made his speech, and I raise the question of order.

Hon. Mr. FERGUSON—If the hon. gentleman is going to invoke the rule harshly, it will show he is convinced of the weakness of his argument. It was not altogether courteous or decorous that the hon. member should proceed with this Bill while I was not in the House.

Hon. Mr. SCOTT—The Minister of Justice did not proceed with the Bill. When his attention was called to the absence of the hon. gentleman from Marshfield he waited until the hon. gentleman came in.

Hon. Mr. FERGUSON—I want to submit some reasons——

Hon. Mr. SCOTT—We have heard all the reasons.

Hon. Mr. FERGUSON. I move an amendment to the hon. gentleman's motion. I suppose my hon. friend has observed that the House of Commons has included in the amendment relating to Prince Edward Island, two other amendments that do not belong to them.

Hon. Mr. LANDRY—I understand the question, it may be crystallized in this way: If the Bill now before the House is dropped by the House of Commons, it will revive the law passed in 1898, which gives to Prince Edward Island what the hon. member asks to-day. What he asks is, that the Bill before us shall contain what the existing law contains, but what the government put out of it. So, if the Bill to-day is withdrawn by the government, the hon, gentleman will get what he asks for in the negative way. I do not think the government, under the circumstances, san say: 'We will drop the Bill,' because if they do so, the hon. gentleman will gain his point. For these reasons, I shall vote for the amendment.

Hon. Mr. POWER—The question before the House is a very simple one. The election law, which we have gone over with a great deal of care here, is generally considered to be a great improvement on the law as it at present exists. It is on the whole a better and fairer law. I understand a great many members supporting the present administration are not anxious that the Bill should become law, and it is a question for the Senate to say, whether they will have the law as it stands to-day, with its imperfections, or whether we shall have a law embodied in the Bill which is now before us, without the amendments proposed by the hon. gentleman from Prince Edward Island. That is the simple question—a practical question, as I understand it. I do not undertake to question the superiority of the amendment, evolved out of his mental interior by the hon. gentleman from Marshfield. I have always felt, since that hon. gentleman came here, that he knew more, not only than any one person in parliament, but than all the rest of parliament together, and I am ready to admit that this amendment of his makes a vast improvement in the law, but unfortunately these obstinate members of the House of Commons decline to be governed by his superior wisdom, and it is for us to say whether we are to insist on being governed by the House of Commons or by the hon. gentleman.

Hon. Mr. FERGUSON—Will the hon. gentleman make one exception?

Hon. Mr. POWER—The hon. gentleman has no right to interrupt me.

Hon. Mr. FERGUSON—Will the hon. gentleman except the hon. gentleman from Halifax?

Hon. Mr. POWER—I am giving the hon. gentleman all the credit that even he would ask, and I do not see why he should find fault. We had that hon. gentleman, if I am not mistaken, and other hon. gentlemen, the other day, when there was some question with respect to the right to vote, of a number of persons in the province of Quebec, to tell us——

Hon. Mr. FERGUSON—I rise to a point of order. The hon. member is referring to a past debate, and I call him to order.

Hon. Mr. POWER—I have sinned, but if I have, pretty nearly every member in the House has sinned in the same way.

Hon. Mr. FERGUSON—The hon. gentleman is such a stickler for order, I thought I would call attention to his own transgression.

Hon. Mr. POWER—In the dying hours of the session, the hon. gentleman should try to maintain peace and harmony in the House. I took the opportunity to interrupt the hon. gentleman once to ask a pertinent question, and that is whether there was in the local law of Prince Edward Island any provision for such a correction and revision as the hon. gentleman's amendment proposes to make, and he was obliged to admit there was not. He said, however, they have open voting in the province of Prince Edward Island, and consequently, as I understood him, there is no necessity for this provision.

Hon. Mr. FERGUSON—I did not.

Hon. Mr. POWER—I understood the hon. gentleman to say that.

Hon. Mr. FERGUSON—I made an explanation.

Hon. Mr. POWER—The hon. gentleman said the circumstances were different, that they had open voting down there, and he went on to say that the parties interested can tell, as the polling goes on, how the electors are voting. The hon. gentleman's desire was not that nobody should vote who had not the right to vote, but that nobody should vote against a candidate who has not the right to vote. Why is it less objectionable that a man should vote, under open voting, who has no right to vote, than that a man should vote under the ballot who has no right to vote ?

Hon. Mr. SCOTT—That is the whole point.

Hon. Mr. POWER—In Prince Edward Island men may vote, under open voting, who have no right to vote. Is not that just as objectionable as that a man should vote under the ballot, who has no right to vote ? And in Prince Edward Island, the local legislature has made no provision for striking out such votes, why should we undertake to provide means for striking out the vote of a man who has no right to vote ? I did not mean to say anything to wound the hon. gentleman's feelings. If I have done so I am sorry, but I say the question for us now is, not whether the amendment moved by the hon. gentleman is an improvement on the law or not, but what the effect of having it will be. Are we prepared to throw away the present election law or not ? This amendment, at any rate, only affects three or four constituencies.

Hon. Sir MACKENZIE BOWELL—The only remark I propose to make on this question is in reference to the statement which has just fallen from the hon. gentleman from Halifax. I must confess I was surprised to hear it. He said he understood that a large number of the supporters of the present government in the lower House were anxious that this Bill should not pass.

Hon. Mr. POWER—I did not say that. I said they were not anxious that this Bill should pass.

Hon. Sir MACKENZIE BOWELL. I think that implies that they do not want it to pass. That is an extraordinary position for any member of the House of Commons to take in reference to a Bill which has for its object, professedly at least, purity of elections. I am not at all surprised that some gentlemen sitting in another place, who, as we know from evidence that has been produced, obtained their seats through a species of fraud, disapprove of the introduction of this Bill. Speaking for those with whom I act, and for the opposition in the House of Commons, they are most anxious that this Bill should become law. Their experience in the past has been such as to justify a demand that some amendments should be made in order to prevent the rascalities which we know have been perpetrated in the past ; and for a gentleman to urge as a reason why this Bill should become law, that supporters of the government are not anxious that it should be, is certainly a grave imputation on these gentlemen, but as he is one of the party, I presume he knows more of them than we do, and I take his statement as correct. But, it is a lamentable fact that any member of parliament in either House, should desire to see a Bill, which has for its object the purity of elections, rejected.

The SPEAKER—The question is on the amendment.

Hon. Mr. SCOTT—I should like——

Hon. Sir MACKENZIE BOWELL—I want to call the hon. gentleman's attention to this fact : The moment the Speaker rises and puts the question, no more debate can take place. I do not rise for the purpose of taking exception on this occasion, but to call attention to this constant violation of the rule.

Hon. Mr. SCOTT—I was waiting until the hon. gentleman finished.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had risen before the motion was put, he would have been quite correct. But, if the motion was put by the Speaker before he rose, he is not in order. I do not insist on the objection on this occasion, but I think it is time we put a stop to it.

Hon. Mr. SCOTT—An hon. gentleman opposite said this amendment is the law now. It is the law, because the hon. gentleman from Prince Edward Island took advantage of the last hours of the session to force cer-

tain clauses in the Franchise Act when it was impossible for the House of Commons either to drop the Bill or reject them.

Hon. Mr. FERGUSON—The hon. gentleman is not correct when he says it was the last hours of the session.

Hon. Mr. SCOTT—I will read from the Journals of the Senate.

Hon. Mr. FERGUSON—Is the hon. gentleman reading from the book, 'It was the last hours of the session'?

Hon. Mr. MILLS—Order, order.

Hon. Mr. SCOTT—I am reading from the Journals of this House.

Hon. Mr. FERGUSON—The hon. gentleman rose after the Speaker rose to put the motion. We must have some reciprocity in these matters. I allowed the hon. member from Halifax to interrupt me, and the moment he rose he would not allow me to ask him a question. I want reciprocity in this matter.

Hon. Mr. SCOTT—The hon. gentleman is not giving reciprocity. I want to have an opportunity to say a word. The hon. gentleman has no right to monopolize all the time of this Chamber. The Bill was postponed for the hon. gentleman. Attention was called to the fact that he was not present in his seat, and the Minister of Justice very courteously allowed the Bill to stand until he came.

Hon. Mr. FERGUSON. It is usual for hon. members to allow interruptions so long as they are relevant and polite. That is all I wanted.

Hon. Mr. SCOTT—On Friday, the 10th of June:

The Order of the Day being read for the consideration of the message from the House of Commons disagreeing to the amendments made by the Senate to the Bill (16) intituled An Act to repeal the Electoral Franchise Act and to further amend the Dominion Elections Act.

The Hon. Mr. FERGUSON in further amendment, moved, seconded by the Hon. Sir Mackenzie Bowell.

That the Senate do insist upon the 7th, 8th, 9th and 10th of the amendments made by them to the Bill from the House of Commons (No. 16) further to amend the Dominion Elections Act, for the following reason:

'Because the said amendments are necessary to adapt the Dominion Elections Act, as modified by the said Bill, to the conditions of Prince Edward Island where there are no voters' lists, and to provide adequate means for recording and determining in a manner similar to that provided by the provincial law, objections to the votes of any person whose qualification to vote is questioned.'

The question of concurrence being put thereon, the same was resolved in the affirmative.

The business was finished on Saturday, and this was on Friday, the 10th of June, and the House was prorogued on Monday.

Hon. Sir MACKENZIE BOWELL—We had a satisfactory conference on that occasion.

Hon. Mr. SCOTT—Yes. Saturday was the 11th of June and business was practically closed, and the House of Commons consented to accept it at the last moment rather than to lose the Bill. The hon. gentleman takes the position, 'You must accept my amendments or drop the Bill.' Any person who exercises fair judgment will see that there cannot be the slightest objection to a man voting viva voce, or by ballot. The objections can be taken whether he votes openly or by ballot. What difference does it make whether the vote is marked down for Mr. Brown in the poll-book, or whether he drops the ballot into the box. You object before the ballot goes in, and you object before the vote is recorded, and the hon. gentleman never can convince anybody, who gives a fair judgment upon that, that there can be the slightest difficulty. The hon. gentleman seeks to force his judgment on the House of Commons in a measure which affects them exclusively.

Hon. Mr. LANDRY—If I understand the hon. gentleman, that was carried because it was on the last day, or in the last hours of the session.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—That is a precedent, and there is another precedent—there was a conference between the two Houses.

Hon. Mr. SCOTT—No, there was no conference on that.

Hon. Mr. LANDRY—There was an informal conference on that question in 1898.

Hon. Mr. SCOTT—No.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—I say there was.

Hon. Sir MACKENZIE BOWELL—The Minister of Marine and Fisheries and the Solicitor General waited upon my friend

on my right and myself, and we came to a mutual understanding, speaking for those who voted not to accept the amendment, as to how far they would accede to the wishes of the Commons, and the Solicitor General went back to the Commons and agreed to those portions which we insisted upon, and we accepted other of their amendments after a mutual conference. It was not properly a conference contemplated under the constitution.

Hon. Mr. SCOTT—No, there is no note of it.

Hon. Sir MACKENZIE BOWELL—It was a friendly conference.

The House divided on the amendment, which was carried on the following division :

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Hon. Mr. FERGUSON—I want to call attention to an error on the part of the Commons, that they included in their reasons and in the amendment which they rejected, Nos. 50 and 51, which were amendments put in by my hon. friend himself. Evidently it has been an error to include 50 and 51 with my amendments to section 90, because I think it will be an extraordinary thing if, through an inadvertence of that kind, necessary amendments made by my hon. friend should be struck out. It was simply the removal of surplusage which had reference to the old Franchise Act, and which my hon. friend, by an amendment, struck out. But the House of Commons having included these among the Prince Edward Island amendments, the effect would be that these amendments would fall to the ground, if we do not insist on them. I want to ask the hon. leader of the House whether he proposes to do anything in the matter.

Hon. Mr. MILLS—The Senate has killed the Bill.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—If the hon. leader of the House does not propose to do anything to carry out his own amendments, I think it devolves upon the House to do it, because it is essential that these amendments should be sustained. I would therefore move that the Senate doth insist on the 50th and 51st amendments for the following reasons :

(a) Because the reasons given by the House of Commons for disagreeing thereto are not applicable to these amendments.

(b) Because the 50th amendment is merely a verbal change to preserve uniformity of language.

(c) Because the 51st amendment corrects a manifest error in section 90, caused apparently by copying from the original source of the section words which have no application since the repeal of ' The Electoral Franchise Act.'

The motion was agreed to on a division.

Hon. Sir MACKENZIE BOWELL—I wish to call the attention of the Minister of Justice to the fact that his motion provided for non-insistence on any amendments which had been made, and that the hon. gentleman from Marshfield moved an amendment to that, which applied only to Prince Edward Island, though technically it has wiped out the original motion altogether ; still the question for the Senate and the Minister of Justice to consider is, whether he desires to say that we do not insist on the amendment he himself moved affecting the North-west Territories.

Hon. Mr. MILLS—No, I am not insisting upon it. I believe the amendment was a proper one, but a different view was taken in the House of Commons, and I am not going to press my view against theirs.

Hon. Mr. MILLS—But we have not carried out the hon. minister's motion. Has not the amendment of the hon. gentleman from Marshfield wiped out the whole motion ? If my hon. friend had moved an amendment that all after certain words be struck out, it would have been different.

Hon. Mr. FERGUSON—That arose from the fact that I did not hear the motion. I thought the motion was that the House do not insist on the Prince Edward Island amendments, and, therefore, I moved that we should insist on them, and gave the reasons. I did not know any other amendment was included in the motion, though that was settled before I came in. There

must be some answer given to the Commons.

Hon. Mr. POWER—I think the hon. gentleman who has charge of the Bill is the one to say what will be done with the Bill.

Hon. Mr. MILLS—Yes, but the House has taken it out of my hands.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (196) 'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending respectively the 30th June, 1900, and the 30th June, 1901, and for other purposes relating to the public service.'

The Bill was read the first time.

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

Hon. Sir MACKENZIE BOWELL—I was going to ask the hon. Minister of Justice if he could tell us what the total amount of this year's estimates is ?

Hon. Mr. MILLS—I cannot tell the hon. gentleman. I think, if I remember rightly, it is something in the neighbourhood of $43,000,000.

Hon. Sir MACKENZIE BOWELL—This shows $36,000,000.

Hon. Mr. MILLS—Yes, this shows $36,000,000 odd. I do not find that it is added up anywhere. It has gone out of my mind.

Hon. Sir MACKENZIE BOWELL—I notice the Intercolonial Railway asks for $4,222,000. What is that for ? Is it for new stock, or part of the extension that was to do so much for the country ? I do not see, however, any appropriation for the vigorous prosecution of what is termed the Trent Valley Canal. Are we to understand from that that the goverment is abandoning the work ?

Hon. Mr. MILLS—No, the work is going on.

Hon. Sir MACKENZIE BOWELL—Is there a sufficient appropriation from last year unexpended ?

Hon. Mr. MILLS—No, I think there is a revote for that.

Hon. Sir MACKENZIE BOWELL—I looked at it hastily, and did not see it.

Hon. Mr. MILLS—I know, as a matter of fact, that the work is going on.

Hon. Sir MACKENZIE BOWELL—I know there is $11,300 in the estimates, but that is not for the prosecution of the canal proper. That is for repairs and for various expenditures in connection with the portion of the canal which has been constructed.

Hon. Mr. MILLS—I do not know what the amount is, but I know there is enough.

Hon. Sir MACKENZIE BOWELL—If it is there, I am under a misapprehension. I looked hurriedly through Ontario canals, and did not see it.

Hon. Mr. SCOTT—There is an item of $320,000, and an item of $300,000—$620,000 altogether.

Hon. Sir MACKENZIE BOWELL—I had overlooked that. I do not desire to waste time in discussing these estimates, but there are one or two items I should like to call attention to, but I do not desire to be understood as opposing them. I see for Brockville there is $10,000 for drill hall ; in the same item there is another $9,000, making a total sum for drill hall in the town of Brockville of $19,000. I do not object to the expenditure of money for the construction of drill halls ; on the contrary, I am very glad to see that they are adopting this principle, but what I object to is that one locality should be favoured at the expense of others. In the city of Belleville we have a drill hall that has cost the officers and men and people of the city from $25,000 to $30,000. All the government appropriation which has ever been received for it was $10,000. There have been a few thousand dollars spent since in repairing out of the general vote. I cannot see why any town or city should have $19,000 or $20,000 given to it for this purpose, which is purely patriotic in its character, and to which I have already said I do not object, while others have to pay for the construction of these halls out of their own pockets. That is what I object to. There is one battalion in Brockville, and I have reason to believe it is a very good one. We have had one

battalion and part of another in Belleville, some part of the force has been in existence ever since 1857, when we used to have to uniform ourselves. All that was received from the government was the rifles, nothing more. That is what we used to get in my early days of volunteering, and while I do not object to these appropriations, I think, as they are all Dominion in character, the government should assist and pay the expense. I cannot understand why one should receive so great an advantage over another. Then there is another point, which has been discussed over and over again almost every session of parliament since confederation, and I am surprised—no, I am not surprised, because nothing surprises me nowadays—in view of the stand taken by members of the present administration against Rideau Hall expenditure, it is rather strange to see the appropriation for Rideau Hall repairs $17,000, and for some other purpose $8,000. I think that would be for lighting and heating and repairs, $11,000, making a total of $36,000 for Government House. I think Government House should be palatial in its character. I do not object to any reasonable expenditure, but has not the time arrived, if we have to have an appropriation of this kind every year, to pull down the building and erect one that would be a credit to the capital of the country ?

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Here is $36,000. Take off the $8,000 for heating and lighting, because that would be necessary in any case, and we have an outlay of $30,000 on that old rattletrap.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am not blaming the present government more than the late government, but I should like to see them take that responsibility. I believe they would be sustained in asking for an appropriation sufficient to build a modern dwelling for our Governor General with all the modern improvements, and I am quite sure that the interest which would be saved annually would pay for the outlay to a very great extent.

Hon. Mr. MILLS—I entirely agree with the hon. gentleman.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir MACKENZIE BOWELL—I was staggered at the $36,000, and that suggested to me the propriety of saying that I wished they would take the responsibility and the initiative, if they remain in power much longer, and erect a suitable residence for the Govenor General. I do not propose to discuss this further than to say that we are increasing the public expenditure very rapidly, and the boasts which were made prior to the advent of the Liberal administration have not been realized to any extent, so far as the expenditure of the government is concerned. My hon. friend told us that out of thirty-six or thirty-eight millions of dollars, if he once got hold of the purse-strings, he would save three or four millions of dollars, and reduce the annual outlay to thirty-four or thirty-five millions. Instead of that, the expenditure has run up to between fifty and sixty millions of dollars.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Last year it was fifty-one millions of dollars.

Hon. Mr. MILLS—That is including capital expenditure.

Hon. Sir MACKENZIE BOWELL—That is quite right, and let us hope capital expenditure will soon decrease.

Hon. Mr. CLEMOW—I was rather staggered at the amount the Minister of Justice stated as being the amount of expenditure this year. I was under the impression it was about $60,000,000, instead of $46,000,000.

Hon. Sir MACKENZIE BOWELL—So it is, if you include capital account.

Hon. Mr. CLEMOW—I entirely agree with the hon. gentleman respecting Rideau Hall. If the amount of money spent on improvements and repairs since confederation had been properly expended, we would have had a building worthy of the Washington of the North, and I only regret that some steps were not taken originally to make a separate district here, like the District of Columbia. By this time we would have had a Government House worthy of the country, and advantages far above and beyond what we can expect under the present system. There is, as we all know, a large amount of money being expended now, under an

appropriation from the federal government, for a roadway from Rideau Hall through the city of Ottawa, intended more for the benefit of the Rideau Hall people than for the citizens of Ottawa. That may appear a bold assertion, but I make it knowing the circumstances perfectly well. The selection of the route was injudicious, and the money expended upon it is entirely unjustified. It is, however, under the control of commissioners named by the government, and we must submit. I always expected, when the Liberal government came to power, we would have a reduced expenditure—that they would reduce the expenditure to somewhere between $35,000,000 and $38,000,000, and we were told, from one end of the country to the other, that the controllable expenditure would be reduced by four or five millions of dollars a year. But, in place of that it has been increasing annually, and will increase, I believe, in the future. We were told last year, when there was some discussion of the subject, 'Wait till you see us next year.' The words have been prophetic; the government have carried out their predictions to an alarming extent. I have not had an opportunity of going into the figures. It is one of the unfortunate positions in which we are placed, that we have not an opportunity of examining those expenditures in the dying hours of the session. It is said we have nothing to do with it—that the House of Commons is responsible and, therefore, the responsibility must rest on their shoulders. I regret exceedingly that while all this profuse expenditure is being made, no step has been taken to provide a Geological Museum suitable for the invaluable collection now in the building in Lower Town. It is in a very perilous situation. If a fire should take place and that building be consumed, no money would replace the contents of that museum. The government have not discharged their duty in not having made provision for a fireproof building to preserve this valuable collection. I have brought up this subject several times, and I hope next session some efforts will be made towards providing a new building, and also for the construction of the Ottawa Canal.

Hon. Mr. MILLS—You will defeat it here if we do.

Hon. Mr. CLEMOW—No, we would not. There would not be one dissentient voice. The people of this country now realize the importance of having a capital equal to the position Canada occupies in the world. For some reason or other, I suppose, gentlemen have not the same good feeling towards this section of Canada that they have towards the west. They have been very prodigal in granting subsidies and making allowances to the western country. I do not find fault with that, or with the expenditure of public money when it is judiciously expended, but I do find fault with giving contracts without tender at an enormous price and not getting value for the money. I have found fault with that on every occasion, and I shall continue to do so to the end of the chapter. Let the government, if they wish to give contracts, give them in open daylight and by tender.

Hon. Mr. SCOTT—So we do.

Hon. Mr. CLEMOW—That is not the policy of the government. We all know their motto is 'Business is business,' and the party supports it. The principle is wrong. It should be discouraged and should not be permitted in the future. I hope the government will take all these matters into consideration, and make provision at as early a date as possible for the construction of the Geological Museum, and for the preservation of its valuable collection.

Hon. Mr. SCOTT—It ought to be done.

Hon. Mr. CLEMOW—Then why do the government not do it?

Hon. Mr. DeBOUCHERVILLE—I wish to call the attention of the government to a point that was discussed last year. The Geological Museum contains some very precious specimens. Everybody admits that there is danger of fire on account of the situation of the museum, as it is surrounded by houses which endanger it. I agree with the hon. gentleman from Rideau, that Ottawa should have a museum worthy of the resources of the country, but it seems to me that before we vote for the erection of such a museum as we ought to have, the city of Ottawa and surrounding territory should not belong to one province, but to the whole Dominion—that is to say, it should be a district as Washington.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. DeBOUCHERVILLE—That idea was brought before the House last year, and the Minister of Justice did not object to it. He even thought it was a good thing, if I remember rightly. I do not think we can get people to consent to these large expenditures that are necessary, unless the capital is made an independent district, in which when we come out from other provinces, we shall be at home. There is a very simple thing which can be done—I call attention to it now, though it may be too late in the year—for a very small sum, that the museum might be isolated. Some of the specimens are not as precious as others. Those that could not be replaced at any price, ought to be put in a fire-proof building. That can easily be done by purchasing two houses adjoining the museum. I have inquired as to the value of property on Sussex Street, and I find that large buildings containing two or three stories, can be had for $3,000 or $4,000. Adjoining the museum, there is a house that I understood is rented for $300 a year. The other rents for about the same price. It would not cost much to buy two houses, and isolate the museum. If in a few years after the capital should be formed into a district, and the government decided to build a museum worthy of the importance of Canada, these properties could be sold at a higher price than they would cost now. For a trifle the government might do that, and it should be done as a matter of urgency, although no money has been voted for it.

The motion was agreed to, and the Bill passed through all its stages under a suspension of the rule.

JUDGES OF PROVINCIAL COURTS BILL.

Hon. Mr. MILLS—A Bill, further to amend Bill (195) 'An Act further to amend the Act respecting the judges of provincial courts.' came to us some little time ago. I move the second reading of the Bill.

Hon. Mr. LANDRY—I call attention to the fact that there is no quorum.

Hon. Sir MACKENZIE BOWELL—There was a quorum this morning, and we can take it for granted that there is a quorum now.

Hon. Mr. LANDRY—I withdraw the objection.

The order was postponed.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—I may be excused, if I call the attention of the Senate to what I may say is, to a certain extent, a personal matter. It will be remembered that the hon. gentleman from DeLanaudière (Hon. Mr. Casgrain) made a statement here the other night, that I had informed the Hon. Mr. Forget, that there would be no vote upon the Judges Bill, and that he might go home in peace, and for that reason that hon. gentleman went home; otherwise he would have been here to record his vote. I need not repeat the statement, that I made in the Senate when that remark was made, but I might call attention to the fact that the hon. gentleman first made the statement distinctly, that I had so advised the hon. senator, but that he was enjoined by Senator Forget not to mention it. He subsequently informed the Senate that he had permission to inform his leader, the hon. Minister of Justice; and afterwards he said that I ought to be thankful that he had called the attention of the Senate to the fact, to enable me to set myself right, as it was talked about by the different members of the Senate. How it could have been talked about by members of the Senate, unless the hon. gentleman had given them the information, I leave him to explain. Immediately after the Senate rose that night, I wrote to the Hon. Mr. Forget, informing him of what had taken place in the Senate, and the statement which had been made by the hon. gentleman from DeLanaudière, asking him as to the correctness of such statement. My letter did not reach him in Montreal, for the reason he was then at his country residence. I then wired him yesterday, and asked him if he had received my letter, and, if so, kindly to reply, as I desired to set myself right before the Senate, not wishing to lie under imputation of having deliberately deceived him in order to prevent him voting upon an important question. I received a wire from Mr. Forget yesterday, dated Ste. Anne, in which he said:

Letter not received; likely receive it in the morning, and will wire you.

This morning I received the following telegram:

Sir Mackenzie Bowell,
Senate, Ottawa, Ont.

I understood from you Saturday at one o'clock that you thought it would perhaps be better not

to insist on the judges' clause, and I told you that, in my opinion, it was better not to insist. I told Casgrain, coming out of the Chamber, my opinion was that you would not insist, but at the same time he had better keep it to himself. Tuesday morning I received a telegram from Senator Casgrain asking if you had promised not to take a vote. My answer was, 'Sir Mackenzie's speech Monday night is my answer.' He had no right to use this private conversation. Will write you more fully.

(Sgd.) FORGET.

That conversation was one similar to that which I had, probably, in the presence of most hon. senators, in my hearing, and my opening remarks in my speech were strictly in accord with that statement. I was in a quandary as to what course we should take on that important question, and it was not until I had carefully read the speeches delivered in the lower House that I made up my mind to take the course that I did. It will be seen by the answer that there is no affirmation of the statement made by the hon. member for DeLanaudière that I had told Senator Forget that no vote would be taken upon the question. I frankly admit that I was in doubt for some time as to what course should be taken by the Senate and so expressed myself to those with whom I act. I scarcely think there is a gentleman in the Senate to-day, sitting on this side of the House, with whom I had any conversation and to whom I did not express precisely the same view, generally winding up with the assertion, 'We will have to wait and see what course ought to be pursued after the action of the lower House.'

Hon. Mr. FERGUSON—And that is in accord with the hon. gentleman's speeches.

Hon. Sir MACKENZIE BOWELL—Yes. I trust the Senate will excuse me for bringing a personal matter before it, but if the statement made by the hon. gentleman in this House were believed, it could have no other construction than that I had deliberately misled Senator Forget in order that he would not be here to cast his vote. That is the only conversation I had with Mr. Forget, with whom, as I said the other day, I was on the most friendly terms, and I should be very sorry if anybody believed that I could be guilty of so base and disreputable an act. It is only a lesson, however, to every senator to bear in mind conversations he has with people who do not appear to have any sense of what constitutes right and wrong in the conduct of one gentleman towards another.

JUDGES OF PROVINCIAL COURTS BILL.

REJECTED.

Hon. Mr. MILLS renewed his motion for the second reading of Bill (195), an Act further to amend the Act respecting the judges of provincial courts. He said: This Bill provides for increasing the salary of the circuit judge of the Montreal district from $3,000 to $3,600. An Act passed on the 23rd of March, 1900, provides that the senior judge shall have over such court and the judges and officers thereof all the powers mutatus mutandis which the chief justice of the court has over such court, its judges and its officers.

Hon. Sir MACKENZIE BOWELL—If the hon. minister would accept a suggestion from me, he would not push this Bill at this late moment. It is scarcely fair to a legislative body that it should have Bills brought down affecting the salary of one of the judges within a couple of hours of prorogation. If the judge is deserving of this amount of money he can afford to wait just a little longer and have the matter brought down next session, when probably we would have a better opportunity to inquire into the requirements of the court and the propriety of passing such a Bill. I know the hon. gentleman realizes the impropriety of asking us to deal with money Bills of this kind at the closing moments of the session.

Hon. Mr. LANDRY—If the hon. gentleman presses the Bill, we will have to ask for a division.

Hon. Mr. MILLS—If the general feeling is against it we will not press it.

The motion was lost on a division.

Hon. Mr. LANDRY—I should like to know what becomes of the Bill. Has it been withdrawn?

Hon. Mr. MILLS—It was lost on a division.

Hon. Mr. LANDRY—The hon. minister said he would not press it.

Hon. Mr. MILLS—I said that evidently the sentiment was against it, and it was lost on a division.

The Senate adjourned during pleasure.

At 2 p.m. the House was resumed.

ELECTION LAW AMENDMENT BILL.

Hon. Mr. MILLS—I understand that the House of Commons will withdraw their report on the Election Bill that they sent here, and we are to withdraw our report to them, and a new report will be made upon that Bill. I therefore move that the proceedings at a former sitting of this House with reference to the Election Bill be rescinded.

The motion was agreed to.

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (197), 'An Act to amend the Dominion Controverted Elections Act.'

The Bill was read the first time.

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

Hon. Sir MACKENZIE BOWELL—I simply desire to remark that this is a Bill to meet substantially the objections taken by the hon. gentleman from Marshfield. It is not all that he asks, but it meets the material points that he desired to have embodied in the Electoral Bill. Under the circumstances I think the mutual concession made by the Commons and by the Senate will be accepted and I hope prove satisfactory on the whole. Of course, with the adoption of this Bill the amendments which were moved by the hon. gentleman from Marshfield will not be concurred in by the other House, and the opinion of the hon. gentleman from Marshfield, as well as those who acted with him, is that this will meet, to a certain extent, that which he desired to have made law.

The motion was agreed to.

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

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

Hon. Mr. LANDRY.

Hon. Mr. MILLS moved that a resolution be sent to the House of Commons by one of the Masters in Chancery to acquaint that House that the Senate hath rescinded its decision to-day with respect to the 46th, 47th, 48th, 49th, 52nd and 53rd amendments to Bill (133), 'an Act to consolidate and amend the law relating to the election of members of the House of Commons,' and doth not insist upon the said amendments.

The motion was agreed to.

The Senate was adjourned during pleasure.

THE PROROGATION.

This day, at Three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz.:

An Act respecting the Red Deer Valley Railway and Coal Company.

An Act to incorporate the South Shore Line Railway Company.

An Act to amend the Copyright Act.

An Act to amend the Civil Service Act.

An Act respecting and restricting Chinese Immigration.

An Act to amend the Pilotage Act.

An Act to confer on the Commissioner of Patents certain powers for the relief of J. W. Anderson.

An Act respecting the construction of a branch railway from Charlottetown to Murray Harbour.

An Act to incorporate the British America Pulp, Paper and Railway Company.

An Act respecting the Central Vermont Railway Company (foreign).

An Act respecting the preservation of Game in the Yukon territory.

An Act to aid in the prevention and settlement of trade disputes and to provide for the publication of statistical industrial information.

An Act to amend the Militia Act.

An Act to amend the Bank Act Amendment Act, 1900.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act to amend the Railway Act.

An Act respecting the Quebec Harbour Commissioners.

An Act further to amend the Criminal Code, 1892.

An Act to amend the Dominion Controverted Elections Act.

An Act to consolidate and amend the law relating to the election of members of the House of Commons.

To these Bills the Royal assent was pronounced by the Clerk of the Senate in the words following:

In Her Majesty's name, His Excellency the Governor General doth assent to the Bills.

Then the honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:

May it Please Your Excellency:

The Commons of Canada have voted certain Supplies required to enable the government to defray the expenses of the Public Service.

In the name of the Commons, I present to Your Excellency the following Bill:—

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1900 and the 30th June, 1901, and for other purposes relating to the public service,

to which Bill I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say:

In Her Majesty's name, His Excellency the Governor General thanks Her Loyal Subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the fifth session of the eighth parliament of the Dominion with the following

SPEECH:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance in parliament, I desire to thank you for the diligent attention which you have given to the labours of an exceptionally protracted session.

When parliament opened in the month of February last, the thoughts of the whole empire were centred on the war which was then raging in South Africa.

The marked successes which have since attended the British arms, and in which our Canadian volunteer soldiers have taken a conspicuous and glorious part, justify the hope that peace will be soon restored in that distant land.

The large number of private Bills with industrial objects considered and passed is a good indication of the great expansion of the business of the country.

I desire to congratulate you on the buoyant state of the revenue. The large receipts have enabled my government to provide liberally for the public service, and to maintain Canada's strong financial position.

A marked feature of the session has been the adoption of many important measures which must beneficially affect the future of the Dominion.

The improvements in the Act relating to banks will tend to perfect a system of banking of which Canada has reason to feel proud.

The extension of the British preference in our tariff will tend to reduce the burden of taxation, and stimulate the growth of our trade with the mother country.

The measure you have passed respecting the admission of Canadian inscribed stock to the list of securities in which trustees in Great Britain may invest, is being followed by similar legislation in the Imperial parliament, which will, in due course, consummate this very important improvement in the financial affairs of the Dominion.

There is reason to believe that the legislation of this session will have important and favourable results. I particularly congratulate you upon the passing of the Conciliation Act, which, it is confidently hoped, will not only improve the condition of the industrial classes, but will also better promote the relations which ought to exist between capital and labour.

Gentlemen of the House of Commons:

I thank you for the liberal provision which you have made for the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

It affords me much pleasure to observe that the prosperity of Canada continues unabated, and I pray that Divine Providence may continue to look with favour upon this Dominion.

The Speaker of the Senate then said:

It is His Excellency the Governor General's will and pleasure, that this Parliament be prorogued until Saturday, the first day September next, to be here held, and this Parliament is accordingly prorogued until the first day of September next.

INDEX

PART 1—SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; * without remark or debate; Accts, Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man.. Manitoba; Mess.. Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt,, Parliament; P.E.I., Prince Edward Island; P.O., Post Office; Ques., Question; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m. h., Six Months' Hoist; Wthdn, Withdrawn.

PART II—SUBJECTS.