DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1920

OFFICIAL REPORT

Editor: ALBERT HORTON

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FOURTH SESSION—THIRTEENTH PARLIAMENT—10 GEORGE V.



OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1920

78196—A

SENATORS OF CANADA

ACCORDING TO SENIORITY

JULY, 1, 1920.

THE HONOURABLE JOSEPH BOLDUC, SPEAKER.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
LAWRENCE GEOFFREY POWER, P.C.	Sr. M. Halifax	Halifax, N.S.
JOSEPH BOLDUC (Speaker)	Lauzon	St. Victor de Tring, Que.
PASCAL POIRIER	Acadie	Shediac, N.B.
SIR JAMES ALEXANDER LOUGHEED, K.C.M.G., P.C.	Calgary	Calgary, Alta.
HIPPOLYTE MONTPLAISIR	Shawinigan	Three Rivers, Que.
ALFRED A. THIBAUDEAU	De la Vallière	Montreal, Que.
GEORGE GERALD KING	Queens	Chipman, N.B.
RAOUL DANDURAND, P.C.	De Lorimier	Montreal, Que.
JOHN YEO	East Prince	Port Hill, P.E.I.
PETER MCSWEENEY	Northumberland	Moncton, N.B.
JOSEPH P. B. CASGRAIN	De Lanaudière	Montreal, Que.
ROBERT WATSON	Portage la Prairie	Portage la Prairie, Man.
GEORGE MCHUGH	Victoria, O	Lindsay, Ont.
JOSEPH GODBOUT	La Salle	Beauceville, West, Que.
FREDERICK P. THOMPSON	Fredericton	Fredericton, N.B.

78196—A½

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
FREDERICK L. BÉIQUE	De Salaberry	Montreal, Que.
JOSEPH H. LEGRIS	Repentigny	Louiseville, Que.
JULES TESSIER	De la Durantaye	Quebec, Que.
WILLIAM C. EDWARDS	Rideau	Ottawa, Ont.
JAMES DOMVILLE, Lt.-Col	Rothesay	Rothesay, N.B
L. O. DAVID	Mille Iles	Montreal, Que
HENRY J. CLORAN	Victoria	Montreal, Que.
WILLIAM MITCHELL	Wellington	Drummondville, Que.
HEWITT BOSTOCK	Kamloops	Monte Creek, B.C.
JAMES H. ROSS	Regina	Moosejaw, Sask.
L. GEORGE DE VEBER	Lethbridge	Lethbridge, Alta.
JAMES M. DOUGLAS	Tantallon	Tantallon, Sask.
ROBERT BEITH	Bowmanville	Bowmanville, Ont.
GEORGE C. DESSAULLES	Rougemont	St. Hyacinthe, Que.
NAPOLEON A. BELCOURT, P.C	Ottawa	Ottawa, Ont.
VALENTINE RATZ	North Middlesex	New Hamburg, Ont.
ARTHUR BOYER	Rigaud	Montreal, Que.
BENJAMIN PRINCE	Saskatchewan	Battleford, Sask.
EDWARD MATTHEW FARRELL	Liverpool	Liverpool, N.S.
WILLIAM ROCHE	Halifax	Halifax, N.S.
LOUIS LAVERGNE	Kennebec	Arthabaska, Que.
AMÉDÉE E. FORGET	Banff	Banff, Alta.
JOSEPH M. WILSON	Sorel	Montreal, Que.
BENJAMIN C. PROWSE	Charlottetown	Charlottetown, P.E.I
RUFUS HENRY POPE	Bedford	Cookshire, Que
JOHN W. DANIEL	St. John	St. John, N.B.
GEORGE GORDON	Nipissing	North Bay, Ont.
NATHANIEL CURRY	Amherst	Amherst, N.S.
WILLIAM B. ROSS	Middleton	Middleton, N.S.
EDWARD L. GIRROIR	Antigonish	Antigonish, N.S.
WILLIAM DENNIS	Halifax	Halifax, N.S.
PATRICK C. MURPHY	Tignish	Tignish, P.E.I.
ERNEST D. SMITH	Wentworth	Winona, Ont.
ALEXANDER MCCALL	Simcoe	Simcoe, Ont.
JAMES J. DONNELLY	South Bruce	Pinkerton, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
WILLIAM H. THORNE	St. John	St. John, N.B.
JOHN MILNE	Hamilton	Hamilton, Ont.
CHARLES PHILIPPE BEAUBIEN	Montarville	Montreal, Que.
JOHN MCLEAN	Souris	Souris, P.E.I.
JOHN STEWART MCLENNAN	Sydney	Sydney, N. S.
WILLIAM HENRY SHARPE	Manitou	Manitou, Man
FREDERIC NICHOLLS	Toronto	Toronto, Ont.
GIDEON D. ROBERTSON, P.C.	Welland	Welland, Ont.
GEORGE LYNCH-STAUNTON	Hamilton	Hamilton, Ont.
ADAM B. CROSBY	Halifax	Halifax, N.S.
CHARLES E. TANNER	Pictou	Pictou, N.S.
THOMAS JEAN BOURQUE	Richibucto	Richibucto, N.B
HENRY W. LAIRD	Regina	Regina, Sask.
LYTTON WILMOT SHATFORD	Vancouver	Vancouver, B.C.
ALBERT E. PLANTA	Nanaimo	Nanaimo, B.C.
GEORGE W. FOWLER	Kings and Albert	Sussex, N.B.
RICHARD BLAIN	Peel	Brampton, Ont.
JOHN HENRY FISHER	Brant	Paris, Ont.
LENDRUM MCMEANS	Winnipeg	Winnipeg, Man.
DAVID OVIDE L'ESPÉRANCE	Gulf	Quebec.
GEORGE GREEN FOSTER	Alma	Montreal, Que.
RICHARD SMEATON WHITE	Inkerman	Montreal, Que.
ANGUS CLAUDE MACDONELL	Toronto South	Toronto, Ont.
AIMÉ BÉNARD	St. Boniface	Winnipeg.
GEORGE HENRY BARNARD	Victoria	Victoria, B.C.
WELLINGTON B. WILLOUGHBY	Moosejaw	Moosejaw, Sask.
JAMES DAVIS TAYLOR	New Westminster	New Westminster, B.C.
FREDERICK L. SCHAFFNER	Boissevain	Boissevain, Man.
WILLIAM H. BENNETT	Simcoe, E.	Midland, Ont.
GEORGE HENRY BRADBURY	Selkirk	Selkirk, Man.
EDWARD MICHENER	Red Deer	Red Deer, Alta.
WILLIAM JAMES HARMER	Edmonton	Edmonton, Alta.
IRVING R. TODD	Milltown	Milltown, N. B.
JOHN WEBSTER	Brockville	Brockville, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
ROBERT A. MULHOLLAND	Port Hope	Port Hope, Ont.
PIERRE EDOUARD BLONDIN, P.C.	Laurentides	Ottawa, Ont.
MICHAEL J. O'BRIEN	Renfrew	Renfrew, Ont.
JOHN G. TURRIFF	Assiniboia	Ottawa, Ont.
GERALD VERNER WHITE	Pembroke	Pembroke, Ont.
WILLIAM PROUDFOOT	Huron	Goderich, Ont.
THOMAS CHAPAIS	Granville	Quebec, Que.
LORNE C. WEBSTER	Stadacona	Montreal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

JULY 1, 1920

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BARNARD, G. H.	Victoria	Victoria, B.C.
BEAUBIEN, C. P.	Montarville	Montreal, Que.
BÉIQUE. F. L.	De Salaberry	Montreal, Que.
BEITH, R.	Bowmanville	Bowmanville, Ont.
BELCOURT, N. A., P.C.	Ottawa	Ottawa, Ont.
BÉNARD, A.	St. Boniface	Winnipeg, Man.
BENNETT, W. H.	Simcoe, E.	Midland, Ont.
BLAIN, R.	Peel	Brampton, Ont.
BOLDUC, J. (Speaker)	Lauzon	St. Victor de Tring, Que.
BLONDIN, P. E., P.C.	Laurentides	Ottawa, Ont.
BOSTOCK, H.	Kamloops	Monte Creek, B.C.
BOURQUE, T. J.	Richibucto	Richibucto, N.B.
BOYER, A.	Rigaud	Montreal, Que.
BRADBURY, G. H.	Selkirk	Selkirk, Man.
CASGRAIN, J. P. B.	De Lanaudière	Montreal, Que.
CLORAN, H. J.	Victoria	Montreal, Que.
CROSBY, A. B.	Halifax	Halifax, N.S.
CURRY, N.	Amherst	Amherst, N.S.
DANDURAND, R. P.C.	De Lorimier	Montreal, Que.
DANIEL, J. W.	St. John	St. John, N.B.
DAVID, L. O.	Mille Iles	Montreal, Que.
DENNIS, W.	Halifax	Halifax, N.S.
DESSAULLES, G. C.	Rougemont	St. Hyacinthe, Que.
DE VEBER, L. G.	Lethbridge	Lethbridge, Alta.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
DOMVILLE, J. Lt.-Col	Rothesay	Rothesay, N.B.
DONNELLY, J. J.	South Bruce	Pinkerton, Ont.
DOUGLAS, J. M.	Tantallon	Tantallon, Sask.
EDWARDS, W. C.	Rideau	Ottawa, Ont.
FARRELL, E. M.	Liverpool	Liverpool, N.S.
FISHER, J. H.	Brant	Paris, Ont.
FORGET, A. E.	Banff	Banff, Alta.
FOSTER, G. G.	Alma	Montreal, Que.
FOWLER, G. W.	Kings and Albert	Sussex, N.B.
GIRROIR, E. L.	Antigonish	Antigonish, N.S.
GODBOUT, J.	La Salle	Beauceville, West, Que.
GORDON, G.	Nipissing	North Bay, Ont.
HARMER, W. J.	Edmonton	Edmonton, Alta.
KING, G. G.	Queen's	Chipman, N.B.
LAIRD, H. W.	Regina	Regina, Sask.
LAVERGNE, L.	Kennebec	Arthabaska, Que.
LEGRIS, J. H.	Repentigny	Louiseville, Que.
L'ESPERANCE, D. O.	Gulf	Quebec.
LOUGHEED, Sir JAMES A., K.C.M.G., P.C.	Calgary	Calgary, Alta.
LYNCH-STAUNTON, G.	Hamilton	Hamilton, Ont.
MACDONELL, A. C.	Toronto, South	Toronto, Ont.
MCCALL, A.	Simcoe	Simcoe, Ont.
MCHUGH, G.	Victoria, O.	Lindsay, Ont.
MCLEAN, J.	Souris	Souris, P.E.I.
MCLENNAN, J. S.	Sydney	Sydney, N.S.
MCMEANS, L.	Winnipeg	Winnipeg, Man.
MCSWEENEY, P.	Northumberland	Moncton, N.B.
MICHENER, E.	Red Deer	Red Deer, Alta.
MILNE, J.	Hamilton	Hamilton, Ont.
MITCHELL, W.	Wellington	Drummondville, Que.
MONTPLAISIR, H.	Shawinigan	Three Rivers, Que.
MULHOLLAND, R. A.	Port Hope	Port Hope, Ont.
MURPHY, P. C.	Tignish	Tignish, P.E.I.
NICHOLLS, F.	Toronto	Toronto, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
O'Brien, M, J.	Renfrew	Renfrew, Ont.
Planta, A. E.	Nanaimo	Nanaimo, B.C.
Poirier, P.	Acadie	Shediac, N N.
Pope, R. H.	Bedford	Cookshire, Que.
Power, L. G., P.C.	Halifax	Halifax, N.S.
Prince, B.	Saskatchewan	Battleford, Sask.
Prowse, B. C.	Charlottetown	Charlottetown, P.E.I.
Proudfoot, W.	Huron	Goderich, Ont.
Ratz, V.	North Middlesex	New Hamburg, Ont.
Robertson, G. D., P.C.	Welland	Welland, Ont.
Roche, W.	Halifax	Halifax, N.S.
Ross, J. H.	Regina	Moosejaw, Sask.
Ross, W. B.	Middleton	Middleton, N.S.
Schaffner, F. L.	Boissevain	Boissevain, Man.
Sharpe, W. H.	Manitou	Manitou, Man.
Shatford, L. W.	Vancouver	Vancouver, B.C.
Smith, E. D.	Wentworth	Winona, Ont.
Tanner, C. E.	Pictou	Pictou, N.S.
Taylor, J, D.	New Westminster	New Westminster, B.C.
Tessier, Jules	De la Durantaye	Quebec, Que.
Thibaudeau, A. A.	De la Vallière	Montreal, Que.
Thompson, F. P.	Fredericton	Fredericton, N.B.
Thorne, W. H.	St. John	St. John, N.B.
Todd, I. R.	Milltown	Milltown, N.B.
Turriff, J. G.	Assiniboia	Ottawa, Ont.
Watson, R.	Portage la Prairie	Portage la Prairie, Man.
Webster, J.	Brockville	Brockville, Ont.
Webster, L, C.	Stadacona	Montreal, Que.
White, R. S.	Inkerman	Montreal, Que.
White, G. V.	Pembroke	Pembroke, Ont.
Willoughby, W B.	Moosejaw	Moosejaw, Sask.
Wilson, J. M.	Sorel	Montreal, Que.
Yeo, J.	East Prince	Port Hill, P.E.I.

SENATORS OF CANADA

BY PROVINCES

JULY 1, 1920

ONTARIO—24

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	GEORGE MCHUGH	Lindsay.
2	WILLIAM C. EDWARDS	Ottawa.
3	ROBERT BEITH	Bowmanville.
4	NAPOLEON A. BELCOURT, P.C.	Ottawa.
5	VALENTINE RATZ	New Hamburg.
6	GEORGE GORDON	North Bay.
7	ERNEST D. SMITH	Winona.
8	ALEXANDER MCCALL	Simcoe.
9	JAMES J. DONNELLY	Pinkerton.
10	JOHN MILNE	Hamilton.
11	FREDERIC NICHOLLS	Toronto.
12	GEORGE LYNCH-STAUNTON	Hamilton.
13	GIDEON D. ROBERTSON, P.C.	Welland.
14	RICHARD BLAIN	Brampton.
15	JOHN HENRY FISHER	Paris.
16	ANGUS CLAUDE MACDONELL	Toronto.
17	WILLIAM H. BENNETT	Midland.
18	JOHN WEBSTER	Brockville.
19	ROBERT A. MULHOLLAND	Port Hope.
20	MICHAEL J. O'BRIEN	Renfrew.
21	GERALD VERNER WHITE	Pembroke.
22	WILLIAM PROUDFOOT	Goderich.
23		
24		

QUEBEC—24

SENATORS.	ELECTORAL DIVISION.	POST OFFICE ADDRESS.
The Honourable		
1 Joseph Bolduc (Speaker).	Lauzon	St. Victor de Tring.
2 Hippolyte Montplaisir	Shawinigan	Three Rivers.
3 Alfred A. Thibaudeau	De la Vallière	Montreal.
4 Raoul Dandurand, P.C.	De Lorimier	Montreal.
5 Joseph P. B. Casgrain	De Lanaudière	Montreal.
6 Joseph Godbout	La Salle	Beauceville, West.
7 Frederick L. Béique	De Salaberry	Montreal.
8 Joseph H. Legris	Repentigny	Louiseville.
9 Jules Tessier	De la Durantaye	Quebec.
10 L. O. David	Mille Iles	Montreal.
11 Henry J. Cloran	Victoria	Montreal.
12 William Mitchell	Wellington	Drummondville.
13 George C. Dessaulles	Rougemont	St. Hyacinthe.
14 Arthur Boyer	Rigaud	Montreal.
15 Louis Lavergne	Kennebec	Arthabaska.
16 Joseph M. Wilson	Sorel	Montreal.
17 Rufus H. Pope	Bedford	Cookshire.
18 Charles Philippe Beaubien	Montarville	Montreal.
19 David Ovide L'Espérance	Gulf	Quebec.
20 George Green Foster	Alma	Montreal.
21 Richard Smeaton White	Inkerman	Montreal.
22 Pierre Edouard Blondin, P.C.	Laurentides	Ottawa.
23 Thomas Chapais	Granville	Quebec.
24 Lorne C. Webster	Stadacona	Montreal.

NOVA SCOTIA—10

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	Lawrence Geoffrey Power, P.C.	Halifax.
2	Edward M. Farrell	Liverpool.
3	William Roche	Halifax.
4	Nathaniel Curry	Amherst.
5	William B. Ross	Middleton.
6	Edward L. Girroir	Antigonish.
7	William Dennis	Halifax.
8	John S. McLennan	Sydney.
9	Adam B. Crosby	Halifax.
10	Charles E. Tanner	Pictou.

NEW BRUNSWICK—10

	The Honourable	
1	Pascal Poirier	Shediac.
2	George Gerald King	Chipman.
3	Peter McSweeney	Moncton.
4	Frederick P. Thompson	Fredericton.
5	James Domville, Lt.-Col.	Rothesay.
6	John W. Daniel	St. John.
7	William H. Thorne	St. John.
8	Thomas Jean Bourque	Richibucto.
9	George W. Fowler	Sussex.
10	Irving R. Todd	Milltown.

PRINCE EDWARD ISLAND—4

	The Honourable	
1	John Yeo	Port Hill.
2	Benjamin C. Prowse	Charlottetown.
3	Patrick C. Murphy	Tignish.
4	John McLean	Souris.

BRITISH COLUMBIA—6

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	HEWITT BOSTOCK	Monte Creek.
2	LYTTON WILMOT SHATFORD	Vancouver.
3	ALBERT E. PLANTA	Nanaimo.
4	GEORGE HENRY BARNARD	Victoria.
5	JAMES DAVIS TAYLOR	New Westminster.
6		

MANITOBA—6

	The Honourable	
1	ROBERT WATSON	Portage la Prairie.
2	WILLIAM H. SHARPE	Manitou.
3	LENDRUM McMEANS	Winnipeg.
4	AIMÉ BÉNARD	Winnipeg.
5	FREDERICK L, SCHAFFNER	Winnipeg.
6	GEORGE HENRY BRADBURY	Selkirk.

SASKATCHEWAN—6

	The Honourable	
1	JAMES H. ROSS	Regina.
2	JAMES M. DOUGLAS	Tantallon.
3	BENJAMIN PRINCE	Battleford.
4	HENRY W. LAIRD	Regina.
5	WELLINGTON B. WILLOUGHBY	Moosejaw.
6	JOHN G. TURRIFF	Ottawa.

ALBERTA—6

	The Honourable	
1	SIR JAMES ALEXANDER LOUGHEED, K.C.M.G., P.C.	Calgary.
2	L. GEORGE DE VEBER	Lethbridge.
3	AMÉDÉE E. FORGET	Banff.
4	EDWARD MICHENER	Red Deer.
5	WILLIAM JAMES HARMER	Edmonton.
6		

CANADA

The Debates of the Senate

OFFICIAL REPORT

THE SENATE.

Thursday, Februáry 26, 1920.

The Senate met this day at 2.30 p.m. in the Chamber of the House of Commons in the new Parliament Building; the Speaker in the Chair.

NEW SENATORS INTRODUCED.

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

Hon. Thomas Chapais, LL.D., of the city of Quebec, introduced by Hon. Sir James Lougheed and Hon. Mr. Blondin.

Hon. Lorne Campbell Webster, of the city of Quebec, introduced by Hon. Sir James Lougheed and Hon. Mr. Blondin.

OPENING OF THE SESSION.

The Hon. the SPEAKER announced that he had received a communication from the Governor General's Secretary informing him that His Excellency the Governor General would proceed to the Senate Chamber to open the session of the Dominion Parliament on Thursday, the 26th February, at 3 o'clock.

The Senate adjourned during pleasure.

THE SPEECH FROM THE THRONE.

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

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I congratulate you that after an enforced absence of four years, it is possible for you to assemble in your new legislative home, resting in trustful security upon the old foundations and surrounded by the picturesque and historic setting of Parliament Hill. Though not entirely completed, its noble proportions, its wide and convenient spaces, its beauty of design and chasteness of finish and its unique local situation mark it as a most striking and dignified structure, worthy of the people whose national life it will henceforth serve.

Since the last Session of Parliament events of importance have taken place which have brought appreciably nearer the much desired settlements of peace. Following the exchange of the final ratifications, the Treaty of Peace between the Allied Powers and Germany has been brought into full force and effect and has rendered possible the constitution of the League of Nations and the establishment by it of the various Comissions and mandatories authorized by the Treaty to be carried out under its direction. It is satisfactory to note that the status of Canada as a member of the League has thus been definitely fixed.

The Treaty of Peace with Bulgaria has been concluded and will be submitted for your approval. Negotiations for the conclusion of Treaties of Peace with Hungary and Turkey are now well advanced and, if concluded in time, will be laid before you during the present Session of Parliament.

The first meeting of the International Labour Conference, in accordance with the provisions of the Treaty of Peace, was held at Washington in October and November of last year and was attended by representatives of my Government and of the Canadian employers' and employees' organizations. It will be gratifying to learn that Canada was selected as one of the twelve Governments whose countries are entitled to representation on the governing body of the International Labour Office.

When the remaining Treaties shall have been concluded and the functions of the League of Nations and the various tribunals authorized thereby become fully operative, it is confidently hoped that the end will have been reached of the confusion and uncertainty consequent upon the long and regrettable delay in bringing into operation the provisions of the Treaty and an effective beginning made in the improvement of national conditions and the adjustment of international relations which will ensure the continued blessings of peace.

The forces which Canada contributed to the war have now nearly all been returned and mostly demobilized and the great majority have resumed their avocations and again become active and important factors in civil life.

The Department of Soldiers' Civil Re-establishment and the Soldiers' Land Settlement Board continue to provide vocational training and opportunities for permanent occupation which greatly aid in the solution of the problem of readjustment, whilst the work of the Labour Employment Bureaus and the helpful service of the Canadian Patriotic Association in administering the emergency fund provided by Parliament, have materially assisted in solving the problem of temporary non-employment.

In the European economic field clear vision is still impossible and the unsettled state of Exchange, the lack of International Credits, and the inflation of paper currency, combined with the scarcity of raw materials and the demoralization of labour and transport conditions, combine to retard production and to restrict the exchange of products necessary for the proper sustenance of life and the rebuilding of the waste and destruction caused by the great war. From every quarter of the world is being impressed, often by severe privation and suffering, the one great lesson that increased production through increased work, combined with thrift and economy in individual and state, is the only sure hope of business improvement and future prosperity.

After four years of war and a year and three months of confusion and dislocation which has succeeded thereto, it is satisfactory to know that business in Canada has been well maintained, that production has been large and that general conditions are on the whole satisfactory. It is cause for thankfulness that of all countries affected by the war, Canada has maintained a record of social order and industrial and commerical prosperity second to none.

The ratification of The International Opium Convention renders it necessary to obtain legislation to carry into effect its provisions relating to the sale of opium, cocaine and other deleterious drugs. A Bill will be laid before you for that purpose.

A Bill to provide for a Dominion Franchise will be introduced, dealing with the qualifications of voters and the procedure necessary to enable all persons legally qualified to register their votes.

Other Bills will be presented for your consideration including a Bill respecting Copyrights and Bills providing for the amendment of the Patent Act, of the Loan and Trust Companies Acts, the Indian Act, and the Exchequer Courts Act.

Gentlemen of the House of Commons:

The accounts for the last fiscal year will be laid before you. Estimates for the next fiscal year will be submitted at an early date, making provisions for the various services of the Government of Canada. These have been formed with a view to strict economy having due regard to the requirements of the public service and the obligations of the Country.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In inviting your careful attention to the important subjects which will engage your attention I pray that the blessings of Divine Providence may attend your deliberations.

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

The sitting of the Senate was resumed.

CONSIDERATION OF HIS EXCELLENCY'S SPEECH.

On motion of Hon. Sir James Lougheed, it was ordered that the speech of His Excellency the Governor General be taken into consideration to-morrow.

MESSAGE FROM HIS MAJESTY THE KING.

The Hon. the SPEAKER informed the Senate that he had received the following communication from His Majesty King George V:

London, February 23, 1920.

I desire that you will convey to my faithful Senate and House of Commons of Canada my warmest greetings on this the first occasion of their assembly in the new buildings with the erection of which my son is proud to have been associated. It is my firm assurance that the deliberations of the Parliament of Canada will as in the past redound to the happiness and prosperity of the great Dominion whose well-being is so vital to the whole Empire.

George Rex.

BILL PRO FORMA.

Hon. Sir JAMES LOUGHEED presented a Bill entitled, an Act relating to Railways.

The Bill was read the first time.

COMMITTEE ON ORDERS AND PRIVILEGES.

Hon. Sir JAMES LOUGHEED moved.

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

The motion was agreed to.

COMMITTEE ON SELECTION.

On motion of Hon. Sir James Lougheed, the following Senators were appointed a Committee on Selection to nominate Senators to serve on the several Standing Committees during the present session: Hon. Messieurs. Béique, Belcourt, Bostock, Daniel, Robertson. Tanner, Watson, Willoughby and the mover.

The Senate adjourned to meet in the Railway Committee Room of the House of Commons to-morrow at 3 p.m.

THE SENATE.

Friday, February 27, 1920.

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

Prayer and routine proceedings.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

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

Hon. WILLIAM PROUDFOOT rose to move that an address be presented to His Excellency the Governor General to offer the humble thanks of this House to His Excellency for the gracious Speech which he has been pleased to make to both Houses of Parliament. He said:

Honourable gentlemen, in rising to move that a vote of thanks be presented to His Excellency the Governor General in reply to the Speech from the Throne, I wish first of all to thank the honourable the leader of the Government for the honour he has done me in selecting me to make this motion. As a newcomer to this Chamber I feel it an especial mark of confidence, in that I have not had the pleasure of participating in the many and important measures which have been before the present Government during its term of office, and many of which must be amplified and developed during the present session. It is an especial honour too, in that the present is, I am quite convinced, one of the most crucial times in the history of our country and to a marked degree Canada's future will stand upon what we build now. The way is open for a Canada such as before the war we but dreamed of. Honourable gentlemen may not agree with that statement, yet it is true. When they consider they will find that we take for granted what before the war we aspired to from different points of view, but, I venture to say, with conviction on the part of none that the end would be achieved without years of gradual national and constitutional development.

His Excellency refers to the ratification of the Peace Treaty with Germany and to the treaties with other belligerent nations which are to be brought before the House for approval. The first meeting of the International Labour Conference has been held, and, as His Excellency points out, Canada has been selected as one of the twelve Governments whose countries are entitled to representation in the governing body of the International Labour Office. Look at the Empire how you will; decide for yourselves what should be the constitutional organization for the Empire: there is not the slightest question that Canada will occupy in the Imperial Conference, to meet this year, a position that but for the war she could not have occupied.

We can thank our gallant soldiers for this in a large measure. From the moment that our first contingent set foot in England an indefinite change took place. It was just a matter of getting better acquainted, an opportunity which had been denied to the masses of the people on both sides of the Atlantic. The second battle of Ypres, when the Germans first used gas, when our gallant lads stepped into the breach from Gravenstafle to St. Julien and stopped the savage horde which would have swept through Ypres to the sea, cemented the change. Our battered first division, when it emerged from that conflict, found that in the hearts of the people of Great Britain each and every one of them was a hero. The reception of the wounded in England was touching. These boys' mothers and sisters were too far away to tend to them, but self-constituted foster mothers and sisters were ever ready to do their utmost for their kin by blood and by tradition. And so the mutual knowledge and affection grew as our first thirty thousand was followed by many other tens of thousands. When on leave or in hospital, they came into touch with the people and made friends in, I venture to say, practically every city and town in England, Scotland and Ireland. When they did not themselves become acquainted with the people, some English Tommy, or Scottish kiltie, or Irish fusilier, came home and talked of his Canadian pal. I have been told on good authority that when British Tommy and Canadian or Australian Tommy met, the salutation was, "Well, mate, how goes it?" The term "colonial" was forgotten—and how many of us were unconsciously annoyed by that term in pre-war days. Think of the attitude of even the Prince of Wales on his visit to Canada. To other people he was a guest and a prince, even if no retinue of courtiers stood between. To the veterans he was one of themselves. I am told—and I mention it to show how our army impressed even the enemy—that the Germans in a quiet part of the front, when the lines were close together, have been known to call out: "What are you fellows, British or Canadian?"

And in another way too, thanks to our gallant lads, the way is open. The greater proportion of those who are fit and well are back in their homes, scattered from coast to coast, and either settled or in the way of settling down, but with a different prospect and a wider outlook. It is wonderful to think that 400,000 and more of the best of our young blood have been in the Old Land and had an opportunity of studying its ways and conditions. Nine out of every ten of these men have grown in ambition and in confidence in the possibilities of their country. What a great educational factor this is, and what a spirit it is for us to encourage, to foster and to help!

And again, what a stimulus to immigration! England has in a measure educated

our boys, and in return our boys have educated the British. Glowing tales have been told of this Canada of ours. Given the proper opportunities and encouragement, thousands of hearers will be eager to come out to take their part in the development of Canada.

And so I say that in the new knowledge and understanding that has grown up out of the relations of our boys with the people of the Mother Country and have, consciously or unconsciously, changed the relations of Canada to the Old Land, and, in a wider sense, the conception of the Empire by the world at large, a new foundation has been laid for the development of our country. I may safely say that we have a new self-confidence, a new autonomy which but for the war and our part in it, we should have been years in attaining. Friendships and mutual understanding of our needs and our desires have been developed in a way that would otherwise have been impossible.

This, as I have tried to point out, we owe in the largest measure to the boys who have fought for us. Of the debt we owe to them and how we are to pay it I shall speak later. At the moment I wish to emphasize that the greatest opportunity for Canada's future has arrived—is now in our hands—and it is our grave responsibility to see that by wise and provident legislation we take advantage of it to the full not only within Canada but also abroad: within Canada in its development, enrichment and betterment; without Canada in its development in relation to the Empire and to the world at large, commercially and politically. Of the latter phase I shall have but little to say. We have the opportunity. We must develop it and its development depends in a large measure on the success of our internal expansion, which will give weight to our outside influence. Yet I desire to speak briefly of what we must attend to in our external relations. Personally I am as resolute as any Canadian in devotion to the Imperial idea, but I do believe that in the colonial idea there is danger, as well as retrogression, and safety and unity may be found only in the concession of complete national autonomy to the Dominions and in equal and independent co-operation with the United Kingdom for common objects and the common security of the imperial structure. Our status was generously assumed by the Mother Country. Canada was recognized by the other allied powers as one of the nations which should sign the Treaty of Peace. Certain honourable gentlemen could see no particular significance in the Treaty as affecting Canada and some even contended that the Dominion would be committed to grave and dangerous obligations incompatible with national autonomy and involving a costly partnership in the defence of other nations. With all due deference to the opinions of these honourable gentlemen who regarded the Treaty as of little significance to Canada, their viewpoint indicates to me a lack of foresight, of imagination, of conviction in the future of our country. I would ask these gentlemen if they think that Canada would have been asked to affix her signature if she had not participated in the war. I would ask the other honourable gentlemen if there was any compulsion, any force exerted upon Canada to enter the late war, and if not then, how much less for any future wars. I am quite convinced that the power of the Parliament of Canada is in no sense impaired. I am at one with the Hon. Mr. Doherty when he says:

> If unjust aggression occurs, I have no doubt the Parliament of Canada would act on the advice of the Council of Nations, but there is nothing in the Treaty of Peace or the Covenant of the League of Nations that provides machinery for the expenditure of a single dollar or the raising of one soldier if the Parliament of Canada is unwilling.

It is true we have no direct representation on this Council, which consists of representatives of the principal allied and associated powers, Great Britain, France, the United States, Italy and Japan, together with representatives of four other members of the League, selected by the assembly from time to time, at its discretion. It is reasonable to think that Great Britain will continue to have direct representation on the Council and that so long as she does a second British representative will not be chosen. For this reason it is doubtful if any representative of the Dominions will be elected to membership, but our technical right to it is the recognition by the League of the equality of Canada with other nations. This new status which we have, I say we must retain in our relations to the world at large.

As to its effect within the Empire, I can see in our new position only a sign of greater growth—a new cohesion and unity on a basis commensurate with the size and influence of Canada. I repeat that I look for complete national autonomy and independent co-operation with the United Kingdom, but whether we are to achieve that through the theory of equal nations or organic federation, I have confidence that the genius of British statesmanship will develop the machinery necessary to ensure the security

and permanence of the Empire, " to guarantee and maintain the essentials of political freedom and to establish equal citizenship for all subjects of the Imperial Crown."

This is a matter for ourselves and the Mother Country to deal with. It is not open to question and interference by other nations. Nor is our place in the League of Nations. That arrangement was not made to give the British Empire any undue representation, but to recognize the position of the Dominions in the Empire and assure to the overseas British countries equal authority with the smaller nations. Of late our position has been challenged. It has been most ably defended by the Hon. N. W. Rowell, the President of the Privy Council. He said:

> Canada, by the free action of her own Government, and the whole-hearted co-operation of her own people, raised 600,000 men to take part in this war. She mortgaged her future to carry the burdens which her participation in the war involved. The flower of her youth lies buried in France and Flanders, and thousands more are maimed for life in order that Canada, as one of the free nations of the Britannic commonwealth, might make her contribution to the cause of liberty and the restoration of the world's peace. In the light of these facts, it is inconceivable that any Government in Canada could be so false to both the living and the dead, and to Canada's future, as to give the assent of Canada to a proposal which would deprive Canada of the position and status won for her by her soldiers on the field of battle, and accorded to her at the Peace Conference by the enlightened judgment of nations; particularly is this the case when full status and voting rights are granted, and we think, properly granted, to several nations on the American continent which either by reason of treaties with the United States or of economic necessity are dependent upon her, nations which took no part in the war and whose combined population probably does not exceed that of Canada.

These words summarized our position.

The rights we secured should at all hazards be retained. For the sacrifices of Canada in the war there never can be any adequate money compensation. There is, however, the consolation that we did something to save freedom, something to strengthen the Empire and something to ensure closer co-operation among all the British countries in the future.

Turning now to domestic affairs in Canada. In its development and reconstruction our first duty is to our soldiers who made its new future possible.

As pointed out in the speech from the Throne, the Department of Soldiers' Civil Re-establishment and the Soldiers' Land Settlement Board continue to provide vocational training and opportunities for permanent occupation which greatly aid in the solution of the problem of readjustment. It is true much has been done; but there is still much to do. I am strongly of the opinion that no effort should be spared to render as light as possible the burdens of those who were wounded in the war. Encouragement and assistance has been given, but we frequently come across men who feel they have not received the treatment they should have received, and that the right of securing the vocations they desire have been denied them. It is possible that in some instances they have been unreasonable, but their wishes should not be lightly put aside; our efforts should be directed towards making them happy and contented.

Canada has done much to assist her returned men, and will, I am satisfied, continue to do more. Her pension list is the most liberal of any nation engaged in the war; but when we consider the cost of living our supposed generous pensions are wholly inadequate. My own opinion is, and I know that this House and the country will agree with me, that the wounded and the families of those who did not return should be our especial care, and that the treasure of the country should be used to make their lot as pleasant as possible. After we have accomplished this end, all the available resources of the country should be used in assisting those who require assistance, not by way of charity, but as the gift of a thankful nation. These men did not hesitate to place their lives in jeopardy that we might live; why then should we hesitate to spend our money so as to lighten their load. Every man should be placed in a position to secure a living. No man who went to the front, fought for his country, and returned uninjured can rightly claim that the nation owes him a living; but what he can rightly claim is that the nation owes him an opportunity to make a living.

This is one of the problems the Government has had to deal with. Much has been done, but still more is required. Let us have unity of thought and action, for only in that way shall we accomplish what is expected of us and hand down to future generations, and place before the world at large, the fact that the Canadian Government with its able and patriotic leader, Sir Robert Borden, did all that was humanly possible in bringing the country through a crisis of a kind with which no previous parliament of Canada was ever confronted. Mistakes doubtless were made; but a generous and sympathetic nation will not and does not withhold its thanks and gratitude for what has been accomplished.

First and foremost, as I have said, is our duty to our soldiers, not only for what

they have done, but, as I have already pointed out to the country at large, because I see in them, through the broader view they have acquired and in the influence for colonization they have left behind in the Old Land, one of the greatest factors in the new development of Canada.

As we are in a sense laying new foundations after the war, another very essential factor is our money. Our sacrifices in the war in relation to our wealth have been so much greater than those of other nations, —particularly as most affecting us, those of the nation to the south of us—that we find ourselves in a very disadvantageous position. If we are to compete on a reasonable basis, that condition must be righted. Various simple and effective proposals involving sacrifice on the part of other nations have been advanced; as for instance a sharing of the total war expenditure by all the belligerent nations in proportion to their wealth. But we can hope for no such solution; we must rely upon ourselves; and if in so doing we create conditions unfavourable to those other nations we must not hesitate to incur their displeasure. Proportionately we have done more for the common good than they. They have profited by our loss. They should not complain.

How is the desired result to be accomplished? Were we in Canada able to produce all that we require and to dispose of all that we produce we need not worry about this subject; but we must import and we must export. As Mr. Macaulay truly stated,

> Every person who buys from the Mother Country instead of from the United States performs a patriotic service, for he helps to improve the value of sterling exchange and avoids increasing the premium on American exchange. The heavy premium on New York funds, and the huge discount on sterling funds, are the natural and inevitable result of our purchasing chiefly from the United States, while selling chiefly to Great Britain.

If the cause of discount on the home funds is the trade balance and not currency depreciation, the disease automatically provides its own remedy. The discount discourages imports and encourages exports. Bankers are familiar with the fact that when we are borrowing largely from Britain our credits come mainly in the form of goods though, as Dr. Bonar pointed out, by one of the peculiarities of international trade we borrow in London and use the funds to buy goods in the United States. The permanent solution of our exchange problem lies in the consolidation of the Empire in such a way that every part shall be developed to its capacity; then, all parts by trading together will make the whole Empire prosperous, populous and commercially independent.

Canadian funds should not be at a discount in New York. Our currency is as sound as that of the United States, and our total exports show a balance of hundreds of millions in excess of our total imports. Until the United States sees fit to accept our money at par and treat us on a basis of equality, our duty is to stop buying luxuries from them, and to purchase nothing from them that is not absolutely necessary. As Canada is one of the largest purchasers from the United States, it will not take them long to reach the conclusion that our trade is worth having, and then the high rate of exchange will disappear.

The Speech from the Throne refers to the business situation and points out that business is on the whole satisfactory. I am pleased to be able to corroborate that statement. The trade returns for January of this year show that our imports from Great Britain totalled $16,414,503, as compared with $9,882,984 in December, and $6,709,200 in January, 1919. They show that the exports to Great Britain were $38,288,049: and our imports from the United States were $74,520,423, as against $71,069,509 in December, and $59,379,127 in January, 1919. They also show our exports to the United States were $43,577,945, as compared with $41,227,589 in January, 1919. For the ten months of the present fiscal year, our trade shows a favourable balance of $357,500,000 with Great Britain, an unfavourable balance of $230,300,000 with the United States, and with all countries a favourable balance amounting to $263,600,000. This is very encouraging. Many people thought that after the war business would for a time be stagnant; instead of that, however, it has kept up, and indications at present point to the continuance of an active market. Almost any manufacturer will tell you that he has orders for months ahead and does not know how to meet the demands of his customers. I am sure you will all agree with me in hoping that the time will not be long before our trade with the United States shows a favourable balance on our side of the ledger. The credit of Canada is proportionately higher than that of any other nation. With our great natural resources we are justified in looking forward to and approaching the future with confidence, and I trust nothing will be done to injure the outstanding position that Canada now occupies.

It is satisfactory to note that a Dominion Franchise Bill will be introduced. I have no idea of what its provisions will be, but doubtless they will be in keeping with public sentiment and modern ideas. In my opinion the franchise should not be granted, for some time at any rate, to aliens, slackers, and men who avoided military service. Canadians have not yet reached the point of forgiving them or placing them on a basis of equality with others.

I have for years felt that the Federal and the Provincial Governments should get together and agree on a franchise covering the whole Dominion. The preparation of the lists could be left in the hands of the municipal authorities, and they could be used for elections to both the Federal and the Provincial Houses. Many millions of expense would be saved in this way, and lists so prepared would, on the whole, be found more satisfactory.

It is satisfactory to note by His Excellency's Address that amendments to the Loan and Trust Companies Acts are contemplated. It is important that these Acts should be amended so as to prevent fraud and speculation with company funds. In the past the moneys of investors have been jeopardized and many people ruined by the improper manipulation of funds by those placed in positions of trust.

I trust that amongst the other Bills foreshadowed but not specially mentioned in His Excellency's Address will be found one dealing with proportional representation, which, to my mind, is the proper and fair mode of electing representatives of elective bodies. Whilst a member of the Legislature of the province of Ontario I gave this matter a great deal of consideration, and I can assure honourable gentlemen that if the Government does not intend to introduce such a Bill, I shall endeavour to bring the matter before the House in some form.

Another Bill which I trust is amongst those foreshadowed in the Speech from the Throne is one creating a Divorce Court for the Dominion of Canada. I do not know how far the Federal Government can go in enacting a law of that kind; but when we find at this session of Parliament, as we do, that we have one hundred and twenty divorce petitions to come before us, there is an object lesson we should heed, and by which we should profit. We must remember that in this country divorces are not only granted by this Parliament, but that there are courts in several of the provinces which have similar powers. All divorces are not granted on the same ground; it therefore behooves the Dominion of Canada, if it wants to retain its position in so far as divorce is concerned, to have a common divorce law which will be properly administered by a court created for that purpose; otherwise we shall find ourselves in a position similar to that occupied by the United States, where, in some states, divorce has been made so easy that it has become a public scandal. We do not want anything of that kind to occur in Canada; and the only way that I can see of preventing it is by the Federal Parliament dealing with the question.

Honourable gentlemen will concur with me when I express satisfaction with the progress which has been made in completing this building, which has enabled us to use it this session. We all know that the committee have done everything possible to hasten the completion of the work. While there has been some delay, we know how difficult it is to secure satisfactory results, and if we go into the magnificent Chamber of the House of Commons we can readily understand it. I am sure I voice the opinion of this House when I express the hope that before next session the building and appointments will be complete, and that we shall then meet in a Chamber even better than that now occupied by the Commons.

Before concluding, I desire to call the attention of the House to the fact, which is well known to us all, that since we last met, the Prince of Wales concluded his visit to Canada and has returned to the Mother Country. His visit, which was a great success was, to a great extent, brought about, as has been well said, by the fact that from the day he landed at St. John he established a relation with the people as natural and intimate as exists in a happy household. There was no suggestion of official restraint or the compulsion of official machinery. His own bearing, of which he was unconscious, drew all classes to his side, and his own quality was his best passport to the affection of Canadians. Because he has been here the position of the Throne is more clearly understood, and its prestige greatly enhanced. No statesman could have interpreted the Monarchy as it has been interpreted by this modest, smiling, gracious, democratic young Prince, nor could he have done a service of higher or more enduring value to the British Commonwealth.

I desire to express my regret at the continued illness of our Prime Minister. He has had a hard siege of it. All Canadians, no matter what their political creed may

be, hope and trust that on his return to Canada he will be fully restored to health and able to resume the duties of his high and important office.

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

The Senate adjourned until Tuesday, March 2, at 3 p.m.

THE SENATE.

Tuesday, March 2, 1920.

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

Prayers and routine proceedings.

THE DIVORCE BILL.

FIRST READING.

Bill A, an Act respecting Divorce.—Hon. Mr. Barnard.

BRITISH AMBASSADOR TO WASHINGTON.

INQUIRY.

Hon. Mr. BOSTOCK inquired:

1. Has the Government any information as to the appointment of Sir Auckland Geddes, Minister of National Service and Reconstruction in the British Government, to the position of British Ambassador to Washington, as announced in the Canadian papers?
2. Has the Canadian Government been in any way consulted as to the appointment of Sir Auckland Geddes or any one else to this position?
3. Has the Canadian Government made any suggestion to the British Government in the matter of this appointment with which Canadian interests are so closely concerned?

Hon. Sir JAMES LOUGHEED: The answer to each question is No. The matter is exclusively within the authority of the Imperial Government, not of this Government.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Friday, February 27, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the session.

Hon. THOMAS CHAPAIS (translation): Honourable gentlemen, it is not without feelings of deep emotion that I rise at this time to address this House. Thirty-five years ago another, whose name I bear, was likewise a member of the Senate of Canada. When it pleased His Majesty's Government to call me in my turn to a place among you—which honour I regard as one of the greatest of my entire career—I could not but carry myself back over the long interval of years and conjure up a memory which has naturally always remained dear to me. But, without dwelling longer upon those memories and personal sentiments which are mine at this moment, I wish to add at once that to have been invited by the Government to represent in the Senate the district of Granville was for me a particularly interesting event, and such as to enhance the legitimate satisfaction that I experienced in being made the recipient of such a mark of distinction. It was in the district of Granville that I was born, and in that district I have had occasion to engage in more than one political battle, and I can assure you that I gave a hearty handshake to my excellent friend and old-time opponent, the Hon. Mr. Choquette, who was my predecessor in this House, when he informed me that he had resigned as representative of the district.

As I have mentioned the name of the Hon. Mr. Choquette, I say say that since my arrival here, I have been enabled to understand how my honourable friend figured as one of the most aggressive debaters of the Senate, where generally the atmosphere is so tranquil and undisturbed. I am not, however, surprised that he should have acquired such a reputation, because I have myself frequently had occasion to cross swords in the arena of political debate with Hon. Mr. Choquette. In justice, however, I desire to add that while combating with all the energy I possessed the opinions of the honourable gentleman and the principles of the party he represented I always found him to be intensely loyal to our institutions and embued with a great sincerity of conviction.

It was a task at once honourable and onerous for a new member to rise on such an occasion to address an assembly of men so thoroughly conversant with the politics of the country. Only a sense of the kindly forbearance and traditional courtesy of the Senate could have determined me to accept such an honour and responsibility.

I have no intention of inflicting upon you a long commentary on each of the paragraphs contained in the speech from the Throne. I will therefore, with your permission, confine myself to emphasizing certain passages, and to considering briefly a few of the general ideas suggested by it.

But, first of all, I desire to join in the sentiment of rejoicing with which the speech of His Excellency hailed the return of the Canadian Parliament to the historic hill

on which rises, in the purity of its lines and the harmony of its proportions, this magnificent palace of legislation, which has sprung phœnix-like from the ashes of the one destroyed by fire only four years ago. This legislative palace of Canada is "the House" of the Canadian nation; and all the citizens of this great country may well be proud of its majestic beauty so worthy alike of our past and of our future. If I were to permit myself, honourable gentlemen, to indulge in personal reminiscences, I would recall the memories of half a century, and would summon before your vision the huge excavation wrought by the blasting, which, as a mere schoolboy, in 1866, I crossed by unsteady footbridges, that I might traverse the grounds where to-day there lie spread out before us those graceful terraces and that I might reach the splendid parliamentary edifice, where, as to-day, resounded the strokes of the workmen's hammers. Confederation was not yet an accomplished fact; but a year later, with the new régime was inaugurated that glorious parliamentary epoch which has bequathed to us the names of Macdonald and Cartier, of Brown, of Mackenzie, of Dorion, of Tupper, of Langevin, of Campbell, of Tilley, of Blake, of Chapleau, and finally of him who was the last of the band to disappear from among us, one of the most illustrious of that brilliant galaxy of eminent Canadians, Sir Wilfrid Laurier.

Passing from these reminiscences, I will direct your attention to that paragraph in the Speech from the Throne, which treats of the League of Nations, its constitution and functions. That institution, the offspring of the overwhelming cataclysm which shook the nations of the world and the fabric of society to their foundations, has provoked since its creation, as it did before, a vast amount of discussion, and excited criticisms of the most divergent kinds. This conception of a body with a moderating and steadying influence, and possessing a general jurisdiction over a federation of powers, this idea of a great international council charged with the reconcilement of difficulties and differences arising between peoples, and the prevention of war among the nations, is not, indeed, the offspring of the genius of a Wilson, as is so commonly believed. It is an old idea in a new setting. The ancient Greek had a similar institution in what they named the Amphictyonic Council. In modern times Henry IV of France, in elaborating his "Grand Dessein," of which the historians have transmitted to us the details, made provision for a tribunal of the same character, by which it was hoped to maintain the peace of Europe. There was thus a sort of League of Nations in anticipation. In these later days writers have published interesting studies upon the possibility, the opportunity, and the probable degree of efficacy of suoh an institution. What is to the credit of Mr. Wilson is that he gave concrete form to this idea in placing before the Council of the Allies a proposition being practically realized, and that he pursued its realization with all the obstinacy which is perhaps the characteristic trait of his personality.

What are we to expect from such a league? Is it to be the arch of an alliance, whose sovereign virtue will henceforth guarantee the world against a recurrence of those terrible experiences through which we have just passed? Or will it end in once more demonstrating the futility of human effort to establish the reign of peace and order on the earth? I will certainly not be so rash as to give a confident answer to such a question. But if asked what we might expect from such a league, I should be inclined to reply, "Neither too much nor too little." In presence of this new institution, I am not disposed to be either excessively optimistic or stubbornly pessimistic, it is too soon, it seems to me, to prognosticate with assurance the outcome of this experiment. The chiefs of the great powers who deliberated at Versailles were willing at least to give it a trial. We cannot do better than follow their example, and, while hoping for the best, avoid illusory expectations on the one hand and equally baseless apprehensions on the other. When we study the constitution of this international political society, we are quite easily convinced that it does not possess any great active or rather, co-active power. But it will possess, perhaps, a real moral power, it is this characteristic which has been recently observed by a distinguished French writer, well known in this country, Mr. Eugène Duthoit, professor of political economy in the university of Lille. Such a moral power, capable of exercising a beneficent and effective influence in the affairs of the world, was seen long ago incarnated in an institution, impersonal and majestic, though without specific form, pact, or constitution. At the period of history to which I am referring there existed in Europe, as there does to-day, a diversity of states, possessing their several ambitions,

aspirations, exclusive and sometimes rival interests. But, upon all, and conciliating all, there was a community of doctrine, of ideals, of principles, and of public law, which welded all these various states, with their conflicting ambitions and purposes, into one whole. What common doctrine and conciliating influence was not Christinity? Was not Christianity, as it was known to the world, especially from the tenth to the sixteenth century, an anticipating manifestation of the League of Nations? Unfortunately, that majestic unity of principle and doctrine which formed the basis of the Christianity of that epoch disappeared with the passing of the centuries. Let us, without indulging in any confident expectation of a reunion of Christendom, at least entertain the hope that the present League of Nations will result in the creation of a moral power among the peoples of the world which will be capable of rendering useful service in the maintenance of peace, and the establishment everywhere of the reign of justice and of right.

The Speech from the Throne contains the announcement that Canada has been named as one of the twelve states entitled to representation in the Council charged with the direction of an international bureau of labour. This bureau will have an important role to play, a task difficult of accomplishment. Is it possible to establish throughout the world a uniform system of regulations regarding labour? It may be doubted, because of the differences in environment, in customs, and in climatic, physiological, and economic conditions, which exist among various races and nationalities. But if, in any event, it became possible to establish a code of general principles, the wise application of which would bring about a reign of concord, and assure harmonious co-operation among the classes who should unite their efforts in the all-important task of production and industrial progress, then, it would not have been in vain that the international conference of labour had been brought into being, and had deliberated, devoting weeks and even months to the drafting of a charter of labour in the two worlds.

The labour problem is one of the most formidable which the nations have ever known. Though existing previously for some time in a lesser degree, it became specially acute with the introduction of machinery, which has been the creator of modern industry. This problem set sagainst each other various ruling forces and provides a conflict of divergent schools of thought in the arena of economic facts and theories. There are, for example, the stubborn upholders of the sacred rights of capital; there are the uncompromising champions of radical collectivism; and there are the disciples of the moderate school, who are disposed to recognize the necessity and legitimacy of intelligence-capital and of money-capital, and likewise the necessity and legitimacy of labour's claim to a certain share in the profits of production. In the midst of this strife where is one to find the truth, the equity the just proportion of rights and duties. These are searching questions which cannot be obliterated with a stroke of the pen nor be solved in an hour. Standing as I do within the precincts of this Chamber, I do not hesitate to express the conviction that the recognition and perfect understanding of the principles and doctrines which Christianity has for nineteen centuries caused to triumph in the world can alone lead to a just solution of these questions. It was these principles and doctrines of which we were reminded a third of a century ago, in a luminous thesis, by that illustrious thinker and sociologist who bore the title of Leo XIII, and who was one of the most eminent men of our age. The application of these principles and doctrines would lead the nations with certainty to the establishment of social justice, and social justice would be a sure guarantee of social peace. Such a peace ought to be the object of every legislator having a due sense of his responsibility. We have obtained a peace of nations; and whatever defects there may be in the treaties and pacts which have signalized the return of peace, the frightful war is ended, and the peoples are permitted once more to breathe freely. But a peace of classes, civic and economic peace among the children of the Mother country, is menaced in many lands by the bitter conflict of appetites, cupidities, and interests. Canada itself has already witnessed the manifestation of alarming symptoms. In the face of so formidable a peril it is important that the legislator should be able to foresee, and, foreseeing, to prevent the disastrous consequences of which these symptoms warn us. Heaven grant that the international conference, and the international labour bureau may study these questions in a large spirit of justice, and prepare the remedy and solution which will satisfy all equitable demands and safeguard all legitimate rights.

Another of the paragraphs in the Speech from the Throne I desire to discuss briefly. It is that which is concerned with the question of re-establishment of our returned soldiers, and of their return to or taking up of agricultural life. This latter point has for me a profound interest. I must say that it was with sentiments of patriotic joy that I read that 46,630 disbanded soldiers had made a request to be settled upon the land. The Agricultural Gazette of Canada in its January number informs us that $51,572,332 has already been lent to soldiers who desired to engage in agriculture. The Soldiers' Settlement Board has granted provisional titles to 869,000 acres of land in the Western provinces. Of 42,630 discharged men who have applied for certificates authorizing them to participate in the benefits of the legislation relating to settlement 32,363 have received them. I am aware that from this number there will necessarily be some deduction, because all men are not equally persevering, and there will be discouragements and abandonments. But if even sixty per cent or only fifty per cent of our soldier farmers remain on the land such a result will be highly gratifying. It is, you see, a response to one of the most urgent needs of the hour. All our far-sighted economists would seem to have taken as their watchword, "Produce, and again produce!" And of all our products those of the farm rank among the most necessary. The increase in the cost of living has become almost a public calamity. It has caused anguish to reign in many a household. It haunts like a nightmare an infinite number of firesides. It wrings the heart of many a mother and sears with lines of care the brow of many a father. In the presence of such a state of things a sudden accession to the ranks of the farming community may be hailed as a national benefit. The policy of turning demobilized soldiers into cultivators of the soil is one which merits general approbation. Moreover, it is a policy which may possibly have been inspired by the noble traditions of our early history. Such a policy was put in operation in Canada two and a half centuries ago. In 1667, in the reign of Louis XIV, with Colbert as Chief Minister of the Crown, and with Talon as intendant, the Government demobilized her soldiers to transform them into farmers. Permit me to read to you a few extracts bearing precisely upon this subject from a book entitled: "The Colonization of New France," written by M. Emile Salone, a distinguished Frenchman. We there see how history repeats itself and how true it is that there is nothing new under the sun. Referring to the disbanding and settlement of the soldiers who had taken part in the campaign against the Iroquois, it says:

> With the decisive defeat of the Iroquois there would be no reason for any longer maintaining in Canada a garrison of a thousand men. The army of occupation was consequently reduced to four companies numbering in all three hundred men. The question was what to do with those soldiers who were no longer required for military duty. It was not unnatural that the idea should have occurred of attempting to retain in the colony as many of them as possible. . . . It was in 1665 that Talon met at la Rochelle the companies of the Carignan regiment which were to cross to America with him. He had a plan of his own. He succeeded in increasing their effectives by seventy supernumaries, which would permit him, while still maintaining the companies at their full strength, to distribute among the inhabitants such as might possess some useful trade or public calling. Once in Canada, Talon modified these projects a little. With the assistance of Tracy, he reserved the conquerors of the Agniers and the Onneyouths for the task of colonization properly so called, and for the putting of the soil in cultivation. Both Talon and de Tracy had recourse to history to justify the excellence of their policy, and above all to the case of those two eminent races, the Romans and the Franks.
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> Officers and men manifested much enthusiasm in conforming to the plan of the King; (and he testified to his satisfaction on learing that the majority of the soldiers who composed the four companies who at first crossed to America under the command of Tracy, and the regiment of Carignan should exhibit so much disposition to take up their abode in the country.) Immediately this fair country exercised its charm upon them. They already knew also that the Government would recompense them for their zeal by showing them special favour and by aiding them in every way possible; that it would furnish them with large grants of land, with the necessities of life, with ready money for the establishing of homes, and with wives. The military operations were hardly finished when one witnessed the settlement of a great number of these soldiers. In the autumn of 1666, six captains of the Carignan regiment, and ten subalterns, lieutenants or ensigns, took up homes. The following year the intendant writes to the minister: "M. de Tracy told you that there was hope that several officers and soldiers would decide to settle in the country. He will not have told you of what has happened since his departure; that already two captains of the Carignan-Salières regiment have married two young women of the country, and that a lieutenant and four ensigns are conferring with their sweethearts with a view to the same end. . . I regard them as already as good as engaged, and I desire to say that all those of whom I have spoken, whether married or unmarried are labouring at this moment to improve the habitations which I gave them; that the two captains employing on their property the best soldiers of their companies, and the subalterns those whom their superior officers assigned to them. . . . There will be much clearing done during the next winter. The soldiers imitate

their chiefs. They are asking for wives and habitations."

They were given both. Honourable gentlemen, have I not reason to say that history repeats itself. More than two centuries afterwards Canadian soldiers are repeating the conduct of their predecessors. After having poured out their blood in the struggle against civilized barbarism, just as those of older time did against that of the savage, they also in the same manner, lay aside the rifle for the plough, and scarcely returned from the desolated fields where the engines of war scattered destruction and death, they apply themselves to those fertile fields from which their fertile labour will bring forth harvests of life. The important task of re-establishing our soldiers in civil occupations could not offer a more consoling aspect.

The economic and financial situation among the nations, torn and impoverished by the war, is less satisfactory. In that regard no one will be tempted to find too sombre the picture drawn for us in the speech from the Throne, when it describes the ruinous conditions of exchange, the lack of international credit, the excessive circulation of paper money, combined with the scarcity of raw materials, the insufficiency of transports and the labour difficulties. To remedy these evils one hears repeated on every side that we must increase labour and production, and that individuals, like states, must practice saving and economy. Also, is it not plain to you that this universal precept is universally violated? Since the termination of the war there seems to reign everywhere a frenzy of pleasure-seeking and a frenzy of idleness. From the highest to the lowest rung of the social ladder one witnesses the same spectacle. Those of the lower classes wish to work less and to have more pay, and more pleasure; while those of the higher classes wish to gain wealth easily and quickly in order that they may plunge headlong into a life of ease and display. And all the while grave voices are repeating and their words everywhere reverberate: "Production and economy! Production and economy!" But so far is this from their thoughts that men are actually wracking brains to invent new means of diminishing production and increasing extravagance. This tidal wave of folly, idleness and ostentatious spending has not altogether spared this Canada of ours; yet one may be permitted to find some satisfaction in the thought that our country is perhaps less submerged by it than others.

Our commercial situation, for instance, is such as to encourage us to hope that Canada will be able to support, without flinching, the terrible burden placed upon us by the war. In a statement made at the beginning of the present year, our Minister of Finance announced that for the eight months ending the 30th of November, 1919, our imports were $636,389,157, while our exports were $838,973,479, which gave us for that period a trade balance in our favour of $202,000,000. I do not wish to be understood as finding in this favourable trade balance sufficient reason for indulging in a song of triumph. But it does seem to me that the figures are encouraging, and constitute a favourable symptom.

There is another matter which I would have discussed at some length if the limits which I have set for my discourse had permitted me to do so. It is that of the electoral franchise, with reference to which the Speech from the Throne has announced proposed legislation. I will confine myself simply to the statement that on that subject I hold views which have little conformity with current political orthodoxy. In my opinion, one of the electoral systems, the most rational and the most equitable, the surest and the most apt to safeguard the stability of political institutions, is that which Belgium enjoyed before the war, and of which the principal traits were proportional representation, age limit, and plurality of voting. I shall possibly have occasion again to address the House on this subject before the end of the present session.

And now it only remains to me to re-echo one of the words of the Speech from the Throne. Yes, Canada has good cause for thankfulness that of all countries affected by the war, she has maintained a record of social order and industrial and commercial prosperity which leaves nothing to excite her envy or any other. The efforts of all the members of this Parliament, without distinction of creed or race or shade of political opinion, the efforts, in short, of all good citizens, should be directed to maintaining this order. And for this work of common patriotism, if I might be permitted to speak in the name of the province to which I belong, I would say to my honourable colleagues from the sister provinces: "Have confidence in the province of Quebec; she is loyal, she is faithful to the traditions of the past. she is conservative—and when I say conservative, it is manifest that I am speaking not of the political complexion of the province, but of her social temperament; she is ardently and profound-

ly Canadian. She is the more so because she sinks her roots in three centuries of history, and because her annals go back to the first days of civilization and Christianity on this continent. Possessing, as she does, a tradition and aspect more ancient than the others, she is for that reason imbued with energies and doctrines which, you may rest assured, cannot but contribute powerfully to the grandeur, the prosperity, the peace and the glory of the Canadian Confederation.

Hon. HEWITT BOSTOCK: Honourable gentlemen, after hearing the very eloquent speech of the honourable gentleman who has seconded the Address, we feel that a very strong addition has been made to the debating power of this Chamber. I wish to congratulate both the mover and the seconder of the address on their speeches. They both come to this Chamber with experience in the public life of this country, and I am sure that their knowledge and experience will be of great benefit to us in our work.

Meeting as we do in these new buildings, I think it is perhaps fitting that I should refer first of all to the cable read by His Honour the Speaker at the opening on Thursday last, conveying to this Parliament the greetings of His Majesty and good wishes for our future. It reminds us not only of the sovereignty which we share in common with all parts of the British Empire, but of the constant concern of members of the Royal Family for the well-being and prosperity of this Dominion. We may recall that when it first became necessary to find a home for the representatives of the Dominion the site of our Parliament Buildings was chosen by our late beloved Queen Victoria. The corner stone of the old building was laid by her son the Prince of Wales, afterwards King Edward VII of England. The corner stone of the present building was laid by His Royal Highness the Duke of Connaught, and that of the Memorial Tower by His Royal Highness, Edward, Prince of Wales. From Confederation down to the present time the foundation and construction of our Parliament Buildings have been intimately associated with the Royal Family, and they have shown a keen interest in the development of our institutions. If anything were lacking to bring home to the minds of the people of Canada a knowledge of this fact, it was adequately supplied by His Royal Highness the Prince of Wales when he made his trip through Canada last year. His frank and open-hearted manner of meeting the people aroused a feeling of mutual affection and respect which we hope may ever be maintained.

Meeting as we do to-day in these buildings, which have risen from the ashes of the old building, we recall that the old building was the result of the determination of the Fathers of Confederation to bring about unity and co-operation among the British colonies on the North American continent. May we hope that this imposing edifice, with its dignified and noble proportions, will inspire all those who come within its portals to strive to carry on the great work of bringing more closely together this great Dominion in bonds of unity and fellowship; and, further that this country may, as time goes on, maintain its proper place among the Dominions of the British Empire, and more and more be recognized in the councils of the nations of the world as a power making for peace and the improvement of the human race.

When we contemplate the finished design of these buildings, we realize that the chief architect, Mr. John Pearson, and his associate, Mr. J. O. Marchand, have succeeded in a wonderful way in impressing upon all who enter these portals the greatness of the ideals at which we should be aiming; that it is not only for to-day we are working, but that any action of to-day may have an influence on the future in a way we never contemplate. Mr. Pearson and his associate, the members of the Building Committee of both Houses, the officials of the Public Works Department, and others who have been entrusted with carrying out this work have succeeded in making this building a standing record of some of the resources of this country, working into it materials from several provinces, thus further exemplifying the unity of the whole. It teaches us that we should try more and more to bring about unity and good fellowship throughout this Dominion of Canada.

The Speech from the Throne deals with a number of subjects, principally with those touching our relations with the outside world, only a very small portion of it being devoted to the question of the economic conditions that so seriously affect the country at the present time. We are all pleased to know that peace with Germany has been successfully completed, and that we may now look forward to a settled condition of the world. At the same time, we must realize that conditions of unrest prevail throughout the world, even in this country, and that it will take us a very long time to overcome them so that we may be able

to carry on the administration in the best way possible. The people of the country are to-day beginning to realize that the work which has been going on during the war, and the conditions under which they have laboured, have had an effect on the country and on the finances of the country. I think it is fair to say that only lately has the enormous destruction wrought in the world during the years of the war been brought home to the people of the country. What has brought it home to them most clearly is the depreciation of our currency. They find that their money is being taken at a discount in many of the countries of the world, and they realize that in order to overcome that difficulty they will not only have to produce more, but that they will have to spend less; they realize that it must be their aim to deal with countries where their money is accepted at a more favourable rate rather than with those which are nearest to them. This, I think, will have a tendency to bring together the various parts of the Empire. Each will find out more and more about the resources of the other, and all will come into closer relationship in trade. The effect of this will be of very great benefit not only to Canada but to all parts of the Empire.

Conditions brought about by the war have caused people to consider expenditures much more carefully, especially those made by the Government of the day. They realize that expenditures have got to be curtailed. They have learned within the last few months, for the first time, of the large sums of money required to carry on the operations of the Government railways. A short time ago it was said that the Government railways were costing the country $2,000,000 per month over and above what was received in revenue from the roads. That large sum does not take into account the greater expense which we may be under when, in addition to those roads we already have, we take over the operation of the Grand Trunk Railway System. These figures refer only to actual operating expenses; they do not take into account the question of improvement or betterment; they do not take into account any new construction which the Government may have to undertake. At present we have not the figures to show exactly what those items have amounted to for the past year, but we may be satisfied that when they are taken into account the total will be a very considerable sum. Now that we are called upon to provide $115,000,000 to pay the interest on the debt of the country, $35,000,000, for pensions to the men who have returned from the war, and which we are only too willing to pay, and a large sum over and above that for general expenditures, when we think of the large sum of money spent upon our railways, which, if properly managed, should be bringing in a revenue instead of causing an extra expenditure for operating expenses, we will have cause for serious consideration. As time goes on I think that the people of the country will scan closely this large expenditure.

We know from the press that an agreement was submitted to the shareholders of the Grand Trunk Railway Company, and that it was accepted by them, but as yet we have not seen it. Last year, in the dying days of the session, we were called upon to put through a Bill for the acquisition of that railway, without having an opportunity of seeing the full details of the agreement that was to be made with the company. We had to act on the faith that the agreement would be a satisfactory one in the interests of Canada. We expect now that the Government will bring that agreement down to the House without further delay, and that we shall have an opportunity of studying it and seeing whether or not our hopes in that regard have been realized.

In years gone by we always expected that the Speech from the Throne would mention the legislation that the Government intended to ask Parliament to deal with during the session, but the information contained in the Speech from the Throne is very meagre in that respect. Last session the Speech from the Throne said nothing at all about the purchase of the Grand Trunk railway, and the legislation was not brought down until the members of both Houses expected that they would very shortly be dismissed and allowed to return to their homes. I hope that the fact that very little legislation is mentioned in the Speech from the Throne on this occasion does not mean that legislation is going to be sprung upon us in the same way; and I trust that we shall not be asked to deal with questions which have not been announced to the country, and which the country has not had an opportunity of thoroughly studying before they are to become law.

In a country as large as the Dominion of Canada it is most important that proposed legislation should be announced in the Speech from the Throne so that the people, as well as the representatives of the people

and the members of this Chamber, may have an opportunity of carefully considering and understanding what the policy of the Government is to be. Unfortunately, owing to the war, and owing to the necessities of the conditions in which we have found ourselves during the last few years, this system has not been adhered to as closely as it should have been in the interests of the country. The safeguards that our constitution gives us are such that they should be carefully adhered to. It is to be hoped that, from this time on, now that we are in a period of reconstruction and are, I might almost say, wholly rebuilding the affairs of the country, we will adhere more closely to the safeguards and checks which have been provided in the past to properly protect the interests of the people and to ensure fair play and justice throughout the country.

The Speech from the Throne refers to a Franchise Bill. The Liberal party has always maintained that it is very much more in the interests of the people that the lists should be made up by the local authorities in the various provinces. It is maintained that the men called upon to make up the lists in that way have a very much better knowledge of the people and the country, and are therefore able to compile the lists in very much better shape than men brought in from other parts of the country, and who are asked to deal with a situation of which they have possibly no local knowledge. In 1885, when the franchise was the subject of a great deal of discussion in this country, the Liberals objected to the proposal which was made to adopt a system of revising barristers. The system was adopted, and the Franchise Act which was passed at that time remained, and elections were held under it until 1896. Shortly after the Liberal party came into power in 1896 they reverted to a system of provincial and municipal lists, and elections were held under that system from that time until the War-time Elections Act of 1917 was passed. I do not think that the changes that were made in 1917 would be of advantage to the country at the present time; and I hope, when the Franchise Bill comes before us with all its terms and conditions, we shall find that the Government has gone back to the system which prevailed prior to 1917.

In the country to-day there is a great deal of criticism of the high cost of living. The high cost of living is being brought home to the people more and more as the prices of goods which they require advance from time to time. Towards the end of the session of 1919 the Government brought down to this House a Bill establishing a Board of Commerce. That board has been operating for some time. Honourable gentlemen will remember that when the Bill establishing that board was brought down to the House exception was taken to it on the ground that we had not had time to consider the importance of such a measure at such a late date in the session. We did not have an opportunity of fully considering the details and understanding the powers that were given to the commissioners. I think the criticism we hear of the action of the board, and of the Government in establishing the board, show that the hurried passing of such legislation is not wise. The other day the board acted in a way which, on the face of it, seemed very extraordinary. The announcement was made in the papers that from a certain day the board would cease to control the price of sugar. The statement was made in the press that the board consider that they had saved the country $100,000 a day for the period during which they had been controlling the price of sugar; yet, in spite of that, the Government allowed them to rescind the order. It was made to appear that this action was taken because they had been subjected to criticism which they apparently did not think was fair. If the board was doing its duty to the country and was saving the public the amount of money it has been represented that they were saving, it is most extraordinary that the Government should allow them to act as they did. What they did appeared to be the act of a child who did not appreciate his duties or responsibilities to the country. They did not seem to realize that the members of a board of this nature must expect to be criticised, and that their only defence would be a justification of the action they had taken, and to show the country that what they were doing was in the best interests of the people. To-day they occupy the position of having thrown up their hands and told the country that because they have been criticised, they are not prepared to go on and do their duty towards the people in controlling the price of sugar in the country. I think we should have an explanation from the Government in regard to this matter. Sugar is one of those things that touches very closely the pockets of the people, and enters into their lives almost more than any other article of food that they use. I think the Govern-

ment should step in and take some very drastic action, and point out to the commissioners their duty to the country.

It was with very great regret that members of this House heard a short time ago of the illness of Sir Robert Borden. We all realize the tremendous amount of work which was cast upon his shoulders during the years of the war and during the period since the Armistice. He has done a great work for this country, and we realize that, if his health is in the condition in which it is reported to be at the present time, complete rest and change are absolutely necessary. We regret that he is not able to be here to attend to his parliamentary duties. At the same time, it is a very serious matter for the country to have the Prime Minister absent from his duties at a time like the present, when the conditions of the country require that a policy should be laid down, a policy which may take several years to work out, and which will necessitate great thought and experience. The Prime Minister is the member of the Government who is responsible for advising His Excellency the Governor General on the general policy of the Administration, and, as far as I know, no other minister is qualified to occupy that position. As the matter stands to-day, Sir Robert Borden is out of the country, and no one has been appointed to take his place. I hope that it will not be long before we get back to the proper constitutional methods of managing the affairs of this country.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I join with my honourable friend in the remarks which he has so fitly made with reference to our re-occupation of the Parliament Buildings. It is a matter of very great satisfaction to meet at this session within these walls. It is of course to be regretted that the building is not yet complete, but when we look back to the four short years that have elapsed since the tragic fire of February, 1916, we are indeed amazed at the rapidity with which the work of construction has proceeded. I doubt if there is in the world a finer legislative structure than that which we occupy to-day. The architect, Mr. John Pearson, informs me that, while there may be parliament buildings more expensive or of more massive proportions, we in Canada to-day possess a pile of buildings which for all the requirements of parliament, for modern equipment and convenience are probably superior to any others. We may congratulate ourselves that the material, the workmanship and the art which have been incorporated into these buildings are almost exclusively Canadian, and I think a tribute is due the architects, the builders and others who have been responsible for bringing this magnificent structure to the stage which it has reached.

It was very gracious of His Majesty the King to cable his felicitations to the assembled Parliament upon our meeting in these buildings on the 26th of last month. As my honourable friend (Hon. Mr. Bostock) has pointed out, members of the Royal family of England have been peculiarly associated with these buildings since a time prior to Confederation. The site was selected by Her late Majesty Queen Victoria. The late King Edward VII, when Prince of Wales, laid the corner stone of the former edifice. The corner stone of this building was laid, as we all happily remember, by His Royal Highness the Duke of Connaught; and the corner stone of the tower was laid within a very recent period by His Royal Highness the Prince of Wales. So it was fitting indeed that we should receive at this auspicious time the cablegram which was sent by His Majesty, and our appreciation will, I hope, be expressed by a motion which I purpose introducing on this subject.

May I also join my honourable friend in extending congratulations to the mover and seconder of the Address. We may congratulate ourselves, as well as them, upon their accession to the Senate. Both these honourable gentlemen have had considerable experience in deliberative assemblies. My honourable friend who moved the Address (Hon. Mr. Proudfoot) was for a number of years identified with the Ontario Legislature as leader of the Opposition; and my honourable friend, who seconded the Address (Hon. Mr. Chapais) has long been a distinguished member of the Legislative Council of the Province of Quebec, and, I understand, continues to be associated with that Council. Their knowledge and experience in matters of legislation will be of great service in our various deliberations, and will be appreciated by this body. I hope they may long be spared to adorn the Senate by the services they will render to the country in this chamber.

My honourable friend who seconded the Address made some allusion to his predecessor (Hon. Mr. Choquette). We all have a very pleasant memory of that gentleman's presence in this Chamber. I had a letter from him a few days ago expressing regret at his parting company with the

members of the Senate, and also recalling to my mind that in September, 1917, we had a very heated debate in which reflections were made upon his loyalty to the policy which Canada had adopted in connection with the war. Naturally he desired, upon retiring from this Chamber, that he and ourselves should continue to have a favourable remembrance of his presence with us, and that I should correct a charge which I made at that time regarding his attitude on the Military Service Act. In his letter he has assured me of his loyalty to Canadian institutions, and particularly to Canada's part in the war, and of my entirely mistaking his sentiments on that question. I am very glad to accept the statements which the honourable gentleman has made with reference to the debate to which he refers, and to express my regret if I wrongly construed the sentiments which he expressed upon that occasion. I should be very sorry indeed to give any pain or distress to the honourable gentleman, for whom I have always entertained the highest respect, and I desire to say that if I construed wrongly the attitude which he took in regard to the very important legislation we were then discussing, he will not think I wilfully did him an injustice, and will accept this explanation of the construction I then placed upon his remarks.

The Address which is before this Chamber for consideration has been dealt with by my honourable friend (Hon. Mr. Bostock) in a temperate and reasonable way, to which I can take no exception whatever. This is the third session since the Armistice of November 11, 1918, was entered into. At each of the preceding sessions we indulged the hope that, the war being over, civilization would at once settle down in the normal channels of peace, and that the world, forgetting the terrible holocaust through which it had passed for five years, would not only cultivate the arts of peace, but leave no human means untried to return to the paths from which it was driven in August, 1914. Unfortunately our expectations have not been entirely realized. We are yet facing a disturbed and dislocated world. Central Europe and the whole Russian Empire is yet practically in a state of revolution. The forces that for centuries were repressed by absolutism and tyranny have broken the bounds within which they were restrained, and to-day they are expending themselves in riot, anarchy and revolution. These forces will naturally run their course of human license before they settle down to anything like established government. Even in the countries of the Allies there are to be found conditions of unrest and disturbance that also must necessarily run their course, and cannot by any system of law be suppressed. Until the disturbing forces set in motion by the war more or less exhaust themselves through the various channels in which to-day they are finding expression, we shall have to face these conditions. In Great Britain, in the overseas Dominions, and in the United States the people are suffering to-day from the abnormal conditions that constitute the aftermath of the war. Markets have been destroyed; great systems of production and trade have been wiped out. New channels of trade must be built up; new international relations must be sought, cultivated and established. Labour, owing to many causes, has become restless and uncertain, and so varying in its demands that the unrest and disturbances are seriously reflected in all the areas of production. Production of the world's necessary commodities has been and is seriously handicapped by the many causes that have led to the difficulty, and often the impossibility of securing raw materials, in addition to the untold difficulties of producing the finished product; hence, to-day the great arteries of trade are seriously impeded. Trade, in its widest sense, is seriously battling with almost overwhelming obstacles to release itself from the forces that are yet taking a strangle-hold on its freedom. Canada is not exempt from this world dislocation of trade brought about by five years of war. When we consider the causes that have led to these conditions, it is not difficult to understand why this should be the case. It is easier to pull down than to build up. It took nearly five years to almost destroy a civilization that took centuries to build; and now that for the last fifteen months we have faced a world wrecked by the greatest war that ever cursed a smiling earth, it is needless to say that it is going to take time and unprecedented human enterprise and energy to build up what man has so ruthlessly rent asunder.

Under these circumstances government is being carried on. Under such circumstances it is of vital importance that a government, charged with national responsibilities that transcend in consequence and importance the duties cast upon any former government, should receive a proper recognition of its efforts and achievements. My

honourable friend (Hon. Mr. Bostock) has criticized the Government; and we know it has been freely criticized throughout the country and in the press. I think it was Lloyd George who very tritely said a Union Government has no friends: it lacks the party affiliations which go to create an esprit de corps, and the sympathy and support which party governments invariably receive.

This Government has been a little over two years in office and in that time has been called upon to assume and discharge public duties and obligations beyond all expectation. I do not purpose to attempt to enumerate its many achievements. Suffice it to say, that in no case has the Government failed to rise equal to the unprecedented difficulties and problems it has been called upon to face. The burden of carrying on the war was cast upon its shoulders; which in itself was incomparably beyond the obligation cast upon any former government. This was coupled with even more difficult problems, namely, the demobilization of nearly half a million men, their transportation from the battlefields of Europe across the Atlantic ocean, and then, after reaching the shores of Canada, the transportation of almost half of them across this continent. This in itself is an achievement of which any government might well boast.

Demobilization involved not only the return of our forces and a large proportion of their dependents, but the even more difficult problems of making provision for the hospitalization and the care and treatment of the disabled, the establishment of an adequate pension system, and the devising of schemes for assisting the disabled, as well as other classes, in again becoming self-supporting and able to contribute to the volume of our industrial production. The assimilation of this number of men in a population as small as we have in Canada was a problem that in the press and on the platform was heralded far and wide as almost insoluble; and yet we may felicitate ourselves that in about twelve months we have not only successfully carried out the transportation of our troops from Europe to our own country, but that we have established more successfully than any of our Allies schemes and systems which have to do with re-establishing our troops in civil life and again placing them on the footing of citizenship. Not only in these great problems, namely, the carrying on of Canada's part in the war, the demobilization of our troops and the absorbing of them in civil life, but in the financing of the war to the extent of nearly two billions of dollars has this Government proved equal to the obligation with which it was charged.

The financing of Canada's part in the war within our own boundaries was an undertaking in itself which at one time we thought impossible. The success of the last loan, which we floated in Canada a few months ago, and of which nearly seven hundred million was subscribed, stands to-day as the greatest tribute to Canada's patriotism, prosperity and resourcefulness. Moreover, it bespeaks the confidence of the people of Canada in the Government that placed the loan on the market and is charged with administering its expenditure.

The Government has been equal to the many other problems brought about by the war. It has dealt, probably more successfully than any of our Allies have done, with the many abstruse problems of labour and the dangerous unrest which during the last two years has found expression in our large centres. We can say with confidence that Canada to-day in its freedom from unrest and labour difficulties, is far in advance of either the United States or Great Britain.

The Government has been attacked in the country and in the press for not having done anything. I have read criticism after criticism; I have read denunciation after denunciation by the opponents of the Government; but I have yet to learn of any concrete charge brought against it by reason of its inability to grapple with any problem with which it has been faced; and I challenge any of my hon. friends opposite to point to a concrete instance in which the Government has failed to rise to the occasion. My hon. friend the leader of the Opposition has referred to the failure of the Board of Commerce to carry out a certain order which it at one time made. The fixing of prices is one of the most difficult problems that the Government has been called upon to face. It practically means the setting at defiance of the economic laws. Not only here, but in the United States and Great Britain, tribunals have been appointed to grapple with this question; and I venture to say that what has been done here will bear investigation, will reflect credit upon the board, and will establish the fact that the Government made no mistake in creating the board.

Canadian trade is improving and growing by leaps and bounds, notwithstanding the almost insurmountable difficulties that we have been called upon to face. The present fiscal year will find our exports and imports

increased far beyond those of any period in the past, and likewise beyond our expectation. Our revenues are not only buoyant, but are mounting up to a volume that will dispel all doubt as to our ability to meet our obligations.

This is not the time to enter upon a review of the many domestic or internal questions with which the Government has been charged, and not growing out of the war. Suffice it to say, that in themselves, they formed a sufficiently large volume of responsibility to command the serious attention of a government. When I refer to these matters I have in view problems which this Government inherited from its predecessors, and which for some years to come must necessarily go to make up the serious side of government in Canada. When we think of the public business of Canada ten years ago, in comparison with that of to-day, we are almost overwhelmed at the growth and momentous importance of the questions that to-day demand our attention.

The great questions that face us at the present moment are the questions of trade and revenue. Our public debt, since the beginning of the war, has mounted up from three hundred and fifty millions of dollars to some two billions. The ability of Canada to meet her financial obligations will be the supreme test of our success or failure. This obligation, for years to come, must necessarily be the incentive and the impetus of the Government in Canada.

Growing out of this directly must spring up the development of our national resources, and likewise of our trade; the opening up of new markets and the growth, more particularly in manufacturing than in any other direction, of industrial activities. The very life and being and growth of Canada will be in proportion to the development of our industrial enterprises. If Canada is to carry lightly the burdens placed upon her shoulders, increased production in manufactures must be her aim for years to come. Nature has bountifully furnished us with agricultural possibilities superior to those possessed by almost any other people—soil, climate, products and markets are the heritage of the Canadian people; but in manufactures we face a battle that calls for all the fighting spirit and human energy of the Canadian people, if we are to build up great centres and marts of commerce throughout the Dominion. In this field, we have to compete with the industrial life not only of this continent but with that of the entire world. In failing to carry on this fight successfully we shall fail in our national destiny. Canada's destiny is wrapped up in this problem. It is the "Open Sesame" to success and national importance. Upon the position that Canada's manufactures take in the great manufacturing nations of the world will depend the position accorded us in the galaxy of progressive nations. In my judgment, the great task before this Government or any successor which it may have, is the establishment on a rock foundation, so that it will stand four-square to all opposing elements, of a policy that will wrest from primeval nature those resources with which the Creator has most bountifully enriched us, and convert them into the finished product for the use of man, and increased wealth and revenue to Canada.

It goes without saying that this desideratum can only be brought about by the adoption and continuance of a fiscal policy that will afford opportunity for the growth and expansion of our national industries. This, for the last forty years, has been the policy of the Canadian people. Since its adoption it has withstood the attacks and shocks of all who would pull it down or destroy it. There have been times when those who most viciously attacked this policy were placed in the position of arbiters to decide whether it should be destroyed or continued. When faced with the duty of deciding whether their former professions of antagonism should be acted upon, they realized, notwithstanding their former opposition and professions, that this national policy was something more than a shibboleth, that it was woven into the warp and woof of our national life, and that its continuance was imperative for the good and the growth of the nation.

During the years of war-tragedy through which Canada has passed, this Government has stood firmly by the helm. The ship of State has been piloted through the turbulent waters of stress and storm, until to-day Canada looks forward with hope to the voyage of prosperity upon which she is about to enter. The Government claims credit for the work which has been done, for overcoming the almost insurmountable difficulties that confronted it, and for the confidence which it has displayed in continuing the work on which it has entered.

The times call for stability of national purpose; for a policy and an administration upon which the country can rely; for a resistance to those movements based on the unrest and visionary systems which make

for disturbance and upheaval, and for which the war is largely responsible. Human affairs seem to be in the melting pot. Everything suggests a state of flux. All the nations involved in the war are now digging themselves out from the debris of the crash and wreck that prostrated for the time being most of the powers of Europe, and at the same time most violently disturbed national conditions on this continent. The citizen can render no greater service than by loyally supporting the established institutions of government, and relegating to the distant future new political movements, having for their object the pulling down of recognized systems of trade and government. If we are to emerge successfully from this national unrest; if we are to build up a greater Canada on the foundations that we have laid; if we are to emerge at this most critical time into a progressive and prosperous people, we can do so only by giving the utmost stability to our institutions of government and by creating a public confidence that what is done by the Government for the building up of our national interests will have behind it a guarantee of stability and security as against the disturbing movements of political dreamers.

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

HIS MAJESTY'S MESSAGE.

MOTION OF ACKNOWLEDMENT.

Hon Sir JAMES LOUGHEED moved:

That His Honour the Speaker do make grateful acknowledgment of the gracious message of His Majesty the King, on behalf of the Senate of Canada.

The motion was agreed to.

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

THE SENATE.

Wednesday, March 3, 1920.

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

Prayers and routine proceedings.

REVISION OF PUNISHMENTS BILL.

FIRST READING.

Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.—Hon. Mr. McMeans.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Tuesday, March 2, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the Session.

Hon. RAOUL DANDURAND: Honourable gentlemen, I desire first to congratulate the honourable gentleman (Hon. Mr. Chapais) who has been called to this Chamber to occupy the seat for the Granville division. It has been my pleasure and advantage to follow the career of the honourable gentleman since he has been in public life, as it is about the same length of time that we have both been interested in public affairs. His selection speaks well for his high standing in our community. I confess that when a vacancy occurred in our province, I feared the present Government, not knowing the province of Quebec, had nine chances out of ten of going astray. Fortunately the present Cabinet had heard, as they could not help hearing, of the honourable gentleman and his splendid record. If I am not mistaken, the honourable member for Granville (Hon. Mr. Chapais) could have come into this Chamber about three years ago. Rumour has it that he was offered a seat, which he respectfully declined because there was coupled with it the offer of a portfolio. If his refusal at the time is a fact which cannot be controverted, I doubly congratulate him for having declined to comply with the condition which was attached to the offer of a seat in this Chamber; for the province of Quebec has spurned representation in this sham Union Government.

Last summer a newspaper stated that Sir Robert Borden, who was navigating the waters of the St. Lawrence, in the province of Quebec, was in search of French-Canadian colleagues. I thought it well to inform Sir Robert Borden why he had failed if he was really on such an errand, and I wrote an article under my own signature, which I intend to put on record, because it represents first my views, and, I believe, the views of the province of Quebec at large on this question of the representation of our province in this so-called Union Government. I published this on the 12th of August in Le Canada. As all the members of this House understand both languages I will read the article in French as it appeared:

[Translation.]

Sir Robert Borden and the province of Quebec.

The Gazette announced recently that Sir Robert Borden desired to give our province its just share of representation in his cabinet, but that he was prevented from doing so because of the fact that the French-Canadians had at the election of 1917 rejected all his candidates. In the same way Senator L'Espérance had during the last session stated in the Upper House that if the French-Canadians were without representation in the ministry the fault lay at the door of their chiefs, who had been invited to join it.

We must not allow such a story to propagate itself, for its sole purpose is to exonerate from all blame in that connection Sir Robert Borden, whom we regard as personally and solely responsible for the isolation of the province of Quebec. It was he who desired to bring about that isolation, and he systematically pursued it.

At the elections of 1911 Sir Robert Borden found himself powerless to obtain a majority, unless he succeeded in dividing the province of Quebec. It was this which he succeeded in doing through his alliance with Mr. Bourassa and the support of the pseudo-nationalists.

In 1917 Sir Robert Borden had no hope of successfully repeating his double game. It was clear that our province was going to drive out the Nationalist Conservatives, who had odiously deceived it.

The chief of the Conservative party could no longer count on the same support in the other provinces, for his ministry had suffered in public opinion through the outbreak of numerous scandals, which had led to the resignation of Sir Sam Hughes and of Robert Rogers. The West also formed a solid block against him, who had sacrificed their interests on the question of reciprocity.

Sir Robert Borden returned from Europe in May, 1917, filled with sombre presentiments. He knew that the Opposition would not agree to a second prolongation of the life of the present Parliament, and he realized that his days were numbered. He had not till then thought of uniting all the forces of the country for the more effective carrying on of the war. He had governed by and for his party which thought first of its own fortune, and after that of the war. That state of mind showed itself clearly when in 1915 a Toronto newspaper suggested the formation of a union government. The idea was received with a burst of derisive laughter by all the Tory press. That was the frame of mind of the party and of its chief up to the moment when power seemed to be slipping from their hands, after three years of war.

What was the military situation at that time? Canada had already equipped and sent to the front 400,000 soldiers. The United States had just entered the lists, and opened to the allies their immense reservoir of men. Their riches were enormous, and had increased by gigantic strides during the war. They had already 100,000 men under arms, and they could call up others more quickly than was possible for us, and as many of them as they wished. To make an effort equal in proportion to ours, the Americans would have to raise an army of 5,000,000. We were to be henceforth allies. There was no longer any frontier line between them and us. Our cause was a common one. It was the same transports—for the most part English—which would carry over the American as well as our own Canadian soldiers.

Canada, which had never up to that time had recourse to compulsory service, had less reason than ever to resort to such a system.

These were the conditions existing at the moment of Sir Robert Borden's return to the country. The election was imminent. What new tactics was he going to employ to maintain himself in power? He told us that he desired to create a union government in the country, that he might assist the allies to win the war; but, before asking Sir Wilfrid Laurier to join him, he entered the House and announced that he was going to lay before it a Bill for conscription, to secure the enrolment of 100,000 new recruits. It was after that that he knocked at the door of the chief of the Opposition, Sir Robert Borden knew perfectly well that the preliminary condition which he had just proposed would inevitably evoke from Sir Wilfrid Laurier a negative answer, for he knew his opinion, which had been expressed publicly in the Commons, and which reflected public sentiment in the province of Quebec, which was unanimous in its opposition to conscription. The manoeuvre was intended to place his adversaries on one of the two horns of a dilemma. Either Sir Wilfrid Laurier would consent to enter the Cabinet, something beyond the range of possibility, and Sir Robert Borden would be assured of an easy return to office. Or Sir Wilfrid would refuse the offer, and Sir Robert would make an appeal to the English provinces against our province, and unchain against her all the passions of race and religion, and, in case of need, there was to be a so-called War-time Elections Act, which would create for him an assured majority.

Such was the programme which Sir Robert Borden brought back from Europe, after having for a long time deliberated upon the chances which this combination offered him. He was aware, as we have said, that Quebec was unanimously hostile to conscription. His alliance with Mr. Bourassa in 1911 was founded on the knowledge that he had acquired in Drummond and Arthabaska that the French-Canadians were radically and unalterably opposed to every form of militarism which would attach them to the imperial war chariot. When he formulated his hope of the sacred union in the country and invited Sir Wilfrid Laurier to take his place by his side, that they might give their united support to the Conscription Bill, his duplicity was clearly revealed. If he had been in good faith, and if he had desired that the minds and energies of the entire country should be devoted to the victorious pursuit of the war, he would not have begun with a declaration of policy which had exactly the contrary effect. In that case his first thought would have been to invite Sir Wilfrid Laurier to study with him the measures to be taken and the programme to be adopted for the creation of that union in the country and in the Government. In first declaring for conscription, Sir Robert said clearly, in so many words, that he did not wish to share power with Sir Wilfrid Laurier, whose prestige would have too easily eclipsed his own.

To avoid sharing power with another, Sir Robert did not hesitate to place the two races in violent antagonism, to create the false impression that Canada was not unanimously in favour of the Allies, and to have his faithful henchmen cover the province of Quebec with ignominy and insult. He fooled her in 1911, under the guise of nationalism. He openly flouted her in 1917:

The success of the Allies was then far from his thoughts. He paralyzed for more than six months all enrollment for the front and our troops in the field received fewer reinforcements during the twelve months which followed the introduction of conscription than they had under the voluntary system. But he won the election, which was the one object of this bit of political strategy. In the same way, in 1911, in order to gain the election, he paralyzed the construction of a Canadian navy, which would have protected our coasts in the day of peril.

It is untrue, therefore, to say that, if the province of Quebec is isolated, that is not the fault of Sir Robert Borden. There is not a single French Canadian possessing the least regard for his own dignity and for his duty towards his race who would consent to serve under a man who had treated his people so shamefully. Temporary isolation is better than servitude. To enter this cabinet would be not only to commit an act of servility, to play the role of a whipped cur, but it would be also to become an accomplice in the robbery, in broad daylight, of the last elections, which imposed upon us what is nothing but a *de facto* Government. To this Government, born of force and trickery, the product of an iniquitous election law, the province of Quebec owes nothing but the expression of her contempt.

RAOUL DANDURAND,
Senator.

I have said that we are to-day facing a sham Union Government. When the idea of a Union Government was first mooted by Sir Robert Borden, he went to a number of the leaders of the Liberal party and offered them an opportunity to join in the administration of the affairs of the country and to form a Union Government. What was the answer which he received from these gentlemen? It will be remembered that they came to Ottawa to confer upon the question. The answer was a most humiliating one to Sir Robert Borden. They said unanimously, "We will not serve under you, Sir." Some few days after the Session the Montreal Star published a telegram from Ottawa, stating that the gentlemen who had looked with contempt upon the offer of Sir Robert Borden would yield, and that the reason for their yielding was that the War Time Elections Act would force them to come to their knees, because in it Sir Robert Borden had a strangle-hold upon them. Two gentlemen, Messrs. Carvell and Maclean, had qualified the War-time Elections Act as a most horrible, iniquitous piece of legislation. Those words are to be found as having been uttered by these gentlemen from their seats in the House of Commons in the last days of the session of 1917. There are people who would have struggled, even to suffocation with that strangle-hold, rather than go down on their knees; but some of these gentlemen were not built that way—they swallowed the infamy with the portfolio. I am proud to say that the Liberals of Quebec were not in that class.

The leader of the Government yesterday boasted of the achievements of the Government during the last three years. He laid particular emphasis on their accomplishments in finance. What seemed to loom up largely in his mind was the ability of the Government to borrow money. They had increased the debt from $350,000,000 to $2,000,000,000. They had appealed to the people and had obtained their support in a marvellous way—that was a feat to boast of. The Government borrowed from the people of Canada at 5½ per cent interest, giving them an assurance of exemption from taxation, something which never appeared to me to be worth boasting about. Many were the financiers in Canada who thought it was a most imprudent and most dangerous policy to pursue and that it would create a difficult condition and cause violent recriminations in the collection of the Income Tax. They were answered that that was the only way to ensure the success of the loans. My honourable friend has boasted of the last loan, $700,000,000 which was taken up by the people of Canada. I would ask him to reflect and consider whether that last loan, which was not made free from impost, is not a full condemnation of the previous loans, and of the previous policy followed by the Minister of Finance?

What was that policy based upon? It was a policy which allowed wealthy people to invest their money in loans which would free them from the income tax. What was it based upon, if not a distrust of the people? There was a patriotic duty to perform, and instead of going squarely to the people and telling them that they should take the loans of the Government at 5½ per cent, they lured them to it by the exemption from taxation. The people gave the Government a lesson in patriotism by subscribing $700,000,000 last autumn without that exemption. To my mind the true test of statesmanship is not to be found in the levying of patriotic loans in Canada. To borrow and to spend lavishly is easy. In my opinion the real test is to be found in demobilizing extravagance. The real test of statesmanship at this moment, is in the restoration of pre-war conditions in all the departments, and in finding ways and means for re-establishing the financial equilibrium. The first duty of the Government after the 18th of November was to see that its house was promptly put in order. One needs

courage to raise revenue through taxation. How can it be done otherwise? Where is the money to come from if not through appeal to the pockets of the people at large? As I have said, it is easy to borrow money, and while the loan was increasing by hundreds of millions, and while my honourable friend was thinking that things were running merrily along, I could not help thinking of the constantly increasing annual charge for interest that would fall upon the shoulders of the taxpayer. The continuation of the policy of borrowing only aggravates the situation. Why has no policy been expressed to-day which would hold out the hope that conditions are soon to change? My belief is that the Cabinet is too weak and too divided to bring down a policy which would lead us to hope that we might meet our yearly obligations. I am convinced that the present Cabinet will, before September next, announce another loan of $500,000,000.

My honourable friend spoke with glee of the last loan of $700,000,000; I think at the same time of the $38,500,000 interest upon it the country will annually be called upon to pay. As I said last session, I am convinced that the taxpayers of this country will have to be bled to the tune of $200,000,000 in additional taxation in order to meet our yearly expenditure. We have heard no announcement, either in the Speech from the Throne or in the speech of my honourable friend, which would indicate that the Government has any idea of where this supplementary $200,000,000 is to be found. Why have we had no indication of a policy which would tend to re-establish confidence in the country? Why? One of the most influential newspapers in the Conservative party has said that it was because the Cabinet was headless and brainless. Yesterday morning, coming up on the train to Ottawa, I read a curious despatch sent to the Montreal Gazette by one of its correspondents. It said:

> If Hon. J. D. Reid and Hon. James A. Calder, who are in New York to confer with Sir Robert Borden, fail to secure the Prime Minister's consent to remain as nominal leader of the Government, they will ask him to name his successor. These ministers and some of their colleagues are opposed to a parliamentary choice of a leader and would in the event of Sir Robert's retirement prevent this by having Sir Robert hand his crown to his own choice. Any leader chosen will have a difficult task, but it will be doubly difficult if the parliamentary supporters are told why they must follow instead of making the selection. Sir Thomas White has definitely stated that he will not be a candidate for the leadership nor accept it if offered him. Sir Robert will be asked to name first and second choices, and these will be Sir Thomas White and Sir Henry Drayton. Hon. James A. Calder is a favourite of the Prime Minister and would be quite willing to be a compromise selection. The Cabinet ministers, with the exception of two or three, would accept any leader except Hon. Arthur Meighen. The Commoners would accept Mr. Meighen and would be split in several factions were he ignored. It is believed, however, that the ministers in New York will prevail with Sir Robert and return with the glad tidings that the Prime Minister will retain office. This will carry the Government through the session, and with Parliament prorogued the Cabinet with eight months' recess can afford to ignore the Commons.

I have said that this influential and respectable organ of the Conservative party felt that the Government was headless; and it establishes that it is brainless by adding:

> Unionist troubles are due to lack of an accepted policy to an even greater degree than from absentee leadership.
>
> Hon. W. L. Mackenzie King was justified in his criticism of the Government on this issue. The Unionist Cabinet cannot continue to exist indefinitely on its war record, no matter how clean and effective. Its supporters in the Commons are sick at heart from the Government's indecision and procrastination in formulating a constructive policy. A war administration is of necessity autocratic and secretive.

Then, in order to show the chaotic condition of the Cabinet, the writer goes further and explains that the Government stands nowhere before the people. He says:

> While it is doubtful if there will be Unionist candidates in either St. James, Montreal, or Temiskaming, there will be candidates who support the Government's fiscal policy. In Temiskaming there are two candidates in the field, Liberal and Farmer-Labour. A Conservative convention has been called, but this will probably be cancelled and a well-known business man with large interests in the constituency enter the fight as an independent protectionist. Owing to the lack of Unionist organization and even a platform, it is very difficult to secure an official candidate. There is no one authorized to call such a convention, nor would there be much to gain by being selected as the Government's official candidate, as in the past Cabinet ministers have given no support to such candidates either by endorsation or on the platforms.

This is delightful irony. The Government will have no candidate in those three constituencies, but will try to win on its fiscal policy. It will not show its face; it will rely upon the Opposition carrying its colours to victory.

Now, what is the fiscal policy that is spoken of? Is it the high tariff of the Cockshutt wing of the Conservative party, the low tariff of the Calder group, or the moderate tariff of the Meighen-Winnipeg brand? We do not know. It appears that the Government will have no candidates

in those three constituencies; yet, their policy will be there. It is important that the people should be told what the policy is, as there may be so many candidates that the people will be at a loss to know what candidate they should vote against. I may inform my honourable friends on the other side that Quebec is not just now much concerned with the policy of the present Government; it has decided to vote against this sham Union Government. The Tory-Union Government must atone for its sins. The Tory party in 1911, by denying them reciprocity, brought the western farmers into the political field. The Tory party bedevilled the province of Quebec in 1911 by subsidizing the Nationalists and by constantly traducing it thereafter. The Tory-Union Government aroused the farmers of Ontario by violating their pledge not to conscript their sons. Here is a statement by Sir John Willison, a pillar of the Unionist temple, on the situation in Ontario, contained an editorial in the Montreal Star of October 28. After explaining that prohibition had much to do with the defeat of the Hearst Government in the cities and towns, he goes on to say:

> In the country many farmers were sullen over conscription, not because of the fact of conscription but because they had been urged to increase production and assured in the last federal election that their sons would not be taken and the supply of farm labour further depleted. But they held that definite pledges were set lightly aside and they took the first opportunity to punish a government which, although it was not responsible for federal pledges or their fulfillment, was in general sympathy with the Unionists at Ottawa.

To dispel any illusions on the part of honourable gentlemen, I must repeat that those farmers who were sullen because of their sons being conscripted were not from the province of Quebec; the article refers to the Ontario farmers. And kindly note the difference in the treatment bestowed upon the two communities. While Quebec was being abused and vilified by the so-called Unionist party, by the Conservative party from Ontario, that same party and organization were promising immunity to the sons of the Ontario farmers. If you observe the difference in treatment you will understand why there is no French Canadian representative in the Cabinet and why Ontario dominates the Government. Is it any surprise that the Government has no friends? It looks in vain towards the West, the Centre and the East. It is half crumbling. It is time indeed that this rump Government, born in iniquity and maintained by duplicity, should end like a horrible nightmare. It tampered with the franchise to steal power. It may be tempted to repeat the performance. But I dare it to do its worst. It is irremediably doomed.

The honourable gentleman who moved the Address (Hon. Mr. Proudfoot) spoke of the new national status of Canada—of our increased autonomy resulting from our becoming a member of the League of Nations. Last year the Government boasted that by Order in Council they appointed their own representatives to the Peace Conference. They claimed that we had thus made a step forward in the development of our national status. I stated that if the present Government had passed an Order in Council naming representatives to the Peace Conference and had sent that Order in Council direct to the King to be approved by him, and if those representatives had been appointed by him without consulting his Imperial Cabinet, I would recognize in that fact a considerable advance in our national status, but I feared that the Canadian Cabinet had been obliged to act through the British Cabinet, the immediate advisers of the King. When the correspondence was brought down, I found that as a matter of fact the Order in Council had been sent to the Prime Minister, Mr. Lloyd George, and he had been pleased to submit it to His Majesty the King for his signature. To my mind this does not prove that our autonomy has been enlarged. We remain as we were. The British constitution is an unwritten one; ours is a written one and we must act within the four corners of it.

I read last year a statement which had been made in 1908 by the then Prime Minister of Canada, Sir Wilfrid Laurier, at an important function held in the city of Quebec, which the then Prince of Wales, now His Majesty King George, attended with the Governor General of Canada, Lord Grey. While Sir Wilfrid Laurier was speaking the words which I shall read, I was very much interested at the impressions that were displayed by one of the testamentary executors of Cecil Rhodes, the late Earl Grey, who felt impelled by his convictions, his enthusiasm and idealism to bring Great Britain and the Dominions closer together, by the creation of an Imperial Parliament. He was dismayed to hear these words, which to his great surprise were applauded by the heir to the throne, the present King George. Here are Sir Wilfrid's words:

> As I advance in years I appreciate more the wisdom of that British constitution under which

I was born and brought up, and under which I have grown old, which has given to the various portions of the Empire their separate free governments. It is our proud boast that Canada is the freest country in the world. It is our boast that in this country liberty of all kinds, civil and religious liberty, flourish to the highest degree. To those who look only on the surface of things, this may not be apparent. The fact that we are a colony does not alter the truth of his statement. The inferiority which may be implied in the word "colony" no longer exists. We acknowledge the authority of the British Crown, but no other authority. We are reaching the day when our Canadian Parliament will claim co-equal rights with the British Parliament, and when the only ties binding us together will be a same flag and a same Crown.

To hear my honourable friends from the other side, and their leaders, it would seem that we had reached the stage at which we could claim that we were no longer a dependency, but a sister nation and that we exercised co-equal rights with the Imperial Parliament. I still believe that we are in the same condition as we were in 1867, for I find in the Votes and Proceedings of the House of Commons two resolutions moved by the Minister of Justice, addressed "To the King's Most Excellent Majesty" and asking him to consent—

To submit a measure to the Parliament of the United Kingdom, to amend the British North America Act, 1867, in the manner following, or to the following effect:

An Act to amend the British North America Act, 1867.

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same as follows.

Then comes the amendment itself, which bears on the right of making inquiry as to the age or infirmity of judges sitting in the Superior Court.

The other measure has for its object a declaration that "any enactment of the Parliament of Canada otherwise within the legislative authority of the Parliament shall operate and be deemed to have operated extra-territorially according to its intention in the like manner and to the same effect as if enacted by the Parliament of the United Kingdom."

Honourable gentlemen, I see nothing altered in our status. We are still dependent upon the Imperial Parliament for the exercise of any power which we do not find in the British North America Act. It seems to me that the Cabinet, flushed with pride at Canada having attained national status by being represented in the League of Nations, might well have passed an Act declaring that the Parliament of Canada, having co-equal rights with the British Parliament, "enacts as follows" and might have sent the Bill for approval to the other side, thus creating a precedent. Now is the time, if ever, for this Canadian Parliament and the Dominions at large to claim co-equal rights with the British Parliament, recognizing a common king, but no subservient or dependent situation. This has not been done, and I regret it, because it seems to me, with the feeling now prevalent in Great Britain that the Dominions must no longer occupy the position of mere colonies, but should be sister nations, we ought to have been able to obtain recognition of our equality and of our full nationhood.

Hon. RUFUS H. POPE: Honourable gentlemen of the Senate, I have listened attentively to the honourable gentleman who has just taken his seat. I think it unfortunate, as I have previously stated, that members of this honourable body do not refrain from participating in party caucuses. I observe that the Liberal party held a caucus the other day. Even if I had not read of that political caucus I should have learned of it by listening to the speeches of the Hon. Mackenzie King and others, the day before yesterday, and by listening to the speeches of the Liberal Senators in this House. The speeches were all of the same type. I say it would be much better for this House to stand absolutely, or to a great degree, independent of those party affiliations, especially if, as the honourable member for Delorimier (Hon. Mr. Dandurand) states, the parties in the other House do not represent anything. In that case we do not want to be associated with them. In view of the dignity and independent position of the Senate of Canada, its members should not engage in political or party strife.

The honourable gentleman started off with the complaint that the French Canadians of the province from which we both come have not the representation they ought to have in the Cabinet. Then he read in French a very long statement, which my imperfect education, I am sorry to say, prevented me from closely following. A few moments later he informed us that the present Cabinet and the Union Government, or the so-called Unionist party, were not sufficiently attractive for the province of Quebec to think of associating with them. If the honourable gentleman truly represents his province, as he claims, and if such is still the sentiment of Quebec, I should like to know what practical scheme the honourable gentleman proposes in order that the French Canadians of Quebec

may find representation in a Cabinet which he says is not attractive and is unworthy of that great branch of the Canadian family.

If I did not misunderstand the honourable gentleman, he stated that in 1917 the French Canadians were not represented in the Cabinet, but he is aware that we went to the people with two French Canadian members of the Cabinet, Hon. Mr. Sevigny and Hon. Mr. Blondin. Their fate was the fate of political parties in time of great strife or stress. Well do I remember the National party under Mr. Mercier, of whom the honourable gentleman was a follower. He was the father of the National party in the province of Quebec long before R. L. Borden was thought of in the public life of Canada. Well do I remember the keenness of that struggle which resulted in that honourable gentleman having not a single English-speaking representative in the local House at Quebec. The honourable member for DeLorimier (Hon. Mr. Dandurand) will agree that such a situation was not due to ill-will or a desire to deprive any one of his constitutional rights and privileges, but was simply the result of an election. And what happened? A way was made for Col. Rhodes in Megantic county, because we desired to have a representative in the provincial cabinet; not because we believed in that cabinet, not that we were in agreement with Mercier and his National sentiment, but because we thought the English-speaking people of the province of Quebec should have at least one representative in the Government. And Col. Rhodes remained in the Government until defeat.

It was unfortunate that when the Union Government was being formed, the offer of a fifty-fifty arrangement was refused by the late lamented Sir Wilfrid Laurier and those associated with him. It was unfortunate for the province of Quebec, and I shall ever feel that that right honourable gentleman missed a great opportunity to unite the people of Canada when he declined to make whatever personal sacrifice was called for and to enter the Cabinet which was at that time being formed for the prosecution of the war. The attitude which he then took created a certain sentiment in our province, and naturally his advice was followed.

Honourable gentlemen, permit me to say that in this House, as well as outside, I am known as a Liberal Conservative, and the ideals and traditions of the Liberal Conservative party are as sacred to me as the ideals and traditions of any other persons are to them, no matter what language they speak, and while I deemed it my duty to give to the Union party when it was formed, and to this Union Government, in the interest of unity and the prosecution of the war, all the support and influence I possessed, yet I do not feel that I have forsaken a single one of my principles or ideals. And, honourable gentlemen, I will go further and say that if Union Government can make good, if they can do as great things and can go forward as fearlessly, regardless of popularity and party politics, in peace time as they did during the war, they will still have my support, although I am a Liberal Conservative. As president of the Eastern Townships Liberal Conservative Association, which has its ramifications in nine or ten counties, I am calling the members of that association together at a very early date. We did not meet during the war period, because the Prime Minister of Canada said that political matters and political organization should not be taken up during the war. In 1917, when the writs were issued, we met and decided to take no part in the elections. The members of the organization were to have a free hand. I went my way as I saw fit, and others, of a different nationality, went their way as they saw fit, and now that that strife is over, now that that difficulty is passed, I see no reason why we should not bury any hard feelings that may have been engendered.

But my honourable friend (Hon. Mr. Dandurand)) says we are not fighting the by-elections, but are putting up independent candidates to fight them on principles and ideals, and he does not understand that. I am not surprised that dyed-in-the-wool Liberals like my honourable friend cannot understand. It is because they never had any principles or ideals, never fought for any, and do not know anything about them. Any set of ideals and principles that they ever published at any of their conferences were violated and thrown into the scrap basket when the opportunity arose to put them into force. My honourable friend is astonished and surprised, and I sympathize with him in his miserable condition. But, gentlemen, I am not the keeper of the Government. Whether or not they shall go forth to fight these by-elections, it is not for me to say; but if they do go forth, armed with principles and ideals, I venture to say that they will come back having won some victories.

The honourable gentleman spent some time in dealing with the question of finance. I am not a financier, thank goodness. I am thankful too that I do not possess any-

thing that can be taxed. On questions of finance I am the happiest mortal imaginable.

The honourable gentleman has spoken about the unpopularity of this administration, and, to some extent, I am inclined to agree with him. In Canadian politics, in days gone by, we referred to candidates, parties, and policies as "popular." We spoke of "a popular candidate," "a popular party," "a popular policy"—about the only thing that seemed to be considered was the securing of something "popular." The honourable gentleman knows how many nights and days he spent striving to conceive something "popular" to give to the unfortunate party to which he belongs. He worked diligently, honestly, and well. Having got one of the most charming men in the world, Sir Wilfrid Laurier, a man of universal popularity, to lead them, the party started down the track under a full head of steam, and away they went until 1911, when the whole load of popularity was dumped. They should have built upon ideals and principles rather than upon the popularity of any individual. If this Government has lost the confidence of the people of Canada, it is wonderful to think that they can borrow $2,000,000,000 from a free people who have no confidence in them. That in itself seems contradictory.

In the Government to-day we have from the province of Quebec the Honourable Mr. Blondin, who is a member of the Senate. He comes in for much criticism in another place, and I presume there is a certain amount of it here. We have the Honourable Mr. Ballantyne, of the city of Montreal, and the Honourable Mr. Doherty, also of the city of Montreal. The only other Government supporter elected in the province of Quebec was Mr. Ames, and he was sent as the benevolent representative of this Government to Geneva or some other pleasant place, in order that we might be able to say to the province from which he came that we furnished places for all the men they sent us. I say to my honourable friend, although I cannot speak for the Government except as I know it, that if three more bully good fellows are sent here we will find three portfolios for them. There is no animosity on this side of the House. If any province wants representation it must elect some one to support the Government. It would be impossible for the Government to go across the floor of the House and select the gentleman who has just taken his seat. With all the animosity that he seems to harbour and encourage it would be imposible for him to join the administration of Sir Robert Borden, or to accept the broad invitation extended by him, which would include even the honourable gentleman, regardless of the views that he entertains. If our French Canadian friends from the province of Quebec desire representation in this Government, there is no reason why they should not do exactly what was done in the local Government of that province. If they do not desire representation, and some of them say they do not—and an honourable gentleman on the other side of the House shook his head just now when I mentioned it—then, for God's sake, why take up the time of this House talking about it? Do not try to stir up ill feeling between the different elements in Canada; do not try to prejudice the people of Canada against Quebec. It is unfair to Canada, it is unfair to Quebec, it is unfair to the English-speaking people, it is unfair to the French Canadian people.

Hon. WILLIAM ROCHE: Honourable gentlemen, we have had a Speech from the Throne from His Excellency the Duke of Devonshire, representing His Majesty the King, and we have had a response moved by two talented gentlemen thanking His Excellency for the gracious Speech which he has delivered. I join with the gentlemen who have preceded me in expressing my satisfaction and pleasure that gentlemen of such talent should be added to this Chamber. My only regret is that the Government when it has chosen so many able and talented gentlemen as are in this House has not recommended them for and put them into the other House, where they might be able to reinforce and consolidate the Government, which at the present moment, exhibits such marked indications of decrepitude and disintegration.

May I add a few imperfect remarks along the line of those that have been made by the mover and the seconder of the Address. The mover of the Address, almost at the outset, expressed great satisfaction at Canada's advanced status. He intimated that the country was now in a different position to that which it previously occupied, and that a great and advantageous change had taken place in our relation to the Mother Country, so called; and he almost intimated that we were a separate and distinct nation. I do not think that situation exists. I think it is a mirage which honourable gentlemen have entered into, in which they have assumed

various positions and contortions of forms which really exist.

The honourable gentleman said that owing to the heroic achievements of our soldiers we were now in such a position that we were no longer responsible to the Mother Country but were an independent nation. He said that that was evidenced by the fact that we signed, as an independent power, the Treaty of Peace and the Covenant of the League of Nations. Does that condition really exist, or does it not? Gentlemen have asked for statements based not upon ideals, but upon facts. Is it a fact that we are separate from the Mother Country at this time? Are we governed by the Parliament and the King of Great Britain, or are we an independent power? As I take it, we sit here as the creatures of the British North America Act, passing out from the Parliament of Great Britain, authorized by the King, the Lords, and the Commons. What change has taken place? By what public act of the Parliament of Great Britain have we assumed this new status? Can any one tell us? When a great power renounces a colony or dependency, it does so by some Act of the legislature or some fiat of the Sovereign. When the thirteen States disassociated themselves from Great Britain, the King and all the heirs of the monarchy came down and signed their names to the renunciation of their power. Has this been done in our case? Are we not exactly where we were?

Hon. Mr. DOMVILLE: No, we are in debt.

Hon. Mr. ROCHE: The Governor General came down the other day, and we are answering his Speech. Is it not folly and delusion to talk about an advanced and different status? I am a British subject, and hope always to remain one. I echo the language of Sir John Macdonald when he said, "I was born a British subject and a British subject I hope to die."

The actions of our soldiers were commendable, and received world-wide renown. The fame and reputation of Canada as a fighting country was well maintained.

Was Canada ever a colony? We say we have escaped from the colony state, and have advanced into the monarchical or independent or governing state, whatever it may be. The province of Nova Scotia was a colony, and New Brunswick, that degenerate part that was once attached to Nova Scotia, was part of that colony. I do not think that Canada was ever a colony of Great Britain. The Canadian provinces as a whole were never a colony. They were peopled largely by emigrants from the revolting colonies in America, and were largely settled by the English people, and by the French people who remained in it. A large portion of the territory was taken from the French, and stolen from the Indians. The different provinces that were united by the British North America Act were called the Dominion of Canada. Is Canada at the present time a Dominion of the British Crown, or is it not? Gentlemen who contend that we have achieved an advanced status ought to be able to show us the public Act by which this status has been secured.

Another achievement, upon which the honourable gentleman has vaunted himself, is that we have acquired immense possessions by the acts of our soldiers. Well, what is that? We spent two thousand millions of money; we gave the services of five hundred thousand men, and, what was more precious, sacrificed the lives of sixty thousand men. What have we got in return? Great Britain got ships and colonies, and the other Powers seized upon whatever they could get. What has Canada got as a result of the achievements of these heroes of ours? We have got nothing. We have $2,000,000,000 of debt, and the melancholy spectacle of the graves in France and Belgium.

The honourable gentleman has boasted of the acquisition of peace. That is a great possession. We all freely admit that the cessation of war, with its sacrifices and struggles and tribulations, is a great achievement. I heard the leader of the Government yesterday, in a rather melancholy mood, somewhat different from the optismism that came over him later, asking where peace was to be found, and stating that the nations of the world were convulsed in upheaval and unrest. Where is there peace? Is there peace in China, in Japan, in Siberia? Is there peace in Afghanistan, in Turkestan, in India? Is there peace in the Balkan States, in the Caucasus, in Russia? Is there peace in the Adriatic? Is there peace in Austria or Hungary? Is there peace in Germany? Is there peace in England? Is there peace in Ireland?

Hon. Mr. BENNETT: Never.

Hon. Mr. ROCHE: Well, then, I think we can lay aside the great achievement of peace, because all the nations, especially those that are parties to the League of Nations, are secretly arming and getting ready

for the conflict— and the conflict is already going on in all these countries.

Mr. Lloyd George yesterday announced that it was a mistake to humiliate Germany. Two or three years ago Russia was our ally; later Russia was our enemy and we fought against her. Some two or three sessions ago I made a remark somewhat along these lines, and was derided for it in this House. But where are we to-day? British statesmen realize that Russia will be rehabilitated, and that she will be our greatest enemy in the future, and they are striving to build up a great barrier in Germany to repel any invasion.

So much for what we have acquired: our political status, and, as a last resort when all other things were illusory and ephemeral, peace. I pass from these topics. When honourable gentlemen reflect upon them they will come to the conclusion that we are suffering from an hallucination, and that what we have acquired is enveloped in clouds, and is very doubtful—that it will require all our energy and economy, all our co-operation and patriotism to re-erect society, to recover what was lost, and to come back to a healthy state.

My honourable friend who moved the Address spoke of the exertions of the soldiers, and said that we were to look to them to re-establish and develop the country. I hope that the soldiers, who have been put upon the land by the Government, will be able to make a living, and to pay back at least some of the advances that have been made to them.

But in the immediate future, to produce the resources which will raise Canada above want and debt, we must look to the re-establishment of industry and trade along normal lines; we must look to the profitable employment of labour and capital of the country, and, above all, we must look for reduction of prices before our foreign trade can be extended. It is useless to talk about the expansion of our trade until we can produce and send to the countries that want our commodities, articles of as good a quality as those produced by any other nation, and at a lower or equal price. Canada at the present moment is, I believe, the dearest country in the world. Our articles have been kept up at tip-top prices by the exertions of the producers and by the arbitrary interference of the Government.

Now take the question of trade returns. The honourable gentleman who moved the Address (Hon. Mr. Proudfoot) felicitated himself and the House on the fact that the imports were less in some respects and in some directions than the exports. What is the secret of that? The Government do not give us the quantities of articles exported or imported. They very carefully abstain from that, although the information has been asked for in Parliament many times. Why is it not given? Prices, both of exports and imports, are four times what they were formerly, and the quantity of trade looks large because it has been multiplied by the very high cost of the articles. Until the articles which we favourably produce in this country are produced at a low rate, our trade can never legitimately expand. The countries that will take our products are those that have become destitute, and have been deprived of their money. They will buy in the cheapest markets, or from any country that will give them credit in the hope of being repaid some day. We have given credit and have established trade by this artificial means, but that will not be permanent. It is by the production of articles of intrinsic value and by the production of articles at a moderately low price, or a competitive price, that we shall expand our trade in the markets of the world. I say that statements of that kind, no matter how elaborately or skilfully prepared, are entirely delusive; that they do not afford a just view of the resources or the operations of the country, and that they must be analyzed, if they can be analyzed, and show what articles are being exported, what articles imported, and how the articles that we produce may be exchanged for those we import. Trade can be established only along those legitimate lines.

The honourable leader of the Government in the House (Hon. Sir James Lougheed) felicitated himself, and urged it as a proof of the popularity of the Government and the confidence of the people in it, that huge loans had been acquired from the people of Canada. I shall not at all speak of the means by which these loans were acquired. The last loan was for $700,000,000. The minister thought it was a subject for jubilation that so much money had been obtained from the people. I think it was a cause of intense regret that in this and previous loans the sum of $2,000,000,000 had been abstracted from the capital of the country—for it was to a large extent taken from the working capital of the country—and spent in the air, spent for the services of war. The capacity of the country has been reduced by $2,000,000,000 which the Government has taken from the people. And what is the situation now? Inquisitors are out all over the land. Every tenth man you meet

is a tax collector, and a Doomsday Book is being made up every day. It is not at the end of the year. The emissaries of the Government are everywhere, spying out to see where they can supply more taxation. It will be more and more taxation. I would recommend to the honourable leader of the Government (Hon. Sir James Lougheed)—I know he will hear me, although he may be absent—that the Government should consider the possibility of beginning in this country a sinking fund, or by and by, with the lavish expenditure which is going on, our country will not be able to pay interest and will be so overwhelmed in debt that our currency will fall far below what it is at present. The financiers of the world know what the resources of a country are; they know what the amount of the debt is; and the currency fails in proportion to the amount of the country's obligations and the inadequacy of its resources to pay the interest and the principal of its debt.

It is within our recollection that after the war in the United States, notwithstanding what we may call the bounteous resources of that country—its huge territory, its material possessions of every kind and its energetic people—the currency of the United States was $150 to $200 of paper money for $100 in gold. They commenced to economize, they established a sinking fund, they liquidated the debt, and in a very short time the currency of the United States was equal to par in gold. That is the only legitimate and proper course for any government; not to go on, in profligate style, lavishing money here and there, but to commence at once to lop off all extraneous expenditure and to come down to the hard and fast rules of supply and demand in production and expenditure, until Canada once more rights itself and is an independent commercial, financial and political power.

I want to speak a word about this building. It has been very highly eulogized, and I do not agree entirely with the eulogy. I remember the old building. I came here in June, 1867, and those Scotch granite columns of the old building were going up in a green field, and down below, where the fence is, was an old rough stone wall. That building was picturesque in its pretty colour and association, and looked like an eastern palace. The variation in the stones and ornament and windows, and all the rest of it, made the building a very beautiful one. This, of course, is a commodious building. There are a great many offices and a great many passages. There is a labyrinth of entrances and exits. I hope none of the senators will be lost in it. The cost of the building, I believe, is as large as that of the public buildings in Albany, New York state. I do not know how much more it is going to cost, but I hope that the amount will be commensurate with the utility of the building, and that the structure will be an ornament and pride to Canada. It was begun at a very bad time, and I hope that every effort will be made to rescue it from being an immense and extraordinary expense out of proportion to its utility for the housing of Parliament.

With regard to the Franchise Bill, I may make this succinct remark, that I believe any Bill will be an improvement on the iniquitous War-time Elections Act—an Act that was odious to a great majority of the people—that was an eyesore and a grievance, and was tolerable only because it was enacted during the stress of the war, when almost anything was justified. I trust that the proposed Franchise Act will be just and equal to all portions of the country; that it will introduce to Parliament men who represent the various classes in the community, and represent, above all, the high ideals of the people in seeking the advancement and the renown and honour of our country; that it will be a measure which reflects the advanced sentiment, the patriotic motives and spirit of co-operation of every province in the Dominion.

I might go on to speak of other topics that were mentioned by the learned mover and seconder of the Address, but I forbear to trespass further on the time of the House. May I add my humble tribute to the acknowledgment that has been made of the immense importance of the visit to Canada by the Prince of Wales. By his genial manner, his bonhomie and his disposition to become acquainted with even the humblest, he endeared himself to every one who came in contact with him. His very high station was represented by his mature dignity, and the goodness of his nature and disposition by his affable manner and his cordial reception of all who came to him. I join in the congratulation, and if Canada should be a separate nationality, according to the dreams of the honourable gentlemen opposite, I hope that the successor of the Duke of Devonshire, who, I hear, is going away, will be His Royal Highness the Prince of Wales.

Hon. JAMES DOMVILLE: Honourable gentlemen, I did not intend to say anything,

because "speech is silver, but silence is golden;" but when you are urged by being prodded here and there, it very naturally occurs to you to make some remarks which your friends and other persons may read. While there have been good men all about, the lower provinces are not represented in the Cabinet. Nova Scotia, New Brunswick and Prince Edward Island are without representation. Where is the security of the Union Government if they cannot take in representatives of some of these provinces? The Government must have considered them of no use, or would not have them, or else the Government was afraid to open up the constituencies. It is of little use for us to speculate as to what the nation is thinking of, but I tell you that if there were an election to-morrow—not that I wish it—the opponents of the Government would sweep this country. I could refer you to men, some of them under this very roof, who would tell you the same thing.

Reference has been made to the debt of Canada. The question is, how are we going to pay it? As the president of a bank once said, unless you have money in the bank, you cannot take money out. I agree with the honourable gentleman from Halifax (Hon. Mr. Roche) that our currency can be restored to a gold basis only by economy and by progress in development. Look at the middle man to-day. Coal is now being sold at $20 a ton, and if this were the time and the place, I could tell you something of what is going on in this respect. And the price of $20 is for a short ton, 2,000 pounds. Think of the man who has a wife and babies dependent upon him and who is in want. If you talk to him of the beauties of our Parliament Buildings and the greatness of our leaders, his answer is: "Bosh! rubbish!"

I will not discuss the question of our part in the war, although I have my own ideas on the subject. However, our present situation is such that it is the duty of all who desire to serve their country to do what they can to bring it out of this Slough of Despond.

Canada is entering upon a new career. Some honourable gentlemen have spoken about our autonomy. Well, I do not know what it is. We are in an unfortunate position because of the absence of our Prime Minister. If he were here he might enlighten us on the subject—he might tell us something we do not know. But, unfortunately he has been in poor health, like myself. But I am here to do my duty, and I do not care whether my vote is Liberal or Conservative, for my only watchword is "Canada." I will not be led astray by any highfalutin cries in favour of this person or of that. We are entering upon a new era. Ireland has two Parliaments; Scotland is looking for a Parliament now; the Church of England is disestablished in Wales. What is the meaning of this? It means that people want to govern themselves and not be controlled by others. In Canada we have no democracy, but there is a great deal of extravagance. Money is spent freely and easily, for it consists only of pieces of paper. It is said that the wealthy people must be rewarded. Politics is just a game, as it has always been. But there is a higher plane. The world is dissatisfied. The people are becoming educated by means of the press, which is the greatest missionary we have to-day. Through the press the people may obtain a fair education. In the Illustrated London News, for instance, you may learn something of central Africa and the manners and customs of the people there. Twenty or thirty years ago we used to hear of the Mountain of the Moon, with an elevation of, I think, 6,000 feet. There are 28,000,000 people there, and they can grow anything from strawberries to cotton, and now there is a railway running through to Cairo. How can you, with your high prices, compete with wheat that will cost 5 cents a bushel? How can you compete with cotton that costs almost nothing? You must remember that John Bull is pretty clever. For instance, he has turned over to us the Grand Trunk railway.

As my honourable friend has pointed out, our debt is now two billion dollars as a result of the war, and the cost of living is higher than ever. Prices must be brought down in some way or there will be a revolution in this country. If you crush down the poor people and they see John Brown, who is no better than themselves, made Lord Brown, or whatever it may be, and they will say that no consideration has been given to themselves and their families. This is what is going on in all classes of society.

The question might be asked, "Where are we under Confederation?" Our ideal was that under Confederation all would be well. We could not see what was going to happen. Newfoundland was wise enough to keep out. We are hewers of wood and drawers of water. The time has come for the labourers and the farmers to have their turn in office. That is happening all over the world. The salvation of the world lies in the education of the people so that they

can decide what is right and what is wrong.

Then there is the Church. I was brought up in the Church of England. I have not much use for it. The Church of England in Wales was disestablished. Do you think the Baptists, the Presbyterians, the Methodists and others will be satisfied to see it represented by twelve or fifteen peers in the House of Lords?

It has been said that the Government of the day is not fit to fill its office. There are many good men in the country, and if a new party is to be formed, it must be done in such a way as to get rid of all the deadwood. Principles which will draw the people together for the redemption of Canada will have to be advanced. I never had anything from any Government. I never asked for anything, and I am not asking for anything to-day. I once brought my little grandson up here—he was killed in the war, poor fellow. I said to him, "What do you think of it all?" Well," he said, "it is a good show, grandpa." Yes, it is a good show, but there must be something substantial behind it. At present we have to keep up the Red Cross, the Red Triangle Clubs, the Women's Union, and the Christian Messengers—and now, in St. John, we have the Millionaires' Club. We hear that Mrs. Tom Bubble entertained a party at the Millionaires' Club.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. DOMVILLE: You laugh, but is it right that some people should be allowed to arrogate to themselves such a position? The people have to be reckoned with. Any smart man can see the handwriting on the wall, and will trim his sails to the wind. We must go into the temple among the Pharisees and money-lenders and drive them out. I would go one step further. I would say that no man in Canada should own more than one million, actual money. If a man cannot live on $60,000 a year, of what use is he? We must wake up to the future. We must unite together and let bygones be bygones.

Reference has been made to the province of Quebec. The Jesuits came to this continent and settled that country. We can read what they did and what they suffered. Let me tell you, honourable gentlemen, that Quebec, if it stands pat, will hold the balance of power. The people of that province stand together as a united force—and let us hope that they will always exert their influence in the best interests of the country. I remember a time when the late King was going through Kingston. There were Orange arches all round, and he refused to go under them. He would not recognize this hierarchy of Orangery. If we are the descendants of British people; if we have the right idea of what they were in the past, and what their better classes are to-day, we can form a judgment of our duty and can carry it out.

There are enough good men in Canada outside of politics, to carry on the work of the country; but they cannot get into either this or the other Chamber. We must withdraw the umbra that is being thrown over Canada. I do not want to see an election. I do not care a snap for either one side or the other. The Government are not going to give up this session; they are going to stand together in self-defence—and for the indemnity. Of course the members of the Senate do not have to stand for election, as my honourable friend knows; if they did, many of them would never return. The people will elect men in whom the public have confidence regardless of the party to which they belong. We have come to the time when we must realize that the working classes should be allowed to live as cheaply as possible, the middle classes to live in comfort, and those who have the wealth of the country should contribute more to the welfare of the public.

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

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

THE SENATE.

Thursday, March 4, 1920.

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

Prayers and routine proceedings.

THE LATE LIEUTENANT-COLONEL BAKER, M.P.

FORM OF MEMORIAL.

Hon. GEORGE G. FOSTER moved:

That a Special Committee composed of the Honourable Messieurs Bradbury, Casgrain, Pope and the mover be appointed to confer and act with a like Committee of the House of Commons in determining the form of the Memorial to be erected in the Parliament Buildings to the late Lieutenant-Colonel Baker, M.P. for Brome, who lost his life on the field of battle.

He said: Honourable gentlemen, in presenting the motion for the appointment of this committee, I may explain to the honourable members of this House that it is really a motion for the re-appointment of

the committee which has had this matter in charge during the past two sessions. There have been many sittings of the committee. They have studied the building from point to point to find where this memorial could most advantageously be erected, and have finally decided that it be placed on the right hand side of the entrance to the House of Commons side of the building. We ask for the re-appointment of this committee so that they may confer with a like committee of the House of Commons. We are now in communication with Tait Mackenzie, a Canadian living in the United States, who is going to co-operate with us in the erection of the memorial.

The motion was agreed to.

THE PARLIAMENTARY RESTAURANT.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That a message be sent to the House of Commons by one of the clerks at the table to inform that House that His Honour the Speaker and Hon. Messieurs Blain, Thompson and Watson have been appointed a committee to assist his Honour the Speaker in the direction of the restaurant of Parliament so far as the interests of the Senate are concerned, and to act on behalf of the Senate as members of the Joint Committee of both Houses on the said restaurant.

He said: May I say, by way of explanation of that motion, that it was the opinion of the Committee on Selection that this committee should act tentatively, pending the organization of the restaurant when the new quarters are completed. I intend to move, when we have disposed of the Address, that a joint committee of both Houses be appointed to deal with the question of the new restaurant when it is completed. So far as the building and equipment are concerned, the restaurant will probably be equal to any on this continent, and it is therefore very desirable that special attention should be given to see that in its administration, as well as in its equipment, it is placed on a parity with the dining-rooms of the best hotels or clubs on this continent. There is no reason why that should not be done.

Hon. Mr. DOMVILLE: What about a bar-room? Will you have one?

Hon. Sir JAMES LOUGHEED: Therefore, when we have disposed of the Address in reply to the Speech from the Throne, I shall submit to the House a motion suggesting that, entirely irrespective of the committee which we are to-day appointing to deal with the restaurant in the meantime, a joint committee should be named to take the whole subject into consideration. The members of both Houses, I am certain, will not only desire, but will insist, that this restaurant be administered in such a manner as to make it a credit to Canada and especially a comfort to the members of Parliament.

The motion was agreed to.

ACCOMMODATION OF SENATORS IN HOUSE OF COMMONS.

On the Orders of the Day:

Hon. RUFUS POPE: Honourable gentlemen, I rise to a question of privilege. I was very much surprised yesterday afternoon, on entering the lobby of the House of Commons, to be told by the doorkeeper that the rule of the Speaker prevented my admittance. I was informed that no senator might enter at that doorway. I refer to the space, in front of the Commons Chamber, leading to the lobby to the left, behind the Government side of the House. I do not know how narrow an interpretation may be placed upon the clearly written article of our Constitution which proclaims that Parliament consists of two Houses, namely, the House of Commons and the Senate. I consider that a broad and reasonable interpretation of that particular article of the British North America Act would include members of the Senate as well as members of the House of Commons as being entitled to free entry into any of the lobbies in and around Parliament. I mention this matter because I think the order of His Honour the Speaker of the House of Commons indicates too narrow an interpretation and one that should not be maintained. Personally, as you are aware, Mr. Speaker and honourable gentlemen, my knowledge of the rules and regulations of Parliament is not what it ought to be, considering the number of years I have been loafing about the foot of the Throne. That, of course, is my own fault. But I think it would be desirable for this House to take some action to prevent the recurrence of such an unfortunate and uncomfortable situation as I was placed in yesterday.

Hon. Sir JAMES LOUGHEED: May I suggest, honourable gentlemen, the desirability of there being a clear understanding between the two Houses as to what the privileges of a member of Parliament should be with regard to the lobbies of either House. I am unaware to what extent the

order promulgated by the House of Commons is effective. It may be that the lobby behind the Throne and the lobby in front of the entrance to the House of Commons, because of the open grill-work, are regarded as part of the floor of the House. I do not know whether that is the case or not, but if it is, it seems to me to be a very radical departure from the privilege which was extended particularly to members of this House in the old Parliament Buildings. There is no reason why there should be a stricter rule enforced against the visit of a Senator to the lobbies of the House of Commons than previously. It is very desirable that good relations should exist between the two Houses, because whatever rules may be passed by the House of Commons, if they operate as a restraint upon senators, will probably be duplicated in this House, so that similar rules may operate equally by way of restraint upon the members of the House of Commons. I am not suggesting—

Hon. Mr. POIRIER: Der tag.

Hon. Sir JAMES LOUGHEED: I am not suggesting reprisals in any sense, but it is desirable that we should have uniformity, to say the least.

Hon. Mr. DOMVILLE: Reciprocity.

Hon. Sir JAMES LOUGHEED: May I therefore suggest that His Honour the Speaker of the Senate take up the matter with His Honour the Speaker of the House of Commons, so that there may be a good understanding as between both Houses and a mutuality of privileges.

Hon. FREDERIC NICHOLLS: Honourable gentlemen, while this matter is under discussion I would like to draw the attention of the House to the fact that the seating arrangement of the Senators' gallery in the House of Commons permits of only twenty seats. On ordinary occasions twenty seats may be ample, but when an important debate is in progress, many Senators who take an interest in the legislation which is being discussed and are anxious to learn at first hand the viewpoint of the Commoners, would be quite unable to attend in the gallery reserved for them in order to listen to the debate instead of reading about it next day in Hansard. It seems to me that twenty chairs in the gallery space provided in the new House of Commons are altogether too small a proportion to be allotted to the Senate. I would suggest to the honourable leader of the House that His Honour the Speaker be requested to take that matter also into consideration.

The Hon. the SPEAKER: Honourable gentlemen, I am glad to have my attention called to the complaint of the honourable member from Bedford (Hon. Mr. Pope), and also to hear the suggestions made by the honourable leader of the Government in this House. I shall call the attention of the Speaker of the House of Commons to these matters and try to have them arranged. I shall at the same time mention that the number of seats in the gallery allotted to the members of this House is not sufficient.

GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Wednesday, March 3, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the Session.

Hon. F. L. SCHAFFNER: Honourable gentlemen, in asking your indulgence for a short time this afternoon, may I say that I have decided to make some remarks because it appears to me that this is about the only opportunity the members of this House have of speaking on certain subjects. In the other Chamber we had at least two opportunities, and sometimes a third.

My first intention was to confine my remarks almost entirely to two questions: one of these is the agrarian movement in this country and the entry of farmers into politics, and I was presumptuous enough to intend to discuss, as the second question, the machinery of this honourable body. But after listening to my honourable friend from De Lorimier (Hon. Mr. Dandurand) yesterday, I decided it would be necessary for me to make a few other remarks before entering upon the discussion of the subject on which I had made some preparation.

There seems to have been since the beginning of this session a concerted action to abuse—I do not think that is too strong a word—the present Union Government. Since I entered this House I have learned to respect very highly the ability of the honourable gentleman who spoke yesterday. I have a very high appreciation of his mental qualities. I have also found him a very amiable man. So yesterday I had to conclude that something was wrong—that my honourable friend was not exactly

normal. He is in my estimation too big a man to make such a criticism as he made yesterday; and as a physician I have diagnosed his case. I am sorry the honourable gentleman is not here. He was suffering from a sluggish liver and a very disordered spleen. I have made this prognosis, however: he would make a very rapid recovery, and I have no doubt that my honourable friend is to-day back in his normal physical and mental condition.

I said there seemed to be a concerted action to abuse the Union Government and to criticise adversely the work that it did, and especially to criticise Sir Robert Borden. I have no brief for Sir Robert, nor does he need to be defended by me, and I trust that any remarks of mine will be considered as coming from myself only. I have watched Sir Robert Borden pretty carefully and, although I have tried to think back to the very beginning, I do not know of any mistake that he made in the conduct of the war. From the criticism to which I listened in the other House and the criticism made yesterday in this Chamber it does seem to me that the members of the Opposition in the House of Commons and the members of the Opposition—if it may be termed an Opposition—in this House absolutely forget that for four or five years we were carrying on a war. They talk about the immense debt and about our ministers being away from Parliament and off in Europe; but I would remind those honourable members that there has been a war—a very severe war, and if our debt has increased and if there is unrest in this country to-day, these effects may be attributed largely to the events that have been occurring throughout the world, particularly in the belligerent countries in Europe, during the last four or five years. The unrest which undoubtedly does exist is not confined to Canada. I think I am within the bounds of truth in saying that unrest is prevalent all over the world. But let me confine my remarks to this country. There is unrest amongst the soldiers. How could it be otherwise, honourable gentlemen? Five hundred thousand young men went overseas from this country to preserve our liberty—in fact, I may say, to preserve our very selves. There are present in this House to-day men who have experienced the loss of sons. When we consider for a moment the trials to which our men were subjected during the war, not only in the trenches, but elsewhere, is it any wonder that there is unrest among the soldiers at present? To my mind it could not be otherwise, and what surprises me is not that there is unrest, but the fact that there is not a great deal more unrest than at present. And what about the people who stayed at home? It may safely be said that there is scarcely a hamlet in this great country of Canada that has not felt the trying conditions of the war. Those who did not have husbands or sons or brothers over there certainly had friends whose relatives were overseas. In my own little town we have had a number of sad cases. One in particular is that of a woman who sent three sons to the war; they are all buried in Flanders. The point I wish to make is that, as not only the soldiers who have returned, but also many other people, have been affected by the war, we could not expect conditions to be normal.

My honourable friend (Hon. Mr. Dandurand) told us yesterday that Quebec would vote against Union Government. That was brand new information to us, surely; it was something we did not expect.

A great deal has been said about the money which we have expended and the amount we have borrowed. Reference has been made to the fact that the public debt of Canada has increased from $350,000,000 to $2,000,000,000. That is not strange. Does any one think that war can be carried on for any length of time without very greatly increasing the public debt? We have heard complaints, both here and in the other House, because of the large amount of money that has been raised in Canada. Over and over again, it has been stated that the Government had lost the confidence of the people. If that is so, it seems most peculiar that they should have been able to raise the large amount of money they did.

My honourable friend from Halifax (Hon. Mr. Roche) yesterday asked what we had got in return for the money expended. He said:

> We spent two thousand millions of money; we gave the services of five hundred thousand men, and, what was more precious, sacrificed the lives of sixty thousand men. What have we got in return?

I must say that it never occurred to me that we entered the war expecting to gain anything. I am sure that when Parliament met in the special session of 1914 such a thought never entered the minds of the members of either the House of Commons or of the Senate. What was our object in entering into the war? One of the most autocratic and devilish men in the world had undertaken, after years of preparation,

to destroy the peace of the world. This tyrant commenced operations by attacking little Belgium, and later aroused the indignation and anger of nearly all civilized nations by ordering the sinking of ships, thus causing drowning of innocent women and children. In August, 1914, Sir Robert Borden—I do not think he waited for a meeting of Parliament—at once cabled to the Mother Country that, if it was necessary, the people of this country were willing to sacrifice their last man and their last dollar to help preserve the peace of the world and the existence of the British Empire. That is what has been preserved to us. That is what we have got. Our men were sent overseas, not for the purpose of gaining territory, but because the people of Canada believed that it was their duty to assist Great Britain in restoring peace to the world.

A good deal has been said by honourable gentlemen on the other side of the House about the War Time Elections Act, which was passed, I think, in 1917. I have not got a list of the ugly names they called it. I must say that that Act never seemed to me to be very unjust. What were the two principal objects which it effected? First, it took the vote from a certain class of people who were not sympathetic with the aims and ideals of this country and the British Empire. That some injustice may have been done here and there I am not going to deny; it is impossible to bring about any great change without some individual injustice; but surely it was not wrong to take the franchise from people who were not in sympathy with us. The other object of the Act—and I think perhaps more fault has been found with that—was to extend the franchise to the mothers, sisters, and wives of those who were fighting in France. Those are the two points to which the greatest amount of adverse criticism has been directed, and, in my opinion, the Government were justified in doing what they did.

I believe that Sir Robert Borden and his Government made very few mistakes. If ever a man was imbued with the interests of the Empire and of this country, and if ever a man sacrificed himself to his ideals, that man was Sir Robert Borden. I think that some of the criticism which was directed yesterday towards him was too small for the men who made it. I wish to offer my meed of praise to the Union Government, and to the men of the Liberal party, who upon the solicitation of the Premier joined with the Conservatives in forming the Union Government. Some honourable gentlemen in this room were in Parliament in days gone by when, under the old party system, we fought harder and at greater length than we do to-day. They will remember that on many occasions we commenced sitting at 3 o'clock on Monday afternoon, and fought continuously until 12 o'clock on Saturday night, only stopping then because of the Lord's Day Act. Honourable gentlemen opposite were defending their beloved leader, and I do not think any one on either side of the House would say that he was not a most lovable man. When the crisis came, however, some honourable gentlemen, in adhering to their party principles, seemed to forget the importance of the crisis that was facing us. In the early days I was not so enamoured of Union Government as I afterwards was. Now, in the light of what has transpired, I am confident that Sir Robert Borden was right; and I want to give credit to the men from the other side who joined with him.

On Tuesday, in the House of Commons, a splendid tribute was paid to the Union Government by a gentleman who, judging from his name, never belonged to a Tory family. I refer to Mr. Mowat. The very name smacks of Liberalism. This is what he said:

> I, in common with the Liberals on this side, have had pleasure in supporting this Government, and supporting it enthusiastically, even though it be unpopular. During war I do not want to support a Government merely because it is popular.

Since this session commenced, we have heard a great deal about the unpopularity of this Government and the remarks of Mr. Mowat appeal to me very strongly. He goes on to say:

> I want to support a Government that does the right thing even if it is going to be unpopular. And what a number of unpopular things this Government has had to do!

One of the things the Government has had to do was to enforce Conscription. In my opinion, Conscription was necessary in order to properly carry on the war. I would say that every man should do his part. Mr. Mowat continues:

> One thing after another, which would almost strain to breaking point the ordinary man, these men in the Government benches, heedless of party politics, caring not whether their actions might incur the disapproval of their supporters or constituencies, or what effect those actions might have in the event of an election, have day in and day out framed policies and passed measures—Orders in Council, if you will—that were bound to be

unpopular, but which were in their belief for the ultimate good of the country. The only thing that saved Canada during the war was the fact that there was a Government that was not afraid to do things that would be unpopular.

That is very gratifying when one considers the source from which it comes.

I do not want to detain the House too long, but I would like to read a short item from the Toronto Star, which I always understood to be a strong Liberal paper. This is what it says about the Union Government:

"The Union Government is in an extraordinary position," says the Toronto Star in reviewing the session of Parliament just closed. It says: "It has given the country more legislation of first-rate importance than any previous government ever did in the same length of time. It has shown more courage in handling big and difficult questions than any previous government. Yet it is conceded on all sides that the Union Government stands no chance of being upheld by the country, and apparently nobody, even at Ottawa, expects anything else than that the Government will be wiped out when the next elections take place, be it soon or late."

"The work that stands to the credit of the Union Government since the election of 1917 is considerable. but that which has been done in the brief session now closing would in itself be enough ordinarily to make the reputation of an administration. The Grand Trunk has been nationalized in the face of all the influence that the C.P.R. and the big financial and other corporations, mostly with headquarters in Montreal, could exert."

"The Union Government has pushed through legislation enabling Ontario or any other province, to make prohibition bone-dry within its boundaries by taking certain steps which will ensure federal aid in the doing of it."

There may be some difference of opinion on that point.

The work of abolishing patronage and perfecting civil service reform, of having all purchasing done on a sound basis, has been pushed through. This is one of the biggest things in the way of cleaning up graft and waste ever done by any government in any country.

Another great thing has been done. It was during the present session that the Government explained the new status Canada has attained within the Empire—a status which has been accorded international recognition. Canada is now declared to be one of a group of British nations, in full control of her own affairs.

Canada's new status is something which seems to be causing our friends on the other side of the House a great deal of uneasiness. The honourable gentleman from Halifax (Hon. Mr. Roche) was at great pains to show that Canada had not attained a new status.

As I have said, during the period of the war the Government has done much; and the same is true of the period of reconstruction. I do not know about military life—there are men here who do—but I believe I am not far wrong when I say that it is extremely difficult to re-establish men in civil life after they have spent some time in the army. I can only refer to what has been done in this respect in Manitoba. The remarks which I am about to read were made by the member for Lakeside in the Manitoba House. The following are statistics on soldier unemployment in Manitoba as of February 7:

Number of soldiers not working, 1,481; number who have not applied for work, who were living without assistance of any kind 600; number to which A class certificates had been issued, or those who had no employment and were seeking work, 165; number to which B class certificates had been issued or those in employment whose wages were not sufficient, 148. Those who had been receiving assistance right along numbered 591. When it was considered that 30,000 soldiers had been demobilized in Manitoba, said he, those figures were very reassuring.

Judging from that statement the Government has been very successful in the re-establishing of the soldiers.

During the last year or two we have heard a great deal about the agrarian movement, the farmers' movement. I do not know of any reason why a farmer should not move if he wants to and has the ability to do so. The sympathy of the House may not be with me in what I am about to say, but I ask honourable members of this Chamber to accept what I say as a sincere expression of my views. I believe that Canada, because of its diversified interests, is one of the most difficult countries in the world to govern. It is easy to govern a municipality because the interests of the people are not so varied; it is comparatively easy to carry on a local government, because the interests of the people are similar; but when it comes to governing Canada, owing to the diversified interests and extent of the country, government is a very difficult problem.

For forty years I have lived in the West, and what I am about to say will apply principally to the three Prairie Provinces. The three Prairie Provinces have not very much on which to depend. It is estimated that the population of those provinces is to-day very nearly 2,000,000 people—1,960,000, I think. Including British Columbia, the population of Western Canada is about two and a half millions of people. The people of the three Prairie Provinces have a great deal with which to contend. Some of you know it and some of you do not. I was astounded to read in the press the other day a statement to the effect that

the proprietor of one of the leading papers in Montreal—and that is in Canada—had never until a year ago visited the great West. To me that does not seem right. May I say in passing that I believe it to be the duty of members of the Senate and the House of Commons, the representatives of the people, to became conversant with the requirements of every province in this Dominion, in order that we may legislate intelligently.

The three provinces have, as I have said, a great deal with which to contend—much more than have any of the other provinces of this Dominion. The beautiful province of Nova Scotia, down by the sea, is not entirely dependent upon one thing; it has lumbering and fisheries, and apple-growing. The apples grown there are, in my opinion, the best in the world. And the people of that province have other industries besides. There is certainly a good deal of agriculture. Coming to New Brunswick, you find a similar condition. It has the fisheries; and the lumbering industry is quite extensive though it may not be as great as it formerly was. New Brunswick is a fine province. Quebec is not only a great agricultural country, with a splendid class of farmers, but it has also wonderful industries. I knew very little about Quebec until, through the kindness of one of our most respected members, I had the privilege of visiting some of the industries of that province last year. Any man from the West who has had the opportunity of visiting the great industries of Ontario and Quebec will agree that they are wonderful. They surpass any conception I ever had of them; and if any remarks of mine convey the impression that I am opposed to those industries, then I am not saying what I intend to say. I am in favour of industries. We cannot get along without them. I am not quite so much in favour of industries as the honourable leader of this House (Hon. Sir James Lougheed), if I understood his words. If I asked him what he meant, he would probably answer that he meant what he said. His opinions as to the manufacturing industry in this country were a little too strong to suit my mind.

The great industries of Ontario and Quebec have a foreign market, I admit, but I would ask this House to consider for a few moments what a market of 2,000,000 people may mean to these provinces, whether for agricultural implements, boots or shoes, harness, wagons, buggies, or whatever it may be. I remember on one occasion I visited a carriage factory at Brockville. Without making myself known, I said to the owner: "I suppose you sell your goods in Ontario." He said: "No. If Ontario were our only market we should have to close up in three weeks." "Where do you sell them?" I asked. He told me a large proportion of his output was sold in what he called the Northwest. The Northwest is certainly the source of a great revenue to the provinces of Ontario and Quebec.

In the three prairie provinces our only industries are grain growing and cattle raising, although there is considerable manufacturing in Winnipeg. It has been said that there is no market like the home market. The home market means much to the farmers of Ontario and Quebec, but I do not think I am far astray in stating that it is of very little service to the people of the Prairie Provinces. The province of British Columbia has the lumber industry, the fisheries, and minerals. We in the Prairie Provinces have minerals to some extent, I suppose. I am glad that British Columbia possesses those resources, for I really do not know what we should do without them.

To give you an idea of the importance of lumbering to the province of British Columbia, I may say that the total value of the forest production in that province for the year 1919 was no less than $62,000,000, as compared with $54,000,000 in 1918, according to a preliminary survey. Water-borne shipments of lumber show an advance over the preceding year of 17,000,000 feet, while the value of pulp and paper sold increased from $10,000,000 to $12,000,000 last year. We in the West have been hearing a great deal recently about the pulp and paper industry and do not feel well disposed towards it, for our newspapers, even in the great city of Winnipeg, had to suspend operation for a week.

I am glad, I say, that British Columbia has lumber resources. In every one of our numerous towns in the three Prairie Provinces is to be found a lumber yard, and I will venture to say that in not one of them will you fail to find a large quantity of British Columbia lumber or timber. It is the same with the fish; you cannot go into the smallest butcher shop in any of those provinces without finding fish from British Columbia, so I claim that if today we are a little restless it is because of the way we believe we have been treated, and I mention these facts so that some honourable members of this House who are not familiar with the conditions may know what they are. Even as

to our principal crop, wheat, we have a great deal with which to contend. There are present here some men who are Manitoba wheat farmers, and they will not dispute the statement that had it not been for what were regarded as high prices for wheat, many of the farmers would have had to leave their farms, because for various reasons it would have been absolutely impossible for them to make a living. We in the West have to contend with a great deal of dry weather. We used to suffer to some extent from frost, but that does not affect us so much now. The great difficulty in that country is the lack of rain, and in the last two years we have had to contend with something we never experienced before, namely the wind storms that blew out the crops. I think that the hon. member from Manitou (Hon. Mr. Sharpe) will agree with me that millions of dollars were spent in buying grain not only for re-seeding, but for the third sowing. The tremendous winds we have out there were blowing the grain out of the ground. Therefore, as I have said, it was only the high price of our wheat that enabled the farmers to stand the test.

Of course there are places in the West where money has been made. Some people have been very fortunate. In 1915 the crop was excellent; I think we had about 300,000,000 bushels of wheat. Last year in the three provinces the yield was about 192,000,000 bushels.

There is no need for me to labour this aspect further. The point I desire to make is that those three provinces have been entirely dependent upon wheat growing and cattle raising. To-day it does not pay to raise cattle. That is true not only of the West. I read yesterday a statement made by Mr. Morrison, secretary of the farmer's party, that there is very little export of cattle from Ontario to-day. There was at one time a very large export.

It was, I think, in the three prairie provinces that the farmers' organization originated.

Hon. Mr. FOWLER: Do I understand the honourable gentleman to say that it does not pay to raise cattle in the West?

Hon. Mr. SCHAFFNER: It is said that cattle raising does not pay, because of the price that the farmers can get for their grain and because of the long, cold winters; and I could give the honourable gentleman a wonderful illustration regarding Alberta, if I had time. Without fear of contradiction I say that there is not much money in cattle raising in the Northwest to-day.

Hon. Mr. FOWLER: It is not necessary to house the cattle in the winter.

Hon. Mr. SCHAFFNER: In Alberta they must be housed.

Hon. Mr. FOWLER: Conditions have changed since I have been there.

Hon. Mr. SCHAFFNER: I may make some mistakes, but I am trying to be fair, as well as careful, in stating what I believe to be the facts.

Hon. Sir JAMES LOUGHEED: My hon. friend does not undertake to say that in Alberta range cattle are housed.

Hon. Mr. SCHAFFNER: I am speaking of the farmers in Alberta. They house their cattle, do they not? I think that statement is correct. I am not referring to the ranges.

Now, what is it that has driven the farmers to form a party? I know that the statement I am about to make will not have the sympathy of this House. My data may not be absolutely correct; hence I may be wrong in my conclusions; but I am of the opinion that this agrarian movement in the West has been caused by what is called "big business"—the big industries of the other provinces. Of that I am firmly convinced. The big interests have not been satisfied with fair profits. As to the question of fiscal policy, the farmers of the West believe that the tariff is too high. Now, I am not a free trader. The leader of the Farmers' party is, I believe, Hon. Mr. Crerar, and he is reported to have said he would sweep away the tariff wall in its entirety. I believe he has not been correctly reported. Of course we must always say we have not been correctly reported when we do not like what we have said. A despatch from Woodstock, N.B., states that Mr. Crerar—

> —advocated the entire sweeping away of the protection wall and the production of a revenue from direct taxation as a means of replacing the revenue which would be needed to carry on the business of the country, declaring that protection conferred a special privilege upon industry, and that Canada should only be making the things which she can make cheapest, and then enter into unrestricted world trade.

I do not think Mr. Crerar said that. What Mr. Crerar personally thinks, I am not prepared to say, but I am pretty well prepared to state what his first lieutenant says. Before coming down here I spent several hours with the man whom I consider to be his first lieutenant, and he states that they are not asking for free trade. "But," I told him, "You are talking about class legislation." I have no

hesitation in saying that for forty years we in this country have been living under class legislation. That is not Mr. Crerar's statement, but it is what I believe, and there ought not to be class legislation on either side or the other. It is clear to me that the time has come when there should be in Canada a greater unity for national work. It is high time that the class legislation which the big industries are imposing upon this country should cease, and I can assure you that the three western provinces are going to see, in so far as they can, that it does cease and that they receive fair treatment. On the other hand I believe that they are introducing class legislation and I tell them so. I believe in moderate protection. Some of the profits that have been made are amazing, and in this respect, later, I shall offer a little criticism of Union Government, if I do not forget to do so. As I have said a dozen times, I believe in the importance of manufacturing and other industries, but it does seem to me that there has not been the effort made that ought to have been made to bring the industrial and agricultural classes of the people together. The privileged class which has been developed by the large industries has had its way for so long that it has apparently failed to consider the other side of the question. Therefore it will do no harm to have some farmers in Parliament. In my opinion there will be many from the West. And I am glad of another thing, honourable gentlemen. There is to be in Ontario a combination Farmer and Labour government, and the tendency of the old-time Liberals and the old-time Conservatives is to give Mr. Drury a chance to show what his government can do. I believe that there is justification for the farmers' movement, particularly in the three Prairie Provinces, and I lay the blame largely upon the big interests, which do not like this agrarian movement. I do not like to use the word, but it seems to me that there has been a good deal of hoggish work going on among the big interests of Canada. For some reason or other—I do not know why—our Government does not seem to be able to control to any great extent these big interests, such as exist in the United States.

I read last night the remarkable statement—and I give it for what it is worth, without knowing whether it is true or not—that the five great packing institutions of the United States have been found by the courts to have made in the years 1915 to 1917, inclusive, a profit of $192,000,000, whereas during an equal period prior to 1915 they made $59,000,000. The point I desire to make it that this increase was due mainly to the war.

Our Government has been unable, so far as I can see, to get hold of the men who have been making tremendous profits. It makes no difference who they are. I say it is the duty of the Government to do what is being done in England, that is, to get after the individuals or firms who have been making excessive profits at home while our soldiers were fighting to defend our lives and property.

Hon. Mr. NICHOLLS: May I interrupt the honourable gentleman? He says he wants to be fair in his statements. He has compared the profits made during a certain period of the war with those of a pre-war period, but he does not tell us the percentage of profit. For instance, the larger amount of profit might be a lower percentage than that of the pre-war period, there has been so much larger investment. Not only Great Britain, but every European country that was fighting on the side of the Allies, had to draw nearly all their meat supplies from those packing houses in the United States. It is altogether likely that if the figures were inquired into, there would not be shown a very much larger percentage of profit, although the gross profit has been increased because of the enormous increase in the volume of business. I think it is the percentage of profit, not the gross profit, that should be dealt with.

Hon. Mr. SCHAFFNER: The honourable gentleman is in exactly the same position that I was in. He says that a larger investment has been made. It has not been made. And he has no authority for saying that it is a matter of percentages. I am simply stating the profits made. I say that they increased their profits to such an extent that they had no right to them. That is the sort of thing that has given rise to a good deal of the unrest in the country to-day.

Hon. Mr. GIRROIR: Can the honourable gentleman tell me whether owing to the increased price of wheat, the grain growers of the West have not made very large profits?

Hon. Mr. SCHAFFNER: That may have happened in individual cases.

Hon. Mr. GIRROIR: Why not get after them?

Hon. Mr. SCHAFFNER: If the honourable gentleman had been listening to my remarks he would have heard me say that

if a man has made these tremendous profits he should be taxed whether he was a farmer or not. But I will tell the honourable gentleman that because of things to which I have already referred the farmers, as a class, have not made large sums of money. Because last year we expected to have a splendid crop. The outlook led us to believe that there would be a yield of 35 bushels to the acre. But what was the average in Canada? According to the statistics of the Dominion Government it was ten bushels to the acre. In some places no doubt the yield was greater; but in many places it was not more than 3 bushels to the acre.

Hon. Mr. CASGRAIN: Ten bushels?

Hon. Mr. SCHAFFNER: Ten bushels, according to the statistics.

Hon. Mr. FOWLER: That was bad farming.

Hon. Mr. SCHAFFNER: It may have been, I am simply giving the facts.

Then there is the labour problem. Because the cities have adopted the eight-hour system, daylight saving, and a few other fads, it is almost impossible for the farmers to get help. The farmer, or his wife, or daughter has to milk the cows. If he does get help, when the afternoon comes along, the hired man, because he knows that men in the cities are working only eight hours a day, wants to stop work, and it is difficult to retain him. I do not know what is going to happen. I believe that the farmers in the provinces of Ontario and Quebec have a better opportunity of making money than the farmers of the Prairie Provinces.

Hon. Mr. CASGRAIN: That is right.

Hon. Mr. SCHAFFNER: But in spite of their opportunities, no one can deny that the rural population in Ontario is decreasing. Even the small town population is decreasing; the people are going to the large centres. Nothing counts like experience. If the farmers of this country are making the amount of money that some people think they are making, then, why do they leave the farms, even in the province of Ontario, and move into the cities?

An Hon. SENATOR: A good many retire.

Hon. Mr. SCHAFFNER: And can you blame them after they have spent forty years on the farm? When a man is sixty years old can you blame him for wanting to retire to the beautiful city of Winnipeg from which the honourable gentleman comes?

To a certain extent I agree with the leader of the House when he says that we require manufacturing; but I say that the manufacturers of this country have not treated the three western provinces fairly. I may be wrong, but that is my opinion. If there is a market of 2,000,000 in those provinces, it is worthy of the consideration of the manufacturers. I have said many a time, from my place in the other House, during my political campaigns, and privately, that I was in favour of union. I have stood for the slogan, "Get together." If Canada is to become a great country it will be through union and compromise, and I cannot state that too strongly.

In opening I said that I would have the presumption to say a few words about the machinery of the Senate. Last year the honourable gentleman from Sydney (Hon. Mr. McLennan) moved for a committee to consider the machinery of Government. I am glad that the honourable gentleman got his committee, because, if for no other reason, it gave this honourable body something to do. Another Committee of the Senate considered the question of the navigability of the Hudson Bay. The committee secured a great deal of very intering and valuable information, and during the recess I had much pleasure in reading and re-reading the evidence. The chairman of the committee was the honourable member for Sussex (Hon. Mr. Fowler), and although he comes from the East, I must say that his judgment and fairness were all that could be expected, even from a man hailing from the West. I compliment the honourable gentleman upon the way in which the inquiry was conducted. The honourable gentleman from Sydney (Hon Mr. McLennan) talked about the machinery of Government. He might have stopped nearer home, and talked about the machinery of the Senate. He talked about the Cabinet, and the difference in the problems of running a Government and running a private institution. He was well answered by the leader of the Government, and the honourable gentleman from Montreal made a good speech upon the question; but, in my opinion, the honourable gentleman from Antigonish (Hon. Mr. Girroir) did more than any one else to refute the argument advanced by the honourable gentleman from Sydney. They say that he is a poor workman who quarrels with his tools. I do not think that the machinery of Government is too bad if it is properly

managed. The honourable gentleman forgot that it was war time and spoke of the large size of the Cabinet. He talked about a Cabinet of twenty members. What occurred in the Mother of Parliaments in England? In 1915 they had a Cabinet numbering twenty-four members, and in 1917 there numbered nearly ninety. These things are peculiar to war times and will right themselves.

In my opinion, we have had too many commissions at work in this country. Parliament is here to represent the people. In that connection, I am going to say something that perhaps you do not know. The Senate is to-day perhaps not the most popular institution in the country. I believe, however, that it can be made popular, and that it can be made exceedingly useful. When I suggest changes in this body, I am reminded of the men who used to come to the House of Commons to attend their first caucus. They stood up and told us what they were going to do. To hear them, one would have thought that we were fools. After they had been here a while they settled down and found that others had been there before them. I remember one particular case. A man, a big man, came to a caucus and told Mr. Borden, "If you do not do things right, I am going to vote against you." This was in the days of party Government. This gentleman sat two or three seats behind me in the House. Towards the end of the Session I went to him one day and said: "This is a fairly good Government, is it not?" He said, "Why?" I said: "At the first caucus you told us that if things were not done right you were going to vote against us, and on every division you have voted with us." Perhaps I am something like that man. I believe, however, that we adjourn too often and for too long periods. There is one subject at least with which I believe a large committee of the Senate could profitably employ itself for a considerable period of time. I am sure that a committee to consider our natural resources could do good work, work that would be in the best interests of the country. One hardly ever hears a public speech which does not contain some reference to the glorious resources of this country. I believe that if more work were done along the line I have suggested, the Senate would be well on the way to becoming more popular in the country.

I have already said that I was very much pleased with what had been done by the Union Government, and, in spite of the criticism of the Opposition, I think that they have conducted the affairs of the country very much to the satisfaction of the people. They were unpopular, it s true; why? One reason, I thnk, was Conscrption. The criticism has been made that the Government went to the country in 1917 and told the farmers that their sons would not be conscripted. Perhaps they did. I rather think that promise was made. Even supposing it was, there is just as much reason why a farmer's son should go to the war as anyone else. What was the condition when that promise was made? At that time production was just as important as sending men to the front, perhaps more so; but in April, May and June, 1918, as my honourable friends well know, the situation at the front was exceedingly serious. We were not at all too sure who was going to win the war. We felt very restless and uneasy. Under those circumstances, men became more important than production. As Sir Robert Borden said, "What is the good of production if we lose the fight?" We had to have men. When matters became so serious, notwithstanding the fact that the promise had been made not to conscript farmers' sons, the Government changed their minds or broke their promise, if you will, and in my judgment they were justified in doing so.

There is one matter in which I think the Government has failed during the last three or four years, namely, in securing money in the form of taxes from the wealthy corporations. I say that they have not sufficiently taxed the big interests and the moneyed men, I care not whether they be farmers or any other class. In this country that work has not been done as well in any sense as in the little colony of New Zealand or in Australia. If it could be successfully done there, I see no reason why it could not be done here, if proper efforts had been made.

A moment ago I spoke of the farmers' platform. They believe in direct taxation, but they do not believe in free trade. Mr. Chipman and his lieutenant told me, "No, we do not believe in free trade." They propose taking the duty off a few articles which they want. That is what I call the height of class legislation. I will just read from their platform:

> And whereas the protective tariff has fostered combines, trusts and "gentlemen's agreements" in almost every line of Canadian industrial enterprise, by means of which the people of Canada—both urban and rural— have been shamefully exploited through the elimination of competition, the ruination of many of our

smaller industries and the advancement of prices on practically all manufactured goods to the full extent permitted by the tariff—

And here is where I say they are unfair:

Therefore be it resolved, that the Canadian Council of Agriculture, representing the organized farmers of Canada, urges that, as a means of remedying these evils and bringing about much needed social and economic reforms, our tariff laws should be amended as follows:

That all foodstuffs not included in the Reciprocity Agreement be placed on the free list.

That agricultural implements, farm machinery, vehicles, fertilizers, coal, lumber, cement, illuminating fuel and lubricating oils be placed on the free list, and that all raw materials and machinery used in their manufacture also be placed on the free list.

I asked Mr. Crerar and his lieutenant why the manufacturer who makes these things should be placed in a different position from that of any other manufacturer, and why a labourer should have to pay duty on all that he buys?

Hon. Mr. CASGRAIN: I am trying to follow the honourable gentleman. Is he in favour of abolishing the duties?

Hon. Mr. SCHAFFNER: I am not. I am now reading from the platform of the Council of Agriculture of the three western provinces.

Hon. Mr. CASGRAIN: The honourable gentleman does not advocate what he reads.

Hon. Mr. SCHAFFNER: I said in the beginning that I was not a free trader, and I say now, just as strongly, that I am not in favour of the privileged class that high protection has given to this country. I say the tariff is too high; it should be reduced. There should be a compromise, as I have stated time and time again, between the interests and agriculture. They should come together. You ask me if I am in favour of these articles being free. I am not. I will go further than that. I had the honour, about 1907, when Mr. Fielding brought down the tariff, to move that the duty on agricultural implements, that is, mowers and binders, be reduced. The items in the tariff are always indicated by numbers, and I think the number of the item is 455. I moved that that clause be amended by reducing the duty to 10 per cent. Well, it is 12½ now; it has been reduced nearly to what I moved for, and I think it is fair. I am not asking for a further reduction. I claim the farmers have no right to ask that these things be made free, for we must have a revenue.

I am wearying you, honourable gentlemen, but I am deeply interested in this question and I would like to point out that there are in my opinion better ways of raising money than by the tariff. There must be a tariff, but my contention is that it should be a tariff for revenue only.

Hon. Mr. CASGRAIN: You are like the Liberals: for revenue only.

Hon. Mr. SCHAFFNER: Like the devil?

Some Hon. MEMBERS: Oh, oh.

Hon. Mr. CASGRAIN: Like the Liberals.

Hon. Mr. SCHAFFNER: I say that when we get the duty reduced to 12½ per cent it is low enough, and the farmers should be willing to pay that. Without desiring to boast, I may say that I have farmed extensively in Manitoba and have bought a great many agricultural implements, and I believe it is our duty to pay our part of the taxes and we should be quite willing to do so. I knew that my contentions would not satisfy this honourable House, and I feel perfectly certain that I shall not satisfy the district from which I come, for I strongly maintain that we must to a certain extent protect our industries. I repeat, though, that the industries have taken advantage of us. Sir John Macdonald has been quoted by some honourable gentlemen here. When Sir John Macdonald drew up his National Policy, what did he say? My honourable friends over there will remember that he said it was "to assist struggling industries." Those were his very words. These industries have apparently been "struggling" ever since, to judge by the way they have kept up the tariff. All I ask is that there be a compromise.

Hon. Mr. BOSTOCK: I would like to ask the honourable gentleman if farm tractors are not free?

Hon. Mr. SCHAFFNER: Up to $1,400 they are free, and it was a good move to make them so. I do not know when that step was taken. My honourable friend's question reminds me of something I had been forgetting. The Tories, you know, are called the high protectionists, and the Liberals free traders, but what Mr. Drury and the farmers are going to find out is that there is a great difference between standing on the outside looking in, and being on the inside and administering. Our friends over there found that out in 1896. They were about as far advanced in respect to free trade when they held their convention in 1893 as the farmers are at present.

Sir Richard Cartwright, Mr. Fielding, and Mr. Clifford Sifton were free traders then. Mr. Sifton came out to Winnipeg and told us: "We are going to give you free agricultural implements, free coal oil," etc. I believe that Mr. Fielding was sincere. I have always had the highest respect for him. He is a man of wonderful ability, and I have always listened to him with the greatest pleasure. But when Mr. Fielding was entrusted with the responsibility of administering this great country, he burned the midnight oil trying to apply the principle of free trade, but he found it could not be done. And that is what Mr. Drury's government or any other government in Canada will find. There is a vast difference between a platform on which to attain to power and a platform on which the country can be successfully governed.

Before closing I desire to discuss the question of direct taxation. The farmer seems to believe in that. He says he does not believe in having a tariff to raise a revenue when it puts only one dollar into the treasury while putting three dollars into the manufacturer's pocket. That is his argument, and it is the old one. I have frequently asked for an explanation. Not long ago I asked a very prominent protectionist in the House if he would kindly explain that to me, but when you ask men such a question they become peevish. They are either unable or unwilling to explain.

Our Government and the Finance Minister were slow and reluctant in adopting direct taxation, and after five years of war, indirect taxation in the shape of customs and excise continues to provide the greater proportion of the revenue of the Dominion. Not so in the United States; not so in England; not so in Australia or in New Zealand. Practically the total cost of the war has been defrayed from borrowing, and the proceeds of new direct taxes have scarce been sufficient to meet the increase in consolidated account expenditures due to added interest, pension charges, and the increased cost of administration; for the cost of administration did increase very considerably during the war. It was the boast of the former Minister of Finance, Sir Thomas White, that Canada had the highest excess profits tax in the world. I do not know how he made that out. It was his further boast that Canada had received tremendous orders for war materials, and that the greater porportion of her own war expenditure was spent in Canada. That is true; and let me say here, before I forget it, that the position of Canada was very different from that of New Zealand and Australia, which are so far away from Europe. Shipping in Australia and New Zealand was so scarce, and the difficulty of transporting munitions or any other products from those countries to England was so great that Canada was placed in an advantageous position. In spite of those boasts, the surprising fact remains that from the beginning of the war until the end of the fiscal year 1918-19, Canada, in income tax and excess profits taxes, mulcted the war-made wealth of the country to the insignificant total of about eighty million dollars, or an amount scarce sufficient to defray the expenses of the war for three months.

Hon. Mr. CASGRAIN: How much?

Hon. Mr. SCHAFFNER: Eighty million dollars. Less than $100,000,000 out of the big interests for taxes.

Let us for a moment consider Australia and New Zealand for the purpose of making a little comparison. I have obtained some figures from a reliable source and I think that they are practically correct. Owing to their distance from the theatre of war and the shortage of shipping, Australia and New Zealand were probably worse off, instead of being better off, financially for the war. Yet those two countries took advantage of the war to adopt direct taxation to a far greater extent than did Canada. Now, I am not going to quote all the figures I have. In New Zealand, for 1914, the customs and excise amounted to £3,500,000, and the income tax to £554,000. The total from these and other revenues, such as death duties, amounted to nearly £6,000,000. I have here a table showing the figures for the years 1914 to 1918, but I will not detain the House with them. In 1918 the customs and excise revenue amounted to £3,601,000. There is not much difference. But the income tax, which in 1914 was £554,271, had increased in 1918 to £5,600,000, or $28,000,000. That was a pretty good increase for New Zealand.

Hon. Mr. CASGRAIN: That is more than in Canada.

Hon. Mr. SCHAFFNER: Yes, more than in Canada.

Hon. Mr. CASGRAIN: And New Zealand has only one-eighth of the population of Canada.

Hon. Mr. SCHAFFNER: It will be seen from the figures that during the four years of the war (from 1914 to 1918, inclusive), New Zealand collected in income taxes a total of nearly £12,000,000, or $55,000,000.

Hon Mr. NICHOLLS: Do those figures show what proportion of the income taxes was paid by the farmers of New Zealand?

Hon. Mr. SCHAFFNER: No; I cannot state what was the amount of income taxes paid by the farmers. I have only the figures showing the total income taxes paid in New Zealand. There is no distinction between the farmers and other classes of the population.

Hon. Mr. FOWLER: What income was exempt in New Zealand?

Hon. Mr. SCHAFFNER: I cannot tell you that.

Hon. Mr. FOWLER: There couldn't have been any exemption.

Hon. Mr. SCHAFFNER: I think I understand what my honourable friend is driving at, if I may use that expression. That point has been answered to a certain extent in this way, which does not satisfy me: That New Zealand has only one income tax-whereas in some of the Canadian provinces there are separate income taxes, municipal or provincial. But if you make the calculation you will find that the total revenue derived from income taxes does not come anywhere near the amount that has been collected in New Zealand. Their income tax during the first four years of the war amounted, as I have said, to $55,000,000. New Zealand's population, according to the census of 1916, was 1,099,449, or about one-eighth the population of Canada. On the basis of population, Canada during the four years mentioned should have collected on income, or other taxes on wealth, a total of $472,000,000. As a matter of fact, Canada during these years collected nothing in income taxes, and on war profits only the insignificant sum of $33,777,000, or over $20,000,000 less than New Zealand, with only one-eighth of the population, and with few war orders, collected in income taxes.

Granting that the figures I am giving you are approximately correct, is it not a wonderful showing? That is why I claim that this Government, for some reason which I do not understand, but must leave them to explain, have not dealt as they should with the big interests and the men who have made excessive profits out of the war.

Hon. Mr. CASGRAIN: Hear, hear.

Hon. Mr. SCHAFFNER: Notwithstanding that, I repeat that, so far as the conduct of the war and the care of the soldiers are concerned, the Government have done splendidly and deserve the greatest meed of praise that this country can give. But in the matter of taxing the big interests, I say the Government have fallen down. I may be wrong, but that is my opinion.

Hon. Mr. McMEANS: What would the honourable gentleman suggest?

Hon. Mr. SCHAFFNER: I would suggest just what is being done in England now. The British Government are getting after such men. They are exempting £25,000, and for the wife £1,000, and for each child £500.

Hon. Mr. DENNIS: That would exempt nine out of every ten persons in this country.

Hon. Mr. SCHAFFNER: I am not saying the exemption should be the same, but I do say that while our men were bleeding in France, the great interests had no right to be free from the obligation to contribute some of their money to reduce the debt of this country. That is exactly my point.

In 1918 alone New Zealand raised from income a total of $28,000,000, as I have said. Canada's revenue from taxation, and the proportion which it bears to the total taxes, are set forth in a table which I have, but I will not give in detail. Customs and excise, which furnished 100 per cent of the revenue from taxes (exclusive of Chinese revenue) during 1914 and 1915, still furnished over 80 per cent of it in 1919. The business profits tax furnished only 14 per cent of it.

In 1914 we raised in customs and excise $126,143,000; from business profits nil; from income nil; from banks, trust companies, etc., nil—a total of $126,143,000.

In 1915 the total raised by taxation was $97,519,000, and there was no revenue from business profits or from income, or banks and trust companies.

In 1916 we raised $121,000,000 by customs and excise; no business tax, and no income tax.

In 1917, when we were getting well on into the war, when we had made large quantities of munitions and believed we were making a very large profit, we took the enormous sum of $12,500,000 in business profits tax, and nothing from income.

Hon. Mr. CASGRAIN: No income tax?

Hon. Mr. SCHAFFNER: No, not in 1917.

Hon. Mr. CASGRAIN: Oh, yes, there was in 1917.

Hon. Mr. SCHAFFNER: We paid it in 1918. It was in 1918 that the first income tax was paid in Canada.

Hon. Mr. BOSTOCK: I beg the honourable gentleman's pardon. I know I paid an income tax in 1917.

Hon. Mr. DONNELLY: Based on 1917.

Hon. Mr. BOSTOCK: Based on 1917.

Hon. Mr. FOWLER: It was paid in 1918, for 1917.

Hon. Mr. SCHAFFNER: In 1918 the revenue from customs and excise was $170,568,000; from business profits $21,271,000; and the amount of income taxes is not stated here.

In 1919 we paid $189,000,000 in customs, $33,000,000 in business tax, $9,349,000 in income tax.

Hon. Mr. CASGRAIN: Only $9,000,000?

Hon. Mr. SCHAFFNER: That would be for 1918, I presume.

There is another argument brought up by the Government. At least I have heard it brought up by Sir Thomas White, a gentleman for whom I have great respect, and whom everybody recognizes as a first-class business man, a man of great ability. As any person who has sat in the House of Commons knows, Sir Thomas White had not much faith in introducing the income tax. It was pretty difficult to get him to introduce it at all, for he always used the argument that the cost of administration would be nearly as much as the revenue received from it. That does not seem to have been the case in the United States, Australia or New Zealand. Australia did not adopt the income tax until 1915 or 1916; so it was nearly as new to them as to us. New Zealand and the United States had an income tax for a long while, and there had been an income tax in Great Britain for a great many years. If you speak to financiers to-day about our revenue from income tax, they say: " Oh, it is a new thing. It will take time to get it established." I recognize that, but I think we have been altogether too slow in getting after those who owe the tax, and in collecting it.

During the first years of the operation of the income tax in Australia, the Commonwealth collected a total of nearly £4,000,000 or $19,000,000. The second year a total of $28,000,000 was collected. In the third year, this tax brought to the treasury a total of nearly $37,000,000. In the three years the total collected by the Commonwealth in income taxes was $84,701,000. The population of Australia according to the census of 1917, was 4,935,311, including aborigines, or about five-eighths that of Canada. In the three years Canada, on the basis of her population and in proportion to Australia's proceeds, should have collected $135,522,000. As a matter of fact she collected nothing at all on incomes during those three years, and only $33,777,000 in business profits taxes, or $50,000,000 less than Australia, with only five-eighths of the population, collected in income taxes. Australia's first war profits tax was collected in 1917, and netted $3,400,000. So much for Australia and New Zealand. Human nature is very much the same the world over. If a certain thing can be done in New Zealand or Australia, while perhaps we cannot do exactly as they have done, there is no reason why we cannot do very nearly the same.

Hon. Mr. BENNETT: Did they publish the lists in New Zealand?

Hon. Mr. SCHAFFNER: Does the hon. gentleman mean, did they publish the name of every man who paid the tax? I could not tell him that. That should be done.

Hon. Mr. DENNIS: Can the honourable gentleman tell us upon what basis the tax was collected?

Hon. Mr. SCHAFFNER: I cannot. I have simply taken the figures showing what they raised.

A further comparison in the tapping of wealth and the adoption of direct taxation may be gathered from the United States revenue figures. In 1915 corporation and individual incomes contributed only about $80,000,000 to the Treasury. In 1919 they contributed over two and a half billions.

Hon. Mr. DENNIS: That is something new that was introduced?

Hon. Mr. SCHAFFNER: I suppose so.

Hon. Mr. FOWLER: Income tax?

Hon. Mr. SCHAFFNER: Yes.

Hon. Mr. FOWLER: I do not believe it.

Hon. Mr. DENNIS: I should like to ask the honourable gentleman if the increases of the income tax in Canada has not been upon as great a ratio as the increase in the United States?

Hon. Mr. SCHAFFNER: If these figures are correct, I would think not.

Hon. Mr. GORDON: Does the honourable gentleman know if money contributed to the Red Cross, and other things of that de-

scription, are exempt from taxation in New Zealand, Australia, or the United States?

Hon. Mr. SCHAFFNER: I do not know.

Hon. Mr. GORDON: That would amount to many millions of dollars.

Hon. Mr. SCHAFFNER: No, about $100,000,000. I think the figures I give include patriotic contributions. If any honourable gentleman has better information I should be glad to have it.

Hon. Mr. GORDON: There were contributions to many societies here.

Hon. Mr. SCHAFFNER: I think the Patriotic and the Red Cross funds were the principal ones.

Canada's population is about one-thirteenth that of the United States, therefore, on the basis of population, we should have collected $200,000,000 in taxes on wealth during the year.

I must apologise, honourable gentlemen, for having taken so long. I had no intention of speaking at such great length. I repeat again that I believe the industries of this country should be protected; at the same time, I believe that they have been protected to too great an extent. Too much money has been raised by custom tax, and too little from the wealth of the country. That is practically the only criticism that I have to make of the Union Government. I believe that no body of men could have worked more earnestly, or with greater success during the war than these men; but now that the war is over there must be a reduction in the customs duties, and more money must be raised from wealth, or in some other way.

Hon. Mr. DAVID: As the honourable gentleman has given us so much food for thought, I would ask that the debate be adjourned until Tuesday next, to-morrow not being a day of labour.

Hon. Sir JAMES LOUGHEED: There are several honourable gentlemen who desire to speak on the subject, and who are ready to proceed now.

Hon. Mr. DAVID: Very well.

Hon. J. J. DONNELLY: Honourable gentlemen, I do not rise for the purpose of making any remarks that might be dignified by the name of a speech. I had no intention of speaking on the Address; I have no notes, as honourable gentlemen may see, and I have made no preparation. I wish to refer for two or three minutes to some of the remarks made by the honourable gentleman from Manitoba (Hon. Mr. Schaffner); but while on my feet I feel disposed to refer to what was said by the honourable gentleman from De Lorimier (Hon. Mr. Dandurand), yesterday, and to the line of argument advanced by gentlemen of the Opposition, both in this and in the other Chamber.

There has been a good deal of speculation in the House and about its corridors as to why the line of argument has been taken that Quebec does not desire to be consulted by this Government, or, as I might say, by any one. Although I have been somewhat at a loss to know why such a statement should be made, I am going to express what in my opinion is the reason. It is this. It is getting to be pretty well understood that the next general election will be fought out on the tariff issue. Those who have been watching events closely know that industries have been going into the province of Quebec very rapidly during the last few years. Those who advocated protection told us that if we kept at it long enough the Americans would come over with their money and skill and would develop industries. We are learning now that that is what has happened in Quebec, largely owing, I think to the favourable labour conditions there. Some of our friends on the other side, what might be called a solid Quebec, are commencing to think that the new condition may result in a division of the votes polled in that province in the next election; and in order to head that off, and because of a feeling of pride of race, they desire to continue a solid Quebec.

Hon. Mr. CASGRAIN: Hear, hear.

Hon. Mr. DONNELLY: The honourable gentleman from Manitoba (Hon. Mr. Schaffner) outlined at great length the many resources and advantages of the Maritime Provinces, the province of Quebec, the province of Ontario, and the province of British Columbia; but I was somewhat surprised to hear a man who has lived so long in the West, and who, I believe, has made a fortune there, give such a dismal report of the three Prairie Provinces. He says that owing to the drouth and the wind blowing down their grain, they make no money in growing grain. How any Government could devise a policy that would overcome the great difficulties under which the West is labouring, according to the honourable gentleman, I am at a loss to know.

The honourable gentleman has told us that the people of Canada make no money raising cattle, and gives us as his authority

for that statement a certain Mr. Morrison, Secretary of the U.F.O. I happened to read in a local newspaper that Mr. Morrison was speaking to a number of farmers in Ontario, and he was credited with the statement that there was not a farm in Ontario that was paying the interest on the investment. I am surprised that an intelligent audience should listen to that line of argument. If he were to compare the condition of the farmers of Western Ontario to-day with their condition ten years ago, we would find that they are fairly wealthy.

Hon. Mr. SCHAFFNER: Does Ontario export any cattle?

Hon. Mr. DONNELLY: I will deal with that question in a moment or two. The honourable gentleman also said that there was no money in raising cattle, because cattle are not exported. Conditions are very different to-day to what they were when cattle were largely exported. I remember that at that time the very finest cattle raised were exported to the old country, and the poorest were eaten in this country. To-day things are different, and that Ontario is the market for the best cattle. A large quantity of meat is being shipped from that province. If you go on the Toronto market to-day you will find that what is being exported is a class of cattle usually called canners. I am well aware that there is no large export trade in live cattle, but there is a large trade in meat, not only from Ontario, but from all parts of Canada.

My honourable friend has said that the rural population in the province of Ontario has been decreasing. That is quite true; but I have never felt like admitting that that was any evidence of a lack of prosperity on the part of the farmers. I am speaking from my knowledge of conditions in Western Ontario. Great advances have been made in farming methods, and many of our people have gone into stock-raising and have made money. With improved machinery and so much land used for grazing purposes, it does not require much more labour now to operate three or four hundred acres than it did to operate a hundred acres a few years ago. The result is that where a family formerly occupied only fifty or a hundred acres, to-day they occupy three or four hundred acres. That largely accounts for the decrease in the rural population.

My honourable friend had something to say about the packers of Ontario. I have no brief to speak for them, and in doing so I realize that I am taking a very unpopular stand. Owing to a certain propaganda, a great many of the people have the idea that the packers are pirates. I do not think that is the case. I do not think you would find anything to justify that view. I have had some experience with a lumbering firm who buy their meat direct from the packers, and I know that they can buy meat from the packers cheaper than they can buy it from the farmers in their immediate vicinity. Why is that? It is owing to the efficiency of the methods of the packers. They are able to remove the hides in a much more economical way, and they use the by-products more advantageously. The packers are not charging excessive prices. The middlemen may be. The packers, owing to the great volume of the business they do, derive great incomes, but their actual percentage of profit is not so enormous as one might think.

The honourable gentleman has referred to the question of taxation. I think there is just a possibility of raising the income tax or the business profits tax to such an extent that it will defeat its own object. I will try to give an illustrartion of what I mean. Honourable gentlemen are all aware of the very high price of lumber in Ontario to-day. Many people wonder why prices have advanced so rapidly. I am going to give one explanation which I think is pretty well founded. We all know that for many years a great deal of southern oak has been brought into this country for use in connection with the furniture trade and for finishing the interiors of houses. The price of the oak has advanced very rapidly, being to-day about three times what it was three years ago. Owing to the advanced price of oak, our manufacturers have had to turn to domestic woods, and this has had the effect of increasing the price of our own hardwoods. You may say that increased taxation has nothing to do with that, but I am going to try to show that it has. The oak in the Southern States is largely held by fairly wealthy companies. They have to pay a very high business profits tax. They bought that timber for perhaps $5 an acre, and they find, when the Government accountants go over their books, that they will allow them credit for only $5 an acre for that timber. To put it briefly, the result is that if these people cut the oak and sell it at the present high prices, they will have to pay out practically all that it is worth, so they prefer to let it stand until conditions change. That, I believe, is responsible in a large measure for the in-

creased price of oak to-day, and is just one evidence that taxation may defeat the object aimed at.

I sympathize with what my honourable friend has said in regard to the farmers' movement. I think that the farmers have just as much right to organize as any other class in this country; but, as a farmer, I do not think it is right or proper for any class to attempt to take to themselves the business of carrying on the affairs of this country. I have never seen a Government which was not prepared at any time to do what it believed was in the best interest of the farmers, if their case was properly presented. I think the farmers would be justified in organizing, and trying to find out what was in their interest, and then presenting their claim in the best possible way; and I am sure that they would receive just as favourable consideration as any other class of the community.

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

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

THE SENATE.

Friday, March 5, 1920.

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

Prayers and routine proceedings.

QUORUM OF STANDING COMMITTEES.

On the motion for concurrence in the first report of the Standing Committee on Banking and Commerce:

Hon. WM. ROCHE: Before that motion is carried I beg leave to record my respectful protest against the proceeding of the honourable gentlemen of the committee in reducing the number constituting the quorum beyond what would be a proper representation of the House. By and by the custom will be for the Chairman to bring in a recommendation that the committee be reduced to one, and that he be that one. The House has confidence in a large representative committee for dealing with such matters as banking and commerce, and railways, telegraphs and harbours. Gentlemen may wish to be present at the deliberations of the committee and to present their views, and I do not think that they should be excluded. Some of those gentlemen have experience in the banking and commerce and the various other Bills that are presented to the committee. I think it is a wrong sort of movement to reduce the number below what would be a proper representation of the various interests. There should be brought to the deliberations of the committee the mature judgment of a number of private members of the House.

CRIMINAL CODE (FRENCH VERSION) AMENDMENT BILL.

FIRST READING.

Hon. Mr. BLONDIN presented Bill C, an Act to amend the Criminal Code, French version.

He said: Honourable gentlemen, this Bill provides for certain corrections which have been made in the translation from the English into the French version.

The Bill was read the first time.

INDUSTRIAL DISPUTES INVESTIGATION BILL.

FIRST READING.

Bill D, an Act to amend the Industrial Disputes Investigation Act, 1907.—Hon. Mr. Robertson.

TECHNICAL EDUCATION BILL.

FIRST READING.

Bill E, an Act to amend the Technical Education Act.—Hon. Mr. Robertson.

HALIFAX GRAVING DOCK.

MOTION FOR RETURN.

Hon. Mr. DENNIS moved:

1. That an Order of the Senate do issue for all correspondence, reports, documents, etc., between any department of the Government and other persons regarding the expropriation of the property at Halifax of the Halifax Graving Dock Company, Limited, and the transfer of same to Halifax Shipyards, Limited.
2. For all correspondence, reports, etc., in connection with Order in Council, P.C. 56, of January 15, 1918.
3. For all correspondence, reports, etc., in connection with Order in Council, P.C. 1291, of May 27, 1918.

The motion was agreed to.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Thursday, March 4, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the Session.

Hon. CHARLES E. TANNER: Honourable gentlemen, yesterday afternoon we had the pleasure of listening to a very ex-

haustive and very interesting address by the honourable member for Boissevain (Hon. Mr. Schaffner). With some parts of his address I should be disposed to agree; with other parts I should not feel like concurring. However, it is not my intention this afternoon to delay the House with any general review of the honourable gentleman's discussion of public affairs, nor, in fact, with any general review of the debate so far as it has proceeded up to this time.

There are one or two observations, however, that I should like to make with reference to the remarks of my honourable friend. If I understood him correctly, he referred to what he called the "privileged class," or the "privileged classes" of this country. Now, I submit, with all deference, that there is no such thing as a privileged class in this country, and that it does not make for the cohesion or the betterment of the country as a whole for any honourable member of this House, or of any House, or, in fact, any person, to endeavour to impress upon the public mind the view that one person is better than another, or that any man has greater rights or more privileges than his neighbour. No person in this country is enjoying privileges over his neighbour. I take it for granted, from the tenor of the honourable gentleman's remarks, that he has in mind the impression that there are people who enjoy privileges under the customs tariff; that is to say that the policy of protection, as we have had it in this country, extends privileges to some people which it does not extend to others. In answer to that, if that was what was in his mind, I want to say that in my judgment his view was entirely erroneous. The National Policy, as we have understood it since 1878, was purely a Canadian policy; designed not merely to assist manufacturing, but to build up the whole country. It applies to every man, whether he be an investor in a manufacturing industry; or whether he be a labourer in a manufacturing industry; whether he be a shopkeeper selling goods to the manufacturer, or a farmer, who finds his ready and profitable market in the manufacturing districts. It does not extend privileges to one more than to another. The National Policy is widespread and benefits every one.

My honourable friend touched upon the question of profiteering. I submit that there is entirely too much general discussion in that regard without any concrete facts being put forward. It may be true, probably it is true, that here and there some men engaged in industry have taken advantage of the situation during the war time, and have gained undue profits. But that cannot be alleged only against the men who are conducting the manufacturing industries of this country. Relatively it can just as truly be alleged against the men employed in those industries. All of us know that during the war, when business was on the upward trend, and when development was going on on a large scale, the workingman was receiving two, or three, or four, or five times the wages he formerly received. I know that in Nova Scotia men were receiving almost fabulous pay. Relatively speaking, they might be called profiteers. The same might be said of the farmers, who were receiving enhanced prices for their products —butter, eggs, hay and grain But I would not call them profiteers, even although in the eastern part of Canada to-day we have to pay $15 a barrel for flour, made, perhaps, from grain raised on the farm of my honourable friend. I would not call my honourable friend a profiteer, nor do I think he should so describe the man who makes steel or any other product because he made increased profits.

The West naturally looks upon the manufacturing industries in this part of the country, and, as my honourable friend did yesterday, calls them the "big interests." We in the East look to the West and see this gigantic organization of the grain growers, which has within its bounds a multitude of men, and which, I am told, has very large sums of money invested. We might be disposed to say they are are the big interests. I know that their representatives came down the other day to organize in Nova Scotia. They brought the cash box with them, and were ready to dump into the establishment of a newspaper the tidy sum of $12,500. In the locality in which I live we would have to search, and search again, to raise that sum of money to put it into a newspaper.

Hon. Mr. DENNIS: And then we would fail to find it.

Hon. Mr. TANNER: And they expected the farmers of Nova Scotia and New Brunswick to dig down in their pockets to find a further sum of $12,500.

The view I take is that, instead of endeavouring to widen any breach that may exist, it should be the duty of every man in public life, particularly in this House, to endeavour to bring the West and the East together. We in the East need the flour and the grain of the West; and the people of the West need the products of the

East. Coming up on the train only the other day, a manufacturer from Amherst told me that he was endeavouring to build up the manufacture of a tractor, which he said he was taking out to the western country, where he believed he would be successful in placing it on the market. We want an interchange of products and goodwill between the East and the West. We have statesmen who will be able to deal with any difficulty that might cause division between us, and who will be able to bring us together and make us what we can be—a great country, united from shore to shore.

My honourable friend referred to the question of taxation. I do not want to be understood as speaking of the remarks of the honourable gentleman in a critical sense, because I appreciate very highly the research that he made, and the illuminating address that he delivered. The men who are leading this agrarian movement in the various provinces deal very lightly with the important question of the finances of the country. With a wave of the hand they would sweep away the $160,000,000 of customs duties which come into the treasury of Canada; and, with another wave of the hand, they say, "We can easily raise the money by income tax, or a tax on land," or by some other negligible method. In my judgment, those gentlemen, before expecting their arguments to prevail in this country, should be prepared to come down to concrete facts, and to show the people of this country how, if they were placed in the responsible positions of Government, they would provide the money that now comes from the customs duty. What they have done is all very easy. I could go abroad, any honourable member could go abroad, and stand on platforms, as these gentlemen have done, and make the pronouncement they have made. But I venture to say that if these gentlemen were in responsible positions, facing the problems of government, and had to find revenue, they would not talk so glibly about laying on taxes here and there. I have never observed these gentlemen when talking about direct taxation, taking into account the very important fact that in this Dominion we have nine provinces, and that every one of them, as well as the municipalities, cities, and towns in them, already impose a very heavy direct tax. In the province from which I come, in every town and in every city, there is a pretty high rate of personal taxation. There is taxation upon the real and personal property of the people; taxation upon the household furniture; taxation upon the stocks of goods which the merchants have; and in the municipalities, cities and towns, there is in addition a direct income tax, sometimes running, as it does in my own town, as high as 3 per cent. These gentlemen seem to overlook the fact that these provinces must be maintained and that practically the only source of revenue which many of them have is direct taxation, taxation upon land, personal taxes and income tax—and, in all probability these weighty loads upon the citizens will grow unless the Federal Government dips into the treasury and gives more subsidies, which it is not very likely to do in the near future. So, when any gentleman talks about imposing a heavier federal income tax and a tax upon land, it is his duty to consider the load now laid upon the shoulders of the people by the various Provincial Governments and municipalities. Inasmuch as I did not intend to take part in this debate, I have not had time to look into conditions in the other provinces. But I have in my possession a memorandum of what we pay in Nova Scotia, and as I think the facts contained in it are somewhat illuminating on this side of the subject, I am going to read it to the House. The banks in Nova Scotia are taxed from $250 to $1,000 each, plus $50 to $100 on each branch. Loan and trust companies, telegraph, telephone, gas, electric, and express companies are taxed from $250 to $350. Insurance companies are taxed one per cent of their gross premiums. Theatres are taxed. Insurance agents have to take out licenses and pay a yearly tax. Then, in cities and towns, we have a highway tax of one-tenth of one per cent; and in the municipalities 40 cents on $100. Persons holding land to the extent of 500 acres or over pay one per cent. Probate fees, registry of deeds fees, prothonotaries and other official fees have been increased 50 per cent since the war. Out of the total the Provincial Government takes one-third. The succession duties have been increased. We have upon the statute books of Nova Scotia an Income Tax Act which may be brought into operation at any moment. Under that Act upon incomes of between $1,000 and $3,000 the rate will vary from one-half of one per cent to one per cent. On top of that there will be a supertax on incomes of $6,000 and over of from one-half of one per cent to 12½ per cent. Above that again, on incomes of $6,000 and over, there is a surtax of from 1¼ per cent to 8¾ per cent. It will be seen that with these taxes and the taxes that I have already referred to,

the rates will run from two to three, and sometimes up to 4 per cent. I give these facts because I think that my honourable friend from Boissevain (Hon. Mr. Schaffner) and other gentlemen who discuss the question of taxation, should not overlook the important point that, if additional federal taxes are imposed, the people of this country will be loaded down with taxes.

There is just one other point that I was going to refer to. If I understood my honourable friend from Boissevain, he criticised some honourable gentlemen on the other side because they were too impatient with the Government for not having made more progress, and because they seemed to forget that this country has been engaged in war. The question of customs duties and taxation in this country is a very important one, and I think my honourable friend's suggestion to honourable gentlemen opposite applies with great force. We must all remember that this country is only now emerging from the conditions of war, and that we have not really attained a condition of stability. It is too soon to expect this Government to have everything in the house set in order. Although the members of the Government are all able men, as I understand, we must give them reasonable time to deal with these very important questions. I have confidence enough in them to believe that in due course, without any unreasonable delay, the Government of the day will take up the important question of tariff and taxation and will be able to give this country a solution which will be satisfactory to the whole nation from East to West.

There appears to be on the other side of the House a good deal of uncertainty, a good deal of trepidation, if I may use the word, in reference to the constitutional situation of this country. Some honourable gentlemen appear to think that there is danger that the moorings may be cut, and we may leave the Mother Country and cease to be a part of the great British Empire. So far as I understand the situation—and I want to be very brief in this regard—I see no danger ahead whatever. When a young man grows up in his father's house, gains in strength and wisdom, and comes to the age of discretion, the father instead of treating him as a boy who is told to do this and that, defers to him a little; and as years go by he defers to him a little more, and finally takes him into consultation in regard to his business affairs as a full partner. So, as I see it, this Dominion has been growing and developing, not only materially, but mentally as well. As a country we have been expanding until we have arrived at the time when we are no longer told by Downing street what we must do to-day and what we must do to-morrow, but Downing street, on the other hand, sends word over to us and asks us: "What do you people in Canada desire? How would you like to have these matters conducted in regard to the Empire of which we are all proud, and in which we are all full partners?" That is the situation, very briefly, as I understand it, and there is not the slightest menace to the autonomy, the independence, or the rights of the people of Canada in this respect.

I will read to the House just one paragraph from the letter of a very distinguished statesman, whose word, I am sure, will be accepted even by honourable gentlemen opposite. I refer to Lord Grey. In his letter on the subject of the League of Nations, under discussion at Washington he made this statement, which I think covers the ground absolutely and completely:

> There is one particular reservation which must give rise to some difficulty in Great Britain and the self-governing Dominions. It is that which has reference to the six British votes in the Assembly of the League of Nations. The self-governing Dominions are full members of the league. They will admit, and Great Britain can admit, no qualifications whatever of that right. Whatever the self-governing Dominions may be, in the theory and the letter of the constitution, they have in effect ceased to be colonies in the old sense of the word. They are free communities, independent as regards all their own affairs, and partners in those which concern the Empire at large.

I think, honourable gentlemen, that nothing further need be said on that aspect of the matter.

Honourable gentlemen, I do not think I should have intervened in this debate had it not been for the speech, the remarkable speech, delivered the other day by the honourable member from the division of De Lorimier (Hon. Mr. Dandurand). I must confess that I was surprised. The honourable gentleman adjourned the debate, and he came back on the following day with a very carefully prepared address, which he read to this House. Having some knowledge of his long experience in parliamentary matters and his prominence in the great province from which he comes, I looked for an address which would be helpful to this country, which would be of assistance to us in the great work in which we are now engaged—the reconstruction and the upbuilding of Canada. I confess that I was very greatly disappointed when I discov-

ered in the mentality which was running through that speech from the first word he uttered until the close, nothing but the narrowest and bitterest kind of partisanship I want to join with my honourable friend who spoke yesterday (Hon. Mr. Schaffner) in saying that, although we have all, I suppose, gone through the fires of partisanship, yet when we come to this Chamber, we should at any rate try to forget those old feuds and old fights. We should remember that we are an independent Chamber, that we are here to take under review the whole of this country, and to bend our energies and contribute our mite to the work of making Canada the great country which we all hope and expect it will be. As I have said, there was nothing but partisanship in the honourable gentleman's (Hon. Mr. Dandurand's) speech. He is an able man, an able speaker, has had long experience in public life; is familiar with the conditions of this country, present and past, and should have some vision in regard to the future. I reflected upon his remarks in order to discover if I could, the reason why he delivered so inappropriate an address, and the only conclusion I could come to was that the honourable gentleman was making what we used to call, when I was in the rough-and-tumble of politics, a political campaign speech, for publication in the province from which he comes.

My honourable friend on the front bench (Hon. Mr. Pope), who spoke after him, mentioned the fact that he comes from the same province. I hope I may be regarded as able to look at this turmoil which has been going on for many years between Quebec and Ontario, through glasses which are not discoloured—to take, in fact, an independent view of the situation. In these days we in Nova Scotia take very little stock indeed in these recriminatory remarks which are made by the political leaders, or some of the political leaders, in both Ontario and Quebec. There was a time when the feuds between these provinces on various local questions seemed to be the only issues which should engage the attention of the people of this great country. The gentlemen who are endeavouring to perpetuate that situation, by continuing those unprofitable discussions and unprofitable allegations, one against the other, forget that this country has grown and conditions have changed, and that the provinces of Ontario and Quebec, important as they may be, do not constitute the whole of Canada. There is a great and growing West. These gentlemen forget that. The Maritime Provinces are not going behind, nor are they losing interest in public questions. I would have these gentlemen understand that their domestic squabbles, which years ago occupied so big a place in the public eye, are to-day regarded with very little concern by the people of the West and the people of the Maritime Provinces.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) undertook to give us some information in regard to the province of Quebec and the Union Government. He told us that the province of Quebec spurned Union Government and that Sir Robert Borden bedevilled the province of Quebec. I take issue with my honourable friend in respect to these matters. I do not believe that the province of Quebec spurns Union Government. I am sure that Sir Wilfrid Laurier did not wholly and absolutely spurn it. My honourable friend would have us believe that when Sir Robert Borden suggested the organization of a Union Government, Sir Wilfrid Laurier and other Liberals, point blank, without a moment's consideration, waved him back —gave him to understand that they would have nothing to do with it. What are the facts in regard to Sir Wilfrid Laurier himself? On the 24th of May, he tells us, he was invited to a conference with Sir Robert Borden on the question of a Union Government, with conscription as a basis of the union. Did Sir Wilfrid Laurier say at once to Sir Robert Borden, " I will have nothing whatever to do with any such proposition?" My honourable friend from De Lorimier (Hon. Mr. Dandurand) would have us understand that that was practically the situation; and many of his friends, if I read their remarks correctly, would have us believe the same thing. That is not the fact. Sir Wilfrid Laurier received the proposals of Sir Robert Borden on the 24th of May, and he kept them under consideration, and under consultation, by himself and with his friends, until the 6th of June. That was not the action of a man who had already made up his mind that he would not even consider conscription, nor entertain the suggestion to enter into a Union Government. From the fact that he took from the 24th of May until the 6th of June to consider and consult, I infer that if he had received encouragement from men like the inflexible honourable member from De Lorimier, if they had not refused to go with him, Sir Wilfrid Laurier would have accepted the proposal of Sir Robert Borden and there

would have come to pass that fact mentioned by my honourable friend from Boissevain (Hon. Mr. Schaffner): Sir Wilfrid Laurier would have made a name for himself greater than the name he possessed. I reason out this situation from the point of view of my honourable friend from De Lorimier (Hon. Mr. Dandurand), and I conclude that he and other advisers of Sir Wilfrid Laurier convinced Sir Wilfrid that there could not be in this country Union Government without the province of Quebec; that they convinced themselves, reasoning upon the events of past years since Confederation, that any Government that ever existed must have a representation from the province of Quebec. In that they were mistaken. In that they are mistaken to-day. So far as we in the Maritime Provinces are concerned, we honour and respect the province of Quebec and the people of that province, and we should be proud to see them represented in the Government to-day and in every Government which is formed in Canada.

Hon. Mr. DOMVILLE: May I ask the honourable gentleman a question? I do not want to interrupt him or be rude, but I would ask him who is representing us in the Maritime Provinces? We have no minister.

Hon. Mr. TANNER: We have a gentleman by the name of Sir Robert Borden, and he is good enough for us. And my honourable friend (Hon. Mr. Domville) will find that he will have a good representative from the province of New Brunswick.

Hon. Mr. DOMVILLE: He will, eh?

Hon. Mr. TANNER: Yes.

Hon. Mr. DOMVILLE: I am glad to hear it.

Hon. Mr. TANNER: My honourable friend has lived a long time, and he ought to have a little patience.

While we should be glad to see Quebec representatives of either political party in the Government, they must nevertheless disabuse their minds of the delusion that if they refuse to come in, if they refuse to lend their support to Union Government or any other Government in this country, the people of Ontario, the Maritime Provinces and the great West will not organize governments to carry on the business of this country.

My honourable friend (Hon. Mr. Dandurand) says that Sir Robert Borden bedevilled the province of Quebec. I take issue with that statement. He does not tell us how. I am surprised at his making such a statement; for in another breath he tells us that the province of Quebec is solidly Liberal and therefore has arrived at the stage of perfection. Now, if Sir Robert Borden did anything to bring about that state of perfection, if his bedevilling resulted in the Liberal party becoming a unit and having full control of the province of Quebec, surely my honourable friend should be glad indeed that Sir Robert Borden bedevilled it. I regret that my honourable friend from De Lorimier (Hon. Mr. Dandurand) is not here. May I say, with all deference, that the men who have bedevilled the province of Quebec are leaders like the honourable gentleman. The people of Quebec are sound at heart. They are patriotic people, they are industrious, they are energetic, they are progressive; but they have been badly led politically. They have been led by men who did not look to the interest of this country, nor to the development of a sound Canadian patriotism extending from ocean to ocean, but had their hearts set upon the fleshpots of political preferment, and thought more of a political party than they did of their country. Everything that they have been doing has been done for the purpose of solidifying a political party, regardless of what it cost the country. On these grounds, which I think are patent to everybody who investigates public matters in this country, I say that these are the gentlemen who misled the people of Quebec, and if there has been any bedevilling, they are the persons who have done it.

The honourable member (Hon. Mr. Dandurand) also told us that when Sir Robert Borden called in certain leading Liberals they refused to come and serve under him as the leader of a Union Government. That may or may not be true. As to that I have no information. It may be true that men who had long been contending against the political party led by Sir Robert Borden looked with some doubt upon the proposed Union Government, and were not at first willing to accept positions under Sir Robert Borden, as Prime Minister of this country. The complete answer to that is that, no matter what their attitude was at first, some gentlemen from the West, from the province of New Brunswick, the province of Ontario, the province of Nova Scotia—men who are high in the councils of the Liberal party, men who had been honoured, respected, and trusted by the Liberal party—did join hands with Sir Robert Borden and go into

the service of the country under him. I do not think, honourable gentlemen, that I need make any further statement in that regard. The fact that these gentlemen served in harmony and with great success under Sir Robert Borden completely demolishes the argument which my honourable friend made in that regard. The Liberal leaders in the province of Nova Scotia met in the city of Halifax. They consulted tomously agreed that Hon. Mr. Maclean should come and join the Union Gov- lean should come and join the Union Government. He came, and he served—and he is still sitting in the ranks of the Union party in the House of Commons.

My honourable friend told us that this Government was a sham Union Government. In what respect is it a sham Union Government? The honourable gentleman did not disclose the grounds upon which he made that statement. If my observation of the Government is correct, I see every evidence of sincerity, every evidence of complete and united action. If we go into the House of Commons we see distinguished Liberals, men whose names have always been known in the Liberal ranks, sitting on the Government benches side by side with Conservatives. Together they form the great Union Government. I was about to say that it was the greatest Government Canada ever had and I do not think I should be exaggerating. I see nothing whatever of sham but much of sincerity.

My honourable friend said that the Government was brainless and headless. I do not think that he stopped to consider before making that statement. I am not going to say one word which would be derogatory to the party of honourable gentlemen on the other side of the House, nor am I going to say anything against my honourable friend himself; I recognize his ability; but while I grant that he has brains and ability, I want to make this reservation: that he does not, nor do his colleagues, possess all the brains or all the ability in this country.

My honourable friend says there has been no leadership. I would ask him if he stands so very much higher than the leader of the Government. He is willing, as some honourable gentlemen are always willing, to make sweeping assertions; but if I put the direct question to him, I am sure he would admit that Sir Robert Borden is a man of outstanding position in this country. If I were to ask my honourable friend if he thinks the Union party in this Chamber is led by a brainless leader, I wonder what he would say. I am sure that he would rise up indignantly to protest, and to tell us that the honourable the leader of this House is, as we all know, one of the ablest men who have ever been in public life in Canada. If I were to pass on the honourable Minister of Labour, I wonder what my honourable friend would say. Would he characterize him as a brainless Minister of Labour? That is what he did in his general assertions. I am sure that again he would rise in his place and tell us that the Minister of Labour is one of the ablest men in the Cabinet to-day; one of the ablest men who has ever occupied the position. I know my honourable friend does not like the Postmaster General. He never did like the Postmaster General. He never had very much respect for him. He knows the Postmaster General is a fighter, and I feel confident that if my honourable friend from De Lorimier (Hon. Mr. Dandurand) has anything to say about the Postmaster General he generally keeps a good distance off when he says it. Nevertheless, I venture to say that if he were in his seat to-day, and I were to ask him if he would characterize the Postmaster General as a brainless leader, he would not undertake to make good the assertion. There is just one way to examine these general assertions, and that is to get down to details. The details make up the general assertion. If the details are not correct, of course the general assertion is not correct; if the details do not work out, the general assertion falls to the ground. If we go into the other Chamber and look down the ranks of the Government, we will find there Hon. Mr. Doherty and Hon. Mr. Ballantyne, both from the province of Quebec. I wonder if my honourable friend from De Lorimier would also characterize them as brainless leaders? I wonder if he would characterize the other distinguished gentlemen—because there are distinguished gentlemen sitting on the Government benches—as brainless leaders? In conclusion, let me say that my honourable friend in his paroxysm of political partisanship simply made statements of which I believe he would be ashamed if he were to reflect. I believe that he would be, and I believe that he will be ashamed when he reads them; and I do not think he will carry out his intention of having them published in pamphlet form, and scattered broadcast through the province of Quebec, for general consumption by the electors of that province.

There is just one other remark made by my honourable friend from De Lorimier

(Hon. Mr. Dandurand) to which I should like to refer. He said that no French Canadian worthy of the name would serve under Sir Robert Borden. I regard that statement, honourable gentlemen, as almost the climax of political partisanship; I also regard it as very personal and very offensive. I do not know whether my honourable friend would draw a distinction between the mentality, morality or principles of the English-speaking people of this country, and those of the French-speaking people of this country. I think that honourable gentlemen on this side of the House who come from the English-speaking provinces are willing to concede all the respect and honour to which the French Canadian people are entitled. We believe that they are an honourable people, and I think we have the right to expect that they will regard the English-speaking people in the same way. When we find that many men of good character and good standing in the business and social life of the community have been, and are, willing to associate themselves with Sir Robert Borden and serve under him, I want to say that my honourable friend goes a long way when he intimates that no French Canadian worthy of the name would associate himself with Sir Robert or serve under him. The other day my honourable friend paid great respect to our newly-introduced member from Granville (Hon. Mr. Chapais). He spoke of him as a man of very high character and very high standing in the community. The honourable member for Granville is very happy, as I understand it, to come into the House as a supporter of Sir Robert Borden. Would my honourable friend from De Lorimier (Hon. Mr. Dandurand) suggest that by so doing the honourable member for Granville is in any way no longer worthy to be regarded as a French Canadian? Would he rule him out of the French Canadian fraternity? The honourable gentleman forgets that Sir Wilfrid Laurier was willing to come into Union Government, and to serve with Sir Robert Borden. I shall prove that by reading a paragraph from a letter which Sir Wilfrid wrote to the Premier on June 6, 1917. This letter, I say, proves conclusively that if the question of conscription had not been involved, Sir Wilfrid Laurier would have been willing to join forces with Sir Robert Borden in forming a Union Government—in other words, in the mind of the honourable gentleman, he would have become unworthy of the name of a French Canadian. This is what Sir Wilfrid Laurier wrote:

> On Wednesday, the 6th of June, the final conference took place, at which I announced that I had not seen my way clear to join the Government on the terms proposed. I asked you at the same time if conscription was the only basis, to which you replied in the affirmative.

That is to be found in the House of Commons Hansard of 1917, at page 2691, and, to my mind, clearly indicates that Sir Wilfrid Laurier would have been willing to demean himself by going in with Sir Robert Borden if conscription had not been the basis of the Union.

Now, I want to read what a very important man in public life to-day says about Sir Robert Borden. The other day Mr. T. A. Crerar, who was once associated with the Government, but who is now the leader of the great agrarian party in this country, made these remarks—

Hon. Mr. BOSTOCK: I do not want to interrupt my honourable friend unnecessarily, but I would call attention to the fact that he is going to read from the Hansard of the House of Commons.

Hon. Mr. TANNER: Yes, I am. I would not have attempted it if it had not been done by many honourable members on the other side of the House.

Hon. Mr. BOSTOCK: The honourable gentleman is an old parliamentarian, and I am sure knows better.

Hon. Mr. TANNER: The honourable gentleman will take notice that I do not read the remarks. I may tell him that I will look to it that no friend of his, on the other side of the House, does so in the future. I have frequently observed that it has been done, and have abstained from taking objection; but now that my honourable friend has so cleverly raised this objection, perhaps I may be allowed to read something that Mr. Crerar said in another place. It is as follows:

> I wish here and now simply to bear testimony to this fact that the Prime Minister of this country carried a burden which very few citizens of Canada appreciated, and discharged the most onerous tasks with a conscientiousness and sense of duty that certainly challenged the respect of those who were intimately associated with him.

That shows the relation that existed between Sir Robert Borden and every Liberal who was associated with him in the Union Government. They may not have trusted him before they joined him; but

after they joined him they trusted him implicitly, because they found him to be an honourable man and a great and patriotic Canadian who never let the base concerns of partisanship interfere with his duty to the people of this great country. Therein he differs from the honourable gentleman who spoke the other day; who was brimming over with political partisanship; who could think of nothing but political partisanship; and who could only be happy if he could once more dip his hands into the political flesh pots.

Hon. Mr. DOMVILLE: Should not he have a chance with the rest of them?

Hon. Mr. TANNER: Not only in Canada, but the world over, no man stands higher than Sir Robert Borden. He stands high in the councils of the Empire; and no man occupies a higher position in the estimation of the French people at this time; no man is regarded as a greater statesman than he. In the great republic to the south of us I am sure that he stands for uprightness, honour, and greatness in statesmanship. As followers of the Union Government we are proud of him. The honourable gentleman from De Lorimier says that no French Canadian would tarnish himself by following him. We are proud to follow a man who stands head and shoulders, and I think rightly so, over any other political leader in this country. He stands as high as any political leader there ever was in this country, if not higher, and he is the peer of any political leader in the world to-day.

Now, honourable gentlemen, I am about to conclude these remarks which, without much preparation, have of necessity been rambling and longer than I intended to make them. There is just one further remark that I wish to make about the honourable gentleman to whom I have referred. Not only was his speech overflowing with political partisanship, but it was entirely empty of any great suggestion, and absolutely devoid of one substantial idea which would be helpful to the people of this country. Moreover, from beginning to end, there was not one real criticism of the record of the Government of Sir Robert Borden since 1911, or of the Union Government since 1917. The honourable gentleman satisfied himself, as such critics usually do, with general statements. Instead of taking up the Government's record, item by item, and challenging it, he was content with the general statement that the Government had done nothing. It was his duty, if he had any ideas which would tend to the betterment of this country, to make suggestions and recommendations. But he left us without one suggestion, without one idea. Talk about brainless leaders. Talk about headless parties. What kind of head would he make, what kind of leader would he be, when he has nothing to propose, nothing to suggest, but satisfies himself with empty criticisms, and, I may say, violent attack. I want to say in conclusion, honourable gentlemen, that for these reasons I was greatly disappointed indeed with the speech of the honourable gentleman from De Lorimier.

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

REVISION OF PUNISHMENTS BILL.

MOTION FOR SECOND READING POSTPONED.

Hon. Mr. McMEANS moved the second reading of Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.

He said: The Bill of which I have the honour to propose the second reading is one which does not require explanation. It passed this honourable body in the year 1918, but unfortunately it passed at a very late hour in the Session and did not reach the House of Commons. Last year the Bill was referred to committee, and after being fully discussed it was again passed by the Senate; but owing to the lateness of the hour it failed to pass the other House. It is unnecessary for me to take up time in discussing this matter again. The Bill is a very simple one. It provides that where a magistrate or a judge has erred in imposing a sentence, application may be made to a Court of Appeal, and if one of the judges of that court considers it is a case for the court to deal with, the court has the right to examine into the facts and decide whether the sentence was a proper one or not. This Bill does not involve the question of appeal in criminal cases; it simply provides for the rectification of any error that may have been made either by a magistrate or by a judge. I am happy to say that in my opinion there will not be many cases in which application will be made, but there is no doubt that grave miscarriages of justice sometimes occur, and according to the methods by which the criminal law is administered in Canada, there is no remedy. Canada is, so far as I know, the only British country in which there is no redress where an error has crept into a criminal trial.

In England there is what is called a Court of Criminal Appeal. It was instituted only a short time ago and it is giving entire satisfaction to the people of England. There the Court of Appeal has very extensive powers. It may not only re-try the case and alter the sentence, but it may also make any order that it thinks justified in the circumstances.

In a great many of the United States—in every state so far as I know—there is a board that revises criminal sentences and has the power to rectify any error that may have occurred.

I believe that this Bill does not go far enough. I think that in Canada we should have a Court of Appeal in criminal matters just as there is in England. Only the day before yesterday I had some business with the Justice Department and was speaking to the gentleman who looks after the system known as the ticket-of-leave, whereby a prisoner may be released from the penitentiary and is required to report to the police. This official told me of a case that had occurred in the adjoining county of Renfrew. A returned soldier stole a case of whiskey. That may be a serious crime. Some honourable members of this House who are prohibitionists might consider it was a good act, removing temptations from the individual. On the other hand, those accustomed to keeping a little in their cellar might look upon that as a very grievous offence. However, in this particular instance, the returned soldier was tried by a magistrate and sentenced to five years in the penitentiary. I need not ask the members of this honourable body whether or not a sentence of five years for a returned soldier who had stolen a case of whiskey was justified. In my opinion it was not. But here is the difficulty: there is no way of correcting that sentence if it is erroneous or too severe. Our code does not permit of the revision of the sentence. It may be said that the Minister of Justice might allow this man to be released on ticket-of-leave; but even so, he would still have that five-year sentence hanging over him.

There are glaring cases of injustice occurring from day to day, and it is largely because of the fact that in the Western Provinces at any rate—I cannot say as to the Eastern—men do not need to be members of the bar, or to have any legal training, in order to be appointed by the Local Government to the office of police magistrate. Very often the magistrates, from lack of experience or some other cause, make very serious mistakes in imposing criminal sentences.

I am asking by this little Bill that with the consent of a judge of the Court of Appeal any erroneous sentences may be revised. I might discuss this matter at much greater length, but as the Bill has already been so thoroughly considered in this House, it is unnecessary for me to do so. I am endeavouring to have the Bill passed at an early date in order that it may reach the House of Commons and be fully discussed there, and that a law may be enacted which will provide some remedy in the cases of injustice that arise so frequently in the administration of criminal law.

The Hon. the SPEAKER: The Bill has not yet been printed. Therefore we cannot proceed with the second reading to-day, and it must be deferred until Tuesday next.

The motion for the second reading was postponed.

The Senate adjourned until Tuesday, March 9, at 3 p.m

THE SENATE.

Ottawa, March 9, 1920.

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

Prayers and routine proceedings.

MESSAGE OF HIS MAJESTY THE KING.

THE SENATE'S ACKNOWLEDGMENT.

The Hon. the SPEAKER laid before the Senate the following correspondence:

SPEAKER'S CHAMBERS,
OTTAWA, March 4, 1920.

Your Excellency:—

The Senate of Canada has instructed me to submit to His Majesty the King its most grateful acknowledgment of His Majesty's gracious greetings on the occasion of the opening of the new Parliament Buildings.

This Chamber deeply appreciates the interest of His Majesty's family in the Parliament Buildings at Ottawa since a time prior to Confederation, as shown by the selection of the site by Her Majesty Queen Victoria, the laying of the corner stone of the original buildings by King Edward, the corner stone of the present structure by the Duke of Connaught, as well as that of the Main or Peace Tower last year by His Majesty's gallant son, the Prince of Wales.

I have the honour to be, Your Excellency,
Your most obedient humble servant,
JOSEPH BOLDUC,
Speaker of the Senate of Canada.

His Excellency the Governor General of Canada, Ottawa.

GOVERNMENT HOUSE,
OTTAWA, March 5, 1920.

Sir,—I have the honour to thank you for your letter of the 4th instant transmitting the acknowledgment of the Senate of His Majesty's greetings on the occasion of the opening of the new Parliament Buildings. I have cabled this acknowledgment to the Secretary of State for the Colonies in order that it may be humbly laid before His Majesty.

I have the honour to be, Sir,

Your obedient servant,

DEVONSHIRE.

The Honourable the Speaker of the Senate
Ottawa.

MONETARY EXCHANGE AND OIL PRODUCTION.

INQUIRY.

Hon. Mr. DOMVILLE inquired:

1. Has the Government considered the losses to Canada caused by the present condition of the monetary exchange between Canada and the United States?

2. Does the Government recognize as a fact that were Canada to purchase from the United States fewer goods that this trouble about the monetary exchange would be ameliorated or would perhaps disappear?

3. Are the Government aware that by the development of the oil-yielding shales of Canada the present importation of fuel from the United States may be very largely decreased?

4. If they are aware, what means do the Government intend to take to secure such development?

5. If they are not aware, do they intend to hold any investigations so that this fact may be proven?

Hon. Sir JAMES LOUGHEED: 1 and 2. This is a matter of monetary exchange between the United States and Canada, and is one that cannot be controlled by the action of the Government. 3, 4 and 5. The Government is not charged with the development of these resources.

QUESTION OF PRIVILEGE.

On the Orders of the Day:

Mr. RAOUL DANDURAND: I rise to a question of privilege, and I may say that this is the first time in my twenty-two years' experience in this Chamber that I have done so. Last week I delivered a speech on the Address. My honourable friend from Pictou (Hon. Mr. Tanner) replied, unfortunately while I was absent, and my attention has been drawn to a reference which he made to me. He said, speaking of a gentleman who had expressed his high opinion of the Prime Minister:

> Therein he differs from the honourable gentleman who spoke the other day; who was brimming over with political partisanship; who could think of nothing but political partisanship; and who could only be happy if he could once more dip his hands into the political flesh-pots.

I hope that the importance of this expression escaped the attention of the honourable gentleman, because it speaks not only of my desires for the future, but of my past career. I should like to ask him to go thoroughly into that career, and to find, if he can, with the help of his friends, one single instance which would justify such a statement. For his own enlightenment I may say that it has been my privilege to represent the Government abroad more than once in matters appertaining to the public affairs of the country, and that I always refused to submit a statement of my expenses, although I was pressed to do so. If the honourable gentlemen, publicly or privately, should express a desire to see the correspondence establishing that fact I shall be very glad to lay it before him.

I deem it necessary to answer the honourable gentleman, because I believe that his statement imputes unworthy motives to a member of this Chamber. Never in the past have I thought of looking towards the flesh-pots, and I hope it will never enter my mind to do so in the future. My tastes and ambition do not lie in that direction. The honourable gentleman should not have deemed it necessary to impute such motives in order to explain my attitude towards the Government and the party in power. He might have found sufficient enlightenment coming, not from the province of Quebec, but from Ontario, and I would draw his attention to an article which appeared in the Farmer's Sun of the 11th of February last and which explains the attitude of Quebec, and my own attitude. It reads as follows:

> It is funny to hear the big interests making love to Quebec. No Bolshevism there. No demagogues preaching sedition. No labour agitation. A contented, hardworking, thrifty people. A safe and sane province, where you may invest your money at seven per cent in privately owned concerns, unmolested by Government ownership. The finest province of Canada, and a glorious example to the turbulent West, with its organized farmers and labour men.
>
> It is for the French-Canadian to laugh, perhaps rather bitterly. Only two years ago they were being denounced as slackers and traitors. The whole province was boiling with sedition. The sturdy men of Ontario ought to go down to Quebec and clear the French-Canadians out.

Hon. Sir JAMES LOUGHEED: May I interrupt the honourable gentleman to raise a point of order? My honourable friend is apparently entering upon another speech, or what would constitute a speech. I fail to understand in what way this is a point of

order or why he raises the question of privilege unless it is to renew the declarations which he made the other day in his speech, and which called forth the reply from my honourable friend from Pictou (Hon. Mr. Tanner), who unfortunately is absent today. It would have been in better taste for the honourable gentleman (Hon. Mr. Dandurand) to have waited until the honourable gentleman from Pictou was present.

Hon. Mr. DANDURAND: I accept the point and do not intend to continue the discussion; but I would draw the attention of my honourable friend to this fact. My intention in rising was not to attack the honourable gentleman from Pictou (Hon. Mr. Tanner), and I am not attacking him: I am simply answering the imputation that is implied in his speech. With that portion of the article which I have read I am content to stop, inasmuch as the point made by my honourable friend (Hon. Sir James Lougheed) may be correctly taken. I desire to add only that the situation which is disclosed by that Ontario paper, with, in addition, the War-time Elections Act, fully explains and justifies the attitude of Quebec and my own attitude towards the present Government.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Friday, March 5, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the Session.

Hon. P. POIRIER: Honourable gentlemen, it is remarkable what can be found in a Speech from the Throne, even the most non-committal, the most anodyne as that which was delivered to us at the beginning of this Session. We had, first, based upon it two eloquent orations—one from the mover of the Address, remarkable in many ways, but more especially for the broad views he took on public questions; and that of the seconder, one of the most polished orators in this Dominion, who lived up to his reputation. Next, we had the honourable leader of the Opposition in this House, in his usual polished, urbane style, trying hard to find fault with the Government's programme; and, as that programme outlines very little of the Government's policy, contenting itself with pleasant generalities, it was the bounden duty of the honourable leader of the Government to show the bright side of his administration, which he did in his usual good form. He had no trouble in convincing his political friends at least that the Union Government had during the war done all that could be expected from an enlightened and patriotic Government, and that since the war they have been doing all that could be expected of any Government—in fact, a little better.

Then rose my honourable friend from De Lorimier (Hon. Mr. Dandurand), who gave some explanations that explain so far as they go. He delivered an address which he might better have left undelivered. This is no time, honourable gentlemen, nor is the Senate the place, to revive or perpetuate racial differences. If personal abuse and the reviling of our public men, even the best, the most patriotic, the cleanest, have become planks of the erstwhile great Liberal party, the handling of that unholy timber had better be left to the National friends of the honourable member. Some parts of his English speech were really vicious, I am sorry to say, and some parts of his French speech were worse.

However, other honourable members have risen in their turn to express their views, and have drawn from the Speech from the Throne what best suited their fancy. I had the misfortune to move the adjournment of the debate in order to prevent the vote being taken on Friday. My purpose in doing so was to enable my honourable friend from Montreal to take part in the debate, as he had signified to me his intention of doing so. But now I am myself participating in it, and I must find something good, bad or indifferent, in the Speech from the Throne.

This is what I should like to inquire: what amount of money is the Administration going to ask from the country this year, and, particularly, what application will it make of this appropriation? As to the amount, we may make up our minds that it will run into the hundreds of millions. Last year the amount was over $300,000,000, and, according to the budget as laid on the table, the amount appropriated for soldiers' land settlement was $25,000,000. There is likely to be as much, if not more, this year. The appropriation for experimental farms was $1,200,000; for the Agricultural Act, $1,100,000; for immigration and colonization, $1,500,000; for pensions, $36,000,000; for subsidies to steamships, $2,500,000; for dairying, a couple of hundred thousand; for the encouragement of the erection of dwelling houses, $25,000,000; for railways and canals, $15,000,000.

All these amounts are no doubt necessary, and I have no doubt they will be well expended. The expenditure is necessary in order to promote the material prosperity

of this country. We want Canada to be wealthy. We want its agriculture to flourish, its railways to expand, its soldiers to be well taken care of. We want to make this Dominion a great and wealthy country. But, honourable gentlemen, to my mind that is not sufficient. A country advances not alone by material prosperity. There is the superstructure which must be looked after: the country must be made not only prosperous but also enlightened. On comparing what is being done towards the refinement of the country with what is done for its material prosperity, I am amazed—indeed, a little shocked. For example, the Astronomical Society gets $2,000; that is, outside of what is necessary to conduct the department. The Royal Academy of Arts gets $2,500, the Mining Institute $3,000, and the Royal Society of Canada $4,000. These appropriations do not compare well with the millions and hundreds of millions that are given for the betterment of the material interests of Canada. We are building a great nation, a nation which will probably be, in centuries to come, the greatest that has ever been. Let us not look merely to material prosperity. That alone will not, cannot, build a great nation. A man may be a millionaire, but if he has nothing but his wealth to rely upon, his name will go with his riches, and he will soon be forgotten. Many empires have lived that were no doubt exceedingly prosperous in material achievement, but they have passed away and left nothing of value behind. The countries that live and deserve to live are those that take as much care of the superstructure as of the foundations of the building. Look, for example, at the republic of Greece, a small country, hardly as large as the province of my honourable friend from Halifax (Hon. Mr. Crosby), whom I am glad to see back again in this House. Greece stands foremost among all the nations of the world; why? Not because it had the greatest system of railways; not because it exported hundred of millions of bushels of wheat or barley a year, or had the best fisheries in the world. It had none of these things; but it had a superior culture; it had what remains for ages, for eternity. It cultivated the fine arts. It provided in its budgets for the encouragement of literature, history, poetry, the drama, painting—the fine arts. These things endure. The material prosperity, the substructure, is necessary. Wealth is power; wealth is a good thing; but wealth alone is vanity. If we want to build a great country, honourable gentlemen, let us not confine ourselves wholly to the material part, but let us look to its mental qualities, its soul; for a country, like an individual, has what in French is called "le genie d'un pays." Let us give to the intellectual aspect of the country the same encouragement as we give to the material part. I know that people will say that such encouragement should be left to initial efforts; but I would point out that in many instances personal initiative is not sufficient to overcome the first difficulties. Why is protection in force to-day? To help personal initiative. Why are bonuses granted to the steel industry? To encourage the development of personal enterprise, which otherwise would not prosper, and might not overcome the difficulties surrounding it. The Government is in many ways helping private industry. What I ask of the Government is that it do something towards helping the intelligence of the country.

I have mentioned the Royal Society. There may be some among you, there certainly are many persons in the country, who do not know anything about the Royal Society. It was founded some thirty years ago by Lord Lorne for the very purpose I am advocating. That society is working under great stress and difficulty, as you may well imagine, on an expenditure of $4,000 a year. For a society which has four branches, and whose members come from every part of the Dominion, is that sum adequate to the results we expect from it? I say it is not: we should do more. With the small amount of material help it now receives, the Royal Society can do no more than print its own records. That is not the ultimate object of the society. It is composed of persons who are among the very best from the four quarters of this country. They come from British Columbia, Nova Scotia, New Brunswick, Quebec, Ontario—in fact, from every part of Canada. They have to meet in Ottawa at their own expense. All they can do is to deliberate when they are here, and afterwards print their deliberations. What I would ask is that the Government appropriate an adequate sum of money —say $10,000—to enable the Royal Society to discover and assist Canadian talent and bring it into the limelight. How many young men are there in Canada to-day who will go down to unknown graves, not having had an opportunity to develop the magnificent genius that lies latent within them because they have not had the material means to develop it? If $10,000 were voted for the Royal Society, they could help the poet, the historian, the novelist or the

dramatist to come out with his first edition, and among the many who would be helped would be some geniuses who would do honour to Canada. An appropriation of that sort, honourable gentlemen, is what I should like to see in the Estimates this year.

This question has been brought to my mind particularly because I have noticed, as honourable gentlemen also must have noticed, that the staff of our Geological Department has been depleted. Our savants are leaving us, gentlemen, and why? Because they are underpaid.

In this connection there is another matter to which I should like to draw the attention of the Government. We had a commission who, though they did their best, seemed to be unable to appreciate the difference between manual and intellectual work. In the classification they took no account of that difference. I understand that that error or injustice is now being remedied. It is time.

Referring again to the Geological Survey, I find that this year six of their best men have left the service of Canada. I have a list of them; here they are: Reinecke, Burling, O'Neill, Rose, Mackay, Hayes, Cox. Some of the best equipped members of the Geological Survey have left, and why? Because their salaries were too small. They ranged from $2,100 to $2,700. Imagine that, honourable gentlemen. Imagine specialists of great learning, men necessary to the prosperity of Canada, being paid such a trivial sum of money. They have gone, many of them to private practice, in London, New London, New York, and many other places.

I have a list of the men who have left the Service during the last ten years, and more of them have left during the last year than ever before. Among the names are names of men known the world over, who have given their services to foreign countries. That is not right. We should do something, if not exactly to create science, at least to hold what little we have.

But, some people will tell me, it is not important to have geologists in Canada. That is a mistake, honourable gentlemen. The mineral resources of Canada that are known to-day, and those which eventually will come to be known, are of unspeakable value. I have a few figures which will show you what our mines are worth. In 1886—I will not go back to the time of Confederation—our mines produced $10,221,255. Ten years later, in 1896, they produced $22,474,256. Ten years later, in 1906, they produced $79,286,697. In 1916 they produced $177,201,534. This year they produced over $200,000,000. And we are just at the begining.

Here let me relate an incident. I feel somewhat reluctant to do so, because we are sometimes a little severe when Government employees appear in the limelight. In the early days of the war, especially when Russia began to lose ground, the British Government was seeking the world over for petroleum oil which previously it had got from the region of the Black sea. Britain first looked to her dominions. Not finding what she required, the English capitalists, with their millions of pounds sterling, then went to Mesopotamia, South America, Nicaragua, Mexico, and the United States in search of petroleum. Why did they not come to Canada? Because we have no petroleum oil, some will say. True, we have not such fields of oil as may be found in some other countries. But that was not the reason. At the beginning of the war there was a report printed in Canada which almost forbade English capitalists to come and invest their money in this Dominion. A book dealing with our resources in petroleum and gas was published, from which the conclusion could be drawn that it was useless for capitalists to look to Canada for petroleum in paying quantities. I read the book, and I was so struck by the nature of it, and the harm that it could do to Canada, that I went in search of further information. I found out, honourable gentlemen, that the makers of the book were all foreigners—that there was not a Canadian among them. The work was cleverly done, and one of the great results of it was that British capitalists, instead of coming to Canada, went to other countries looking for petroleum. If some of the men to whom I have referred had not been allowed to leave our service, if we had had our own geologists, such a book would not have been written, and to-day millions of money would be coming to Canada instead of going to other parts of the world. It is preposterous to say that petroleum oil cannot be found in Canada. Providence has given us boundless resources of all kinds. We have minerals such as are not found in any other part of the world, and there is no doubt that eventually petroleum will be found in this country in large quantities.

This brings me again to the necessity of establishing a strong and reliable Bureau of Geology. In the very province of my honourable friend the leader of the Government (Hon. Sir James Lougheed), in Alberta, there was a great shortage of water. Through the efforts of some of the officers of the Geological Survey, at no great depth

large quantities of the very best quality of water were found. On the eastern slope of the Rockies, in the western part of Alberta, a great deal of haphazard prospecting of coal was going on. The Geological Bureau came forward and outlined certain areas which have since been proved to be exceedingly rich in this mineral. This is what science is called upon to do for the prosperity of the country. Let us not neglect to embellish our country and make it more beautiful; and let us particularly pay attention to encouraging the fine arts, literature, science, and all that goes to make a country really great and prosperous.

Hon. L. O. DAVID: Honourable gentlemen, I think proper to commence by congratulating the Government upon the appointments to this Senate of the honourable the mover and the honourable the seconder of the Address. We on this side of the House do not often have occasion to congratulate the Government, so the Government must be happy on this occasion, and they deserve it. In this instance they deserve to be congratulated upon setting a good precedent, which will be followed by this Government and other Governments.

I think I may say that the Government has generally been happy in their choice of members of this House. I see before me several members whose views and opinions are worthy of consideration; but in the appointment of the honourable gentleman from Granville (Hon. Mr. Chapais) there is something out of the ordinary, something characteristic. I am happy to see that his independence in certain circumstances was not an obstacle to his appointment. As the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) said, it was very well known that the honourable member for Granville could have been appointed a member of this House, and could even have become a member of the Government, if he had been willing to follow the policy of the Government upon the most important question of the time, namely, conscription. I am glad that his independence was not deprive the country of his services. The province of Quebec has been happy to hear of the appointment of the honourable member for Granville, because in that promember for Granville, because in that province he is recognized as one of our most eminent journalists and historians; and those who heard him here the other day had an opportunity to judge whether or not he is a good speaker.

Now, I wish to say a few words upon the remarks of the honourable member for Bedford (Hon. Mr. Pope) and the honourable member for Boissevain (Hon. Mr. Schaffner) in reference to the refusal of Sir Wilfrid Laurier to enter the Borden Government. They spoke of the illustrious deceased statesman with a good deal of respect and sympathy, but they blamed him for having refused at that time to form part of the Government, saying that he was thereby refusing to promote what they called the unity of Canada. Honourable gentlemen, I know the motives and principles which guided Sir Wilfrid Laurier upon that occasion, and I have no hesitation in saying that his motives and principles were good and noble—that owing to the position which he had taken on many occasions, and the declarations which he had made, he was in honour bound to refuse to enter the Borden Government. As a matter of principle he had always been opposed to conscription as being a coercive measure, it was contrary to his character and natural disposition, of which he gave proof when in the settlement of the Manitoba school question he refused to accept a policy which could not be put into execution without coercing the province of Manitoba. At the time when the Nationalists, supported and subsidized, morally and financially, by the Conservative party, were denouncing him as a traitor to Canada, stating that he was preparing the way for conscription, he declared emphatically that he would never be in favour of conscription and would always fight any measure of that kind. So, honourable gentlemen, being the man he was, how could he repudiate his convictions and declarations and join the Borden Government? No, he could not do it. In view of the declarations of certain newspapers, he was under the impression, as was the whole province of Quebec, that conscription was directed particularly against that province. Those declarations aroused a great deal of indignation throughout Quebec, and some Conservatives like Sir Alexander Lacoste and the honourable member from Granville (Hon. Mr. Chapais) were also opposed to conscription. How, then, could Sir Wilfrid Laurier be in favour of such a measure when his own province, including the Conservatives themselves, were opposed to it? Had he favoured conscription, he would have lost his prestige in the province of Quebec and left that

province to the mercy of the agitators, all to no purpose. He had always been of the opinion that the voluntary system was adequate to enlist all the soldiers required at the time; and when Canada had furnished 400,000 volunteers, he thought that number was sufficient, or if it was not enough the additional men needed could be obtained by the same system, without recourse to a conscription measure. In that view he was corroborated by the honourable the Postmaster General (Hon. Mr. Blondin), who expressed exactly the same opinion in England or in France, I am not sure which. The Postmaster General had the courage to say at that time that if the voluntary system had been properly carried on, the Government would have found the number of men considered necessary.

Now, honourable gentlemen, were not the views of Sir Wilfrid Laurier justified by what took place? What has been the result of conscription? What was the result of all the trouble, agitation, discontent, which was created by that question throughout the whole of Canada, and especially in the province of Quebec. Out of 80,000 soldiers conscripted, how many went overseas? About 50,000. And how many of those went to the battle front? None or hardly any. So the voluntary system, which would have cost only a fourth or a fifth, would not have been ineffective. No, honourable gentlemen, in this case, as throughout his brilliant career, the illustrious deceased statesman did what he thought was right, according to his judgment and conscience. That will be the verdict of history.

I desire now to say a few words on the question of the tariff. I intended saying more, but have decided for several reasons not to make a long speech. I want to explain why I approve of the remarks made by the honourable leader of the House (Hon. Sir James Lougheed), when in his strong speech he said it was absolutely necessary to the prosperity of the country to maintain industries. I thought that the remarks of the honourable leader of the House applied to what we call manufactured products. I have always been, and am still, of the opinion that all our manufactured products cannot compete with those of the United States without a certain degree of protection. I was of that opinion 50 years ago. In 1870, '71, '72 and '73, in a newspaper called L'Opinion Publique, which I published at that time, I commenced to express those views, declaring that if we would stop the emigration of thousands of our people to the United States every year, we ought to give them what they were seeking there; we ought to establish manufacturing industries. I admit, honourable gentlemen, that since that time our industries have grown, and our manufacturers are better able to compete with the Americans. There are undoubtedly a number of products in which we can compete; but we must determine which products they are. Investigation alone will furnish that information; so I would not like to express a definite opinion on this question before that investigation has been made.

When the tariff of 1878 was adopted I congratulated the Government, although I was an opponent. And, honourable gentlemen, I have no hesitation in saying that we in Canada owe in great part to that tariff the industrial prosperity of our country; that it has enabled our manufacturers to provide millions of shells and munitions for war purposes, and to pay high wages to our workingmen, besides bringing to our Government in the last 40 years many millions of dollars to spend for the progress and prosperity of the northwest provinces.

Now, we must admit that the idea of establishing free trade comes from the Northwest. The fact is that a great many of our troubles come from the Northwest.

Hon. Mr. CASGRAIN: Hear, hear; the Hudson Bay railway.

Hon. Mr. DAVID: There are strong men in the West, with strong wills, and some amongst them want everything for their province—everything and something more. They want cheaper rates from the railways and higher prices for their wheat, and they are in favour of the nationalization of railways and free trade, although it is not certain that such a policy will give them what they expect, and although it may not be in the general interest of Canada. They do not seem to realize that free trade would hamper the industrial interests of the old provinces, which have never hesitated to spend many millions to promote the progress and prosperity of the Northwest. The provinces of the Northwest are the daughters of the old provinces, and they cannot complain that their infancy has been neglected or that the mother provinces have not done all they ought to have done for them. So I think the daughters ought not to do anything that would check the prosperity of the mother provinces.

But, honourable gentlemen, I am sure there are enough reasonable men in this

House and throughout the country to realize that Canada cannot prosper and attain its high destiny unless the different provinces of which it is composed consider and do what its general welfare and their mutual interests require. A policy of selfishness would be a policy of destruction. You will find that in this respect the province of Quebec will take a wise and patriotic position. If there are certain industries upon which the customs duties could be reduced—and I think there are—there are others that require more protection in order to enable them to increase their production and to manufacture some of our raw material which is manufactured in the United States to the detriment of our country and in the interest of American manufacturers and workingmen.

What has happened in the United States may perhaps happen in Canada. You know the history of the United States, and you remember that there was a time when the western and southern states were opposed to protection, and did everything they could to defeat the Bills which were brought before Congress for the purpose of establishing a protective tariff. What was the outcome? Manufacturers established themselves in those states, and then they favoured a protective tariff. I think the same thing will happen in this country—that before long manufacturing will become established in the prairie provinces, and the people of those provinces will then be in favour of a certain amount of protection.

Hon. Mr. McMEANS: There are a good many of them there now.

Hon. Mr. DAVID: I suppose so.

Well, honourable gentlemen, I think that is enough for to-day.

Hon. Mr. CASGRAIN: Go on. You are doing well.

Hon. Mr. DAVID: Here is an incident that may interest you. I remember that in 1878, when I was living in Ottawa, I had occasion every day to see the Hon. Mr. Mackenzie, who was at the time Prime Minister of Canada. It was during his recreation period. He used to send for me to come and play quoits with him on the spot where the Queen Victoria monument is erected. Three or four months before the election of 1878 he asked me what was my opinion as to the result. I said: "Mr. Mackenzie, I will give you my opinion, but as I do not speak English very fluently, perhaps I had better write it out." I wrote out for him what I thought, namely, that if he went to the people, especially at that time, which was a period of financial crisis, he would be defeated, and I gave him my reasons. When I met him I handed him the paper. The following day, when we were playing our game of quoits, he said: "I read your letter, Mr. David. It is not encouraging." "Well," I said, "I told you what I thought." He asked me: "What can I do? All the Liberals of the province of Ontario and those of other provinces as well are saying we must go to the people with the tariff as an issue." "Mr. Mackenzie," I said, "I am not presumptuous enough to tell you what you ought to do." Two or three months after the election I met him. He was very sad, poor man. I said: "I do not presume to think that I was alone in giving you the opinion I did." "But," he said, "you offered yourself as a candidate." "That is quite true, Mr. Mackenzie," I said. "I ran as a Liberal protectionist in a Liberal county, and I would have been elected if on the last Sunday before the election the county had not been invaded by the most eloquent speakers of the Conservative party, who told the people, 'If you want protection, it will not be sufficient to elect Mr. David or two or three Liberals; you must change the Government.' And the electors were convinced that they were right." I had come to the conclusion that my defeat was the result of that. At that time it was said, "Oh, the farmers and the workingmen will vote for a free-trade policy." Do you know what happened? When the elections came, the farmers and the workingmen were easily convinced that a protective tariff would benefit all classes of society; that it would give to the farmers the best markets possible, home and national markets, and to the workingmen work at remunerative wages. What would become of the thousands of workingmen employed in the numerous manufactories which would be unable to bear the competition of the American manufacturers? Especially now, when we know that they are opposed to reciprocity. They would close their doors, and we would leave ours open to their products. What would be the result? If the balance of trade against us it so great now, what would it be if they could dump their products upon our markets? What would become of all those thriving towns and villages in the provinces of Ontario and Quebec, which, as I have said, to a great extent owe their prosperity to the tariff, call it what you will, provided it is high

enough to protect our manufacturers? If we had absolute free trade, perhaps I would not take exactly the same position. But even if there were reciprocity, I think a good number of our industries would not be able to compete with American industries. But we know very well that we can have no reciprocity now. Look at what took place in 1911, when the Reciprocity Treaty was laid before Parliament. The Laurier Government thought it would be accepted by the manufacturers, because it applied only to natural products. But it was rejected by the manufacturers, and the Government, not being able to have it adopted by Parliament, appealed to the people, and the people voted against the policy of the Government.

Later on, I am sure that we will have an opportunity to express our views, and then I will say what I think of that important question. As I have said, honourable gentlement, I am sure that the province of Quebec will do its duty on that question or on any other question. The province of Quebec is proud of Canada, and is convinced that the progress of Canada depends upon the progress of each of its provinces and the development of its natural resources. The province of Quebec knows that a policy of selfishness will be a policy of destruction.

Hon. ARTHUR BOYER: Honourable gentlemen, I am glad, following the custom, to compliment the honourable members who have proposed and seconded the Address in reply to the Speech from the Throne. I compliment especially the honourable senator for the Granville division (Hon. Mr. Chapais) on the speech which he delivered the other day with so much eloquence. I extend to him the hand of fellowship and gladly welcome him to this Chamber.

Honourable gentlemen, may I be allowed in speaking on the speech from the Throne, to draw your attention to one or two items which have been entirely forgotten in the Speech from the Throne. During the National Loan campaign posters were put up all through the country, one of them representing one of our soldiers at the seat of war asking us in Canada to help with our dollars. A loan was floated last November calling for $300,000,000, and the response to that poster was that over $700,000,000 was subscribed by the people of the Dominion of Canada to help Canada to carry on and pay the vast expenses of the war. What I should have liked would have been a word of acknowledgment in the Speech from the Throne saying that the boys who went and fought not only did their duty, but that those who had to remain behind helped them with every dollar they had. I think it would have been helpful of the Speech from the Throne had contained some things different from the usual cut-and-dried sentence: "The estimates will be submitted to your honourable House; they have been prepared with all due regard to economy." We have been told, in a meeting of gentlemen interested in education that took place in Ottawa, that a civil servant appointed last September to a very high post in the Department of Trade and Commerce, gave voice to the following extraordinary sentiment. He said: said:

That Canada at the present moment was insolvent if based on the same footing as a private corporation, was the statement made by a professor of the Federal Bureau of Statistics. The Dominion debt, he said, was larger than that of the United States after the Civil War, and this in spite of the fact that the United States at that time had three times the present population of Canada. The Dominion Government in 1914 suspended the meeting of Dominion notes in gold, and if asked to-day to meet its obligations it could not do so. If a private corporation was in the same position it would be declared bankrupt, but the Government, being the Government, does not have to do this, he said. Bishop Richardson, New Brunswick, and Professor W. H. Vance, Vancouver, both disagreed entirely with the professor, and pointed out that his views were in no way representative of the feeling of the delegates.

This gentleman makes the remark: "if a private corporation were in the same position." I would ask if this gentleman had been in the service of a private corporation, drawing a salary from that private corporation, and had stood up in any meeting, private or public, and said his employers were bankrupt, how long would he remain in their service?

Hon. Mr. McMEANS: Not very long.

Hon. Mr. BOYER: This is what was said by a civil servant appointed no later than the 15th of September last. Standing up in a public meeting, he had the cheek to say that this country, from which he draws his salary, which gives his bread and butter, was bankrupt. Why does he not leave the service and go into the service of a firm that is not bankrupt? Is he not ashamed to take the money from a bankrupt concern, when he knows it is deceiving the public? But he takes his salary just the same, and then declares that the country is bankrupt.

I would have liked to have seen a cheerful word in the Speech from the Throne

to say that by proper economy the country would pull through—that the country, owing to its resources and owing to the people in it, is able to face any over issue of notes that may have been made. I have asked all my banking friends how we are to overcome the over-issue, to meet the enormous payments that had to be made during the war. I have seen three or four clerks go into the bank of Montreal and present accepted cheques for from $50,000 up to $60,000, and ask for 10,000 ones, 10,000 twos, so many fives, and this, that and the other. We had such enormous wage bills to pay that the only way to pay them was by paper money backed by the people and the enormous resources of Canada. We have an over-issue granted; but even in better times we never had more security for our paper money than 50 cents on the dollar. If the security is somewhat low to-day we have the people behind it, and they would never allow Canadian money to go to protest. We have nerve enough in Canada to defend our own, and since we have done our duty during the war, I think to the last penny we own we will see that our currency goes at par, and that every cent of our liabilities is provided for.

Coming to another point. To meet this obligation we have to save our resources. We are always using the words "unlimited resources." Are our resources so unlimited? I would like to draw attention to the fact that one of the great resources of this country, when first it was conquered, was its fur-bearing animals. What has become of them? At first they were to be found at the very doors of Quebec and Montreal? Gradually expansion took place and they were killed off, and now what do we see? No later than February last, at an auction sale of furs in St. Louis, 1,500,000 skins were sold. How long would the resources of any country stand such a slaughter? How long are we going to allow such a state of things to continue? I am sorry to say that almost one-third, if not one-half, of the furs that were sold in that enormous sale were provided by the Dominion of Canada. How long is the enormous resource of our fur-bearing animals going to last if we do not put a stop to this slaughter? A few years ago we passed a law in this House prohibiting ladies from wearing feathers on their hats; why? Because the birds of every known country were being destroyed. What is the trouble to-day? They are actually destroying every fur-bearing animal, not only in Canada, but in the United States and the rest of the world; and the remark was made, after that enormous sale in St. Louis, that those 1,500,000 skins amounted to half of the skins of the fur-bearing animals throughout the world. Then, what do we see? You remember the humble skunk that was taboo and from which everybody flew. To-day it is popular. And the poor muskrat which was so neglected in bygone days—to-day its fur is one of the most popular you can possibly set your eyes on. As Brother Jonathan said to his daughter going to a ball, "My dear, you must have a dress on; but you have a fox-skin around your neck"—and it was in the middle of the summer.

In this country we have a Conservation Commission for which we pay $42,500 a year. Have they taken a single step towards drawing the attention not only of Canada but of all the civilized world to the enormous destruction of fur-bearing animals? Some fifteen or twenty years ago I used to go to some lumber camps in northern Quebec, where fur-bearing animals were very plentiful. Not later than last year I made the same trip. I went even farther north, and never met even a squirrel. When I asked the shantymen, "Do you ever see any fur-bearing animals?" they said, "No, we don't know what has become of them; we very seldom come across a mink, a martin, or a squirrel; they are all gone."

Another thing that we are wasting, shamefully wasting, is our timber resources. Take the enormous amount of pulpwood that is required to publish all the rubbish that our papers treat us to. And I am not afraid to use the word "rubbish." I may be rapped on the fingers for it, but I am not afraid to speak my mind. Has the Conservation Commission ever raised its voice and said: "We are using our resources too fast? why don't you curtail the production for the papers?" I may say this, honourable gentlemen, and take you as witnesses, that two-thirds of the papers that come into your hands go unread. When you take a paper of 42 pages, you simply turn the pages over and throw it away. The first thing you know you are asked by the servant, "What are we going to do with this pile of newspapers?" There is no way of getting rid of them. Then, they are so highly educational; they are so very wonderful. Take a paper that entertains its readers with such rubbish as "Bringing Up Father." If they had said "Lowering Father" it would have been more accurate. Think of the education our boys are getting

from seeing the pictures of this eternal fight between Maggie and the old man, where the old man thinks of nothing but going out by the back door to a bar-room to meet his friend Dinty Moore! What a lesson that is for the growing generation! What must they think of the usual family when they see what is supposed to be a respectable paper publishing such rubbish? Instead of being elevating, it is degrading. Instead of teaching our boys to become men, it simply teaches them that the old man goes about the house in a pair of coloured stockings and is knocked on the head with a rolling pin and called an insect. This is the education that we get from our enormous resources.

A friend of mine lately said to me: "If you will go up to a certain lake in Quebec, you will see it covered over with pulp logs, and more than two-thirds of them are not more than 3 inches thick." Think of the destruction that is going on. How much pulpwood will you get out of a 3-inch log, which has taken, I suppose, close to twenty-five years to grow? Everything is taken to supply the enormous demands of our newspapers. Why does not the Conservation Commission tell us that we must economize? We have great resources, but if we do not husband them we shall some day be bankrupt; some time the resources will fail.

It was no later than 1911, at a great convention of Foresters in the United States, at which President Taft presided, that he drew the attention, not only of the United States, but of the whole of North America, to the enormous waste of our forests; and he predicted that, if the then rate of consumption continued, in less than forty years we should have to apply to God knows where for whatever timber was strictly necessary. And what does the Commission of Conservation tell us about conserving our natural resources in the way of timber? In an article published in its Bulletin in February, 1920, entitled, "Canada's Exports of Pulp and Paper," it says:

During the past year over 1·5 million cords of raw pulpwood was exported to the United States, valued at upwards of $1,500,000. Wood pulp exports for the year are valued at around $35,000,000, of which most went to the United States.

With exhaustion of United States supplies of pulpwood in the eastern states already in sight, and with the industry growing by leaps and bounds in Canada, the question of future supplies becomes of the most pressing urgency, that invested capital may be protected and communities founded upon this business may not, after a time, be compelled to migrate, as has so frequently been the case in the United States.

Hon. Mr. BOYER.

When we have no more pulpwood what shall we do?

The first essential is much more adequate protection of our forests from destruction by fire. The next great requisite is such modification of existing methods of logging as will leave the cut-over lands in better condition to produce a crop of the more valuable species. This involves a careful study, in advance of logging, by practical foresters, in order that the methods best adapted to the particular locality may be adopted.

For the mixed pulpwood forests of hardwoods and conifers, some plan of transporting and utilizing the hardwood species must be devised, otherwise these forests will continue the present process of rapid conversion into hardwood species alone, rendering them less and less valuable for the production of pulpwood. This is one of the greatest problems now before an important portion of the pulpwood industry.

Only the day before yesterday there was held in the city of Toronto a large meeting of a very important body, the Mining Institute of Canada, presided over by Mr. McDougall, who is, I believe, president of the Nova Scotia Iron and Steel Company, and president of the Canadian Mining Institute. Mr. McDougall said:

Canada is not a country where wealth is easily gained, but it is a country not yet fully known, not half prospected, where in the past sincere work has almost always a reaped a satisfying reward. What we, and our children, will get out of Canada will be in exact measure to what we put into Canada in the way of brains and work. We have great national wealth, but none to waste. We have problems and limitations, but, if these are properly tackled, we can lead the world in many things. Only, we must give up talking thoughtlessly of our "boundless" natural resources, and prepare, by fostering science and encouraging scientific workers, to get the best out of our country, which may well prove to be something that will not only pleasantly surprise ourselves, but more favored nations also.

Then he said:

The inroads that are being made upon our forests are a matter of notoriety, nor are these inroads accompanied by anything approaching adequate reforestation. Indeed, it is doubtful whether in some instances reforestation is practical. Enquiry will prove that timber lands are daily increasing in scarcity, and, therefore, in cost, and our limitations in Canada in this regard are not only distinct, but actually alarming.

What I have said regarding these three basic materials is quite probably true of other essential things, but these do not so properly concern us as a Mining Institute.

Here is a note of warning sounded by one of the big men of the country. Let us devise means to protect so far as possible what is left of the fur-bearing animals on this vast continent. In former days countless herds of buffalo roamed the plains. Where are they to-day? If you have not

the means to go to the National Park to see live buffalo, you must go to the museum to see the specimens. What has become of the enormous herds of seals that frequented the coasts of Labrador and Newfoundland every spring? Slaughtered to the very last, or to such an extent that sealing has proven unprofitable. Consider also the enormous resources of the salmon fisheries of British Columbia. In 1917 the Government thought it necessary to appoint a commission for the purpose of devising means whereby some of the salmon might be preserved for coming generations. Three gentlemen were appointed, and they made a thorough study of the question. What was the report? There are five different kinds of salmon frequenting the rivers of British Columbia; it is needless to name them. The most numerous at the time was the Sockeye, which takes two years to mature. It takes the young fish from two to five years to come to full size. Sad to relate, the minute the bearing fish spawns it dies. What is becoming of the fisheries of British Columbia? Every year they are going down and down. The best brand of salmon in British Columbia has decreased from the maximum of 78 per cent to below 42 per cent.

Our resources are being exhausted, and God knows we require them for the future if we are to meet our obligations. Let us then be up and doing. Let us try to save whatever is left of our natural resources and see if we cannot meet our obligations.

The speech from the Throne mentioned also that Canada had been invited to join the Labour Congress established by the League of Nations. A big meeting was held at Washington, and two delegates from Canada were appointed and left for Europe. As luck would have it, however, they arrived too late, and missed the meeting in France. We seem to have been unfortunate in recent years. In 1914 there was a big meeting of the International Institute of Agriculture, in Rome, and our delegate arrived there eight days after the meeting had closed. Our Labour delegates arrived a fortnight after the close of the meeting, and they were told to remain in England and study the question and report, so that we might see what could be done in Canada towards easing the situation and whether anything practical would result from the great farmers' movement that is in progress throughout the country. Let me read to you, honourable gentlemen, a word of warning, coming from the farmer:

For sound common sense on this subject, probably the declaration of the Pennsylvania State Grange is the most convincing that has been thus far expressed. This was approved by the farmers present at the Convention in Philadelphia on the 14th inst., and was as follows:

"The farmer is neither an object of pity nor a subject for charity. He is not asking for special favors nor class legislation. He has practiced the eight-hour law ever since Adam was driven out of the Garden of Eden, eight hours in the forenoon and eight in the afternoon and the rest of the time he just works. The Grange seeks the 'greatest good to the greatest number,' and believes that this principle might well be followed by our lawmakers. It is neither right nor just for our national Congress to enact laws for a few at the expense of the many. Arbitration is the only fair and just means of settling disputes when the parties thereto cannot agree. No legislation should be enacted that even tends to create class feeling or widen the breach which now exists between capital and labor.

"Capital should be made to understand that it is helpless without labor, and labor should realize that it could not exist without capital. Each is dependent upon the other. Congress should take such steps and enact such laws as will impress upon both parties, that 'everybody is bigger than anybody.' And that it will not permit the wheels of progress to be blocked, even if it has to take over the railroads and operate them until a peaceful settlement is obtained. It is extremely dangerous for the Government to even attempt to fix a wage scale or establish hours of labor, unless the hours so established, shall apply to all classes of labour.

"Should the law be applied to agriculture or to the labor on the farm it would be a serious blow to the farmer, as he could never get his work done under an eight-hour day, nor could he afford to pay a man for ten hours' work when he worked but eight."

This was said by the Pennsylvania State Grange, and it was repeated in the province of Quebec during the last session of the Legislature when a delegation of workmen headed by a parish priest—what business he had there I have since been trying to find out—sought to impress upon the Quebec Government the necessity of joining in a petition to be sent to the Federal Government asking for the prohibition of the exportation of all agricultural products in order that the working classes might obtain them cheaper. There was a beautiful piece of work!—lovely! And the answer of Mr. Caron, the Minister of Agriculture for Quebec, was this: "You have set us a bad example. By your exorbitant demands for higher wages and shorter hours, you are actually drawing away from the country all the farm hands. If the farmers were to adopt the principle which you preach and work eight hours a day, for goodness sake tell me, when would the cows be milked? If the farmers were, according to your principle, to quit work on Saturday at noon and not resume work until eight o'clock on Monday morning, what would become of

the cows?" The delegation came away feeling rather sheepish and saying they had been badly treated—rudely answered. But that was the only answer to the very impudent request that the Government stop the export of all agricultural products so that one class might benefit to the detriment of the other.

Honourable gentlemen, before I sit down I would—I do not like the expression in English—it is rather awkward for us who have to speak English—je désirerais féliciter le gouvernement—

Hon. Mr. CASGRAIN: Congratulate.

Hon. Mr. BOYER: No, that is not the word.

Hon. Mr. CASGRAIN: "Felicitate," if you like.

Hon. Mr. BOYER: —on its naval policy, so far as the merchant marine is concerned. There I draw the line. It has been a great surprise throughout the world to see that such a small country as Canada could possess a fleet of 30 or 40 merchant vessels flying the Canadian flag. It has been displayed as far away as Brazil and has attracted the admiration of a Brazilian whom I have seen. He said, "We had no idea that Canada possessed such a fleet." One vessel came back from Brazil with a cargo of sugar on which the freight paid to the Government—well, I do not know who gets the money—amounted to $380,000. Part of that cargo was discharged in the city of New York and the rest in Montreal.

Of course, this fine fleet is well manned. Accidents will happen in the best regulated families, and few industries gain the experience of older established concerns, not only in navigation, but in all branches of trade. A tremendous risk was taken last fall, when two brand new vessels on their maiden trip were sent out from Quebec late in December, one of them as late as the 20th, and the other on the 23rd. What was the consequence? Whereas none of the old shipping companies ever dared to send a vessel out of Quebec later than the 4th or 5th of December, these vessels loaded with their valuable cargoes were despatched from Quebec nearly three weeks later. The consequence was that one of them, with a cargo which, I am told was valued at three-quarters of a million dollars, is now lying high and dry on the rocks at the entrance, or a little east of the entrance, of the Saguenay river. It is completely lost, body and soul. Another vessel, the Canadian Spinner, was caught in the middle of the gulf of St. Lawrence, and drifted for nearly three weeks, the crew as well as the vessel and the cargo in danger of being lost. The ice-breaker Montcalm, by sheer pluck and endurance, managed to break a way through to the vessel and got her safely into Pictou or Sydney, where she could coal, and then into Halifax. The whole cargo had to be unloaded and the vessel put into drydock, and it was only on the last day of February that the cargo was being re-shipped. Two or three months' loss of time, at an enormous cost to the country. Of course, we must learn by experience. The only way to prevent those things is not to take the risk.

There was another marine loss to which I would draw the atention of this House. For the last forty or fifty years the Canadian Government has had a marine agency in the good old city of Quebec. Of course, the good old city of Quebec has one great quality which my friend on the other side would call a great fault: It is a great Liberal city. It had to be punished in some way or other. Almost three-quarters of the business that agency did in supplying lighthouses throughout the gulf of St. Lawrence was taken away from Quebec. We never said a word. You are welcome to it. Let the poorer neighbours have it. It was transferred to Charlottetown in Prince Edward Island. A very fine vessel called the Arranmore, which supplied the lighthouses, was sent from Charlottetown loaded with a most valuable cargo, to replenish the different stores in all the lighthouses in the straits of Belle Isle and east of the gulf of St. Lawrence. Through misfortune—or was it lack of knowledge on the part of the captain?—for some reason or another, the vessel ran aground. A wireless message was sent to the Montcalm, and it came, but the captain declares that it took a fool to get into such a position as the captain of the Arranmore was in. "Let him get out," he said; "I will not risk my vessel." The consequence was that part of the cargo had to be jettisoned. The vessel was pulled out and towed to Harrington, where it was beached. Harrington is a small port in the straits of Belle Isle, I believe. It is not on the chart. That is where the Arranmore is lying to-day. The consequence was that eight of the most valuable lighthouses in the gulf of St. Lawrence had to be closed. In past years the crews were always left in those lighthouses, so as to be ready for the opening of navigation in the spring. Owing to the wreck of the Arranmore and the loss of her cargo, the Government had to send another vessel from St. Johns, Newfoundland, away out east into the Atlantic, to work her way into the straits of Belle Isle

and rescue the crews, and, as I say, close up eight of the most valuable lighthouses in the straits of Belle Isle, and at the entrance of the gulf of St. Lawrence.

Honourable gentlemen, if you consult the archives of the Department of Marine and Fisheries, so far as the Quebec agency is concerned, you will find that never in the history of the department has such an accident happened. The Quebec agency always took the bull by the horns. They saw that the provisions were sent out in time so that the crews should be amply provided for for a very long and severe winter, and so that the lighthouses might be kept in the very best state of repair.

Of course, those are accidents. I simply mention them casually. They will happen even in the best-regulated Government. But we should take no risks in the future. Ships should be properly manned and properly commanded. We should see that they get there in time so that the lives of the keepers will not be jeopardized. Those men are isolated for six months in the year. The lives of these men were threatened, and had it not been for a sealer that forced her way through the ice-floes, God only knows what would have happened to those brave men.

Hon. J. P. B. CASGRAIN: It is now five o'clock, and, as I understand that there is nothing on the Order Paper for to-morrow that will occupy more than a few minutes, I would ask the leader if he would agree to the debate being adjourned.

Hon. Sir JAMES LOUGHEED: If my honourable friend will observe the Order Paper, he will see that there are some very important Bills to be dealt with. We have an hour before us, and I am sure that honourable gentlemen would be only too glad to listen to the remarks of my honourable friend until 6 o'clock.

Hon. Mr. CASGRAIN: Honourable gentlemen, am taken a little by surprise. The leader of the Government is usually very good, and, if I were allowed until to-morrow, I might have some very nice things to say about him in my speech. But he will now have to miss them.

The time-honoured custom is to congratulate at the very outset the proposer and the seconder of the Address. I think that is very fitting and right. But along with the congratulations we must remember that the speeches of the mover and the seconder are a sort of amplification of the Speech from the Throne. That is to say, the gentlemen who move and second the Address are supposed to explain more fully the things said, or left unsaid, in the Speech from the Throne.

The proposer of the Address, the honourable gentleman from Goderich (Hon. Mr. Proudfoot), is an old parliamentarian. Anyone reading his speech would know at once that he had been making speeches for a long time in the halls of Parliament. I for one welcome him most heartily to this Chamber. He was an old Liberal coming in, though here, forsooth, we have no politics. The honourable gentleman has been a Liberal all his life. He was a Liberal when the convention assembled in his county and chose him as the candidate of his party. He defeated the Tory candidate and went to the Ontario legislature, where, during many sessions, he proved himself to be an exceptionally good man. When our esteemed friend, the Hon. Newton Wesley Rowell, left that legislature—where, I must say, he had not achieved so very much—and came here, it became necessary to find a leader for the Liberal party in Ontario, and it was thought that no better man could be found than the honourable gentleman from Goderich. Consequently he took that position. If he had only kept the position of leader of the Liberal party, well and good. But there was a moment when he faltered in his Liberal faith, when he sort of backslided, as it were, and abandoned the policy of his old leader at a moment when that policy was not popular throughout this country—at all events in eight out of the nine provinces in the Dominion.

When the time came for the Liberal party to select a new leader, the honourable gentleman was passed over, and my good old friend, my brilliant friend, Hartley Dewart, was selected as leader of the Liberal party in the grand old province of Ontario, and my honourable friend opposite became a candidate as an independent Liberal in his county, but he was defeated by a farmer. The Liberal party, headed by Mr. Dewart, was almost victorious, and if my honourable friend had remained in the faith there are many who believe, in view of what has taken place, that the honourable gentleman would have been the Prime Minister of the province from which he comes. But he had lost the leadership of that party.

The reward of Mr. Dewart was well deserved, because, during the last campaign, when Sir Wilfrid Laurier left Ottawa to travel across the continent, many of us knew that he was fighting for a lost cause.

The dear old chieftain took us into his confidence, and when we were saying that there was good news here and there, he remarked: "With such a Franchise Act as we have, it would be a miracle if the Government were not sustained by a large majority." But that did not prevent Mr. Dewart from accompanying his chief.

Then there was the Hon. Walter Mitchell, Provincial Treasurer of Quebec, a gentleman who, ever since he has held that office, has shown great surpluses, notwithstanding the many great improvements made in that province, such as good roads, which are the envy of every other province. In Quebec we have to-day over 2,200 miles of macadamized roads, and many other good roads which, if not up to the main standard, are better than those in most of the other provinces. Mr. Mitchell accompanied Sir Wilfrid Laurier and Mr. Dewart. When we think of that tour and of the ovations that the old gentleman received in all parts of the country, we do not regret for one moment that we were with him, even though it was a losing fight.

In the great convention that took place in this city last summer, the greatest convention that any political party has ever held in this country, with delegates from the Yukon to Prince Edward Island, right over the stage from which the speakers addressed the meeting was a portrait of Sir Wilfrid Laurier. There was his smiling countenance, and it looked as if he were smiling at every one in the convention. What was the result of the convention? One who had been faithful and true to the old chief, the Hon. William Lyon Mackenzie King, was unanimously elected leader of the party, and he now sits in the place where the grand old chieftain sat for so many years.

Who is this Mr. King? Honourable gentlemen may remember that Mr. King was for some years in the United States. How did he happen to be there? It may be interesting to them to know that, having been a student at Harvard, where he qualified for the very highest honours, when the great institution headed by John D. Rockefeller applied to President Eliot for the very best economist that could be secured, no matter what the cost might be, President Eliot said: "The greatest economist in America is not in the United States; if you want to find him you will have to go to Canada. The best student that ever went through Harvard, the one who took the highest marks, is in Canada, and his name is Mackenzie King." Mr. King went to the United States and there he made good for those who employed him for so many years. Later on there was a meeting in the city of New York, at which four hundred economists were present, men selected as great captains of industry in the United States. This meeting was presided over by the president of a great industrial corporation, with whom I have the honour of being personally acquainted. The chairman, in presenting Mr. Mackenzie King to the audience, said: "Gentlemen, I will now call upon Mr. Mackenzie King to address you, the man that I consider to be the greatest economist in America."

The Liberal party of this country have been very fortunate indeed in securing the services of a man of the strength and the knowledge of economic questions that Mr. King has; and, although it meant a great personal and financial sacrifice, that did not deter him when the Liberal party selected him to lead them, in the belief that no matter how highly he might have been paid in the United States, no man was too good to fill the place of the late Sir Wilfrid Laurier. I ask this honourable House, and if I were in the other House I should ask the same question: is there in Canada a man better fitted to deal with the burning question of the day, the labour problem? I do not believe there is. Mr. Mackenzie King has devoted much time and study to this problem. I heard him in the city of Montreal address an enormous meeting on the rights and privileges of labour and of capital. He spoke of the four partners to industry—he has written a book on the question—and that audience, which at first would not allow him even to mention the word capital, when he had explained, was convinced that capital had some rights, and that labour could no more do without it than capital could do without labour.

The proposer of the Address made a very good speech. As I have said, he is an old parliamentarian. He spoke of the covenant of the League of Nations. Last year I spoke at length on that subject, and it is not my intention to cover the same ground again. However, I may say that I do not think anything has changed since I made my speech. I think Canada is still a colony, and, as a colony, had no right to be directly represented. We are still a dependent part of the British Empire, thank God, and we have no vote in the council of the League of Nations, so much the worse for us. My opinion on this point is entertained by many people, and, if the time were not so short, I could quote a good

many authorities who would support my view. But, though we have not a vote, we have to assume large obligations. We have nothing to say as to what those obligations are to be. We were not consulted, and it might as well be admitted that when the five great Powers—Great Britain, France, Italy, the United States, and Japan—were negotiating, our representatives, who were in Paris for some months, knew what was taking place only from what they read in the newspapers. That being so, they had naturally no voice in deciding anything, and our people, and the people of Australia, New Zealand, and South Africa, knew about it as well as anybody else. Anyone could buy Le Petit Parisien and read it. I challenge anyone to say that the contrary is true. Our representatives might have had a little chat in private with Mr. Lloyd George or Mr. A. J. Balfour, but that did not entitle them to know what was going on behind closed doors. They stayed at a very nice hotel, and waited there for news.

The honourable gentleman who moved the Address spoke about Canada's relations with the world, and very properly so, because now that we have signed the covenant of the League of Nations, we think we are, although we are not, a world power, and that we have a right to have relations with other nations. A child qualifying for diplomacy in the very first year would know that that was impossible, because no communication whatever can be had by this Government with any other government, except through the British ambassador. It would be almost a casus belli if anyone were so bold as to attempt it. They say that Sir Auckland Geddes, who was to be the principal of the University of McGill, is to be the British ambassador at Washington, and is to receive a salary of £20,000 a year. If he was to be the principal of McGill, he must know something of Canada, and evidently it is thought that he can represent Great Britain and all her dependencies, including Canada.

The proposer of the Address goes on to say that he feels confident that British statesmen in their wisdom will soon be establishing equal citizenship for all subjects under the Imperial Crown. These are the very words that the honourable gentleman used. What does "equal citizenship" mean, and in what way shall we have equal citizenship? Can you have equal citizenship when you have no vote and the people in the British Isles do all the voting? The only way to have equal citizenship would be to establish an Imperial parliament in which the 13,000,000 white people outside of the British Isles, constituting at least 33 per cent of those coming under the Imperial Parliament, would be represented. Mark you, it would be a parliament for Imperial affairs only, and the people might have as many local governments as they wished. I hear there will be two for the people of Ireland: one for the north, where they may worship King William, and one for the south, where they may worship the Pope. Very well: if there were also a parliament for Wales—where the Anglican church has recently been disestablished—and one for England and one for Scotland, that would make only five, and there are 40,000,000 people in the United Kingdom. It must be remembered that in this country, with a population of less than 8,000,000, we support nine provincial governments besides a Federal Government. If we can support ten, surely the people of the British Empire can have as many as they like. But for Imperial affairs, if we are to give our sons and to contribute our money and to take part in this League of Nations, surely there should be an Imperial parliament in which our delegates, even though they might be voted down, would at least have the right to express our opinion. There are eminent persons in England, such as professors of law, professors in universities, students of political economy, etc., who say that the position of the Dominions to-day is quite unsatisfactory. However, I will not anticipate, for I may come to that question tomorrow.

Hon. Mr. FOWLER: Does the honourable gentleman say that we have no representation in the League of Nations? I understood him to refer only to the Council; but that is another matter.

Hon. Mr. CASGRAIN: Perhaps I am speaking a little too fast or too loud. What I did say was this: that we have no vote in any Imperial matter——

Hon. Mr. FOWLER: I thought you were discussing the League of Nations.

Hon. Mr. CASGRAIN:—and that, although we belong to the Empire—for my honourable friend would not take Canada out of hte Empire—yet we have no vote: the humblest voter in the British Isles has more power than the Senate and House of Commons of Canada and the Governor General all put together, in deciding the policy. We have absolutely nothing to say, and I

claim that we should have a voice. That is what I have been advocating for 30 years, and as long as God gives me breath of life I will continue to advocate that. I want to be a British citizen, not a British subject.

Now let us come back to the League of Nations, since my honourable friend (Hon. Mr. Fowler) wants to discuss that. We have no vote in the League of Nations either—in the supreme Council.

Hon. Mr. FOWLER: The supreme Council.

Hon. Mr. CASGRAIN: In the supreme Council; and so long as the supreme Council can decide anything, it does not go to the Assembly. It is only when the members of the supreme Council cannot agree that the matter is submitted to the Assembly. My honourable friend is a lawyer and is well posted on these matters; he has read the Covenant of the League of Nations; he knows that the supreme Council is supreme in deciding everything, and anything that it decides is concluded; but if there is a disagreement, as there probably will be, then the matter is referred to the Assembly, and in that Assembly Canada has a vote just the same as New Zealand or the Boers of South Africa; we have no more, no less, than the Boers of South Africa, who were not very much thought of about 1900.

Hon. Mr. FOWLER: They are now.

Hon. Mr. CASGRAIN: Yes, but they were not very much thought of about 20 years ago, and we have no more voice than they have.

Hon. Mr. FOWLER: They proved their loyalty.

Hon. Mr. CASGRAIN: Perhaps the honourable gentleman is satisfied that we should have the same degree of influence as is possessed by 100,000 or 150,000 Boers. That is all we have, and I defy anybody to say we have more. Our vote in the League of Nations is the same as that of New Zealand, which has one-eighth of our population, the same as that of Australia with one-half of our population.

Hon. Mr. FOWLER: Just a moment.

Hon. Mr. CASGRAIN: Certainly.

Hon. Mr. FOWLER: We have the same vote in the League of Nations as Great Britain has.

Hon. Mr. CASGRAIN: Oh, my honourable friend is not serious. Great Britain has a vote in the supreme Council.

Hon. Mr. FOWLER: But I am speaking of the League of Nations.

Hon. Mr. CASGRAIN: The supreme Council of the League of Nations.

Hon. Mr. FOWLER: Exactly.

Hon. Mr. CASGRAIN: All right. Perhaps the honourable gentleman would like to make a speech in order to enlighten me. I may have got this wrong.

Hon. Mr. FOWLER: Not at all, but you are trying to twist it. As the honourable gentleman has said, any controversial matter that cannot be decided in the supreme Council is left to the League of Nations. In that way we have a vote the same as Great Britain has a vote. Is not that right?

Hon. Mr. CASGRAIN: Is not the supreme Council the first and main thing in the League of Nations?

Hon. Mr. FOWLER: It is the executive of the League of Nations.

Hon. Mr. CASGRAIN: If the executive can agree, then there is no reference to any other body.

Hon. Mr. FOWLER: Exactly.

Hon. Mr. CASGRAIN: There are only four great powers represented—France, Italy, Japan and England. The United States will be represented if they come in, but they have not done so. If those four great powers agree to anything, we must obey them whether we like it or not, because we have attached our signature to the document. We should never have done it. England had the right to sign, but Canada should not have signed at all. They asked us to sign, just to "kid" us. We had no right to put our name to that document at all, because we have no say.

Hon. Mr. DANIEL: The honourable gentleman is all wrong.

Hon. Mr. FOWLER: Of course he is.

Hon. Mr. CASGRAIN: Well, everybody is entitled to his own opinion. We signed without reservation and we must make our contribution and furnish men in time of war—whatever quota is allotted to us; for we have given a blank cheque, and we must pay our share. I have read somewhere that our contribution to that League would be greater than that of a certain country; I think it is Spain.

Hon. Mr. FOWLER: We are richer than Spain.

Hon. Mr. CASGRAIN: No, we are not as rich as Spain. Does the honourable gentleman know the population of Spain? It is one of the wealthiest countries; it is very wealthy.

Hon. Mr. FOWLER: It has not been for a hundred years.

Hon. E. D. SMITH: Spain has no seat in the supreme Council.

Hon. Mr. CASGRAIN: No, but there will be four other representatives called in, and Spain will have a nomination, and possibly a Spaniard will be elected as one of the four. Well, since we are going to discuss this League of Nations, and we have plenty of time anyway, let us get right down to the bottom of it. I know something about it; I have been studying it ever since it was first mentioned. There are 50 or, to be exact, 51 of what we may call independent nations; but, as you are aware, there are only eight nations in the world that count for anything: there are the five great powers; then there are Germany and Russia and Austria as it was before it was dismembered. Austria to-day is a very small country.

Hon. Mr. FOWLER: I do not agree with that.

Hon. Mr. CASGRAIN: Well, that is the fact. There are only eight big nations in the world, and they represent over 90 per cent of the people of the earth. The other nations represent about 10 per cent, or, if you want to be exact, 11 per cent. I have all the figures in this book, right here, but I will not take the time to quote them now. I will perhaps read from it to-morrow if I do not finish to-day. These eight nations rule the world. Of course, there is China, which is a vast country; but China is not active in politics, and the population of China is rather doubtful; and China is left out of the question. But even if you added China to the other nations outside of those eight great powers, they would not constitute 20 per cent. Taking from the total of 51 the eight large countries, there is left a total of 43 small countries. In the League there are to be representatives of the five great nations, and the other countries are entitled to appoint four members, each representing a particular group of small nations. The supreme Council will then have a membership of nine. Of course, there will have to be a change if Germany comes in, or if Russia enters when it becomes sane. The constitution will probably have to be amended so as to make room for them. That is exactly the situation. As I have said, those eight great nations govern the world, and they represent the immense majority. I can give to the honourable gentleman (Hon. Mr. Fowler), if he likes, the populations of those countries. The British Empire has over 400,000,000; the United States has over 100,000,000; Russia 175,000,000; France 42,000,000 now; Italy about 30,000,000; Japan about 45,000,000. If you add these figures together, you will find the total population of those great nations who command the world. The population of the whole world is not so great after all; it is only about 1,450,000,000, according to the latest figures. One would have thought it to be much greater. So, after all, there are not so many people in this world and it has not become so thickly populated as we had thought.

But I have strayed, or have been carried away, from the subject I was discussing. Let us return to our muttons. We were talking about our status. Where there is sovereignty there can be no independence. That is an axiom that nobody within these four walls, or anywhere else, will deny. Now, there is a severeignty over this country and the sovereignty is in London, England. It is vested in His Majesty the King and the Imperial Parliament. You cannot pass a law that the Imperial Parliament cannot veto if it likes. So there is no independence in this country, and anyone who talks about our being really a nation is wrong. People talk about a "nation" when they mean a state. May I be allowed to quote this:

> In all regions of the world where settled government exists, every inhabitant, speaking generally, is both a member of a nation and a citizen of a state.

We in Canada are members of a nation, or two nations, if you like to separate the French and the English, but we are not citizens of a state, for the state is across the water, and we are not citizens of that state because we have no vote.

So much has been said in this House on the subject that I have picked out this short definition of about ten lines, and anybody who will do me the honour of listening to me will agree that this is pretty conclusive.

Hon. Mr. FOWLER: With pleasure.

Hon. Mr. CASGRAIN: References are given at the foot of the page. This quotation is taken from Holland's "Jurisprudence." Here are the words:

A nation, or people, or race, is a "large number of human beings, united together by a common language, and by similar customs and opinions, resulting usually from common ancestry, religion, and historical circumstances."

That is a nation. Here is the definition of a state:

A state is a community bound together by a common political allegiance.

We are part of a state, but we have no voice in its government. We are bound together by the common political allegiance to King George, but we have no say in the government of the Empire.

A state may be co-extensive with one people, as is now the case in France, or may embrace several, as is the case with Austria. One people may enter into the composition of several states, as do the Poles and the Jews.

The Jews are a nation, but do you know of a Jewish state in this world?

Hon. Mr. McMEANS: I think they own the whole country.

Hon. Mr. CASGRAIN: The Irish people are a nation, but they are not a state; they are trying to be. I think that definition settles the question as to what is a "nation" and what is a "state."

A burning question to-day—the papers are full of it—is the question whether the Sultan will remain in Constantinople or not. Last session, on the 1st of October, I made a prediction in this House. I quote this from Hansard of last session:

Let me make a prediction. The old city of Constantinople has been in the possession of the Turks ever since 1453, under the name of Stamboul, and all that time it has been the seat of "the Father of the Faithful," although it is not a sacred city. I predict that the Moslems will never allow the Turks to be driven from Constantinople, and Covenant or no Covenant, the Sultan will remain in Constantinople, and those who will keep him there are people whom we know very well. I do not blame them for doing so, because after all, the British Empire must look after its own interests just as any other empires must do.

And the Sultan is there yet, and I predict he will not be removed.

Hon. Mr. McMEANS: You do not want him removed, do you?

Hon. Mr. CASGRAIN: My honourable friend is not really reading the papers. There is nothing else in the papers. There is in England a very strong party talking about removing the Sultan, driving the Turk from Europe, and so on. As you all know, there is a very large Mussulman and Moslem population inhabiting the British Empire. No longer ago than January 19, 1920, an address was presented to the Viceroy of India by Moslems and Hindus—asking what? The Caliph, as you know, is King of the Hedjaz, and has in his territories the sacred cities of Mecca and Medina, and the whole peninsula of Arabia, bounded on the west by the Red Sea and on the east by the Persian gulf. They say in that petition that the Caliph must be left the sole warden of the holy cities; which means they will not be interfered with. Besides that, they want to have an absolute and full guarantee, consistent with the sovereignty of the state, for the Caliph of the Arabian peninsula. Now, there are 67,000,000 Moslems in India, and anyone who is familiar with India will know that the Moslems are the most advanced people in that country. They are the employers of labour. They inhabit the northern part of India, and they are a much stronger race than those of the southern part. Those 67,000,000 Moslems rule in that country, which contains altogether a population of 313,000,000. The Viceroy of India cannot refuse to hear that petition of the Moslems, and to send it to the home Government, because it would never do to antagonize 67,000,000 of the most powerful people in India; and they have allies outside of Afghanistan, outside of India, in Egypt. As you know, we are having enough trouble in Egypt just now. In that country there are 33,000,000 more. King George is ruler of over 100,000,000 Mussulmans and Moslems, and he is not going to do anything to antagonize those people who serve him faithfully and obey his laws. Consequently the Sultan will be, I think, allowed to remain in Constantinople. To a Catholic you might as well try to drive the Pope from Rome as to a Moslem to drive the Father of the Faithful from Constantinople.

Hon. Mr. FOWLER: Why should you?

Hon. Mr. CASGRAIN: That is the question to-day.

Now, since we are to have relations with other countries, our vision must not be limited by the boundaries of this Dominion. We must look over the whole world to see what is taking place; and what do we see? Wars, revolutions, and troubles of all kinds. Why, there is to be a military demonstration before Constantinople; what for? Where are the soldiers to come from? Not from France; she has her hands full in Syria and elsewhere—and I saw that her forces were defeated only the other day. Not from Italy; she has all she can do in the Adriatic, settling the question

of Fiume and putting down the poet Gabriele D'Annunzio. Great Britain has troubles of her own. Take her position in Egypt. Troops have to be kept there. Lord Milner has been sent out, but he has not accomplished much; and to-day the power and sovereignty of England in Egypt is weaker than it has been for some time. Then, passing from Egypt into India, especially into Afghanistan, what do we find? In that country the natives are just waiting to see whether anything is done to the Father of the Faithful. So England cannot supply all the soldiers necessary to frighten the Turks, who, by the way, are not so easily frightened. Then there is a place not far from England where there is at present plenty of trouble, and where, according to the statement of a minister of the Crown made in the House of Commons within the last 48 hours, there are 200,000 people ready to commit murder night and day. So we, being a partner in the League, may be called upon to send soldiers to Constantinople.

What is this military demonstration for? It is to regulate the internal affairs of Turkey. I am not here to defend the Turks; but I may say there are two sides to the question. Not very many years ago it was my good fortune to meet a naval attaché of one of the big powers, who had spent several years at Constantinople. He had just returned from there, having been made an attaché at Washington as a reward for the services he had rendered. It appears that the Embassy at Washington is the prize or the plum of the service. I could give the name of this gentleman, but perhaps I had better not. As I say, he had been living in Constantinople for several years; he had been in communication with Effendi Pasha; and he explained the cause of the Armenian massacres and how they were provoked. Uusually the first step in these uprisings in Turkey is the outraging or ravishing of a Turkish woman by an Armenian. The Turks believe that the woman is the temple of Allah and the fountain from which springs forth the sons of the prophet, and that anyone outraging a Turkish woman has committed the greatest desecration possible. For that crime they raise the cry of the holy war. It may appear very strange to us that this should start a massacre. But we have not to look very far, only to the Southern States, to see what happens when a white woman or girl is outraged by a negro. The whole community rises, and lynch law is in force for the time being. Very often, if the offenders are not lynched, they are burned at the stake. We do not take up our guns and say to the Yankees, "You must stop this." The Armenians, for some reason or other best known to English politicians, have been held up to us as a much-abused people; but sometimes they get no more than they deserve.

There is another feature to this question. Turkey is not subdivided into farms. If there is a fertile spot in the country the Turks will move there and plant their crops. It appears that when the crops ripen the Armenians sometimes come along, chase away the Turks, cut the crops and sell them, and realize money on them at once. But they do not go very far with the money, because the Greeks come along and take it from them. The Turks, however, wreak their vengeance on the Armenians.

If we are going to police Turkey and the Balkan States it will keep us busy, and with no results, because we cannot change these people. If I had my choice I do not know that I should prefer the Armenians to the Turks. I have just read a book by a professor who conducts a very large university in Turkey. He says that the Turk, provided you do not rouse him, or do anything to cause a religious war, is a very peaceable man. One of my sons, who was on the island of Lemnos in the Gulf of Salonika during nine months of the war, said that the Turks were the fairest and best fighters that could be found. He said that when our troops were leaving the shore of the Gallipoli peninsula the Turks could have slaughtered and killed every one of them. But evidently they said, "If you want to go, you can go;" and 200,000 men left the shores safely. Do you think the Germans would have done anything like that? No, they would have slaughtered every man. I could name men who have been prisoners of the Turks. They were treated well, especially the officers. Why should we be called upon by this League of Nations to send men to regulate the internal affairs of Turkey? That is what we have come to by our meddling with things that do not concern us.

Now, what about Russia? During the war Great Britain had a special department in the War Office to look after Russian affairs. The men in that department knew more about Russian affairs than the British Cabinet did, because it was their particular business. They were men who spoke the language, and who were in constant intercourse with the Russian people. They sent memorandum after memorandum to the British

Government strongly advising against interference with the internal affairs of Russia. Honourable gentlemen need not wonder how I got this information. I can assure them that it is correct. But somehow or other the British Government were bound to interfere in Russia; and France, and even the United States, had to take part in it. What happened? We sent an expedition to Russia. It came back. Did it come back covered with glory? How much treasure was spent and how many lives were lost in that foolish expedition? Here were a friendly people; they were our allies. In the early days of the war they manned a front line longer than all of our front lines put together; longer than the front line in France and Italy. Their front was over 900 miles in length, extending from the Baltic sea to the Danube. They stood the brunt of the battle. Still, when there was a revolution in Russia the great powers thought that they must interfere. They acted against the advice of their advisers in the War Office. They simply threw the people of Russia into the arms of the Germans; and then they came back home and left them. Did they come back covered with glory? No. At Murmansk and Archangel many were glad to escape with their lives. Canada was at peace with Russia, and there are a great number of Russian people living in this country; but we fitted out an expedition which went from Vancouver. The members of that expedition never saw the Russians; and we have spent I don't know how much! We have not had any report on that grand expedition, but we will have to pay. We could build many miles of railway with the money expended on that expedition. There was no rhyme or reason for it. We in this House have no politics; but if I were a member of the Opposition in another place, I would protest against the Government spending the money of the people in such a way without any mandate from the people or from the House of Commons. I do not believe it would be possible to show anything worse in the way of administration than the gathering together of a lot of Canadians, commencing at St. John and Halifax, and sending them right across the continent to fight in Russia. What would our handful of men be compared with the 175,000,000 people in Russia? They must have been good people to have let our men get away. They could have taken their food and let them starve. And that is only one of the mistakes that we have made. As I have said, we interefered in Russia without rhyme or reason, and threw the Russian people into the arms of Germany. How long will we continue this kind of thing? How long are we going to remain in our present position in this League of Nations?

Before I go on to that, however, I should like to say a word or two about the seconder of the Address.

Hon. Sir JAMES LOUGHEED: Leave the seconder until to-morrow.

Hon. Mr. CASGRAIN: He is lucky.

Hon. Sir JAMES LOUGHEED: Give him one more day to live.

Hon. Mr. CASGRAIN: Very well. I will move the adjournment of the debate until to-morrow.

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

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

THE SENATE.

Wednesday, March 10, 1920.

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

Prayers and routine proceedings.

NATIONAL LABOUR UNIONS.

INQUIRY.

Hon. Mr. DAVID inquired:

1. Was the Honourable the Minister of Labour a party to the National Industrial Conference held in Ottawa in the month of September, 1919, when a resolution was adopted excluding the National Unions of the Province of Quebec, and if so, was he in accord with the said resolution?

2. Did the Minister of Labour, during the conference, advise the workingmen that they should belong to the International Union rather than to Canadian and National Unions, and if so, why?

3. Is the Honourable the Minister of Labour aware that representatives of the International Union are trying to organize in Montreal a strike in the building trades of that city in order to exclude members of the National Union of Labour, and if so, what does the Honourable Minister intend doing to protect the interests of Canadian workingmen and the city of Montreal against such action?

Hon. G. D. ROBERTSON:

1. No such resolution was introduced or adopted at the National Industrial Conference in Ottawa, September, 1919.

2. No.

3. No.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from Tuesday, March 9, consideration of the motion for an Address in reply to His Excellency the Governor General's Speech at the opening of the Session.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, in speaking yesterday without preparation I gave some figures as to the population of the world. I was quoting from memory. If I may be permitted I will read a few lines from a book entitled "The Bulwark of Peace" which is written by Heber Hart, who is a Doctor of Law of the University of London, and the recorder of Ipswich. After reading in the London Times an account of a speech which I made in this Senate, he sent a copy of his book to me, saying that I might find some argument in it. It says:

> There are still, it is true, over fifty separate states with more less free and uncontrolled governments of their own. But of the 1,734 million people, or thereabouts, who constitute the total population of the globe, about 1,450 millions, or five-sixths of the whole, are governed by the sovereign authorities of the eight Powers and China. The smaller states, to the number of about forty-four, between them govern some 284 millions, or one-sixth of the whole. Thus, while the average population of the eight Powers and China is 161 millions, and that of the Powers without China about 131 millions, that of the smaller states is about 6½ millions.
>
> Accordingly it is quite clear that the existing position of the Dominions in the Constitution of the British Commonwealth is unreasonable and unsatisfactory. Its drawbacks have lately, indeed, been largely mitigated for the time being by voluntary measures wisely taken by the central government. But it is nevertheless absolutely necessary that the legal position should be changed fundamentally and permanently.
>
> The citizens of the Dominions have marked their arrival at collective political maturity in the noblest way possible. The traditions and the flag of England have always been their birthright. They have now shown that they are in every respect qualified to enter into active participation in the administration of the great Commonwealth which is as truly theirs as ours. Equally manifest is it that, by every title which blood relationship, affection and generosity can create, there is firmly established on the part of Britain an enduring right to their boundless devotion, their constant counsel, and their ever ready aid.
>
> These decisive facts are now realized on both sides. Only when they are frankly and fully recognized in our political relations—when our Constitutional system corresponds to the needs and aspirations of the aggregate commonwealth—will the British union be properly and adequately assured.
>
> In order that the inhabitants of the Dominions may enjoy full self-government and the United Kingdom may secure the benefit of their participation in the affairs of common interest to all parts of the British Empire, the federation of the British Commonwealth of Nations is necessary.
>
> At present only the inhabitants of the United Kingdom enjoy full self-government. The most important branches of administration are those concerned with foreign relations, defence, and other matters of common concern to all the constituent communities of the British Commonwealth. In these functions the inhabitants of the Dominions have no constitutional participation. In the decision of their most important concerns they have no right to any share.

Now we come back to matters absolutely Canadian. I spoke yesterday of the proposer of the Address; now I come to the seconder of the Address (Hon. Mr. Chapais). It has been my privilege and my pleasure to have known him for more than forty years, and, unlike the proposer of the Address, he never was a Liberal—not for one minute. He was always an out-and-out Conservative, and always enjoyed the full and entire confidence of the hierarchy of the Roman Catholic church. He enjoys the confidence of the hierarchy, whilst Mr. Bourassa controls the lower clergy, the ill-informed parochial clergy who read that seditious paper Le Devoir. These are a part of the clergy who will not or cannot learn to speak English, who are anti-British, who gloated over the defeat of the French in 1914, and who, really and sincerely, through misinformation or lack of knowledge, thought it was a visitation of Providence upon France for the treatment of the priests and nuns in that country. These priests in Quebec should remember that nowhere on God's earth does the Roman Catholic church enjoy more freedom than under the British flag.

Hon. Mr. DOMVILLE: Are we going into theology or into practical work? I do not care about the priests, or anything else.

Hon. Mr. CASGRAIN: I do not want to answer the honourable gentleman.

Hon. Mr. DOMVILLE: I was calling the attention of the Speaker to this point.

Hon. Mr. CASGRAIN: The honourable member for Granville has always been a great student and a brilliant littérateur. The calling of a littérateur is one that is not well known outside of the province of Quebec. As a rule, the littérateur receives very little pecuniary reward for his labours, but he does not seem to care. That calling does not seem to appeal to the practical mind of the Anglo-Saxon. However, just as a sort of pastime, the honourable gentleman from Granville became a lawyer, and next went into journalism, which they say leads

to everything provided you leave it. The honourable gentleman as a journalist proved himself a splendid writer and a powerful, polished, accurate, and convincing speaker. Some thirty-three years ago—it was in 1887, if my memory serves me—he was a political candidate in his native county of Kamouraska. He acquired some notoriety at that time in connection with his correspondence with the late Thomas McGreevy. Afterwards he became a very prominent Cabinet Minister in the province of Quebec. For many years, I believe about thirty, he has been a Legislative Councillor in that province, and I understand that he still holds that position. It will be a unique position, if ever there is a change in the province of Quebec, which is most unlikely, because then the honourable gentleman would have to be either President of the Council or a minister of the Crown, because there are only two Conservatives in the Upper Chamber at present—the Honourable Mr. Girouard and the honourable the seconder of the Address. If I had to make a choice for him, I would suggest that he become President of the Council. He would then be luxuriously and beautifully housed. He would receive an emolument as President of the Council, an indemnity as Legislative Councillor, and an indemnity as Senator. All these things, which the honourable gentleman richly deserves, are in the remote future, however, because after twenty-three years the Liberal party is still going stronger than ever.

The honourable gentleman is a great acquisition to this House, so I compliment the Government upon its nomination. It is not often that I have an opportunity of congratulating the Government. In this instance, however, this side of the House has been almost unanimous in congratulating the Government upon calling the honourable gentleman to this House. He belongs to an historical family. For many years his father was one of Sir John Macdonald's Cabinet Ministers; he was a member of the House of Commons and a Senator for seventeen years. The honourable gentleman represents the division of Granville. It is an historical division. It comprises the counties of Temiscouata, Kamouraska and L'Islet. The sitting Legislative Councillor at the time of Confederation was the Honourable Luc Letellier de St. Just. After a memorable fight he had carried the division of Granville; and it required no small fight for a Liberal to carry any constituency in the face of the bitter war that was waged by the priests and the bishops at that time. When the Senate was constituted the Legislative Councillors were appointed Senators, except Luc Letellier de St. Just. Sir John Macdonald procured the passage of an Order in Council in which was submitted to the Governor General of the time a list of those proposed for appointment, but the name of Letellier de St. Just was omitted, and the Governor General very properly refused to sign the Order in Council until his name was added to the list. Letellier sat in this Chamber until December, 1877, when he resigned to become Lieutenant Governor of the province of Quebec. He was succeeded, as many remember very well, by Sir Alphonse Pelletier, who was Speaker of the Senate from 1896 to 1900, and who also resigned to accept an appointment as judge in place of Senator Choquette, who at that time had resigned his judgeship, and who has since resigned from this body to accept another judgeship.

Granville is probably the only division which, since Confederation, had always been represented in this Chamber by a man of the Liberal persuasion. The electoral battles between the Honourable Mr. Chapais, the father of the present incumbent for Granville, and the Honourable Letellier de St. Just are legendary in the province of Quebec. Many years after these two great men had disappeared from the political arena the electors of the county were still calling each other Letelliers and Chapais's. I remember that in 1872 in Kamouraska—it was open voting then—an old man was brought in to vote and was asked, " Whom have you been brought in to vote for?" He would say, " Chapais." He would be told, " He is not running," and the man would say: " That does not make any difference; if he is not running I am not voting." The elections were so hot that Kamouraska was actually disfranchised upon the pretext of riots in the county, which I suppose is the only example of the kind in the records of Parliament.

In his eloquent address the other day the honourable gentleman spoke at length of the re-establishment of the soldiers on the land, and instanced a case of more than two hundred years ago, in 1667, when Talon, who was then governor of New France, demobilized the regiment of Carignan Salières and established its soldiers on the land. But Talon was much more provident than the present Government; and I think I may justly blame the Government for not doing as well as was done over two hundred

years ago. After providing those soldiers with land, Talon actually sent to France for a shipload of women to provide them with wives. I would like to know whether the leader of the Government is going to provide wives for our soldiers. They are being provided with money and many other things; why should they not have wives? This shows that the world is getting no better. Speaking in all seriousness, until these men have someone to look after their households, doing work that they cannot do, they cannot possibly make a success of farming. There is plenty of work around the farm for a housewife, and if the Government were wise it would insist that only married men or men who would agree to marry should go on the farm, because a bachelor will not live on a lonely section or quarter-section if he has no female companion to help him look after the place. The honourable member for Granville might have added that about a hundred years later, when General Murray demobilized the Scotch Highlanders, they settled along the shores of the lower St. Lawrence. That accounts for the fact that many red-headed Scotchmen with names like Blackburn, Warren, McLaren, Fraser, McNicholl, are to-day to be found around Murray Bay, all of whom speak French and nothing else; but from their appearance nobody can deny that they are of good Scottish blood, and they make a hardy population on the banks of the St. Lawrence.

There are many omissions in the Speech from the Throne. It would have been very interesting, for instance, if it had informed us what progress has been made in the construction of the Hudson Bay railway, so dear to the heart of the honourable gentleman from Boissevain (Hon. Mr. Schaffner). Not a word is said about that great project. We are left absolutely in the dark as to whether it is the intention of the Government to sink any more millions in the harbour of Port Nelson. Have the Government discovered, after all these years, that the project was a mistake? I am not blaming the present Union Government, or the Conservative Government that preceded it. It was the Liberal Government that started the project. We were blamed for many things, and if our opponents considered that this undertaking was not a wise one they should not have followed in our footsteps. When the country put them in power, they should not have continued doing the bad things that we were doing. If the people had not thought they would do better, they would never have put them there. But there is not a word in the Speech from the Throne about the Hudson Bay railway. Let us hope, then, that this venturesome scheme is now buried and that we shall not hear much more about it.

It would have been interesting also to be told in the Speech from the Throne about the National railways. The National railways are with us, and, like the poor, I suppose, they will always be with us. Now that we have them, I believe it is the duty of every patriotic Canadian to make the best of a bad bargain and do what he can to help the National railways along. I must commend the Government upon the appointment of Mr. D. B. Hanna to manage the Canadian National railways. There is no one better qualified. I understand that he has been connected with the C. N. R. from its very inception. I understand that he was introduced to Mr. Mackenzie by none other than the member for Portage la Prairie (Hon. Mr. Watson), who told Mr. Mackenzie that he could get no better man to look after the financing of that enterprise, which needed then, as later on, very careful attention. Mr. Hanna has done the very best he could, and I think the Government should be commended.

Next year, when we shall have the Grand Trunk railway, it will be a good policy for the Government to take also some of the officials who are familiar with the work of that railway, and put them in charge of that part of the National railways. It would be, I think, prudent and wise for the Government to make an arrangement with them as soon as possible, otherwise the ablest of these officials will be picked up by some of the American roads and the country will lose the advantage of their services. I think I am talking good sense when I say that it is the immediate duty of the Government or those in charge of the National railways to secure those officials by saying to them: "Do not leave the employ of the Grand Trunk because your tenure of office is so insecure; stay on the job; you will not be changed; the best of you will remain in charge of the road that you know so well." It must be remembered, honourable gentlemen, that the Grand Trunk, which has been so much decried, gave a better freight service than the Canadian Pacific railway ever had. If you inquire of shippers they will tell you that the Grand Trunk railway's freight service was prompter and more satisfactory—that it had a larger number of cars per mile, etc.

Now, I agree entirely with Mr. Hanna that there should be no politics in the

management of those railroads, and I am glad to find him saying that there has been none so far. It is the duty of Mr. Hanna to see that there shall be no political interference. If there is, he cannot put the blame upon the Government. Let him try to make the railways meet expenses and not come to Parliament for more money, and there will certainly be no politics. Both sides in Parliament will say: "Go on with your work; you are doing well and we will not interfere with you." But what do we find? It is rumoured that this year the receipts are behind the cost of operation by $30,000,000; that is, two millions and-a-half a month.

Hon. Mr. McMEANS: Is the honourable gentleman speaking of the Canadian Northern or of the other Government line?

Hon. Mr. CASGRAIN: My information is that it is on the National railways.

Hon. Mr. McMEANS: On the Grand Trunk Pacific.

Hon. Mr. CASGRAIN: On the National railways; so the honourable gentleman is just as wise as I am in this respect.

Hon. Mr. CROSBY: He would not be very wise if he were not.

Hon. Mr. CASGRAIN: There is a deficit of $30,000,000, the difference between the receipts from passengers and freight and the cost of operation.

Hon. Mr. McMEANS: I was suggesting that the honourable gentleman disassociate the Canadian Northern from the Transcontinental and the Grand Trunk Pacific. If the honourable gentleman could give us those figures separately, it would help us a great deal.

Hon. Mr. CASGRAIN: That would be very interesting, and I would suggest to my honourable friend that he should make it the subject of an inquiry in this House. Perhaps the Government will be able to separate the figures. The information would be interesting.

As there are 365 days in a year, the deficit of $30,000,000 means that we are losing every day $82,191.78. In other words, stating it in hours, we are losing because of the pleasure of being railway operators, $3,424.65 an hour, or $57 a minute. That is only on the Canadian National railways as we own them to-day. What will be the loss when we add to those lines the Grand Trunk system? How much will the deficit be next year? I do not know and I should not like to make even an estimate. If you refer to Hansard, you will find that my estimate of the deficit on the Canadian Northern Railway system was $30,000,000. It may have been luck, but my estimate appears to have turned out right. But how much would it be for betterments; for the necessary rolling stock, which is becoming obsolete every day; for repairs; for stations and sidings and workshops; for locomotives; and, last but not least, for the upkeep of the hotels—the Chateau Laurier in Ottawa, the Fort Garry in Winnipeg, the Macdonald in Edmonton? If there is a place where there can be a leakage, it is certainly a hotel. But those hotels are going to be dry, so I suppose there will be no leakage. I have always been told that dry hotels did not pay; that the great bulk of the money made in hotels was made over the bar by the sale of strong stuff. Well, there ought to be a large deficit, then. If private individuals cannot run dry hotels without a loss, what will the Government do?

I heartily approve of Mr. Hanna trying to keep the railways out of politics, but how will he do it when Parliament has to provide the necessary funds to meet the deficit and for additional capital? The other day Mr. Hanna, in the city of Ottawa, made a most interesting speech before the Canadian Club, in which he said that if the rates prevailing in Australia were applied to the National railways of Canada, there would be enough profit to pay the interest on the war debt, and over and above that, there would be a surplus of $100,000,000 annually. Well, honourable gentlemen, that shows us what Government operation means in Australia, if the people are taxed to that extent. However, Mr. Hanna gives the figures and makes comparisons, etc., and I think he arrives at the correct conclusion. If the farmers of the Northwest, with their long haul, wanted Government operation, they now have what they wanted, and they must not whine. If they are going to pay for what they have got, they must pay much higher than at present. That is what the people of Australia have been doing, and you will notice that the population of Australia has not been increasing, but has been almost stagnant, under government ownership, because there has been no incentive in government operation to open new territories. However, now that we have government ownership we must make the best of it. Without going as far as Australia in respect to rates, Mr. Hanna might increase the rates so as to meet at least the cost of operation and the interest

on the fixed charges. Then, and only then, will the railway be entirely out of politics.

If the Government would give me one moment's attention, I would make what is, I think, a very valuable suggestion. If the Government are sincere about keeping politics out of the management of the Canadian National railways, they have a simple means of proving their sincerity to the satisfaction of every member on either side of this House and to the satisfaction of members in another place. Let them give the farmers and the Opposition the right to appoint their quota of directors to the Board of Management of the National railways. That would be a very simple matter. The Government would naturally appoint a majority of their own representatives, but there should be a number of others. After all, the National railways belong just as much to the Opposition as to the Government, and they belong just as much to the farmers as to the workingmen. The property of the public, representing the huge sum of two billion dollars, which is about equal to our national debt, should be entrusted not to the care of politicians of either one stripe or the other, but should be administered by joint control. If ever there was need of Union Government, it is in administering our national railways. There is where Union Government might do some good, by allowing the Opposition to nominate some members to that Board of Management, and by allowing the farmers and the labour men to name representatives, so that all classes would be represented on the Board; but let the Government in power keep a majority, as it properly should. Then the control should be left with Parliament, not with the Cabinet, just as in the case of the Auditor General.

There is one little detail that I omitted. I was asked about Roumania. Honourable gentlemen will remember that this country, in a moment of generosity, or folly, actually furnished $25,000,000 to send various articles to Roumania. I am informed that out of the $25,000,000 some $20,000,000 is gone. Where is it gone to? Who got the money? It was supposed to be for Canadian goods. Who got the $20,000,000? It would be interesting to know. Another thing that would be very interesting to know would be, what security has our country got for that $20,000,000 that went all the way across the Atlantic and almost all the way across Europe? What was there to guarantee repayment to Canada of that sum of money? Was it Roumanian bonds? If so, at what discount were those bonds taken? I should like to see anyone go into the market of one of our great cities of Montreal or Toronto, or even into the New York market, and try to sell Roumanian bonds at present. How much would he get? This is a question on which I hope we may get some enlightenment this session. Twenty million dollars is quite a large sum, and why should it be spent without our knowing what was obtained with it and who got the money?

The honourable member for Boissevain (Hon. Mr. Schaffner) the other day made a very able speech, as he generally does. He is very industrious, and if more members of the Senate were as industrious as the honourable gentleman the Senate would prove its usefulness even more than it does. But in his remarks with regard to the Northwest, I think he must have slipped a cog when he stated that the average yield in the province of Manitoba was only 10 bushels per acre. He went further and said that the farmers in Ontario and in Quebec were not nearly as well off, but better off.

Hon. Mr. SCHAFFNER: Will the honourable gentleman excuse me one moment? He misunderstood me. I stated that the average of wheat in the Dominion of Canada, not in Manitoba, was ten bushels per acre in 1919.

Hon. Mr. CASGRAIN: It is the average in Canada? The bulk of the wheat is grown in the Northwest; so I take it that that is about the average in the Northwest. Could the honourable gentleman tell us what was the average in Manitoba in the last two years?

Hon. Mr. SCHAFFNER: Last year the average in Manitoba was the best average of the three provinces.

Hon. Mr. CASGRAIN: How much was it?

Hon. Mr. SCHAFFNER: It was an average of probably 12 bushels.

Hon. Mr. CASGRAIN: Other provinces were not so good?

Hon. Mr. SCHAFFNER: For Canada, as I said, the average was 10 bushels. I think that is correct.

Hon. Mr. CASGRAIN: Anyway, honourable gentlemen, I was correct in saying that the honourable gentleman stated that the farmers of Ontario and the farmers of Quebec were not merely as well off but better off than the farmers in those western provinces. If that is so, why did we spend so much money in opening up that North-

west? Everyone has seen deserted farms in Ontario. If you travelled some years ago from Toronto to Owen Sound, or from Toronto to Collingwood, you would see on both sides of the railway farms that had been abandoned, with boards nailed up in the windows of the houses, padlocks on the doors, etc.

Hon. Mr. SHARPE: Will the honourable gentleman tell us of any farm in the older parts of Ontario that is not being worked to-day?

Hon. Mr. CASGRAIN: I know this much: I have been connected with an estate and we could not get people to go on the farm, or to pay any rent for it. It is in Ontario.

Hon. Mr. SHARPE: Where?

Hon. Mr. CASGRAIN: Around Morrisburg in the county of Dundas.

Hon. Mr. SHARPE: Among the rocks.

Hon. Mr. CASGRAIN: They would pay no rent at all.

Hon. Mr. POPE: Too near the States.

Hon. Mr. CASGRAIN: Yesterday the honourable gentleman from Rigaud (Hon. Mr. Boyer) made a very interesting speech. He referred to the Commission of Conservation and to the efforts being made for the protection of the forests, etc. He spoke of the quantity of pulpwood being used in America. In order to show the immense quantity of pulpwood used, I took the trouble to look it up, and I find that the quantity of pulpwood used in North America in a year is so enormous that it would make a pile four feet wide by twelve feet high extending 3,000 miles; or, to put it more plainly, a fence four feet thick and six feet high running along both sides of the right of way of the C. P. R. right across the continent from Montreal to Vancouver—even through the Prairie Provinces, where wood is so scarce.

Now, there is a peculiar thing about this pulpwood, and, since we are on the question, I may mention it. Price Brothers in 1911 were very much in favour of our having "no truck or trade with the Yankees." They organized the Nationalists of Quebec. In Quebec district—and the honourable gentleman from the Gulf division (Hon. Mr. L'Espérance) knows very well the details of this—Sir William Price, like Sir Herbert Ames, was one of the chief organizers, and even furnished the means. I do not know whether he, like Sir Herbert Ames, went to Mr. Bourassa's paper, Le Devoir, and actually paid money to have it circulated in order to denounce the navy or any other form of help to the Empire Trading with the Yankees at that time was disloyal; but to-day what do we find? We find the Government actually sending police down to Price Brothers to compel them to keep some of their paper for Canadian journals, and to prevent them selling it all in the United States, where they would like to sell it because they get a better price.

What about the Franchise Bill promised in the Speech from the Throne? I think the last Franchise Bill, that of 1917, can be described in a very few words: multiplication of favourable votes; elimination of adverse votes—and all on the ground of patriotism. I am afraid of the new gift the Government is going to bring to us. Like Virgil, I would say, "Timeo Danaos et dona ferentes." I might paraphrase that and say I fear the Government even when they bring gifts. I hope the Bill will be of such a nature that the people of Canada will be able to give free expression to their will.

Now I come to the leader of this House. I have watched him for twenty years. Every year his speeches are better and his eloquence is greater. You must remember that orators can be made, whereas poets must be born. Boileau says: "On nait poète et l'on devient orateur." Or, if you want it translated: "Nascuntur poetæ, fiunt oratores." When the honourable gentlemen soars to the lofty regions of eloquence he becomes a poet and lets his fancy and imagination carry him to the realms of wildest romance. Honourable gentlemen, lend me your ears! Hearken! the leader speaks:

> During the years of war-tragedy through which Canada has passed this Government has stood firmly by the helm. The ship of state has been piloted through the turbulent waters of stress and storm until to-day Canada looks forward with hope to the voyage of prosperity upon which she is about to enter.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. CASGRAIN: If that is not romance, let the honourable gentleman again remember what Boileau says:

> Rash author, 'tis a presumptuous crime
> To undertake the sacred art of rhyme;
> If at thy birth the stars that ruled thy sense
> Shone not with a poetic influence,
> In thy strait genius their wilt be bound,
> Find Phœbus deaf and Pegasus unsound.

Who stood by the helm of the Ship of State? Your pilot, your captain, has been on shore for three years. The poor derelict has drifted in the dark—not one star to

guide her course! With sails in shreds, with rudder lost, she has drifted so close to the rocks of despair that she has cast her last anchor of hope before being dashed on the shoals of the island of oblivion. All her spare anchors will not hold her, because they are dragging in the mud of iniquity. The lights are going out one by one, and the vessel is leaking on all sides. The first brilliant light to go out was the ex-Minister of Public Works, the Honourable Robert Rogers. The next was the organizer of victory—"l'organisateur de la victoire"—the Minister of War par excellence, Sir Sam Hughes. Then that beacon light, Sir Thomas White, disappeared from sight. He was followed by the Minister of Public Works, Hon. Mr. Carvell, who jumped overboard and swam to a safe haven of rest for the next ten years. Another Minister of War, the Honourable Mr. Mewburn, gave up the ship; and the last light on financial matters on board the ship of state went out with the Honourable A. K. Maclean. The Honourable Mr. Roche has floated into the Civil Service Commission, and the Honourable Mr. Crothers is still reaching out for some part of the wreck to support him. And last, Mr. Crerar, whose star did not rise in the Orient, but in the Occident, who was going to lead his people, the man who told them that this Government was all that was good, now finds that he made a mistake, and he also has disappeared. His star rose in the West, and shines not very brightly in the province of Quebec. Did I exaggerate when I said that the remarks of the honourable gentleman were pure romance? No. Unless the people rise in their might and put a new crew in charge, the Ship of State is doomed.

Hon. J. H. LEGRIS (translation): Honourable gentlemen, the debate on the Address which has been proceeding for several days in this House, has been the occasion for a large number of senators to deliver eloquent speeches. May I be permitted to add a few remarks to what has been already said? We have been somewhat surprised to see how much trouble has been taken to persuade the Liberal senators to be moderate, kind, and indulgent, and not to attack the Government. I was amused to hear the honourable senator from Bedford (Hon. Mr. Pope) preach moderation and the forgetfulness of party ties. When one recalls the kind of speeches made by the honourable gentleman during all the years he sat in the House of Commons and even since he became a member of this House, when one remembers the sarcasms and the bitter attacks which he launched against Sir Wilfrid Laurier, there remains only one thing to do, after listening to the counsel he has given, and that is to smile.

As to another of our colleagues, the honourable senator from Acadie (Hon. Mr. Poirier), we all know him. He is always very polished, and even unctuous; but I believe there is not another member of this Chamber more attached to his party, or more ready to serve it in evil as in good fortune.

We have been told that senators should not make use of too strong expressions in discussing political questions. I admit that. I admit it the more readily because of the fact that during the several Sessions I sat in the House of Commons I had occasion more than once to dissent, and to express my dissent, from the opinions of my party and my political chiefs. Consequently I believe I have the right, when I feel that the time has come, to raise my voice, and to say to the Government and to this honourable House that the moment has arrived for doing something. I have no need to cite anything else than the feeling of unrest which reigns from one end of the country to the other; and if my own words are insufficient to prove that, I will make use of the eloquent language addressed to this House by the new member for the Granville division (Hon. Mr. Chapais) in seconding the Address in reply to the Speech from the Throne. May I be permitted to quote two or three lines from his eloquent speech to prove that the unrest is general and acute in the country? Here are the words of my honourable colleague:

> The increase in the cost of living has become almost a public calamity. It has caused anguish to reign in many a household. It haunts, like a nightmare, an infinite number of firesides. It wrings the heart of many a mother, and furrows with lines of care the brow of many a father.

This is finely expressed, but all the same it is very true. Nobody fails to recognize its truth except the Government; yet they have had proofs in the utterances of numerous friends and several of their party newspapers. I consider that, in the face of all this unrest, the members of the Senate of Canada have a duty to fulfil—to raise their voices and to propose some remedy to relieve the distress and to give new hope to the people.

I have read carefully the speech of the honourable senator from De Lorimier (Hon. Mr. Dandurand), and I am not ready to believe that it was too violent. On the

contrary, I maintain that he had reason to speak as he did, because what he said was the truth, and the truth it is better to express than to conceal. The causes of unrest are many; but naturally the prime one is the high cost of living due no doubt to the war. But there are two other causes, which are very serious, and which should have been remedied long ago. The tariff we have in Canada is too high. I heard the honourable member from Mille Iles (Hon. Mr. David) yesterday speak approvingly of the policy of protection. He said that it had been his view for fifty years. I am astonished that my honourable friend has learned nothing on this subject in fifty years. It is evident that circumstances have changed. I have believed, and I believe still, that it is proper to accord a certain degree of protection to infant industries, but when I see industries which have been established in the country for many years, which are completely equipped and capable of competing with similar industries in other countries, I ask why the Government should continue to accord them a protection which gives them special advantages over the rest of the population of Canada and which makes of them public beneficiaries and a privileged class.

Will you permit me, honourable gentlemen, to give you some examples in support of my contention. Take, for instance, rice, an article of consumption used in all families. For the year ending the 31st March, we imported 15,373,286 pounds of cleaned rice, and 50,428,411 pounds of uncleaned. The duty on cleaned rice is 75 cents per hundred pounds; uncleaned rice is free of duty. We have three rice factories in the country. The Government collected in duties $111,639. The protected industry had the advantage of a protection of $3 for every dollar collected by the Government.

Let us next take cloths and clothing. There exists a duty of from 30 to 40 per cent on imported goods. The importer adds to the purchase price the duty imposed by the Government, and he puts his percentage both on the duty paid to the Government and on the price of the goods themselves. The wholesaler to whom he sells does the same thing. The retail merchant who buys from the wholesaler has to pay all the accumulated percentages as well as the net cost of the goods themselves, so that the ultimate consumer often finds himself obliged to pay double the original price.

We imported last year 545,000,000 pounds of sugar. Of that amount 2,000,000 pounds was refined. The duty on refined sugar is one cent per pound. The Government, therefore, collected on this article duties to the amount of $20,000; but the refiners, of whom there are nine in Canada, enjoyed a protection which enabled them to realize profits of about $7,000,000 from the consumers. Why maintain a duty on sugar when raw sugar is bought in the countries where it is produced, and the total cost of refining cannot be higher in Canada than it is in the United States? Is it that the workers in the Canadian refiners are not as capable as those in the refineries of the United States and other countries. Why this privileged class? And, remember it is the class of the prosperous, the millionaires, while the people are subjected to duties as unjust as they are useless.

We have in this country other great industries which derive enormous and even scandalous profits at the expense of the people. I may mention the Patton Manufacturing Company, of Sherbrooke, which realized last year a profit of from 72 to 100 per cent upon its invested capital. We have also the Canadian Cottons, Limited, which, after providing for all the expenses of the year, declared a net profit of 32 per cent upon its invested capital. The Dominion Textile Company admitted, under examination, that its profits for the year amounted to 310 per cent on its invested capital. The flour mills also made fabulous profits. It is in such enterprises that we find men who are in favour of protection. My honourable friend from Mille Iles (Hon. Mr. David) has certainly not studied the situation. I believe that he is influenced by his surroundings.

The Government is doing nothing to lighten the burdens which lie upon the shoulders of the people, and which have been placed there for the purpose of filling the pockets of the great capitalists and manufacturers. I do not hesitate to say that the tariff should be modified, as Sir Thomas White promised, in announcing to us last year that a committee of the Government would be appointed to study it, with a view to a revision in the following session. All that has fallen through; it has passed by, like the flight of a bird, and the Government does nothing. Sir Thomas White reappeared in the House of Commons yesterday, and announced a new programme, little different from that which existed already. Here are his words, as

reported in the Montreal Gazette, which for some time has not regarded with approval the policy of the present Government. But Sir Thomas White declared that by adding a word to the name of the existing party it could sweep the country at the polls. Instead of being named the Liberal-Conservative party, it should be called National-Liberal-Conservative-Unionist.

Hon. Mr. POPE: Hear, hear.

Hon. Mr. LEGRIS: Here are the words of Sir Thomas White, as reported in this morning's Gazette:

> With these undoubted qualifications, Sir Thomas White urges the Government and Unionist party to carry on as a National Liberal-Conservative party, embracing in its membership those Liberal Unionists who believe in the protective principle which has always been the guiding feature of Conservative policy. "If Sir Robert Borden will form a National Liberal-Conservative party of the old Conservative party and Unionist Liberals who think alike on fiscal and other questions they will sweep the country."

The Government—I might say the present Government, for it has changed only in name—attained power in 1911 by deceiving the electors. The election cry from one end of the country to the other was: "No truck or trade with the Yankees." While loudly extolling the loyalty of the Canadian people to the British Crown, they accused the French Canadians of being disloyal to England. In the election of 1917 the war, with the aid of the press which was at the service of the gentlemen of the Government, served as the pretext or cloak to conceal all that had happened in the intervening period. There was but one cry in the country; it was to win the war. Despite the enormous faults and errors of the Government, they carried the elections with the win-the-war cry. The Government was maintained in power by those elections, and it has continued to sshelter itself under the cloak of the war, and has, with a fiendish disregard of consequences, spent the millions of the country's money without heed or control, and with a boundless prodigality. We had for four years, as Minister of Militia, Sir Sam Hughes, who, as every one knows, is an enthusiast—an enthusiast without measure; and what has astonished me is, that it took four years for Sir Robert Borden really to understand the character of Sir Sam Hughes. We had in England at Argyle House a millionaire and incompetent minister, who gave himself up to a life of ease, and practised favouritism in all things; but the secret reason for all this was the Government's desire to hang on to office and to allow their friends to realize millions; always under the pretext of the war. We shall never know nor be able to render an exact account of all that transpired during the war, and always under the pretext of patriotism, of loyalty, and of zeal for the Empire. I am going to quote here a few lines from an article which appeared in the Farmer's Sun of the 15th October last. They are as follows:

> A great deal has been said about the anxiety of Union Government for the welfare of Canadian soldiers and the safety of the Empire. And yet there seems no possible room for doubt that the Canadian Government and the Ontario Government actually allowed Germany to get her supply of nickel from Ontario mines. We have read evidence on it carefully because it seemed altogether too horrible to be believed. Without nickel Germany would have been powerless. Yet when the war had been in progress for years, in fact, until the United States entered the war, Ontario nickel from the mines at Sudbury was going to Germany. The very last ship that left this side of the Atlantic for Germany had nine car loads or 360 tons of Ontario nickel aboard. One hesitates to mention this crime of the Government of Ontario and the Dominion because it seems too terribly horrible—that the mines of Ontario were turning out hundreds of tons of nickel to enable Germany to make weapons to destroy Canada's sons. At any time the Ontario Government could have stopped the export. But that export went on.
>
> Fifty thousand Canadian boys lie dead in Europe, slain in part by metal mined in their own country. While women were sending food and clothing to keep their boys well and happy, the country that asked those boys to go to war was allowing Canadian nickel to go to Germany to make bullets to kill Canadians.

It is incredible, yet there is the fact; and at the same time the Government was shouting loyalty and patriotism to the Empire on the one hand, and disloyalty on the other hand, while their friends were making millions by means as criminal as those mentioned in the article I have just read.

Even in this House cruel insinuations were made evidently directed against the French Canadians, but I may say at once that the French Canadians are not at all excited on that score. The French Canadian is a patriot: he loves his country. He is a thoughtful man. He understands that these accusations were made for the purpose of winning the election. But to-day he is amply avenged for all this vituperation. We have had testimony of the highest value, re-establishing the truth and vindicating the name and the reputation of the French Canadians.

The honourable member for Boissevain (Hon. Mr. Schaffner), in his eloquent speech, used these words:

> Quebec is not only a great agricultural country, with a splendid class of farmers, but

it has also wonderful industries. I knew very little about Quebec until, through the kindness of one of our most respected members, I had the privilege of visiting some of the industries of that province last year. Any man from the West who has had the opportunity of visiting the great industries of Ontario and Quebec will agree that they are wonderful.

I quote this testimony of a member of this House, and I emphasize it for the purpose of showing that the accusations made against the province of Quebec were not justified, and that their falsity is already recognized.

But here is something rather amusing which I am going to read to the House, taken from an article which appeared in the Farmer's Sun of the 11th of February:

It is funny to hear the big interests making love to Quebec. No Bolshevism there. No demagogues preaching sedition. No labor agitation. A contented, hardworking, thrifty people. A safe and sane province, where you may invest your money at seven per cent, in privately owned concerns, unmolested by Government ownership. The finest province of Canada, and a glorious example to the turbulent West, with its organized farmers and labor men.

It is for the French Canadian to laugh, perhaps rather bitterly. Only two years ago they were being denounced as slackers and traitors. The whole province was boiling with sedition. The sturdy men of Ontario ought to go down to Quebec and clear the French Canadians out. They were priest-ridden. They were anti-British. "Shall Quebec rule?" was the war cry.

And now these fire-eaters are down on their marrow-bones, offering incense to the Quebec. Why? Have the French Canadians changed their character? We have seen no evidence of it. The secret is that their votes are wanted for high protection and the big interests. "Come back" cries the agonized father, "and all will be forgiven." No; even that does not quite describe it. "Come back and we will beg your forgiveness for all the hard things we said in 1917. Instead of abuse we will give you flattery. Instead of charging you with sedition we will give you a certificate of character as bulwarks of defence against Bolshevism. Only stand by the sacred tariff and the big interests and the big profits, and we will exalt Quebec above Ontario as the premier province of Canada."

As we say, it is for Quebec to laugh. But what opinion must French Canadians hold of those who have passed from violent abuse to flattery based upon selfishness?

As I have said, I have never believed that more than a reasonable degree of attention was paid by French Canadians to the unkind things said of the province of Quebec, because they have understood that this was done only with the object of winning the elections. But I have said to myself many times that if there was in the ministry a single statesman who would have desired to act in a manner worthy of himself, he would have put a stop to that flood of insult poured forth from the English press of this country and the aspersions cast by politicians upon the province of Quebec. It was not Sir Wilfrid Laurier who would have permitted such a thing. No; he would have preferred to remain forever in opposition rather than to obtain power by means so unworthy.

As I have said, the expenditures on the war have been both extravagant and foolish. One would have thought that the success of the war depended solely on the efforts of Canada; but the Government was much more interested in winning the elections, and in making money for its friends, the bloated monopolists and the gigantic manufacturing interests, than in winning the war. The war was the pretext by which they served their purpose and by which they still wish to do so. But to-day it would seem that they desire to change their tactics, and to direct public opinion to the illness of Sir Robert Borden. I do not believe that that manoeuvre will succeed, because, if I know anything of public opinion, I understand that the people are beginning to be incredulous regarding that illness and to feel that the comedy has already lasted too long. If, however, Sir Robert Borden is ill, as he announces through his friends, he has only one thing to do, that is, to resign, and yield his place to another, in order that this anomaly without parallel in this country may cease.

For some time we have seen the ministers, one after another, deserting the Government, abandoning the ship in distress, which, without its captain, is drifting hither and thither; and this great Unionist party, knowing all too well the trend of public sentiment, has never once attempted in a single county to secure the election of a new minister to replace any of those who have resigned.

There is much talk of the tariff, and with good reason. But, in spite of the promises made in Parliament by Sir Thomas White, and repeated elsewhere by several of his friends, to name a government committee to inquire into the tariff with the object of modifying it next Session, if one can judge to-day by what has been said by the honourable the leader of the Government in this House (Sir James Lougheed), nothing will be done, because no one dares to interfere with the interests of the manufacturers and the profiteers. To give an idea of the sentiment of the country, it is sufficient to recall that which has just taken place in the provincial elections in the province of Ontario. The result of those elections is undoubtedly due to two causes. The province of Ontario was no more in

favour of conscription than was the province of Quebec, and the electors of the province, being fully aware of the sympathy which existed between the Unionist party at Ottawa and the Hearst Government at Toronto, and, being well aware also of the monopoly exercised by the capitalists and the insatiable monopolists, desired to make it clear that they were taking their interests into their own hands. We may expect to witness the same result from one end of the country to the other at the first opportunity. Conscription was certainly a great blunder. This is already recognized, and the future will render the fact still clearer. It was a political question on which people had the right to differ in opinion. Conscription was not necessary, because voluntary enlistment was proceeding successfully, and was securing more soldiers for the army than did conscription. Moreover, the conscripts, after the law had been applied with the slowness inevitable in such circumstances, had not time to reach the front; and, the worst of it was that this conscription measure cost the country $6,000,000 for its enforcement, and perhaps even more to individuals, to say nothing of the trouble, the anxiety, and the confusion which everywhere resulted from it. But the hope of the Government was to arouse the indignation of the English-speaking provinces against the province of Quebec, always for the same end, that of winning the elections. These gentlemen of the Government have returned to kindle the fires of civil discord in the country for the contemptible advantage of their party interest. Sir Wilfrid Laurier would not thus have permitted his friends to raise the cry of race and religion.

After conscription we had the law of national registration. It has never been possible to understand the purpose of such childish legislation, if it was not to give the ministers an opportunity of furnishing their friends with the means of gaining $800,000 at the country's expense. We have also seen these gentlemen establishing a journal known as the Official Bulletin, but which was in reality the organ of Mr. Rowell, established for the purpose of sounding his praises, and in some degree those of the other ministers, at a time when newsprint was becoming scarcer and dearer. That interesting journal cost the country during the few ephemeral months of its existence the pretty sum of $100,000. The expression of Mr. Meighen, "Ruin Canada if necessary to save the Empire," has found its application on many occasions, and it has been put in operation on the most extensive scale possible. After the Official Bulletin of Mr. Rowell we have had the innumerable commissions nominated by the Government, which have cost the country millions of dollars, and have done practically nothing. The most regrettable means have been employed by these gentlemen for the purpose of hanging on to office: disunion, prejudice, race cries, the most cruel accusations against the French Canadians, and particularly against Sir Wilfrid Laurier.

As I said a moment ago, the French Canadians have not been too sensitive because of these attempts to humiliate them, nor too much hurt by the means employed, and to-day they are well avenged and rehabilitated. The French Canadians and the province of Quebec will not vote against the Government for these reasons. They will vote against the Government on its merits. I sincerely believe that they will vote against the Government because the Government has, under the excuse of the war, committed errors which are unpardonable. It has established in the country an autocracy with its Orders in Council frequently unjustifiable, and with its commissions, without number, which have cost the country millions, and which have been without any real value; and during all that time the ministers continued to evade their responsibility. The French Canadians and the province of Quebec will vote against the Government, because it is incompetent to repair its errors, incompetent to diminish the unreasonably high cost of living, incompetent to allay the prevailing unrest, and finally because it is in the hands of great capitalists who are making millions at the expense of the people. The province of Quebec will vote against the Government, because it is without a head and without cohesion, and because, as I have said, while one after another of its members are deserting it, they dare not throw open a single county to elect their successors, because they know well the state of public opinion regarding their administration. The Government and the Unionist party are falling to pieces. They inspire confidence in no one, not even in a great number of their friends. The electors of the province of Quebec will vote against the Government and the Unionist party because of the enormous debt which they have heaped upon the country, because of the disquieting condition of our

finances, and because of the incompetence of our finance ministers, Sir Thomas White and Sir Henry Drayton. I have for them personally the greatest respect, but I do not hesitate to say that they are not great financiers, as their party press has declared them to be. They have not proved their competence as ministers of finance, neither the one nor the other. The greatest merit of Sir Thomas White was that he was capable of borrowing instead of finding the means of levying the money necessary for the needs of the country. Instead of taking the means to make those pay who were able to do so, those who had the advantage of realizing millions out of the war, either in the manufacture of munitions or through the sale to the Government of supplies necessary for the army—instead of making those pay, I say, Sir Thomas White preferred to allow his friends to enjoy in peace their enormous profits, and to sleep tranquilly on the laurels tendered them and to the music chanted in their honour by a subservient press. It is exactly similar to the case of a man who, instead of working and producing, would be content to borrow from his neighbours. That may seem fine. He may make people believe that he is a man of great talent because he has always money in his pocket. That will last as long as his credit holds good. But the end is not far distant. The regime of constant borrowing inaugurated by these great financiers of the day is a regime which is utterly ruinous. Why have these gentlemen, instead of conscripting our children, not rather conscripted wealth? It would have been somewhat less painful for those who are possessed of some fortune to give a part of it rather than that fathers and mothers should give up their children to risk their lives in the face of the enemy at the front. The honourable senator from Boissevain (Hon. Mr. Schaffner) mentioned something the other day which I am going to repeat, not to contradict what he said, but for the purpose of drawing from it a conclusion different from his own. I have just said that our great financiers in Canada, instead of levying the money necessary to meet the expenses of the war, resorted to borrowing. The honourable senator from Boissevain mentioned what was done in New Zealand, where the population is about one-eighth of that of Canada. There was practically no munition making in New Zealand. Also the means of transport were paralyzed there, as with us. During the first four years of the war New Zealand collected in income taxes $55,085,620. Canada should have collected during the same period $472,000,000. Instead of that amount Canada collected in taxes on income and taxes on munitions $33,777,554; that is to say, $20,000,000 less than New Zealand, which has only one-eighth of our population. In 1918 New Zealand collected in taxes on income $28,097,805. In the same proportion Canada should have collected $204,743,240. Instead of that, she actually collected $21,271,038.

I will now extend the same principle of comparison to Australia. The population of Australia is about five-eighths of that of Canada. The resources of the two countries are in about the same proportions. Australia was in a better position for making war profits than was New Zealand, because of the possession of certain metals which it was able to furnish the Allies. But it had practically no war contracts. However, Australia levied a tax on profits only in 1917-18, when it realized $3,400,000. It began to levy a tax on income in 1915-16, and in the first year it collected $19,633,875, the second year $28,107,750, the third year $36,927,615. The total for the three years was $84,701,240. In the same proportions Canada should have collected $135,522,144. Instead of that Canada collected $33,777,599 on business profits and nothing on income.

I have seen in the last few days in an English paper that Sir William Henderson, revenue officer of Great Britain, had proposed an income tax from which he estimated a return to the Government of a billion pounds, and the paper comments as follows:

> In Canada one of the most lamentable features of the Government in connection with the war was their refusal to conscript wealth. It was alright to conscript a man's life and send him to the front at $1.10 a day, but the big interests who grew rich out of the war got off almost scot-free. Canada raised a smaller amount of money per capita from her munition makers and others supplying war necessities, than any other country engaged in the struggle. It is just another case of the dominence of the Big Interests in this country. The poor man was sent to the front. His employer who made millions out of the war stayed home and enjoyed the fruits of his war profiteering. Surely a man's life is worth more than money. If it was right and proper, as undoubtedly it was, to conscript men, it was a thousand times more proper that we should conscript wealth.

The electors of the province of Quebec will vote against the Government because of the infamous measure known as the War-time Elections Act, and the criminal use made of it by the friends of the Government for the purpose of stealing the elec-

tion. The electors of the province of Quebec will vote against the Government because of their inability to devise means for collecting revenues sufficient for the country's needs; because of their extravagant expenditures; because of their unjustifiable borrowing; and because of the scandalous deals which took place in connection with the purchase of railways. These are some of the reasons for which I believe the province of Quebec will vote against the present Government. Notwithstanding all that I do not hesitate to reaffirm the loyalty and the patriotism of the province of Quebec. I believe sincerely that the people of the other provinces will not accuse us as did their press at the time of the last elections. I believe that it is highly desirable that the people of this country should live in sympathy, in a common accord, that harmony should reign in the different counties from one end of the country to the other. I know that the people of the province of Quebec would desire nothing so much as the fulfilment of that wish.

And now I should perhaps ask the forgiveness of the House for having taken up so much of its time. I believed it my duty to speak on these matters, because this is the only opportunity we have of expressing our views upon the conduct of the Government. The time is too serious and our position too precarious for any man who realizes as I do the duty which lies upon us, to remain silent like a dumb animal instead of exposing to the world things as he sees them.

The motion for the Address was agreed to.

REVISION OF PUNISHMENTS BILL.

SECOND READING.

Bill B, An Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.—Hon. Mr. McMeans.

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

THE SENATE.

Thursday, March 11, 1920.

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

Prayers and routine proceedings.

AMALGAMATION OF PARLIAMENTARY SERVICES.

JOINT COMMITTEE APPOINTED.

Hon. Sir JAMES LOUGHEED rose to move:

That a message be sent to the House of Commons to request that House to unite with the Senate in the appointment of a Joint Committee consisting of an equal number of members of both Houses to consider and report upon the desirability of uniting certain branches of the two Houses performing similar duties, and particularly the Law Branch, the Law Translation Branch, and the Debates Translation Branch, and, if in the opinion of the committee, it is desirable to unite any of the branches, to submit a scheme therefor, and that the Honourable Messieurs Belcourt, Fowler, Foster, Sharpe and Thompson be appointed as members of such Committee to act on behalf of this House.

He said: With the permission of the House I should like to amend the motion by adding the name of the Honourable Mr. Dennis, who has interested himself in the subject with which it is proposed that the committee should deal.

Hon. Mr. BOSTOCK: May I suggest that the name of the Honourable Mr. Dandurand also be added?

The proposed amendments were agreed to.

Hon. Mr. BOSTOCK: Honourable gentlemen, I notice that His Honour the Speaker mentioned my name as seconding this motion. I do not want in any way to oppose the motion to the extent of preventing its adoption, but I should like to say that while I appreciate the desire of the Government to examine into this matter, in an effort to bring about a reduction in the expenses of carrying on Parliamentary business, still I think that members of the committee, and members of this House itself, should be exceedingly careful in dealing with any proposal which might tend to eradicate the distinct line of separation between the two Houses. The Senate has a very valuable work to do for the country. It was formed to act as a revising body to revise the legislation of the country, and it is very important for us that the work of the Senate should be kept as distinct and separate as possible from the work of the House of Commons. The position of the Law Clerk is one that I think should be very carefully considered in this connection. Being a revising body we have to look at the legislation which comes before us from the Commons in a somewhat critical manner to see that it is in the best interest of the country. It occurs to me that a number of instances may possibly arise in the future, as they have arisen in the past, in which the point of view adopted by the Senate may not exactly coincide with that of the House of Commons, and where it may be necessary for honourable members of the Senate to take the advice of the Law Clerk of the Senate in regard to

the drafting and general form of a measur . Consequently, I think we should be exceedingly careful before we adopt a policy to amalgamate that branch with the similar branch of the House of Commons.

I would like to read to the House a report of a Select Committee which was appointed in 1867, at the time of the first meeting of the Dominion Parliament. On page 90 of the Journals, for the 25th of November, 1867, it is recorded:

> The Select Committee appointed to examine and report upon the Contingent Accounts of the Senate for the existing first session, beg leave to make their First Report:
>
> 1. That with the exception of the appointment of Clerk of the Senate, Usher of the Black Rod, and Sergeant-at-Arms, which are considered to be Crown offices, all other offices of the Senate, as well as all salaries of officers, are and ought to be in the appointment of the Senate and under the control of the Senate.
>
> 2. That no officer of the Senate shall be liable to be displaced except by order of the Senate.
>
> 3. That the duties of Sergeant-at-Arms to the Senate, as well as those of Usher of the Black Rod, may, and should be discharged by the same individual.
>
> 4. Your Committee do not recognize the existence of any officer or servant of the Senate at the opening of the session, with the exception of Crown appointments above referred to, and they propose at an early day to report, for the consideration of the Senate, such a staff of officials, with such salaries as they may think necessary for the efficiency of this branch of the Legislature.
>
> The whole respectfully submitted,
>
> B. SEYMOUR,
> Chairman.

That report, honourable gentlemen, was very extensively discussed during that session of Parliament. Various amendments were moved; but, without detaining the House to go into the whole matter, I may say that that report as I have read it was eventually adopted. I desire especially to emphasize paragraph 2 of that report, which says: "That no officer of the Senate shall be liable to be displaced except by order of the Senate." The evident object of the honourable members of this House at that time was to keep the control of their officers entirely in their own hands. Unfortunately, through not apprehending exactly what we were doing when dealing with the Civil Service Act in 1908, we departed from the principle laid down in that report, and I think we have all had cause to regret it ever since. I make these few remarks for the purpose of drawing the attention of the honourable gentlemen who will be serving on this Committee to the need for great care in any action that we take on this question.

Hon. RAOUL DANDURAND: I expected that the honourable leader of the Government (Hon. Sir James Lougheed) would give us the reasons for the motion which he has presented. I fully agree with the remarks of my honourable friend to my left (Hon. Mr. Bostock), and would go one step further. I am not quite satisfied with the reservation which my honourable friend (Hon. Sir James Lougheed) makes as to the view he may ultimately take when a report is presented by that Joint Committee which may have to examine into those various branches with a view to their amalgamation.

Now, I wonder if it is prudent to allow this motion to pass as if it implied the opinion of the Senate. It will go to the House of Commons, and the Senate will appear to have expressed an opinion favourable to the amalgamation of the Law Branch of the Senate with the Law Branch of the Commons. If we pause to reflect upon the importance of retaining our Law Officer for our special advantage, we may, instead of adopting the motion, come to the conclusion that it would be imprudent to deprive ourselves of the advice of our special Law Officer. The public Bills that come from the other Chamber are mostly Government Bills, and I am under the impression that in the majority of cases they have been passed upon, if not framed, by the Law Officer of the Commons. So if we merge our Law Branch with that of the Commons, how shall we be able to appeal to the joint Law Branch for revision? We should be appealing to the Law Officer who had drafted those Bills, and whose opinion regarding his own production would be somewhat biassed. I think we shall be sorry if we adopt a system which would deprive us of the Law Officer whose duty it is specially to advise the committees of the Senate and the senators themselves. If this is the opinion which the majority of the senators hold, then are we not doing an imprudent and unwise thing in allowing to go to the Commons a motion which implies that we are in sympathy with the project therein mentioned? Unless I hear further explanations from my hon. friend on the other side (Hon. Sir James Lougheed), I shall be disposed to move in amendment that the words "Law Branch" be struck out of the motion.

Hon. GEO. W. FOWLER: It does not seem to me that there is anything in this motion which would bear out the contention of my honourable friend (Hon. Mr. Dandurand). It is merely for the appointment of a committee to make inquiry and

consider the question whether it is desirable or not to carry out the proposal. It will then be for the House to accept or reject the findings of the committee. I think it very desirable that inquiries should be made to see if there are certain matters in connection with the Houses of Parliament in which saving can be effected by amalgamation. I am quite of the same opinion as my hon. friend from De Lorimier (Hon. Mr. Dandurand) and the honourable leader of the Opposition (Hon. Mr. Bostock) as to the desirability of having our own independent Law Branch. I think that it is very necessary, and I have no hesitation in saying that unless very strong arguments and very strong reasons were brought forward to show me the desirability of uniting the Law Branches of the two Houses, I should be against it. It will take very strong and very cogent reasons to change my opinion on that point. But I do thing that there are services in which a saving can be effected by amalgamation, without interfering with the important privileges of this House. Although a new member of the Senate I should be the last man to consent to the Senate allowing itself to be sheared of any of its privileges or any of the rights which it now enjoys. I am strongly in favour of upholding all the ancient privileges that appertain to this Chamber; but I think this is a step in the right direction. As I say all arguments can be brought before the Committee for consideration, and the Committee can make a digest report to the House, and it will then be for the Chamber to decide which of the different services they desire to have amalgamated. So I do not think there is any necessity for any change whatever in the motion as it now appears.

Hon. Mr. BELCOURT: May I ask my honourable friend if a similar resolution is being adopted in the House of Commons?

Hon. Sir JAMES LOUGHEED: There will be.

Hon. Mr. BELCOURT: I take it that this motion is brought forward by the honourable leader of the Government in this House after an understanding has been reached with the honourable leader in the other House that a similar resolution will be passed there; so our action would not be interpreted as my honourable friend from De Lorimier (Hon. Mr. Dandurand) seems to fear. This is really joint action on the part of the two Houses. It is supposed to be done simultaneously, although we are taking action to-day and the House of Commons may not do so until next week. This is not a question on which we are making a decision. As I understand, it is simply a matter which by arrangement is being taken up by both Houses.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, the time when we are moving into these buildings is opportune to make Parliament as efficient and as economical as possible. My honourable friends apparently have sounded a note of warning that we are about to abdicate certain privileges that we as a Senate enjoyed in times past and hand them over to some foreign body that might disregard them. Nothing of the kind is in view. The Government has already taken steps along the lines that have been discussed. The Law Branch is only one of several subjects to be taken into consideration. In the past the Law Branches of both Houses of Parliament were unsatisfactory, and three or four years ago the Government intervened and appointed a Parliamentary Counsel for the two Houses of Parliament. This House has consulted that counsel just as much as has the House of Commons, and I will venture to say that honourable members of the Senate have consulted him to a very much greater extent than——

Hon. Mr. CASGRAIN: Who is he?

Hon. Sir JAMES LOUGHEED: Mr. Gisborne. They have consulted the Parliamentary Counsel on matters of legislation very much more than the Law Clerks of the respective branches of Parliament.

Now, is there any good reason why Parliament should not be placed upon as businesslike a footing as any establishment in the country? Are we not as desirous of having our machinery just as efficient as that of any large commercial enterprise? Would any large business undertaking in Canada have practically three institutions for advising upon legal questions? We have the Law Branch of the Commons, we have the Law Branch of the Senate, and we have the Parliamentary Counsel, common to both Houses, who practically does the work of both Houses; and you and the country are paying the expenses of maintaining three separate establishments for the purpose of advising us in regard to the few Bills that come up to Parliament from time to time. If we are looking for efficiency, if we want to put Parliament upon a modern basis, then let us consider this matter from a business standpoint. The Committee is not charged with altering in the slightest

degree—not in the slightest degree—any of the rights or privileges or traditions which we have held in the past. All they are asked to do is to consider and report how Parliament may be made most efficient along the lines indicated in the resolution. It seems to me, honourable gentlemen, that in having a committee of the Senate meet from time to time with a like committee from the Commons to consider the administration of public business with a view to the adoption of the best machinery for the doing of it, we reflect credit upon ourselves and it is of advantage to the country.

Take, for instance, the Translation Branches, as referred to in this motion.

Hon. Mr. CASGRAIN: That is all right.

Hon. Sir JAMES LOUGHEED: We have three or four translation branches in Parliament; we have a translation branch for the Debates; we have a translation branch for the Bills; and it is the same in the other House. Those different divisions are each presided over by a senior member or some official whose standing is superior to that of the others. Would any business institution be organized on a basis of that kind? Not for a moment.

Hon. Mr. CASGRAIN: It is the same with the Debates.

Hon. Sir JAMES LOUGHEED: There is also the subject of the Debates. There is the Post Office. Is there any good reason why the post offices for Parliament should not be under the Post Office Department and administered just the same as the post offices in the city of Toronto, the city of Montreal, or any of the other great centres of Canada? Is there any reason why we should multiply offices and multiply machinery, all of which contribute to inefficiency, when we may overcome difficulties of this kind?

If this should result in the disturbance of any official, his interests will be fully considered. As long as I have been in Parliament I have never yet seen an official whose interests have not been very sympathetically considered and dealt with. So we need have no apprehension on that ground.

We have already established a joint restaurant. I remember the time when we had two restaurants, both very inferior. I do not say the restaurant as it is to-day is a very superior one.

Hon. Mr. DANIEL: I think not

Hon. Sir JAMES LOUGHEED: But we hope that when the Restaurant Committee get to work there will be a very substantial improvement.

Hon. Mr. DANIEL: That is a bad illustration.

Hon. Sir JAMES LOUGHEED: We had two restaurants; now we have one.

Hon. Mr. CASGRAIN: And two bars.

Hon. Sir JAMES LOUGHEED: My honourable friend says we had two bars at one time.

Hon. Mr. CASGRAIN: Give us one now.

Hon. Sir JAMES LOUGHEED: But the morality of the Senate became shocked on one particular occasion, and they abolished their bar; and a like movement was made in the Commons. The result was that both bars were abolished.

Hon. Mr. DOMVILLE: I made the motion.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this committee is simply a committee to consider and report to this Senate; and when they do report the matter will be absolutely in your hands, and it will then be for you to determine whether the report is good or bad.

Hon. Mr. CASGRAIN: May I ask just one question? This is a matter for lawyers, I understand. I have nothing to say at present with regard to any of the other branches, but may I ask the honourable leader of the Government: If the Senate is to revise legislation, and if the solicitors and attorneys and barristers— all the gentlemen well learned in law—connected with the House of Commons have passed upon and approved of a certain measure, and if we in the Senate have not lawyers quite independent of those people, how are we going to revise? If there is a joint Law Branch, the lawyers would be simply sitting in revision upon themselves, as far as I understand it.

Hon. J. W. DANIEL: If it had not been for what was, I think, the unhappy illustration the honourable leader of the Government (Hon. Sir James Lougheed) brought forward in advising us to unite certain branches, I should not perhaps have said anything. I remember the old restaurant which the Senate had. I used it several times, and I must say that I always came off clear, without any ptomaine poisoning. But the two restaurants have been joined

into one parliamentary restaurant, and the last time that I took a meal there I got ptomaine poisoning. I do not intend to take any more meals there until there is very considerable improvement. I understand the same thing happened to another member of this Senate only a few days ago. I feel somewhat diffident in talking about the question of the Law Branch, because I am not a lawyer, but I think there is a very great difference between the Law Branch and the other branches which are mentioned in the motion, such as the Translation and Debates Branches. There can be no two opinions about the translation from French into English and vice versa; and the same is true with regard to the Debates. But there is much room for difference of opinion with regard to points of law, and I think it would be very foolish on the part of the Senate to throw away the privilege which we already have of having our own legal advisers at our disposal.

In regard to the Law Branch, I think it would be better to leave it out of this discussion altogether. I must say that my experience of joint committees of both Houses does not lead me to favour them, and I fear the placing of our rights and privileges in their hands. I think it is safer for us to deal with our own concerns in our own way and keep our independence so long as we are able to maintain it, and not of our own accord and pleasure put them to one side and allow our rights to be gradually taken from us.

These opinions are given with diffidence, because I am not a lawyer, and am not so well posted in legal matters as other gentlemen here; but it strikes me that we would be very foolish to throw away any of our present privileges, and that we ought to be independent of the other Chamber of the legislature.

Hon. Mr. POIRIER: All that I would feel ready to concede to the honourable leader of the Government just now would be one restaurant and one bar. I am willing to let the House of Commons have one-half of the control of those departments, and one-half would mean that they would have two-thirds control. But I would advise my colleagues to go slowly in the matter of relinquishing our old-time and honoured privileges. I believe we made a mistake in allowing the Civil Service Commission to step in and take upon themselves the nomination and appointment of our employees. This motion, though only tentative, suggests action that should be adopted only after very mature consideration. The honourable leader of the House likened the two Houses to a commercial concern. While that is the view taken by the experts who presided over the classification of our employees, the Senate is not a commrcial concern. The Senate is a little higher than a commercial enterprise. It enjoys privileges, and in my opinion we should continue to enjoy all the privileges that have been left to us.

Hon. Mr. DOMVILLE: As I understand it, this is only a motion to appoint a committee to look into these matters. We are all the time kicking up a row with the Government because they do not practise economy; but now, when they suggest something in that direction, there is opposition. I cannot really understand it. I was glad to hear my honourable friend talk of the bar in the House of Commons. When I was leading the temperance party in New Brunswick—and I led them well, though they knew I took whatever I wanted, but their own men had left them in an hour of weakness—I pledged myself to close up the bar in the Commons, and I did it absolutely, as you will find on the records of that House. But they got around and made a hole in the wall on the Senate side, which resulted in their getting all they wanted from the Senate.

Hon. Mr. BOYER: What a pity!

Hon. Mr. DOMVILLE: I think it is a pity if we cannot get something here; I think it a mistake to have those sumptuary laws; but you are playing to the public, you are playing to the gallery. I have drink in my house, and temperance people come along, and it is all right; sick people come along, and the parson comes along, and the result is that I am cut down in my supply, which is very hard to get, in order to help them out of their difficulties. Not that I begrudge it, but I do not like the trouble of getting it. I do not know what may result from the proposed motion. I am certainly in sympathy with the leader of the Government in looking into this matter, and finding what the other House will do.

The Hon. the SPEAKER: The fact that the honourable leader of the Opposition moved to add one name to the list of members led me to believe that he would have no objection to second the motion. However, as he does not perfectly agree to the proposition, I will ask if I may substitute for him—

Hon. Sir JAMES LOUGHEED: Honourable Mr. Robertson.

The motion, as amended, was agreed to.

RESIGNATION OF EXPERTS FROM THE PUBLIC SERVICE.

MOTION FOR RETURN.

Hon. JULES TESSIER moved:

That an Order of the Senate do issue for the production of correspondence between the Canadian Mining Institute or others with the Government or any of its Members relating to the resignation of officers of the Department of Geological Survey and the Department of Mines.

He said: In moving this motion I have no intention of criticising the Government or the Civil Service Commission, but I wish to draw the attention of the Government and of this House to a very important matter. Some time ago I received from the Canadian Mining Institute a circular on a subject which to my mind has a great deal of importance. This circular referred to the great number of resignations which have taken place amongst the mining engineers and members of the Geological Survey of Canada. This question is of vast importance, because the future prosperity of Canada will depend upon the development and utilization of its natural resources. We have been accustomed to consider our resources as unlimited, but events of the last decade have taught us our error. There has been a decrease in the average production of our wheat per acre, also in the catch of some of our fisheries, and there will necessarily be a decrease in the output of our lumber industry. In our iron industry, there has been an annual decrease in the amount of native ores used, and a corresponding increase in the consumption of imported ores. Our mineral resources should be utilized to the best advantage of our manufacturing industries, and the preservation of our agricultural industries depends upon adequate supplies of mineral fertilizers. It is, then, obvious that the future prosperity of Canada is in a very large measure dependent upon her reserves of men highly trained in the special sciences that have to do with the study and utilization of our national resources. These men are needed, and their services are a necessity, because we cannot afford to wait until new men are trained to the various kinds of work required. This necessity of keeping good men has been realized in Great Britain and in the United States; and, judging by what has taken place, we in Canada seem to be the last to realize it. Private industry realizes the value of men of scientific training, and, if valuable to private industries, they must be valuable to Canada for its reasonable development. Realizing the important function of these men, we must view with alarm the numerous resignations from their ranks from the Civil Service at Ottawa. These men are trained by a long and difficult course in some university, which is followed by practical experience. In the Geological Survey Branch of the Department of Mines a period of at least twelve years is required to enable men to occupy the higher positions. Within the last few months not less than eight men have resigned from the Geological Survey, representing a loss to the country of more than ninety years intensive training. Five or six other men, students in training for work in this branch of the public service, have left to enter private service. In the Department of Trade and Commerce, eight Government analysts in the Food and Drug Branch, out of a total of thirteen, have resigned to enter private service. There have been other resignations of scientists in other branches of the public service. The Department of Mines is the largest organization in the Government service devoted to investigation of our natural resources and development of our industries. During the last ten years I am told that this department has lost forty-nine men by resignation. The Geological Survey has lost twenty-six men by resignation. During the last two years there have been eleven resignations in the Geological Survey and twelve in the Mines Branch.

The resignation of scientific men from Government service seems to be largely due to very inadequate pay. The numerous chemists who have left the Departments of Trade and Commerce, Interior and Mines, have all secured higher pay than is given in the Government service. Indeed, they have nearly doubled their salaries. The cause of these resignations is not far to seek: we do not pay the men enough to live on and bring up their families.

In conclusion, I may say that I hope that the Government will take some measure to give full justice to that branch of the service, as the importance of these trained men cannot be overestimated. That is why I have chosen to call the attention of the House to this question, and I am not surprised to observe that the Mining Institute has sent us this alarming circular, asking the Government to try to remedy this evil.

Hon. Mr. CASGRAIN: Perhaps the honourable gentleman will be good enough to

allow the adjournment of the debate, because I have received several documents, I do not know from whom, asking me to look into this matter.

Hon. Mr. DOMVILLE: I object, as one. Let the discussion go on: we cannot defer the business of this House for the honourable gentleman's study. This question is one of vital importance to the country. As a scientist, or pretending to be one, I want to retain the very best intellect we have to assist in developing this country. It is very true that men are leaving Canada because they do not get the pay they require, whereas if they had had enough salary to live comfortably and prosecute their inquiries, we might have retained them. The salaries paid here have not been commensurate with what they could get on the other side of the border. This discussion will bring up the question in the departments concerned as to whether some plan cannot be instituted for classifying these technical men and raising their salaries by degrees. We need technical men in Canada, who can show us what to get out of the soil and out of the mines and from the textiles and many new things that are coming up; and we can fairly ask whether something will not be done in these reconstruction days in the matter of employing men and paying them adequately. We have drawn men from the United States; two of our honourable knights came from Hartford, Connecticut, and we were glad to get them for their ability. In the same way the Americans are glad to draw men from this country. This is a very large subject, and I know the honourable leader of this House will look into it. I have no desire to embarass the Government, rather I wish to help them, because I can see how difficult the problem is. I have had experience, and in the line that I have been investigating I have had to bring scientists from England. This cost a great deal of money; but in our case it met the case. We cannot expect capital to come into this country until our resources are explored and reported upon by men who have special knowledge and intelligence, and whose reports inspire confidence. Merely the name of being a geologist is not sufficient; the capitalist wants to see what kind of goods he is dealing with. We need technical men in many departments; now that we are going to have a fleet we shall need a sea-lord. I am very glad to be able to aid one mite of thought to help the departments whose problems have been brought before the House.

Hon. Mr. NICHOLLS: This matter is really one of very much greater importance than appears on the surface; but I am at a loss how to approach the subject, as the proposed motion deals with a matter which it is not within the province of this Chamber to determine. It is a fact, and a most important fact, that the natural resources of our country are very largely dependent on the supervision and technical knowledge and ability of employees of the Government in those departments. It is a fact that those men have been underpaid, and it is also a fact that they have been given very much larger inducements to leave the service of the Government and enter private employment. We had a case at the last session when the question arose as to the value of coal-mining in a section of the Northwest. It was believed that certain parties had acquired a mining lease for the benefit of private parties, for little or no financial consideration, without the Government having had sufficient knowledge of that part of the public domain that was being diverted. Our resources are very often referred to as illimitable—erroneously so; but unless Parliament has a very large number of technical men amongst its members, or some officers on whom they can depend not only because of their technical knowledge but their absolute reliability, I am afraid that the country may in the long run lose a thousandfold more, or ten thousandfold more than the difference between an adequate and an inadequate salary for its technical men. I had no intention of addressing the House on this matter, but it occurred to me while the debate was proceeding that this matter, while apparently simple, is fraught with far graver consequences than perhaps many members of the House may realize. While I have no idea that we are in a position to alter the situation, it is possible that the honourable leader of the House may be able to inform us whether the Government have full knowledge of what is transpiring, and whether, having that knowledge, they are taking any steps to mitigate what may develop into a very serious condition of affairs.

On motion of Hon. Mr. Casgrain, the debate was adjourned until the 6th day of April next.

TRIBUTES TO DECEASED SENATORS.

THE LATE HON. MESSRS. LANDRY AND TALBOT.

On the Orders of the Day:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, owing to the time occupied

in the debate on the Address I had not an opportunity of directing the attention of the Senate, as it is my melancholy duty to do, to the deaths of some of our members since last we met. During the recess we have lost two of our members, both of whom were closely identified with the activities of this Chamber. I refer to the late Senators Talbot and Landry.

For two years the late Senator Talbot was a member of the House of Commons, and he became a member of this Chamber in March, 1906. He was one of the pioneer farmers of my own province. I had the pleasure of his friendship for a great number of years, and it was with the deep regret and sorrow of a personal friend that I learned of his death. He possessed peculiarly a friendly and attractive personality, and numbered his friends as numerously among his political opponents as among those with whom he associated in the political party to which he belonged. His temperament was of that peculiar character that made it a pleasure to meet him, and to grasp his hand was to feel that the humanities were strong within him. Although he did not identify himself as actively with the business of this Chamber as some of its members, yet his presence was always welcomed and to-day we deeply regret the loss of Peter Talbot, as he was best known to those who enjoyed his intimate acquaintance.

The late Senator Landry was for over forty years active in the political life of Canada. He entered the House of Commons as one of the representatives of his native province in the year 1878, and was appointed to the Senate under the Conservative Administration of 1892. He was a man of whom it could be said, probably with greater force than of most men, that he had the courage of his convictions. To him it was his meat and drink to be in the front rank of the battle where the fighting was the hardest. He rejoiced in the storm of political life rather than in its calm. Life itself would be monotonous to most of us if it were all sunshine and calm. Nature has ordained that there should be storm and the tumult of the elements. Likewise we find human nature divided between those conditions, although most of us would prefer to pursue the serene and quiet of life rather than to live in the elements of the storm. As he loved controversy and conflict, circumstances furnished him with his desires in this respect; and yet those of us who knew him best knew that, notwithstanding his differences with us on political questions, there was little resentment in his make-up; and, though possibly hard to reconcile, yet he played the game openly, and we had more or less to admire the courage and the fighting power which he displayed in advancing his cause. He was one of the active members of this Senate, and owing to his temperamental qualities we shall miss his militant activities and the interest which he created in the Senate through the assertion of the views which he espoused. Now that he has gone to his long rest, we may all say over his grave: "Requiescat in pace."

Hon. HEWITT BOSTOCK: Honourable gentlemen, I do not know that I can add much to what has been so ably said by the leader of the Government in reference to the loss which this Chamber has sustained in the death of the late Senators Landry and Talbot. From time to time we are called upon to refer to the losses by death which occur amongst us. It is a matter of great regret that we have to part with those whom we have known so well, and with whom we have associated in this Chamber.

Senator Landry, as my honourable friend has said, was a man who thoroughly enjoyed his parliamentary life. He was a great worker. I understand that as a young man he was in a financially good position, that he did not have to work for his living, and that he entered public life from choice, desiring to do his best for his country and to make himself useful to his fellow men. His activities in various walks of life were considerable. He entered into everything he undertook with great zest, and always acquitted himself with credit. As a member opposing the Government in this Chamber he was always indefatigable in his work, and always a source of information to his friends. He had the great faculty of gathering data and collecting information; so much so, indeed, that amongst his friends the remark became common that if they required any information they had only to refer to Senator Landry. He thoroughly enjoyed his work, and thoroughly enjoyed making trouble for the leader of the Government, if he could do so. The work that he has done will be long remembered. We all very much regret his departure from amongst us, and join in extending sympathy to his relatives in the bereavement which they have suffered.

Senator Talbot, as my honourable friend has said, was a member of this Chamber for some years. He was recognized as a pioneer by all who knew him, particularly in the West. Until he went to the West

his whole training had been in the world of teaching. He went to Alberta as principal of a high school. He impressed all those who came in contact with him by his honesty of purpose and his desire to do the best he could in whatever position in life he occupied. From the principalship of the high school he went to farming, and of that he also made a success. I think that all who knew the late Senator Talbot would probably agree with me that he could be best described in the words of Sir Walter Scott as "a man steady of heart and stout of hand." I am sure we all feel the loss that this Chamber has sustained by his death, and desire to offer our most sincere sympathy to his widow and family.

Hon. THOMAS CHAPAIS: Honourable gentlemen, I had not the honour of knowing the Honourable Senator Talbot, but I am sure that he well deserves the eulogies to his memory just now voiced in this House by the leader of the Government and the leader of the Opposition.

But I feel that it is my duty to share in the tribute paid to the late Senator Landry. I have been most intimately connected with him for over thirty years; I have gone with him through many a political campaign, and I can say with full knowledge that he was a man of sterling qualities, a devoted friend, and a loyal foe. The honourable members of this House know perfectly well that he was a strenuous fighter, always true to his principles and stubborn in the defence of what he deemed right. His death has been a great sorrow for his friends. He was a credit to himself and an ornament to the public life of this country.

The Senate adjourned until to-morrow at 2.30 p.m.

THE SENATE.

Friday, March 12, 1920.

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

Prayers and routine proceedings.

RESCUE OF LIGHTHOUSE CREWS.

INQUIRY.

Hon. Mr. BOYER inquired of the Government:

What was the cost of sending a sealer from Newfoundland to Labrador to rescue the crews of the different lighthouses in the strait of Belle Isle?

Hon. Sir JAMES LOUGHEED: Arrangements were made for this work by the Acting Minister of Shipping, St. John's, Newfoundland, at the request of the Deputy Minister of Marine, Ottawa. Accounts in connection therewith have not yet come to hand. I have no doubt that at a later date we shall have them.

Hon. Mr. BOYER: Better allow the question to stand.

Hon. Sir JAMES LOUGHEED: Yes.

THE PARLIAMENTARY RESTAURANT.

APPOINTMENT OF SPECIAL COMMITTEE.

Hon. Sir JAMES LOUGHEED moved:

That a Special Committee composed of the Honourable Messieurs Boyer, Casgrain, Fowler, Thorne and White (Inkerman), be appointed for the purpose of considering and reporting upon a scheme for the placing of the new Parliamentary Restaurant, when completed, both as to equipment and administration, on a parity with a first class club or hotel dining room, and that a Message be sent to the House of Commons inviting that House to appoint a like Special Committee to act jointly with the Special Committee of this House.

Hon. Mr. BOYER: Has the honourable gentleman any idea as to when that restaurant will be ready?

Hon. Sir JAMES LOUGHEED: It was thought that it would be completed before the end of the present session. Considerable progress is being made in the room at the present time. I was there yesterday, and it seems to me that it should not take more than six weeks or two months to complete it.

Hon. Mr. BOYER: There is very little to be done in the restaurant proper, but in the kitchen and in the anterooms there is work to be done which will require at least six months before anything is installed.

Hon. Sir JAMES LOUGHEED: I do not think so. I think the equipment is ordered and is ready for installation immediately the room is completed.

Hno. Mr. DANDURAND: Could the honourable gentleman tell us what are the expectations regarding our taking possession of the Senate Chamber for next session, 1921?

Hon. Sir JAMES LOUGHEED: I very much regret I cannot say. I should be very doubtful of the Chamber itself being ready for next session.

Hon. Mr. WATSON: Oh, yes.

Hon. Sir JAMES LOUGHEED: Will it? My honourable friend from Portage la

Prairie (Hon. Mr. Watson) is on the Building Committee, but I must say he is more optimistic than I am. I think all the rooms and the corridors will be completed by that time.

Hon. Mr. WATSON: A great deal of the material for the completion of the interior of the Chamber is cut and is ready for the masons to put in place. It was taken out of that part of the building in order to get the building ready for this session, but the stonecutters have been going on with their work and a great deal of the material is ready.

The motion was agreed to.

ADJOURNMENT OF THE SENATE.

Hon. Sir JAMES LOUGHEED moved:

That when the Senate adjourns to-day, it do stand adjourned till Tuesday, 6th April, 1920, at three o'clock in the afternoon.

Hon. Mr. DANDURAND: I have been asked if this date could not be advanced to the next day, Wednesday, so as to allow of many members enjoying Easter at home and reaching here in time. As the Commons will not likely meet until the same day, we should certainly be able to dispose of the work as quickly as the Commons will.

Hon. Sir JAMES LOUGHEED: The only hesitation I would have would be in view of a Supply Bill coming down. As honourable gentlemen know, our fiscal year ends the 31st March, and I have no doubt that were we in session to that date, we should be asked to pass upon a Supply Bill. I am therefore very reluctant to take any chances upon the embarrassment which might result from our not being in session when Supply is needed.

Hon. Mr. DANDURAND: Easter Monday is a legal holiday.

Hon. Sir JAMES LOUGHEED: We could make it eight o'clock in the evening.

Hon. Mr. DANDURAND: I can reach here more easily than many of the members, and I am not speaking for myself, but for members who live at a distance.

Hon. Sir JAMES LOUGHEED: If we make it eight o'clock in the evening, that will give an opportunity to those who are travelling on Tuesday, and would not reach here by three o'clock. Make it eight o'clock in the evening.

The motion, so amended, was agreed to.

REVISION OF PUNISHMENTS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Lendrum McMeans, the Senate went into Committee on Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate Punishments. Hon. Mr. Tanner in the Chair.

On section 1, new section 1055A, subsection 1—revision of sentences for indictable offences:

Hon. Sir JAMES LOUGHEED: May I ask if this is practically a reprint of the Bill which we passed in a former session?

Hon. Mr. McMEANS: I may say in reply that when the Bill was first introduced the assent of the Attorney General was required; but as it went through at the last session it was amended to require the assent of a judge of the Court of Appeal.

Hon. Mr. BOSTOCK: I should like to ask the honourable gentleman in charge of this Bill if he has considered the question of the costs of these appeals? In the case of an appeal does the person sentenced have to bear all the costs of this further appeal?

Hon. Mr. McMEANS: I may say that in criminal matters there are generally no costs incurred. The applicant will only have to pay his own counsel when he makes appeal through a lawyer. If, for instance, the Attorney General, who has to be notified, is opposed to the matter, I think it would end there.

Subsection 1 was agreed to.

On subsection 2—powers of Court of Appeal:

Hon. G. W. FOWLER: I have had some experience in criminal law in my own province during the long period that I practised at the Bar there, and I never have observed any crying necessity for this Bill. The judges have been fair; the sentences have certainly not been disproportionate to the crime. They have erred rather on the side of leniency, and this Bill does not provide for increasing sentences.

Hon. Mr. McMEANS: Yes, it does.

Hon. Mr. FOWLER: In my own country the original sentence was more often rather too light than too heavy. I should like to see more uniformity in regard to

sentences; yet it is impossible to have real uniformity because the circumstances surrounding each individual case leave the judge to make the sentence long or short, as all crimes in the same category are not of the same magnitude. The circumstances under which a crime is committed, and the causes leading up to it, very often determine whether the crime is heinous or not, apart from what the statute may say about it; so there cannot possibly be uniformity in the sentences. I suppose that is the reason why the law-makers originally gave to the judge trying the case a range from a certain minimum to a maximum punishment. I am very conservative about matters of this kind. I would dislike to see our judicial system operate as it does in the United States, so that when a man is convicted it is often the case that more years elapse between the time of the first conviction for the crime and the time he enters upon his punishment than would be occupied in serving a proper sentence. We do not need that sort of thing in this country, and every appeal afforded lengthens the litigation, and makes it more easy for the guilty person to escape. My experience, after thirty-five years' practice at the Bar—and I had a very large criminal practice in that province, as I specialized along those lines—would be that in ninety-nine cases out of a hundred men charged with crimes are guilty; and thus by multiplying appeals you allow a great opportunity for guilty men to escape the just punishment of their acts. I am opposed to the principle of the Bill.

Hon. Mr. DANDURAND: There is one feature of the Bill which displeases me. I am a little afraid of opening the door to the possibility of a higher tribunal increasing the penalty. I recognize the argument of my honourable friend who promotes this measure when he says that we allow a number of appeals in material and monetary affairs, safeguarding the property interests of the individual to that extent, yet make light of the honour and liberty of the subject. There is something that appeals to one when the argument is presented in that way; and I am not much opposed to allowing some kind of recourse to the accused who feels that he has been unjustly condemned and will have that blot on his record and on his reputation for life. I have not yet heard from my honourable friend an argument that satisfies me as to opening the door for an increase of the penalty. Of course, he may have advanced such an argument in my absence. The ideal in the administration of criminal justice under British law is the protecting of the accused from imputation of guilt before conviction; giving him considerable latitude for his evidence; rather allowing a chance for nine-tenths of the accused persons to escape than risking one of them being condemned unjustly. Whatever the sentence may be, even if it be light, the magistrate may have a reason for that; he has had the whole case before him, he has seen the witnesses; he may have inquired as to record of the accused; hence I am somewhat diffident about allowing an appeal to one who has been convicted. I feel this all the more because our statutes at present give to magistrates a chance to temper justice to those who have been convicted. We have now a ticket-of-leave system, by which, if it is felt that a man has been unduly convicted, or sentenced for too long a period, he may ask and obtain relief by securing a ticket-of-leave. In view of that I should like to ask my honourable friend who promotes this legislation what argument he has for allowing to the Crown Prosecutor an appeal with the view of increasing the penalty.

Hon. Mr. McMEANS: I may say in reply to the honourable gentleman that, while I am not very anxious to retain the clause as to sentences being increased, it was suggested by one particular case which I have no doubt honourable gentlemen know of. It was the case of a school teacher in the province of Manitoba who was accused of a sexual crime against one of his pupils, and the sentence imposed was six months in jail. There was such a furore through that part of the country, and indeed throughout the Dominion, that the women sent in petitions to the Minister of Justice, and even talked about taking proceedings against the judge. The uproar made in regard to that case suggested to my mind that if there had been a clause of that kind it could have been said to those women, "There will be five judges sitting in the court of appeal, and they can look into the matter." That was one of the reasons why this clause was inserted. Another reason was that in the western country we appoint magistrates who are not lawyers and have had no experience in the administration of justice.

Hon. Mr. CASGRAIN: Justices of the peace?

Hon. Mr. McMEANS. No, magistrates of cities and towns.

Hon. Mr. McMEANS: I am happy to say that in Winnipeg the police magistrate is

a lawyer; but no special qualification is required for magistrates, although the Criminal Code has greatly increased their jurisdiction. They can give very severe sentences, and in some cases have done so. Perhaps the honourable gentleman who has spoken for New Brunswick is more fortunate there. But I do not want him to have the idea that this is any question of a general criminal appeal; it is simply to correct a great injustice that may be done in some cases. I think I may safely say that in the majority of the cases sentences are imposed fairly, but there are exceptional cases.

Hon. Mr. FOWLER: You cannot legislate for exceptional cases.

Hon. Mr. McMEANS: We are not legislating for them. We are giving a chance to have a sentence reviewed if the Attorney General is of opinion that it ought to be reviewed; that is all. Canada is the only country to-day in the British dominions in which there is no court of criminal appeal; so that when a magistrate or judge pronounces a sentence, he can make it one year or ten years, whatever he thinks best, and whatever he says is final.

Hon. Mr. FOWLER: The law provides a range of punishments according to the seriousness of the crime.

Hon. Mr. McMEANS: The honourable gentleman says he has practised law for thirty-five years. After that long experience he does not know that where the Criminal Code fixes a minimum and a maximum penalty the judge may give any penalty he pleases.

Hon. Mr. FOWLER: He can fix it between.

Hon. Mr. McMEANS: No, whether it is between or not.

Hon. Mr. FOWLER: That is not the practice.

Hon. Mr. McMEANS: I know it is; I have been in it myself.

Hon. Mr. TESSIER: How would the honourable gentleman provide when the evidence is not taken in writing? How can you expect the judge of the higher court to be able to quash a sentence when the evidence is not before him in writing?

Hon. Mr. McMEANS: It is not a review of the evidence at all; it is not on the question of the evidence at all. I am afraid honourable gentlemen here have not really grasped the intent of the Bill. A man is sentenced for ten years; representation is made to the Attorney General of a province, who says, "Yes, I think that particular judicial officer erred, and I think his error ought to be rectified." Then the accused makes an application to the court of appeal, where there would be four or five judges, and the Crown counsel would simply say, " In so far as the Crown is concerned, we have no objection to it." I do not think there will be any criminal case reviewed, or any sentence altered, where the Attorney General of the province objects. I want to tell honourable gentlemen that one man got a sentence of 21 years for stealing an overcoat; it was given to him by a magistrate who had a very large experience. Fortunately he had exceeded his jurisdiction by a few years, and the case went up to the court of appeal, and they reduced the sentence to two years.

Hon. Mr. FOWLER: Was that before the war, or since?

Hon. Mr. McMEANS: It did not happen down in New Brunswick; it happened up in the Northwest.

Hon. Mr. FOWLER: Was it before the war?

Hon. Mr. McMEANS: Oh, yes, before the war.

Hon. Mr. FOWLER: Since the war the stealing of an overcoat is a very serious offence.

Hon. Mr. McMEANS: Quite true. I think that clause about the sentence being increased should be inserted, because it strikes me in this way. I happen to know of a case that I would not like to mention here; but I will suppose a young man is brought before a magistrate charged with a serious offence, and he happens to be a particular friend of the magistrate; what are you going to do? I could tell you where a bank clerk dined with a magistrate one evening, and the next morning was accused of stealing $35,000, and he was let off on suspended sentence, and nobody knew anything about it. This clause is suggested only to meet those exceptional cases that might occur. In the case of the school teacher I mentioned who made the criminal assault on the girl pupil, he got six months; and inside of two months, owing to the uproar which was caused, a foreigner—in whom the same grade of morality is not expected—received for a similar offence a sentence of seven years in the penitentiary. Now, what are you going to do? The other day I told the House that

I called at the Department of Justice about a ticket-of-leave young man, a returned soldier, and they told me there: "We do not know what to do in these cases; we have before us to-day the case of a returned soldier in the neighbouring county of Renfrew who stole a case of whisky from an officer, and he got a sentence of five years in the penitentiary." That case of whisky was just as valuable as an overcoat, I suppose.

An Hon. SENATOR: Harder to get.

Hon. Mr. McMEANS: But five years in the penitentiary is a pretty serious sentence.

The honourable member for De Lorimier (Hon. Mr. Dandurand) spoke about the ticket-of-leave system. I am at present taking up a case with the Minister of Justice. It is that of a returned soldier who in a moment of intoxication forged a cheque for a small amount and was sent to the penitentiary for three years. He had gone to the city of Winnipeg, where he was employed on one of the leading journals of the province, but when his employers found that he was a ticket-of-leave man, and had to report to the police every week, he was immediately discharged, and he was afterwards discharged from three situations one after the other. I asked the gentlemen in the Department of Justice what they would do in a case of that kind. They said, "The only thing we can do is to try to get him another position." This young man had been in jail for six months before he got his ticket-of-leave, and I think his offence would have been wiped out by that term of confinement, and he would not have had the ticket-of-leave, and would not have had the sentence of three years hanging over him. This may have been a case in which the court of appeal would not have diminished the sentence; it would be only in more glaring cases that they would interfere at all.

When I first introduced this Bill I had a conversation with a well-known judge of Ontario, who was a commissioner making an investigation into a penitentiary, and he told me that although it was outside the scope of his authority he had asked any prisoners who had any complaints to make to lay them before him. He said, "I was struck immediately by the fact that the one complaint that seemed to permeat the whole penitentiary was as to the disparity of sentences." One man would say: "I am here for ten years, whereas that man who committed the same offence is in for only two years." That gentleman commended my Bill very strongly. You must recollect that a great change has taken place in the method of dealing with criminals. To-day, instead of a man being locked up in a two-by-four dark cell, he is put on a farm and reclaimed. It is generally admitted that the former method of treating prisoners led to the perpretation of crime. To-day, for a first offence those who know anything about criminal law impose a light sentence.

Hon. Mr. FOWLER: That is an argument against your Bill.

Hon. Mr. McMEANS: How is it an argument against the Bill? If a magistrate does not know the criminal law and violates that principle, where is the remedy?

Hon. Mr. FOWLER: The man goes to this school where he is trained in all the virtues, and he comes out a better man. If you shorten the sentence by half, he has not the same opportunity of learning.

Hon. Mr. McMEANS: Perhaps the honourable gentleman is not aware that I am speaking of prison farms, which are provincial institutions. When a man goes to Kingston or to Stony Mountain, or to some other penitentiary, he comes under Dominion jurisdiction.

Hon. Mr. FOWLER: The honourable gentleman says that this Bill is founded on the case of a schoolmaster in his section who received a sentence of only five or six months, and who therefore would not go to the penitentiary but to this beneficent institution where he would be improved.

Hon. Mr. McMEANS: There are throughout the length and breath of Canada to-day many magistrates exercising criminal jurisdiction who have not assimilated a proper conception of the way in which the criminal law should be administered. The principle that is followed to-day is to deal lightly with a man unless he has a criminal record. If he has such a record, then he is locked up so that he may not be a menace to society. I do not think that the passing of this Bill would do any harm; in fact, I think it would be of great benefit.

Hon. W. B. ROSS: When this Bill was before the House at a previous session, I stated the reasons why I was in favour of it. I am still in favour of it. I think it is a good Bill. I do not want to repeat the arguments which I advanced at that time.

It is undesirable that the people from amongst whom criminals spring should have any feeling that any injustice is done by the court in inflicting punishment. At

the bottom there is a strong demand for justice and fair play. When you find that men in a penitentiary complain because one is serving two years and another is serving six or eight years for the same offence, you cannot expect these people to have undue respect for the law—to have the same respect for the law that they would have if there were something like equality in the penalties imposed. One strong point in favour of the Bill is that it affords an opportunity to rectify that condition.

There is another thing that you ought to guard against. I do not know how many criminal judges there are in Canada, but there must be between 200 and 400 men who have the right to impose a criminal sentences. Nearly every one of those men has a theory of his own as to what in a certain case ought to be the maximum or the minimum penalty. Now, if you create a provincial jurisdiction with the right of review, the judges will get together and lay down rules; and in a short time, I am convinced, there will be a much better administration of justice. Since this Bill has been before the House, having particular regard to it, I have watched weekly in the Law Times the cases that have been taken before the Criminal Appeal Court in England, and I am perfectly satisfied that the law establishing that court—which was a long time under discussion before it became law—is one of the finest pieces of legislation ever passed by the British Parliament.

Hon. Mr. DANDURAND: Does it permit of increasing the sentence?

Hon. W. B. ROSS: It permits increasing or decreasing or dealing otherwise with the sentence. The court of appeal can put themselves in the place of the trial judge; they can send for the trial judge, or they may ask for a report from him. I think it would be impossible for any one who has followed these cases in the Court of Criminal Appeals not to be satisfied that this Bill, as far as it goes, is a good one. If I had my way, I would have a court of appeal from criminal sentences in every one of the provinces, where the appeal would be instituted at the instance of the Attorney General.

I do not want to prolong the discussion on this Bill; but because I am very strongly in favour of it I feel that I ought not to give a silent vote upon it.

Hon. Mr. FOWLER: Mr. Chairman, the honourable gentleman promoting this Bill says that there will be no review of the evidence.

Hon. Mr. ROSS.

Hon. Mr. McMEANS: No, no.

Hon. Mr. FOWLER: How can anyone possibly say whether or not an appeal is just unless he reviews the evidence?

Hon. Mr. McMEANS: I think the honourable gentleman has misunderstood me.

Hon. Mr. TESSIER: Sometimes there is no written evidence at all.

Hon. Mr. McMEANS: There is no appeal as to whether a man is guilty or not guilty. For instance, if a man is accused of theft, and has been sentenced to five years in the penitentiary, the information would show whether he was charged with the theft of a suit of clothes, or a case of whisky, or the overcoat that alarmed my honourable friend so much.

Hon. Mr. FOWLER: I think the theft of a case of whisky would be even more serious than the theft of an overcoat.

Hon. Mr. McMEANS: I quite agree with you.

Hon. Mr. FOWLER: You can always buy an overcoat, but you cannot always buy a case of whisky.

Hon. Mr. McMEANS: If five judges, say in the province of Manitoba, were sitting, they would say: "A sentence of five years has been imposed for stealing a certain article, and we are going to allow an application to be made to bring the case before us." The man is guilty. The question is, it being his first or his second offence, is it proper that he should be imprisoned for a long term or a short term?

Hon. Mr. FOWLER: The honourable gentleman misses my point entirely. I say that the judges impose varying sentences depending upon the circumstances. I can well conceive of a man stealing an overcoat under such circumstances that I, if I were the judge, would not impose a very severe sentence. If he were freezing, and were likely to die as a result of cold, such as they have in Winnipeg, and took a coat that was exposed to his view, without committing burglary, I would give him a very light sentence. But if he broke into a house and stole the only coat of a poor man who was unable to get another, I would think that he ought to get five years in the penitentiary.

I know of a case somewhat the reverse of that mentioned by my honourable friend, and just as serious in its way. It was the result of feminism again. Owing to the

feeling that had been worked up in the community by the militant suffragettes, the judge imposed a sentence that was most abominable. It was a sexual offence. A young man picked up a girl on the street, and took her to a room, with the result that an information was laid against him, and he got five years in the penitentiary, and also a very bad case of venereal disease because he had assaulted this virgin. These anomalies will occur. These varying sentences are sometimes just and sometimes unjust. But I hold that unless the evidence is reviewed it is impossible for any court to say whether or not the sentence is just, because the circumstances surrounding the case go to show whether it is just or not. There is nothing here to say that the Attorney General shall look over the evidence and say whether or not an appeal shall be allowed.

Hon. Sir JAMES LOUGHEED: Paragraph 2 provides for the evidence.

Hon. Mr. PROUDFOOT: You first have to apply to a judge of the Court of Appeal.

Hon. Mr. FOWLER: He reviews the evidence, and says whether the evidence—

Hon. Mr. McMEANS: No, no.

Hon. Mr. FOWLER: Yes, the evidence goes before him, and he says whether or not there shall be an appeal. That is a long process. It seems to me that we are only providing something which we have gotten along very well without in this country, and without which very little injustice has been done. As my honourable friend from Montreal (Hon. Mr. Dandurand) has pointed out, these long sentences may be cut short by the ticket-of-leave. I think that instead of making the punishment of crime less severe, we should make it even more severe.

Hon. W. PROUDFOOT: Honourable gentlemen, I have just a word to say in reference to this Bill. Under this section, as I understand it, the applicant in the first place has to apply to a judge of the Court of Appeal for leave, in effect, to appeal. The case is then argued before the judge, and if he thinks there are reasonable grounds for its going before the Appeal Court, he grants leave and the appeal is then taken up. The Court of Appeal then considers the case upon the evidence, and deals with it, or, if they so desire, they have the right to take further evidence.

What I am afraid of is subsection 6, "Diminution or increase of sentence." I think that it would be very undesirable to allow the judges of the Court of Appeal to increase the punishment. You will find that many appeals will be taken by the Attorney General. Throughout the country, particularly in the province of Ontario, county judges deal with criminal cases, except murder, and pass sentence. Sometimes a sentence is not satisfactory to the Crown Attorney, and you will find that under this section he will ask the Attorney General to consent to his going to the Court of Appeal. That is going to cause a very considerable amount of litigation so far as criminals are concerned. I am satisfied that for one appeal taken by a criminal for the reduction of a sentence, there will be twenty taken by the Crown authorities to have sentences increased. For instance, in the city of Toronto, police magistrates have power in criminal cases. They impose sentences, in many cases running up to seven or fourteen years. Frequently a Crown Attorney says that the judge has not imposed a sufficiently severe sentence, and a great many objections are taken. Now, if that power of sentencing is going to be taken away from the judges and magistrates in the various districts by an appeal such as this, we will find that instead of this Act being a benefit it will be a detriment to the administration of justice. Like my honourable friend to my right (Hon. Mr. Fowler), I have had some little experience in criminal cases during the last forty years, and during that time I do not know of any particular injustice having been done to any one by the imposition of over-severe sentences. I would fell inclined to let the Bill have a trial, if the honourable gentleman would strike out from clause 6 the words, "or increase," so that it would simply deal with diminishing the punishment.

Hon. Mr. FOWLER: I have always felt that legislation founded on a particular case was dangerous, and, according to the honourable gentleman, this Bill is founded on a particular case. We do not know what the evidence was in that case. If my honourable friend had given us the evidence we might judge of the seriousness of the crime. I think this Bill is dangerous. It leads to litigation, and that is a thing to be avoided. My advice to my clients has always been, "Avoid litigation as much as you can," and my advice to this Chamber is to not pass any legislation which will increase litigation.

Hon. J. W. DANIEL: I do not feel much inclined to intervene in what is really, I

suppose, a sort of legal question, but I will say this: that I remember several occasions on which judges in the province of New Brunswick gave verdicts which I, as an ordinary layman, thought should certainly be revised; in some cases not because the punishment imposed was excessive, but because it was so ridiculous that it certainly tended to bring the law into contempt. So personally, as far as my knowledge goes, I am in favour of this Bill, and I should be very much opposed to eliminating the portion to which the honourable gentleman from Huron (Hon. Mr. Proudfoot) refers, and taking away from the Court of Appeal the power to increase the punishment. I think that is one of the important parts of the Bill.

Hon. Mr. FOWLER: In view of the fact that we have a very thin House and that the opposition to this measure has assumed somewhat formidable proportions, I think the matter should be postponed. There should be a fuller House to consider this important question. I move that the committee rise and report progress, and ask leave to sit again.

Hon. Mr. BRADBURY: The Bill was passed last year.

Hon. Mr. FOWLER: If it passed last year, why is it up this year?

Hon. Mr. McMEANS: Because it did not reach the Commons in time. It was passed in this House in two consecutive sessions —in 1918 and 1919.

Hon. Mr. FOWLER: I did not happen to be present when it was passed last year, or I certainly would have opposed it. However, I make my motion.

Hon. E. L. GIRROIR: Before the motion is put, I wish to make a few remarks. I desire very briefly to state the reasons why I supported this Bill last year and intend to support it again. It does not seem to me to be sound argument to contend that the Court of Appeal cannot properly review a judgment by a criminal court because they do not hear the witnesses and are perhaps not possessed of a knowledge of all the circumstances of the case. That does not seem to be sound reasoning. If it were, it would eliminate entirely the right to appeal in civil cases, in which the Court of Appeal, with nothing before them but the evidence, can modify or reverse the finding of the jury who have heard all the evidence and had all the circumstances placed before them. It seems to me that there is just as much reason why the Court of Appeal should have the right to review a criminal case, in which a man's liberty and honour are involved, as that they should have the right to review a civil case, where there is really less at stake. Every day civil cases are brought to the Court of Appeal, and when that court sit they have nothing before them but the written evidence. The court examine the evidence and may grant an appeal. They may change the judgment. They have almost unlimited powers. Why should not the court have the same powers in criminal cases? That is what this Bill provides.

Hon. Mr. PROUDFOOT: Does the honourable gentleman understand the word "appeal" to mean an appeal from the decision, or simply an appeal as to the amount of the punishment imposed? That is what I understand the Bill to mean.

Hon. Mr. GIRROIR: Yes. The Bill in my opinion does not go far enough. I think it should go the length which my honourable friend mentions. The English Act goes the full length; that is to say, there is an absolute appeal just as in civil cases. In the United States there are almost unlimited powers of appeal in criminal cases. Surely those two great centres of jurisprudence would not have gone so far astray in a matter of this kind as some honourable gentlemen seem to suggest. This question was widely and fully considered by a committee appointed by the House of Commons in England. They made a thorough study of the matter for several years, and finally recommended the establishment of a Court of Appeal, with powers very much wider than this Bill provides. Surely that must be a very strong argument in favour of this Bill, which does not go as far as the British law, or the American law.

Any person who has watched the sentences that have been imposed from time to time by magistrates and by judges cannot but be struck by the fact that there does not seem to be any uniformity, such as would very likely be attained if we had a Court of Appeal. I cited a case last year—

Hon. Mr. FOWLER: Does my honourable friend think there should be absolute uniformity in sentences?

Hon. Mr. GIRROIR: I think we should endeavour to get as near as we possibly can to uniformity.

Hon. Mr. FOWLER: That is very indefinite.

Hon. Mr. GIRROIR: And you certainly get nearer to uniformity by having a general Court of Appeal.

Hon. Mr. FOWLER: What proof has the honourable gentleman that we do not now get as near to uniformity as we possibly can? That is only his idea, his imagination. He has no proof.

Hon. Mr. GIRROIR: The honourable member from Middleton (Hon. W. B. Ross) spoke a few moments ago of the British Court of Appeal and how they had been endeavouring to lay down general rules and had attained greater uniformity in the imposition of sentences than had obtained in England previously. In Canada not only is there a lack of uniformity in similar cases between judges sitting in different courts, in different parts of the province or different parts of Canada, but you find individual judges varying their sentences to an alarming degree.

I cited a case last year to prove, as I thought, the necessity of this proposed Act. I do not think that the judge to whom I refer—I will not mention his name—was any weaker than the average judge in the country. Two young boys, about eighteen years of age, who had always borne a good reputation, were out one night about the town and imbibed a little too freely. As they went along they saw some overcoats hanging out in front of a store. They picked up an overcoat apiece, put the overcoats on, and walked down street. They made no effort to hide the coats or do anything like that. They walked into other stores and gossiped around. It was only a very small town, and there was really no opportunity for concealment, unless they took the coats off and hid them somewhere. They paraded about with those coats on. It was a foolish thing. The boys, as I said, had been drinking. I was asked to defend them before a judge. I did so. The judge imposed a sentence of three years in the penitentiary.

Hon. Mr. FOWLER: Perhaps that was because you defended them.

Hon. Mr. GIRROIR: Possibly.

Hon. Mr. THOMPSON: A poor defence.

Hon. Mr. GIRROIR: All the more reason why there should be an appeal.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. GIRROIR: What was behind that most extraordinary sentence? It was this. There had been a great deal of petty thieving in the town, and the judge had been letting off the culprits on suspended sentence. Even in aggravated cases, where he ought to have sentenced to the penitentiary, he had been letting off the accused on suspended sentence.

Hon. Mr. FOWLER: They wore his patience out.

Hon. Mr. GIRROIR: The citizens got together and urged upon him that he was going absolutely wrong. Then he went to the other extreme. I took the case before the Department of Justice and had no difficulty at all in having the boys let out on ticket-of-leave. But what had happened? Any reasonable man will admit that the sentence was ridiculous and that a mere reprimand, or at most a suspended sentence, would have been ample in such a case. But these boys were in the penitentiary. One of the boys was a widow's son and practically the sole support of his mother, and that boy, having been in the penitentiary, was stamped with criminality—he was a marked man. He had been in the penitentiary for stealing—for such a trivial offence.

Now, if there had been a Court of Appeal with a proper Act behind it, a motion could have been made for a stay, and the appeal could have been taken. The boy might have stayed in jail for a month or so, but at any rate there can be no question whatever that the sentence would have been reversed, or at least modified to such an extent that the boy's future would not have been affected.

I really think that this Bill does not go far enough—that if there is an appeal in a civil case, where there is less involved, there is no reason in the world why there should not be an appeal in a criminal case. So far as I can learn, the experience of legal minds in England and in the United States has been very highly in favour of the establishment of Courts of Appeal in criminal cases in both those countries. You will find that in certain localities judges, and especially magistrates, are sometimes inclined to go to extremes, either one way or the other, and the farther they go in one direction, the greater is the danger of their going to the opposite extreme. Sometimes a person is let off although he has committed a very serious offence, and at other times for a trivial offence the character of the accused is ruined. I cannot see, for the life of me, who is going to be hurt by the establishment of a Court of Appeal. If the sentence is right, the Court of Appeal will confirm it. If the sentence is wrong, who can urge a single reason why

it should not be appealed and should not be reversed or modified? Nobody is infallible.

Hon. Mr. FOWLER: You would make out the Court of Appeal to be infallible.

Hon. Mr. GIRROIR: Well, you cannot get infallibility even there. I suppose my honourable friend himself will not pretend that he is infallible?

Hon. Mr. FOWLER: Pretty nearly.

Hon. Mr. GIRROIR: Not seriously, at any rate. But you get nearer to justice and right by having a Court of Appeal, because you have the matter passed upon successively by different judges. I think it is only a measure of justice to pass this Bill. I cannot see any real reason why it should not be passed.

Hon. Mr. FOWLER: The honourable gentleman certainly proved one thing: that his political effort was much more potent than his legal effort; for he succeeded in getting three years in the penitentiary for his client in the first instance, and he succeeded in getting him scot-free in the second. Now, my honourable friend in his argument puts criminal matters on a parity with civil matters, and therefore he would have an appeal to the Supreme Court of Canada and also to the Privy Council in England. Why stop with one court? The higher up he goes in the scale, according to his contention, the nearer he gets to infallibility. The first court of appeal would be, say, 75 per cent infallible, and he would finally get up to the Privy Council, which would have 100 per cent of infallibility, and then absolute justice would be done.

Hon. Mr. GIRROIR: Is my honourable friend speaking ex cathedra now?

Hon. Mr. FOWLER: Oh, take it any way you like. My contention is this. In these cases generally there is guilt. In the case that my honourable friend cited, that of two boys who had stolen overcoats, they did not give up the coats. He has not shown that they gave up the coats. He said the act was done in a drunken frolic, but they kept the goods until they were arrested—which showed that theft was the object.

Hon. Mr. GIRROIR: I did not go into all the circumstances. What actually happened was that the proprietor of the store sent one of his clerks down street and he overtook the boys in another store and took the coats from them.

Hon. Mr. FOWLER: Yes, they still had the coats.

Hon. Mr. GIRROIR: Certainly.

Hon. Mr. FOWLER: They retained them until the theft was discovered and they were finally taken with the goods. Very well. Then I say they were impenitent thieves up to the time they were arrested.

Hon. Mr. GIRROIR: My honourable friend forgets that the impenitent thief was pardoned.

Hon. Mr. FOWLER: God pardoned him, and we trust that God pardons all criminals if they repent; but this thief was indifferent—he had not repented. My honourable friend is going into theology. The impenitent thief showed "works meet unto repentance" by what he said—by the chastisement he gave his fellow thief when he was reviling Our Saviour. That is the reason why he was pardoned. So my honourable friend's theology is as defective as his law.

I say that we should let this matter stand until there is a fuller House. It seems to me that if the honourable gentleman and his friends have so much faith in the justice of their case, they will do that. It is not such a serious matter. I press, Mr. Chairman, for my motion.

Hon. W. C. EDWARDS: Honourable gentlemen, I think that a very serious question of this kind ought not to be dealt with by a thin House, especially as it will make no difference whatever if we simply pass the second reading now instead of deferring it until the 6th of April. I think it would be a great mistake to proceed with a measure of such importance to-day. On two former occasions this Bill was brought up just at the end of the session. There is not the slightest danger of the Bill not having full consideration or not being passed if it meets with the full approval of the Senate and the Commons. Therefore nothing would be gained by proceeding with it now, and I think it would be a great mistake to do so. I would therefore argue most strongly that the amendment of my honourable friend be carried, and that this matter be deferred until the 6th of April.

The proposed amendment was negatived.

Hon. Mr. PROUDFOOT: The ground I take is that if this Bill is of any value it does not go far enough. I do not think there are many lawyers practising in Canada to-day who do not believe in the principle of having an appeal in criminal cases. There is no reason why a man who is charged with a criminal offence, and whose

liberty has been taken from him, should not have a right to appeal in the same way as a man who has been sued for $1,000 can appeal from one court to another in the province. But the man whose liberty is taken away has no appeal, although the judge may be wrong. To my mind this Bill is only a half-way measure, and if we are going to do anything in the direction of amending the Criminal Code, we should suggest an amendment which will cover what is intended by this Bill and also a general appeal. If you have a general appeal, then you have a right to deal with it.

Another objection to this particular Bill is that a man who has been sentenced must first apply to a judge for leave to appeal. What is the reason for that? Why should he not have a right to go direct to the court of appeal at once, instead of doing that which involves two arguments? For any lawyer knows that where you are applying for leave to appeal, the application involves an argument of the whole case before the single judge. Why should there be two arguments? If you are to appeal, go direct to the Court of Appeal. I would suggest that my honourable friend who has charge of this Bill, should let it stand, and in the meantime increase its scope so as to make it cover in a thorough way what has already been spoken of.

Hon. Mr. McMEANS: This Bill went into Committee last year, and it was at the request of the honourable member for Hamilton (Hon. Mr. Lynch-Staunton), who is a lawyer of some eminence in the province, that the clause was inserted in reference to applying to a judge of the court of appeal. In the original draft the application was to have been made to the Attorney General, but this was substituted after a great deal of argument.

Hon. Mr. FOWLER: Did I understand my honourable friend to say that the evidence would not be before the judge of the court of appeal?

Hon. Mr. McMEANS: No, I did not say that.

Hon. Mr. FOWLER: I understood you that way. There is nothing in the Bill to say that he shall revise the evidence, or go over the evidence, but simply that he shall revise the sentence.

Hon. Mr. McMEANS: I do not like to take up the time of the House; but I am astonished that a gentleman who has boasted of his thirty-five years' experience in the great province of New Brunswick does not know that the applicant goes to the attorney general's office and states the evidence. There is no argument. They do not go into the evidence. Surely a statement of that kind is sufficient.

Hon. Mr. FOWLER: Then what is it?

Hon. Mr. McMEANS: I am afraid I cannot make the honourable gentleman understand anything. Perhaps he does not want to.

Hon. Mr. GIRROIR: Paragraph 2 says—

Hon. Mr. FOWLER: It is not what paragraph 2 says. It is what the honourable gentleman from Winnipeg says now. I do not think I have much more difficulty in understanding plain English than the honourable gentleman has; but it may sometimes be difficult for a man who is accustomed to plain English to understand the language of the honourable gentleman, because the two vary very much, and they are sometimes as wide apart as the poles. Now, I understood the honourable member who is promoting this Bill to state in introducing it that there was no revision of the evidence, and that is what I objected to. If there were no revision of the evidence, how could the court of appeal know whether the sentence was a just one or not, and whether it should or should not be interfered with? But if there is a revision of the evidence, if the evidence is before the judge, then he knows whether that sentence is just or unjust, and he can then recommend or not that the appeal be heard. I agree with what was said by the honourable gentleman from Huron (Hon. Mr. Proudfoot) who has just proposed that this Bill should be made practicable and then be brought before the House, instead of being a cause of increased expense to the country without benefiting any one in the end.

Subsection 2 of new section 1055 A was agreed to.

Subsection 3 of new section 1055 A was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

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

Hon. Mr. FOWLER: I object to the third reading now. I object to the suspension of rules to allow this Bill to pass now. Let it take its ordinary course.

It was ordered, that the third reading of the Bill be set down for the 6th day of April next.

The Senate adjourned until Tuesday, April 6, at 8 o'clock p.m.

THE SENATE.

Tuesday, April 6, 1920.

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

Prayers and routine proceedings.

HALIFAX GRAVING DOCK.

INQUIRY.

Hon. Mr. DENNIS inquired:

1. Has the Government taken possession of the property of the Halifax Graving Dock Company, Limited?

2. If so, on what date, and was it by lease, tender, purchase, expropriation, or by Order in Council under the War Measures Act?

3. Has any sum been paid for or on account of the property, and if so, how much and on what date or dates?

4. Is the Halifax Graving Dock and adjunct ship repairing plant being operated by any department of the Government? If so, for how long has it been so operated?

5. If not now operated as a public work by the Government, has it been rented, sold, loaned, or given to a private company?

6. If so (a) on what date. (b) on what terms and conditions and (c) for what period?

7. The names of the private company to whom the Halifax Graving Dock property has been so transferred, its capitalization, and the names of its directors.

8. How much, if anything, has been paid to March 1, 1920, by said private company on account of the rental, or purchase, or for the use of said Graving Dock property?

9. The amount paid by the Government to the Halifax Graving Dock Company, Limited, for its property at Halifax, taken possession of by the Government, and if nothing, the reason for withholding payment; and has any effort been made, and if so, what, to effect an amicable settlement with the Halifax Graving Dock Company?

10. The number of square feet of land and land covered with water taken by the Government from the Halifax Graving Dock Company on (or in connection with) which the dock and plant was located.

11. Was any land, and land covered with water, additional to that taken from the Halifax Graving Dock Company, sold, leased or given to Halifax Shipyards, Limited? If so (a) how many square feet, (b) was it acquired by purchase or expropriation, (c) what was the cost thereof to the Government, and (d) if sold or leased to Halifax Shipyards, at what price?

12. Has the Government expended any money upon the property taken from the Halifax Graving Dock, Limited, or upon any land or other property acquired in connection therewith, since its acquisition? If so, state the amount so expended and the nature of the work done.

13. Has the Government been asked to make any further expenditures in this connection? If so, how much, and does it propose to do so?

14. Is the Government to be fully reimbursed for all its expenditures for the Halifax Graving Dock property and in connection therewith by Halifax Shipyards, Limited, and if not all, what proportion and upon what conditions; and whether or not any deferred payments carry interest charges?

Hon. Sir JAMES LOUGHEED:

1. Yes.

2. Expropriated by Order in Council of May 27, 1918.

3. No.

4. No.

5. Leased to Halifax Shipyards, Limited.

6. (a) Order in Council 10th June, 1918; (b) annual rental of $62,500. The company agree and bind themselves to purchase the dock property and plant outright, by giving notice to that effect at any time during the term of the lease, for the sum of $1,250,000; (c) for one year computed from June 24, 1918, but in case notice is not given within the year then the lease shall continue from year to year upon the same terms and conditions until such notice is given.

7. The Halifax Shipyards, Limited; (b and c) no information in departmental records.

8. $93,750 rental.

9. Nothing paid; an offer of $1,100,000 was made for the property but refused when proceedings to expropriate were instituted.

10. 7.5 acres.

11. Yes: (a) 38,280 feet; (b) by expropriation; (c) $11,484 was offered the Lorne Yacht Club for this property but refused; (d) Halifax Shipyards Company to pay five per cent on award and costs, if any, with right to purchase.

12. The Government has paid out the sum of $53,960; (b) for the erection of buildings, wharves, etc., to replace those destroyed by the explosion. This amount includes $23,485.93 worth of materials handed over to Halifax Shipyards, Ltd., which is to be reimbursed by that company, thereby leaving Government expenditure at the sum of $30,474.07.

13. No.

14. Answered by answers to questions 6 and 11.

PRICES OF COTTON GARMENTS.

INQUIRY.

Hon. Mr. DOMVILLE inquired:

1. Has the Government received any report from the Board of Commerce of Canada giving the result of their investigations made into the High Cost of Living, so far as such high cost is affected by the prices charged by the manufacturers of garments made from cotton?

2. If they have not, when will such report be made?

3. When made, will the report be, without delay, brought down and laid on the Table of this Chamber?

Hon. Sir JAMES LOUGHEED:

1. No.

2. The Government has no information.

3. Yes, if such report comes before the Government.

CANADIAN NATIONAL RAILWAY SYSTEM.

INQUIRY AS TO DEFICITS.

Hon. Mr. McMEANS inquired:

1. If there has been a deficit during the past year on that portion of National Railway system known as the Canadian Northern Railway system, and, if so, how much?

2. If there has been a deficit during the past year on that portion of the Canadian National Railways system known as the Grand Trunk Pacific, and, if so, how much?

3. If there has been a deficit during the past year on that portion of the Canadian National Railways system known as the Intercolonial, and, if so, how much?

4. If there has been a deficit during the past year on that portion of the Canadian National Railways system known as the Prince Edward Island railway, and, if so, how much?

5. If there has been a deficit during the past year on that portion of the Canadian National Railway system known as the Canadian Northern Railway system, and, if so, how much?

6. If there has been a deficit during the past year in any hotel of the hotel system of the Canadian National railways, and, if so, which hotel, and how much?

Hon. Sir JAMES LOUGHEED:

1. There was an operating deficit on the Canadian Northern Railway system for the year 1919 of $6,471,846.35.

2. The Grand Trunk Pacific railway is not a part of the Canadian National railways, but is operated under a receivership. The deficit for the year 1919 is $5,555,518.

3. There was an operating deficit on the Intercolonial railway for the year 1919 of $2,286,557.80.

4. There was an operating deficit on the Prince Edward Island railway for the year 1919 of $754,139.35.

5. Answered by No. 1.

6. There was no deficit during the year 1919 on any hotels included in the Canadian National Railways system.

APPROPRIATION BILL NO. 1.

FIRST READING.

A message was received from the House of Commons with Bill 36, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1921.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: Honourable gentlemen, this Bill makes provision for voting one-sixth of the estimates for the year. I need scarcely point out to the House that we have been passing similar Bills for some years, particularly when the fiscal year has expired before the Estimates have been brought down. Notwithstanding the vote which is now asked for by the Government, as was pointed out by the Minister of Finance, Parliament will continue to exercise its fullest control over the estimates, and may deal with the various items of which it is proposed under this Bill to vote one-sixth. So Parliament will be in no way handicapped by reason of the vote in question.

Hon. Mr. McSWEENEY: What does one-sixth amount to?

Hon. Mr. CASGRAIN: It was said in another place that if the amount had been spent it would be too late to remonstrate.

Hon. Sir JAMES LOUGHEED: Of course, one-sixth of any particular item would not be of very much service to the Government, if it lacked the right to expend the other five-sixths. The total amount asked for is $62,900,986—in round figures, $63,000,000.

Hon. Mr. DANDURAND: I suppose that, as we have the assurance from the honourable gentleman that we may cut down the remainder of the estimates when the Supply Bill comes before us, we need not move to refer this one-sixth to the Finance Committee for examination; we may do so when the main Supply Bill comes down.

Hon. Mr. NICHOLLS: Honourable gentlemen, I had that question in mind myself; but, after the explanation of the honourable leader of the House that the passage of this Bill would not interfere in any way with the consideration of the main estimates, I have no objection to the second reading of the Bill.

Hon. Mr. CASGRAIN: Except what has been spent.

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

THIRD READING.

On motion of Sir James Lougheed, the Bill was read the third time and passed.

ROYAL CANADIAN MOUNTED POLICE BILL.

FIRST READING.

Bill 2, an Act to amend the Royal Mounted Police Act and to transfer to the Commis-

sioner of the Royal Canadian Mounted Police the powers heretofore vested in the Commissioner of Dominion Police.—Hon. Sir James Lougheed.

CURRENCY BILL.

FIRST READING.

Bill 15, an Act to amend The Currency Act, 1910.—Hon. Sir James Lougheed.

GOVERNMENT ANNUITIES BILL.

FIRST READING.

Bill 16, an Act to amend the Government Annuities Act, 1908.—Hon. Sir James Lougheed.

CIVIL SERVICE SUPERANNUATION AND RETIREMENT BILL.

FIRST READING.

Bill 17, an Act to amend the Civil Service Superannuation and Retirement Act.—Hon. Sir James Lougheed.

HONEY BILL.

FIRST READING.

Bill 29, an Act respecting Honey.—Hon. Sir James Lougheed.

OTTAWA MINT BILL.

FIRST READING.

Bill 30, an Act to amend The Ottawa Mint Act.—Hon. Sir James Lougheed.

PRIVATE BILLS.

FIRST READINGS.

Bill 7, an Act to incorporate the T. Eaton General Insurance Company.—Hon. Mr. Proudfoot.

Bill 3, an Act to incorporate the T. Eaton Life Assurance Company.—Hon. Mr. Proudfoot.

Bill 9, an Act to incorporate the Scottish Canadian Assurance Corporation.—Hon. Mr. Proudfoot.

Bill 10, an Act respecting the Trust and Loan Company of Canada.—Hon. Mr. Turriff.

TREATY OF PEACE WITH BULGARIA.

PROPOSED RESOLUTION OF APPROVAL.

A message was received from the House of Commons informing this House that the House of Commons had adopted the following resolution, approving of the Treaty of Peace between the Allied and Associated Powers and Bulgaria, and requesting that the Senate would unite with the House of Commons in the approval of the said Treaty by filling up the blank in the said resolution with the words "Senate and":

Hon. Sir JAMES LOUGHEED.

Resolved by the House of Commons: That it is expedient that Parliament do approve of the Treaty of Peace between the Allied and Associated Powers and Bulgaria, signed at Neuilly-sur-Seine on the 27th day of November, one thousand nine hundred and nineteen, a copy of which has been laid before Parliament, and which was signed on behalf of His Majesty, acting for Canada, by the plenipotentiaries therein named, and that this House do approve of the same.

It was ordered that the said resolution be taken into consideration to-morrow.

REVISION OF PUNISHMENTS BILL.

THIRD READING.

Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate Punishments.—Hon. Mr. McMeans.

DIVORCE BILL, 1920.

On the Order: "Second reading Bill A, an Act respecting Divorce.—Hon. Mr. Barnard."

Hon. W. B. ROSS: Honourable gentlemen, I promised Mr. Barnard to move the second reading of this Bill in his absence. I wish to move to-night that the order be discharged and placed upon the Order Paper for Thursday next. But I think it is only fair to say to honourable members that I expect on Thursday to ask the honourable leader of the House to have the Bill withdrawn altogether.

Hon. Mr. TESSIER: To withdraw the Bill?

Hon. Mr. ROSS: Yes, to withdraw the Bill, and probably to introduce two Bills relating to divorce instead of this one Bill. I am saying this now because I know that there are several honourable gentlemen who are interested in this Bill, and I think it will likely be dropped.

The order was discharged, and placed on the Order Paper for Thursday next.

INDUSTRIAL DISPUTES INVESTIGATION BILL.

SECOND READING.

Hon. G. D. ROBERTSON (Minister of Labour) moved the second reading of Bill D, an Act to amend the Industrial Disputes Investigation Act, 1907.

He said: Honourable gentlemen, the proposed amendments do not contemplate any change in the principles laid down in the Act, but are submitted for the purpose of ensuring more prompt and efficient and economical administration of the law. I will not go into details unless honourable

gentlemen express a desire that that should be done.

There are five amendments of a minor nature suggested. The first refers to boards being established where several employers in the same industry are affected. Perhaps I might indicate the necessity or desirability of the change by citing a specific case. Numerous instances have arisen of workmen in the employ of perhaps half a score or more of employers having disputes with their respective employers, and desiring that the differences be referred to a board of conciliation. It was necesary to obtain the consent of each individual employer to the establishment of the board; otherwise a separate board would have had to be established for each employer. We had an experience of this sort in the coal industry in Nova Scotia within the past two months. Six applications for boards of conciliation were received, and it was necesary to establish four boards, though one board might have done the work of the four just as well, and saved considerable money, and the result would, I think, have been more satisfactory to both the employers and the workmen, because the recommendations would have been uniform and therefore fair to all. I may add that recently a number of employers have expressed a desire that this should be done. Only a few days ago I received from one of the associations of employers, in what is perhaps the largest industry in Canada apart from transportation, a communication that suggests this very thing. I believe, therefore, that it is desirable to amend the Act so that one board may be established to deal with a dispute in which there are several employers, members of an association, so that the employers' association may be called upon to act in the same capacity as would the individual employers.

Hon. Mr. THOMPSON: How are those boards appointed?

Hon. Mr. ROBERTSON: Either an employer or ten or more workmen in the employ of any employer may make an application for a board. If a dispute exists in which they are unable to agree or reach an adjustment, each party selects his own representative upon the board. The two members so selected have the opportunity of agreeing upon a third, who will act as chairman of the investigation committee, or board, as it is usually termed. In the event of the two members of the board appointed by the respective parties being unable to agree upon a third member, it then becomes the duty of the Department of Labour to appoint the third member, who shall act as chairman of the board.

The second suggested amendment to the Act refers to a question that seems to me of some importance, as a result of observation and experience, and particularly in view of the attitude taken by some labour organizations recently. As the Act now stands, it is possible for a relatively small minority of members of a labour organization to make application for and be entitled to a board. The officers of the department feel, and I concur in their view, that a substantial number, probably a majority of the members of the organization, or, if the men are unorganized, a majority of the men affected by the dispute, ought to be obtained before the board is established. Therefore it is suggested that the two clauses of the Act referring to the procedure which workmen must pursue before they are entitled to have a board established should be amended so as to guarantee, more fully at least than is the case at the present time, that the application for the board is concurred in by a substantial number, or a majority, of the men affected. I am sure that employers will agree that that is desirable.

It is proposed to amend section 34 of the Act, because of the inequality and the lack of uniformity that now exist. Every one of the other sixty-three sections applies uniformly throughout the Dominion, but section 34 does not. It refers to the fees of witnesses who may be called by a board to give evidence before it. At present the fees are governed by the fees paid in the province where the inquiry may be held. In some provinces the fees are as low, I think, as 75 cents a day; in others I think they run up to about $3; and the result has been numerous difficulties, much correspondence, and considerable dissatisfaction. It is proposed to make a flat rate of $2 a day, which is about the average fee paid at the present time under the various provincial laws.

It is proposed to amend section 57 of the Act to provide against an interpretation that was placed upon it last year, and which caused a great deal of unnecessary inconvenience and hardship to a large number of people. The Act, which was passed in 1907, provides that after a board has been established there shall be no lock-out upon the part of the employers nor any strike on the part of the employees, pending the rendering of the report by the board. Up to last year nothing but a reasonably broad interpretation was ever placed

upon that section of the Act. The board held their inquiry and made their report to the department, and the report was communicated by the Registrar, who is the Deputy Minister, to the parties affected, who had submitted their evidence to the board. After each party had received a copy of the recommendations of the board, they made up their minds, and advised the department whether or not they could accept the recommendations. In one instance last year, however, a body of employees in a large city decided that they had fully complied with the letter of the law when they withheld action until the board had completed its investigation, and made its report; and even before the report had reached the department they were threatening to withdraw their service, which necessarily would cause much public inconvenience. In an effort to avoid that unhappy result the department authorized the board itself to transmit direct to both parties a copy of their award, even before it had been forwarded to the department. However, the gentleman who was managing the property on behalf of the owners could not be found for some three hours, with the result that something like 100,000 people of the city of Toronto, and also those who were attending the exhibition, were inconvenienced. It is proposed to amend the Act so as to make it clear that it will be unlawful for an employer to engage in a lock-out or for an employee to participate in a strike until the board's report has been received by the department and has been communicated to both the parties represented before the board. It is not an important change, but in the event of what I term a narrow interpretation being placed upon that section, as was done in the case I have mentioned, it will prevent a repetition of an inconvenience to many which brought good to none.

Hon. Mr. DAVID: If either of the parties refuse to accept the decision of the board, what happens next?

Hon. Mr. ROBERTSON: The Act does not bind the parties to an acceptance of the board's recommendation, but it does bind them to refrain from either a lock-out or a strike until the report of the board has been rendered, and transmitted to both parties.

One other amendment is proposed which I think is only reasonable. Section 63a of the Act at the present time permits the establishment of a board by the department, if a strike has actually occurred, and if, in the opinion of the minister, a good purpose can be served by its establishment, even though there may have been no application received from either the employers or the workmen. The experience of the departmental officials is that some strikes that have occurred might have been avoided had it been within the power of the minister to establish a Board of Conciliation before the strike actually occurred. It is therefore proposed to amend this section by inserting after the word "occurred," in the second line, the words, "or seems to the minister to be imminent," so that an inquiry may be conducted without waiting for an actual strike or a lock-out to occur

Hon. Mr. McSWEENEY: Will the honourable gentleman tell us how the Minto coal mine strike was settled?

Hon. Mr. ROBERTSON: The employees made application for a board; the application was granted, and a board was established. It received and considered all the evidence submitted. It rendered a decision which, if my memory is correct, was unanimous. The employees, as was their right under the Act, declined to accept the recommendation, and a strike occurred; but they did comply with the requirements of the Act. That is one of the few cases in which the recommendations of a board were not accepted. In 1919, out of ninety-five cases in which boards were established, about seventy-one strikes were averted.

Hon. Mr. DAVID: Has the Government considered the question of whether they could bind the parties to abide by the decisions of the boards, as has been done in certain countries for some time?

Hon. Mr. ROBERTSON: Outside of the state of Kansas I do not know of any country where arbitrations and the findings of Boards of Arbitration are compulsory. Some state legislation was recently passed in Kansas, the result of which is yet doubtful. There is much to be said in support of compulsory arbitration, but, on the other hand, there is much to be said against it.

I do not desire to weary the House at this time, but, if I may be permitted to express my personal view, I think—in fact, from observation and experience I am sure—that the system of arbitration and adjustment of disputes that has been adopted by our Canadian railroads and the employees engaged in what we call the transportation branch of these railroads is an ideal one. In 1918, by mutual consent, at a meeting called for the purpose of discussing ways

and means to prevent any interruption of transportation, particularly during the war, the railway employees through some seventy-nine representatives, and the railroads through some twenty-four officials, agreed that there should be no strikes or lock-outs during the continuation of the war. They set up a tribunal on which each side had equal representation, and they agreed that any dispute which might arise between any individual organization and a railroad which could not be adjusted by direct negotiation should be referred to this tribunal, consisting of twelve men, and that the decisions of the tribunal should be accepted as final by both parties. Regulations to govern the operations of this adjustment board were drawn, and notwithstanding that the war has been over for about a year and a half the arrangement still continues with marked success. To date sixty-six cases have been dealt with by Adjustment Board No. 1, as it is called, on which each side has six representatives, and in every case a decision has been reached. Sometimes they have been majority decisions, but in each case they have been made unanimous. That happy solution of their difficulties was brought about only because, through years of negotiation and conference together, there has grown up in each a spirit of confidence in the other that unfortunately does not exist in many of our industries. I am delighted to be able to state that a number of the associations of the employers, such as the building trades in our large cities, have discussed similar arrangements among themselves, and even with their employees through their organizations, and in some cases experiments have been carried on with success. I am hopeful that as time goes on that spirit of confidence may be encouraged by all concerned, and that many of the labour difficulties which now exist will be avoided.

Hon. Mr. McMEANS: Is there not some provincial legislation to that effect?

Hon. Mr. ROBERTSON: This Act, honourable gentlemen, applies to what is described within the Act as "public utilities." The Department of Justice, I think, are inclined to the view that the Act cannot be applied to an individual industrial plant in a given city or province except with the consent of both parties to the dispute; neither can it be forcibly applied to establish a board as between a municipality and its employees. Many representations have been made to the Department of Labour urging that the scope of the Act should be extended. The Trades and Labour Congress at its convention in Hamilton in September of last year, at which 900 members were present, went on record as being in favour of extending the scope of the Act. Some employers or associations of employers in communications to the department have gone on record as being in favour of widening the scope of the Act to cover all industries. I am inclined to the opinion, based upon the views of the Department of Justice, that that is not practicable or perhaps possible, except with the consent of the provinces concerned. It has been proposed that a conference should be held in Ottawa about the end of this month, at which there shall be a representative of such provincial Government, a representative of the employers of each province, chosen by the employers, and a representative of labour from each province, chosen by labour, in accordance with and agreeable to decisions arrived at by the Industrial Conference which met here last September, and that they should deal with the question of the provinces either permitting this Act to be extended in its scope or themselves passing legislation whereby workmen engaged in industrial life or employees of municipalities may have access to machinery somewhat similar to that which I have outlined. The particular purpose of the meeting is to endeavour to co-ordinate and make uniform the labour laws of the various provinces.

Hon. Mr. DANDURAND: Can the honourable gentleman tell us what view labour takes of the Industrial Disputes Act, and the working of the Act? In the past some hostility seems to have been shown to it by some associations. Have those prejudices disappeared?

Hon. Mr. ROBERTSON: The Trades and Labour Congress of Canada, which has been the recognized legislative mouthpiece of labour for probably 15 years, did for a number of years, at each of its annual conventions, pass a resolution requesting the repeal of the Act. That attitude was changed last year, and the Trades and Labour Congress is now asking for a general revision and extension of the Act. It has been invited by the Government to submit in concrete forms its views as to what changes should be made; but owing to the president of the Trades and Labour Congress having been in London and not having yet returned, the Congress has not been able to bring down its suggestions; so I anticipate

that they may not be brought before us at this session. But the attitude of the congress indicates, I think quite clearly, that the opposition to the Act itself that was apparent for a number of years has to some extent passed away; and, from evidence received, I judge that that is due somewhat to the fact that less delay has occurred during recent years than occurred originally. Some of the red tape, as we might term it, which was required by the Act itself, if minutely followed, and which would cause an unnecessary loss of time, has been eliminated. Communications, instead of being exchanged by mail as between here and British Columbia, are frequently exchanged by telegram. As a result of the prompter administration of the Act, the objections that formerly seemed to be insurmountable have, to some extent, been removed; and to that fact I attribute the change in the attitude of the Congress towards the Act itself. That, I think, answers the honourable gentleman's question.

Hon. Mr. MITCHELL: Are we to understand that when this Act is passed it cannot be put into operation without an application from the different labour unions where the troubles occur—that they must ask the Federal Government to apply it?

Hon. Mr. ROBERTSON: No. The suggestion that it is proposed to submit to the gathering of representatives from the various provinces, to which I alluded, is that one of two things ought to be done: either the province should give consent, if that is possible, to the scope of this Act being extended to cover classes of men in private industry which perhaps may not now properly come within the scope of the Act; or, if the provinces do not feel that can do that, they themselves should pass legislation along lines similar to those of this Act, in order that workmen in private industries, and municipal and provincial employees, might have access to machinery for the impartial investigation of their grievances, just as employees engaged in public utilities now have, under this Act.

Hon. FREDERIC NICHOLLS: Honourable gentlemen, may I ask the honourable minister if he has given consideration to any proposed amendment which would look towards constituting the board of conciliation in a somewhat different way? To-day, when a board of conciliation is agreed upon, the employer appoints one member, the representatives of labour another, and the two of them are supposed to confer and agree upon a third member, who shall act as chairman. In the event of their failure to agree upon the third member, the appointment of the chairman rests absolutely with the Labour Department. I have had considerable knowledge of a number of boards of conciliation that have been appointed, but I have failed to learn of one single case in which the two parties have been able to agree upon a chairman. I may as well state that as a rule the labour representative will not agree to any chairman that may be suggested by the employer, and thus the onus of the appointment of the chairman is thrown upon the Labour Department. The Labour Department usally appoints a county judge. The board of conciliation rarely awards the entire increase demanded. In the great majority of cases it is a question of splitting the difference. That is to say, an excessive amount is asked for by the employees, then a board of conciliation is appointed, and the result generally is the splitting of the difference, which may mean a very heavy burden on the employer.

The suggestion that I should like to make —it may or may not be feasible—is this: that instead of the Department of Labour selecting for appointment one out of a number of county court judges, there should be for one province, say the province of Ontario, a permanent judge, like a judge of the Exchequer Court. That judge would be independent; he would not be looking forward to receiving in addition to his salary a large amount of remuneration according to the number of chairmanships of boards of conciliation that he might be able to secure during a year. An independent judge like a judge of the Exchequer Court would learn in the course of years to weigh evidence pro and con much better than it might be done by a judge appointed only occasionally; and, his appointment being permanent for life, like that of every high court judge, he would not in any sense be playing to the gallery; he would feel that he was immune from criticism and that all he had to do was to decide the case that came before him, as any high court judge would decide a case, according to the evidence and without fear or favour. I do not know whether the suggestion is a practicable one or not, but in practice there are objections to the present method of appointing chairmen of boards of conciliation dealing with employees and employers in individual industries, because the third member, the chairman, always owes his appointment to one source, and that is the Labour Department, and he is not as independent as a permanent chair-

man would be, appointed in the same manner as a judge of the high court. While this matter is under discussion I would like to ask the honourable the Minister of Labour if any consideration has been given to any such suggestion as I have advanced.

Hon. Mr. ROBERTSON: In answer to the inquiry of the honourable member from Toronto, I am happy to inform him that the point that he has raised has from time to time during years past, to my knowledge, received consideration.

I assume that the honourable gentleman, in mentioning that so far as he knew the members of boards selected by employers and workmen respectively had always failed to agree upon a third member, was stating the result of his own experiences, perhaps as an employer; but I beg to assure him and the House that that is not by any means always the case. In years gone by it fell to my lot on several occasions to serve on boards of conciliation, representing workmen, and in no single case did I fail to agree with the employer's representative as to the chairman. The records of the department indicate that in the case of a substantial number of boards the chairman has been selected by the other two members, chosen by the respective parties.

As to the other point raised by the honourable gentleman, may I call attention to this disability that would naturally arise if his suggestion were adopted. Legislation somewhat similar to our Industrial Disputes Investigation Act was in effect in Australia for many years. Australia had not only a permanent chairman, but a permanent board, and the law finally became a dead letter because the board could not keep pace with the work that came to it to be done. It had two years' work ahead of it, and neither employers or workmen cared to wait two years for their turn to have their case heard. We had in Canada during last year, if I remember correctly, 95 boards. There were at one time, I think, 17 boards in session in various parts of the country at the same time. It would, therefore, in my humble opinion, be quite objectionable to have to postpone the hearing of a dispute just because the permanent chairman happened to be busy with other cases. It would create the very discontent that the department has been studiously and persistently endeavouring to overcome, and that caused organized labour to object to the Act itself for years. "If a dispute exists," they said, "we want it inquired into promptly." And I think they are entitled to have it inquired into promptly, if it is to be inquired into at all. Therefore, while there is much merit, from one point of view, in the suggestion made by the honourable member from Toronto (Hon. Mr. Nicholls), I respectfully submit that there are also objections to the plan.

Hon. JOHN MILNE: Honourable gentlemen, I would like to ask the honourable the Minister of Labour how the international unions are going to be affected by this. The international unions of America have control in Canada as well as in the United States. In fact, labour has now reached such a stage that there is no stopping it, and you cannot tell anything about what is to be done. In my own business alone, the moulders have been out for four months. The employees of our shop were out three weeks, and they were given what they wanted. Now they come back at us again and they say: "We want our castings shaken out and taken out on the mash, and the sand cut over." We have to comply with their demands, which mean about 75 cents a day added to the wages. They are making $8 a day now, and they are not satisfied. All over this country labour is in a fearful state of upheaval. Every one asks for more money, and you have to give it to him for certain reasons. Take our own case. We have agents in Montreal, in Toronto, and in Vancouver. We must supply them, besides our customers, and if we do not do so our profits will be eaten up by municipal taxes and other expenses. We must keep going, and in order to keep going we must give labour what they want; otherwise we lose our connections and lose business. There is no doubt it is a good thing to have these boards of conciliation, but you must keep in mind that the international unions of America have to do with Canada as well as the United States. As I understand, there are agitators in every trade organizing unions, and those agitators are paid large sums and do not suffer anything. If they can get the men to strike, of course the men suffer, and their wives and children suffer. The moulders went out on strike and stayed out for four months. The agitators who induced them to go out did not suffer at all, because they were paid their salaries by the international unions. I would like to ask the Minister of Labour just how the question of international unions is going to be reconciled with the proposition that he now makes regarding Canada. We can deal with Canada, but we must remember that we have to deal with the United States as well.

Hon. Mr. ROBERTSON: In reply to the question of the honourable gentleman from Hamilton (Hon. Mr. Milne), may I point out first that the industry in which he is engaged as a successful business man is not one that comes within the scope of this Act at all. It is one which would come within the scope of a similar Act if the province of Ontario saw fit to set up machinery of this sort, whereby an impartial investigation might be had in the case of a dispute existing in a private industry; but, inasmuch as this Act applies only to workmen engaged in what is known as public utilities, it would not in any way affect the employees in the industry to which my honourable friend refers, and in which he is engaged.

Answering his question as to what bearing this would have upon the activities of the international unions, I would simply point out to him and the House that the workmen in every public utility covered by this Act are members of international unions; that so far as I know—and I am pretty familiar with them—every international union has its separate and distinct Canadian unit, and that the members of international unions in Canada exercise local autonomy and independence in the handling of their own business in this country, to just as great an extent as the Parliament of Canada handles its business without interference by the British Government.

May I briefly point out some of the benefits that have accrued to this country by reason of the fact that the workmen on our railroads, for example, are members of international unions? In 1918 we got within about 48 hours of the tying up of all our Canadian railroads by a strike in what is known as the shop trades. It was set for a certain Tuesday in August of that year, if I remember correctly—or possibly July. It was only through the influence exerted upon the Canadian membership by the executive heads of the international organization, together with the action of the Canadian membership of other international railway organizations, that the strike was averted.

The very fact that the Canadian railways adopted what is known as the McAdoo award, or what is properly called General Order No. 27 in the United States, together with amendments thereto, was the very key which locked the door upon strikes on railroads in Canada during the war—why? Because about nine-tenths of the membership of all international unions of which railroad men are members are in the United States. The Canadian railroads and the Canadian railway organizations said: "We will agree to accept and make effective on the part of the railways general order No. 27 and whatever amendments may be made to it in the United States." The minority in each of the railway organizations could not decline to accept what the majority of the members of that same organization agreed to as applicable to their conditions in the United States. Therefore the very fact of the Canadian railway men being members of international unions was absolutely the cause of preventing the possibility of strikes on our railroads during the war. I think that is an illustration that perhaps ought to indicate clearly that benefits as well as disadvantages are to be derived through men being members of an international union.

Hon. Mr. BOSTOCK: I should like to suggest to the honourable minister that, when we reach the committee stage of this Bill, it would be very interesting if he would bring down a statement showing what has been done under the Act. In answer to the honourable gentleman from Winnipeg (Hon. Mr. McMeans), the honourable minister said that this Bill applied only to public utilities. I should like to ask whether in his opinion banks are public utilities. I understand that an organization of bank employees is now being formed.

Hon. Mr. ROBERTSON: Within the Act as it now stands banks are not termed public utilities. It might be desirable that they should be, but they are not.

Hon. Mr. DANDURAND: It may be out of order, but if I may be permitted to extend the discussion to a question that is not exactly germane, I would ask the honourable gentleman about strikes that I understand have been going on in the Crowsnest Pass. Have there been any demands for conciliation boards, or are the parties in a fair way of settlement?

Hon. Mr. ROBERTSON: There has been no application received for a board, because there has been no occasion for it. Briefly, the situation there is this: An agreement existed for some years between the United Mine Workers of America, an international organization and the Coal Operators' Association. That agreement expired on March 31, 1919. By mutual consent, representatives of the workmen and representatives of the employers made a joint request to the department to the

effect that the director of coal operations, appointed under Order in Council to regulate matters at least during the period of the war, should issue an order continuing in effect existing rates and conditions until such time as a new agreement was made in the United States, which would not be until the United States Senate had ratified the Peace Treaty, or not later than April 1, 1920. Some of the workmen have attempted to repudiate that arrangement. Some dispute of a minor nature arose which provoked a strike last summer. The United Mine Workers attempted to carry out their obligation under the agreement, and finally succeeded in re-opening or re-operating the mines in August. Subsequently another attempt was made by a considerable number of the men, who had affiliated themselves with what is known as the One Big Union, to repudiate the agreement under which they were working; and at some few mines at present, and since the 15th of last month, part of the men have been on strike. I regret that I was absent from the city today and have not the information up to date. The last information I received was that in some of the mines all the men had gone back to work and that in the rest of them the number was increasing daily. I anticipate that in a short time conditions will be normal.

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

TECHNICAL EDUCATION BILL.

SECOND READING.

Hon. Mr. ROBERTSON moved the second reading of Bill E, an Act to amend the Technical Education Act.

He said: Honourable gentlemen, this, too, is an Act that happens to be administered by the Department of Labour. The proposed amendment is simply to straighten out an inaccuracy in the Act as it was passed a year ago. I have not got my notes here with regard to the details; but briefly the amendment is this. The Act provided that no moneys supplied under it should be used for construction purposes or for paying off obligations incurred by Provincial Governments in any technical educational institution existing prior to the time that the Act came into force. That provision appeared in two different sections. It so happens that subsection 2 of section 5, in its application to a province like Nova Scotia, where there is just one technical education institution, would prevent any portion of the Government grant being used for construction or for the improvement of the property. Another section of the Act provides that not more than 25 per cent of the Government appropriation in each province shall be used for that purpose; but, as the Act now reads, in a province like Nova Scotia, where there has been just one institution in existence for years, even the 25 per cent could not be applied by way of assistance; and the repeal of this section is suggested.

Hon. Mr. BOSTOCK: I should like to ask the minister if this Bill does not very considerably change the whole working of the Act? It seems to me that when we put the Bill through it was especially provided that this money should not be used for buildings or for any work done before, but that the money the Government supplied should be used for the purpose of technical education, and, I presume, for buying necessary appliances and that sort of thing, from that time on. As I understand the honourable gentleman, that is going to be entirely changed.

Hon. Mr. ROBERTSON: It is not retroactive; but as it stands at present, it would prohibit even future additions or improvements.

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

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

THE SENATE.

Wednesday, April 7, 1920.

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

Prayers and routine proceedings.

CANADIAN NATIONAL RAILWAY SYSTEM.

THE OPERATING DEFICIT ON THE INTERCOLONIAL RAILWAY.

On the Orders of the Day:

Hon. P. McSWEENEY: I would like to direct the attention of the honourable leader of the Government to one part of his answer regarding the Canadian National Railway system, in reply to the honourable gentleman from Winnipeg (Hon. Mr. McMeans). In No. 3 he states:

> There was an operating deficit on the Intercolonial railway for the year 1919 of $2,286,557.80.

I think there must be some mistake about that. I think the Intercolonial proper would not have more than half that deficit, because the year previous it had about a million and a quarter. The line from Quebec to Winnipeg is included in this answer, I imagine.

Hon. Sir James LOUGHEED: Probably. I may say to my honourable friend that I have no personal knowledge of the subject. The information was obtained from the Department of Railways. I shall make further inquiries into it and ascertain if the National Transcontinental is included in the Intercolonial system, as I understand it now is.

Hon. Mr. McSWEENEY: It is bad enough to have a deficit of a million and a quarter, without having double that.

Hon. Sir JAMES LOUGHEED: We do not want to throw any reflection on the Maritime Provinces, of course.

Hon. Mr. BOSTOCK: Would my honourable friend give that information as an addition to this answer?

Hon. Sir JAMES LOUGHEED: My honourable friend from Northumberland (Hon. Mr. McSweeney) suggests that these figures probably include the deficit on what was formerly known as the National Transcontinental. It may possibly now be included in the Intercolonial system, in the preparation of railway statistics. I shall make inquiries to see if that is the case.

Hon. Mr. BOSTOCK: And give the reply as an addition to this answer?

Hon. Sir JAMES LOUGHEED: Well, I have put in the answer, but I will get further information.

Hon. Mr. DANIEL: I thought the National Transcontinental was still in the hands of a receiver.

Hon. Sir JAMES LOUGHEED: No, the Grand Trunk Pacific. The National Transcontinental has always been in the hands of the Government. The Grand Trunk never took it over.

Hon. Mr. McSWEENEY: The Grand Trunk Pacific is in the hands of a receiver, is it not?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. McSWEENEY: Not in the hands of the Government at all.

Hon. Sir JAMES LOUGHEED: No. The National Transcontinental was never taken over by the Grand Trunk Pacific.

TREATY OF PEACE WITH BULGARIA.

RESOLUTION APPROVING IT AGREED TO.

The Senate proceeded to the consideration of a Message from the House of Commons with a Resolution approving of the Treaty of Peace between the Allied and Associated Powers and Bulgaria, and requesting the Senate to unite with that House in the said Resolution.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, in moving the resolution which stands in my name on the Order Paper, it probably would be correct for me to say that within the four corners of the Treaty before us for consideration, with a view to ratification, namely, the Bulgarian Treaty, there is nothing of material interest to Canada except in the general way in which Canada is a party to that Treaty, and in the recognition which has been given by the Imperial authorities to the advanced status of Canada at the Conference. So far as the Treaty proper is concerned, it partakes largely of the general provisions which enter into the treaties we have already ratified.

Some of the sections and articles in the Treaty deal of course with local subjects peculiar to Bulgaria. I may direct the attention of the House to some of those local considerations. For instance, under Part II of the Treaty, in Article 27, there is a provision dealing exclusively with the frontiers of Bulgaria. Those will be to a very large extent altered upon the ratification of the Treaty. In one of the former wars in which Bulgaria was engaged it secured a very large acquisition of territory belonging to adjoining nations. Provision is made in this Treaty for the renunciation of the territory, or some of the territory, then acquired by Bulgaria, and its boundaries are very much restricted. I would simply invite the attention of honourable gentlemen to Article 27 of Part II of the Treaty dealing with that particular phase of the subject. Honourable gentlemen will observe that special attention is given to the delimitation of the frontiers affecting the new Serb-Croat-Slovene state, Greece and Roumania; also the frontiers on the Black Sea. Provision is made in the Treaty for the appointment of a boundary commission which will hereafter more closely delimit the boundaries referred to in the article of which I have spoken.

There is also, under Part III, Section 1, a subject of some interest to Canadians of a cosmopolitan turn of mind, in regard to the

attitude which Bulgaria will hereafter be compelled to take in regard to some of the adjoining states. For instance, Article 37 makes special provision for the renunciation in favour of the Serb-Croat-Slovene state of certain territory over which the Bulgarian monarchy in the past has exercised authority. This likewise would apply to Greece and Roumania. On page 23 of the Treaty, honourable gentlemen will observe that there will be a renunciation of territory in favour of Thrace, Greece and Roumania. The commission to be appointed will protect Bulgaria so far as that country on the Aegean Sea is concerned.

Special provision is made on page 40, under Part VII of the Treaty, for reparation to be made by Bulgaria to the Allied Powers. An indemnity of two and a quarter billions of francs, payable in gold, is being imposed upon Bulgaria, payable to the Allied Powers. That is only a fraction of the penalty which Bulgaria should be called upon to pay, but owing to her financial condition, which is recited in the Treaty, the amount is fixed at that reasonable sum.

There will be found also on pages 42 and 43, further penalties which have been imposed in the way of contributions to Greece, Roumania, and the Serb-Croat-Slovene state, within a fixed period of time, of a very large quantity of live-stock, consisting of bulls, milch cows, horses and mares, mules, draught oxen, and sheep. The coal mines of Bulgaria also have been assessed with a very substantial contribution, which will have to be made on account of the incursions which Bulgaria made into adjoining states. On page 45 will also be found provisions for payment of the army of occupation. That, and some of the other provisions to which I have referred have been embodied in the treaties which we have already ratified. The general provisions of the Treaty are, in fact, a reproduction of the other treaties. For instance, there has been embodied in the Treaty the Covenant of the League of Nations; also the general provisions regarding financial subjects which must necessarily be adjusted between the Allied Powers and Bulgaria. The economic clauses are also found in this; also provision for aerial navigation, for ports, waterways, and railways; also the elaborate provisions contained in the other Treaty dealing with labour, and which, I may say, have already been set in motion by the Allied Powers.

These are the chief features of the Treaty. I need not enter upon the rather interesting features of the Peace Conference, which were discussed at very great length in the House of Commons when this Treaty was before that House, as I think no good purpose is to be served by entering upon an academic discussion of the constitutional status of Canada with reference to these Treaties or the advanced recognition given to Canada by the Imperial authorities. This of course, may be said to be the first occasion on which Canada has entered into anything like an international treaty, such as is embodied within the four corners of the Treaty which we are now considering. Suffice it to say—and I say this with every confidence, touching the relation of Canada to the Empire and the status accorded to this country—that there never has been a time when it did not rest with Canada alone to request from the Imperial authorities, or from the Empire, whatever recognition Canada thought should be accorded to it. I am satisfied that to-day that is the position that Canada occupies in regard to the Empire. We do not look at this for one moment as a concession on the part of the Imperial authorities to the attitude of Canada at the Peace Conference. It has simply resolved itself into a question as to the relation which Canada wished to have established as between this country and the Empire. Upon that being stated to the Imperial authorities, they were at once only too glad to accede to the request; and when honourable gentlemen discuss this subject from time to time I only desire that it should be kept in view that the sentiment of the Imperial authorities towards Canada has always been, and is to-day, that whatever relations Canada wishes to have established between herself and the Empire, that relation will be recognized by the Imperial authorities.

I therefore move, honourable gentlemen, seconded by Honourable Mr. Robertson:

That the Senate unite with the House of Commons in the said resolution by filling the blank therein with the words, "Senate and," and that a message be sent to the House of Commons accordingly.

The full resolution will therefore read as follows:

Resolved by the Senate and House of Commons:

That it is expedient that Parliament do approve of the Treaty of Peace between the Allied and Associated Powers and Bulgaria, signed at Neuilly-sur-Seine on the 27th day of November, one thousand nine hundred and nineteen, a copy of which has been laid before Parliament, and which was signed on behalf of His Majesty, acting for Canada, by the plenipotentiaries therein named, and that this House do approve of the same.

I might say that the word "plenipotentiary" appears in the plural in the motion sent from the House of Commons to the Senate, but that should be in the singular.

Hon. Mr. CASGRAIN: Who is the plenipotentiary that signed for us?

Hon. Sir JAMES LOUGHEED: Hon. Mr. Perley, the High Commissioner.

Hon. Mr. CASGRAIN: Was he appointed by Order in Council here, or on the other side?

Hon. Sir JAMES LOUGHEED: Here.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I desire to congratulate the Government on having dealt with this matter in what I might term a more reasonable way than that in which this House was asked to deal with the question of the German Treaty. Honourable gentlemen will remember that a special session was called at the end of last year for the purpose of dealing with the German Treaty, and that at that time the Government thought it advisable to proceed by way of a resolution introduced into both Houses at the same time. I think honourable gentlemen will recollect that I took exception to that procedure at the time as not being the proper method of procedure, inasmuch as it did not seem reasonable that either House should commit itself to a resolution without knowing what the other House had done in connection with it. I am glad to see that in this particular case the Government has proceeded in what would seem to me, at any rate, to be a more logical and parliamentary method of procedure, namely, by having the resolution moved in one House, first of all, and sent up to the other House for their concurrence.

Another point occurs to me in regard to this Treaty. In this case we are asked to agree to the Treaty with Bulgaria, but if honourable gentlemen will remember, at the beginning of the Session the leader of the Government laid on the Table of the House the Treaty with Czecho-Slovakia, and that Treaty was assented to by Order in Council. We have had no explanation from the Government as to why that procedure was adopted in that case. It seems to me that if we are to deal with the Treaty with Bulgaria as we are asked to deal with it, we should deal with all these Treaties in the same way. If it is necessary for the Canadian Parliament to show their approval of these Treaties, every Treaty that is brought before us should be submitted to Parliament for approval. I have not been able to understand why the Government pursued the particular course which they did with regard to the Czecho-Slovak Treaty, and, so far as I know, there has been no explanation in regard to that matter.

My honourable friend has dealt with certain terms of the Treaty which is before us, and, of course, has pointed out that the terms of the Treaty are very largely the same as the terms of the Treaty with Germany, which we have already agreed to. The clauses of the League of Nations are identically the same in each case, and by signing this Treaty we have become a party to the League of Nations. We have, as my honourable friend has said, assumed or taken upon ourselves responsibilities with regard to the League of Nations, and I do not think the people of the country quite realize what they may be. Honourable gentlemen who have followed the course of events in the world since the German Treaty was signed will realize, I think, that, since the signing of the Treaty with Germany, conditions in Europe have become worse, if anything, instead of better. The press from day to day gives us information as to insurrection and trouble, and it would look as though the League of Nations, if it is to be of any effect at all, will very soon have to take some very decided stand in regard to what is happening in Europe to-day. To my mind, conditions in Germany are very serious, and I doubt very much whether the people of Canada realize the responsibilities that they have to face and the undertakings they have made in becoming a party to the League of Nations. Honourable gentlemen know that at the present time on the frontier between France and Germany the British Government is maintaining an army of occupation, and that the French Government is also maintaining an army of occupation. They will have seen from the newspapers of the last day or two that in order to preserve the position that the French Government considered necessary they have had to advance their troops to certain points in Germany, and to maintain law and order in that country. There appears to be considerable friction between the German Government and the French Government in regard to the situation existing between the two countries. In one of the morning papers appeared a statement which reads:

> There are grave rumors current in Cairo, says a despatch to the Exchange Telegraph from the Egyptian capital, regarding the situation in Palestine. The despatch asserts that all permits to Palestine have been stopped and that

the troops are being recalled to their stations on the western bank of the Suez Canal. No letters are arriving from Palestine.

That, in a very different part of the world, will show to honourable gentlemen that the state of unrest at the present time is a very serious one, and that the condition that we may have to face in the near future may possibly be very onerous. As one of the members of the League of Nations, Canada must assume considerable responsibilities, and I think that in accepting these we have to be prepared to take our stand as part of the British Empire and to do our part in upholding the League of Nations, and trying to make it a force to maintain the peace of the world. The great danger that I see at the present time is that the feeling generally seems to be that the League of Nations has not accomplished anything—that it is more or less of a dead issue. The action of our neighbours to the south has no doubt militated considerably against the work of the League, and consequently we must bear in mind that we may have to assume very serious responsibilities in connection with carrying out the duties of the League of Nations.

My honourable friend has talked about the status of Canada, and the position that she has assumed.

Hon. Mr. FOWLER: Would my honourable friend allow me to ask him a question before he goes into another matter? Do I understand my honourable friend to be opposed to Canada joining in the League of Nations?

Hon. Mr. BOSTOCK: No. I do not think my honourable friend has understood my remarks, because in what I have been saying I have not in any way indicated that I am opposed to Canada having signed the League of Nations; but I think the people of Canada to-day do not realize what the responsibilities are that they have assumed by the action that they have taken in signing it.

Hon. Mr. FOWLER: Then does the honourable gentleman assume that, if they had, they would not have signed it?

Hon. Mr. CASGRAIN: Certainly not.

Hon. Mr. FOWLER: Speak for yourself, John.

Hon. Mr. CASGRAIN: I am doing that now.

Hon. Mr. BOSTOCK: The leader of the Government dealt with the position that Canada had attained—

Hon. Mr. FOWLER: Do I understand the honourable gentleman to accept the statement of the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain)? He has not answered the question.

Hon. Mr. BOSTOCK: I thought that reply was addressed to the honourable gentleman from Kings (Hon. Mr. Fowler).

Hon. Mr. FOWLER: It was addressed by the honourable gentleman to your right. But do you accept his answer to me?

Hon. Mr. BOSTOCK: No, I am speaking for myself.

Hon. Mr. FOWLER: Well, what do you say for yourself?

Hon. Mr. MITCHELL: It is very hard to tell whether people accept or not. No one can answer such a question as that.

Hon. Mr. FOWLER: I can quite understand the inability of the honourable gentleman to answer that or any other intelligent question.

Hon. Mr. BOSTOCK: The remarks which my honourable friend, the leader of the Government, made with regard to Canada's position in the League of Nations were, as I understood them, to the effect that it is recognized by the British Empire generally that the Dominions shall from this time on be made parties to agreements that are entered into between the British Empire and other nations. I do not myself think that any very great change has been made in this respect from the position that we occupied before. On prevoius occasions, when it was necessary for a treaty to be drawn up between Canada and other nations of the world, representatives of Canada went to those countries and negotiated the treaty with the assistance of the representatives of the British Government. To all intents and purposes they carried on those negotiations themselves and, with the assent of the British Government, drew up with the nation concerned, a treaty which was satisfactory to the people of Canada and to the British Empire. This was simply carrying out the work of co-operation and co-ordination in the Empire, and was a recognition that Canada had arrived at the stage at which she was entitled to be represented directly in the negotiation of such treaties. The action that has been taken by the Government to-day in insisting that the representatives of Canada should be made party to this Treaty has not, so far as I can see, made

any particular difference in the status of Canada. What future steps may be taken is of course another question, and we shall have notice of them and be able to deal with them at the proper time.

The clauses of this Treaty to which my honourable friend has referred do not seem to have given quite the satisfaction that one would have expected from a treaty that has been signed so very lately; for I find that even at the present time the Bulgarians are endeavouring to have certain clauses of this Treaty amended. They claim that it is almost impossible for them to carry out the clause dealing with the enlistment of troops; that they find it is a very expensive matter for them to obtain the kind of recruits that they want by voluntary enlistment, and that the clause in the Treaty dealing with conscription which absolutely forbids them from conscripting men for military service, is going to interfere very seriously with their customary method of carrying on. In clause 65, page 27, it is stated:

> Universal compulsory military service shall be abolished in Bulgaria. The Bulgarian Army shall in future only be constituted and recruited by means of voluntary enlistment.

This is apparently the clause which the Bulgarian government now finds it very difficult to carry out, and which they have been endeavouring to have amended. There are other clauses in the Treaty which, I think, may possibly give rise to trouble, on account of the nationalities in the territories contained within the new boundaries. I understand that there are large numbers of Bulgarians in the territory which is now being cut off from Bulgaria and handed over to Greece and other nations, and that it may be very difficult to get those nationalities to coalesce and live peaceably under the new form of government, and it may possibly lead to further trouble. At any rate, it will be a matter which the League of Nations may have to consider very carefully.

These points occur to me as showing the necessity of our studying very carefully what may be the result of the position in which we stand to-day as members of this League of Nations, and of realizing as well as we can what is the meaning of the responsibilities that will be thrown upon the country.

Hon. N. A. BELCOURT: Honourable gentlemen, I desire to take up the time of the House for a few moments for the purpose of drawing the attention of honourable members to certain provisions of the Treaty of Peace with Bulgaria which seem to me to be of special interest to Canada, and, I may say, of chief concern to a large number of Canadians. I want to put on record the following articles which I find in section 4, under the heading, "Protection of Minorities," on page 23:

> Article 49. Bulgaria undertakes that the stipulations contained in this Section shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Then I pass on to Article 53:

> All Bulgarian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.
>
> Difference of religion, creed or confession shall not prejudice any Bulgarian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.
>
> No restriction shall be imposed on the free use by any Bulgarian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.
>
> Notwithstanding any establishment by the Bulgarian Government of an official language, adequate facilities shall be given to Bulgarian nationals of non-Bulgarian speech for the use of their language, either orally or in writing, before the Courts.
>
> Article 54. Bulgarian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Bulgarian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.
>
> Article 55. Bulgaria will provide in the public educational system in towns and districts in which a considerable proportion of Bulgarian nationals of other than Bulgarian speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Bulgarian nationals through the medium of their own language. This provision shall not prevent the Bulgarian Government from making the teaching of the Bulgarian language obligatory in the said schools.
>
> In towns and districts where there is a considerable proportion of Bulgarian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets, for educational, religious or charitable purposes.
>
> Article 57. Bulgaria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League

of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Bulgaria agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

This is the second time that the League of Nations has dealt with the protection of minority rights. In the Treaty with Germany similar provisions were contained. The League of Nations has therefore solemnly on two occasions declared and proclaimed the right of minorities to the free use of their language and their religious beliefs. They have gone further: they have provided the means whereby these rights may be freely and without infringement enjoyed, not only with regard to religion and language, but with regard to education as well. They have gone further; they have decreed in this case, as they have previously done with regard to the countries within the German Empire and the Austro-Hungarian Empire, that the minorities shall have a right to a share of the public money devoted to educational purposes. They have gone further than that again: they have declared that this question of the protection of minorities is a question of international concern. They have provided that if any of the parties to these Treaties—and Canada is one of them—has any complaint to urge of infraction, or danger of infraction, of any law or regulation relating to such rights, the Council will take the matter up and will, to use the words of the section, "take such action and give such direction as it may deem proper and effective in the circumstances."

I wish to ask the question whether we in the British Empire to-day can claim with truth that we have applied throughout the Empire these principles and enforced the rules which are sanctioned by this Treaty, with our approval, as they have already been sanctioned in the case of the German Treaty. I am free to admit that throughout the British Empire the Golden Rule, to which effect has been given in this Treaty and the previous one, has been observed; but it is my duty once more to remind this House that there is a part of the British Empire in which this rule has not held good, but the contrary rule has been applied and is being applied to-day. There are in the Confederation of Canada two provinces which are to-day denying the right which they say must be accorded to the minorities in Bulgaria, Germany, and Austria-Hungary. In the province of Manitoba the French Canadian Catholic minority, in order to be able to teach their children the language of their forefathers, and the religion they have inherited from them, must pay double taxes. In other words, they have to pay the public school taxes, and they have to tax themselves for the maintenance and support of their own schools, in order to have their children taught their language and religion. In the province of Ontario, in regard to language, the same difficulty exists to-day. In the so-called English-French schools—and what a parody it is to call them by that name!—French has been banished altogether in some of the schools, and is gradually but surely being eliminated from the rest.

The British Empire has given the best example of freedom and liberty to the peoples which have come under the British flag, and are we in Canada going to be content to allow this blot to remain on our statutes? Are we going to continue to deprive the minority in Manitoba and the minority in Ontario of rights which we declare must be given to those far-away minorities of whom we know little or nothing? If to-morrow the minority in the Dominion of Canada, which is, as a unit, party to the League of Nations, were to submit to the League this question, would it be or could it be said that the question was a provincial one and must be settled by the province in which the trouble has arisen. No, we could not say that. We have interfered with what might otherwise be called a local question in continental Europe, and we would be bound to deal with the question affecting Manitoba and Ontario in the same way. This question has long passed the provincial boundaries; it has become in Canada a national question of very great importance; and not only that, but by these Treaties it has been given with our participation and full approval the character of an international question.

Now, are we, the French Canadian minority in this country, in view of the conditions which have been created, and the rights which have been secured to those minorities in continental Europe—are we going to be condemned indefinitely to envy them the freedom and the liberty which the League of Nations freely accords to them, and which the League of

Nations has taken the means of preserving and maintaining for them? We French Canadians, living under the British flag, supposed to enjoy full British liberty and freedom, are in such a position to-day that with truth, I can say that we are being treated in a way far different from the way in which these European minorities are treated. I want once again to emphasize the importance, the significance, of these provisions in the Treaty. I want once more to ask the majority of this country if they will not take this matter up, if they will not deal out to the minority at least as fair, impartial and just treatment as the majority are to-day dealing out to the continental minorities in Europe. Surely French Canadians have the right to say: "Are we going to be treated with less justice than you are willing to treat these people with? Are we going to be deprived of our money to educate our children as we wish, while you are granting these rights to these people in Europe?" I again solemnly appeal to the majority in this country, and ask them if the time has not arrived when, consistently with the action which we are taking to-day, consistently with the action which we took upon the German Treaty, justice must be rendered to the minority in Manitoba and Ontario.

The resolution was agreed to.

RESIGNATION OF EXPERTS FROM PUBLIC SERVICE.

MOTION FOR RETURN.

The Senate resumed from Thursday, March 11, consideration of the motion of Honourable Mr. Tessier:

That an Order of the Senate do issue for the production of correspondence between the Canadian Mining Institute or others with the Government or any of its members relating to the resignation of officers of the Department of Geological Survey and the Department of Mines.

Hon. Mr. CASGRAIN: Honourable gentlemen, before the recess I moved the adjournment of this debate, and when I did so it was because I had been told that this matter was about to be settled. Last night, in moving the adjournment of the debate once more, I was again under the impression that the thing would have been adjusted, but this morning I found that absolutely nothing had been done.

Now, it appears that these men, officials of the Geological Department, got special consideration on account of their great knowledge of particular parts of Canada and of particular deposits, such as oil shales, and petroleum, and so on. And, by the way, in parentheses, I regret that the honourable gentleman from Rothesay (Hon. Mr. Domville) is not here. He has entertained this House in regard to that on several occasions, and I think he is right. It is only within the last few days that the scientific world has decided that, at the rate that we are using petroleum at present, there will soon be no more petroleum, and consequently no more gasoline for industrial purposes or for motors. We have large deposits of oil shale and petroleum in Canada, and these men are able to indicate where it is to be found. And what has happened in the last four weeks? Since we took recess two of these men have been called away by the United States, and they are naturally getting much better treatment and more remuneration than they received from this Government. I do not want to blame anybody, whether it is the Civil Service Commission that is dilatory in this work, or whether the Government is holding it back; but something certainly should be done to take these men out of their present anxious position. They are between heaven and earth. They do not know what the Government or the Civil Service Commission will do with them, and they are constantly getting calls from private companies, and also from the United States. So much so that some of the men have gone, and have been getting from $5,000 to $6,000 per annum, while in our Government service they get $2,000 or $3,000. Of course, I do not think the Government could pay them $5,000 or $6,000; but what they could do would be to give them a fair proportion of what they would get outside, because we must remember that these men are highly qualified men. They are all post graduates of universities, and have specialized in particular branches of geology in order to fill some particular need. They have served a long apprenticeship. Their parents or themselves have devoted large sums of money to their education, and they should be rewarded in proportion to their value. It is against the delay that I am protesting now, because if this thing keeps on much longer there will be none of these officials left; they will all have left the service.

These officials, I understand, are quite willing to stay in the Government employ, because of the permanency of the tenure of office, and would sooner accept from the Government a smaller wage than they would get from an outsider. But they have to know at the same time that they shall

get a remunerative wage to keep themselves and their families. You must remember that they cannot live at home, and when they are out on their work, while it is true that the Government pays their travelling expenses, there are a great many incidental expenses going from home, and they have to support their families wherever they may be. They cannot render certain services about the house in the same way as a man who is home every night, when they are away in the northern country for so long that sometimes they almost have to be introduced to their own children. They are valuable men, and deserve special treatment at the hands of the Government, and surely they should be paid at least a good proportion of the salary that they can get outside.

We hear a great deal about production. If there ever was a time when Canada should work her resources, her hidden treasures, it is now. And how can we do that unless we have these men, who prepare maps of the whole country, maps which show to the intelligent prospector the parts of the country that are barren, and where there is no use in prospecting, where, according to the rules of science, there is nothing to be found. These maps also indicate the likely places, and they are used by intelligent prospectors. They can start out with these maps. Canada is really a terra incognita, an unknown land, to the people who live in it. There is a tremendous amount of territory in Canada that is absolutely unknown, and if we can judge of the value of those parts by the value of the unknown parts, it must be tremendous. Take Sudbury and its wonderful nickel mine; Cobalt with its unlimited silver. Every one knows that they were found by chance. Everyone knows how in building the Timiskaming and Northern Ontario railway silver was found by a Mr. Larose. At this very moment, when Canada needs all her resources, are you going to allow the men who have been trained for years and years to leave your service because you will not pay them enough to keep them here, and let them depart in order to earn a little more elsewhere? I am glad to see the leader of the Government in his place at this moment, and I would ask him if he would be good enough to call the attention of the Cabinet to the fact that these delays are unbearable to these men, and that a decision should be given. If there is no intention of classifying them in a better class, they might as well be told at once, and their services would be retained by people who were willing to give them a better salary. Or, if there is going to be action, it should be now. These men are in a position of great uncertainty.

I do not want to detain the House on this question. I thought, before we took recess, the question would have been decided one way or the other. We come back after four weeks and nothing is done. I do not know whether the Civil Service Commission is to blame, or whether there is some one who is saying that there is no hurry about this thing—that it can wait until the session is over. But I think it is an injustice to these officials, who know so much of this country. It would take years and years for a new staff to find out all that these men know. Are we going to let those who have the knowledge go? I hope the leader of the Government will see that something is done in the near future to relieve the doubts of these gentlemen.

Hon. Mr. BOSTOCK: I want to add a few words to what the honourable gentleman has said, because the position with regard to the Geological Survey affects very considerably the province of British Columbia from which I come. The number of resignations within the last year or eighteen months in the Geological Survey has been causing a great deal of agitation amongst the people interested in mining in that province. To show honourable gentlemen the feeling with regard to it, I might possibly be permitted to read a resolution which was introduced into the British Columbia House by the Honourable William Sloan, Minister of Mines for British Columbia. It is as follows:

Whereas, under the terms of union of this province with the Dominion of Canada, it is incumbent on the Dominion Government to maintain in British Columbia the geological survey;

And whereas from the pioneer work of Dawson to the present day the services of the geological survey have been of intestimable value to the mineral industry of this province;

And whereas recent advices show that, out of a total number of twenty-one geologists available for field work throughout the Dominion, eight already have tendered their resignations, and others are likely to do so, thus leaving very few fieldmen for the whole Dominion;

And whereas the six years prior to 1914 the geological survey maintained an average of nearly twelve geological and topological field parties in British Columbia alone, it becomes evident that it will be impossible for the survey to provide for work in British Columbia trained geologists from the remaining staff to continue the geological work so necessary to the mineral development of this province.

Be it resolved, that this Legislative Assembly of the province of British Columbia expresses its appreciation of the great value of the work of the geological survey of Canada as assisting the mineral development of this province, and

views with apprehension the depletion of the survey staff, especially at this time, when, with the world entering upon a period of reconstruction, it is most important to our mining industry that all possible knowledge of British Columbia geology shall be available.

And be it further resolved, that this Legislative Assembly of the province of British Columbia does strongly urge the Dominion Government;

(1) To take some immediate action to prevent further depletion of this most valuable branch of the Civil Service.

(2) To offer adequate inducements to engineering and scientific students of Canadian universities to undertake training with a view to employment on the geological survey of Canada, in order to provide trained men for the future.

(3) To complete and publish the results of the geology of such districts as have been topographically mapped.

(4) To adopt a policy assuring the maintenance on an adequate basis of work of the geological survey of Canada in British Columbia, to the end that the letter and spirit of the terms of the British North America Act may be implemented and the development of British Columbia expedited.

And be it further resolved, than an humble address be presented to His Honour the Lieutenant-Governor, praying that a copy of the preambles and resolutions hereinbefore set out be transmitted to the honourable Secretary of State.

I have not been able to get information as to whether the resolution was passed or not, but I think honourable gentlemen will see from it that the Minister of Mines of British Columbia, at any rate, considers that the condition of things is serious.

As honourable gentlemen may know, there is a considerable mining development going on in British Columbia to-day, and a great deal of prospecting is being done, especially in the northern part of the province. I regret to say that, in confirmation of the resolution which I have just read, a gentleman from British Columbia the other day told me that an officer of the Geological Department, a Mr. McKay, who had proven himself to be an exceedingly valuable officer along certain lines of work, with regard to placer mining in the northern part of the country, particularly around Barkerville, a man who had worked out an original system of his own, of the possible geological formation of that country, which apparently had never occurred to any one before, had left the service. He had put his ideas to practical test, to the great benefit of the people who were mining in the Barkerville district, who had been enabled, by following up his theories, to carry on their work to the best advantage. As I say, this gentleman has unfortunately left the service, and, as I understand, is going into the service of some company operating in India. It will be impossible to replace this man, because, so far as I am informed, there is no other man in the service, or, as far as I know outside of the service, who has followed up this particular line of work and is capable of taking on the kind of work that he has been doing. His work would be valuable in the Omenica, Tulameen, and other placer mining districts in British Columbia, and it is most unfortunate that the services of this gentleman should be lost to the country.

I make these few remarks to bring this matter to the attention of the Government, because I think at the present time, when we desire to do all we can to increase the production of the country, it is a very serious matter indeed that this condition of things should have arisen.

Hon. J. G. TURRIFF: The question under discussion is no doubt a most important one; at the same time I consider it absolutely impossible for this or any other government to retain all the civil servants in their positions irrespective of what outside parties may do. We know that occasionally we get in the Civil Service men of extra ability, and those men receive very good salaries. My honourable friend (Hon. Mr. Casgrain), who spoke just before the honourable leader of the Opposition, seemed to think those men should be retained at any cost; but if my honourable friend was out with a party of surveyors, and a chainman said he was offered twice as much as the ordinary pay given to chainmen, I am sure my honourable friend would reply: "Well, I am very sorry, but I am paying you the highest price that chainmen are getting, and therefore I cannot pay you any more, so you will have to go and get double salary with somebody else," and my honourable friend would get another chainman. In regard to the case cited by the honourable leader of the Opposition (Hon. Mr. Bostock), I have never in my lifetime known a man to drop out from any position, even the highest position in the land, who could not be replaced right there and then; somebody else can always be secured. If the man referred to by the leader of the Opposition has developed some new system in connection with placer mining there will be a lot of men who will know something about it, and who could take his place. The trouble is that if we attempted to keep in the service all who are in it, irrespective of what they are offered from the outside, by giving such men an extra thousand or two thousand a year, there would be five hundred or a thousand men who are getting the

same salary who would complain that they should get similar increases. When a man can do better outside of the Civil Service than in it, I think he ought to get out as soon as possible, for I do not believe the Civil Service is a good place for such a man. The Government cannot begin to give that man such a salary as would keep him in the service, simply because they would have to apply the same rule to hundreds of others, and the cost of maintaining the Civil Service has gone up to such an extent that any Government will have to think seriously before undertaking a policy that might lead in some cases to the payment of double the present salaries. I know of men in the service who got offers of twice as much as they were receiving in the service, and they went out and took positions; but I have known of those same men wanting to come back, and willing to return at their old salaries; for it must be remembered that they do not all get the big salaries for a long time, and even though they may get a larger salary for a time, it is not in Government service, which some of them would prefer. During the boom in the West many bank clerks left the banks and were making big money outside; but within three or four years hundreds of them were applying to get back to their old positions at their old salaries. The question of payment to the civil servants is a large one, but I think we may as well make up our minds that it is impossible for any Government to keep every man in the service, because in that case offers would be made to scores of men in the service for the purpose of increasing their salaries. It cannot be done successfully unless we simply cut loose and pay no attention at all to the fact that the Civil Service is costing quite enough now.

Hon. Mr. McMEANS: I suppose that does not apply to senators?

Hon. Mr. TURRIFF: You can apply it to yourselves if you wish. It is a vexed question, no doubt, but I do not see how it is possible to deal with it along the lines suggested—giving large increases to a certain number of men—because that would cause dissatisfaction from one end of the service to the other, and would accomplish no good. I think we can rest assured that when a man goes out there is somebody in his department who can take his place. No doubt, as the leader of the Opposition has stated, at a time like this, when we need a great development in the natural resources of the country, we should have good geologists and able men who know the country well, who know about the deposits that may be found, and how they could be developed; but to my mind these can be developed just as well under the present system as by a method of increasing salaries of individuals in order that they should always remain in the departments. Good men can get good salaries, and if they cannot get them in the departments they are quite justified in going out; but I do not think they are justified in complaining to the Government that they are not getting enough salary where they are. If they are not content, let them go where they can do best, because if they go to private companies their services are not lost to the country. I remember cases where men went from the Northwest to private companies—

Hon. Mr. CASGRAIN: But they are going to the United States.

Hon. Mr. TURRIFF: Yes, but we get any number of men from the United States to come here. You cannot stop the Anglo-Saxon from travelling all over the world; that is what has made the Empire; the men of the British Isles were not content to stay at home, but went all over the earth and took the best of it, and they are still doing that, and will always do it. Hence our men will go to the United States under any and all circumstances, and many people will come into Canada from the United States. It is a fair exchange, and we are not losing anything on that account. I think the Government should move cautiously in this matter, because it is a subject that would easily lead them into a great deal of difficulty and involve very large expenditure, and in my opinion they are doing enough in the line of expenditure.

Hon. Sir JAMES LOUGHEED: There is no objection to the order going; but I might say that very happily the responsibility at the present time does not rest on the shoulders of the Government, as this is a matter that comes within the authority of the Civil Service Commission. Notwithstanding the dissatisfaction expressed by my honourable friends opposite, I would say, in a very friendly way, that they are themselves very largely responsible, having withdrawn from the Government the exercise of any discretion in fixing salaries of professional men. I recall that last session, when the Civil Service Bill was before a committee of the Senate, with the classification of salaries attached thereto, my honourable friends were very strongly opposed to any discretion being vested in the Government, particu-

larly in adjusting the salaries of those who occupied professional positions in the employ of the Government. I must say that I was favourable to vesting in the minister or the Government a fair amount of discretion in fixing that particular class of salaries, and I think it should be so.

Hon. Mr. CASGRAIN: Hear, hear.

Hon. Sir JAMES LOUGHEED: I am not at all in favour of an arbitrary commission, such as the Civil Service Commission, mechanically fixing compensation for the class of services involved in the subject now before us; but the Senate in its wisdom considered that it was inadvisable to permit the Government to be charged with exercising any such discretion as that which I have indicated.

Hon. Mr. DANDURAND: But was not that the honourable gentleman's Bill?

Hon. Sir JAMES LOUGHEED: It was; but I may say in answer to what my honourable friend had said, that an amendment was moved, which was very strongly opposed by gentlemen who sit on the other side of the House.

Hon. Mr. BOSTOCK: I think my honourable friend and I voted on the same side.

Hon. JAMES LOUGHEED: I may say, in reference to these threatened resignations, or those which have already taken place, that since Confederation there has never been a vacancy without an applicant to fill it, and I have no doubt that if there should be a general exodus of the gentlemen referred to in the motion before us, there will be a genesis of those who are quite prepared to fill the vacancies that would thus be created.

The motion was agreed to.

INDUSTRIAL DISPUTES INVESTIGATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Gideon Robertson, the Senate went into Committee on Bill D, an Act to amend the Industrial Disputes Investigation Act, 1907. Hon. Mr. Daniel in the Chair.

On section 1—interpretation:

Hon. Mr. BOSTOCK: I think my honourable friend was going to give us some further particulars about the workings of this Act when we got into Committee.

Hon. Mr. ROBERTSON: I shall be glad to answer any enquiries my honourable friends may advance.

Section 1 was agreed to.

On section 2, new section 16—signatures requisite for applications to refer disputes to a board and for statutory declarations accompanying them.

Paragraphs a, b and c were agreed to.

On paragraph d:

Hon. Mr. DANDURAND: Will the honourable gentleman tell us if this applies to the employees of a single corporation or employer, or does it apply to a union that embraces working men working for more than one employer?

Hon. Mr. ROBERTSON: The amendment to paragraph c of section 2, which the Committee have already adopted, refers to the point that my honourable friend raises, namely, that it is permissable to establish boards where there may be several employers involved instead of an individual employer, as the Act now provides. The proposed change in paragraph d is suggested because it is desired that applications for a board shall express the will of the majority of the men affected. Instances have come to the notice of the department where, under the Act as it now reads, a meeting is called and the purpose of the meeting announced at least three days in advance; but a handful of men may come to the meeting, reach a decision, and make application for a board, perhaps entirely without the knowledge, let alone the consent, of the majority of the men affected. The purpose of this proposed change is that the minister may require what will satisfy him that the application does express the voice of the majority of the men affected, and prevents minority rule among workmen themselves, and the exercise of the will of the minority upon the majority. The amendment does not in any way adversely affect the employer.

Hon. Mr. BOSTOCK: Is paragraph d intended to take effect in the case of a firm or corporation or business where all the men are not members of the trade union?

Hon. Mr. ROBERTSON: Paragraph e specifically provides that applications for boards may be made " by employees some or all of whom are not members of a trade union."

Hon. Mr. BOSTOCK: That is the case you are dealing with?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. NICHOLLS: I would like to ask the honourable Minister of Labour if the Government, having taken into account the advisability of action being taken by the majority of the employees, have had their attention called to the like necessity of having a similar arrangement in connection with employers? The point I wish to make particularly is this. Suppose that throughout any province there are twenty, thirty, or forty manufacturing firms engaged in one particular industry, and one of those firms is singled out by a trade union for attack; the others are not notified; and therefore the burden is thrown upon one industry either to concede or to combat the demands made upon them, and which may be very onerous. I have had occasion to communicate with the honourable minister in my private capacity, suggesting that some steps should be taken to bring about uniformity in the rates of wages in particular zones throughout Canada. I think it would make for industrial peace and greater satisfaction, and lessen unrest, if there were a general conference of the majority of employers engaged in an industry with representatives of a majority of the unions that might be identified with that industry. As the honourable minister has said, of course it is unfair that the minority of a union should foment trouble and create unrest to the disadvantage of a majority of the same union that may not be in sympathy or accord with their action. It is equally important that, when they are dealing with a particular industry, the majority of employers should also be taken into consideration, and any decision that is arrived at should be uniform. Otherwise one particular locality is prejudiced to the great disadvantage of another. It has been stated, in the past, with or without reason, that international unions have fomented strife in Canada, to the disadvantage of Canadian industries and for the great advantage of United States industries. Whether that is true or not I am not prepared to say, but I do say there is a possibility in the Canadian branch of an international or any other union of some official being reached by the executive of a large manufacturing corporation and being induced to foment trouble in the industry of a competitor. We know that it has been done, and it has been proven by the records of the courts to have been done, in the United States; and if it has been done across the line there is no reason to suppose that it may not be done in Canada. I do not say it has been done, but there is the opportunity of doing it in Canada, and it is quite possible, by the method that at present is followed, of a union concentrating on one particular industry or one particular locality, to cause loss or destruction in a particular industry and great loss and deprivation to a particular locality for the benefit of some other industry or some other locality, which may or may not be cognizant of the fact. I simply want to bring this point forward and ask the honourable the Minister of Labour if he has given any consideration to that phase of the question.

Hon. Mr. ROBERTSON: The point that the honourable member from Toronto has raised would indeed be very important if it came within the scope of the Act. The Industrial Disputes Investigation Act applies only to public utilities, such as mines and transportation companies, as described in the opening sections, and employees engaged in private industries such as my honourable friend has referred to do not at the present time come within the scope of the Act.

I heartily agree with much that my honourable friend has said with respect to the desirability of closer co-operation by means of association between employers and workmen themselves, with a view to standardizing and making uniform the rates of wages and conditions of employment in a given industry in a given locality. Efforts in that direction were made by the officials of the Department of Labour a year ago, with some success, in certain industries, and I can assure my honourable friend that so far as it lies within the jurisdiction of the Federal Department of Labour we should be delighted to assist in promoting the very purpose that he has so effectively stated to the House to-day.

But, as the Industrial Disputes Investigation Act now stands, it is not within the jurisdiction of the Federal Department of Labour to interfere in private industry. That point was touched upon during our discussion last night. I stated that in my humble opinion the scope of the Act ought to be extended to private industries, or that similar machinery ought to be set up by provincial enactment, so that those employees and employers to whom my honourable friend alludes might have means to adjust their disputes, as employers and workmen engaged in public utilities now have under this Act.

Paragraph d was agreed to.

On paragraph e—application by employees not members of a trade union:

Hon. Mr. BEIQUE: Paragraph e, which, I understand, is an addition to the present statute, permits of exactly the danger to which the honourable member from Toronto (Hon. Mr. Nicholls) has called attention. Heretofore the section was limited, I understand, to members of trades unions, but under this new paragraph the Act may be taken advantage of by employees of a particular firm, whether they are members of a trade union or not. If a majority is obtained, they may invoke the benefit of the Act and force the Government to put it into operation, although employees occupying similar positions with another firm are taking no part in the dispute at all. I think this is exactly the danger which has been mentioned by the honourable member from Toronto.

Hon. Mr. ROBERTSON: My honourable friend is in error in thinking that this is a new section. Subsection 4 of section 16 of the present Act reads exactly the same as paragraph e of this amendment, except that this provides that the authorization must be obtained in whole or in part at a meeting. If only a portion of the men are present at a meeting, the will of a small minority of the total membership or the total number of men affected shall not govern without the consent or authority of the majority of the men affected having been obtained.

I may perhaps clearly demonstrate just what this means by a concrete illustration. During the time that there were some difficulties existing in Western Canada last year, the postal employees in the city of Vancouver, for example, were called together to decide whether or not they should participate in a sympathetic strike movement. The majority of the men affected were present and they voted the proposition down—voted against going on strike. At eleven o'clock that night a portion of the men, known to be sympathetic to the proposal to go on strike, attended a special meeting which had been called, and to which only some of the men had been invited. It was proposed by that back-alley method to get the necessary authority whereby all the postal employees in Vancouver would be called out. Fortunately the men were alive to the situation. They spread the news, attended the meeting at 11 o'clock at night, and again defeated the attempt to have them go out on strike when they had no grievance of their own.

This proposal would enable the registrar to decide whether or not an application for a board should be granted. He could satisfy himself and satisfy the other officials of the department that the application was in order and did express the will of a substantial majority or substantial number of the employees who were affected. It is not an entirely new clause, as my honourable friend (Hon. Mr. Béique) supposed. Its purpose is simply to prevent a small minority from imposing their will upon the majority of the employees concerned.

Hon. Mr. NICHOLLS: Honourable gentlemen, the honourable the minister stated that the Act applies only to those engaged in the operation of public utilities. I was quite aware of that fact. But it is within my knowledge that a very large number of boards of conciliation have been appointed to deal with trade troubles that do not come within the purview of public utilities. Probably the honourable minister can tell us how large a proportion of boards of conciliation, or how many, have been called together to consider trade disputes that did not come within the Act. He mentioned yesterday, as an evidence that it would not be feasible to appoint a permanent chairman, that some seventy-nine cases, I think, had been considered during the year, and I believe that a very large proportion of those cases were of trade disputes that did not come under the Act. Therefore, the point that I made yesterday is all the more significant, that, in order to prevent unrest, in order to concede every possible opportunity for the employees to be favourably and properly heard by the proper tribunal, a great many employers and others have consented voluntarily, although their industry did not come within the Act, to the establishment of boards of conciliation. These boards of conciliation have met, but in my judgment their findings have been almost altogether in favour of the employees and not in favour of the employers. As I pointed out yesterday, there is a demand made for a certain percentage of increase, and if any one will take the trouble to investigate the number of awards that have been made and the terms of those awards, he will find that in the great majority of cases there might as well have been no chairman at all; it was just a question of splitting the difference. Each side put forward its own case, but the employer—and I am perfectly frank about it—is under this disadvantage. He nominates one board member and the workmen nominate another. They fail to agree upon a chair-

man, and therefore the chairman is mandatorily appointed—by whom? By the Minister of Labour, or the Labour Department. The Labour Department have a certain number of judges who might almost be called professional chairmen of boards of conciliation, and I assume—I think it is natural to assume, honourable gentlemen—that as these chairmen may have a number of cases during the year, for all of which they receive a remuneration in addition to their salaries as county judges, they are naturally anxious to keep in good odour with the powers that be. Now, in spite of themselves, with all their desire to act impartially and fairly, what they consider to be the wishes of the powers that be must have, intuitively perhaps, some effect upon their mental attitude towards the case over which they are presiding. My idea in proposing a permanent chairman was that he would be immune from criticism; he would gradually, from year and from case to case, become better able to sift the evidence: he would naturally, from his constant practice, become acquainted with all the varied technical conditions that surround the different industries of the country.

The honourable minister pointed out, quite frankly and fairly, that it would be beyond the power of one permanent chairman to handle as many cases as he would be called upon to do, and, as despatch or time was of the essence of the settlement of these disputes, they had adopted the plan of appointing a chairman in each case, who might be selected at random. But I am not aware that there is only one judge to handle all the law cases in Ontario. As the cases coming before the courts multiply, more judges are appointed. The matters dealt with by Boards of Conciliation involve enormous sums of money. The outcome may mean tremendous losses, not only to the individual employer or to the employees, but also to the country at large, because the action may result in destroying the Canadian trade and sending the business to a foreign country. Therefore I claim that it would not be unreasonable to have a sufficient number of permanent chairmen appointed to deal with industrial disputes.

Let me take a case in point. I know of several concerns that pay upwards of $5,000,000 a year in wages. Nobody will object to a fair increase, but an unfair increase, that has been given because the chairman was not conversant with the technicalities of the particular case, might mean $750,000 a year. Now, what industry can stand up against an increase of $750,000 a year to its workmen, when the workmen engaged in like industries in different localities have not been subjected to that tremendous loss? The business is destroyed. The owner loses his orders. Either they go abroad or they go to some other locality in this country which has not been subjected to this industrial unrest. I consider that in the aggregate this question involves annually hundreds of millions of dollars, and very often it is dealt with in such a way that much of that money may be diverted from the trade of the country and the consequent employment of Canadian workmen. If the amount involved were only a few thousand dollars a year, one chairman might be sufficient, but if the amount involved is tens of millions of dollars a year, I submit, honourable gentlemen, that it is not too much to expect that the Department of Labour would appoint a sufficient number of permanent chairmen to handle the cases. In my business, in your business, in anybody's business, if it grows to such an extent that a department has to be subdivided into two departments, you have to appoint a new departmental head. Those two departments may have to be subdivided again, as is the case in some of those great departmental stores that have done so much for the credit and prosperity of Canada. They may have to be subdivided into fifty departments, and do you think that the head of the concern will say, "Oh well, we cannot afford to increase our business, because we have only one head of a department?" He will appoint new heads of departments, and he will appoint a sufficient number—whatever number is essential for the prosperity of the concern. I claim that there is no question before this House that deals with vaster sums than the question of labour and capital, the question of the amount paid by the employer to the employee. I think the honourable the Minister of Labour will give me credit for having done everything possible in my own business, since he has been appointed, to maintain peace and satisfaction as between the employer and the employed, but my experience of Boards of Conciliation is that unless there is a judicial mind that is free from bias, that has only the one purpose in view, that of holding the scales of justice in balance, we shall never have that degree of peace and satisfaction between the two classes which we should have.

Paragraph e was agreed to.

On subsection 2 of new section 16—requirements when there is more than one party to application:

Hon. Mr. DANDURAND: Is that new?

Hon. Mr. ROBERTSON: Yes, this clause is new, and it is essential because of the amendment to subsection 2 which makes it possible for several employers to make application for a board jointly or through an association of employers, which exists in many instances. This simply provides the manner in which a joint application may be made by the employers.

Subsection 2 of new section 16 was agreed to.

Section 3 was agreed to.

On section 4—allowances to witnesses:

Hon. Mr. THOMPSON: By whom are these fees paid?

Hon. Mr. ROBERTSON: They are paid by the department to the witnesses who are summoned by the board.

Hon. Mr. THOMPSON: Do the Labour party or the employers pay the fees? Are they assessed for them?

Hon. Mr. ROBERTSON: Oh, no.

Hon. Mr. THOMPSON: They are paid by the Government out of Government funds.

Hon. Mr. BENNETT: Is a professional witness restricted to $2 a day? An engineer might be called.

Hon. Mr. ROBERTSON: All that he would be entitled to under the clause would be $2 a day.

Hon. Mr. BOSTOCK: Has that been the case in the past?

Hon. Mr. ROBERTSON: Yes. Section 34 of the present Act says:

> Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

As I attempted to explain yesterday, the rates vary in the different provinces. For the information of the House I might point out that witnesses in the province of Ontario, residing within three miles of the court, receive a fee of one dollar.

Hon. Mr. BOSTOCK: Is that the fee for every kind of witness?

Hon. Mr. ROBERTSON: No; if a witness happens to be an engineer, he gets $5.

Hon. Mr. BOSTOCK: Under this he would get only $2.

Hon. Mr. ROBERTSON: But in this instance it is not probable that any engineers would be present, unless they were employees of a railway or transportation company, and they would be paid their salary in any case. But, if either party to the dispute requests the board to summon witnesses, this rate would prevail. From the experience of the department, it seems advisable that the rate should be uniform throughout the country. It has happened that a witness has been summoned by a board in one province, and then later on has been summoned by a board in another province, and has received a different fee in each instance.

Hon. Mr. SCHAFFNER: If I understand the honourable gentleman correctly, previous to this amendment the witnesses received pay in accordance with what was paid in the province where the inquiry was held. In our province an expert witness gets more per day than a man who is not an expert witness. This amendment would do away with that. That does not seem to me to be right.

Hon. Mr. BENNETT: Let us suppose that by reason of the work in which certain men are employed the question of health is involved; they might wish to call a physician as a witness. It seems rather hard that if a practising physician is called he should be paid only $2 a day. Or take a case in which there is great danger by reason of the machinery that is in use—and that is quite common in these days of electrical devices—you call a skilled man, and you pay him only $2 a day.

Hon. Mr. ROBERTSON: I should have no objection to accepting an amendment to the effect that the existing rates in the different provinces should apply with a minimum of $2 a day. But at the present time the rates run as low as 27 cents a day, and you cannot blame a man for not wanting to attend.

Hon. Mr. NICHOLLS: The point that I see that has not been made clear in the clause is the fact that there is absolutely no limitation to the number of witnesses that may be called. The honourable minister has stated that the board will call all the witnesses asked for both by the employer and the employee. It is conceivable that in a very trivial case a large number of witnesses might be called from a very considerable distance. If the witnesses are to

get $2 a day as a minimum, and living and travelling expenses—and, under this clause, one hundred, or two hundred or every member of the union, may be called, it will be a very expensive proceeding. I think there should be some interpretation or some limitation.

Hon. Mr. ROBERTSON: I would think my honourable friend was quite right if any abuse of the nature he has suggested had ever arisen; but, the Act has been in force for some twelve years, and, so far as I am aware, no abuse of the sort has ever occurred. The chairman of each board decides upon the applications for the summoning of witnesses, and I do not think the number of witnesses summoned by the ninety-five or ninety-seven boards that sat last year exceeded an average of three. Witnesses are usually in the immediate locality in which the dispute occurred. They do not often come great distances. There is a clause in the Act that requires the railways to supply witnesses in railway cases with transportation. This clause is only to prevent what was evidently unfair. In one province, at least, the witness' fees were 27 cents a day. If my honourable friend thinks it is desirable to make a minimum of $2, or some other amount, leaving the expert fees as they exist in the various provinces, I have no objection.

Hon. Mr. McMEANS: So far as experts are concerned, under that schedule they would be getting more than they get at the present time.

Hon. Mr. ROBERTSON: In the province from which my honourable friend comes the barrister's fee is $6 a day, and, in addition, travelling expenses are paid, not to exceed 5 cents a mile.

Hon. Mr. McMEANS: He does not get his living expenses.

Hon. Mr. BENNETT: Perhaps this will do: "But in the event of a witness giving evidence of an expert nature, such witness shall be paid five dollars a day." I think the minister will agree that it is pretty hard on an expert or a professional man to call him and pay him only $2 a day.

Hon. Mr. ROBERTSON: I think probably an amendment of that sort could be worked out; but I do not know that I like the wording proposed by my honourable friend, because it would leave open the question of what was or what was not an expert witness. If my honourable friend desires to introduce an amendment, we might permit this clause to stand for a moment, and take it up again.

Section 4 stands.

On section 5—relation of parties to remain unaltered, etc.:

Hon. Mr. DANDURAND: This clause is not as clear as the marginal note. Perhaps it is because it is not read in conjunction with the preceding clauses. Does section 57 apply solely to the relations of the parties while the dispute is pending before the board? If you read the text alone, it does not seem to apply to a condition existing while a dispute is being arbitrated.

Hon. Mr. ROBERTSON: The purpose of this section, which I think is the same as the present section, with a little addition, is to avoid a repetition of an experience that occurred in 1919. A board dealt with a dispute and heard the evidence. The employees interpreted the Act to mean that as soon as the board had completed taking evidence there was no longer any restriction upon either them or the employers to prevent them from indulging in a lock-out or a strike, and a strike was declared, which caused considerable public inconvenience. Subsequently the department employed a commissioner to inquire into the matter, and the recommendation of the commissioner was that there should be an amendment to the law so that it could not be interpreted in such a way as to permit that kind of thing. The intention of this section is to prevent a lock-out or a strike, not only during the time the investigation is being held, but during the time necessary for the transmission of the board's report to the department, and from the department to the two parties to the dispute. The board's report is not officially known to either the employers or the workmen until it is received by the department and sent forward. Sometimes, if the scene of the dispute is a considerable distance from Ottawa, this is done by telegraph, or the board asks permission to make their decision known to both parties. But it is not desired that a strike or lock-out should be indulged in until the nature of the contents of the report has been made known to the parties to the dispute.

Hon. Mr. DANDURAND: What I refer to is the first clause: "Employers and employees shall give at least thirty days notice of an intended change affecting conditions of employment with respect to wages or hours." I take it for granted that that has nothing to do with any impending disputes.

Hon. Mr. ROBERTSON: The words my honourable friend has just read are those which appear in the existing Act, and which have appeared for the last twelve years.

Section 5 was agreed to.

On section 6—minister may order a board or recommend inquiry:

Hon. Mr. DANDURAND: This gives the minister a right to take the initiative, and to proceed to appoint a board if it seems to him that danger is imminent

Hon. Mr. ROBERTSON: Under the existing section the minister may do that after a strike, in the event of neither the employers nor the employees making application. Provision is also made by which a municipality may do so in the interests of the general public. Experience has demonstrated the desirability of the minister having the privilege of appointing a board, if he thinks that by holding of an investigation a strike can be prevented.

Hon. Mr. DANDURAND: The honourable gentleman stated a moment ago that there had been some ninety-five or ninety-seven arbitrations last year. Could he tell us how many of those arbitrations were in cases which do not fall under this Act? As I understand, there were such cases.

Hon. Mr. ROBERTSON: I have not that information at hand, but it can be found, I think, in the last issue of the Labour Gazette. The Act does provide that, in any industry which does not come within its scope in a compulsory way, boards may be established upon the joint application, or with the joint consent of the parties, and the statement made by my hon. friend from Toronto (Hon. Mr. Nicholls) was perfectly correct, that during the past year many employers engaged in industries that were not public utilities agreed with their employees to refer their disputes to arbitration, or investigation by a board of conciliation. A very substantial number of the boards established last year were constituted by the parties affected agreeing jointly to adjust their differences by this method, which was not compulsory. All this indicates, in my humble opinion, the desirability of extending the scope of the Act, because experience generally has proven that it has been useful in bringing about closer and better relations between employers and workmen.

Hon. Mr. DANDURAND: Could the honourable gentleman tell us how many countries, since this Act was placed on our statute book, have followed the example of Canada by enacting similar legislation? I was in Europe a year or two after this Act was passed, and already legislators in other countries were taking notice of it and considered it a great advance towards the solution of the difficulties in the industrial world.

Hon. Mr. ROBERTSON: I have not recently looked up the information for which my honourable friend asks, but a number of countries have passed, not exactly the same legislation, but Acts based on the same principle. As to just how many, I cannot say. I do know that the United States within the last few weeks have passed an Act respecting the adjustment of disputes in connection with railroads that quite closely follows the principles of this Act, and that this Act was very closely studied and formed the basis of their deliberation in arriving at their conclusions concerning the measure that they have adopted. I do know also that during the first five or six years after this Act became law, many countries throughout the world inquired by correspondence, and a number sent representatives here, to obtain first-hand knowledge of the success or failure of its operation, and it did attract world-wide attention.

Section 6 was agreed to.

On section 4—allowances to witnesses:

Hon. Mr. ROBERTSON: If the House has no objection and the honourable gentleman from Simcoe (Hon. Mr. Bennett) concurs, I would suggest that clause 4 be approved at present, and passed, with the understanding that we shall amend it along the lines discussed, on the third reading.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

TECHNICAL EDUCATION AMENDMENT BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

On motion of Hon. Mr. Robertson, the Senate went into Committee on Bill E, an Act to amend the Technical Education Act. Hon. Mr. Blain in the Chair.

Section 1 was agreed to.

On section 2—provincial expenditure for land, buildings, and equipment may be taken into account in determining Dominion grant:

Hon. Mr. BOSTOCK: We are repealing this clause subsection 2 of section 5 of chapter 73 of the Statutes of 1919, which reads:

In determining the grant payable to any province annually, no account shall be taken of any liability or expenditure incurred by the province for the acquiring of land, the erection or improvement of any buildings, or the supplying or furnishings or equipment for any technical education institution established in the province prior to the first day of April, one thousand nine hundred and nineteen.

Paragraph b of section 6 provides:

No portion of any grant shall be used in whole or in part in meeting any liability or expenditure of any kind whatsoever incurred in any province prior to the first day of July, one thousand nine hundred and nineteen, for lands, buildings, furnishings or equipment secured, or provided for technical education purposes.

Therefore, as I understand it, by the amendment we are making we are simply tied down to paragraph b of section 6. I thought from what the honourable member of the Government (Hon. Mr. Robertson) said last night that he wanted to deal with some cases that occurred before the first of July, 1919.

Hon. Mr. ROBERTSON: Subsection 2 of section 5, which it is proposed to repeal, is almost a duplicate of paragraph b of section 6. Paragraph b of section 6 covers everything that is necessary to be covered. It prevents the using of the Federal grant for any of the purposes named, in connection with any liability or expenditure incurred prior to July 1, 1919. Therefore everything that is covered in subsection 2 of section 5 is covered by paragraph b of section 6, except, I desire to point out, that in the last part of subsection 2 of section 5, which it is now proposed to repeal, the following words occur "or the supplying of furnishings or equipment for any technical education institution established in the province prior to the first day of April, one thousand nine hundred and nineteen." That means, in practice, that in the province of Nova Scotia, for example, which I cited last night, there is an institution which was the only institution of the kind that existed in the province prior to July, 1919. It was established long before that time. Under subsection 2 of section 5 it is impossible at any time in the future to use any Federal Government grant for the purchase of equipment, materials, etc., for that institution, because of the fact that it existed prior to July, 1919. That is obviously not the intention of the Act. Therefore paragraph b of clause 6 meets every requirement, and it places no disability upon any institution because of the fact that it happened to be in existence prior to July, 1919.

Hon. Mr. McMEANS: Has any money been spent so far?

Hon. Mr. ROBERTSON: The Director of Technical Education, Professor Gill, late of Queen's University, has just completed a visit to all the provinces. In fact, he has not arrived here yet, but he will arrive in a few days. He has been delayed by illness in the East. He has drawn up the agreements with the various provinces in accordance with the terms of the Act itself, but disbursements have not yet commenced. There will be some for last year, but they will be much less than the amount provided for by the statutes.

Section 2 was agreed to.

The preamble and title were agreed to.

The Bill was reported without amendment.

THIRD READING.

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

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

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

THE SENATE.

Thursday, April 8, 1920.

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

Prayers and routine proceedings.

DIVORCE (ONTARIO AND PRINCE EDWARD ISLAND) BILL.

FIRST READING.

Bill I, an Act to provide in Ontario and Prince Edward Island for the Dissolution and Annulment of Marriage—Hon. W. B. Ross.

DIVORCE BILL (GENERAL).

FIRST READING.

Bill J, an Act respecting the Dissolution and Annulment of Marriage.—Hon. W. B. Ross.

DIVORCE BILLS.

FIRST READING.

Bill F, an Act for the Relief of George Henry Shemilt.—Hon. Mr. Ratz.

Bill G, an Act for the Relief of John Bertram Hall.—Hon. Mr. Ratz.

Bill H, an Act for the Relief of Nell Louise Dennis.—Hon. Mr. Gordon.

Bill K, an Act for the Relief of Harry Ernest Wright.—Hon. Mr. McMeans.

Bill L, an Act for the Relief of Henri Delpe Parizeau.—Hon. Mr. Pringle.

Bill M, an Act for the Relief of Gele Karafel.—Hon. Mr. McCall.

Bill N, an Act for the Relief of William George Uren.—Hon. Mr. McCall.

Bill O, an Act for the Relief of Meryl Adams.—Hon. Mr. McCall.

ROYAL CANADIAN MOUNTED POLICE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 2, an Act to amend the Royal Canadian Mounted Police Act and to transfer to the Commissioner of the Royal Canadian Mounted Police the powers heretofore vested in the Commissioner of Dominion Police.

He said: Honourable gentlemen, it will doubtless be remembered that at last Session legislation was passed merging the Northwest Mounted Police and the Dominion Police. It is proposed now to vest in the Commissioner of the Royal Canadian Mounted Police the powers that were formerly vested in the Commissioner of Dominion Police. That is to meet the requirements of the various statutes which have been passed touching the powers vested in the Commissioner of Dominion Police.

There are also some proposed amendments permitting a constable, after having served ten years, to avail himself of the pension provisions of the Act, if he is incapacitated from the performance of duty by infirmity of mind or body. The ordinary term that can be invoked by a constable for pension is twenty years.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I do not intend to oppose this Bill in any way, but I would like to ask my honourable friend a question in regard to it. What is proposed is practically an amalgamation of two offices. Is there any intention of increasing the present salary of the Commissioner of the Royal Canadian Mounted Police or of paying him two salaries on account of his holding two offices?

Hon. Sir JAMES LOUGHEED: I would not think so. The legislation of last session abolished the office of Commisioner of Dominion Police and vested in the Commissioner of the Mounted Police the administration of the entire body. My recollection is that the salary fixed by that legislation would probably not represent what he was drawing as Commissioner of the Northwest Mounted Police, because he had certain advantages, such as residence, rations, and that kind of thing, for which provision was not made in the legislation which we passed. My impression is that the salary fixed would not represent more than the equivalent of what he had been receiving previously.

Hon. J. W. DANIEL: Honourable gentlemen, I noticed to-day, for the first time this Session, a Dominion policeman on duty near the entrance to this building. Not having noticed any before, I thought the policemen had probably been withdrawn altogether; but evidently, if they had been withdrawn, it is the intention to have them on duty again. What I would like to know is under whose command the policemen in this Parliament building are acting. What instruction do they receive as to their duties, from whom do they receive instructions and to whom do they report? Formerly, as I understand, the Dominion Police were under the control of Col. Sherwood, who was the chief commanding officer of that body; but now I presume they will be connected with the Royal Canadian Mounted Police. I think it is perhaps right that the Senate should know what duties they have to perform, what orders they receive, and under whose direction they are acting. I presume they are, in a sense, for the purpose of keeping order in the building. They must be under somebody's control; they must receive orders and directions from somebody and report to somebody; and I would like the minister to give us a little information on that head, if he has it.

Hon. RAOUL DANDURAND: Before the honourable gentleman answers the question, I would draw his attention to a fact, which has not escaped him, because he has such an acute mind that he can see the general scope of an Act, and besides I pointed out last year, when the Act was before this Chamber, that the administration of justice and the maintenance of peace and order in the various provinces are delegated to the provinces and are essentially under provincial jurisdiction. My honourable friend having that in mind, while answering the

question of the honourable gentleman from St. John (Hon. Mr. Daniel), could perhaps tell us whether the Government intends to limit the activities of the force to those fields which have heretofore been covered by the Northwest Mounted Police.

Hon. Sir JAMES LOUGHEED: My honourable friend is familiar with the constitution and knows that the Northwest Mounted Police could not interfere with provincial authority. There is certain Federal authority to be enforced and maintained in the different provinces of Canada, irrespective of provincial considerations, and the jurisdiction of this body of police can be exercised only within that particular sphere of duty. The intention is not in any sense to interfere with provincial authority unless by mutual arrangement between the provincial and Federal Governments such as formerly existed in the provinces of Saskatchewan and Alberta, whereby the police acted for both governments. But the organization of provincial police renders that arrangement unnecessary, and it is no longer effective.

The Northwest Mounted Police, being the larger body of the two, and having been administered for many years by the President of the Privy Council, the Royal Canadian Mounted Police are naturally attached to his department. Whereas the Dominion Police were formerly under the administration of the Department of Justice, the amalgamated body is now administered by the President of the Privy Council. The instructions referred to by my honourable friend from St. John (Hon. Mr. Daniel) would naturally come and do come from the Commissioner of Police. He is responsible for the placing of the men on duty and for whatever distribution of the force may be made, and the police naturally report to him just as any military or police body would report to their commanding officer.

Hon. Mr. DANIEL: That does not make the matter quite as clear as I would like to have it. How many men does the commissioner put on duty here? Is it left to his own discretion?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: He gives what orders he wishes in that respect? In other words, he has no directions from the President of the Privy Council?

Hon. Sir JAMES LOUGHEED: I am not aware of that.

Hon. Mr. DANIEL: Suppose a disorder occurred in the corridor, is the Speaker authorized to call upon the police to keep order?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANIEL: He has no control over them?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANIEL: That is what I wanted to find out—whether this House or the other House has any control over the actions of the police who are on duty here?

Hon. Sir JAMES LOUGHEED: No.

Hon. N. A. BELCOURT: May I ask my honourable friend whether it is the intention of the Government to have those services which were previously performed by the Dominion Police outside the capital in the provinces, performed in future by the Dominion Police or by the Royal Canadian Mounted Police?

Hon. Sir JAMES LOUGHEED: There is no distinction between the two bodies; they have been merged in one body, and the one body will perform all the duties that were formerly performed by the Dominion Police, and will likewise perform all the duties that were performed by the Northwest Mounted Police.

Hon. Mr. BELCOURT: Is there to be but one uniform?

Hon. Sir JAMES LOUGHEED: There may be some distinction between the mounted and the unmounted bodies. My recollection is that the Act makes provision for a distinction between the two branches of the police. The mounted body will be practically the same as the old Northwest Mounted Police; there will be one force, administered by one head, and it will perform all the duties which were formerly performed by both.

Hon. Mr. BELCOURT: My honourable friend might perhaps tell us what were the services performed in the past by the Dominion police outside of the Capital—with regard, of course, always to Dominion matters.

Hon. Sir JAMES LOUGHEED: They were employed chiefly on public works and public buildings; and if any police services had to be rendered in connection with the enforcement of any Federal laws, they were entrusted with that particular duty.

Hon. Mr. BELCOURT: Do they have anything to do with public harbours?

Hon. Sir JAMES LOUGHEED: Yes; they could be detailed for duty on any public harbour, or upon any public works.

Hon. Mr. DANDURAND: They were under the direction of the Department of Justice?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: And they were utilized for the enforcement of the excise and customs laws?

Hon. Sir JAMES LOUGHEED: Yes. Where there was any threatened violation of any of those laws, they were entrusted with the duty of enforcing them.

Hon. Mr. DANDURAND: Now that they will no longer be under the jurisdiction of the Department of Justice, will they still be to a certain extent amenable to the orders of that department for the enforcement of those laws?

Hon. Sir JAMES LOUGHEED: The orders would come through the department to which they are attached, namely, that of the President of the Privy Council. They are entirely removed from the Department of Justice, but the Department of Justice could readily set them in motion through the department to which they belong.

Hon. Mr. BELCOURT: Are they liable to be called on in case of public disturbance —riot, or anything of that kind?

Hon. Sir JAMES LOUGHEED: The liability would be no greater than obtained heretofore. Their duties in that connection would be precisely the same as before.

Hon. Mr. FOWLER: Is it the intention to change the style of uniform of the mounted branch of the service?

Hon. Sir JAMES LOUGHEED: The uniform of the mounted men will remain practically the same as before; that of those who are attached to what I might term the civilian branch will probably remain very much as it is.

Hon. Mr. FOWLER: I think it is very important that that uniform, which is more characteristic of certain authority than the ordinary policeman's uniform, should be continued.

Hon. Sir JAMES LOUGHEED: It will be continued. That is historic and traditional.

Hon. Mr. POWER: I do not undertake to criticize in any way what has been said by the honourable leader of the House. The thing that puzzles me is this. Suppose something goes wrong in this Chamber or in any of the adjoining rooms of this building, who is the officer in charge? A Senator or an officer of the House cannot very well call on the President of the Privy Council to give orders, and there should be some one in direct charge of the men who are looking after the building. There is no difficulty, of course, in finding out who that is, and I think it would be desirable for the members and officers of the House to know to whom they should go.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend from Halifax (Hon. Mr. Power) that the Serjeant at Arms could invoke the aid of the police for the maintenance of order.

Hon. Mr. BELCOURT: But if the Serjeant at Arms should find fault with the manner in which the Dominion Police, or the Royal Canadian Mounted Police, are performing their duties, there might be a serious conflict of authority. Who would solve that? Who would settle the point?

Hon. Sir JAMES LOUGHEED: If any conflict arose between an officer of this House and the Mounted Police, he would, I suppose, have to state his grievance to the minister responsible for the administration of the police.

Hon. Mr. WATSON: I would like to ask the honourable leader if there has been any protest, particularly from the West, with regard to the change of the name Royal Northwest Mounted Police. It seems to me that the Government made a mistake in changing that name, because the Royal Northwest Mounted Police is a body of men that is known practically throughout the world. There has been probably no better police force ever in existence than the Royal Northwest Mounted Police. In the amalgamation which has taken place the name Royal Northwest Mounted Police has been dropped.

Hon. Sir JAMES LOUGHEED: No; it is the Royal Canadian Mounted Police.

Hon. Mr. WATSON: The Royal Northwest Mounted Police was known as a body throughout the British Empire, and one of the best police bodies in the world, and I think it is a great mistake to change the name. I know a number of the Northwest Mounted Police in the West have regretted the change. Changing its name is like taking away a sort of copyright that the force had.

As to the suggestion made by the honourable member from Ottawa (Hon. Mr. Belcourt) regarding the jurisdiction of the Mounted Police, I am satisfied that under Commissioner Perry, who was the head of the Northwest Mounted Police, if there is any violation of the law in any part of this building, the police will be found right on duty. Perry has a splendid reputation in the West, and I have no doubt he will bring it down here. However, I know that there have been serious complaints made by individuals—I do not know whether to the Government or not; and I would like to ask the minister if he has any ideas about the old name being restored to that body?

Hon. Sir JAMES LOUGHEED: I am unaware of any complaint having been made, and I think there is no probability of the old name being restored. Furthermore, my honourable friend from Portage la Prairie (Hon. Mr. Watson) is a little late with his objections. This House deliberately concurred in the legislation of the House of Commons last session.

Hon. Mr. WATSON: I know.

Hon. Sir JAMES LOUGHEED: Furthermore, it would be practically a misnomer to call the organization the Northwest Mounted Police, in view of the fact that their authority has been extended throughout the whole of Canada. Under the legislation establishing the Northwest Mounted Police their duties were confined to what was then known as the Northwest. Hence it is desirable that their name should signify the scope of the territory within which they act.

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

PRIVATE BILLS.

SECOND READINGS.

Hon. Mr. PROUDFOOT moved the second reading of Bill 7, an Act to incorporate The T. Eaton General Insurance Company. He said: The Bill, as stated on its face, is to incorporate The T. Eaton General Insurance Company, with a capital of $500,000, with the right to increase it to $1,000,000. It might not be out of place to mention some reasons why the T. Eaton Company desire to have an Act of this kind passed. A number of years ago the Company formed what was called a welfare department, for the purpose of assisting their employees, when necessary, on account of illness or any other cause. In connection with that department certain activities were formed, among them a girls' club, a boys' club, a choir, a summer camp for boys, a dental clinic, X-rays, nurses, and services in other lines. Then, in order to complete these various works, it becomes necessary to adopt what is called sickness and accident insurance, thus supplementing the work done by the welfare department. The Company has at present about 20,000 employees, one of its largest establishments being in Toronto, and another very large one in Winnipeg. They also desire to provide old age pensions and life insurance to assist those who may be left behind by the death of the wage-earner. They now provide retiring allowances for men and women; but no definite plan has yet been decided on, and it is for the purpose of placing these on a definite basis that the company now desires to secure this insurance. Under the arrangements a man will be entitled to retire and receive a pension when he reaches an age anywhere between 60 and 65 years, though it may not be compulsory on him to retire. Female workers will also be able to retire, at a somewhat earlier age than the males.

Hon. Mr. FOWLER: Why?

Hon. Mr. PROUDFOOT: It is thought that probably they may not be quite as strong, and for that reason may desire to retire at an earlier age than the men. The retiring allowances and pensions will be arranged at no cost to the employees. Then there is the life insurance branch. We are all aware that people as a rule do not carry sufficient life insurance, and hence when the bread-winner is taken away some families are left without the income they should have, particularly in the case of young men with growing families. For some considerable time past the T. Eaton Company have had a mode of insurance for their employees, known as group insurance, which was put on by the company at no expense to employees. It has been found, however, that that insurance is not sufficient; hence they desire to be enabled to form a regular insurance company in which employees may be insured. The insurance that employees take in the company would be supplementary to what they already receive under the group system. In coming under the proposed Act it will be necessary for employees to pass a medical examination, just as they would for insurance in what we call an old-line company. They would also be able to take out endowment policies, straight life policies, and all other classes of insurance that the regular old-line com-

panies give at present. The proposed company would be under the Insurance Act, and would be obliged to make returns to the Government just as all other companies do. The scheme should be a success, starting out as the company does with 20,000 employees, and we all know that many companies which have been carrying on business for years have not 20,000 members. Another feature of the new plan is that while under the general insurance as it exists to-day, policyholders are obliged to pay the first and the yearly premiums in advance, the proposed company, desiring to benefit the employees, would not require the whole year's premium to be paid at once, but could so arrange matters that premiums might be paid in monthly instalments. The scope of the Bill is therefore wide in that respect, and it is desirable that the company should have all the rights and privileges of the ordinary insurance company, particularly as it would be brought under the ordinary insurance law of the country. I cannot say to what amount the company will issue policies, but they say the insurance will be for a reasonable sum. The head office of the company is to be in the city of Toronto. Under section 6 of the Bill it is provided that the company may make contracts covering sickness insurance, accident, guarantee, burglary, inland transportation, plate glass, automobile, sprinkler leakage, fire, and steam boiler insurance. Section 7 provides that the company shall not commence the business of sickness and accident insurance until at least $200,000 of its capital stock has been subscribed, and at least $75,000 paid thereon. These two classes of insurance the company intend at once to take up, with the desire to carry out the work that has been going on under their welfare department and their other branches. Under subsection 2 of section 7 the other classes of insurance authorized are safeguarded by provisions for the capital necessary for each, so that there will be no risk for any one insuring in the company. Under subsections 3 and 4 the amount of the capital stock may be increased, and the last section provides that the General Insurance Act shall apply to the company. The scheme is a large one, intended for the benefit of 20,000 employees; and, while one is not desirous of seeing corporations secure too great powers, yet this scheme is one which can be worked out within the company itself, and being for the benefit of the employees I do not see any good reason for this House declining to give its assent to the passing of this Bill. If the object were other than it is there might be some question or objections; but it is a purely beneficial Act for the employees of this particular concern. We all know that large corporations are desirous of assisting their employees in various ways. Railway companies have their pension funds; the Dominion Government provides pensions for its civil servants; and that class of benefit seems to be attracting attention everywhere particularly with large corporations. I therefore take pleasure in moving the second reading of the Bill.

Hon. Mr. McSWEENEY: The honourable gentleman talks about welfare work, but there is not a single word about that or about group insurance in this Bill; all that is mentioned in that respect is sickness and accident insurance. That is all right so far as it goes, but what do the employees of the T. Eaton Company want with guarantee insurance, burglary insurance, inland transportation insurance, automobile insurance, sprinkler leakage insurance, fire insurance, steam boiler insurance? There is another Bill, I see, by which the T. Eaton Company want to establish a company for life insurance. Well, this is to go before the Committee; we will discuss the whole matter there.

Hon. Mr. PROUDFOOT: When I referred to welfare work I was pointing out what has been done for years past under a department in connection with their business, called the welfare department; and this Bill is for the purpose of enabling them still further to carry on that work.

Hon. Mr. McSWEENEY: They could do that without coming to this Parliament and asking for burglary insurance.

Hon. Mr. DANDURAND: The honourable gentleman says the Act shall be for the benefit of the employees mainly, but he does not claim that the Act will be limited to the employees of the T. Eaton Company. It is a general insurance Act which will allow the company to do business with the public at large.

Hon. Mr. McSWEENEY: Decidedly.

Hon. Mr. DANDURAND: It is a general insurance Act that will allow this new insurance company to do business with the outside world and I suppose that the Eaton Company will take very good care, while selling its goods, to sell insurance as well.

Hon. Mr. NICHOLLS: I fail to see any difference between this Bill and any other ordinary private Bill. I read that a certain number of directors or incorporators are applying for an Act, and I understand they have complied with all the provisions of the Insurance Act. The mere fact that the T. Eaton Company are connected with it is neither here nor there. They are organizing a separate insurance company.

Hon. Mr. THOMPSON: That is all.

Hon. Mr. NICHOLLS: They have certain incorporators, they subscribe a certain amount of capital as required by the law, and they have to comply with the terms of the Insurance Act; therefore why bring in the T. Eaton Company at all? Without mentioning the T. Eaton Company they might have called it the Royal Insurance Company or the Ontario Insurance Company, or an insurance company by any other name, and the matter would not have been questioned. We would have asked the Insurance Department if all the requirements of the Act had been complied with, and the Insurance Department would have said yes, and the Bill would have gone through without question, because there are no special privileges asked for; therefore I think it is a mistake to bring in the question of the T. Eaton Company or any one else. We should consider this as an insurnace Bill pure and simple, and deal with it on that basis.

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

Hon. Mr. PROUDFOOT moved the second reading of Bill 8, an Act to incorporate the T. Eaton Life Assurance Company. He said: Honourable gentlemen, this Bill, as it states on its face, is simply to incorporate the T. Eaton Life Assurance Company, with a capital of $500,000, which may be increased to $1,000,000. It provides for certain directors, and also that the company is to come under the purview of the Insurance Act of 1917. Under section 7 of the Bill the company may make contracts of life insurance, and may grant, sell, or purchase life annuities, endowments, and so on.

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

Hon. Mr. PROUDFOOT moved the second reading of Bill 9, an Act to incorporate the Scottish Canadian Assurance Corporation. He said: Honourable gentlemen, this Bill, as appears on its face, is one to incorporate the Scottish Canadian Assurance Company with a capital stock of $1,000,000. The amount to be subscribed before the general meeting of the directors is called is $200,000. The head office will be at the city of Toronto; and the company may make contracts of fire, accident, sickness, automobile, burglary, and hail insurance. Provision is made under clause 7 of the Bill as to what the company shall do before it starts to carry on business. The Insurance Act of 1917 and amending Acts shall apply to the company.

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

Bill 10, an Act respecting the Trust and Loan Company of Canada—Hon. Mr. Turriff—was read the second time.

CURRENCY BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 15, an Act to amend the Currency Act, 1910.

He said: Honourable gentlemen, the Bill before us proposes to amend the Currency Act in order to reduce the proportion of silver that enters into our currency to 800 parts. The present proportion is 925. England is about to adopt a standard for silver of 500, and the United States of 800 parts. It is of course manifest to honourable gentlemen that this change is necessary. There is no good reason why Canada should adopt a higher standard than other nations, and we have to take into consideration the value of silver at the present time. Silver has advanced, since the present legislation was passed, by over 100 per cent. There was one period when silver was $1.41 an ounce. I cannot say with authority what it is to-day, but it approximates that amount. This reduction in standard will place our coinage, so far as gold and silver are concerned, upon a satisfactory basis. With the standard which we have been using, particularly in coining silver, the Government has been losing a substantial amount. It is therefore felt that this legislation is absolutely necessary under present conditions.

Hon. Mr. CASGRAIN: What is the alloy? It will be ten per cent.

Hon. Sir JAMES LOUGHEED: Presumably it will be the same as before, but it

will be increased in amount. I cannot tell what the alloy is composed of.

Hon. Mr. BOSTOCK: My honourable friend has not said anything with regard to the copper coinage. I understood that there had been a change made in the copper coinage of the country. So far, I understand, it has not been put upon the market at all.

Hon. Sir JAMES LOUGHEED: That does not come within this Bill. We passed that legislation last session. Whether any coinage has been turned out in pursuance of that legislation I cannot say.

Hon. Mr. ROCHE: I should like to ask the minister if he would announce an expert opinion as to what effect that change would have upon the currency itself. Would it further depreciate the currency? When it is known that it has a decreased amount of valuable metal in it, I should like to know whether or not the loss would be greater than the gain by the alteration of the respective amounts of gold and silver and the baser metals. I do not know whether any effect has been announced beforehand; but it might be that it would put our currency down very much lower than the present rate.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that such would not be the case. So far as the silver coinage is concerned, the position taken, and maintained, that it is simply accepted as a token of money, and not for its intrinsic value.

Hon. Mr. McSWEENEY: We are turning out gold and silver coins in the mint all the time, are we not?

Hon. Sir JAMES LOUGHEED: Yes.

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

GOVERNMENT ANNUITIES BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 16, an Act to amend the Government Annuities Act, 1908.

He said: Honourable gentlemen, in the existing legislation as to Government annuities there are several limitations which have very considerably handicapped or restricted the sale of annuities. One of these limitations, which has to do with the domicile of the applicants for annuities, has proved rather embarrassing. Under the present Act, the domicile has to be established as being in Canada, thus necessitating rather extended inquiries on behalf of the Government officials. It is now proposed that a person who is resident in Canada, entirely apart from having his domicile in Canada, should be qualified as an applicant.

At present the annuities are limited to $1,000. The Government up to the present time has not gone beyond that amount in the issuing of annuities. It is now proposed that this should be extended to $5,000. There is no reason why, if it is good policy to issue an annuity for $1,000, it likewise should not be good policy to issue annuities for $5,000. The fact is that the department administering this branch of the public service has been handicapped to a very large extent by the limited sum which it has been authorized to issue, and it is known that very much larger annuities than $1,000 can be negotiated and sold.

Hon. Mr. McSWEENEY: What will the limit be?

Hon Sir JAMES LOUGHEED: $5,000 will be the maximum. There is a further provision being made as to age. The present age is 55. It is proposed to strike out all limitation as to age. Other financial organizations are issuing annuities entirely irrespective of age. Of course, the rates are based on age. It is therefore proposed that the Government should be authorized to issue annuities to persons of ages lower than 55. The tables on which they are issued are well recognized in actuarial circles; consequently it is just as easy to determine what should be the price of an annuity to one of 30 years of age as to one of 55.

We further propose amending the Bill as to the rate of interest. The rate of interest up to the present time has been calculated on the basis of 3 per cent. Owing to the advance in the rates of interest it is proposed to increase the interest rate to 4 per cent. This will add to the attractiveness of the purchase of annuities.

Hon. Mr POWER: There are two questions suggested by the observations of the honourable leader of the House. One is whether a person who has already effected an insurance will have the benefit of the reduction in age of which the honourable gentleman has spoken. The age limit at the present time is 55. Suppose a person took out an annuity say ten years ago; would that person be entitled to receive the

annuity of, we will say 50, if 50 should be the new age?

Hon. Sir JAMES LOUGHEED: I do not see how my hon. friend views the subject. It would not affect existing annuities, or annuities heretofore issued, because the cost of the annuities is based upon the present age.

Hon. Mr. POWER: I understand that a person who purchased an annuity some years ago would not get the benefit of the change in the age.

Hon. Sir JAMES LOUGHEED: There is no benefit. The cost of the annuity is based on the age at which it is purchased, so there would be no particular change in that class of annuity. That is to say, an annuity at 55, after this legislation comes into effect, would cost practically what it cost at the time it was purchased. Like a premium of insurance, it is governed entirely by actuarial tables based on the age of the applicant or the holder.

Hon. Mr. ROCHE: It is just the reverse of insurance. In insurance you have to pay higher as you are aged; in the annuities you pay higher as you are younger.

Hon Sir JAMES LOUGHEED: What I have in view is the fact that the premium of insurance is based upon age; so will the annuity be based on age.

Hon. Mr. ROCHE: No, upon youth.

Hon. Mr. POWER: The other question is whether the person who has already acquired an annuity will get the benefit of the increase from 3 to 4 per cent.

Hon. Sir JAMES LOUGHEED: There is a certain class of annuity that is deferred. Certain payments are made and the Government credits those annuities with a certain percentage, and some of them come into play and some do not. The payments are repaid where the annuity does not issue, and it is in that case that the increased interest will apply. It will provide for the return of contributions to the estate of an annuitant dying before the annuity is entered upon, at a rate of interest of 4 per cent instead of at 3 per cent, as at present. I think there is also a class in which, although the annuitant may be living, the annuity has not been issued, though the payments have been made previously.

Hon Mr. THOMPSON: Any one having an annuity taken ten years ago and who was proscribed from taking more than $1,000 could not enlarge the amount.

Hon. Sir JAMES LOUGHEED: He will come in—

Hon. Mr. THOMPSON: At the age he is at now?

Sir JAMES LOUGHEED: Yes.

Hon. Mr. THOMPSON: Could he not pay the back premiums?

Hon. Sir JAMES LOUGHEED: He could take a larger sum now.

Hon. Mr. DANDURAND: There is an element of risk that no longer exists. The risk is past; that is why he is no longer in a position to purchase greater insurance at the rate at which he bought it.

Hon. Sir JAMES LOUGHEED: He would have to come in in the same way as a policy-holder who wants to increase the amount of his insurance.

Hon. Mr. NICHOLLS: I should like to ask the minister, in connection with clause 4, increasing the rate of interest from 3 to 4 per cent, and referring to Bill 17 in which there is a provision increasing the rate of interest from 4 to 5 per cent, whether the Government have in contemplation the raising of the rate on savings bank deposits to 4 per cent? No doubt sooner or later we will have to raise another Victory loan for a large amount. If between now and the time when it is necessary to issue another loan, on which the rate of interest will be 5 or 5½ per cent, depositors could be encouraged to deposit large sums of money for the use of the Government at the rate of 4 per cent, instead of 3½ per cent or 3 per cent, as at present, there would be very many millions of dollars available for the Government at a much lower rate of interest than they will be called upon to pay when the next Government loan is issued.

Hon. Sir JAMES LOUGHEED: I cannot answer my honourable friend. I do not know what the intentions of the Finance Department are. There is a distinction between this legislation and the other legislation to which my honourable friend has referred. The other has to do with Civil Service superannuation. This is largely maintained by grants from the Government, and the Government can therefore exercise their generosity, or assume a risk more readily than it could in reference to a matter of what you might term insurance, because annuities are on practically the same basis as insurance. I cannot tell the honourable gentleman what the policy of the Government will be.

Hon. Mr. NICHOLLS: The fact remains, honourable gentlemen, that we are paying, and will have to continue to pay, a great deal more than 4 per cent on any Government loan that may be issued for some time to come; and in my judgment a great deal of interest could be saved if the Government encouraged the small depositors to deposit in the Post Office savings banks by paying interest at the rate of 4 per cent instead of at the rate now paid. There would be saved to the Government the difference between 4 per cent and the rate they would be obliged to pay on the next loan.

Hon. Mr. DANIEL: That would compel the ordinary banks to pay 4 per cent also, would it not?

Hon. Mr. NICHOLLS: I am not holding a brief for the banks. I am here discussing something that I think is of interest to the country at large, and that would tend towards economy in the very serious matter of the interest which we have to pay from year to year.

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

CIVIL SERVICE SUPERANNUATION AND RETIREMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 17, an Act to amend the Civil Service Superannuation and Retirement Act.

He said: Honourable gentlemen, the object of this Bill is to increase the interest allowed on sums in the retirement fund from four per cent to five per cent from the 1st of January, 1920. The provision as to the retirement fund for civil servants applies to two classes: (1) civil servants appointed on and after July 1, 1898, and (2) civil servants in the service on July 1, 1898, who elected before January 1, 1899, to come under the retirement fund in lieu of superannuation. The amount of the retirement fund as at January 31,, 1920, was $6,254,000; and it may be of interest to the House to know that the number of civil servants contributing to the retirement fund on April 1, 1919, was 13,659, which has been increased since that date to about 16,500.

Hon. Mr. BOSTOCK: Has my honourable friend the figures of the number of civil servants under the superannuation fund?

Hon. Sir JAMES LOUGHEED: The number of civil servants contributing to the retirement fund at the present time is 16,500.

Hon. Mr. McSWEENEY: What percentage do they contribute—2½ per cent?

Hon. Sir JAMES LOUGHEED: I think it is five per cent.

Hon. Mr. FOWLER: Suppose the rate of interest should fall?

Hon. Sir JAMES LOUGHEED: The Government would have to come down with further legislation to reduce it.

Hon. Mr. FOWLER: Could there not be a sliding scale, so as to provide for a possible decrease in the rate of interest?

Hon. Sir JAMES LOUGHEED: I do not know that it makes very much difference. The Government has to augment the fund by making substantial contributions to it for its maintenance.

In answer to what has been asked me, I may say that the deductions for the superannuation fund from the officials' salaries are as follows: Deductions are applied at the rate of three and a half per cent on salaries of $600 and upwards, and three per cent on salaries of less than $600. These deductions are to be refunded, and the Government adds to the fund a sum sufficient to make the amount of the fund equal to the value of prospective annuities.

Hon. Mr. FOWLER: What class of officials are getting less than $600?

Hon. Sir JAMES LOUGHEED: Under the new classification that class will have disappeared.

Hon. Mr. McSWEENEY: Six hundred dollars is the minimum now, anyway, is it not?

Hon. Mr. McMEANS: Eight hundred dollars.

Hon. Sir JAMES LOUGHEED: My impression is that under the Civil Service classification $50 a month is the minimum that any one can receive, no matter how youthful he may be.

Hon. Mr. BRADBURY: Sixty dollars, I think it is.

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

HONEY BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 29, an Act respecting Honey.

He said: Honourable gentlemen, in conformity with the legislation which was passed some time ago dealing with the organization of a Department of Health, certain provisions have been taken out of the Adulteration Act, and it is proposed to include them in an Act which will be administered by the Department of Health. The language of this Bill is simply a reenactment of what is already on the statute book. The only difference is that the law is placed under a different administration.

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

OTTAWA MINT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 30, an Act to amend the Ottawa Mint Act.

He said: As honourable gentlemen know, the Mint is a branch of the Royal Mint. When it was established in 1906, it was understood that a yearly payment of $75,000 would be provided for the expenses of that institution, and it was provided. As the business of making our coinage increased, the expense of course increased proportionately, and in 1913 they had risen to $110,000 per annum. There has been a notable increase in the business of late years, and consequently, at the instance of the Colonial Office—for it is really under the Colonial Office—it is now proposed to increase the allowance to $200,000 per annum. I may say that if that amount exceeds the actual expenses, the excess is repayable to the Government of Canada. The management of the Mint will account to the Canadian Government annually for whatever amount may be involved. The Mint has been of very substantial value to the Government of Canada. The net profits since it was started exceed $6,500,000. So it is readily observable that the investment is an excellent one.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I am sure the House will be very gratified to know that the Mint has been such a valuable asset to Canada and we have received so much income from it. I would like to ask my honourable friend (Hon. Sir James Lougheed) whether it would not be well to give out a statement of the actual work done by the Mint during the war. I think it might show that the Ottawa Mint was of considerable value, not only to Canada but to the British Empire generally. Now that the war is over, I think that information would be of great interest to the country. Possibly my honourable friend could give us the information when we go into committee.

Hon. Sir JAMES LOUGHEED: If my honourable friend would ask that a return be brought down giving the particular information desired, I should be very glad to have the information placed upon the Table of the House. Would my honourable friend indicate what is the information that he would desire when we went into committee? Is it the volume of coinage?

Hon. Mr. BOSTOCK: A report is issued by the Mint, and I think it goes to the Department of Finance.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: In that report there is, I think, a statement of the amount of gold that was handled by the Mint during the war, a great deal of which came from South Africa. I think the work that was done by the Mint is of considerable interest to the country.

Hon. Sir JAMES LOUGHEED: I shall be very glad to get the information if it is obtainable. I have not the information before me.

Hon. Mr. FOWLER: Do we get the profit from the Mint?

Hon. Sir JAMES LOUGHEED: We get the profits.

Hon. Mr. FOWLER: Why is it not absolutely controlled by Canada? What is the reason for having it controlled by the Imperial Government?

Hon. Sir JAMES LOUGHEED: The branch was established at the instance of the Government of Canada when the Hon. Mr. Fielding was Minister of Finance.

Hon. Mr. FOWLER: Yes. I remember. I was in the House.

Hon. Sir JAMES LOUGHEED: And the Imperial authorities consented to the request which Canada made that a Mint should be established in Canada, we agreeing at the time to pay whatever expenditure would be necessary for its operation. As I have pointed out, that expenditure has risen from $75,000 at that time to $110,000 in 1913, and at the present time it is approximately $200,000.

Hon. Mr. FOWLER: But there is a very great profit, is there not?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: Sometimes as high as $800,000.

Hon. Sir JAMES LOUGHEED: Yes, a very great profit. The total profits, since its establishment exceed $6,500,000.

Hon. Mr. SCHAFFNER: Is that over and above the expenditure?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: It would seem to be very profitable investment, and it would strike me that we should have it separate, entirely our own—a Canadian Mint. We are a nation now, everybody tells us so; and that would put the stamp upon our nationhood so that even my honourable friend from Montreal (Hon. Mr. Casgrain) —he is not here—could not question it.

Hon. Sir JAMES LOUGHEED: It might be killing the goose that lays the golden eggs, to attempt to do it ourselves.

Hon. Mr. FOWLER: I do not see that.

Hon. Mr. DANDURAND: Perhaps the honourable gentleman (Hon. Sir James Lougheed) gave the explanation, but I did not catch the exact meaning of his statement. Why is this proposal made in the form of a lump sum for the expenses of the administration of the Mint? Are we not paying those salaries ourselves?

Hon. Sir JAMES LOUGHEED: No. As I understand, they are paid by the Imperial authorities, and heretofore the Government has had to ask for Supplementary Estimates from time to time, which has been extremely inconvenient. But in fixing an amount, as we have done now, and as we have done in the past, provision is made for an accounting to the Government of Canada, or to the Finance Department, for whatever the expenditures may be, and the difference is returned to the Government.

Hon. Mr. FOWLER: Does the Imperial Government pay the expenses and do we keep the profit?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: We do not repay those salaries to the Imperial Government?

Hon. Sir JAMES LOUGHEED: Well, we pay them and we take the profits of the institution.

Hon. Mr. FOWLER: Is the Imperial Government out anything on the transaction?

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. FOWLER: Well, then, I do not see how we would be killing our goose, or disturbing our prospects.

Hon. Mr. FOWLER.

Hon. Sir JAMES LOUGHEED: What my honourable friend (Hon. Mr. Fowler) suggested, as I understood, was that we should wipe out the Mint——

Hon. Mr. FOWLER: No, no.

Hon. Sir JAMES LOUGHEED: Or rather that we should have our own Mint.

Hon. Mr. FOWLER: Yes.

Hon Sir JAMES LOUGHEED: I might point out that we do certain Imperial minting here. We have the advantage of the Imperial Government being interested in the Mint and of making coinage for the Imperial authorities, as well as for ourselves, and we get a profit out of that.

Hon. Mr. FOWLER: But the Imperial Government pay for whatever they get done. They have it done here only because their own Mint is not capable of doing all the work that is required. We would get just the same work.

Hon. Sir JAMES LOUGHEED: I would not be prepared to say that on account of this being a branch of the Royal Mint the Imperial authorities draw no distinction between this Mint and their own in Great Britain. I do not know, but it may work out somewhat in that way. But if honourable gentlemen desire it, I will read a copy of a letter I have in my hand, from Lord Milner to His Excellency the Governor General touching this particular subject. He says:

Downing Street,
November 18, 1919.

My Lord Duke—

I have the honour to request Your Excellency to inform your Ministers that the Lords Commissioners of the Treasury state that it appears to them to be desirable, and it is understood that the Canadian Government share their view, that a fresh Act should be passed by the Canadian Parliament to increase the annuity at present sanctioned for the maintenance of the Ottawa Branch of the Royal Mint to a figure commensurate with present and prospective expenditure.

2. Their Lordships state that some of the temporary excess expenditure which during the war, and more recently in connection with certain staff proposals, has been sanctioned with the approval of the Canadian Government in excess of the present Mint Annuity, may not continue. On the other hand, it is certain that the normal expenditure at the Mint will considerably exceed the grant at present sanctioned of $110,000 per annum.

3. With regard to the amount of the revised annuity Their Lordships state that it is difficult at present to forecast with any certainty the exact amount of the future expenditure, which will depend partly on staff proposals at present under discussion, and still more on

future coinage requirements. The staff proposals at present before them, to the majority of which they have already assented, are estimated to raise the charge for salaries to $145,000 per annum at the maximum, in addition to which provision must be made for pensions. On the provision for incidental expenses, which were $82,327 in 1918, and $27,860 in 1919, a margin must be allowed for extensive coinage demands. Their Lordships are, however, of opinion that it would be preferable to fix the annuity at a figure sufficient to obviate the need of a further revision in the near future; and they suggest that in all the circumstances $200,000 would perhaps be the appropriate sum. The Annuity Act, of course, merely fixes a maximum which cannot be exceeded without parliamentary authority; and if the amount suggested were decided on the balance not spent in any year would as at present be returned to the Canadian Government.

4. Their Lordships would be glad to be furnished with the views of the Canadian Government on this proposal.

I have the honour to be,

My Lord Duke,

Your Grace's most obedient, humble servant,

(Signed) MILNER.

Hon. Mr. DANDURAND: Who built the Mint here? Was it built with Canadian money?

Hon. Sir JAMES LOUGHEED: That I cannot say.

Hon. Mr. SCHAFFNER: Yes, sir.

Hon. Mr. FOWLER: Canada built it.

Hon. Mr. ROCHE: It might be of interest to know out of whom the $6,500,000 was made. Was it a transfer of money from one pocket to another? The Government of Canada made $6,500,000, but the people of Canada pay the piper.

Hon. Mr. DANDURAND: This situation reminds me of that which used to prevail with regard to Canada, London, and Washington. A few years ago, when we wanted to have something done in Washington, we wrote to London, and our correspondence finally succeeded in reaching the Washington authorities through the British Ambassador. We have at our very door a Mint which we could administer directly, and apparently we are sending our money to London to pay employees who are within a stone's throw of us. Why could not the Canadian Government arrange to handle its own business and show that we have grown to a higher status than that of minors, instead of having our affairs, right under our eyes, administered from London? It seems to me a most extraordinary situation that this Mint is not administered by the Minister of Finance. It is the Department of Finance that planned it all, and yet we find, after 14 years, that it is still being administered by persons who come here from London. If it were a new venture I could quite understand that we needed men of experience; but has not the experimental stage been passed, and should we not now be able to handle this matter ourselves?

Hon. Mr. FOWLER: I may say we have the advantage of having a very distinguished and capable man as deputy master of the Mint at present. I know this gentleman very well, and he is certainly versed in all the business of minting; I do not suppose there is a better man along that line. He was appointed from England. But it does seem to me that there is a great deal in the contention of the honourable gentleman from DeLorimier (Hon. Mr. Dandurand). We built the Mint, and I remember that we paid $50,000 for the fence around it, and there was a great deal of talk at the time about its exceedingly high cost. Therefore why should we not control it?

Hon. Sir JAMES LOUGHEED: As I have said, the Mint depends largely upon the minting which it is doing for Great Britain itself. For instance, in 1919 the Mint milled for the Royal Mint alone 1,563,340 blanks, and produced in 1918 for the Royal Mint not less than 4,435,000 shilling blanks; so that the minting we are doing for the Royal Mint amounts to almost overwhelming figures. If the Government of Canada established its own Mint it is doubtful if it would do this business which is being done by the Imperial authorities.

Hon. Mr. FOWLER: But most of that minting which is credited to the Royal Mint was done for New Zealand, Newfoundland, Jamaica, and other parts of the Empire, and we would get that just the same.

Hon. Sir JAMES LOUGHEED: I presume those orders would come in through the Royal Mint in London. I am unaware how it would work out any other way. But it seems to me we are getting very satisfactory results, notwithstanding the fact that the Mint may be dominated from Downing street.

Hon. Mr. McSWEENEY: We are getting the cash, anyway.

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

DIVORCE BILL, 1920.

WITHDRAWN.

On the order: "Second reading Bill A, an Act respecting Divorce—Hon. Mr. Barnard."

Hon. Mr. DANIEL: In the absence of the honourable member who had charge of this Bill, and on his behalf, I beg leave to withdraw the Bill, as he announced some few days ago that it was his intention to introduce other Bills which would take the place of this.

The order was discharged, and the Bill withdrawn.

The Senate adjourned until to-morrow at 2.30 p.m.

THE SENATE.

Friday, April 9, 1920.

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

Prayers and routine proceedings.

WRECK OF ARENMORE.

INQUIRY.

Hon. Mr. BOYER inquired of the Government:

What was the value of the cargo of the lighthouse ship Arenmore, wrecked in the Gulf of St. Lawrence?

Hon. Sir JAMES LOUGHEED: So far as the Department of Marine is aware, $15,076.25.

MANDATES OF THE LEAGUE OF NATIONS.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

If the Government has received a copy of the mandate issued to the Australian Commonwealth as to New Guinea, as provided for under the Treaty of the League of Nations?

If the Government has received a copy of the mandate issued to New Zealand as to Samoa, as provided for under the Treaty of the League of Nations?

If the Government has received a copy of the mandate issued to the Union of South Africa with regard to South West Africa, as provided for under the Treaty of the League of Nations?

If the Government has received a copy of the mandate issued to Belgium with regard to South East Africa, as provided for under the Treaty of the League of Nations?

And what is the particular form of mandate in each case?

Hon. Mr. McSWEENEY.

Hon. Sir JAMES LOUGHEED: Copies of the proposed mandates have been received, but they are confidential and have not been finally settled by the Council of the League of Nations. As they have come as confidential papers, it is not possible at present to disclose them.

Hon. Mr. BOSTOCK: They will probably be made public later on?

Hon. Sir JAMES LOUGHEED: I should judge that immediately they are settled by the Council of the League that will be done.

PROTECTION OF SOCKEYE SALMON.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

If the Treaty made between the United States and Great Britain for the protection of sockeye salmon of the Fraser River System has been accepted by the Senate of the United States?

If so, when does the Treaty come into force?

If not so accepted, what is the position at the present time as between Canada and the United States with regard to the regulations governing the protection of sockeye salmon of the Fraser River System?

Hon. Sir JAMES LOUGHEED:

1 and 2. Not yet.

3. Each country is attending to the regulation of the fisheries in its territorial waters as heretofore.

OIL SHALES OF CANADA.

COMMITTEE OF INQUIRY APPOINTED.

Hon. G. W. FOWLER moved:

That a Select Committee of the Senate be appointed to inquire into and to report from time to time on the desirability of the development of the oil shales of Canada, and that the committee be empowered to send for persons, papers and records and to employ a stenographer and such clerical aid as may be necessary. The committee to be composed of Senators Girroir, Farrell, Domville, Donnelly, Thibaudeau, McMeans, Turriff, Schaffner, Willoughby, Ratz, and the mover.

This House is, or is supposed to be, composed of intelligent gentlemen, well versed in the affairs of Canada, and I need not enlarge upon the importance of this motion, particularly in view of the greatly increased use of oil for motive power, by ships and by motor cars, which have greatly multiplied throughout the world, and as a fuel because of the increased price of coal. It is essential, I think, that we should develop the natural resources of our country, in order that industrial production may be increased. We are at the present time purchasing almost our entire supply of oil from the neighbouring republic. The sup-

plies there are becoming exhausted. This statement may seem strange when new oil wells are being opened in different parts of the United States. But no new reservoirs are being discovered; it is simply that old reservoirs that were already tapped are being re-tapped, the number of holes, or the number of wells, is being increased, while the oil supply is diminished.

I have a clipping from a New York paper which I will take the liberty of reading to the House, and which, I think, shows very well the condition of things in this respect. It is as follows:

The Oil Situation.

Washington is beginning to worry a little harder about the oil situation. The Shipping Board has asked bids for future deliveries of fuel oil, but there has been no response. The Administration is reported to have decided to take over the entire petroleum production of the Osage Indian Nation for the use of the Shipping Board and the navy. This is 15,000,000 barrels a year, but the years are numbered. Meanwhile there is concern over the belief that Great Britain is getting hold of the best oil fields of the world.

Great Britain is doing just what any competent government ought to do. There is no oil in the British Isles, so England gets it where she can, whether in her own India, Persia and Egypt, or in somebody else's Mexico, Russia or South America. She does just what the United States will be obliged to do when the oil fields of North America are exhausted. Our own oil wells are going dry comparatively fast. Some experts say that five years will see the bottom of them; the most optimistic guess is thirty years. The wells of the United States produced 356,000,000 barrels in 1918, but that was not enough to supply the demand, 24,000,000 barrels being drawn from storage. Until now the prospector has been finding new American fields, but the geologists say the end of discovery has been reached in this country.

America had a great oil supply, but she has used it prodigally and sold some abroad. Ships, motor vehicles, gas plants and a dozen other things have burned it up. It may be that within the few years which will elapse before the wells go dry some way will be found to take petroleum economically from the oil shales of the West.

I may say in passing that the United States have large reserves of oil shales, but, owing to the cheapness with which the oil can be produced in the well, they have not been heretofore utilized.

If this does not happen the United States must look elsewhere for oil. Mexico is the nearest place, but nobody can be assured that the oil deposits of that country will last longer than our own. The United States bought two billion gallons from Mexico last year. Mexico may decide to conserve.

South America may be the most promising field of oil operation in the next half century. Undoubtedly England and other European countries are busy there. The United States has done nothing officially toward an investigation of the oil possibilities of the southern hemisphere. Most of our oil men hesitate about investing huge amounts of money in foreign fields. Englishmen do not hesitate, but they never have a government with a foreign policy as wabbly as that which the United States is now enduring.

Quite a compliment to the British Government—

The Briton buys an oil concession in a foreign land secure in the belief that nobody will rob him of his rights so long as there is a British navy.

The extract which I have read shows honourable gentlemen the importance of making some investigation into the oil shales of our country, because, hitherto we have not discovered oil in the natural condition in any large amount. We have hope that in the northern country, in the district around Slave lake, very considerable deposits will be found. To-day the Imperial Oil Company of Canada, which is an offshoot of the Standard Oil Company of the United States, and the Shell Oil Company of England, which, next to the Standard Oil, is probably the largest in the world, are investigating the district around Slave lake, and it may be that they will find very considerable deposits there. Let us hope that for the benefit of the country and its future they will be successful in their quest. But it seems to me that in the meantime we should look into this matter of oil shales and see what can be done.

The oil shales of Albert county, New Brunswick, have perhaps been more thoroughly investigated than those of any other part of Canada, although there are deposits, I believe, in almost all the provinces except Ontario. These shales have been tested, and have been found to produce a very superior quality of oil, running all the way from 40 to 50 gallons to the ton, being much superior to the Scotch oil shales which for many years have been successfully handled, and have produced considerable quantities of oil. We have been very neglectful in the past, it seems to me, of our natural resources along various lines. We have very large deposits of coal and iron in this country, and yet we are dependent upon the United States for those two substances which form the base of most of our industries. If the industrial life of this country is to be on a scale commensurate with the size of the country, our people must develop our coal and our oil and our iron. Therefore, I beg leave to move, seconded by Mr. White, this motion.

Hon. Sir JAMES LOUGHEED: Would my honourable friend have any objection

to adding the following amendment to the motion:

But, before incurring any expenditure herein, to report to the Senate and have its consent to the proposed expenditure.

It has been usual for the House to maintain its control of expenditures.

Hon. Mr. FOWLER: I have no objection to that at all.

Hon. Mr. CASGRAIN: Honourable gentlemen, I desire to compliment the honourable member from New Brunswick (Hon. Mr. Fowler) who has just brought up this subject. It is of the very highest importance that we should try to find a substitute for petroleum. In conversation with members of the Mines and Geological Departments the other day, I was informed that there are, not only in New Brunswick, but throughout the country, very large deposits of oil shales—in fact, hundreds of square miles of them. There are also a great many of them in the United States; and I may say that only a few days ago I read in a scientific paper that, notwithstanding the very great find of oil that has been made in Texas, where, judging from the reading and the pictures in the prospectuses of those selling oil, as they are in Montreal, the oil wells seem to be so close together that you would think there was nothing but oil rushing out of the ground—notwithstanding that and the great oil discoveries that have been made since before the war in Persia—and that is one of the reasons why England was anxious to get in there—in Baku, on the Caspian sea, and in Roumania, all of which are very far away from us, we are at present getting it from the United States. Not only that, but we are dependent upon the United States for anthracite coal and for a great part of our soft coal. If we can develop this industry at once, it will be a great thing.

Oil is not extracted from the oil shales as easily as one might think. As I understand it, it is only when the shale is submitted to a very high temperature that the oil oozes out. I do not know what is done with the residue, which must be considerable, because I understood that the figures of 40 or 50 gallons to the ton, which were given by my honourable friend, are correct, and the oil would not weigh more than water, since it would not float on top of water, and would therefore be only about eight pounds to the gallon. So the residue must be used.

Hon. Mr. ROCHE: It will make coke.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. CASGRAIN: The honourable the middle member for Halifax informs me that it will make coke. That will be a very good thing.

The other day we were talking about the engineers of the Mines Department and the Geological Department. Even if they are to go, now would be the time to find out what they know about these oil shales and their development. In the United States they are starting this work, because they say that in 1930, only ten years from now all the known areas of oil in that country will be exhausted. I commend the honourable gentleman from New Brunswick for bringing up this question.

The motion, amended as proposed, was agreed to.

ROYAL CANADIAN MOUNTED POLICE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 2, an Act to amend the Royal Canadian Mounted Police Act, and to transfer to the Commissioner of the Royal Canadian Mounted Police powers heretofore vested in the Commissioner of Dominion Police. Hon. Mr. Blain in the Chair.

On section 1—powers of Commissioner of Dominion Police transferred, etc.:

Hon. Mr. BOSTOCK: I should like to ask the leader of the Government if he has the figures giving the number of mounted men and the number of unmounted men in the force at the present time.

Hon. Sir JAMES LOUGHEED: I cannot state that with exactitude, but I believe it is the intention to bring the force up to the strength sanctioned by the legislation of last session. Whether we have yet reached that strength or not I cannot say, but the proportions would remain very much the same. I am under the impression that that branch of the work which heretofore was performed by the Dominion Police will be performed by the same number of men; but the mounted branch would of course be increased very substantially.

Hon. Mr. THOMPSON: How are the squads located in the different provinces?

Hon. Sir JAMES LOUGHEED: My recollection is that that has been fixed by Order in Council.

Hon. Mr. BOSTOCK: The reason for my question is that I see by section 4 of chap-

ter 69 of the Statutes of 1919, which amended section 8 of the Northwest Mounted Police Act, it is provided:

> The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables as the Governor in Council thinks proper.

The number is not fixed by this Act, as I understand it. The Government can appoint as many as they like.

Hon. Sir JAMES LOUGHEED: No, I think the strength of the police is fixed by the Act. The section my honourable friend has read I think deals only with special constables. I am satisfied that the strength of the police is defined by statute. I cannot put my hand upon the statute just at the moment. I shall get that information for my honourable friend before we reach the third reading.

Section 1 was agreed to.

On section 2—contable after ten years may be pensioned if infirm; after twenty years entitled to pension:

Hon. Sir JAMES LOUGHEED: Heretofore it was fifteen years.

Hon. Mr. DANDURAND: Does my reading of this clause justify me in taking it for granted that a constable shall be entitled to his retirement after ten years, provided he is incapacitated from the performance of his duty by infirmity of mind or body? He may, as I read it, if incapacitated; but he shall, after twenty years, if capacitated.

Hon. Sir JAMES LOUGHEED: My reading of it would be that he would be entitled to his pension at the end of twenty years' service.

Hon. Mr. DANDURAND: Would it be right that he should have the right of retirement after twenty years if he entered the force at twenty years of age?

Hon. Sir JAMES LOUGHEED: The law at the present time is that he shall be entitled upon retirement to a pension for life, as follows:

> If he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances for every year of service;
>
> If he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay and allowances, with an addition of two-fiftieths of such pay and allowances for every completed year of service above twenty years.

If he has completed twenty-five years' service he shall be entitled to a larger sum, but the element of physical incapacity is now being introduced for the first time, so as to provide that, if a man has served ten years and disability has arisen, he may invoke his right to a pension on the scale provided. To make that apply to the men who had served twenty years or a longer period than ten years would of necessity interfere very seriously with the rights of those who are approaching their twenty years of service.

Hon. Mr. DANDURAND: But I am surprised that Parliament should decide that one who has served twenty years shall have the right to exact a pension. If he engaged at twenty, why should we say that at forty he will have acquired a right to a pension if he is in good health? That is what I cannot understand. I thought, in order to reconcile it with my sense of right, that he would be entitled to a penson after twenty years by right, while after fifteen years he would have to petition for it. We have a similar enactment allowing the judges to retire after fifteen years of service; but in allowing them to retire upon their request, but not as an absolute right, there is a presumption that the judge who does ask to be allowed to retire after 15 years feels that his health has weakened to such a degree that he cannot render the services that the country is entitled to expect from him, and that the country should give him his pension. But as I read the Act it rests with the Cabinet to decide whether he is entitled to his pension after 15 years or not. Of course, I know that it has been the practice since Confederation, perhaps before, to acquiesce in such an application from a judge who has served 15 years. But, according to my interpretation of the law, that is not a right, but a matter of tradition. If there was an impression that a judge would retire after fifteen years, it was easy to find somebody to take his place; perhaps somebody was waiting to take his place; but I cannot accept my honourable friend's explanation as to how it is that a young man who entered the Royal Canadian Mounted Police at twenty is entitled to a pension when he reaches 40, although still in perfect health.

Hon. Sir JAMES LOUGHEED: The same principle, as I understand it, applies to the judiciary as applies to the police under this section. For instance, a member of the judiciary who has not served 15 years, but

who through physical or mental incapacity desires to apply for retirement—

Hon. Mr. DANDURAND: That is all right.

Hon. Sir JAMES LOUGHEED: —is entitled to consideration along that line. There are many cases in which judges who have not served 15 years have received their pension, notwithstanding the non-expiration of the period.

Hon. Mr. DANDURAND: That is a correct principle.

Hon. Sir JAMES LOUGHEED: As to the 15 years, I would say to my honourable friend that the interpretation of the Judges Act, as to a judge being entitled to his retirement allowance after 15 years, is beyond all question.

Hon. Mr. DANDURAND: But I think the Act says " may ".

Hon. Sir JAMES LOUGHEED: The word " may " is perhaps used in the statute, but it is interpreted not in a permissive sense, but as mandatory. I know the opinion has been given by the Department of Justice that the judge is entitled ipso facto—by the fact of his having served 15 years—to his retiring allowance; and that is the case here.

Hon. Mr. DANDURAND: But if my honourable friend will permit me, I would draw his attention to this difference: that a judge may serve 15 years and may be entitled to retire, if that is the interpretation of the Department of Justice, but he is generally appointed when he is 45 or 50 years of age, and after 15 years' service has been completed he is past 60. That is the general rule. But I am speaking now of the case where a young man enters the Mounted Police at the age of 20. There is a difference between granting him the right to a pension if he becomes incapacitated and granting him the absolute right to a pension when he has passed 40.

Hon. Sir JAMES LOUGHEED: This obtains in many classes of employment in this country. A policeman, after he reaches 40 years of age, is very largely unfitted for the duties of a mounted organization such as the Northwest Mounted Police. In the Canadian Militia we have a pension system which is based on somewhat the same principle. A similar system obtains in other police forces and among our railway employees. The pension is a comparatively small one, and a man who has reached that age is unfitted for the ordinary industrial activities. He has to exercise his resourcefulness to find employment along other lines, which will be very much less remunerative than those which he might have entered upon at an earlier period. Experience has pretty well determined that this is a very fair and judicious way of handling the question.

Hon. Mr. DANIEL: I think these clauses refer only to pensions in the event of the constable becoming incapacitated.

Hon. Mr. DANDURAND: Oh, no.

Hon. Sir JAMES LOUGHEED: The ten-year period does.

Hon. Mr. DANDURAND: The ten-year period does, but not the twenty-year.

Hon. Mr. POWER: As I understand, the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) finds two difficulties in this clause. One is that he has apparently laboured under the impression that the man must be incapacitated before he can be pensioned, even after twenty years' service. That is not what the clause says. The clause says if he has completed not less than ten years' service and is incapacitated from the performance of his duty, by infirmity of mind or body, he may be granted a pension for life. Well, I do not suppose any one would quarrel with that. If a man is physically or mentally disqualified, he can be pensioned after ten years' service. Then the honourable gentleman thinks that twenty years' service should not entitle a member of the mounted police to a pension for life.

Hon. Mr. DANDURAND: If he is not incapacitated.

Hon. Mr. POWER: If he is not incapacitated, certainly. As to that, I do not undertake to express any decided opinion; only I think there is a great deal of force in what the honourable leader of the Government has said, that whatever may be the case of a judge, in the case of a policeman whose duties are of an active character, calling for energy and spryness, so to say, perhaps the 20 years' service is long enough; and I think that is the period mentioned in the existing law and in the Militia Pensions Act. I do not feel that I am in a position to vote against the adoption of the clause.

Hon. Mr. FOWLER: Supposing a constable, having joined the force at say from 19 to 21 years of age, is only 38 or 39 or 40 and is physically fit—and one would think

that in a force like that the necessary physical exercise would keep him fit—according to that clause he shall retire.

Hon. Sir JAMES LOUGHEED: No, he need not retire; it is not obligatory.

Hon. Mr. THOMPSON: He may.

Hon. Mr. DANDURAND: He has a right to retire.

Hon. Mr. FOWLER: Then, he could simply retire at a time when his physical faculties, and his mental faculties as well, were at their highest, and could go into some other business having a pension for life.

Hon. Mr. DANDURAND: Is not 40 years the prime of life?

Hon. Mr. FOWLER: Yes, it is the early prime of life, and, judging by the honourable gentleman and the vigour he shows here, I might say that 60 was still the prime of life. But at 40 years of age, as I say, a member of the police could go into some other business and would have this pension all the time to supplement his earnings in another line. I think you should insert an age limit. It should be provided, for instance, that he shall have reached the age of 50, and have served twenty years in the force before being entitled to retire.

Hon. Sir JAMES LOUGHEED: Would my honourable friend suggest what openings in life there would be for a man who had served, say, 20 years in the police and had given all his time and attention to the duties of a policeman? Say that at the end of twenty years he looks about at the different activities of life and determines upon doing for himself. He is very seriously handicapped.

Hon. Mr. FOWLER: No.

Hon. Sir JAMES LOUGHEED: During his service in the police he has been drawing practically not much more than will keep him. He enters upon life handicapped, without having any capital, and it is but reasonable he should have a small allowance. The fact of the matter is, this has been the law ever since the organization of the police. As honourable gentlemen know, the police were organized shortly after we took over the Northwest Territories. This is the old law that we are now amending. For instance, honourable gentlemen will find in the Revised Statutes this same provision. The only change that we are making in the law as it has stood for years is that we are wiping out the 15-year period mentioned in the existing law. Under the existing law, the policemen had a right at the expiration of 15 years to ask for a limited pension, to which he was entitled. We have now stricken out the 15-year period and we have inserted in lieu thereof a ten-year period, but that ten-year period can be invoked only in case of physical infirmity.

Hon. Mr. FOWLER: That is all right: I agree with that.

Hon. Sir JAMES LOUGHEED: As to the other period, we are simply allowing the law to stand as it was.

Hon. Mr. FOWLER: The antiquity of the law, I may say to the honourable leader, does not give it any virtue in my sight; because, if that antiquity gave it any virtue, we would never make any change. My honourable friend cites the fact that the law has been unchanged for twenty or thirty years. It would almost look as though, according to the modern trend of thought, it was about time for a change. But my contention is that the man could enter some other occupation. There are a hundred other things he could engage in if he were clever enough, and his earnings in the new occupation would be enhanced by the pension which he gets. Besides that, you are losing a servant who is much more valuable that he was when he enlisted.

Hon. Sir JAMES LOUGHEED: Not at forty.

Hon. Mr. FOWLER: You have spent money to train him and get him perfected in his work, and if he is a good man at 40 and is still in the full possession of all his physical faculties, with the benefit of twenty years' training in the police he is an invaluable servant. You ought to put restrictions upon his giving up his job, instead of facilitating his giving it up, as you do by this. There would be no objection to a provision declaring that he might be pensioned after twenty years' service, if he has reached the age of fifty, or fifty-five, when he is not as spry as he might be; for it is necessary for a man to be physically fit in order to hold that position.

So far as I am concerned, I believe in paying the police more. Their duties for a long time may be very slight, and then may suddenly, owing to an outbreak of some sort, become very arduous and very dangerous. They should be paid well, but I think that in the interest of the service this limitation should not be as it is.

Hon. Mr. TURRIFF: Honourable gentlemen, I think any one who has had at all

to do with the Mounted Police in the past will realize that the longer a man is in the service, if he retains his bodily vigour, the better policeman he is. I am inclined to think it is a good idea to give a pension when a man has been twenty years in the service, because you retain the man for that length of time, and in most cases where he has been twenty years in the Mounted Police service, if he has retained his bodily strength, the fact that he has the prospect of increasing his pension by remaining five or ten years more before dropping out will keep him in the force. I agree with the honourable leader of the Government that when a man has been twenty years soldiering he is handicapped in undertaking any other occupation in life; and, as I said a moment ago, very few who have spent twenty years in the police, if they are physically fit, will want to go out. I have known a great many mounted policemen during my residence in the West, and I have observed that a man who has been ten years in the service generally makes it a life job. Under this Bill the police are well recompensed by staying in the service 25 or 30 years, because then they get a fairly good pension.

Hon. Mr. FOWLER: Is the pension increased after twenty years?

Hon. Mr. TURRIFF: Yes; after twenty-five years they can get up to two-thirds of what they are receiving.

Hon. Sir JAMES LOUGHEED: The next clause of the Act, subsection 2, makes provision for that.

Hon. Mr. FOWLER: I had not read that.

Hon. Mr TURRIFF: I think, hon. gentlemen, that this is a very fair proposition.

Hon. Mr. GORDON: What is the pay?

Hon. Sir JAMES LOUGHEED: About $1.70 a day.

Hon. Mr. GORDON: After ten years' service their pension is only one-fiftieth of their annual payment.

Hon. Mr. ROBERTSON: For each year's service.

Hon. Mr. GORDON: The whole system appears to me as being reasonable, and the pensions in any case are not so very large that we should spend much time in trying to have them reduced. The principle, I believe, is a good one, and I believe it will tend to bring in the best men who are available.

Hon. Mr. DANIEL: There is one point that does not appear clear to me, although other parts of the Act may refer to it. This provision gives a pension to an incapacitated man only after ten years. A constable, in the carrying out of his duties, may be absolutely incapacitated in the very first year of his service. Why should not that man be entitled to a pension? Perhaps he is; but if this is the only clause in the Act that refers to the matter, the department would have to keep him in hospital or under care for ten years before they could pension him. Perhaps there is something else in the Act which refers to this point, but if there is not I think the Act is incomplete. A man who is incapacitated in the discharge of his duties in such an employment as that of the Royal Canadian Mounted Police should be entitled to a pension within the first year or at any other time of his service.

Hon. Mr. DE VEBER: Honourable gentlemen, the Bill is very good as far as it goes, but I do not think it goes far enough. In the first place, my honourable friend from St. John (Hon. Mr. Daniel), takes exception to the ten-year limit regarding a man who is incapacitated. If a man joins the Northwest Mounted Police and he is invalided—which means incapacitated—he can be turned out without anything to support him, if he has been in for only six months. I do not think that the allowance for a man after ten years, or even after twenty years, is sufficient. If you want to have a first-class force, as we had in the early days—not particularly because I happened to be a member of it at that time—

Hon. Sir JAMES LOUGHEED: Oh, yes.

Hon. Mr. DE VEBER: I know it was a pretty good force at that time. My hon. friend (Hon. Sir James Lougheed) who lived in Calgary at the time I was there, will acknowledge that it was a pretty good force. If you want to keep the force up to its standard in those days you must pay it as well as any other class of persons in the community.

Hon. Mr. POWER: It has done very well up to the present time.

Hon. Mr. DANIEL: I suppose the honourable leader of the Government has no reply to the question I asked him?

Hon. Sir JAMES LOUGHEED: If it is a case of hardship, it will have to be left to the discretion of the Government as to what should be done for the man. The police has existed for over a generation, and our atten-

tion has not been directed to any case of hardship along that line, and I fancy the same treatment will continue.

Hon. Mr. DE VEBER: May I ask the honourable leader whether a man who is injured after he has been in a year would get any pension or not? Could he apply for compensation under the Act?

Hon. Sir JAMES LOUGHEED: Yes. He would not get a pension under the Act, but it would be discretionary with the Government to deal with the case on its merits.

Hon. Mr. DE VEBER: I can see why the word "may" is the proper word there, because I know we had many men in the police force who wanted to get out and became malingerers. If the word "shall" had been in there, they might have got their money and got out; but with the word "may" a man would have to be examined and passed upon before he could retire.

Subsection 1 was agreed to.

Subsection 2 was agreed to.

Subsection 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

CURRENCY BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 15, an Act to amend the Currency Act, 1910. Hon. Mr. Murphy in the Chair.

On section 1—standard for gold and silver coins:

Hon. Mr. FOWLER: What is the present standard for gold coins?

Hon. Sir JAMES LOUGHEED: The standard for gold is the same as it was before. We are simply changing the standard as to silver. England is adopting for silver a standard of 500, and the United States is adopting a standard of 800, so that our silver would be the same as that of the United States. At the present time the standard is 925, and we reduce it to 800.

Hon. Mr. FOWLER: I do not think there is any objection to that, but we should not interfere with the gold.

Hon. Sir JAMES LOUGHEED: We are not interfering with gold.

Hon. Mr. GORDON: Has any consideration been given to the advisability of using nickel?

Hon. Sir JAMES LOUGHEED: I cannot say as to that. Last session we legislated as to copper coins, but we made no provision as to nickel. Canada has no nickel coins at present, but I see no reason why we should not have them. They have them in the United States.

Section 1 was agreed to.

Section 2 was agreed to.

On section 3—silver coins heretofore struck to continue current:

Hon. Mr. BOSTOCK: Can my honourable friend give us any information about those Orders in Council? This arrangement has been made before under Order in Council.

Hon. Sir JAMES LOUGHEED: My recollection is that when the rapid rise in silver took place, Parliament was not sitting, and silver coinage was being minted at a loss; but an Order in Council was passed to cover the interim between that time and the adoption of this legislation.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

CANADA SHIPPING BILL.

FIRST READING.

Bill 21, an Act to amend the Canada Shipping Act, (Certificates of Service).—Hon. Sir James Lougheed.

CUSTOMS BILL.

FIRST READING.

Bill 31, an Act to amend the Customs Act.—Hon. Sir James Lougheed.

BULGARIAN TREATY OF PEACE BILL.

FIRST READING.

Bill 46, an Act for carrying into effect the Treaty of Peace between His Majesty and Bulgaria—Hon. Sir James Lougheed.

The Senate adjourned until Tuesday, April 13, at 3 p.m.

THE SENATE.

Tuesday, April 13, 1920.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST READING.

Bill P, an Act to incorporate the United Canada Fire Insurance Company.—Hon. Mr. McMeans.

THE ROYAL ASSENT.

The Hon. the SPEAKER informed the Senate that His Excellency the Right Honourable Sir Louis Davies, Chief Justice of the Supreme Court of Canada, Administrator of the Government of Canada, would attend in the Senate Chamber at four o'clock this afternoon, for the purpose of giving the Royal Assent to a certain Bill.

THE NEW PARLIAMENT BUILDINGS.

CHIME OF BELLS FOR THE TOWER SUGGESTED.

Hon. GEO. H. BRADBURY moved:

Resolved, that in the opinion of this House there ought to be installed in the tower of the Parliament Buildings a first class set of chimes or carillon in connection with a clock that will be heard all over Greater Ottawa.

He said: Honourable gentlemen, the resolution which stands in my name on the Order Paper is to my mind one that ought to commend itself to this honourable body. We have been told by different architects and other gentlemen who have travelled much that this is the finest parliament building in the world, and I have no reason to doubt the correctness of that statement. The proposed tower to this building ought to be, and I have no doubt will be, in keeping with this magnificent structure, and will be one of the grandest towers in the world, a fitting finish to the splendid outward appearance of this great building.

As my resolution has to do with the proposed tower, this seemed to me an opportune time to bring the matter referred to before the House so that, in the event of the Government accepting the suggestion, the architects would have ample notice to make provision for the carillon.

Hon. Mr. BOYER: May I ask the honourable gentleman, is it the carillon or the clock that is to be heard all over Ottawa?

Hon. Mr. BRADBURY: It might well be both. I trust that the clock may be of such a nature that when it strikes it will be heard all over Ottawa, and I trust that. when the carillon is put in, as I hope it will be, it also will be heard all over the city. As we have the finest parliament building in the world, and I trust will have at least one of the grandest towers in the world, I think it would be fitting that the Government should cause to be installed in the tower one of the finest carillons in the world that would be heard all over Greatern Ottawa emphasizing hourly, in mellifluous tones, the fact that time is fleeting and waits for no man.

I do not intend to weary or delay the House, but I feel that this is a subject which ought to receive the consideration of the House. Any one who has had an opportunity of visiting Belgium or the northern part of France must have been struck with the magnificent music produced by these carillons. Nothing in the world can take its place; such a carillon, I believe, would be a great addition to this magnificent building.

Great Britain adopted the carillon some years ago. A few of the places where it has been installed are Worcester, Monaghan, Londonderry, Dublin and Sligo cathedrals, Bradford, Rochdale, Reading and Manchester townhalls, and the Royal Exchange, London. All these have carillons installed by the firm of Gillet and Johnson, of Croydon, England. It is said that this firm has made many improvements on the machinery employed in playing these carillons. The old system in vogue in Belgium and in the Netherlands was such that it required a good deal of physical strength to strike the keyboard to produce the proper sounds on the bells. The firm of Gillet and Johnson has overcome all these difficulties and claims that now a carillon is no more difficult to play than is an ordinary pipe organ.

Now, for the purpose of giving to the House more authentic information than I could possibly give, I shall read one or two passages from a work I hold in my hand, on "Carillons of Belgium and Holland," by William Gorham Rice. In chapter 1 he says:

> My story is one of discovery and exploration; exploration leading often into fascinating aerial fields, and discovery, for many Americans, at least, of a new kind of music. Yet the land of which I write is not far off and the music has long been heard. Ver Meer and Rembrandt, Van Dyck and Rubens, listened to it as they painted the life of their time. and still in our day the benediction of this music continues for travellers and for all people in the Low Countries.
>
> It is heard from St. Catherine's tower at Briel, on the island of Voorne, where first "The Beggars of the Sea" rose against the power of Spain, and it sounds from that fifteenth century New Church at Delft where William of Orange, victorious but assassinated. forever rests. From St. Stephen's tower at Nimeguen, rising above wide river waters, it marks the hours for the passing boatmen,

and from St. Lawrence's tower at Rotterdam it gives a welcome to sailors coming home from distant seas.

Hundreds of students hear its call at the University of Louvain, and it unites with the worship of thousands in the Cathedral at Antwerp. At Ypres it sounds over the magnificent Cloth Hall of the merchants; at Amsterdam it floats over the great palace of the Queen. The watchmen high up in Groningen's tower in the north and those in Mechlin's tower in the south, follow with their faint-sounding trumpet-strains the notes of the bells at each half hour of the night; and the market-men at the weigh-house of Alkmaar, and the market-women in their Zealand costumes at Middleburg wait for the signal of this music to begin their selling at mid-day. From the belfry at Ghent to-day sounds the concord of bells as it did when the Treaty of 1814 first was proclaimed, and from the belfry of Bruges ring the chimes, "low at times and loud at times," which were the inspiration of Longfellow when he first journeyed through Flanders.

So tower after tower might be named, each carrying a part in this chain of melody. Assuredly no music joins more perfectly in the celebration of days of national rejoicing; but, better still, it sends down from airy heights an influence which lightens routine and to happy occupation adds an accompaniment of surpassing charm.

Many travellers have sought to comprehend the secret of the attractiveness of the Low Countries. Complex and elusive that secret doubtless is, yet I believe we shall find a clue for our search in a knowledge of this distinctive music....

It was at Antwerp on the Scheldt that Arethusa and Cigarette began their voyage. and in that delightful chapter, "The Oise in Flood," Stevenson thus tells how a new sensation of sound revealed itself:

"On the other side of the valley a group of red roofs and a belfry showed among the foliage; thence some inspired bell ringer made the afternoon musical on a chime of bells. There was something very sweet and taking in the air he played and we thought we had never heard bells speak so intelligently or sing so melodiously as these. It must have been after some such measure that the spinners and the young maids sang 'Come away, Death,' in the Shakesperean Illyria.

"There is so often a threatening note, something blatant and metallic in the voice of bells that I believe we have fully more pain than pleasure in hearing them; these as they sounded abroad, now high, now low, now with a plaintive cadence, . . were always moderate and tunable and seemed to fall into the spirit of the still rustic places like noise of a waterfall. . . . I could have blessed the priest or the heritors, or whosoever may be concerned with such affairs in France who had left these sweet old bells to gladden the afternoon. At last the bells ceased and with their note the sun withdrew. The piece was at an end; shadow and silence possessed the valley of the Oise."

In another place the author, giving some idea of the number of these carillons that have been established throughout the Netherlands, says:

There are to-day in Belgium about 30 carillons of importance and in Holland about 20. If those of lesser consequence are included the total for both countries will be well over 100. Many authorities give higher figures, Brockhaus' German Encyclopedia saying there are 115 in the Netherlands and 97 in Belgium.

I have already given a list of some of the carillons in Ireland. I have here a list of some that have been installed in England and in Scotland. In Aberdeenshire, Scotland, St. Nicholas has 36 bells, installed in 1890. The heaviest weighs 6,578 pounds. At Boston, Lincolnshire, England, the 36 bells of the carillon were sold to increase the ring. Bournville, Worcestershire, England, has a carillon of 22 bells, recently erected under the supervision of Mr. W. W. Starmer. Cattistock, Dorsetshire, England, at St. Peter and St. Paul there are carillons of 35 bells respectively.

This gives you some idea of the number of these bells that have been installed. Another reference I desire to make from this author is a description given by a traveller of such a scene as I have been speaking of. He says:

From the top of the tower (St. Lawrence's) the whole of Rotterdam can be seen at a glance, with all its little sharp red roofs, its broad canals, its ships scattered among houses, and all about the city a vast green plain, intersected by canals bordered by trees, sprinkled with windmills and villages hidden in masses of verdure, showing only the tops of their steeples. When I was there, the sky was clear, and I could see the waters of the Meuse shining from the neighbourhood of Bois-le-Duc, nearly to its mouth; the steeples of Dordrecht, Leiden, Delft, the Hague and Gouda were visible, but neither far nor near was there a hill, a rising ground, a swell to interrupt the straight and rigid line of the horizon. It was like a green and motionless sea, where the steeples represented masts of ships at anchor. The eye roamed over that immense space with a sense of repose, and I felt, for the first time, that indefinable sentiment inspired by the Dutch landscape, which is neither pleasure, nor sadness, nor ennui, but a mixture of all three, and which holds one for a long time silent and motionless.

Suddenly I was startled by the sound of strange music coming from I knew not where. It was a chime of bells ringing a lively air, the silvery notes now falling slowly one by one, and now coming in groups, in strange flourishes, in trills. in sonorous chords, a quaint dancing strain, somewhat primitive, like the many-coloured city, on which its notes hovered like a flock of wild birds, or like the city's natural voice. an echo of the antique life of her people, recalling the sea, the solitudes, the huts, and making one smile and sigh at the same moment. This aerial concert is repeated every hour of the day and night, in all the steeples of Holland, the tunes being national airs, or from German or Italian operas. Thus in Holland the passing hour sings, as if to distract the mind from sad thoughts of flying time, and its song is of country, faith and love, floating in harmony above the sordid noises of the earth.

I have read these quotations from this author, honourable gentlemen, for the purpose of conveying to the House some idea of what wonderful results can be obtained from a carillon of the proper kind and properly constructed, and I have no hesitation in saying that I believe it would be in the interest of all concerned to have a carillon of this nature installed on the magnificent tower which it is proposed to erect.

Hon. Mr. DANIEL: How many bells are there in the carillon?

Hon. Mr. BRADBURY: There are a great many different kinds and sizes of carillons. A first-class carillon contains as many as 52 bells. The carillon installed in the tower at Bruges has, I think, 46. In the town hall of Ypres, which was destroyed by the Germans, there was a carillon, I think, of 48 bells. At Louvain there was a magnificent carillon containing over 40 bells.

The cost of a carillon is not perhaps as great as one might think. I am told by this authority that an ordinary carillon of 48 bells could be installed for about £4,000, or about $20,000. I think it would be a good investment for Canada to make, to put a first-class carillon on top of the great tower which we hope is going to be erected here. I am satisfied it would attract hundreds and thousands of tourists, who would come to hear these bells. Moreover, it would be a magnificent thing for this great city of Ottawa to have such beautiful music sounding over the whole district. I am offering this suggestion in the hope that the House will see the advisability of asking the Government, through this resolution, to take some action in the matter.

Hon. Mr. DOMVILLE: Honourable gentlemen, I was very much pleased to hear the academic address of my honourable friend (Hon. Mr. Bradbury). It has been prepared with a great deal of pains and trouble. Whoever supplied that information has certainly been doing good work; whether he had any ulterior motive or not, I cannot tell. My honourable friend has spoken of the chimes of Normandy, and the chimes in the Royal Exchange in England; but, like Gog and Magog, they are all things of the past—medieval history. The bells in the tower of this building would proclaim what? There is enough shouting going on anyway, and Ottawa gets all the shouting. Why does the honourable gentleman want a bell to ring up the people of Ottawa? I do not know of what church my honourable friend belongs, but I believe that in the Catholic Church—a first-class church—the bell is rung to tell the people of their duties. But does that bell tell us our duties? I see my honourable friend the leader of the Government (Hon. Sir James Lougheed) smiling at me. I know he will agree that these are not days for experimenting and exploiting. I know I am stating the views of the Government. Their wish would be for us to show the country that we are not going to spend money upon all sorts of frills. We may not agree as to the manner in which the country's money has been spent, or the policy which has been followed, but we are not going to invest to-day in the chimes of Normandy or a bell to be rung for the people of Ottawa. The tower of the Parliament buildings is not yet built. Why not leave this matter until the tower is completed? Then the Government will be able to decide. Personally I do not care which Government is in power; I have got past that. Let us give the Government time to consider the question. Why should it be brought up by an honourable member of this House? Is it not for the Government to say what they will do? Where are the architects? Where is the Department of Public Works? Where are all the ministers who believe in the beauties of Ottawa? Do you want to throw them overboard now? Do you mean to say they do not know what they are doing? Would you suggest to them that they do not understand? I have more confidence in the Government than that. There is no need for me to take up the time of the House, and, if I may be permitted, I would move the adjournment of this debate until we have more particulars regarding the tower.

Hon. Mr. POIRIER: Six months.

Hon. Mr. BOYER: What is the reason for adjourning the debate? We may as well get it through.

Hon. Mr. DOMVILLE: What do you want to get through?

Hon. Mr. BOYER: We may as well settle the question one way or the other.

Hon. Mr. DOMVILLE: I cannot see how you are going settle the matter at all. Would you put an extra tax on the people of Canada? I press my motion.

The motion for the adjournment of the debate was negatived.

Hon. Mr. BOYER: Of course, every bell has its sound. We heard first the merry bells of England and the chimes of old France. Then came the pall which my honourable friend from New Brunswick (Hon. Mr. Domville) cast over all by his motion. "Is there anything sweeter than the sound of bells?" said Edgar Allen Poe. And in the old world the prettiest girl in the village could be christened only by the name of Belle. What my honourable friend from Selkirk (Hon. Mr. Bradbury) proposes would really be an ornament. I cannot concur, however, in the exaggerated idea that everything Canadian is the mightiest in the world. We may have the biggest building in the world, and we have one of the biggest debts in the world. But why should should not we, as a Senate, do something for our country and furnish that carillon? There are 80 of us. Suppose the cost is $30,000; spread the expenditure over 3 or 4 years; say that each year we chip in $100 apiece; and the Senate will live forever in the memory of Canada as being a useful body. If we do not make a noise in politics, we shall at least with our bells, which will draw public attention to this House. Why should we not do that? A few years ago the members of the House of Lords noticed that the walls of the House and those of the corridors leading to it were bare of attraction; and everybody chipped in, and they had magnificent mural paintings put in at the cost of their Lordships. The expense of the proposed bells would be small compared with their usefulness. The matter has to be decided now on account of the solidity of the tower—what size of bells we may require, how big the tuning bell will be, and all such questions which the architect must decide; but let us as a Senate undertake to do this much for our country, and for the ornamentation of these parliament buildings, by subscribing whatever the cost of this carillon may be.

Hon. Mr. TURRIFF: I think it would be very necessary to have a good clock in the tower; but a chime of bells would be rather in the nature of frills. It may be very fine and may be advisable, but I do not think we should be called upon to recommend to the Government a large expenditure without having more information than my honourable friend is able to give as to the cost of these bells.

Hon. Mr. DOMVILLE: Hear, hear: you are right.

Hon. Mr. TURRIFF: It is all very well to say that a chime of bells cost $20,000 in the old country before the war, but I venture to say that a chime of bells on the tower of this building would cost between $100,000 and $200,000. Before recommending the Government to undertake such an expenditure I think we ought to have an estimate from the chief architect of the building.

Hon. Sir JAMES LOUGHEED: I would suggest to my honourable friend from Selkirk (Hon. Mr. Bradbury) that he do not press his motion to a vote. It is not desirable that the Senate should commit itself to a recommendation of this nature until we have information before us as to the cost which may be involved, as to the constructive features of the tower, and other considerations. If my honourable friend wishes to pursue the subject, I would suggest that a more practical way would be to have a committee to take it up either with the architects or the building committee. The Senate has a reputation, which it desires to maintain, of not committing itself to any important subject of this kind without having all the information which would warrant an intelligent mind in coming to a satisfactory conclusion.

Hon. Mr. DOMVILLE: Does not that cover the ground of my motion asking that the matter be put aside for the moment?

Hon. Mr. BRADBURY: I am quite satisfied to have a committee. I may say that I would be willing to accept the suggestion made by my honourable friend on the other side of the House (Hon. Mr. Boyer). I do not agree with my honourable friend from Saskatchewan (Hon. Mr. Turriff) that the bells would cost anything like $200,000. The cost of 32 bells installed in England only three years ago, the largest of them weighing 6,400 pounds, was £4,400. The cost of the proposed bells could not much exceed that, though it would no doubt be somewhat larger. I am satisfied that the suggestion of my honourable friend opposite would be very acceptable to the people of Canada. It would be a splendid thing for this Senate to contribute this set of bells, and I would be quite satisfied to accept that proposition; but, as the leader of the House has suggested, I would be prepared to have a small committee appointed to investigate.

The motion was withdrawn.

INDUSTRIAL DISPUTES INVESTIGATION BILL.

THIRD READING.

Hon. GIDEON ROBERTSON (Minister of Labour) moved the third reading of Bill

D, an Act to Amend the Industrial Disputes Investigation Act, 1907.

Hon. Mr. BENNETT moved:

That the Bill be not now read the third time, but that section 4, new section 34 be amended by adding thereto the words, "the minimum allowance to be $4 per day."

He said: I think this amendment will be acceptable to the minister. All it asks is that a professional witness giving evidence may be allowed $4 a day.

Hon. Mr. BOSTOCK: I do not exactly understand how that amendment is going to read. Do we leave in the words of new section 34? And is this amendment an addition to that new section?

Hon. Mr. ROBERTSON: The amendment as proposed by the honourable member for Simcoe is simply an addition to the existing Act, section 34 of which provides that the witness fees as provided for by provincial statutes shall apply in each province where an inquiry may be held. The amendment proposed provides that there shall be a minimum fee of $4 per day, and where the fee provided by the provincial law is less than that this minimum would apply. Wherever the provincial law would entitle witnesses to more—as in the case of professional men whose case we discussed the other day—this amendment would not prevent them from receiving the additional compensation.

Hon. Mr. BOSTOCK: Then are we taking out section 4 altogether?

Hon. Mr. ROBERTSON: Yes, and adding those words to the present section 34?

The amendment was agreed to, and the Bill, as amended, was read the third time and passed.

CURRENCY BILL.

THIRD READING.

Bill 15, an Act to amend the Currency Act, 1910.—Hon. Sir James Lougheed.

DIVORCE BILLS.

SECOND READINGS.

Bill F, an Act for the relief of George Henry Shemilt.—Hon. Mr. Ratz.

Bill G, an Act for the relief of John Bertram Hall.—Hon. Mr. Ratz.

Bill H, an Act for the relief of Nell Louise Dennis.—Hon. Mr. Gordon.

Bill K, an Act for the relief of Harry Ernest Wright.—Hon. Mr. McMeans.

Bill L, an Act for the relief of Henri Delphé Parizeau.—Hon. Mr. White, Inkerman.

Bill M, an Act for the relief of Gele Karafel.—Hon. Mr. McCall.

Bill N, an Act for the relief of George William Uren.—Hon. Mr. McCall.

Bill O, an Act for the relief of Meryl Adams.—Hon. Mr. McCall.

FIRST READING.

Bill Q, an Act for the relief of Herbert Walter Ecclestone.—Hon. Mr. Bennett.

The Senate adjourned during pleasure.

THE ROYAL ASSENT.

His Excellency the Administrator of the Government of Canada having come, and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency was pleased to give the Royal Assent to the following Bill:

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1921.

His Excellency the Administrator was pleased to retire.

The House of Commons withdrew.

The sitting of the Senate was resumed.

GOVERNMENT ANNUITIES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 16, an Act to amend the Government Annuities Act, 1908. Hon. Mr. Bradbury in the Chair.

Sections 1 and 2 were agreed to.

On section 3—age when annuity payable:

Hon. Mr. POWER: What is the exact change in that section?

Hon. Sir JAMES LOUGHEED: We have done away with the age limit. The age under the present Act is 55. There is no reason why we should not sell an annuity to a person younger than 55. The object is to enable the Government to compete with financial companies dealing with annuities.

Hon. Mr. POWER: Would an annuitant who has been paying for a number of years be affected?

Hon. Sir JAMES LOUGHEED: No.

Section 3 was agreed to.

Section 4, the preamble and the title were agreed to.

The Bill was reported without amendment.

CIVIL SERVICE SUPERANNUATION AND RETIREMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 17, an Act to amend the Civil Service Superannuation and Retirement Act. Hon. Mr. Beaubien in the Chair.

Subsections 1 and 2 of section 1 were agreed to.

On subsection 3 of section 1—rate of interest may be reduced:

Hon. Mr. BOSTOCK: What is the object of this subsection? If it is necessary to reduce the rate of interest, would it not be better to do so by amending the Act? Everybody would then have notice of what was being done. Apparently it will be done by Order in Council.

Hon. Sir JAMES LOUGHEED: It simply gives discretion to the Government to reduce the rate of interest if money should become of less value. There is no reason why that should not be done. It seems, in fact, unnecessary to come before Parliament in a case of this kind, because it is manifestly in the interests of both the Government and the civil servants. It is not a case in which the Government can take any advantage of the situation.

Hon. Mr. BOSTOCK: Is it not rather in the interest of the civil servants that the rate of interest should be five per cent instead of four per cent?

Hon. Sir JAMES LOUGHEED: Yes, but at the same time the civil servants would not know whether the account, according to actuarial tables, should be based on a four per cent or a five per cent basis. That must necessarily be determined by the Government, and the Government should be clothed with authority to determine that.

Hon. Mr. BOSTOCK: Are there any members of the Civil Service on the committee administering this money?

Hon. Sir JAMES LOUGHEED: I am unaware of that.

Section 1 was agreed to.

Section 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

OTTAWA MINT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 30, an Act to amend the Ottawa Mint Act. Hon. Mr. Casgrain in the Chair.

Section 1 was agreed to.

On section 2—yearly payment increased:

Hon. Mr. BOSTOCK: Honourable gentlemen, when this Bill was before the House the other day, I suggested to the leader of the Government that it would be interesting to know what had been done by the Mint during the period of the war. I think there was a great deal of work done by the staff of the Mint which would, if known, be of great interest to the public generally and to the country. I find on looking into the matter that no report has been made since 1916. The report that would give this information has not yet gone to England, and when I inquired, the Minister of Finance seemed to think it better that that kind of information should not be given out in Canada until it had been made known in England; so apparently this information cannot be given to the country at the present time. I hope, however, that at some future time it may be possible to let the people of this country know something of the valuable work done by the Mint during the war.

Hon. Sir JAMES LOUGHEED: I have no doubt that when the report is brought down and laid upon the table of the House, as it doubtless will be, an opportunity will be given to discuss the subject or to direct the attention of the House to the very valuable work accomplished during the war.

Section 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

BRITISH COLUMBIA INDIAN LANDS SETTLEMENT BLL.

FIRST READING.

Bill 13, an Act to provide for the settlement of differences between the Governments of the Dominion of Canada and the province of British Columbia respecting Indian lands and certain other Indian affairs in the said province.—Hon. Sir James Lougheed.

OTTAWA AGREEMENT BILL.

FIRST READING.

Bill 22, an Act to confirm an agreement between His Majesty the King and the Corporation of the city of Ottawa.—Hon. Sir James Lougheed.

PRIVATE BILL.

FIRST READING.

Bill 18, an Act to incorporate the Canada Security Assurance Company.—Hon. Mr. Foster.

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

THE SENATE.

Wednesday, April 14, 1920.

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

Prayers and routine proceedings.

ESQUIMALT NAVAL YARD.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

Is the following statement:—

"The Esquimalt naval yard will be closed down by April 1 and a watchman placed in charge. The officers will be demobilized and may join the fisheries service if they so wish. The Stadacona will be transferred to the Fisheries Department. H.M.C.S. Rainbow will be sold":

which appeared in the Daily Province on the 22nd March, 1920, a newspaper published in Vancouver, British Columbia, a correct statement of the policy being pursued by the Government?

If not, what action is being taken by the Government in regard to Esquimalt naval yard, the Stadacona and H.M.C.S. Rainbow?

What action is being taken in regard to Halifax naval yard and the vessels belonging to the navy at Halifax and the staff?

Hon. Sir JAMES LOUGHEED:

1, 2 and 3. The Government has had under consideration for some time the question of the naval defence of Canada and the suggestion of Admiral Viscount Jellicoe in reference thereto.

In view of Canada's heavy financial commitments and of the fact that Great Britain has not as yet decided on her permanent naval policy, and of the approaching Imperial Conference at which the question of naval defence of the Empire will come up for discussion between the Home Government and the Overseas Dominions, it has been decided to defer in the meantime action in regard to the adoption of a permanent naval policy for Canada.

The Government has decided to carry on the Canadian Naval Service along pre-war lines and has accepted the offer of Great Britain of one light cruiser and two torpedo boat destroyers to take the place of the present obsolete and useless training ships, the Niobe and Rainbow.

The Minister of Naval Service, in order to be free to thoroughly reorganize and place the present service on an economical and efficient basis, has issued orders for the demobilization of all officers and naval ratings and for the discontinuance of civilian help at headquarters and at the naval dockyards in Esquimalt and Halifax. The Canadian officers who are in the Imperial fleet and who are now being paid by the Canadian Government will be recalled and placed on duty with the Canadian Naval Service. The Naval College will also be continued. After reorganization has been completed, only those officers and other ratings and civilians will be taken on who are absolutely necessary and possess the qualifications desired.

PRIVATE BILLS.

FIRST READINGS.

Bill R, an Act to consolidate and amend an Act relating to the Western Assurance Company.—Hon. W. B. Ross.

Bill T, an Act to amend and consolidate the Act respecting the British America Assurance Company.—Hon. Mr. Ross.

ROYAL CANADIAN MOUNTED POLICE BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 2, an Act to amend the Royal Canadian Mounted Police Act and to transfer to the Commissioner of the Royal Canadian Mounted Police the powers heretofore vested in the Commissioner of Dominion Police.

He said: Honourable gentlemen, I promised my honourable friend the leader of the Opposition (Hon. Mr. Bostock) to obtain certain information respecting the Police before the third reading of the Bill. I find that previous to August 8, 1914, the statutory strength of the police was 1,000, but the actual strength had become reduced by several hundred. An Order in Council was passed, under the War Measures Act, increasing the strength to 1,200. It then became desirable, in 1919, to amalgamate the Dominion Police and

the Mounted Police, and the strength was accordingly increased by Order in Council to 2,500. There are now on the strength 1,864. Under the amalgamation 173 Dominion Police were taken over. The Dominion Police form a division known as the Ottawa division. Their uniforms will not be changed, but will continue as it has been under the old Act. Whether it will become necessary to increase the force immediately up to its legal strength I cannot at the moment say; but 1,864 is the present strength.

Hon. Mr. BOSTOCK: I understand that the number of 2,500 was arranged by Order in Council under the War Measures Act?

Hon. Sir JAMES LOUGHEED: Yes, apparently. I was under the impression that it was by statute; but apparently, so far as the Police themselves understand, it was by Order in Council.

Hon. Mr. BOSTOCK: In that case will it not have to be done by statute? Will not the Order in Council drop as soon as the War Measures Act goes out of existence?

Hon. Sir JAMES LOUGHEED: But what was done under it will continue.

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

DIVORCE BILLS.

THIRD READINGS.

Bill F, an Act for the relief of George Henry Shemilt.—Hon. Mr. Ratz.

Bill G, an Act for the relief of John Bertram Hall.—Hon. Mr. Ratz.

Bill H, an Act for the relief of Nell Louise Dennis.—Hon. Mr. Gordon.

Bill K, an Act for the relief of Harry Ernest Wright.—Hon. Mr. McMeans.

Bill L, an Act for the relief of Henri Delphé Parizeau.—Hon. Mr. White, Inkerman.

Bill M, an Act for the relief of Gele Karafel.—Hon. Mr. McCall.

Bill N, an Act for the relief of George William Uren.—Hon. Mr. McCall.

Bill O, an Act for the relief of Meryl Adams.—Hon. Mr. McCall.

GOVERNMENT ANNUITIES BILL.

THIRD READING.

Bill 16, an Act to amend the Government Annuities Act, 1908.—Hon. Sir James Lougheed.

CIVIL SERVICE SUPERANNUATION AND RETIREMENT BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 17, an Act to amend the Civil Superannuation and Retirement Act.

Hon. WILLIAM ROCHE: Honourable gentlemen, I wish to make a remark on a subject along the line of the present Bill. I understand that the employees of the Geological Survey have superannuated themselves by resigning in a body. I think it is a pity that so valuable a body of public servants should be allowed to disperse and that their services should be lost to the country at the present time. It would be difficult to reassemble so large a number of experienced servants, well acquainted with the business. I do not know whether the difference between their demands for increased pay and the present salary is very great. I understood that the increase demanded was not very large, and I only reiterate what I have already said that I think it would be a great loss to the country at the present time, when so much is required for its development along the line of geology, to be deprived of the services of men so experienced and to so great an extent acquainted with the mineral deposits of Canada. I only make the remark that perhaps attention may be given to it, and that the Government may be able to meet the demands of this large and influential and most valuable body of men.

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

OTTAWA MINT BILL.

THIRD READING.

Bill 30, an Act to amend the Ottawa Mint Act.—Hon. Sir James Lougheed.

DIVORCE (ONTARIO AND PRINCE EDWARD ISLAND) BILL.

SECOND READING.

Hon. W. B. ROSS moved the second reading of Bill I, an Act to provide in Ontario and Prince Edward Island for the Dissolution and the Annulment of Marriage.

He said: Honourable gentlemen, in moving the second reading of this Bill, I do not think that I shall have to inflict any very extended remarks upon this House. There was a Bill dealing with divorce introduced in the Commons last year with a very long dissertation upon the law of divorce. In fact, it was the reading of a

text-book which practically any member of this House who is interested in the substantive law of divorce can get by asking for it in the library. But, inasmuch as the Bill of which I am now moving the second reading does not interfere with the substantive law of divorce, I do not think it at all necessary to enter into the question of what divorce is or what it ought to be.

Substantially, the Bill is one for creating in Ontario a divorce court, giving that court jurisdiction in divorce and in the annulment of marriage that is now possessed by the courts of the provinces of Manitoba, Saskatchewan and Alberta, and pretty nearly what is possessed by the court of British Columbia. The British Columbia law is, I think, the English Act of 1858. This will give Ontario and the Western provinces the English law on the subject as of the 15th day of July, 1870. Of course, in Ontario there is no divorce law, people wishing divorces always coming to Parliament to get them. In Prince Edward Island they have a divorce court, but it is a very archaic court, consisting of the Lieutenant-Governor and five members of the Council. It is styled a Court of Judicature for Granting Divorce, and I thought when dealing with this matter that it would be better to transfer the jurisdiction from the Governor in Council to the Supreme Court in that province. You will see that, by adopting the law of England as on the 15th of July, 1870, you will not alter the substantive law with regard to divorce as it has been administered in this Parliament for a very long time—practically ever since Confederation. The English law allows a divorce for adultery or for bigamy, and also allows the annulment of marriage for fraud, for impotence, or for imbecility. But I need not go into these details, for they are to be found in all the text books. From that point of view this Bill is very conservative. It leaves the substantive law exactly as we have it to-day. That is to say, the court in Ontario and the court in Prince Edward Island will not be able to give relief in regard to divorce or the annulment of marriage where this Parliament has not been able to do so.

In dealing with the province of Quebec, I wish it to be clearly understood that I am not desirous of saying one word about the sentiment or the opinion of the people of that province or of any institution there, ecclesiastical, political or social. The only reference I find it necessary to make to the law of Quebec is to explain why it is that Quebec is not included in this Bill, as it was included in the Bill introduced in the lower House. Honourable gentlemen will find, in volume III of the Revised Statutes of Canada of 1886, at page 5, with regard to the Civil Code of the province of Quebec, that that province has a pretty complete code with regard to the annulment of marriage. There is one clause, section 185, which says that marriage is indissoluble—that there is no divorce in the Quebec law. But there is provision for the annulment of marriages, that is to say, for setting aside what on their face seem to be marriages, but which in reality are not marriages at all. That law antedates Confederation, and any one who would interfere with that law would require to give a great deal of study to the subject and to know a great deal more about it than I pretend to know.

Hon. Mr. MURPHY: So does ours.

Hon. W. B. ROSS: I am perfectly aware of that. Your law is archaic. It gives the Governor in Council judicial powers which I think would be better vested in the court.

So far as I see, there are few divorce applications to Parliament from the province of Quebec. I do not think that in the last ten years there have been more than four cases a year on the average. In one year particularly there was not one.

Hon. Mr. MURPHY: What about Prince Edward Island?

Hon. W. B. ROSS: There was one, I think. What I was going to say is that it would be a very serious thing to impose upon a province like the province of Quebec, where the great majority of the people are Roman Catholics, and, as I understand, conscientiously opposed to divorce, and where, I am also informed, a great many of the Protestant population are imbued with the same opinion—it would be a very serious matter to pass a law which would impose upon the province of Quebec the English law of 1870, which would be practically wiping out a large section of their Code. There are 36 sections of the Code that deal with the subject. So far as I am concerned, I would regard it as a very serious thing to interfere with the law of the province of Quebec, and unless some reasons are advanced for interfering with that law, I would be not only unwilling to

be a party to repealing it and enforcing another law upon the people of that province, but, further than that, I would oppose any attempt to do so.

Hon. Mr. CASGRAIN: Does the honourable gentleman say that we can pass Bills here for one province which will not affect the other provinces?

Hon. W. B. ROSS: Certainly.

Hon. Mr. LYNCH-STAUNTON: What is the honourable gentleman's authority for that?

Hon. W. B. ROSS: It is the sovereign power of Parliament.

Those are the reasons why I have left out the province of Quebec. The law under which the province of Manitoba has jurisdiction in divorce is chapter 33 of the Statutes of 1888, and the particular section reads this way:

Subject to the provisions of the next following section, the laws of England relating to matters within the jurisdiction of the Parliament of Canada, as the same existed on the fifteenth day of July, one thousand eight hundred and seventy, were from the said day and are in force in the province of Manitoba, in so far as the same are applicable to the said province and in so far as the same have not been or are not hereafter repealed, altered varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the said province, or of the Parliament of Canada.

That made the laws of England applicable to the province of Manitoba. The Privy Council has held that under that section the province of Manitoba has jurisdiction in divorce. Now, when we were dealing with the criminal law there was a great deal of consideration given to that section of the Manitoba Act, and an improved way of expressing the same idea was adopted. Section 12 of Part I of chapter 146, the Criminal Code, reads in this way:

The criminal law of England, as it existed on the fifteenth day of July, one thousand eight hundred and seventy, in so far as it is applicable to the province of Manitoba, and in so far as it has not been repealed, as to the province, by any Act of the Parliament of the United Kingdom, or by this Act or any other Act of the Parliament of Canada, and, as altered, varied, modified or affected, as to the province, by any such Act, shall be the criminal law of the province of Manitoba.

By section 1, of this Bill, the law of England as of the 15th day of July, 1870, as to the dissolution of marriage and as to the annulment of marriage, is made applicable to the provinces of Ontario and Prince Edward Island. So for those two respective provinces you will have a court that will have power to grant divorce for adultery and power to annul marriage where the marriage is contracted by fraud or on the ground of bigamy.

The rest of the Bill is, of course, mere detail. Section 2 provides:

The Superior Court of the province shall have jurisdiction for all purposes of this Act.

Section 3 says:

This Act may be cited as "The Divorce Act (Ontario and Prince Edward Island), 1920."

Section 4 repeals certain laws of the province of Prince Edward Island.

The question then arises, why I propose this Bill at all. I am not egotistical enough to put myself forward and claim that this is my Bill or that it originated with me. It is a notorious fact that there has been a great deal of agitation in the country for the creation of a divorce court, particularly for the province of Ontario. Now, I can see some advantage in having a court instead of having so many divorce cases from Ontario tried before this House. Of course, there is one section—

Hon. Mr. BELCOURT: Before my honourable friend passes on to speak of the objections, I should like to hear from him what would be the advantages. He seems to slip away from that. I think my honourable friend has turned the corner very sharply. What advantage would there be in the law which my honourable friend proposes?

Hon. W. B. ROSS: One of the advantages of transferring the jurisdiction to a court would be to remove this impression that is abroad. How far it is abroad I do not know; but I have read in the newspapers and have heard it stated on the public platform that every now and again, when a divorce is pending before Parliament, Parliament departs from the evidence and from the report of the committee, and that there is more or less of political or social pull with regard to the granting of divorce.

Hon. Mr. MURPHY: Will my honourable friend allow me a question?

Hon. W. B. ROSS: Yes.

Hon. Mr. MURPHY: Could you have any better judge than the chairman of the present Divorce Committee?

Hon. W. B. ROSS: That question answers itself. I may say that I have been on the Divorce Committee for about eight years, and as far as I know there were only two cases in which it was suspected that there was something wrong about the grant

ing of the divorce. Just how far that extended I never knew, and I do not know now.

Hon. Mr. BELCOURT: Is my honourable friend not prepared to say definitely that the committee was not affected in either of those cases?—or was it the other way?

Hon. W. B. ROSS: There was no effect on the committee, but I am not able to say whether or not there was any effect on others. It is just possible that there was. At all events, that is always possible. Of course, it is always possible to corrupt a court, or to corrupt a judge. However, if a judge is guilty of yielding to improper influence and is found out, of course he can be impeached; but you cannot impeach Parliament. So far as I have been concerned as chairman of the Divorce Committee, the House could turn down my report or accept it, or do anything else it desired with it. I have always taken the position that whatever the House did with the report would be perfectly satisfactory to me. I do not regard the action of the House in a personal sense if they decline to accept my report. I have done the best I could. However, I think it would be well to remove all possibility of political or social influence.

There is another point which I think would be gained by having a court. Honourable gentlemen will see by the Divorce Bills that are going through now that some of them were tried perhaps less than two weeks ago. They are now being given the third reading, and after they pass they become law, and are practically irrevocable. I do not believe in that myself. I believe in the decree nisi. In England, in the first instance, there is a decree nisi. It is not a final decree, but it is for six months, and during those six months the King's proctor can interfere. I was reading in the London Times only last week of a very interesting, a rather extraordinary, case—a case of interference by the proctor. I believe that there has been granted by the Canadian Parliament at least one divorce in which, if there had been a decree nisi, effective for even three months, and if there had been a King's proctor, there would have been an interference and the divorce would not have been granted. Not in this Bill, but in the second Bill which I have before the House, there is a provision which would be applicable to all the divorce courts of Canada, that the divorce must in the first instance be a decree nisi, and the Attorney General would be entitled during a certain period to intervene. Moreover, that would be a protection, because very often people will talk after the trial, when it is too late, and we have given an absolute decree in the first instance.

I think there is a notion abroad that divorce will be cheaper if the court is established to replace the system we now have. I know something about divorce courts in Nova Scotia, and I know something about divorce courts in England, and I am perfectly satisfied that divorce will not be one cent cheaper than it is now. Moreover, I doubt very much whether the cases will be any more carefully tried by a court than they have been by the Divorce Committee of this House. There has been considerable criticism, I see, in the Lower House about the way in which we have tried the cases, but I may say for myself that there has never been a report from the Divorce Committee in favour of granting a divorce regarding which I was not thoroughly satisfied that the case had been clearly proven. Such criticisms, of course, come from people who are not used to examining evidence. The fact of the matter is, the opinion of the man on the street with regard to the trial of a case before the Divorce Committee is not worth anything at all; it is not worth anything more than my opinion would be on a case of typhoid fever. The only person whose opinion is worth having, to my mind, is the opinion of those who have taken part in the trial of the case. There have been many very good lawyers, both from the Quebec bar and the Ontario bar; and if these leading counsel say that they are satisfied with the way in which the Divorce Committee has taken the evidence and disposed of the cases, I would attach very little value to what other persons may say. I have reason to know that the leading lawyers who have been before the Divorce Committee are satisfied that the cause has been as well tried as if tried before almost any of the regular courts of Canada.

There is this much gained by this proposed legislation, that there will be in the first instance a decree nisi and there could be interference by the Attorney General of the province. I think the public would recognize the advantage of that, and on the whole this would be in the public interest. There prevails a feeling that a divorce court would be much better than the present system, and so far as I can see there is no objection to the province of Ontario having a divorce court in answer to what I believe is the prevailing sentiment in that province.

You observe, honourable gentlemen, that the Bill is a very conservative one. In dealing with the question of divorce, you are

dealing with a subject that is of very first importance—a subject in which every one in the country whose opinion is worth considering would be deeply interested. I would of course regard it as a very serious state of things in this country if a Bill of this kind were to be treated as an insignificant matter. Divorce touches not only religious convictions but also the persons and the properties of the inhabitants of the country. From any point of view it is a serious thing. I would therefore inveterately oppose enacting anything like what might be called a divorce code, that is, a large body of legislation in regard to divorce. It is better to start at the point at which we are starting in this Bill. The law of England has been tried out for a great many years, and if any change is to be made in it, the change should deal with one thing at a time, and due notice should be given to every person concerned. Furthermore, every person dealing with the subject should endeavour to be absolutely candid. Any legislation you have ought to be as definite and clear-cut as it is possible to make it in the English language.

I have done my best with regard to this Bill, and I examined the Bill that was before the lower House, which was really in a way, almost a code with regard to divorce, and it of course raised a great many questions on which you could not expect anything like unanimity either in this House or in the lower House. It must be remembered that the divorce law is exceedingly technical. I do not know any branch of law in which there are more pitfalls than in the law of divorce. I need not enter into an exposition of what these things are; but I can say that after a good many years' experience, I found that to be true. Divorce affects not only religious convictions, it affects children; it not only affects the status of the parties in their own country, but it has an international aspect. It is a very serious thing for a woman to get a divorce in one country, then go to another country and get married, and afterwards have the question raised whether her divorce was valid or not. The subject is a big one, and for this reason I think that any changes that are to be made in the divorce law of Canada should be made one at a time, or as nearly in that way as possible, so that every question might be thoroughly threshed out and the whole subject dealt with in a conservative spirit. I for one am not at all in favour of any great extension.

I do not know that there is anything else that I want to say on this matter at the present time. There is another Bill that I will of course speak to when I come to it. It will of course have some relation to this Bill. I have interfered as little as possible with existing institutions. All the provinces have been left exactly as they were, except Ontario, which has no divorce law.

Hon. Mr. CASGRAIN: Honourable gentlemen, I have listened very carefully to what the honourable gentleman (Hon. W. B. Ross) has had to say, and, so far as I have heard, he has not advanced any good reason why this law, which he evidently thinks is a good one, should not also be made use of by those in the province of Quebec who believe in divorce. If it is a good law, why should the people of Quebec who believe in divorce be deprived of it? The honourable gentleman has said that he does not want applicants for divorce coming to Ottawa any more,—that it is better that the cases should be heard before a court. I suppose that is the purpose of the law. I thought he would advance some good arguments why he would not allow the people of Quebec who believe in divorce and want divorce to have that law apply to them. Why make bone of one and flesh of another? I thought all the provinces had equal rights. I am speaking for the Protestants of the province of Quebec, and I think they are entitled to equal justice with the Protestants of the other provinces. God knows they get it.

Hon. Mr. POPE: Order.

Hon. Mr. CASGRAIN: Who says order?

Hon. Mr. POPE: I do.

Hon. Mr. CASGRAIN: Has the honourable gentleman any complaint of the treatment of Protestants in the province of Quebec? This might be a good law, and I might vote for it, but I should not like to see my neighbours who are Protestants treated differently from Protestants elsewhere.

Hon. W. B. ROSS: I will say to the honourable gentleman that, if he will introduce a Bill to give the Protestants of Quebec the rights he speaks of, he will find where his difficulties begin.

Hon. Mr. PROWSE: Honourable gentlemen, I see that this Bill deals with the largest province and the smallest province in the Dominion of Canada. The smallest province does not need this legislation; the

largest may. In the province of Quebec they do not believe in divorce. I have not had a chance to read the Bill, and therefore I would move that this order be discharged and placed on the Order Paper a little later, so that we may have an opportunity to look it over.

Hon. Mr. MURPHY: Would the honourable gentleman say when he wants it discussed, or how long he wants to think it over?

Hon. Mr. POWER: The honourable gentleman has had several years to think over this question.

The Hon. the SPEAKER: The honourable gentleman had better move the adjournment of the debate; his motion will then be in order.

Hon. Mr. PROWSE: Then I move the adjournment of the debate.

Hon. Mr. BEIQUE: Honourable gentlemen, before this motion carries, I desire to say but one word, as I may not be here when the debate is resumed.

Hon. Mr. MURPHY: Mr. Speaker, can the honourable gentleman speak to a motion for the adjournment of the debate?

Hon. Mr. BEIQUE: I have a right to speak on the motion. The reason I am rising to say a word or two is because of a remark made by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain). Those of the faith to which I belong adopt the practice of not voting on a divorce Bill because they are opposed to divorce on principle. I have no intention of voting on the Bill which has been presented by the honourable gentleman from Middleton (Hon. W. B. Ross); but I desire to compliment the honourable gentleman on having left the province of Quebec out of his Bill. The divorce law is one which is repugnant to the customs and ideas of a large proportion of the people of that province, and I think it is very proper on the part of the honourable gentleman to respect the opinions of that large proportion of the people in leaving out that province as he has done. There was an excellent reason for doing so because of the fact that those in the province of Quebec who have no objection to divorce or who believe in the law of divorce can have their remedy before this Parliament.

Hon. Mr. PROWSE: I rise to a point of order.

Hon. Mr. BEIQUE: In the province of Quebec we have a law which provides—

Hon. Mr. PROWSE: I rise to a point of order. I moved the adjournment of the debate. I may be wrong, but I do not understand why the debate is still going on. If I am wrong, I want to be corrected.

Hon. Mr. DONNELLY: If I understand the honourable gentleman from Prince Edward Island (Hon. Mr. Prowse), I think his object in moving the adjournment of the debate was that he might have an opportunity of discussing this question before voting upon it. I do not think he has any objection to letting others discuss it so long as the question is not decided at this sitting of the House. Perhaps I am not right, but that is what I understand. If that is the case, I think he might withdraw his motion at this stage, and move it later.

Hon. Mr. MURPHY: I rose to a point of order, and I insist upon the point of order.

The Hon. the SPEAKER: I am of opinion that on a motion for the adjournment of a debate every honourable member is at liberty to discuss the question. The point is not well taken.

Hon. Mr. BEIQUE: I was saying—

Hon. Mr. MURPHY: Mr. Speaker, I move that the House do adjourn.

Some Hon. SENATORS: Order.

Hon. Mr. BEIQUE: In the province of Quebec we have a law which was referred to by the honourable gentleman from Middleton (Hon. W. B. Ross) which provides for the annulment of marriage; but of course it is limited to cases in which the essential formalities for the marriage have not been complied with. In addition, we have what is called the separation from bed and board, which, however, does not entail the dissolution of the marriage, but merely the separation of the consorts. It is a law which is resorted to in a great number of instances. As far as divorce cases are concerned. I think that up to this Session there has been only one from the province of Quebec at the instance of a Catholic; and, as was truly stated, from the time of Confederation to the present day there have been only a very few cases from that province.

An additional reason why this law should not be extended to the province of Quebec is that it would be repugnant to a large majority of the members of the Bench. If the law were extended to Quebec, they would be called upon to administer a law which would be repugnant to their opinion and their conscience; so I think the hon-

ourable gentleman is well advised in leaving the province of Quebec out of his Bill.

Hon. Mr. MURPHY: I do not question the intention of my good friend from Middleton (Hon. W. B. Ross). I believe that he thinks what he is doing is for the betterment of our divorce laws. I do not think very much of our divorce laws, and I do not believe in divorce, I have sat in the divorce chamber, and have listened to the evidence, and I believe the committee have been doing everything they could to deal with this matter properly. If my good friend had not introduced Prince Edward Island into the matter, I would have allowed the Bill to pass without any objection. But Prince Edward Island has a divorce court under a statute of William IV, and therefore is perfectly capable of doing the work that the honourable gentleman wants to give us the authority to do by a statute of the Federal Parliament. Under this Bill Quebec is placed in a different position to the other provinces. I feel that it is a slight on the province of Quebec that it should be signalized by being left out. There is no special reason why my good friend should not have made the people of that province amenable to the ordinary laws. I think the members from the province of Quebec will not feel flattered that a law should be passed especially exempting their province. It would seem that its people are somewhat different from the people of the other provinces. But that is only the first objection that I take to the Bill of my honourable friend, although, of course, I do not want to speak for the province of Quebec, because there are men here from that province who are capable of speaking for themselves.

In Prince Edward Island we have a divorce court, as I said, established under a statute passed in the days of William IV, prior to the time when we entered Confederation. The fact that we have had only one divorce case in the history of that province shows how moral we are. That case came up in Prince Edward Island, and the Government, of which my, honourable friend from Souris (Hon. Mr. McLean) was a member refused to constitute the divorce court, and the case had to come to Ottawa. If I could be induced to believe in divorce at all, I believe that that was a case in which a divorce was allowable. A man—and he had eight children—was left by his wife—and I am sorry to put this on the records—and in a way it was to legitimize the children that I agreed not to fight the divorce, which I would have done under other circumstances.

An Hon. SENATOR: Eight children by another wife?

Hon. Mr. MURPHY: No, by the one wife. If honourable gentlemen subscribe to the principle that there is reason for divorce, they should make the law reasonable. I want to circumscribe divorce. I do not know what the feeling of my honourable friend from Souris (Hon. Mr. McLean) is in regard to this Bill, but I say as we have a court in Prince Edward Island, leave the question to us. We do not want the Federal Government to override our authority.

Hon. Mr. DOMVILLE: If I may interrupt: The honourable gentleman will remember that we had a big struggle here on the temperance question, and gave prohibition to Prince Edward Island, and what became of it?

Hon. Mr. MURPHY: We were the first prohibition province. That may have been awkward for my honourable friend and myself, but we had prohibition, and I want to tell my honourable friend that it was better enforced in Prince Edward Island than it has been in any other province.

Hon. Mr. DOMVILLE: They had more liquor.

Hon. Mr. MURPHY: There was some if you had a doctor's prescription. However, we want to be serious now. To my mind, divorce is always a serious question; it is not something to be laughed and jeered at. There should be one law for all; I think we all admit that. We do not want to segregate the province of Quebec. I am surprised at my good friend from Middleton saying that the province of Quebec should be left out, as if it were not good enough to be put under the general law. The province of Quebec has been a thorn in the side of a great many people; at the same time it is the best province in our Confederation. We want to talk as man to man. In my opinion we shall need the province of Quebec in the next five years to save us. That is the most conservative part of our Confederation, and we do not want to put it in an anomalous position by any law that is passed; and knowing the breadth of view of my good friend from Middleton, I am surprised that he should ask any special favour for that province. They do not need it. As for Prince Edward Island, we do not want a special Act

for ourselves. I am sorry to disagree with the honourable gentleman from Middleton, because we usually see eye to eye on most things; but I think his Bill is ill-timed, and that it would be unfortunate if we were to enact such legislation, and I would suggest to him that he withdraw the Bill.

Hon. L. G. POWER: I have always been very strongly opposed to divorce, and have been consistent, I think, in my action with respect to the cases that have come before this House. But it strikes me that we have really got to a stage when the matter has to be considered. When, eight or nine years ago, we had four or five divorce cases, the Divorce Committee was quite competent to deal with that number. I will say of that committee that it has always dealt with the cases that came before it in a most satisfactory manner. I do not think there is any court in the Dominion which could have discharged the functions assigned to that committee better than they have been discharged. But, honourable gentlemen, look at the position to-day. As I understand, there are over one hundred applications for divorce. That just means that if the committee are to try all those cases and give proper attention to them, the committee and the House practically will have almost nothing to do except to deal with divorce cases. I think we ought to consider the position. I do not mean to say that I am in favour of the Bill, but I think there is that point to be considered.

The honourable gentleman from Middleton (Hon. W. B. Ross) spoke of the disapproval by the House of Commons of the action of the committee in the past. Now, every honourable gentleman here knows that, although we are supposed to be a criticizing and examining body, the House of Commons do criticize—I do not say in an unfriendly, but at any rate in a not very friendly spirit—all the actions of the Senate which are susceptible of criticism. Consequently I do not myself pay much heed to what the Commons and their friends say about the Senate's actions in connection with divorce. I have already said that the Senate court was a very good one.

With respect to the province of Prince Edward Island, I felt disposed, when I read the Bill first, to suggest to the honourable gentleman from Middleton that he should not make the Bill apply to the province of Prince Edward Island. The honourable gentleman from Tignish (Hon. Mr. Murphy) has expressed his feelings in the matter. Inasmuch as there has been, as I understand, only one divorce in the province of Prince Edward Island for over forty years—

Hon. Mr. MURPHY: There never was more than one.

Hon. Mr. POWER: I would suggest to the honourable gentleman from Middleton that it is hardly worth while including the province of Prince Edward Island.

Hon. Mr. MURPHY: It would put a stigma on us.

Hon. Mr. POWER: As to the province of Quebec, the honourable gentleman from Tignish (Hon. Mr. Murphy) seemed to think that we should not deal differently with the various provinces, but the honourable gentleman apparently forgets that on a great many very important matters—

Hon. Mr. MURPHY: Yes, provincial matters.

Hon. Mr. POWER: —there are special laws applied to separate provinces. With respect to Dominion lands, for instance, the new provinces in the West have not the same right to deal with their lands as the old provinces of the East have.

Hon. Mr. MURPHY: Will the honourable gentleman let me ask him a question? On a question of morality should the province of Quebec be dealt with differently from the other provinces? This is a question of morality.

Hon. Mr. POWER: I was not talking about morality.

Hon. Mr. MURPHY: You were talking of lands, but this is a question of morality.

Hon. Mr. POWER: I was speaking of the objections which the honourable gentleman took to treating Quebec differently to the other provinces. What I understand from the honourable gentleman from Middleton, and what I think we all understand from what we read and hear and see, is that the people of the province of Quebec, as a body—not as Catholics or Protestants, but as a body—are opposed to divorce—to the creation of a divorce court which will apply to that province.

Hon. Mr. MURPHY: They are well trained.

Hon. Mr. POWER: As has been pointed out already, if a married man or woman in the province of Quebec thinks that he or she is called upon to apply for a divorce, why, Ottawa is very convenient to Montreal, and not very far from Quebec, and the

cost of getting a Bill through the committee is really not any greater than the cost of getting a judgment through a court.

I feel that, at any rate, we should not be unfair to the honourable gentleman from Middleton. Looking at the views that he entertains, I think that the Bill which he has presented is exceedingly fair and reasonable. But, if the honourable gentleman will allow me to make one other suggestion before I sit down, it is this. In the second clause of the Bill it is stated that the Superior Court of the province shall have jurisdiction for all purposes of this Act. In the provice of Ontario there is a special court known as the Superior Court. It is the same in the province of Quebec, as I understand. In the provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and in the Western Provinces, there is no court known as the Superior Court. I think that instead of "the Superior Court," this should read, "a Superior Court."

Hon. Mr. MURPHY: With the consent of the House, I would like to say that we have in our province a special court which can be constituted at any time and which is similar to the committee that tries the cases here. Now, why should my good friend from Middleton (Hon. W. B. Ross) want to foist on us another court of his own? We do not require that court. As the honourable gentleman from Souris (Hon. Mr. McLean) will tell you, we have full authority, and have had that authority since the days of William IV, to try these divorce cases in our province. I protest against this Bill on these grounds.

Hon. HEWITT BOSTOCK: Honourable gentlemen, this question is one to which the honourable gentleman from Middleton (Hon. W. B. Ross) has given a great deal of attention and consideration, and I want to congratulate him on the work he has done on this Bill and the following one. Owing to the way our Minutes were printed this morning, I did not think these Bills had been printed, for there were no letters, "E, F," after them. Therefore, I did not realize that the honourable gentleman was going on with these Bills to-day, and I have not had time to give as much consideration to them as I otherwise should have done.

This question is a very important one, and one that I think we in this Chamber should thoroughly discuss. From the remarks of my honourable friend from Middleton I judge it is his desire that there be a full discussion. Although at the time of Confederation it was considered that divorce ought to be left in the hands of the Parliament of Canada, conditions throughout the whole Dominion have considerably changed, and it is only right that the present situation should be considered. As honourable gentlemen are aware, the only provinces in which divorces are not granted to-day are Ontario and Quebec. In all the other provinces there is some form of court for the purpose of dealing with divorce. The trouble is, I understand, that provinces like British Columbia and Alberta are under an old law of England which is out of date and not altogether suitable for the conditions under which they are working. Therefore I think it is very much better in the interests of the Dominion that some legislation of the kind now proposed should be passed by this Parliament for the purpose of bringing the divorce law of the Dominion up to date, and for the benefit of the litigants. Every one in Canada who considers the question of divorce must regret that such a thing is necessary at all in this country, or in any part of the world. The marriage tie is a very solemn tie, and we are all taught that the contract should be binding for life; but unfortunately human nature is so constituted that it is sometimes considered advisable, in the interests of the country and the people generally, that some dissolution of that contract should be made possible. Consequently throughout the whole of the British Empire to-day there are laws permitting of divorce.

If this measure is passed, the situation, I understand, will be that the various provinces will have courts for the dissolution of marriage, and the people of those provinces may go to those courts for the purpose of obtaining divorce; but at the same time no one will be prevented from coming to this Parliament for a divorce if he so desires. A very similar situation exists in England at the present time. There have been divorce courts in England for a number of years, but in the case of a divorce application from Ireland the parties have to go before the House of Lords. The same procedure applies in the case of a divorce between British subjects in India; it is dealt with by the House of Lords.

My honourable friend (Hon. W. B. Ross) has dealt with the objections that may arise in regard to cases coming before the committee. Every honourable member of this House must realize that the large number of cases coming before Parliament entail a great deal of work and considerable expense in the printing of Bills and in hav-

ing them put through both Houses; and the time has arrived when we ought to consider this question and see if something cannot be done to relieve the present situation. I therefore congratulate the honourable gentleman upon having brought these Bills before this House.

Hon. Mr. BELCOURT. Honourable gentlemen, I am not going to vote one way or the other on the second reading of this Bill; but, for the edification and possibly the enlightenment of honourable gentlemen, I would like to translate a description of a divorce court which appeared some years ago in that great French paper, Le Figaro, of Paris:

> The Fourth Chamber of the Tribunal of the Seine held a hearing which lasted four hours, during which time it granted a little over one divorce a minute. All this was done with the utmost decorum by means of three gentlemen, all well robed, who mumbled the proceedings, one cranky gentleman supposed to do the petitioning, and a fifth gentleman who took notes. This social ante-room of hell, occupied by grave men who are breaking up society by means of the law and under the image of Christ—

Honourable gentlemen will remember that in all the French courts there was a crucifix over the tribunal—

> —seems quite respectable. However, all this will have to be paid for, you may be sure. Every thing has to be paid for. By the fault of the legislator, with complicity and almost temptation on the part of the courts, free love is gradually replacing marriage. It is destroying the family. It delivers the husband to alcoholism, the woman to prostitution, and the children to precocious vice. Facts like these throw a very disquieting light upon the whole social state.

I am not going to make any comment of my own, but I would ask honourable gentlemen who are going to facilitate or permit in Canada what is described here—I would ask them to consider seriously before passing legislation of this kind.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I am going to vote against this Bill. I am not going to vote against it simply because, being a Christian, I believe it is flying absolutely in the face of what our Lord and Saviour laid down as a law binding upon all Christians; for I know that the world, nearly every country in the world, have seen fit to amend His law. But I am going to vote against it because I believe it is not right for any Christian people to facilitate divorce in any possible way. I quite recognize that it is not logical to sit in this House and allow Bills to pass, as they have been passing year after year, without entering a protest against them, and afterwards to set out to oppose the mere transference of the jurisdiction from one tribunal to another. I do not purpose justifying my conduct on logical reasoning. I have listened attentively to the presentation made by the author of the Bill (Hon. W. B. Ross). He pointed out that the reason why he excepted the province of Quebec was that the people of that province have imbedded in their statutes a law which allows only the declaration of nullity of a marriage ceremony, and does not allow the dissolution of marriage. The honourable gentleman of course really means to say that he knows that the overwhelming opinion of the people of Quebec is against divorce. He believes that the opinion of the province of Ontario is for it. That is no reason why any man should cast his vote in favour of the measure. The question to be determined by any man in deciding whether to cast his vote for or against a measure is whether it ought or ought not to be the law. If the great mass of the people wish for something which in my conscience I believe is wrong and against public policy, the desire of the people is no argument that appeals to me.

Now, what are the reasons given for the establishment of this court? The reason given first, by the man on the street, is that this committee is a rich man's court. I quite agree with the author of this Bill that that is an unsound reason, because divorce will cost quite as much in a provincial court as before the Senate. If that is not so, you can reduce the cost of a divorce before the Senate by not charging anything for introducing the Bill, and so forth.

Another reason why I shall vote against this Bill is just this: the nearer you bring the mill to the grist the more grist there will be. In England, lately, divorce was made easier, and last year there were 10,000 cases on the list waiting to be tried. Such legislation is encouraging the people to apply for divorce, and no man, no matter what his beliefs may be, if he has any right notions of morality at all, will dispute the statement that we should so far as we can discourage the dissolution of the marriage tie. I was told the other day that in the United States there are a million cases of divorce a year. It is simply dreadful. Whereas people used to shun divorcees, to-day they think no more of welcoming them into society than if they were legitimately, virtuously married people. Apparently we have lost all idea of adultery being not only a crime but a disgrace. We

have lost all idea that we should protect the children of the country against illegitimacy, and that we should not encourage their parents absolutely to scoff at that which is the foundation of society. So long as I am a member of this House I shall never do anything to facilitate divorce.

The honourable the Chairman of the Divorce Committee says that there are more divorces than ever before. Well, I think there are for the time being, while the morality of the world is upside down, as it is at present. But I do not think this will continue. I do not think that in years to come we shall have any more divorces in proportion to the population than we have had in years gone by. If you establish courts, and cases are tried in Hamilton, London, Toronto, and so on, what are you doing? You are advertising the fact to the people that all they have to do is to go to a lawyer and apply for a divorce. The Senate Committee, to the great mass of people, is a mysterious body. The people think it is hard to get at. What is the result? They reconcile their differences. I consider that this country is the most virtuous country on the face of the earth. I consider that the people of this country are better morally and have less scandal in their lives than the people of any other country in the world. In any State in the Union, where five or six are gathered together, you cannot speak to anyone in disparagement of divorce because one of them is almost sure to be a divorcee.

Why establish a court? It is admitted that it is not more expensive to come here for a divorce than it would be to go to a court. It is admitted that the people who come here get a fair trial. The only reason the honourable gentleman has advanced—and he has had years of training and of experience—is that under the new practice we shall have a decree nisi which may be reversed in six months. Under existing conditions why could not cases be heard in one Session and the passing of the divorce Bill be allowed to stand over until the next Session? The honourable gentleman will not deny, I think, that the facility of the process will increase the number of applications which will be made. This is interfering with the most sacred relations between man and woman. It is interfering with the rights of children. It is dissolving marriage, and not only those who are leading improper lives, but those who will be brought into this world, will be affected by it. We should not deal with this question until we find that there are stronger and more important reasons for doing so.

Hon. Mr. MURPHY :I would remind the honourable gentleman that, in one case in which a divorce was refused last year, the parties went back and lived together.

Hon. Mr. LYNCH-STAUNTON: I have known of many such cases. Many people have come to me concerning their family troubles, about the infidelity of the husband or the infidelity of the wife. Any lawyer, in any kind of practice, knows that there are many such cases. But I have seen case after case reconciled. I have had the pleasure of reconciling such people, and telling them that for the sake of their families they should overlook that which in this country is considered the only ground for divorce. If they go to a lawyer, and he is keen to issue a writ, the case gets into the papers, and under this Bill away it goes. I say, in all confidence, that if we allow the provincial courts in Ontario to deal with this matter, we shall break up many families which, if they had to come to Ottawa, would not be broken up. I dare say that in twenty cases it will be far better to save one family than to pass a law facilitating divorce for those whom we cannot save.

The honourable leader of the Opposition has said that if we pass this Bill we shall bring our law up to date. I cannot see any reason on earth for doing that. In the United States persons can get a divorce if they have cold feet: all they have to do is to possess fifty dollars. If that sentiment grows in this country we shall have the public saying that we should give a divorce for something less, and something less, and something less, and there will be honourable gentlemen in this House who will stand up and justify it, absolutely ignoring the question of morality, to bring our law up to date. As Carlyle says, it is a mess of wrong and sentimentality to argue that it is wrong to prevent divorce between people who disagree. People have told me that when they were married they agreed that if they did not get on together they would consent to a divorce. That is a common thing in the United States and it will be a common thing here. I have no doubt that in many cases brought here there is collusion, and I have no doubt that if such cases were tried in the assizes there would be double the number of divorces that there are at present.. I cannot see any evil that has resulted from allowing people to come to the Senate that is going to be remedied by passing this Bill; but I do think that by facilitating divorce we shall increase the number of cases, and therefore I am going to vote against the Bill.

Hon. Mr. BOYER: Honourable gentlemen, it strikes me that this matter of divorce might be very much simplified and the number of cases diminished considerably if the committee made a point of decreeing that the person found guilty of causing the divorce should not be allowed to marry again.

Hon. Mr. MURPHY: You cannot do that.

Hon. Mr. LYNCH-STAUNTON: Yes, you can.

Hon. Mr. BOYER: Why should the committee thrust into a new family a man or a woman guilty of the only act for which a divorce can be granted? If what I suggest were made part and parcel of the decision of the committee, people would think twice before they would come here asking for a divorce. There could not possibly be any collusion. Why does not the committee give it a trial? After all, if a man or a woman is found guilty of an offence which justifies them in not living together, why should he or she be allowed to marry another and bring into existence a new family, and perhaps make it as bad as the first one? It was only the other day, I think in a New York divorce court, that one of the judges threw up his appointment in disgust. The cases brought before him were so trivial, and the reasons given for asking for a divorce so infamous, that he would preside no longer. One case cited was this: Mrs. Brown came before the court and complained about Mr. Brown's conduct. Mr. Brown was summoned before Judge So-and-So, and the wife was there. Each of the parties had a lawyer. When the wife was questioned about what grievance she had against her husband, she did not answer. So the judge pressed the question, and what followed was something like this: "Are you not treated properly?" "Yes." "Don't you get all the care and food and dresses you require?" "Yes." "Does not your husband allow you so much money every month?" "Yes." "For God's sake, what do you require a divorce for?" And do you know what the answer was? "Kind of lost my taste for him."

Such are the reasons given in the divorce courts of the neighbouring country. Are we going to catch the contagion? Make it a rule that a person found guilty before the Divorce Committee shall not be allowed to marry again, and try that for a few years, and see the effect.

Hon. Mr. McMEANS: Can the honourable gentleman tell us if the lady he referred to got the divorce?

Hon. Mr. LYNCH-STAUNTON.

Hon. Mr. PROWSE: Honourable gentlemen, the reason that I asked for the adjournment of this debate was because I saw in the Bill these words:

> The law of England as to the dissolution of marriage and as to the annulment of marriage.

I do not know what that law is, and I do not suppose that there are ten honourable gentlemen in this House who do know. This Bill refers to Prince Edward Island and to Ontario. My honourable friend from Hamilton says that he does not believe in divorce, and I am glad of it: he is a happy man. I can tell you of a case in Prince Edward Island, where the people have not got too much money, of a returned soldier who came to me and wanted to know how he could get a divorce. He returned from the front after spending three years there, and fighting hard and well. He was married to a good woman. He wired from Halifax that he was coming home. He arrived home that night, and she took the train the next morning and went away. That poor chap has not got a chance in the world of getting a divorce. He has to bring a lawyer at twenty-five dollars a day and witnesses to Ottawa, whereas, if there were a divorce court near, all that he would have to do would be to apply for a divorce and prove his case. It is an utter impossibility for a man who has not got the dollars to come up here and prove his case. There are arguments that might be used both ways, and that is the reason I moved the adjournment of the debate until we might look into this question and see what the result ofthis Bill would be.

Hon. Mr. DANIEL: Honourable gentlemen, I think we might all very fairly congratulate the honourable gentleman (Hon. W. B. Ross) who moved the second reading of this Bill on the clear exposition which he gave of the whole matter, and his reasons for bringing in the Bill. I take it that there is no other member of this body who is so well acquainted with the subject matter of divorce in this country, in its various provinces, as the honourable gentleman from Middleton.

I should not care to enter into a discussion as to the merits of divorce as a proceeding moral or immoral, because I take it that for all purposes a large majority of the people of this country, outside of the province of Quebec, have decided that they desire to have divorce under certain circumstances.

Hon. Mr. LYNCH-STAUNTON: When did they say so?

Hon. Mr. MURPHY: I do not believe it.

Hon. Mr. DANIEL: Of course, I am not responsible for the amount of evidence that is necessary to make any honourable gentleman believe a thing: that is a matter for himself entirely. I think we can take it for granted, by reason of the number of applications for divorce, not only here, but in the various provinces that have courts for that purpose, that that is so. Every province of this Dominion, with the exception of Ontario and Quebec, has now a divorce court of its own. As a matter of fact this Parliament is busy now with divorce cases from practically one province alone, and the number of applications from the province of Ontario has so increased that it becames a question as to the ability—

Hon. Mr. MURPHY: I second the motion for the adjournment of the debate.

Some Hon. SENATORS: Order.

The Hon. the SPEAKER: The honourable gentleman has no right to interrupt the speaker.

Hon. Mr. MURPHY: I seconded the motion for adjournment. It was not seconded before.

Hon. Mr. DANIEL: I have no doubt that the honourable gentleman, if he wants to speak on this matter again, will have an opportunity of doing so; but I might remind him that he has spoken a good many times already this afternoon, and he might allow other gentlemen to have their turn.

The number of cases that are coming in at this session is such as to tax the time at the disposal of any committee to attend to them, and I think every one must have noticed often in the press of Ontario, and particularly the Ottawa press, an expression of the desire to have this matter taken out of the hands of Parliament and placed, like all other civil and criminal cases, in the hands of properly constituted courts of justice. There is a great deal to be said for that. Courts are established and judges are paid for the purpose of administering justice, and they have all the necessary appurtenances to carry on such business as that.

There is another thing which to my mind is a serious objection to divorce being granted by Parliament, and that is that every now and then cases occur in which an unusual degree of interest is taken by different members of this or the other House, and there is much canvassing going on, with the result that occasionally justice is not carried out in the way which the merits of the case would lead one to expect. In cases of that kind it is, I think, a serious objection that these matters are left to a body composed, as Parliament is, of so many different members who are susceptible to influence. So I think it would be better to have this Bill become law, and to establish in Ontario a court which could deal with nearly all the cases which are coming before Parliament now. Let them dispose of their divorce cases without troubling Parliament. With regard to the province of Quebec and whatever cases may arise there, application may still be made to Parliament to deal with them. For these reasons I intend to vote in favour of the Bill.

Hon. Mr. McMEANS: I do not know that I can add anything to what has already been said; but I desire to point out to this honourable House just one fact. The right of the province of Manitoba to grant divorces was not known in that province until quite recently. From the time that Manitoba entered into Confederation up to six months or a year ago it was generally assumed that Manitoba had no right to grant a divorce. Some enterprising lawyer looked into the question and came to the conclusion that the province had that right. A test case was sent to the Privy Council and it was decided that Manitoba always had the right to grant divorce. So far so good. But I want to point out this: that if that lawyer had been wrong, and if Manitoba and Saskatchewan had no divorce courts today, the Senate, instead of struggling with 100 divorce cases, would be more likely to have 500. We know that these numerous applications for divorce are a direct result of the war. The vast majority of cases that have been brought before the Manitoba court and before the Committee of the Senate have been directly traceable to the war. Would my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) want all the divorce cases brought from Manitoba and tried here in the Senate?

Prior to last year innumerable cases in which people were anxious to obtain divorce were tried on the other side of the line. Men or women went to Dakota or Montana or Nevada, stayed there three or four months, obtained a divorce, remarried there, and then came back to Canada to live. In that way there was raised the question whether any issue of the second marriage would be legitimate or not.

Speaking of divorce generally, we must all acknowledge that no matter how deplorable it may be, it has existed from time immemorial. I have never known of a time in the history of the world when the question of divorce was not before the people. Even in the faith to which the honourable gentleman from Hamilton belongs, we know that persons professing that faith, when they were not allowed a divorce, made appeals to the Pontiff himself and divorces were given.

Hon. Mr. MURPHY: Never.

Hon. Mr. LYNCH-STAUNTON: Never in the history of the world.

Hon. Mr. McMEANS: I do not know if my recollection is right. We will go back to the time of the early church. Were there not reasons why the Pontiff himself cancelled marriages?

Hon. Mr. LYNCH-STAUNTON: No, no.

Hon. Mr. McMEANS: I may be wrong, and if I am I am glad to be corrected. It does not make a bit of difference as to the general result. It is of course an unfortunate thing that these things happen, but we must deal with them as existing facts. I must take exception to one statement made by the honourable gentleman from Middleton. I think he was wrong. I believe it costs a great deal more for a person to come to the Senate from Manitoba or Saskatchewan in order to obtain a divorce.

Hon. W. B. ROSS: Oh, yes. I was not referring to the Western Provinces.

Hon. Mr. McMEANS: I know that in Manitoba the average cost of a divorce in an undefended case would not exceed $200, and I am sure that no man could employ counsel and bring witnesses here for any such sum as that. I have listened to the hearing of one or two cases and I know that the fees run pretty high. I think the man is fortunate who escapes without having to pay $2,000.

Some Hon. SENATORS: No, no.

Hon. Mr. McMEANS: Or $1,000 at the least; and if it is a contested case the cost might go as high as $10,000. But I am sure $1,000 will not pay the cost of a Manitoba divorce which has to be tried in the Senate.

Hon. W. B. ROSS: When I made that statement I was referring to the existing laws, having in mind that the Western Provinces have their courts.

Hon. Mr. McMEANS.

Hon. Mr. POPE: Honourable gentlemen, I sympathize with the honourable members of this House who represent communities that are so exceedingly immoral that they feel the absolute necessity of bringing closer to their domiciles courts for the purpose of severing matrimonial alliances. Those honourable gentlemen have my deep sympathy. Fortunately, I come from the province of Quebec; I represent the minority of that province; and if you look over the records of the divorces granted by the Senate, you will readily understand why I am not in favour of divorce, for that community has made fewer applications for divorce, in proportion to its population, than has any other community in the Dominion of Canada. The minority in Quebec is a Protestant community. The Eastern Townships, which I have the honour of representing, are situated close to the international boundary line. They, as you know, border upon Maine, Vermont, New Hampshire, etc., and the light and immoral manner in which the matrimonial bond is viewed on the American side of the line has certainly made a very profound impression on our people of the Eastern Townships. We regard the matrimonial alliance as a very solemn and complete contract. I will admit that some of us are asked now and again to offer advice to a neighbour or to help compose little differences of opinion between husband and wife. In most cases we have found that the trouble is not of a very aggravated character. Quebec is being excepted in this Bill, and I do not want it to go out that the reason for excepting it is entirely because of the views of the French Canadian, Roman Catholic community of that province. As a representative of the Protestant community of Quebec, I wish to join my voice with that of the representatives of the majority in Quebec, and I for one am ready to vote for the exemption of Quebec. Impressed and influenced by the people amongst whom I live, and being of this opinion, I cannot vote for this measure. Adjournment has been proposed by my honourable friend from Charlottetown (Hon. Mr. Prowse). I sympathize with that, because I could not understand any of the arguments presented by my honourable friend from Middleton (Hon. W. B. Ross). My view is, as I have stated, controlled entirely by the people amongst whom I live and for whom I believe I speak. We are opposed as a whole to divorce, and to the facilitating of divorce, and we are in favour of allowing the cost of obtaining a divorce

to be $1,000 or $2,000. In fact, honourable gentlemen, I would not care if the cost were $5,000, for I believe that the less we dissolve the solemn matrimonial alliance the better for the future of Canada and for the citizenship of this country.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, it might possibly be more discreet for me not to project my views into this discussion, but, having pronounced views on the question, I feel that, entirely irrespective of the element of discretion, I should not hesitate to express myself upon a matter which appeals so strongly to my common sense, however it may appeal to others. This is peculiarly a question as to which tribunal is the better able to try divorce cases—the high court in the province of Ontario or the tribunal of Parliament. It resolves itself into that simple question. We have always been accustomed without any hesitation to pronounce the highest eulogies that we could express upon the courts of the realm. We have been accustomed, and very properly so, to place the greatest confidence, not only in the honesty and the honour of the courts, but also in their ability to deal with complex questions of civil and criminal law. Reasoning along this line, would any honourable member of this Senate for one moment advocate that Parliament, in preference to the courts of the Dominion, should be the tribunal for the trial of cases of contract? Could any honourable gentleman be found who would urge that a parliamentary committee, made up of representatives of both Houses of Parliament and afterwards sanctioned by both Houses, should be the tribunal to decide questions of criminal law? Why, it is unthinkable that any one would advocate any such proposal.

That being the case, and our minds being absolutely clear as to which is the more competent authority to determine questions of that kind, let us for a moment consider what is the question to be tried. Not only in every province of Canada, but throughout the Anglo-Saxon world—the British Empire and the United States of America—wherever there is a system of jurisprudence in any way analogous to that under which we are living, marriage is regarded as a civil contract and not as a sacrament. Of course, honourable gentlemen are at liberty to regard it as a sacrament, but we are legislators and as members of this Parliament are entrusted with administering practically the civil law, and the criminal law so far as Parliament has authority to deal with either. Marriage in England, marriage in the United States, and marriage in Canada except in so far as it is associated in the province of Quebec with the idea of its being a sacrament, is regarded as a civil contract.

Hon. Mr. BEIQUE: The honourable gentleman is losing sight of the Church of England.

Hon. Sir JAMES LOUGHEED: Well, that may be; but the views which may be held by the Church of England, or the views which may be held by the Roman Catholic Church, or the Presbyterian or the Methodist Church, do not necessarily constitute the views held by the State on this question and which from time to time are crystallized in our laws. We are here, not at all for the purpose of considering what may be the traditions, or the prejudices, or the sympathies of any particular church or religious body; we are here in the capacity of civil legislators; we are here to divest ourselves of our theological views and to do our duty as legislators.

Hon. Mr. LYNCH-STAUNTON: Do we exclude morality as well as religion?

Hon. Sir JAMES LOUGHEED: I will deal with that in a moment. We are here to administer the laws of Canada as we find them, and we must not be prejudiced, or limited in our action by any political or religious prejudice or sympathy. Honourable gentlemen can well appreciate the position in which Parliament would be placed if we adhered to any other doctrine. If we adopted the attitude taken by honourable gentlemen who have an antipathy, or religious antagonism, or prejudice, against divorce, and if we adopted a similar attitude with regard to the other duties which fall upon the shoulders of members of Parliament, what would be the outcome? Why, Parliament would be such a medley of confusion as would result in the State being futile to legislate on any subject.

My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) asked me a question as to morality. I must say—and I say it with an earnest desire to avoid giving offence to any of my honourable friends—that in this discussion it did seem grotesque that some honourable members, while taking the position that divorce is unchristian, should at the same time advocate that we make use of the machinery which we have in the Senate for the granting of divorce, and thus preclude the courts from dealing with it.

If my honourable friend believes that divorce is so unholy, so unchristian, that he cannot for a moment give recognition to the principle which is recognized by all states in regard to divorce, why should he say for the moment that we should preserve the machinery that we have in Senate for granting divorce? It is so inconsistent, so illogical, that I am surprised that my honourable friend, who occupies so high a position at the Bar, should take such a stand.

Furthermore, while I entertain the very highest regard for my honourable friends, I am surprised at the calm and superior assumption they take that they are the only Christians in this Senate. My honourable friends would almost lead us to believe that we are outside the pale of all Christian and moral principles because we are in sympathy with this Bill.

Hon. Mr. MURPHY: Pardon me. I said nothing to put you in a position to make that statement.

Hon. Sir JAMES LOUGHEED: I am simply stating the inference that may be drawn. I think honourable gentlemen of this House should give every recognition to the fact that they are here to administer the law of the State as they find it, entirely irrespective of any church or religious creed to which they belong. That is the position which I take, and I say it feeling fully assured that my honourable friends will not take offence at the position which I take.

Hon. Mr. LYNCH-STAUNTON: I believe in administering the law; but it is creating the law that I objeet to.

Hon. Sir JAMES LOUGHEED: The law has been created. Every state in the Empire recognizes divorce, and we are here to administer the law as we find it; and consequently this question must reduce itself to the narrow question of what is a proper tribunal to administer this law. If honourable gentlemen deny that such a law exists, they are on logical grounds.

Hon. Mr. BEIQUE: Is it not a fact that there is no law of divorce in this country? When divorces are granted it is an exercise of the authority of Parliament itself. A law is passed, but there is no law of divorce.

Hon. Sir JAMES LOUGHEED: Under the British North America Act authority is given to the Parliament of Canada to grant divorces, and since Confederation we have been exercising that authority, and consequently have been granting divorces. If that were not the fact, I could understand the consistency of my honourable friend in saying that divorce is unchristian, that it is immoral; but, being the law of the land, it resolves itself into a question of how we may best administer the law.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman say that there is authority for the statement that there is any law of the land regarding divorce?

Hon. Sir JAMES LOUGHEED: Certainly there is.

Hon. Mr. LYNCH-STAUNTON: I should like to know it.

Hon. Sir JAMES LOUGHEED: All I can say in that regard is that the British North America Act clearly gives the Parliament of Canada the right to legislate in divorce, and that the Parliament of Canada has been legislating from Confederation down to the present time, and will continue to do it, either by giving jurisdiction to the courts or by exercising that jurisdiction in Parliament.

Now, honourable gentlemen, permit me to direct your attention to another consideration. I fancy every honourable gentleman here is an adherent of one of the great religious bodies of this Dominion. I fancy that no honourable gentleman here has a right to say that he is more religious than his neighbour. I believe that we are all equally interested in maintaining the great principles of Christianity and the great principles of morality; and we are here for the purpose of crystallizing those great principles in the legislation for which we are responsible. But let me say this, that we have long passed the stage in our civilization when religious prejudice will triumph over civil rights and civil law. In the interest of the great religious bodies to which we belong, in the interest of the great edifice of Christianity which we have been engaged in building up to the magnificent proportions which it has attained, we must realize that at its base lies the principle of liberty of thought and action. It is of no use to project religious prejudice into these great questions which have been threshed out long ago, which have been established as belonging to civil freedom, and which must necessarily advance as time progresses.

There is another consideration, and it is more immediate, probably, than any other to which I have directed attention: is this Senate, which is a co-ordinate branch of Parliament, to occupy the greater part of its time in dealing with questions which in other countries are dealt with by the courts? During the present session, applications for

divorce closely approximate 200 in number. Members of this Chamber have been sitting from morning till night dealing with the question of divorce, and they are overwhelmed with the work which is involved. It was never contemplated for a moment, when the British North America Act was drafted, and this authority was given to Parliament, that the time of Parliament should be occupied in dealing with cases which, to any ordinary mind, must present themselves as being capable of being dealt with more advantageously by the courts.

We all pride ourselves on the dignity of the Senate. It is entitled to this position in the parliamentary life of the Dominion, and it should not be charged with dealing with this class of civil business. By reason of the Senate being charged with the administration of divorce it has to meet a measure of ridicule in the public press, and otherwise, which is not in harmony with the dignity which we desire to maintain. Honourable gentlemen can scarcely take up a newspaper without finding remarks, made by those in high authority, in reference to the Senate which are inconsistent with the position which we should insist upon maintaining.

Furthermore, instead of the best minds in the Senate sitting day after day, week after week, dealing with this class of business, which should be disposed of by the courts, the members of the Senate should be engaged in larger and more important questions of public duty. If honourable gentlemen of this Senate have a conception that this class of business should be disposed of by the Senate, and not by the courts, then they hold an entirely different conception of the duties of the Senate to that which I entertain.

Honourable gentlemen, may I further direct your attention to the fact that in Great Britain, which is the fountain of our jurisprudence, and I might say of most of our legislative ideas and principles, we find a broader outlook obtaining upon this question than has ever been entertained at any previous time. We in Canada must keep pace with progressive thought in regard to the best way of dealing with this subject.

Since rising I have not said a word in advocacy of divorce. I am not discussing that question at all. It is a condition, not a theory, that is facing us. We are not here for the purpose of dealing in theological refinements and discussing the question as to whether in the public interest divorce should be granted. We have arrived at a point in our civilization when this question is regarded as one of the great problems of the age, and it must be dealt with. You cannot block the wheels of progressive thought in regard to this subject. You must deal with it. Let us cast to the winds any religious prejudice or any theological refinements which we may entertain upon this subject, and deal with it purely as a question that is facing us every hour of the day while we are meeting in Parliament. Let us discuss, as men possessed of common sense, the best way of dealing with the question, whether by Parliament or by the courts.

As to the anticipated abuse which may arise from this question being delegated to the courts, let me point out that honourable gentlemen who have intimated that it would result in a greater number of divorces being granted cast a reflection upon the courts. In the first place, the cause of divorce is limited to that of adultery. Will not the higher courts safeguard the morality, and, if you like, the Christian principles which may be jeopardized in the exercise of this authority or duty which we seek to place upon them? They are in a very much better postion to hear the evidence, to weigh the evidence, and to come to a proper conclusion than a committee of Parliament. It is unnecessary for me to labour that question, because I feel satisfied that there is not an honourable gentleman sitting within reach of my voice who will not at once concede that the most satisfactory machinery that can be applied to the solution of this problem is to be found in the courts of Canada.

I have to apologize for thrusting these views upon you, honourable gentlemen, in the way in which I have. But I have a very strong feeling on the subject, that this is a commonsense matter and should be dealt with in a commonsense way, and that the only way to do it is to relegate it to the courts.

Hon. JAMES J. DONNELLY: Honourable gentlemen, after the remarks of the leader of the Government, I feel it my duty to say a word or two on this question. I wish to say first that I feel it my duty in the public interest as a representative of Ontario to oppose this Bill. The honourable gentleman referred to such matters as religious prejudice. I do not know that he meant it in that way. The result of this Bill will be to establish a divorce court in the province of Ontario. We have heard a number of speeches in support of the

Bill, but so far we have not heard a gentleman from Ontario supporting the Bill. It is surprising that other gentlemen should be so over anxious about the welfare of the people of Ontario. My view is that as soon as you have a divorce court in Ontario you add a certain amount of respectability to a divorce, and thereby strike at the family, which is the foundation of all society.

For many years, I have understood that we had no divorce law in Quebec or Ontario. True, people have made a practice of coming to Parliament, and have had special Acts of Parliament passed whereby marriages were dissolved. Parliament has practically supreme power, if it is so disposed, to pass an Act in regard to any contract. Although the practice has grown up of the Senate doing this work, it is under no obligation to do so. A divorce Bill might as well be introduced in the Commons as in the Senate.

I oppose this Bill on the ground that we are not administering the law, but enacting the law. You may say that if we do not pass this Bill we will impose great hardship upon some people. But I do not think you can follow that line of argument We have the prohibition measure, which certainly limits what many people think is a personal right. There has got to be some suffering, some hardship, perhaps, but it is for the public good.

I do not wish it to be understood that the opposition to divorce law comes entirely from one religious denomination. I have a very clear recollection of reading about twelve months ago, an article written by the Rev. Byron Stauffer, who was for many years a prominent Protestant minister in Toronto. After leaving Toronto he went to the United States and lived there for two years. Many honourable gentlemen will remember, no doubt, reading the same article which strongly advised the people of Canada against any action simplifying the means of gaining a divorce, and pointed out the evils that would accrue therefrom. That gentleman, I think, is now stationed in Winnipeg.

I intend to oppose the Bill because I think it is not in the public interest.

Before the question was put:

Hon. THOMAS CHAPAIS: I would like to know on what motion we are going to vote. Is it on the adjournment of the debate?

The Hon. the SPEAKER: The question is on the second reading of the Bill.

Hon. Mr. DONNELLY.

Hon. Mr. CHAPAIS: I am very sorry. With the permission of the House I was going to speak on that motion. I would have liked very much to speak on the second reading of the Bill. Being a new member of the House, I did not understand the situation and did not know that we were going to vote on the second reading.

Hon. Sir JAMES LOUGHEED: Too late now.

Hon. Mr. BEIQUE: The honourable gentleman (Hon. Mr. Chapais) understood that the discussion was still on the motion to adjourn the debate. If the honourable member desires to speak, he should be allowed to do so. He may speak with the consent of the House, which I think the House should give.

Hon. Mr. CHAPAIS: I know that I am not in order. As I understand, the moment the question is put I have no right to speak, and I bow to the ruling of the Chair; but I shall have to speak on the third ruling of the Bill.

The motion for the second reading of the Bill was agreed to on the following division:

CONTENTS.

Honourable Messieurs

Beith,	Planta,
Bennett,	Proudfoot,
Blain,	Ratz,
Bostock,	Robertson,
Daniel,	Ross (Middleton),
De Veber,	Schaffner,
Domville,	Sharpe,
Fisher,	Shatford,
Fowler,	Smith,
Gordon,	Tanner,
Harmer,	Thompson,
Laird,	Thorne,
Lougheed (Sir James),	Todd,
McCall,	Watson,
McLean,	Webster (Brockville),
McMeans,	White (Renfrew),
Michener,	Willoughby,
Milne,	Yeo.—37.
Mulholland,	

NON-CONTENTS.

Honourable Messieurs

Beaubien,	Murphy,
Chapais,	Pope,
Donnelly,	Power.—7.
Lynch-Staunton,	

The Bill was then read the second time.

The motion was agreed to.

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

THE SENATE.

Thursday, April 15, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill T, an Act for the relief of Ignace Perugini.—Hon. Mr. Gordon.

Bill Q, an Act for the relief of William Murray Gray.—Hon. Mr. Bradbury.

Bill V, an Act for the relief of Albert Harvey McBride.—Hon. Mr. Proudfoot.

BOARDS OF CONCILIATION.

INQUIRY.

Hon. FREDERIC NICHOLLS inquired:

1. How many boards of conciliation have been appointed in each year from 1st of January, 1915, to the present time, to deal with industrial disputes, other than those concerning public utilities?

2. The names of the parties to such boards in each case;

3. The number of the cases in which the chairman has been appointed by the parties to the dispute;

4. The number of cases in which the chairman has been appointed by the Minister of Labour, or the Labour Department;

5. The number of cases in which the award of the board of conciliation has been accepted by both parties;

6. The number of the cases in which the employer has rejected the award;

7. The number of cases in which the employees have rejected the award;

8. The number of the cases in which strikes have ensued after the board of conciliation has submitted its report.

Hon. GIDEON ROBERTSON (Minister of Labour):

1. 1915, 3; 1916, 0; 1917, 1; 1918, 10; 1919, 10; 1920, 3, (to April 2, 1920). Total 27.

2.

1915.

J. D. McArthur and Company, Limited, and employees, being train operatives (conductors, engineers, firemen and brakemen). Board: Samuel A. Dickson, chairman; O. M. Biggar, D. Campbell.

Ottawa Car Manufacturing Company and machinists, members of Lodge 412, International Association of Machinists Board: Hamnett P. Hill, chairman; Geo. F. Henderson, K.C., Jas. Simpson.

Nova Scotia Steel and Coal Company, and Eastern Car Company, and employees engaged in the manufacture of munitions of war. Board: His Honour Judge Emerson Coatsworth, chairman; Col. B. A. Weston, R. H. Murray.

1917.

Ottawa Car Manufacturing Co., Limited, and certain employees, members of Lodge No. 412, International Association of Machinists. Board: Hamnett P. Hill, chairman; Geo. F. Henderson, K.C., Jas. Simpson.

1918.

Steel Company of Canada, Gananoque, Ontario, and certain of its employees, being members of the Amalgamated Association of Iron, Steel and Tin Workers of North America. Board: His Honour Judge R. Ruddy, chairman; Dr. E. L. Atkinson, Fred Bancroft.

Corporation of Ottawa and firemen, members of Federal Union No. 24. Board: Lt. Frank J. P. Crean, chairman; T. A. Beament, Wm. Lodge.

Corporation of Ottawa and certain employees, members of Federal Labour Union No. 15. Board: His Honour Judge Colin G. Snider, chairman; T. A. Beament, Fred. Bancroft.

Corporation of Winnipeg and its civic employees, being members of Civic Employees Federation No. 4. Board: F. M. Black, chairman; Jas. Auld, Roland F. McWilliams.

Corporation of Victoria and civic employees, members of Civic Employees Protective Association. Board: W. E. Burns, chairman; Jas. Dakers, R. F. Taylor.

Furniture Manufacturers, Stratford, Ont., and certain of their employees, being respectively members of the United Brotherhood of Carpenters and Joiners' Local Union No. 1990 and (2) Painters and Decorators Local Union No. 772. Board: His Honour Judge D. McGibbon, chairman; Jas. Orr, Jas. F. March.

Corporation of the City of Montreal and certain of its employees, being firemen, members of Fire Fighters Union No 125, International Association of Fire Fighters. Board: Jas. L. Bourbonnière (nominee of employees).

Administrative Commission of the City of Montreal and certain of its employees, being engineers, firemen and oilers. Board: The Honourable Mr. Justice Fortin, chairman; C. Rodier, J. T. Foster.

Eastern Car Company, Limited, (Erection Department), Trenton, N.S., and certain of its employees, being riveters. Board: His Honour Judge Emerson Coatsworth, chairman; Rev. Dr. John Forrest, C. C. Dane.

Corporation of the City of Montreal and certain of its employees, being policemen, members of Federal Union of Police No. 62.

Board: Aurele Lacombe (nominee of employees.

1919.

Corporation of St. John, N.B., and its employees, being policemen, members of Police Protective Association of St. John. Board: H. Colby Smith, chairman; James L. Sugrue, Allan H. Wetmore.

Corporation of Brandon and certain of its employees being members of Civic Employees Federal Labour Union No. 69. Board: George R. Coldwell, K.C. (nominee of corporation).

Corporation of the City of Hull, Quebec, and certain of its employees, being members of International Association of Fire Fighters Union No. 174. Board: The Honourable Mr. Justice F. S. Maclennan, chairman; Patrick Green, D'Arcy Scott.

Various firms in Toronto constituting packing houses and abattoirs, and certain of their employees, members of the Amalgamated Meat Cutters and Butcher Workmen of North America. Board: His Honour Judge Colin G. Snider, chairman; R. J. McLaughlin, Fred Bancroft.

Corporation of Lethbridge, Alta., and certain of its employees, being members of the Civic Employees Federal Union No. 70. Board: C. F. Jamieson, chairman; E. H. Wilson, Donald McNabb.

Union Stock Yards of Toronto, and certain of their employees, being cattle drovers, members of the Amalgamated Meat Cutters and Butcher Workmen of North America. Board: His Honour Judge Colin G. Snider, chairman; Gideon Grant, Fred. Bancroft.

Various firms in Toronto dealing in bread, etc., and certain of their employes respectively, being bread drivers, members of Local Union No. 1, Bread and Cake Salesmen's Association. Board: His Honour Judge J. H. Denton, chairman; F. H. McGuigan, Chas. Clay.

Alliance Power Company, of Edmonton, Alta., and certain of its employees, being members of Local Division No. 569, Amalgamated Association of Street and Electric Railway Employees of America. Board: John R. McIntosh, chairman; H. R. Milner, Robt. E. McLaughlin.

Bedford Construction Co. of St. John, N.B., and certain of its employees, being engaged on the Courtenay Bay Harbour contract. Board: Sir Ezekiel McLeod, chairman; C. L. Hervey, Jas. E. Tighe.

The Guelph Radial Railway Co., and its employees, being motormen and conductors, members of the Amalgamated Association of Street and Electric Railway Employees of America. Board: His Honour Judge Colin G. Snider, chairman; Harry Mahoney, Thos. Hall.

1920 (to April 12).

Canadian General Electric Company of Peterborough, Ont., and certain of its employees, being armature winders, members of Local Union No. 261, International Brotherhood of Electrical Workers. Board: His Honour Judge E. C. S. Huycke, chairman; J. G. Merrick, Fred. Bancroft.

Canadian Fish and Cold Storage Company, Prince Rupert, B.C., and certain of their employees, being fish packers. Board: His Honour Judge F. McB. Young, chairman; S. P. McMordie, Geo. Rudderham.

Corporation of Ottawa and certain of its employees, being members of Civic Employees Federal Labour Union No. 15. Board: His Honour Judge R. D. Gunn, chairman; Ainslie W. Greene, Fred. Bancroft.

It having been ruled that jurisdiction under the I.D.I. Act is doubtful in the case of disputes relating to industries under provincial or municipal control no proceedings now take place save by joint consent under section 63, and these cases are included in the foregoing statement for the years, 1918, 1919 and 1920.

3. 10—In the case of three of the boards established, only one member was appointed, settlement of the dispute having been effected before the completion of the board.

4. 14.

5. 21—In six cases board procedure was rendered unnecessary, direct negotiations between the disputants having resulted in a settlement.

6. None.

7. None.

8. None. This question is interpreted to mean strikes occurring after the award of the board.

THE LIBRARY OF PARLIAMENT.

THE SELECTION OF LIBRARIANS.

Hon. PASCAL POIRIER inquired:

If it is true that both the general and the parliamentary librarians are about to be retired on their superannuation. And, if such be the case, that he will call the attention of the Senate and of the Government to the necessity of having well trained and competent librarians appointed in their place.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that in his absence a few days ago I brought down an answer to that question. I cannot put my

hand on it at the moment, but my recollection is that the answer was that the librarians would be entitled to retire on superannuation, but had not yet done so. That is to say, they are still in office, but they would be entitled to some superannuation upon their making application. I may say further to my honourable friend that I think it is their intention to do so.

Hon. Mr. POIRIER: In that case, honourable gentlemen, I should like to be allowed to say just a few words. There is nothing personal in the question put. It is entirely an objective one. I understand that the two parliamentary librarians have completed long years of service, and that, whether they have asked to be retired or not, they are to be retired.

This question concerns the qualifications of the future librarians. We are about to move into our new library. I will not say that the arrangement, as least to my fancy, is an ideal one, but I suppose it is the best to be had under the existing condition of affairs. The removing of the library means a new classification. The books will have to be classified as they are classified in European libraries, or in the libraries of the United States. That work of classification is in itself a science. It is most important that the classification should be well made at the start. That carries with it the necessity of appointing librarians who are acquainted with that sort of work, and who will do it properly. The public librarian who is up to his business should also know how to handle his staff; that is to say, he should have certain men appointed for certain work. For example, this being a parliamentary library, it is often resorted to by us for information. There should be some specialization; there should be employees whose duty would be more particularly, for example, to attend to law questions, others to history, and so on. That again is a performance that requires a previous training at the hands of the librarian.

Now, have we such a man in the Dominion? I believe we have not. Therefore the Government will be called upon to appoint gentlemen without adequate previous training. What is the Government to do? I have no candidate of my own for the position, and care very little who is appointed, provided he is competent. Very likely the Government will put in some old faithful servant who will get his reward in that way. I am not concerned with that, but I am concerned with his competency. As we have no competent man in that line. I would suggest to the Government that the two librarians who are going to be appointed should be given at least six months' travelling expenses. Let them be sent to the United States, where the system of running a library has reached a fair degree of perfection. Let them go to Washington, to Boston, to New York, to Chicago, and get from the librarians in those cities all available information. Then let them cross over to the old country. Let them go to England, to France, and to Italy, to pursue for six or nine months the study of what is required in a library. Then they will come home, I will not say fully equipped, but as well equipped as this or any Government could equip them under the circumstances. The position of librarian has became so important in the United States that no person can be appointed as librarian to a public institution unless he has served two years of apprenticeship or has been at least two years in a library learning his trade. In Belgium they have, I think, a school for that purpose, and in Germany I know they have. In England and France competence is required in public librarians. What I ask, and earnestly ask, of the Government is that they do not appoint a green man, no matter how intelligent or how well informed he may otherwise be, for the removal of our library to its new quarters, possibly its eternal quarters. We hope this building will be like the poet's metal—that it will be eternal—"aere perennius." We want the foundation work to be done in such a way that it will not have to be done again. That is true economy. There is no economy in having a library in which there are no employees who have specialized for such work. I hope and pray earnestly that some preparation will given to the librarians who are to be appointed in the place of Mr. DeCelles and Mr. Griffin.

Let me add just one word. I heard a rumour, in which I place no credence, and I hope there is nothing in it. It is necessary, in my view, that there should be an English and a French librarian, for the sake of economy. The library is granted, I believe, $10,000 a year for the purchase of books, and if we enlarge our library we may have to grant more money. It is essential that the purchasers of books, either English or French, or both, should know what books to select. If they do not, there is a squandering of public money. Now, I submit that a Frenchman cannot do justice to English literature, history, and science, nor can an Englishman do justice to French literature, history, and

science. An English librarian will have plenty to do in keeping in touch with literature published in all countries of the world —not only in English and French, but in all other languages; if not in the original text, at least in a translation. There is much work for an English librarian in connection with English literature, and he cannot adequately attend also to French literature. Therefore I earnestly hope not only for the competence of the librarians to be appointed, but also for the continuance of the custom which was instituted by Sir John A. Macdonald. I hope there will be an English librarian and a French librarian. The two librarians have worked in perfect harmony. There is no reason for us to suppose that two intellectual men, dealing with books, should not agree; and, agreeing, they should help one another. Therefore I confidently hope that the two librarians that are to be appointed will be given at least six months' leave of absence in order to study their art as much as possible in that time, and that there will be an English and a French librarian appointed.

Hon. RAOUL DANDURAND: Honourable gentlemen, it is for the authorities and the present librarians to decide when the latter shall withdraw; but when that time comes I feel that the Government cannot be too particular in the selection of the two librarians to replace the present officials, who have been eminently qualified for their work. I have followed the writing of Mr. Griffin and Mr. DeCelles for a number of years. I have enjoyed the weekly comments of Mr. Griffin in the Gazette on literature, contemporary and past, and I know how highly qualified he has been as an English litterateur. I can say as much for Mr. DeCelles. My honourable friend from Acadie (Hon. Mr. Poirier) states that we shall not be able to find in Canada men who are fully qualified for the position; that, inasmuch as we shall have to select gentlemen who have no special qualifications as librarians, they should be given a few months to enable them to travel in the United States and in Europe to prepare themselves for the position. I doubt very much that the suggestion of my honourable friend would be satisfactory and effective. I do not know whether these appointments are supervised by the Civil Service Commission or not. I believe they are not, and that the librarians are appointed directly by Order in Council. Now, if there is any appointment that should stand the test of an examination, it is that of librarian of the Parliament of Canada.

Hon. Mr. POIRIER: Who will examine them?

Hon. Mr. DANDURAND: I would suggest to the Government to leave to the Civil Service Commission the appointment of a committee of the best men who can be found in Canada to examine into the qualifications of applicants for the position of librarian. The Civil Service Commission can surely find men who, while not themselves perhaps fully qualified to fill the positions, could yet examine the applications and decide upon what matters, and they are numerous, the candidates should be tested. I am convinced that unless that is done we shall have librarians appointed who possess no previous knowledge of what is required of a librarian. When one recognizes all the different branches that are comprised in a library one realizes at once how necessary it is that the librarian should be proficient in many subjects and should be possessed of general information on the subjects on which it will be his duty to gather literature in the development of the library. I cannot too strongly impress upon the Government the importance of having the Civil Service Commission appoint a proper committee to examine into the qualifications of the aspirants to this position.

Hon. Mr. DAVID: Do I understand the honourable member to say that the candidates should be obliged to pass an examination, or that they will be examined? I think that the examiners would be less qualified than themselves.

Hon. Mr. DANDURAND: My answer to the honourable gentleman from Mille Iles is that men can be chosen from outside Canada to act as members of the committee. Such a committee should be able to select persons possessing the requisite knowledge for the position.

Hon. L. G. POWER: I think it is very appropriate that the honourable gentleman from Acadie (Hon. Mr. Poirier) should have brought up this question. The honourable gentleman, as we all know, is himself a distinguished literary man, and he is naturally interested in what we may call the only literary branch of the Government. I regret to say, however, that I cannot see eye to eye with the honourable gentleman, for two or three reasons. In the first place, I would call attention to the fact that there are at present two deputy heads in

the library. Their names have been mentioned by the honourable gentlemen who spoke before me. These two gentlemen at the time of their appointment were men who had special claims on the Government of the day. One of them had been acting as the editor of a very prominent and influential paper for several years, and his health had failed. He had really either to give up the editing or drop out, and the leaders of the Government of that day—I assume Sir John Macdonald and Sir Charles Tupper—decided that Mr. Griffin should be a librarian. This was when the position became vacant by the death of the late Dr. Todd. We know, honourable gentlemen, some of the things that politics bring about; and it happened about the time when this appointment was to be made that there was what is nowadays called a strike amongst the members from the province of Quebec, and that the gentleman who was then Secretary of State insisted on the appointment of a person who was to represent the province of Quebec, and Mr. De Celles was appointed. I think it would be very difficult to find two gentlemen who had stronger claims, both on account of their ability and their literary achievements, than Mr. Griffin and Mr. DeCelles.

But how is it now? So far as I am aware, there are no gentlemen occupying anything like the relative positions that Mr. Griffin and Mr. DeCelles occupied, and the question is, what action are we to take when these two gentlemen retire? Honourable gentlemen, my humble opinion is that there is not the slightest occasion for appointing a deputy head in the library at all, certainly not two deputy heads. The whole staff of the library, including the two deputy heads, numbers only 18, and the salaries amount to something over $37,000 a year. The two deputy heads draw $12,000 a year. If you strike off the salaries of the two deputy heads, you find that a saving will be effected much larger and in a much more satisfactory way than the saving which it is supposed would be effected by the consolidation of our law department with that of the House of Commons. My contention is this, that if we are to look for efficiency, the gentlemen who are in the library at present, in a subordinate capacity, are quite suitable. There is one English gentleman who has spent a lifetime there. There is a French gentleman who has been there nearly as long. Any outsiders that you can get will not even after six months' travelling, be as well suited for the position as the two chief clerks. I myself do not see any reason why the country should not save this $12,000 a year and appoint no successors to the present librarians as deputy heads.

The honourable gentleman from Acadie (Hon. Mr. Poirier) spoke of the classification as being important. Well, classification is important; but surely the men who have spent their lives among the books in the library and have naturally considered possible improvements would be better qualified than any gentleman who could be picked up outside. I have heard the names of two gentlemen mentioned as probable appointees, and I am safe in saying that neither of them has any special qualification for the position of librarian, and we would simply be spending $12,000 a year unnecessarily if we appointed outsiders as librarians.

The library is an important branch of our staff, but it is not as important as some honourable gentlemen seem to think. I find that in England the librarian of the House of Lords is paid £1,000 a year, and he really counts as only one of the clerks on the staff of the House of Lords. The clerk of the House of Lords receives a salary of £2,500. The clerk assistant receives a salary of £1,500. Some of the inferior officers receive salaries of £1,000. In the House of Commons the librarian's salary is from £1,000 to £1,200; the clerk's salary is £2,000; the salary of the assistant clerk is £1,800; and the librarian comes in at from £1,000 to £1,200. So, in the country whose example we are supposed to be glad to follow, the librarians are treated not as under-secretaries or deputy heads, but as important clerks; and I am satisfied that the gentlemen who are now in the library, if continued as chief clerks, will do everything that can be done by an outsider, and will do it in a more effective and economical way than it can be done under the scheme indicated by the honourable gentleman from Acadie.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I appreciate the action of the honourable gentleman from Acadie (Hon. Mr. Poirier) in bringing this question forward, because I think the administration of the library is a very important matter in the interests of Parliament. As has already been stated, we have been very fortunate in having had competent librarians. I will not take up time in expatiating further on the work of these gentlemen. And, previous to their appointment, we had in the library a very capable librarian: I refer to the late Mr. Todd, who established a reputation for Canada in the work that

he wrote on Constitutional Government. It is recognized as a standard work throughout the whole British Commonwealth. Only the other day I received a letter from a gentleman who pointed out that on several occasions representatives of other parts of the British Dominions, on their visits to this country, had made a special point of bearing testimony to the valuable work that Mr. Todd had done, not only for Canada but for the whole British Empire, in the book that he wrote some years ago, and which has been ever since, as I have said, the standard work in regard to constitutional government.

To draw the attention of the House to the necessity at the present time of having really competent men appointed to these positions, I shall read an extract from the report of the librarians which was laid before Parliament at the beginning of this session, and which will be found at page 11 of the Minutes of this House. It says:

"The librarians understand that some space for the use of the library will be spared in the new building.

"As the crowded state of the library has long been known, and has been reported on yearly for many years, it is hoped that the space to be supplied will be, at least temporarily, sufficient."

In 1919 they again referred to the subject as follows:—

"The librarians understand that some space for the use of the library will be spared in the new building. As the crowded state of the library has long been known, and has been reported on yearly for many years, it is hoped that the space to be supplied will be, at least temporarily, sufficient.

"No information has been received during the year, from any source, regarding any proposed plans for increase of space. But the librarians still entertain the hope that the plans for the new building will include more room for the convenience of members and for the storage and consultation of books."

Another paragraph says:

We desire to point out that any scheme which would dislocate the books from the indexes, catalogues and cards, would involve trouble and expense which the librarians do not care to contemplate, and which would, for some years, perhaps, prove a great annoyance to members.

I think that report will prove to honourable members that it is most necessary that the gentlemen appointed to these positions should be men who have had a considerable number of years training in the work of properly conducting a library, especially a parliamentary library, such as ours. For that reason I cannot altogether agree with the proposition of my honourable friend from Acadie (Hon. Mr. Poirier) that whoever is to be appointed be given six months in which to make himself acquainted with other libraries, because I think the work of the parliamentary librarian is of such a character that it requires a number of years of training before a man is competent to fill the position.

In regard to the remarks of my honourable friend from De Lorimier (Hon. Mr. Dandurand), I think it would be more satisfactory if the Government took upon themselves the responsibility of appointing a small committee to select men for this purpose rather than delegating the selection to the Civil Service Commission. Personally I am not enamoured of the work done by the Civil Service Commission. I think the Government would be much more capable of selecting the best men for these positions, and we should have more chance of getting competent men to fill the positions if the Government proceeded in that manner.

Hon. Mr. FOWLER: I wish to voice my regret that advanced years have rendered necessary the early retirement of the two librarians of Parliament. They have certainly filled their positions with great satisfaction to those using the library.

I listened with attention to the speakers who have already spoken, and I was somewhat surprised, in view of the changed condition of affairs in this country, that they took it for granted that two men would be appointed to these positions. We have in this country many literary ladies, of very great ability, and it seems to me it was very ungallant on the part of the senators who have spoken to have entirely neglected the idea that ladies should be appointed to the positions, or at least to one of them. The women of the country now have the vote, and are on a basis of equality with the men along every line. I am surprised that the honourable gentleman from De Lorimier (Hon. Mr. Dandurand), who comes of a chivalrous stock, omitted to recommend the appointment of some woman to this position. It would be invidious if I were to recommend any lady litterateur for the position, but the Government, if it seeks women for it, will have no difficulty in getting thoroughly equipped and well qualified women, who will not have to take six-months' trips, but who are now fitted, both by nature and education, to discharge the duties of this high office. I trust that when the time comes for making these appointments the Government will not forget the better part of creation, but will appoint at least one woman. How much more pleasant it would be for the aged senators, when they went to consult the authorities,

to be waited upon and instructed by a beautiful woman, highly cultured and highly trained. I know the honourable gentleman from Rothesay (Hon. Mr. Domville) would be particularly attracted if such an appointment were made.

Hon. Mr. DOMVILLE: I am very much pleased to see this question of the Parliamentary Library in the past and in the present taken up and dealt with. But in the future we want more scientific books, and less of the lending library system. Only to-day I had to send for something that should be in every library. As to the indexing, one does not know how to turn up anything that one wants to get out of the library.

I think my honourable friend is right about the ladies. You know, he once referred to "wine, women, and graft," and he was not far wrong. He is far-seeing. His perspicacity is great. He sees to-day the ideal that the ladies of this country should have an opportunity of filling one of these positions. The ladies are coming to the front, in England and in other countries; and should not we in this country give the ladies a chance? We all agree on that. I remember, when I was in the House of Commons, when the sugar question came up, and certain statements were made. I asked where a certain gentleman got his authority. He said his authority was first-class. I insisted upon an answer to my question, and he finally said, "I got it from the cook." We are very much in that position now.

I think there should be a different system in the library. I hate to have to go in and see whether I can get a book or whether I cannot. Things seem to be out of joint a bit, and this matter should receive some consideration.

Hon. Mr. LAVERGNE: Honourable gentlemen, I do not see the need at the present moment of appointing new librarians. We have two librarians, Mr. Griffin and Mr. DeCelles, both very able men. We cannot find men good enough to replace them. Later on, when they are not able to do their work, the Government may replace them. They have given satisfaction to everybody in this country—senators, members of the House of Commons, men from the universities—

Hon. Mr. TESSIER: Ladies.

Hon. Mr. LAVERGNE: Ladies, too; and I hope the Government will let them keep their positions as long as they are able to do the work properly, as they have done for the last twenty-five or thirty years. These gentlemen were appointed by Sir John A. Macdonald's Government, I think, and have been able to give full particulars to all desiring information, and I trust the Government will allow them to remain a while longer.

Hon. Mr. GORDON: Honourable gentlemen, in addition to the qualifications which the several members have represented should be possessed by the librarians, there is one which I am going to mention which they have not possessed in the past, or which they have not been allowed to exercise, and that is the qualification of being able to get back the books which are loaned from the library. I remember not very long ago attending a meeting of the Library Committee, at which it was said that thousands of volumes that had gone out of the library had never been returned. Information was given which went to show that in many places throughout Canada volumes belonging to the Government were to be found in second-hand shops. If I remember correctly, that statement was made by the librarian. I took occasion after that to visit the library at Washington, and also the library at Boston, where I found a system in force whereby a receipt was given by the members of the respective Houses for every volume which they had obtained in the library, and for which they had to pay if the volume was not returned within a certain time. Additional space within this building is being asked for for the books. If the information to which I have referred is correct, the space which is to be used for keeping books would not be large enough to hold the books taken out in the past and not returned. If I am not much mistaken, the value of such books ran into thousands of dollars. This is the time to make a change in this respect. Some system should be adopted to enforce the return of books, or to collect for them if they are not returned. I am sorry to say that at the particular meeting to which I refer there appeared to be only two or three gentlemen who were willing to follow the matter up in the way which I suggested, and the matter was dropped. To my mind the loss of books is a serious matter. For all I know the same thing may be going on yet. I hope that in connection with the change that is to be made in the staff a real system will be adopted by which the country will not suffer any further loss in this respect.

Hon. Mr. POWER: I trust the House will pardon me for a moment. I wish to

make a point which I forgot to make when speaking a moment ago. The expenditure for the staff in the library is about $37,000 a year. The cost of the books purchased does not exceed $30,000 a year. It seems to me, honourable gentlemen, that to have a staff costing $37,000 a year, including two deputy heads, at $6,000 each, to look after the disbursement of $30,000 is altogether unreasonable.

Hon. Mr. BEAUBIEN: Honourable gentlemen, it is a matter of regret to a great many people who use the library that the gentlemen now in charge are to go. For a librarian it is not everything to be well enough educated to choose books. Those who have researches to make know how absolutely necessary it is to have a librarian who can guide them promptly to the information they want. I feel extremely grateful to the two gentlemen in the library for the assistance which they have given to me time and again, which has enabled me in a very short time to get information which it would have taken me days and days to find if I had been unassisted. $37,000 a year may seem a large amount to pay for men who are going to collect $30,000 worth of books a year; but, gentlemen, if we have not at the head of the library men whose brains and education and talent are such as to make those books of real value to those who require to use them, this country will suffer a very much greater loss in a year than the $37,000, or the extra amount of money which may be required to keep as good a staff as we have to-day, or to make it even better than it is. I am sorry if a change has been decided on. I hope it will not be made immediately. I do not think there is any necessity for making it now, but if it is made, whatever may be the amount which is necessary to to obtain two librarians, one English and one French, qualified not only to select books, but to guide those who want to use them, I think that the money spent will not really be lost.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I am sure the House has listened with interest to the observations which have been made upon this subject. It is of interest to the Government, but probably of greater interest to the present librarians, to know that their services have been so extremely satisfactory, and that their names have been mentioned with commendation. The discussion this afternoon, however, illustrates the difficulty facing the Government in dealing with questions of this kind. I do not think that any two honourable gentlemen who have spoken upon this subject have agreed. The honourable gentleman from Acadie (Hon. Mr. Poirier) suggests that the new appointee should be put through a preliminary course of training—a course to which nobody can take serious exception. The honourable gentleman from De Lorimier (Hon. Mr. Dandurand), recognizing that two appointments will be made, would not, I am surprised to say, have sufficient confidence in the Government to make the appointments, but would suggest that they be made by some independent commission. Then, my honourable friend from Kamloops (Hon. Mr. Bostock) has no confidence at all in the Civil Service Commission, provided they are competent to make these appointments, but would employ, I fancy, a parliamentary committee. Then, the honourable and gallant gentleman from Sussex (Hon. Mr. Fowler) would disappoint those who are looking forward with considerable expectation to the appointments being made, and would make his selection from some of the ladies of the Dominion. Some of the most competent librarians that we have in the Dominion belong to the gentler sex, and I have no doubt that the Government might make two very acceptable appointments from that section of the community. However, honourable gentlemen, this illustrates the difficulty that we have in dealing with a subject of this kind. In as much as the vacancies up to the present time have not been created, I may say with all assurance to honourable gentlemen, and particularly to those who have spoken, that every consideration will be given to the views expressed.

Hon. Mr. BOYER: There is one very simple way of getting out of the trouble: let well enough alone.

The discussion concluded.

ELECTRIFICATION OF GOVERNMENT RAILWAYS.

MOTION.

Hon. E. D. SMITH moved:

That, in the opinion of the Senate, it is expedient and in the interest of Canada for the Government to proceed to substitute electricity for steam as a motive power upon the lines of railway owned by the Government as soon as and wherever economically practicable.

He said: Honourable gentlemen, you will observe that this motion does not commit the Government to any immediate action, nor to any definite expenditure. The pro-

posal is simply that when it is economically feasible the Government shall change some portions of the roads owned by them into electric roads. I will now proceed to give my reasons.

I enter upon the discussion of this subject, however, not as an expert in any way qualified to determine which is the more economical method of locomotion, electricity or steam, under given circumstances, but rather as a layman looking around and seeing things as they exist and drawing conclusions from them. I see, for instance, that for many years past our imports from the United States have been much larger than our exports. Until lately that did not matter so much; but now the financial conditions in the various countries of the world have put us in such a position that the Canadian dollar will buy only 90 cents worth of goods in the United States. This is attributed by financiers to the adverse balance of trade. It is therefore desirable, it seems to me, for us to study in order to change this situation wherever we can. We must buy less from the United States and sell more to them.

Upon our steam railways in Canada we use 10,000,000 tons of coal in a year, and that coal cost us last year about $3 a ton at the mines, or $2.37 a ton counting slack and all, or about $4 a ton at the border; and, as we have about 40,000 miles of railway, that means that we use 250 tons of coal upon an average mile of railway. The railways that I would suggest might possibly be electrified are those that have the heaviest traffic, and they would probably use much more coal than 250 tons a mile; but at 250 tons a mile, and $4 a ton at the border, $1,000 a mile is expended for coal in the United States by Ontario lines. We would save that, and the saving of it would help us to some extent, though perhaps not a very large extent, in our exchange situation, as I only suggest electrification of a small part of the whole. That is one argument in favour of the change.

There are many other good reasons. A good many economies could be brought about. For instance, an electric road does not require any firemen, any stokers. There is a big saving. There are no coal tenders. Over every mile of railway operated by steam the engine pulls around one car loaded with coal all the time. On electric cars that is saved. Then, a very large part of the service in the operation of railways is taken up in hauling coal from the United States to dumps where it is unloaded and at which it has to be lifted again into tenders. All of that expense is saved, and it is a huge amount. Then, the discomfort of coal is a great objection. Coal is a fuel that is dirty and that causes discomfort to passengers. In the summer time no one would travel upon a steam train if he could take an electric train at the same rate and going at the same speed, because on an electric train he can have the windows open and will have to suffer none of the discomfort that arises from the use of coal. Sa that there are many arguments in favour of electrification if it is economical. These are summarized perhaps better in an article dealing with the results acquired by the Chicago, Milwaukee, and St. Paul railway, 440 miles of which running across the Rocky Mountains are electrified. The beneficial results are stated as follows:

Marked reduction in cost of electricity as compared with cost of coal.

Reduction in maintenance cost of locomotives.

Elimination of delays due to coaling, taking water, oil, etc.

Elimination of delays due to natural causes, such as freezing of locomotives, loss of steam in cold weather, bucking snow drifts.

Elimination of non-revenue trains hauling coal and water for steam locomotives.

Increased tonnage per train.

Increased train speed on grades.

Greater reliability asd certainty of maintaining schedules.

Reduction in train crew hours per ton mile.

Reduction in damage to rolling stock due to rough handling by steam engines.

Greatly increased safety of operation on grades due to regenerative braking.

Saving in power and reduction in wheel and track wear by use of regenerative braking.

Improvement of tunnel conditions due to smoke and gas, absence of smoke and cinders which obscure scenic attractions, uniform speed and absence of grinding brake shoes on grades, all of which accrue to the benefit of the traveller on the transcontinental passenger trains.

Here is what is said in regard to operation:

Electrification promises a material reduction in running time. It has been found, for example—

Hon. Mr. BENNETT: What does that refer to? To freight trains or passenger trains, or both?

Hon. Mr. SMITH: To both.

It has been found, for example, that on the 21-mile two per cent grade from Piedmont to Donald the electric locomotive can reduce the running time of passenger trains from an hour and five minutes to approximately 40 minutes On the run from Deer Lodge to Butte which, under the steam locomotive schedule, required an hour and 20 minutes, a saving of approximately 30 minutes can be made.

In the freight service it has been found that on the first division, where the steam locomotives have required 10 to 12 hours to make 115 miles, electric locomotives can meet a schedule of from seven to eight hours for the same distance. The heavy grades and frequent curves at certain points offer serious obstacles to steam locomotive operation even in the summer time, but with winter temperatures as low as 40 deg. F. and heavy snowfalls in the Bitter Root Mountains, serious delays have occurred, owing to engine failures or to inability to make steam.

The capabilities of the electric locomotives are in no way impaired by cold weather or by inability to obtain fuel or water in case of snow blockades. During a series of record-breaking temperatures in December, 1915, Mallet engines were frozen up at different points on the system, and the new electric equipment was rapidly pressed into service to replace them. On several occasions electric locomotives hauled in disabled steam engines and trains which would otherwise have tied up the line.

These are some reasons. As to the economical aspect I cannot say, but I observe that during the past 20 years electricity has replaced steam as a power to a very great extent. People do not change from one system to another unless the change is profitable. In the provinces of Ontario and Quebec there have been developed in the last 20 years 1,475,000 horse-power of electric energy, which is used by our factories and in our cities in various ways. That development would not have taken place unless it was profitable. It seems to me that is a strong argument that, so far as stationary work is concerned, electricity is more profitable than steam.

It is worth while considering how much that has benefited our exchange. The production of that much electric power would have taken about $24,000,000 worth of coal from the United States, besides a very large quantity from Nova Scotia, at prices which prevailed last year. Twenty-four million dollars worth of coal from the United States would have increased the adverse balance of trade to that extent, and would have placed our exchange in a worse situation than it is. So we have accomplished a great deal through the energy and enterprise of Canadians in changing from steam to electricity, and I think there is great room for still further change.

So far as the electrification of railways is concerned, we have not very much to guide us, but I notice that in the last few years, wherever a new railway has been built, unless there has been some special reason to the contrary, it has been an electric railway. In Ontario we have a railway running from Port Dover to Galt, built within the last few years. It is an electric line, operated by the Canadian Pacific Railway. It is not a suburban line. Then there is the London-Port Stanley road. It was a steam road, but has been converted into an electric line. Whereas the steam road was an absolute failure, involving a tremendous loss, the electric road is being operated at a profit, because in that case the capital cost has not been great. The road was bought for a very small sum. It seems to me it is worth while having a thorough investigation, at any rate, to see whether electrification is not more profitable.

But there is another reason which seems to me of far more importance: there is a reason why, in some portions of Ontario, at any rate, we should make the change, and I do not think there is any argument against it. As honourable gentlemen are aware, many municipalities in Ontario—57, I think—have voted in favour of the construction of the hydro-radial system of roads. The whole system so far contemplated is to cover 1,600 miles. These roads are to run parallel with, or to duplicate, existing railroads in almost every instance. There is no city or town or large village in Ontario that is not connected with the next city or town or village by a steam road, and it is impossible to build any railway system in Ontario without duplicating or paralleling existing steam roads. It seems likely that the 1,600 miles of road will be constructed, as the people who have voted for it are determined and are inquiring of the Government of Ontario, or of the Hydro-radial Commission, nearly every day, when the road will be commenced. The answer always is: "Just as soon as the Chippewa development scheme, which is to produce 400,000 horse-power, is completed, the hydro-radial road will be started." It seems to me it is worth while considering very seriously what effect this is going to have upon our government roads. We have taken over the Grand Trunk railway and the Canadian Northern railway—

Hon. Mr. GORDON: Unfortunately.

Hon. Mr. SMITH: Well, my honourable friend and I differ on that. I think it is fortunate that in Ontario we have such a system of roads as the Grand Trunk, supplemented to some extent by the Canadian Northern. If the lines are well managed, and if rates are provided that are equitable and adequate, corresponding to those which prevailed before the war, and to the cost of the service, this system of roads in Ontario together with the Canadian Northern system in the Prairie Provinces, will ultimately become profitable, or will at least reduce to a minimum the losses resulting from our unfortunate speculations

in railway building. It ought to be our special aim, therefore, it seems to me, to make the lines in Ontario and the western part of Quebec as remunerative as possible, and to do all we can to prevent traffic being taken away from them.

We can readily see what will be the result if the proposed system of 1,600 miles of hydro-radial roads is built. It is said by the promoters that these hydro-radial roads will pay, and they adduce arguments to that effect; but I must say that those arguments are not very convincing to me. Looking over the situation in other countries, I cannot find anywhere in America any hydro-electric roads, capitalized as these will be, that are paying, and I do not believe that these roads will ever pay. I believe they will be an enormous loss which will be a frightful load for the municipalities to carry. However, they have voted in favour of them. They want to have roads of their own, regardless of the cost or of the loss, and they are going to have these roads and operate them by electric service, for they know how superior it is to steam. Now, it seems to me that if those roads are built, they cannot but cause an extremely heavy loss to the government-owned roads. If the hydro-radial roads are to pay, they must earn from $15,000 to $25,000 a mile, at the costs which prevailed before the war. What they would have to earn at present costs I do not know. Some of these roads are estimated by the engineers to cost $200,000 a mile. The one from Mimico to St. Catharines, running through the city of Hamilton, which is 60 miles in length and was voted upon a couple of years ago, was to cost $11,000,000.

Hon. W. B. ROSS: Does that include the cost of the right of way?

An Hon. SENATOR: And equipment?

Hon. Mr. SMITH: Yes. One hundred and ninety thousand dollars a mile—that is an enormous cost. The Toronto-Bowmanville line, 40 miles, was lately voted upon. The engineers say that will cost $8,000,000, or $200,000 a mile.

Hon. W. B. ROSS: I do not wish to interrupt the honourable gentleman, but would he kindly state what is the proportion between the cost of the right of way and the cost of construction?

Hon. Mr. SMITH: I do not know. The cost of the right of way would be heavy in these two cases.

Hon. W. B. ROSS: Yes, it would probably be 50 per cent, would it not?

Hon. Mr. SMITH: It would be heavy, because one of the lines runs through the city of Hamilton, and the other runs into the city of Toronto. I do not suppose that the entire system of 1,600 miles would cost $200,000 a mile. Certain parts of the roads would cost at that rate, and we may assume that the remainder would cost perhaps $100,000 a mile.

Hon. Mr. LYNCH-STAUNTON: But the roads will cost $200,000 a mile throughout.

Hon. Mr. SMITH: I have not seen that statement. Perhaps so. At any rate—

Hon. Mr. DANDURAND: In both cases those roads would duplicate existing lines.

Hon. Mr. SMITH: Yes, they would absolutely duplicate and run alongside existing roads.

Hon. Mr. LYNCH-STAUNTON: Triplicate.

Hon. Mr. SMITH: Take the 40 miles of line from Toronto to Bowmanville. There are already three steam roads running within pistol shot of where this road is to run. From Mimico to St. Catharines, a distance of 60 miles, there is an electric road, and the Grand Trunk runs within half a mile of it. All over the province of Ontario a similar condition exists. It is proposed to continue the line from Bowmanville down to Kingston and perhaps on down to Montreal, running right alongside the Grand Trunk and the C.P.R. in some cases and the Canadian National in others. From Toronto westward to Guelph there is an electric road owned by the Government, and the Grand Trunk runs from Toronto to Guelph; it is proposed to run a hydro-radial also from Toronto to Guelph. It is proposed to continue the electric line from there, parallel with the Grand Trunk, to Stratford and London. So it is all over the country. As I stated at the beginning, you cannot build an electric line in Ontario without paralleling at close quarters an existing steam road. Therefore I can come to no other conclusion than that if these roads are built they will suck the existing steam roads dry of all profit from local traffic. The local passenger traffic will nearly all go by electric road, if there is good service. No one would travel on a steam road in the summer time if he could travel on an electric road in the same comfort, at the same rate of speed, and at the same cost. These roads propose to carry passengers at about half the rates of the steam roads. Whether or not they can do it I do not say, but that is

their proposal. If they have to have traffic of $25,000 a mile, that amount has to be extracted from the traffic of the existing roads. Put it at a less sum if you like. It will cost only about $2,000 a mile per year interest to electrify our steam roads, while, if these roads are built alongside the Grand Trunk railway, we would lose our proportion of $20,000 or $25,000 a mile.

Hon. Sir JAMES LOUGHEED: It would cost $30,000 or $40,000 a mile to electrify the roads.

Hon. Mr. SMITH: The cost of electrification of the Chicago, Milwaukee and St. Paul roads, including substations and everything, was $18,500 per track mile, or $27,250 per route mile. That was in 1916. The cost would of course be greater now.

Hon. W. B. ROSS: Are these hydro-electric railways under the control of the Dominion Railway Board or under provincial jurisdiction?

Hon. Mr. SMITH: Provincial jurisdiction.

Hon. W. B. ROSS: So they can make passenger and freight rates independently of the Railway Commission.

Hon. Mr. BEAUBIEN: How would it be if they ran from one province to another?

Hon. Mr. SMITH: They do not. If they reached the outskirts of the province, they would have to come under the Dominion Railway Board, but at the present time they do not contemplate going that far. Let me repeat; to electrify these roads would cost about $2,000 per mile per annum in interest.

Hon. Mr. GORDON: You say the cost is $2,000 per mile. That is interest charges. What is the cost per mile?

Hon. Mr. SMITH: I just gave the capital cost of the Chicago, Milwaukee and St. Paul as $18,000 a mile in 1916. Suppose we double that figure and say $40,000 a mile; at 5 per cent that would amount to $2,000 a mile per annum. But the cost to us, if these hydro-radial roads are built alongside the steam roads, will be our proportion of the $25,000 of traffic which the electric roads expect to get, provided they get it. At any rate, whatever traffic they would get would be taken from our roads and that would amount to a great deal more than $2,000 a year per mile.

Hon. Mr. FOWLER: If these roads were electrified, would that change the position?

Hon. Mr. SMITH: That is another point. My contention is that if the Government propose to electrify some section of the roads where electrification is most required, surely the Ontario Government, surely the Hydro-Radial Commission, surely the voters, would not be so foolish as to duplicate them. I do not think anybody would think of such a thing. What the people want is an electric service, and an electric service they are going to have. If they cannot have it one way they are going to have it another. We have to face a fact, not a theory, and the cheapest and best way to do so is to propose to electrify such portions of the Government roads as can be economically electrified. We do not have to electrify the whole system; maybe only 1,000 or 500 miles to start with. We cannot electrify the whole system now; we have not got the power. The earliest time that we could get the power would be when the Chippewa scheme is finished, which it is said will be in the fall of 1921, but which will more likely be in 1922. That is the earliest date at which the hydro-radials can get power.

I know it is almost out of the question for any one to suggest spending large sums on capital account at the present time. No one in this Chamber dreads more than I do a proposal for large expenditure at this time; but there are times in the affairs of business when, even though a man or a company may be in difficult circumstances, it is absolutely necessary to spend some more money to save the business. I consider that that is the position the Government is in with regard to railways. We must defend ourselves. I do not think the Government would dare to veto a Bill passed by the legislature of Ontario for the building of these roads. We cannot stop them in that way. We have to stop them by giving the people something that they want, and making them see that it is more economical to have one road which is paying than to have two which are not. The financial strain on the Dominion Government would not be severe. The 47 or 57 municipalities have pledged themselves to an expenditure of at least $200,000,000. If they can venture on an expenditure of that kind, this great Dominion can surely venture on an expenditure of $10,000,000 or $20,000,000 a year for a few years in order to save its property. I do not think that this is a question that we need run away from because of the expenditure. The expenditure is not immediate, and it does not necessarily mean a huge sum, and it

seems to me that it is the only way in which we can prevent this duplication.

Hon. JAMES DOMVILLE: Honourable gentlemen, I have listened with a great deal of pleasure to the remarks of my honourable friend from Winona (Hon. Mr. Smith), and I agree with him in what he has said as to progression and advancement. There can be no question that these railways should be run by electricity if we can get it; but what are you going to do a hundred or a thousand miles away on the Intercolonial? They will have to haul coal there, which the honourable gentleman objects to; if they do not, where are they going to get their electricity? They cannot carry water-power around in their pockets. The question arises, where are you going to get the electrical energy, and how far is it going to compete with coal, or take the place of coal?

In Germany they use oil on the locomotive. Energy cannot be used twice over. If you are going to use oil-generated electricity you do not want it. There are to-day interior combustion engines which burn fuel oil, and the power is produced directly from that. That course will have to be followed in some places, because, while in principle I agree with my honourable friend, I must ask where are you going to get the energy in localities where there is no water-power? We cannot afford to use electricity unless we can use it to advantage. You talk about the railways going behind now; if they were electrified in some parts they would go still further behind. Perhaps my honourable friend would supply us with a little more detail, say a comparative statement showing the cost of electricity, coal, and also the cost of the generation of electricity by the use of hydro-carbon oils. It is difficult to convince a hard-headed man by argument; you must give him a practical demonstration. Down in New Brunswick there is no more power in some of the streams than a woman could carry around, if you understand me; and we know, from scientific study and knowledge, that it will not pay to generate electricity in small bulk in the winter time. The upkeep of the water storage and watersheds makes the use of electricity impracticable unless you have great power such as they have in Ontario. My hon. friend's argument is thoroughly correct as regards the province of Ontario, in the vicinity of Niagara, and probably some of Quebec, down near Shawinigan Falls. But when you use electricity on one part of the government roads and not on another, then the argument of my honourable friend is somewhat destroyed. Coal is still coming in to run the railways, and there is still the same dirt and the same handling of coal to be considered.

I only raise this question, because, perhaps unfortunately, I am a practical man in some respects. I admire the desire of the honourable gentleman. I think his wish may be gratified in the great future, but we should see where we are going to get our energy before committing ourselves. I think if my honourable friend would ask for a small committee composed of, say, half a dozen men to talk over this question they could bring in a report which would show where we stand in regard to generating a supply of electrical energy.

Hon. JOHN MILNE: Honourable gentlemen, I should like to say a few words on this question. When the Hydro-Electric Commission was first formed, I happened to be one of the commissioners. The honourable gentleman from Winona (Hon. Mr. Smith) is perfectly right in what he has said about electrification being profitable. I can give a practical illustration. In our factory in Hamilton we were using soft coal for which we paid $7 a ton laid down in the city. It required three tons a day to run our big engine. After talking the matter over with my son we came to the conclusion that we must put in dynamos, and we rigged up our whole plant with electrical equipment, and, taking power from the Hydro, we made a saving of $1,000 a month. The only difficulty was that we could not always get the power when we wanted it; but now we can get it pretty regularly, because we are running only five hours a day. The trouble with the Hydro-Electric Power Commission was that they sold more power than they could produce. That is why they undertook the Chippewa scheme. We are using electricity for light, heat, and power to-day, and some day the railroads will be electrified in Ontario and Quebec, because there is plenty of water-power. I am interested in the Southern Canada Power Company, which is doing a good business down below Montreal. We can get coal from Nova Scotia, but the cost of bringing it to above Montreal is too great, and therefore we must take advantage of the energy we have in our great water-powers. In Ontario we have the greatest water-powers in America. When the Chippewa canal is completed we shall be able to get plenty of power because in Hamilton there are two electric lines, the Hydro and the Cataract Power Companies. At present the services of the Cataract Power Com-

pany is better than that of the Hydro, but when the Chippewa scheme is carried out it will not be. I apologize for taking so much of the time of the House. I agree with what the honourable gentleman from Winona has said, that sooner or later we musts top using coal from the United States. The coal that is down in the Maritime Provinces we cannot get, and the coal out in the West is not available, because the freight charges are too high.

Hon. GIDEON ROBERTSON: Honourable gentlemen, just a word with reference to this important matter. The honourable gentleman from Wentworth (Hon. Mr. Smith) has mentioned the electrifying of the Chicago, Milwaukee, and St. Paul railway, running through the states of Montana, Idaho and parts of Washington, a distance of about 440 miles—an experiment which was carried out in the years 1915 and 1916 and has operated successfully, but not altogether economically. I had the opportunity of travelling over that road in 1917 on one of the electric engines for the whole distance of 440 miles, and got a good deal of first-hand information from the employees operating the trains. The saving in cost of operation was very substantial. The roundhouse, the terminal facilities, sidings, shops, staff connected therewith, etc., were all or practically all eliminated, having been rendered unnecessary, because the electric engines hauled trains over the whole distance of 440 miles and it was not necessary to change engines. But the initial cost of construction and the cost of maintenance of wires and power houses and staffs connected with the plant where the electricity was developed were very heavy indeed.

Hon. Mr. DOMVILLE: May I ask my honourable friend where they get the energy from to develop that electricity?

Hon. Mr. ROBERTSON: It was all carried by wires from a main station—I forget the name of the point, which was, I think, 110 miles from the railway, and was redistributed through 24 sub-stations scattered along the 440 miles of line. The Chicago, Milwaukee and St. Paul railway were at that time contemplating the extension of the electric line right through to Seattle, a distance of 560 miles more. They, however, I am informed, abandoned the idea because of the greatly increased cost of material, particularly copper, which figures largely in the construction.

I think there is no doubt that on a mountain section of railway, such as that is, such as we have in British Columbia, where water-power is available within a reasonable distance, it probably is an economical arrangement to operate a railway by electric energy. But the time has not yet arrived, in my humble opinion at least, when our railways in the province of Ontario, for example, could be economically operated by electric power.

Hon. Mr. DOMVILLE: Has the honourable gentleman considered the eastern provinces and how it would apply there?

Hon. Mr. ROBERTSON: The point made by my honourable friend who introduced this question was that he believed it desirable, in the interest of the public as a whole, and of both Federal and provincial governments, that there should not be an unnecessary duplication of lines, splitting up traffic in such a way as to make it unprofitable; and in that contention he is perfectly right. But the reason I say that in my opinion the time has not arrived when our lines in Ontario can be economically operated by electric power is that there is up to the present time a greater demand for electric energy for industrial purposes than can possibly be supplied. If you divert electric energy for the purpose of running railways for which there is no traffic, you are curtailing and retarding industry, without doing any good to the railroads. When the Chippewa power development scheme is completed and the 400,000 odd horse power that is in contemplation is actually developed, so that our industries that are now crying for power and cannot get it will have all the power they need, and there will be power to spare, then will be the time to commence to electrify our railroads.

Hon. Mr. SMITH: That is exactly what my proposition was.

Hon. Mr. ROBERSTON: I have no faith in the expectation of the development of a system of electrical lines competing with our present railway lines, and for this reason: that before the time arrives when those electrical lines can be built, the highways will have been so improved that the railroads will have been replaced by the motor truck for the carriage of freight, and by the automobile for the transportation of passengers. You will have a jitney service all through southern Ontario, on the main highways, and there will not be need for more railroads than we have at present. Therefore I think it is not advisable at the moment for us to attempt to make any capital expenditure in changing over from

steam to electric operation of our railways, even in the territory where energy is available, for all the available energy is at present needed for industrial purposes, and will be for some time to come.

So far as the honourable member (Hon. Mr. Smith) desires to avoid the duplication of railway lines, which makes operation unprofitable, I am entirely in accord with his views, and heartily commend his suggestion to your consideration; but I wanted to point out particularly that, with the improvement of highways, the motor truck will, I think, revolutionize transportation for local purposes.

Hon. W. H. BENNETT: The point which, as I understand, the honourable gentleman from Wentworth (Hon. Mr. Smith) was emphasizing was this: that, in view of the engagements which are about to be entered into by certain municipalities in the province of Ontario, it is desirable that, in any cases where such undertakings would involve the duplicating or triplicating of existing roads, the Government of Canada manifest its intention to substitute electricity for steam. For the benefit of honourable gentlemen who do not come from the province of Ontario and may not be conversant with the conditions existing in this province in respect to the so-called hydro-electric roads, I would like to make a few remarks.

In the first place, these undertakings are not initiated by the province at all; they are initiated by municipalities, which issue debentures or bonds upon which the roads may be built, and which in turn ask the province to guarantee the bonds. Without the provincial guarantee the bonds could not be profitably sold. Fortunately for the province of Ontario, the present provincial government has taken a determined stand with regard to the manner of dealing with these hydro-electric railways—a more determined stand than was taken by the political parties in the last House. Let honourable gentlemen look at the map or consider the province of Ontario. Let us take the case referred to by the honourable member from Wentworth (Hon. Mr. Smith)—that of the railroads running along the north shore of Lake Ontario. There are places where the Canadian National, the Canadian Pacific and the Grand Trunk run parallel within a stone's throw of each other. Yet, voluntarily, the municipalities have pledged their credit to establish, in opposition to those three existing systems, a line of electric railway. On the face of it, it is madness. Nevertheless it is being done.

I am not positive, but I have always understood that under certain Acts of the Legislature it is guaranteed that in the event of losses on the hydro-electric railways the province will pay a portion of the losses. I have not read the Acts and will not state that for a fact. I have asked members of the legislature about it, and have had answers both pro and con. It is rather alluring to the municipalities to be assured that in the event of loss they will not have to bear it all. Then, another inducement is held up, particularly in the case of the line which runs from Hamilton to Toronto, and that is that the assessment would be on the large property owners in Hamilton and the municipalities through which the line passed, and there would be an enormous capital expenditure of millions of dollars. The proposition was defeated in the city of Hamilton on the first vote, but on the second occasion it was carried, although not by a very great majority.

The London and Port Stanley road was originally a steam railway. It did not succeed in making money as it has been operated. Consequently it passed into the hands of the city of London, I understand, and is now owned by that city.

Hon. Mr. SMITH: That is right.

Hon. Mr. BENNETT: There had been a big development in the traffic of that railway owing to a large quantity of coal being imported from the United States to Port Stanley. That importation created an abnormal increase of traffic over what had obtained when the road was being operated by steam. Moreover, owing to the favourable price at which it was purchased, the line was able to make a very creditable showing. Another factor that entered into the increased profit of the road was the development of Port Stanley as a summer resort, which greatly increased the traffic. These and other factors, together with the general development of the country and particularly the city of London, increased the revenue.

There is the Metropolitan railway running out of Toronto northward to Newmarket and diverging to Lake Simcoe. Any honourable gentleman who is conversant with the conditions knows that were it not for the enormous summer traffic that is carried to the shores of Lake Simcoe, which has become a great watering place, so to speak, for the city of Toronto, that road would never have had the prosperity it now enjoys. I doubt very much whether in the winter months it pays at all, but in the

summer time it certainly must make a great deal of money.

Now we come to the other road referred to, the one running parallel with the Grand Trunk from Guelph to the city of Toronto. Wonderful to relate, the Hydro people contemplate building another line alongside of it. I have passed up and down on that line of railway. I have seen an occasional car on it. It was formerly owned by the Canadian Northern, and has now been acquired by the Government. From all I have ever been able to learn, the operation of that road seems to have been regarded as more or less of a joke, and it was maintained by Mackenzie and Mann only for the purpose of enabling them to retain their rights to certain bonuses or some arrangement they had made with the municipalities.

Now the people of those municipalities in the province of Ontario to which I have referred—and there are others—purpose placing themselves voluntarily under certain obligations by building lines which will not only duplicate but actually triplicate other roads. What is going to become of the roads? Every person who has read articles on the use of motor trucks and vehicles of that sort, referred to by the honourable Minister of Labour, knows very well that in the province of Ontario a large trade has already been developed in this respect. The province is now spending, or contemplates spending, millions of dollars in the betterment of roads, and it is to be expected that a great deal of traffic will thus be diverted.

What has been the history of the so-called radial roads in the United States? I have no reference by me, but I have read from time to time of the enormous number of such roads that have been scrapped. Any honourable gentleman who goes to the State of California may see magnificent systems of electric railways, running hither and thither all over that state, more particularly in the district of Los Angeles and other centres where there is a large tourist as well as local traffic; and he will be surprised to find that the cars on those lines are practicaly empty, while automobiles and trucks are passing on every side. I remember, while out there two or three years ago, reading in one of the newspapers of the abnormal decreases in the receipts of those roads throughout the state of California.

The time has now arrived, I believe, when the Government should take up this matter with the province of Ontario, and if certain municipalities in the province propose to involve themselves in huge expenditures, there is always one course left, and it is this. If the province does not endorse the bonds, that will be the end of the matter. But if the province is induced to guarantee the bonds, they will be sold, because, so endorsed, they naturally go on the market as a good security. What will be the next thing? I have often heard men talk of the huge municipal indebtedness of Canada of years ago. And what was the result? The provincial legislatures and the Dominion Parliament had to come to their rescue. If the province of Ontario guarantees the bonds of those municipalities, in ten years the municipalities will come to the Provincial Government and say: "By your endorsation you asked us to go into this." Then the province will be in honour bound to recoup them, because the Provincial Legislature is the power which can now stop them, and if it does not do so it should bear the consequences.

Hon. Mr. DANDURAND: Have any of those bonds been endorsed by the province so far?

Hon. Mr. SMITH: None have been issued yet.

Hon. Mr. BENNETT: Perhaps not. At the present moment I cannot recall any one of those roads that has been built under those assurances, but they are contemplated all over the province. Some of them are the most idiotic propositions conceivable. Let me cite a case. Between the town of Midland, in which I live, and Orillia, there is one line of railway with three or four villages along the road, and a survey has actually been made to establish right alongside of that one of those hydro lines. Why, it would not pay. You could not derive enough money from it in the winter to pay for shovelling the snow off it. It would have to be closed up; that would be the result. Yet the people are keen to have this line built; first, because of the expenditure of money, and in the next place because they believe that the province will ultimately have to pay for it.

I have read some of the articles on those electric roads as maintained by the railways, and there seems to be a great diversity of opinion. It is all very well to say that the steam engine was frozen up and utterly powerless; that it could not be moved and had to be rescued by the electric engine. That is very plain; a steam engine may get frozen up, and then an electric engine may come and take it along;

but had the electric engine been out in the same storm that the steam engine had been in, or had it been hindered by storms and snow as the steam engine has been it would never move the length of itself. I understand that in recent years great improvements have been made in the maintaining of steam by locomotives, so that they are much less liable to be frozen up than they were formerly.

I believe that the time of this Senate can be well occupied on this question, and the Government would be well advised to listen to all representations that may be made. Moreover, I believe that the Dominion Government at the very earliest day should have a commission appointed to inquire into this whole question, so that its findings might be placed before the people of the Dominion generally, and might have the effect of stopping the people of the province of Ontario in their wild career with respect to electric railways. Consider the position of the province of Ontario to-day. Honourable gentlemen have read the Budget which was presented the other day in the Ontario House: a deficit in round figures of $1,500,000. How can the people of Ontario expect to continue such abnormal expenditure? One of the greatest assets of the province has been its receipts from Crown timber lands, but they cannot last forever. Any gentleman who is conversant with the lumber business knows the shortage that is imminent in this end of the province, and that around Georgian bay and lake Huron the lumber question is a very vexed one. It follows that the income derived by the province of Ontario from that source must fail, and fail abnormally, in the next few years. But the province has many engagements which it cannot forego, such as the maintenance of public institutions and grants to schools. What is the position to-day? The province is actually deriving about $3,000,000 of income from taxes on places of amusement, automobiles, and so on. In the face of the condition which I have described, this highly virtuous province of Ontario, better and holier than the others, is encouraging horse-racing, so that it may get from it three-quarters of a million dollars of income this year. I suppose there will come a time when the horse-racing people will have to forego their diversions.

I think this honourable body is under obligation to the honourable gentleman who introduced this motion. I hope that the Government will at an early date issue a commission to take this whole matter into consideration—to consult experts, and to get all the information that is to be had on the subject; and I trust that the result will be that the people of Ontario will be brought to their senses in the matter of these huge expenditures on hydro-radials, which expenditures would not be undertaken if it were not for the fact that the province by guaranteeing the bonds practically gives its consent, and a moral undertaking that if a loss follows the province will assume the liability

Hon. W. C. EDWARDS: Honourable gentlemen, being engaged in the hydro-electric power business, I am somewhat familiar with the subject now before the Senate; but I will not detain the House longer than is necessary to make a very short statement.

The honourable Minister of Labour made just such a speech as I would have made on this subject, and which it is not necessary for me to repeat. I want, however, to make a statement in regard to California which may be interesting to members of this Chamber. In that state there are 11,113 miles of cement roads, and more are being rapidly built. The internal traffic of the state, both passenger and freight, is carried on almost entirely by means of motor trucks. The railroads have very little to do in the way of local operations in the state.

One great misconception seems to exist as to electricity and its development for the use of the Canadian people. It will be very many years before it can be used efficiently and economically for transportation purposes. Electrical energy can be successfully applied to cooking, and any person who has electricity available can effect great saving in that respect. So far as heating is concerned, although there is a general idea that electricity can be used economically for that purpose, and that Canada will have nothing to fear, even if the coal supply becomes exhausted; that is not the case. Electrical energy can never be made available economically in the heating of our houses.

Hon. Mr. SCHAFFNER: Why cannot electricity be used for heating our houses?

Hon. Mr. EDWARDS: It can be made available at an enormous cost.

Hon. Mr. SMITH: What is the cost?

Hon. Mr. EDWARDS: Three times the cost of coal.

Hon. Mr. SCHAFFNER: In the city of Winnipeg electrical heating is being made available. In my own house I am using electricity for heating purposes to a con-

siderable extent. The energy costs us one cent per kilowatt. Electrical energy for heating and for a cooking range costs us $1.48 a month. I am very much interested in what the honourable gentleman says, because this question is being discussed in the West.

Hon. Mr. DOMVILLE: May I say a word? I know a little about electricity. One cent a kilowatt is a very cheap rate in any event. In New Brunswick we pay 15 cents a kilowatt, right adjacent to coal and water power.

Hon. Mr. EDWARDS: All I can say is that I think I shall move to Winnipeg. I am afraid we do not all know what electricity is costing us. The electrical business is very intricate and highly specialized, and I want to tell honourable gentlemen that there are few men buying power who know what they are paying for it. I will give you the testimony of the head of the electrical system in the city of Ottawa, one of the greatest experts in the Dominion of Canada on the subject. He has made tests in his house for three or four years, and he assures me that the cost of electricity for heating is exactly three times that of coal; and electrical energy in this city is perhaps cheaper than in any other part of Canada with the possible exception of some portions of the Niagara district. The average price of electrical energy in the city of Ottawa in wholesale lots does not exceed $15 per horse-power. The cost of the production of a horse-power by the use of coal to-day would be $60 or $70.

Hon. ARTHUR BOYER: What the honourable gentleman from Winnipeg (Hon. Mr. Schaffner) has said has made my mouth water. I tried in the country a system of heating water by electricity. The apparatus was installed, and I was told that the cost of power for it would be a trifle over the normal cost of power for lighting purposes. We used that heating apparatus just one month. In the month of June, before it was installed, our bill was about $15. In the month of July, after we had used that heating apparatus, I received a bill, and much to my surprise —I took my glasses, but would not believe it, and got a magnifying glass to be sure— the charge was $109.90.

Hon. GEORGE LYNCH-STAUNTON: Honourable gentlemen, I do not intend to speak on this subject at any great length, because I agree entirely with everything that has been said. The honourable gentleman from Winona (Hon. Mr. Smith) has brought this motion forward for one purpose, and one purpose only, namely, to try to obtain a commitment from this Government to the electrification of railroads as soon as it may be practicable to adopt such a system. He wants the Government so to declare themselves so that we may prevent the execution of this piece of folly that has been so graphically described in this House. The Minister of Labour says that the only reason he knows against the electrification of railroads is that we have not the necessary power. We all know that we are going to have that power when the Chippewa development is completed; so the Government might well now declare that when that completion is in sight it will begin the electrification of such portions of the Government railroads as it may think proper. I know that one of the reasons animating the Hydro-Electric Power Commission in undertaking the Chippewa development was the fact that they would be able to use the surplus power for railways. Sir Adam Beck is now endeavoring to obtain the consent of the Dominion Government to allow him to build an electric railroad on the right of way of the Grand Trunk between Toronto and the Niagara frontier. If he does not get that consent, he proposes to buy a right of way alongside of it.

If this Government will only commit itself to the electrification of its railway system when the power is available, that is all the honourable gentleman from Winona wants. The Minister of Labour has seen and knows that in the western states they have 500 miles of electrically-operated railway in a climate similar to ours. Therefore I think he should try to impress upon the Government the necessity of declaring a policy now. I am told by a very competent and efficient engineer that the efficiency of electrical energy increases with the cold, while the efficiency of steam-generated power decreases with the cold. Therefore, with our climatic conditions there is certainly every reason for adopting electricity in the operation of our railways. We ought to consider the high rate of taxation in the province of Ontario—Hamilton has a 35-mill tax rate— and this Government ought to do everything it can to discourage the people entering upon reckless expenditures at this time.

Hon. W. B. ROSS: Can the honourable gentleman tell us whether the Hydro-Electric Commission have fixed the rates at

which they would be prepared to supply electric power from Chippewa?

Hon. Mr. LYNCH-STAUNTON: They have not done so yet, because I do not suppose any one has approached them. I have no doubt whatever that the Hydro-Electric Power Commission would give the Government a contract for any amount of power they might require at a price that would be satisfactory to them. They have declared that the only reason for the expenditure of this enormous amount of money, some $40,000,000 to $60,000,000, in developing that power, is because they are satisfied that it will be cheaper than the power derived from any other system in the province of Ontario, and we know that they develop power as cheaply at DeCew Falls as anywhere else.

Hon. GEO. W. FOWLER: I was greatly interested in the remarks of the honourable gentleman from Winona (Hon. Mr. Smith), and also in the remarks of the honourable gentleman from Simcoe (Hon. Mr. Bennett), because they confirmed the course which I, in common with a number of other members, pursued when the question of the acquisition of the Grand Trunk railway was before this House. We are now face to face with a difficulty. The people of Ontario are determined to rush on to destruction, unless the Government intervenes and does something involving the expenditure of a large sum of money to supplement an expenditure already necessary on account of the acquisition of the Grand Trunk railway. We pointed out that these things would occur, and they have occurred. I do not wish to be like the person who says afterwards, "I told you so," but by force of circumstances I am compelled to remind the House, "We told you so."

Hon. GEO. GORDON: Honourable gentlemen, I beg to move the adjournment of the debate, and perhaps I should say a word in doing so. I regret exceedingly that we did not have this able address from the honourable gentleman from Winona (Hon. Mr. Smith) prior to the time when we voted upon the acquisition of the Grand Trunk railway, because, after listening to his address, I have come to the conclusion that possibly the Grand Trunk Railway Company knew at that time of the obligations with which we are now threatened, and sought to get away from the expenditures which now look as though they would have to be shouldered by the country. I should like to consider further the address of the honourable gentleman, and for that purpose I move the adjournment of the debate.

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

DIVORCE BILL.

SECOND READING.

Bill Q, an Act for the relief of Herbert Walter Eccleston.—Hon. Mr. Bennett.

DIVORCE (ONTARIO AND PRINCE EDWARD ISLAND) BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. W. B. ROSS, the Senate went into Committee on Bill I, an Act to provide in Ontario and Prince Edward Island for the Dissolution and Annulment of Marriage. Hon. Mr. Blain in the Chair.

Sections 1 and 2 were agreed to.

On section 3—short title:

Hon. Mr. McLEAN: Honourable gentlemen, I would not have spoken on this Bill but that reference has been made to the one divorce granted on an application from Prince Edward Island. I would like to explain the circumstances. There was in that province a man who married when he was in poor circumstances and was living on an ordinary farm. Later he took another woman to live with him, and sent his wife away. By this other woman he had seven or eight children. He went into business and made a great deal of money, probably half a million dollars. He built a splendid place for himself and continued to live openly in adultery with this woman, to the knowledge of every one in the province. When he made application to the Government, it was felt that this man was not entitled to a divorce from his wife. She was not asking for it, but he was, and the Government refused to entertain the matter or to open the court at all. Under those circumstances he applied to the Senate, and I am told that he paid his wife $1,000 not to oppose his petition for a Bill of Divorce. If that man had applied to the Supreme Court of Prince Edward Island he would certainly not have obtained a divorce; but the Senate here was not supposed to know the circumstances, and a divorce was granted him. I am quite in sympathy with the Bill as introduced by the honourable gentleman from Middleton. I think that the Supreme Court of Prince Edward Island is the proper place for matters of this kind.

Hon. W. B. ROSS: I would like to correct just one statement. The honourable gentleman is mistaken in saying that the man petitioned for a divorce. It was the woman who applied.

Hon. Mr. McLEAN: It may have been.

Hon. Mr. ROSS: Yes. I remember very well that at the time I was suspicious of the case on account of the woman's age and the long time that had elapsed before the application was made. It was one of those doubtful cases.

Hon. Mr. PROUDFOOT: With which section are you dealing?

The Hon. the CHAIRMAN: With section 3.

Hon. Mr. PROUDFOOT: May I refer for a moment to section 1? I have been attending a hearing by the Divorce Committee and we have just finished. I do not know what reference has been made to section 1, which reads:

> The law of England as to the dissolution of marriage and as to the annulment of marriage, as that law existed on the fifteenth day of July, 1870. . .

Was there any change made in that? I have always objected to that form of expression in legislation. I prefer always to see the particular statute with which we are dealing. The enactment should be set forth so that any one picking up the Act of Parliament may be able to see what is the law which we have passed. Now, taking up this proposal statute, I find that it refers to the law that existed in England in 1870, and before I am able to learn what that statute is, I must of necessity look up the English Act and ascertain what was the English law at that time. It is very much better to set forth in our statute book the exact law which we intend to place before the people of this country, instead of merely referring to the law of England as it existed in 1870. We all know that quite recently many changes have been made in the English law. Why should we not deal with the law as it exists in England at the present time? If we can set forth in this Bill the law which we intend to place on the statute book, I would like to see it set forth. If we cannot, then I would like to suggest as an amendment, "as that law existed on the fifteenth day of July, 1870, and as it exists at the time this Act shall come into force. Various changes have been made in the English statute, and it is advisable, I think, if we are going to have the English law, that we should have it up to date.

Hon. W. B. ROSS: I agree with the honourable getleman that it is desirable to have everything put down in black and white, so far as possible, and it might be desirable to have a complete divorce code for all the provinces; but I can assure the honourable gentleman that if anybody introduced a divorce code it would be so intricate that it would be hopeless to get it through either this House or the Lower House. The law of divorce is an intricate law, and the more you study it the more you realize that fact. Rather than attempt what is impracticable, in bringing in too many things at once, I prefer to take up one thing at a time. Let it be as clear-cut as possible, and let it be thoroughly examined and discussed. It is only in that way that something can be accomplished.

Of course, as the honourable gentleman is aware, I pointed out the other day that we are following the course which was adopted in the case of the province of Manitoba and also with regard to the criminal law. We are keeping the provinces of Ontario and Prince Edward Island pretty close to the lines laid down for the three western provinces. I would advise the honourable gentleman not to ask now for more than he is likely to get, however desirable it may be. I agree with him that in many ways it would be better to have one code.

Hon. Mr. PROUDFOOT: I quite appreciate the difficulty of enacting a divorce law. What I would prefer, of course, would be a code for the whole Dominion. I accept the statement of the honourable gentleman that it would be probably impracticable to bring forward a Bill of that kind and have it passed at the present time. At the same time, I desire to place on record the view that I hold, not only in reference to this Bill but any Bill which states that we are going to adopt the law that existed somewhere else at some time. I think that is bad legislation, and that the practice should not be continued. In the Ontario legislature I always objected to that practice, and will continue to do so here. I would much prefer that the honourable gentleman, if he can see his way clear to doing so, would set forth the law as it existed at that time.

Hon. W. B. ROSS: You would never get it done.

Section 3 was agreed to.

Section 4, the preamble, and the title were agreed to.

Hon. W. B. ROSS: There is a typographical error in the schedule on the last page of the Bill. In the margin the year 1886 appears. It should be 1866.

The Bill was reported without amendment.

CUSTOMS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 31, an Act to amend the Customs Act.

He said: Honourable gentlemen, this Bill has to do with the importation into Canada of firearms and munitions. It seems that in the law as it stands at the present time this prohibition does not extend to the importation of firearms from the United Kingdom of Great Britain and Ireland. Inasmuch as it is very desirable to place the control of importations absolutely in the hands of the Government, it is proposed to strike out the exception.

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

BULGARIAN TREATY OF PEACE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 46, an Act for carrying into effect the Treaty of Peace between His Majesty and Bulgaria.

He said: Honourable gentlemen, in dealing with the resolution which came up from the House of Commons a few days ago, I made such explanations as I considered necessary and was able to make as to the contents of this Treaty. This Bill is simply to give effect to the Treaty which was then laid upon the Table, and which I explained at some length. It is unnecessary for me to repeat what was then said. I therefore move the second reading of the Bill.

Hon. Mr. BOSTOCK: Honourable gentlemen, in connection with this Bill I would ask the leader of the Government if, when we go into committee, he would be in a position to tell us how much money we have already expended in connection with the Treaty with Germany, the Treaty with the Czecho-Slovak minority, the Serb-Croat-Slovakian Treaty, and this Bulgarian Treaty, as well as our representation on the League of Nations. I should also like to know how the money has been provided.

Hon. Sir JAMES LOUGHEED: The price of peace is very often as great as that of war. It seems to me that if my honourable friend would ask for a return, he could better arrive at the detailed information upon this subject, because it includes a considerable range of expenditures. I doubt if I could get the information he desires before we go into committee on this Bill; but if my honourable friend will move, either by way of an address or an inquiry, I shall see that his request is forwarded to the proper quarters, and that he gets the information asked for.

Hon. Mr. BOSTOCK: That will be quite satisfactory.

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

The Senate adjourned until to-morrow at 2.30 p.m.

THE SENATE.

Friday, April 16, 1920.

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

Prayers and routine proceedings.

CHIME OF BELLS FOR PARLIAMENT TOWER.

APPOINTMENT OF SPECIAL COMMITTEE.

Hon. Mr. BRADBURY moved :

That a Select Committee be appointed to inquire into the cost of the installation in the Tower of the Parliament Buildings a first class carillon in connection with a clock, the said committee to be composed of the Honourable Messrs. Boyer, Belcourt, Girroir, Michener, Foster and the mover.

Hon. Mr. POWER: Explain.

Hon. Mr. BRADBURY: Honourable gentlemen, I do not intend to take up the time of the House. I spoke on a similar motion a few days ago. I felt it was in the interest of Ottawa, and in the interest of Canada as a whole, to place on the tower of the new Parliament Building a carillon. I may say that since addressing this House on the question I have learned that in Washington there is a similar movement to-day. The musical interests of Washington are taking the matter up. Not only are they urging that a carillon should be placed on the buildings in Washington, but they are suggesting that the musical men of the district should themselves supply it as a memorial. I am asking for this committee for the purpose of having an investigation made so that the committee may be able to satisfy this House as to the wisdom of proceeding as

suggested. A carillon would certainly be a delightful thing to have on these buildings. There is no music ever invented that is equal to a carillon if properly played. Honourable gentlemen who have heard the carillons in the Low Countries will agree with that statement. There are over 100 carillons scattered over Belgium and the Netherlands. Any one who has ever listened to the bells of Bruges, Brussels, or other places would say that it is the sweetest music that was ever heard. There is no reason why we should not have a first-class carillon on top of this great tower we are building. I know there are certain criticisms as to the cost. I am not prepared to state, honourable gentlemen, what the cost will be. I know that previous to the war first-class carillons had been installed in different parts of Europe for about $22,000, or £4,400. The cost would doubtless be a good deal more at the present time. But let us say it would cost $50,000. That expenditure in connection with a building that is costing $8,000,000 or $10,000,000 is a mere bagatelle, if it is what we want, and I believe it is. The consensus of opinion in this great city and throughout the country, wherever this matter has been given proper consideration, is that the placing of a carillon in the tower would be a fitting finish to the building. However, I am asking for a committee for the purpose of investigating the question, and I hope that the committee will be appointed so that it may be able to present an intelligent report to the House when it has secured the necessary information.

Hon. Mr. WATSON: Is it the intention to have chimes that will strike every hour?

Hon. Mr. BRADBURY: There will be, in addition to the carillon, a clock that will strike every hour, or every quarter of an hour, or every half-hour if desired.

Hon. Mr. WATSON: I am not inclined to think that the Parliament tower would be a suitable place for such chimes as my hon. friend suggests, which could be heard all over the city of Ottawa. They would be striking when Parliament is in session.

Hon. Mr. BRADBURY: The striking of the hour need not be anything more than the striking of the clock. A carillon is played in two different ways. It is adjusted mechanically like a large music box, and it can be made to strike every hour or every half-hour, or every quarter of an hour, and to give a chime, if desired. In addition, it is fitted up so as to be played as an ordinary pipe-organ. If we had a man trained and able to play the chimes the music produced by a properly attuned carillon would be superior to anything that we have in Canada to-day.

My honourable friend (Hon. Mr. Webster) suggests that the musicians might go on strike. There is danger of anybody going on strike. Even the Senate may go on strike some day.

Hon. Mr. DOMVILLE: Are these bells to ring after Parliament has prorogued? What is to be done with the bells? Will they be taken away?

Hon. Mr. BRADBURY: I would not like to suggest that we take them away.

Hon. Mr. DOMVILLE: Are you going to annoy the people of the whole city of Ottawa? Why, they are trying to stop the bells in the churches.

Hon. Mr. BRADBURY: I am very sorry that the honourable gentleman has not a little more music in his soul.

Hon. Mr. DOMVILLE: Oh, I hear plenty of music all the time. In the olden days the bell was rung in the tower in order to give warning of the approach of the enemy, or to rouse the people in case of fire—to communicate intelligence of some kind; not for the sake of harmony.

The motion was agreed to.

DIVORCE BILLS.

FIRST READINGS.

Bill X, an Act for the relief of Gladys Stewart Addison.—Hon. Mr. Barnard.

Bill Y, an Act for the relief of Fedorin Cope.—Hon. Mr. Schaffner.

THIRD READING.

Bill Q, an Act for the relief of Herbert Walter Ecclestone.—Hon. Mr. Fowler.

DIVORCE (ONTARIO AND PRINCE EDWARD ISLAND) BILL.

THIRD READING.

Bill I, an Act to provide in Ontario and Prince Edward Island for the dissolution and annulment of Marriage.—Hon. Mr. Ross.

PRIVATE BILL.

SECOND READING.

Bill P, an Act to incorporate United Canada Fire Insurance Company.—Hon. Mr. McMeans.

CANADA SHIPPING BILL

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 21, an Act to amend

the Canada Shipping Act (Certificates of Service).

He said: Honourable gentlemen, this Bill is to modernize, so to speak, the Canada Shipping Act, in respect to the issuance of certificates to masters and mates. As I understand, under the Shipping Act of today, a man cannot secure a certificate as a master unless he was sailing previous to 1870, or as a mate unless he was sailing previous to 1883. This Bill provides that he shall have been qualified during the ten years previous to the present year. It furthermore makes provision for increasing the tonnage as at present provided under the Act, so as to extend the certificates of masters and mates to sailing vessels of 750 tons. Since the law was passed of course the size of ships has been very much increased. This Bill applies only to sailing vessels.

Hon. Mr. DOMVILLE: Does it cover coasters?

Hon. Sir JAMES LOUGHEED: I understand so.

Hon. Mr. BOSTOCK: Honourable gentlemen, I think from what my honourable friend has said about this Bill that it is in the interest of the country. There is one point, however, to which he did not refer. I understand that previous to the war it was possible to register ships in other parts of the British Empire and to sail them out of Canadian ports, and that immediately after the war started it was decided that ships must be registered in the country to which they belonged, and for a time the difficulty was overcome by Order in Council. I think I am right in saying that that privilege has now relapsed, and therefore, as the law stands at the present time, ships of over 150 tons register have to come under the law as it stood, which is working a hardship on the sailors. The navigation laws of the United States provide that a master or mate without a certificate can sail a ship of 700 tons register; and I presume that this Bill is making the conditions under which such ships have to be sailed here very similar to those which exist in the United States. I think it is a good provision, which will assist navigation on both the Pacific and Atlantic coasts.

Section 1 of the Bill reads as though it were only necessary for a man to have served twelve months at any period during the ten years preceding 1920. I suppose twelve months is a sufficient length of time to enable a man to acquire a sufficient knowledge of the sea to become a master; but if he were to serve twelve months, and then not sail again for nine years, he might forget a great deal that he had learned. That is a question that might well be discussed when we get to the committee stage of the Bill.

Hon. Sir JAMES LOUGHEED: I would refer my honourable friend to paragraph b, which says that every British subject who produces satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, shall be entitled to a certificate.

Hon. Mr. BOSTOCK: He produces that evidence to the board?

Hon. Sir JAMES LOUGHEED: Yes, before he gets his certificate. He does not get it automatically.

Hon. Mr. BOSTOCK: I think we may find that it would be better that some legislation of this kind should be applied to vessels propelled otherwise than by the wind, and I would ask my honourable friend if the Government would consider applying it to vessels of that character.

Hon. Mr. DOMVILLE: In the Maritime Provinces we have a different condition of affairs to that which exists elsewhere. Small coasters of 130 or 140 tons go down to the West Indies. We are trying to improve trade relations with the West Indies. Under this Act would those small vessels be able to ply?

Hon. Sir JAMES LOUGHEED: I would direct my honourable friend's attention to the last paragraph of the first section of the Bill, which provides that the certificate is for sea-going or coasting sailing vessels, whether square-rigged or fore-and-aft rigged, not exceeding 750 tons.

Hon. Mr. BOYER: What is the idea of confining it to sailing ships?

Hon. Sir JAMES LOUGHEED: I fancy provision is already made in the Shipping Act for other classes of vessels. Apparently for this class of vessel adequate provision had not been made to meet the requirements.

Hon. Mr. ROCHE: I should like a little information on this subject. The minister has made it clear that for vessels of under 750 tons, certificates would not be required. That is very well for the masters, but the examination of the mates is another matter. Frequently the crews and under-officers of sailing vessels are better seamen than the

examiners, because nowadays the examiners are largely concerned with steamers and have not the same experience in the use of sailing vessels. In Nova Scotia, and I presume the same is the case in New Brunswick, the mate of a coasting or fishing vessel frequently has a share in the vessel, is part owner, and I fancy that this provision might sometimes impose a hardship on them. But I fancy the Bill allows for a reasonable examination.

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

CUSTOMS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 31, an Act to amend the Customs Act. Hon. Mr. Thompson in the Chair.

On section 1—firearms and munitions of war not to be imported without permission, etc.:

Hon. Mr. FOWLER: What is the object of this Bill?

Hon. Sir JAMES LOUGHEED: As I explained yesterday, the Government has authority to regulate the importation of firearms coming from all countries except Great Britain and Ireland. There is no reason why there should be such an exception. The Bill simply increases the authority of the Government so that it may exercise control over firearms and munitions of war coming from all quarters outside of Canada.

Section 1 was agreed to.

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

The Bill was reported without amendment.

BULGARIAN TREATY OF PEACE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 46, an Act for carrying into effect the Treaty of Peace between His Majesty and Bulgaria. Hon. Mr. Daniel in the Chair.

On subsection 1 of section 1—Governor in Council to carry out provisions of Treaty:

Hon. Mr. ROCHE: Mr. Chairman, I understand that the King has already signed a Treaty with Bulgaria binding the Dominions. In what position would we be if we refused to pass this Bill? Would we go on fighting with Bulgaria under our previous arrangement, or would we suspend hostilities? The question is whether we add anything to the agreement which the King has made by passing this Bill through the House. We have either peace now or we have war. Have we war, if the King has made peace?

Hon. Sir JAMES LOUGHEED: The King has deferred his signature to the Treaty until it is signed by the overseas Dominions who are parties to it.

Subsection 1 of section 1 was agreed to.

Subsection 2 of section 1 was agreed to.

On subsection 3 of section 1—expense, how to be paid:

Hon. Mr. DANDURAND: Is that a direct expenditure by the Government of Canada, or is it simply the contribution of our share?

Hon. Sir JAMES LOUGHEED: Yes. Each of the countries party to the Treaty is assessed with a certain proportion.

Subsection 3 of section 1 was agreed to.

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

The Bill was reported without amendment.

CRIMINAL CODE (FRENCH VERSION) AMENDMENT BILL.

SECOND READING.

Hon. P. E. BLONDIN moved the second reading of Bill C, an Act to amend the Criminal Code (French Version).

He said: Honourable gentlemen, notwithstanding its title, this Bill does not make any amendment to the Criminal Code. Its object is to correct certain errors, and in some instances very important errors, which have been made in the translation from the English version of the code to the French version. The Parliamentary Counsel has prepared a new edition of the volume containing the Criminal Code and other selected statutes, putting in the amendments in their proper places. In preparing the French edition of this, it became necessary to compare the English with the French, and it was discovered that there were a large number of mistakes in the translation of the Revised Statutes.

Some of them are of quite a serious character. For instance, the punishment would be different in the English version from

what it would be in the first French version. In some places whole sentences were left out. The Revised Statutes were first of all prepared in English and were afterwards translated into French by the late Mr. St. Louis. It was a task which was really too great for one man to undertake. Moreover, there is no doubt that the French translation should have been prepared by the law translators of the House, who have a sufficient staff and are specially skilled in this work. The present Bill is to correct those errors. By looking at the Bill honourable gentlemen will see that there are a considerable number of amendments. They all relate only to the French version. If this Bill is given the second reading, my intention is to propose that a special committee of members from both sides of the House be formed to examine each proposed amendment.

Hon. Mr. DANIEL: I would like to ask the minister if it would not be advisable for him to amend the title of this. It is not proposed to amend the Criminal Code; we intend only to correct certain errors in translation. The Criminal Code itself is not amended, it is the same.

Hon. Mr. DANDURAND: The title says, "French version."

Hon. Mr. DANIEL: The title is misleading.

Hon. Mr. BLONDIN: Section 1 reads:

This Act may be cited as the Criminal Code (French version) Amendment Act, 1920.

Hon. Mr. DANIEL: But you are not amending the Criminal Code.

Hon. Mr. DANDURAND: Oh, yes.

Hon. Mr. DANIEL: You are correcting errors.

Hon. Mr. THOMPSON: In the French version.

Hon. Mr. BLONDIN: It would seem to me that the present wording covers the case.

Hon. Mr. DANDURAND: There are material amendments.

Hon. Mr. BLONDIN: Yes, there are material amendments. At the same time, I think it is immaterial if the title says more than is contained in the Bill.

Hon. Mr. FOWLER: I would like to ask by whom this translation was made.

Hon. Mr. BLONDIN: This translation was made by the French Assistant Parliamentary Counsel, and was no doubt submitted to the translators. But I may say this, that although you have very able translators on the bluebook staff, the translation of law requires a man who not only thoroughly understands both languages, but is a practised lawyer; because very often it is necessary to deal with law that has never existed in France but comes from England, and there are expressions for which you cannot find the equivalent in the French dictionary.

Hon. Mr. FOWLER: Have you been working under this law for 14 years in Quebec—under the French version?

Hon. Mr. BLONDIN: No. I do not pretend to be a criminal lawyer, but I would suppose that the courts in Quebec have been using the English version. Whenever they saw that there was an error in the French version, they would use the English.

Hon. Mr. FOWLER: That has been done ever since 1906?

Hon. Mr. BLONDIN: Yes.

Hon. Mr. DANDURAND: Honourable gentlemen, the Postmaster General (Hon. Mr. Blondin) has stated that this translation was made by Mr. St. Louis. I suppose he refers to the late Horace St. Louis. If the information furnished the minister is correct, then I would absolve the authorities for the selection of the translator, because no better translator could be found than Mr. St. Louis, who had long been practising as a lawyer; but in the latter years of his life he was very much incapacitated. If he did that work in his last years, when he was still apparently active, the disease which gradually incapacitated him would explain the sorry mess which is exhibited in this Act.

Hon. Mr. FOWLER: Does the honourable gentleman attempt to absolve the authorities for engaging an imbecile to do this work?

Hon. Mr. DANDURAND: Of course, I do not know at what stage of his illness he was asked to do the work.

Hon. Mr. FOWLER: Apparently at a very advanced stage, if that is a correct statement.

Hon. Mr. DANDURAND: Well, the minister (Hon. Mr. Blondin) intends to move for a committee, and that committee will report upon the present Bill. There is no principle before the House, although we are to vote upon the second reading. It

is declared that there are about a hundred amendments or corrections to be made. The committee will examine into them and will report to the Senate whether or not they are desirable amendments.

Hon. Mr. BLONDIN: I would like to say on behalf of Mr. St. Louis that, immediately upon mentioning his name, I added that it was too much for one man alone to undertake the translation of the Criminal Code. And I would go further: if you asked the ten best translators in the Dominion of Canada to translate a certain section, there would be long discussions regarding it after they had done so, and perhaps after some years of practice it would be necessary to apply to the Senate to have some amendments made in order to improve the translation.

Hon. Mr. FOWLER: With due deference to the honourable minister, I think that is an absurd statement—that you cannot find anybody who can translate an English statute into French so as to cover exactly the same ground and provide the same penalties in the one language as in the other.

Hon. Mr. BLONDIN: If my honourable friend understands French—

Hon. Mr. FOWLER: No, I do not.

Hon. Mr. BLONDIN: Well, if he would undertake to learn French, I would certainly accept him as an authority. I would refer one clause of any statute to him, and I am sure he would be fair enough to admit that there are difficulties that you cannot understand unless you have to deal with them yourself.

Hon. Mr. POWER: I think that the drafting of the Bill is hardly open to the criticism made by the honourable gentleman from St. John (Hon. Mr. Daniel). His criticism was a perfectly natural one, and one that would occur at first sight:

This Act may be cited as the Criminal Code (French version) Amendment Act, 1920.

The honourable gentleman takes the ground that it is a Bill not to amend the Criminal Code, but to amend the French translation. But the honourable gentleman left out of sight the fact that in both Houses of Parliament one language stands on the same footing as the other. It is not the French version we are amending: we are amending the Act as it appears in the French version. I think there is no error at all in the drafting of the Bill.

Hon. Mr. DANDURAND.

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

On motion of Hon. Mr. Blondin, the said Bill was referred to a special committee composed of Messieurs Beaubien, Belcourt, Casgrain, Chapais, Dandurand, David, Girroir, Poirier, and the mover.

APPROPRIATION BILL NO. 2.

FIRST READING.

Bill 67, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending 31st March, 1921.—Hon. Sir James Lougheed.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: Honourable gentlemen, I am quite aware that it is necessary to obtain the leave of the House for this motion. This Bill has to do with a bonus payable to the Civil Service. In anticipation of there being substantial changes to be made, the Bill has apparently been held over; but it is quite apparent that the payments have to be made at once pending further consideration which the Government is to give to the recommendations made by the Civil Service Commission respecting an increase of bonus. Honourable gentlemen will observe that the pay of the civil servants depends on the passage of this Bill.

Hon. Mr. BOSTOCK: Would my honourable friend state what is the amount?

Hon. Sir JAMES LOUGHEED: This simply makes provision for one-sixth.

Hon. Mr. BOSTOCK: How much?

Hon. Sir JAMES LOUGHEED: The same bonus as was paid last year, which I think, amounted to a little over $12,000,000. It is proposed that Parliament should vote one-sixth of this so as to permit the cheques which have been issued to be cashed. I would therefore move by leave of the House that the Bill be read the second time.

Hon. Mr. FOWLER: I would like to ask the minister what position this places us in, to pass one-sixth of the allowance for the bonus.

Hon. Sir JAMES LOUGHEED: It will permit of the bonus which we voted last year being paid to its full extent for two months

Hon. Mr. FOWLER: Are you considering the increase or the diminution of the bonus?

Hon. Sir JAMES LOUGHEED: Both. Proposals have been made along both lines, and each proposal finds a certain amount of advocacy.

Hon. Mr. TURRIFF: Honourable gentlemen, do I understand the honourable leader of the Government to say that there is a demand from the civil servants for an increase of the bonus over and above what was paid last year in addition to their salaries?

Hon. Sir JAMES LOUGHEED: Yes. There is some expectation on the part of civil servants that the bonus of last year will be increased in proportion to the alleged increase in the cost of living, but that question has not yet been decided upon.

Hon. Mr. TURRIFF: The Government is considering it?

Hon. Sir JAMES LOUGHEED: Well, as my honourable friend very well knows, the Government has become so accustomed to giving consideration to every proposal that comes before it that we can scarcely refuse to consider it, to say the least.

Certain rules having been suspended, the motion was agreed to and the Bill was read the second time.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

The Senate adjourned until Tuesday, April 20, at 3 p.m.

THE SENATE.

Tuesday, April 20, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill Z, an Act for the relief of Alexander Scougall.—Hon. Mr. Mulholland.

Bill A-2, an Act for the relief of Edith Gertrude Willis.—Hon. Mr. Proudfoot.

Bill B-2, an Act for the relief of Ada Mabel Sanderson.—Hon. Mr. Ratz.

Bill C-2, an Act for the relief of John Albert Green.—Hon. Mr. Ratz.

Bill D-2, an Act for the relief of Emily Cruickshank.—Hon. Mr. Ratz.

Bill E-2, an Act for the relief of Cyril Graham Sinclair.—Hon. Mr. Ratz.

THE DOMINION COAT OF ARMS.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

1. What are the names of the officials appointed to consider the question of the Coat of Arms for the Dominion?
2. When were they appointed?
3. How far have they progressed with their work?
4. When will their report be laid before Parliament?

Hon. Sir JAMES LOUGHEED:

1. The Under Secretary of State, the Under Secretary of State for External Affairs, the Dominion Archivist, and Major-General Sir Willoughby Gwatkin, C.B., K.C.M.G.
2. 26th March, 1919.
3. Work is almost concluded. A report thereon is now in course of preparation.
4. The report of the committee will be made to the Governor General in Council.

OIL FUEL.

INQUIRY.

Hon. Mr. DOMVILLE inquired of the Government:

1. When will the Government bring down the reports that have been made by Admiral Viscount Jellicoe of Scapa, and which have reference to the establishment of a Canadian navy?
2. Has the Government considered the question of using oil fuel in the steamers that have been constructed and are to be constructed to their order?
3. Did the Government take the opportunity of the presence in Canada of an Admiral of the Imperial fleet to discuss the question of oil fuel?
4. In view of the fact that the large transatlantic steamers are being converted into oil fuel burners, what steps are the Government proposing to take to assure for such steamers an assured supply of Canadian oil fuel?
5. In the years 1918 and 1919, this Chamber unanimously passed resolutions asking the Government to take means to assure the quick and early utilization of the oil shale exports of the Maritime Provinces; what steps have the Government taken to meet the recommendation of this Chamber in this matter? If no steps have been taken, what steps do the Government propose to take?

Hon. Sir JAMES LOUGHEED:

1. Admiral Jellicoe's report has already been placed on the Table of the Senate.
2. Yes.
3. Some of the ships recommended by Lord Jellicoe, for the Canadian navy, are oil burning vessels.
4. No information.
5. No information.

CUSTOMS ACT AMENDMENT BILL.

THIRD READING.

Bill 31, an Act to amend the Customs Act.—Hon. Sir James Lougheed.

BULGARIAN TREATY OF PEACE BILL.

THIRD READING.

Bill 46, an Act for carrying into effect the Treaty of Peace between His Majesty and Bulgaria.—Hon. Sir James Lougheed.

ELECTRIFICATION OF GOVERNMENT RAILWAYS.

DISCUSSION CONTINUED.

The Senate resumed from April 15 consideration of the motion of Hon. E. D. Smith:

That in the opinion of the Senate it is expedient and in the interest of Canada for the Government to proceed to substitute electricity for steam as a motive power upon the lines of railway owned by the Government as soon as and wherever economically practicable.

Hon. Mr. GORDON: Honourable gentlemen, having read over the address of my honourable friend from Winona (Hon. Mr. Smith) in Hansard of last Thursday, I find that, owing a very short absence from my seat that day, I misconstrued some of the remarks which he had made; and, as what I had to say is not really relevant to the subject, I have nothing to add except to compliment the honourable gentleman on the able manner in which he presented the subject.

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

DIVORCE BILLS.

SECOND READINGS.

Bill T, an Act for the relief of Ignace Perugini.—Hon. Mr. Gordon.

Bill U, an Act for the relief of William Murray Gray.—Hon. Mr. Bradbury.

Bill V, an Act for the relief of Albert Harvey McBride.—Hon. Mr. Proudfoot.

GERMAN TRADE IDENTIFICATION BILL.

SECOND READING.

Hon. GEO. LYNCH-STAUNTON moved the second reading of Bill W, an Act for the Identification of Traders in German goods.

He said: Honourable gentlemen, this Bill provides:

1. The Criminal Code is hereby amended by inserting therein, immediately after section 508d as inserted by section one of chapter twenty-six of the statutes of nineteen hundred and seventeen, the following as section 508e:

508e. (1) Every person who knowingly deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria-Hungary, shall keep posted in letters easily legible over every outside entrance to his premises the words "Dealer in German goods," and shall print the said words prominently in all his advertisements and stationery.

(2) Every person who fails to comply with the provisions of this section shall be liable for each offence on summary conviction to imprisonment for six months or to a fine of five hundred dollars or to both such imprisonment and fine.

(3) The provisions of this section shall not apply to dealings in any such goods, wares or merchandise as are in Canada at the time of the passing of this Act.

Honourable gentlemen, this Bill was introduced at the Session before last, and was passed unanimously by this House. It failed to be taken up in the House of Commons—I imagine, because there was too much business and it was so near the close of the Session. I am reintroducing it, therefore, in the hope that it may become law before the close of the present Session. The reason for which I introduced this Bill I stated in part before. My first reason is that there are thousands and thousands of persons in this country who, like myself, have objections to purchasing German-made goods, and who think that they are entitled to know when they enter a shop whether or not they may find German goods there, in order that they may be on their guard and examine carefully such goods as are presented to them for purchase and may not be deceived in having German goods passed off on them. These are perhaps personal and sentimental reasons, but they are the reasons which, in part, animate me in advocating this Bill.

There are other reasons which I consider of the utmost importance. We know that those who were induced to go voluntarily into this great war were told that it was a war to end war. They were told by the now Prime Minister of England and by, I believe, his Foreign Secretary, Mr. Balfour, and by Mr. Bonar Law, officially, that those who brought this terrible catastrophe upon the world would suffer condign punishment if we succeeded. After the war was over a Treaty of Peace, combined with what was called the League of Nations, was negotiated with the Blonde Beast. The British Empire and all her dependencies, with the other Allied and Associated Powers, entered into that Treaty, and Germany promised the performance of her Treaty obligations. It was provided in the Treaty that

those felons who had brought on this war, the Emperor of Germany and his advisers, who had been guilty of crimes against civilization were to be brought to trial and, if found guilty, were to be punished. The ink was hardly dry on the Treaty before the request was made to that secret ally of Germany, Holland, to deliver up that fugitive, that half maniac, William, former Emperor of Germany, who, at the first appearance of personal danger, had fled from his own land and sought an asylum among the Dutch; and in very graceful and very hypocritical language that Government refused to give him up. The Allied Powers bowed down at once and said: "We are sorry we cannot punish him." Thus was kept the pledged word to the people of the world, given by the Prime Minister of England. The whole proceding was a pretense. In the time of Charles II the regicides sought asylum in Holland. They were political fugitives if ever there were political fugitives. The Dutch Government gave them up. In ancient times, when the man who shook the foundations of the Roman Republic, Hannibal, sought asylum in an independent kingdom, the Roman Empire, which was no more powerful to enforce its will than are the modern Allies, had Hannibal surrendered to it; and I have no doubt that if one were to look into history one would find many precedents for the demand made by the Allies. Now the German Government has refused to hand over the other, smaller fry, and it is common belief that no effort is to be made to compel it to do so. So one of the great principles laid down, for which the people of the world fought, that those who were guilty of crime should be punished, and thereby all seekers after war in the future should be taught that if they brought on an unjust war and failed they would pay for it with their heads, like any other felon, has been abandoned, and this war to end war has ended just as preceding war, those who caused it going unwhipt of justice; and every nation and every ruler who in time to come may be threatened with punishment if they bring on a desolating war to destroy or to make miserable their generation, will feel that the punishment will never be inflicted, because the greatest powers the world has ever seen have abandoned that principle.

Hon. Mr. POWER: If the honourable gentleman will permit me to interrupt him for a moment—perhaps he would be good enough to say whether legislation of this particular character has been adopted in England?

Hon. Mr. LYNCH-STAUNTON: I do not know. I do not know what they have done in England. I was one of those who had a high opinion of the sincerity of the Right Hon Mr. Lloyd George. I am one of those whose opinion has had a terrible fall. I think now that, as Canada is recognized as having an individuality, recognized as one of the parties to the Treaty, recognized as more than a mere dependency, we should assert ourselves and do something—that we should let even the small voice of Canada go across the world announcing that we at least believe that felon nations should be punished. For that reason I bring forward this Bill, so that other nations may learn that if they cause an unjust war it will not be forgotten by those against whom they warred—that they will not enter into friendly commercial relations with them immediately after they have, perhaps, stabbed their brother to death.

Some of the Allies have gone further and given up one of the greatest and most important and valuable rights of the people. The Republic of France saw the Germans flagrantly and publicly breaking one of the provisions of the Treaty concerning the occupation by their troops of a certain territory. France protested, and as was her right, sent troops into that territory to make Germany keep her word. The moment that France acted in the way that I have mentioned without consultation with the others, so far as we know, the Government of England reprobated France for trying to carry out and enforce the Treaty, abandoning the right of each signatory of the Treaty to alone insist on the performance of the Treaty. It seems to me that was the most colossal blunder that any nation could possibly make, because, if one nation protested that none of the other nations should act unless they were all agreed, the British Empire would have no right to enforce any provisions of that treaty unless she got the consent of France, Italy, and all the other powers engaged in it. To my mind that was a most extraordinary attitude on the part of the Government of England, an attitude which I think the British people would not endorse—publicly to reprobate that great and magnificent ally, France, for her conduct. These actions convince me that there will be no effort made to compel Germany to carry out the Treaty; they convince me that Germany's push or pull is as mighty as it ever was.

During the debate on this question last session some one said that if we did not give Germany an opportunity to trade she could not pay the indemnities. I do not care one snap of my fingers whether Germany ever pays a dollar of indemnity. So far as we are concerned it will never do any good, and Germany will never pay it anyway, and will never be compelled to pay. But if I thought that the passing of this legislation would in any way discourage trade with Germany in this country I would be more insistent than ever. We must regard this question as a very serious one; we must stand out to reprobate in every way we can the conduct of the German people.

Hon. Mr. DAVID: How long will this Bill be in force?

Hon. Mr. LYNCH-STAUNTON: It will remain in force if it passes, as I heartily hope it will, until this Parliament repeals it.

There are nine million men in their graves to-day because Germany sought world power or destruction. Like Lucifer, when he went in the face of the Almighty—to rule heaven or to go into the lowest depths, to find still lower depths still opening to receive him—the German people declared that they would have world power or destruction. It was their election; and it is not for us to lead them out of destruction. They strove after the object which has been present in the Teutonic mind from the beginning of recorded time. Century after century the Teutons thundered at the gates of the Roman Empire until they brought it down in ruin; until Charlemagne was crowned in Rome; until his empire extended from the North sea to the Adriatic. Their pinchbeck emperor dreamed that he might transcend the greatness of Charlemagne, and he set his hand and the mind of his people to the conquest of the world to bring down the civilization of our time. And we say: "Oh, well, the war is over; we will let bygones be bygones. The millions of maimed and halt and blind and broken-hearted that go up and down this world may look out for themselves; we are only thinking of the dollars that are in it for us." If the people of the world allow this war to pass and fade into history after having taken the position that a new attitude towards unjust wars should be adopted by mankind, then for all time men will know that there is no sanction for punishing those who bring them on. We cannot do it. We are but a small people; we have not much voice in the government of the world; but we have some, and when we set an example we should set a right example and tell the world that we have not given sixty thousand lives and nearly ruined our country in a war to end war, and are now willing to abandon all our high pretensions and take a few miserable marks as compensation for the wrong that has been done to us.

Now, honourable gentlemen, I purpose pressing this Bill and asking that it be passed, and that the Government of this country give to those who have suffered at least the satisfaction of knowing that when they go into the shops of this country they will not have these accursed German wares put upon them.

Hon. Mr. McSWEENEY: If this Bill is passed, I would like to ask the honourable gentleman how it will be enforced. It will be impossible to enforce it, because England before the war sent goods to Germany to be dyed, and they were dyed and returned to Bradford or London or Huddersfield, where they were sold and sent out here. Within the last few months England has sold millions of pounds' worth of raw materials to Germany; the United States is doing the same; and even France is selling goods to Germany. Look at things practically and forget all this highfalutin stuff about Charlemagne and Hannibal.

Hon. Mr. DOMVILLE: Who are they?

Hon. Mr. McSWEENEY: We have to get down to brass tacks, and if we have any goods to sell, and the Germans can pay for them, it is our business to sell to them. It would be impossible to enforce legislation of this kind. I have goods on my shelves, and I do not know whether or not they came from Germany originally. Part of them are English, part French, and part German. How are we going to distinguish between them? You could not get one man in Canada to put up in his store a placard of the kind suggested. Give us something practical.

Hon. Mr. LYNCH-STAUNTON: I will give you something practical. The honourable gentleman takes the position that we have nothing to do after the war except make money—"Put money in my purse; all this sentimentality about the war is trash; all we have to think about is putting money in our purses." I do not propose to stop any man from making a profit by selling German goods; but when I go into a shop I do not want anybody to deceive me by passing off German wares as honest goods.

That is the point. Put up a sign and the law will not have to be enforced. I presume that any merchant who has such a love for Germany as to deal in German wares will not object to put up a sign stating that he deals with the Kaiser's subjects.

Hon. RAOUL DANDURAND: Honourable gentlemen, I do not know how any country could strictly apply such legislation as this. We have been informed that a number of European countries are already dealing with the Germans and exchanging wares with them. A considerable quantity of goods come to this country from the British Isles, and I have no doubt that through that channel will come German wares that will not bear the words, "Made in Germany." We know that only lately Great Britain has sent ships across the channel for the purpose of carrying 250,000 lbs. of German dye-stuffs, with the understanding that they will be apportioned among different countries; and I know that some American and some Canadian manufacturers are very anxious to get their share. If those dyes are used in Canadian-made goods, will the goods have to bear some indication that they are coloured with German dyes? Any inspector of the Federal Government would meet with some difficulty in supervising the application of this law.

I sympathize with my honourable friend when he says that it will be a bitter pill for the Allies to swallow to shake hands with the Germans and deal with them as if nothing had happened. Every one knows that the German soul has not changed since the 11th of November, 1918; that every German feels remorse, not because of the declaration of war, but because of the humiliation of defeat; that a large committee has been sitting in the Reichstag inquiring, not into the cause of the war, but into the cause of the defeat. They have examined generals and statesmen to find out why the opportunity had not been taken in 1916 to accept the offer of the United States to arbitrate the differences and settle the war. We know also that Germany has hardly begun to execute faithfully or honestly any part of the Treaty. We know that she has bound herself to demobilization, and that on the 31st of March last, when she should not have had more than 100,000 men under arms, she had hundreds of thousands. She has organized a territorial army which, in connection with her police organization, would enable her to put over a million men in the field. We know that Germany pledged herself to hand over great quantities of war material, and that not one-twentieth of that quantity has been delivered up. We know that she promised to deliver a certain number of millions of tons of coal to France, and that not one-twentieth of it has been delivered. We know that Germany was to deliver up cattle and many other things which were taken from France and Belgium, and as yet she has hardly begun to carry out her obligations. She is keeping her army in preparation for a day of revenge. The militarists are still watching for a chance to seize power and organize for the day when they may go back to the Rhine. I sympathize deeply with France in her present predicament. We know that Great Britain, when the Armistice was to be signed, required that the German navy, which was a menace to Great Britain, should be brought to a British port. We know also that another danger to Great Britain was the air craft, consisting of aeroplanes by the thousands, and they were to be delivered up. But, to the surprise of the world, although Bulgaria had been required to disarm on the day of the Armistice, no such condition was found in the Armistice of the 11th day of November, 1918, and the German troops returned triumphantly to Berlin with their arms and their guns, and to-day they are there in thousands.

Hon. Mr. FOWLER: Whose fault is that?

Hon. Mr. DANDURAND: It is the fault of the Allied Council of War, who did not impose that condition.

Hon. Mr. FOWLER: Who had the task of imposing the conditions of the Armistice?

Hon. Mr. DANDURAND: It was the Supreme War Council, presided over by Marshal Foch. I understand that Marshal Foch did not have his way entirely, because the political authorities had something to say in the fixing of the terms. But I am not recriminating; I am stating facts. Germany is on the Rhine, and there is a possibility of its having considerable strength at its back. We find that it is the same Germany as of old, eager to redeem itself in a military sense, and looking forward to have its revenge some day and to re-establish its military domination and to call back the Kaiser if possible. We are confronted with the same spirit that brought about the war of 1914, and I do not feel any

sympathy towards the vanquished, because they have not the chastened spirit of the vanquished. They have not a feeling of guilt; their only state of mind is one of humiliation, not because they stand before the bar of public opinion as culprits, but simply because they stand there as vanquished. I am not at all certain that my honourable friend (Hon. Mr. Lynch-Staunton) can effect anything in particular by this Bill; but, knowing the sentiments which exist in Germany, and feeling that the situation has not been improved one whit, I will not lift a finger to impede the passage of his Bill.

Hon. C. P. BEAUBIEN: Honourable gentlemen, the sentiments expressed by my honourable friend (Hon. Mr. Lynch-Staunton) have found a deep echo in my heart. It seems strange indeed that the most horrible crime of humanity should be in danger of receiving no adequate punishment. If one looks over the ruin caused by the late war and considers who are responsible, one cannot but be in entire accord with the sentiments expressed by my honourable friend. But may I say this, that when I heard his speech I thought it must lead somewhere else than to this Bill—why? It is true that the terms of the Treaty have not been observed. No punishment has been visited upon those who were primarily responsible for the war. Nothing has been done as yet to protect poor, brave little France against a repetition of this calamity. Nothing has yet been done to force Germany even to begin the delivery of those things which are necessary to France, that she may re-establish her industries, reclaim her fields, rebuild her homes, and resume her moral life. It seems to me, honourable gentlemen, that the noble sentiments expressed by my honourable friend should have soared above trade, and might very well have concluded with a recommendation from a proud little sister nation in the British Empire to the Imperial Government to have perhaps a little more sympathy for what France has suffered in the past, and a little more eagerness to back her against a possible repetition of that calamity in the future.

Hon. Mr. FOWLER: Do I understand my honourable friend to charge Great Britain with any lack of sympathy with France in this war? Do I understand him to make that charge on the floor of this House?

Hon. Mr. BEAUBIEN: I will be quite frank with my honourable friend, and I will state to him that I was indeed very much disappointed that when France asked to send troops to the Ruhr district after the Treaty had been violated and after an official lie by Germany—I was very much disappointed not to see Lloyd George come across at once and say to France: "Here we are, by your side." And may I say to my honourable friend that I am not the only one to feel this. I would invite him to open what I consider to be the best English paper in the country. In the Montreal Gazette of a few days ago he will see expressed, in a much better and more vigorous language the same sentiments that I have just expressed.

Now, honourable gentlemen, permit me to say this. Sentiment is veering in England now—why? Because, I believe, England is better informed. What was stated on the floor of the House of Commons lately by Mr. Winston Churchill? That England was astounded to find that, whereas Germany was allowed by the Treaty to keep only 288 guns, she had no less than 18,000—after stating that she had destroyed them.

Hon. Mr. POIRIER: They say she has 70,000 now.

Hon. Mr. BEAUBIEN: What I read in the papers was 18,000 guns and 15,000 aeroplanes. Now, it is quite evident that, after the strong position taken by France, some measure of protection to her will be given. But, honourable gentlemen, if ever effect is to be given to sentiments such as those my honourable friend has expressed—that justice should prevail, that those who are guilty should be brought to sentence and to punishment—we ought also to see that those who have permitted the wrong should repent to the full measure of their capacity. Poor France has borne practically half the cost of the war on the side of the Allies—no less than $71,000,000,000 out of $149,000,000,000, or practically half of the total cost to the Allies. That $71,000,000,000 stands to the credit of the little French nation. And whereas, honourable gentlemen, we have lost one man in 142, France has lost one man in 27. England's loss was, I believe, about one man in 52. The next nation which suffered the most severely, after France, was Serbia, which everybody thought had been wiped out. She has lost one man in 32. Now, honourable gentlemen, after being afflicted in that way, it is not surprising that France should require the execution of the Treaty. I must say to my honourable friend that when he reproaches the Allies with not hav-

ing insisted sufficiently on the execution of the Treaty he must make an exception of France. What has Mr. Poincaré said lately? "We have asked that the criminals be brought to justice. Nothing has been done. We have asked that coal be delivered to us. Germany was obliged to deliver to us 800,000 tons per month. At first she delivered 300,000, then 150,000. Nothing has been done. We have been patient. When the Ruhr district was menaced with invasion and we asked whether or not German troops would be sent, the German government said no troops would be sent; and when the German troops did enter the Ruhr district, it was time for us to say that Germany had gone far enough, and for our own protection we were obliged to enter the district ourselves." No, I do not think France can be held to account for any negligence. She has been bled white by this war. She has lost one-fifth of her whole wealth, and she knows where the danger lies, and what precaution must be taken to protect what is left of life and of property within her boundaries.

As I said at the beginning, the sentiments expressed by my honourable friend are lofty, but it seems to me that they find little application in the Bill. I regret that I differ from him as to the result which may be obtained by this Bill. If instead of being a blow at Germany it strikes at our trade and commerce, where shall we be? It is now desirable for us to break all the fetters that bound us during the war. Our trade must be free, because our debt is very heavy; and, notwithstanding the admirable sentiments expressed by my honourable friend, when we act as legislators we cannot get away from monetary or financial considerations, which are essential to the nation. I say that our trade must be free. When all the other nations in the world are free to deal with one another, with enemy as well as with ally, should we be the only nation to be fettered? I do not think we should. That is my first point.

My second point is this. Is every merchant in the land to be exposed to the accusation that he is dealing knowingly in German goods? How can a man know? Goods that originate in Germany may travel by very many routes before they reach our shores. How can a man know that they originated in Germany? If he is brought before a tribunal, he will have to plead that he did not know.

It seems to me that not only is the proposed measure very difficult of application, but it might be administered in a way which would cause irritation. I do not think it is wise. If I could interpret it as being a blow against the country from which all our trouble has come, in which all the misery of the war originated, I would vote for it without any hesitation; but I am sorry that I cannot see it in that light.

Hon. GEO. W. FOWLER: Honourable gentlemen, it is a sad and unfortunate fact, but a fact nevertheless, that a certain type of man, a certain type of member of this House, cannot rise upon his feet and speak of the British Empire except in the most slurring terms, in terms of disrespect, and without making statements that are not supported by fact. My honourable friend—my histrionic friend, my actor friend from the district of Montreal (Hon. Mr. Beaubien)—is full of that sort of thing. I have never heard him make a speech in this House, in which the British Empire has been mentioned, but that it has been mentioned in terms of disrespect and dislike. The honourable gentleman may say that that is not so, but that is my experience of the honourable gentleman.

Hon. Mr. BEAUBIEN: Will my honourable friend allow me? Will he cite one occasion—one occasion?

Hon. Mr. FOWLER: Sit down, then.

Hon. Mr. BEAUBIEN: What I have said has been stated by your own papers in my province. But let the honourable gentleman, instead of making a general remark, cite just one occasion.

Hon. Mr. FOWLER: The occasions are so numerous I could scarcely pick out one. Every member of this House knows it to be true. The same remark applies to the honourable member from De Lorimier (Hon. Mr. Dandurand), but not quite to such a degree as it does to my honourable friend from Montarville (Hon. Mr. Beaubien). It is strange that the honourable gentleman, a member of the legislature of a sister nation in the British Empire, cannot speak in this Chamber without slurring Great Britain. I have not the slightest objection to his eulogizing what France has done in this war. I say, all honour to France for what she has done in this war. But when the honourable gentleman intimates that France bore the heaviest burden in the war I throw that falsehood back in his teeth, and say that the heaviest burden of all in the war was borne by the

glorious British Empire. It provided the money. The honourable gentleman talks about what France has done, in comparison with what has been done by England. The very money that was used by France in this war, or a very large proportion of it, was provided by England, and France is to-day debtor to England for that money. The conditions under which the Entente was formed called upon England to perform a certain task if France were attacked. Did England resist? Did she say that she would only live up to the terms of that agreement? No. But every man, and every gun, and every dollar in Britain was at the service of the Allies in this war. Talk about any country being bled white! England surely has been bled white in that regard. Not only has she spent her own money, but she has borrowed billions of pounds from the United States, in order to finance the war, whereas if she had collected the amounts that she has advanced to her debtor nations, she would not have had to borrow one dollar from the United States, and the rate of exchange to-day would have been different: the pound sterling would have been worth its face value in the United States instead of being at a considerable discount, by reason of the fact that she advanced very large amounts of money to her sister nations in Europe, engaged in the same struggle as herself—to Italy, to France, and to Belgium. These are the facts. My honourable friend forgets that these are the facts, when he jumps at the opportunity to get a stab at the country, the great country, that bore the brunt of this war. If it had not been for the British navy the war would not have lasted three weeks, and everybody knows it. To say that England has done nothing, when she maintained that navy, which kept secure the trade routes of the world in order that this war might be fought out and that the people of Europe might be supplied with food! And the honourable gentleman cannot speak unless he sneers at that great country!

Hon. Mr. BEAUBIEN: I rise to a point of order. I have said nothing in my speech, not one word, that could be interpreted as being a sneer at the British Empire—not one word. I did criticise, and it was my right to criticise, the conduct of Lloyd George at that time. I think my honourable friend should bear that in mind.

Hon. Mr. DANDURAND: But the honourable mover said absolutely the same thing.

Hon. Mr. BEAUBIEN: Oh, yes, but there are reasons why.

Hon. Mr. FOWLER: Is the honourable gentleman going to make a speech or is he rising to a point of order?

Hon. Mr. BEAUBIEN: I am rising to a point of order. If ten Englishmen and one Frenchman were to rise in this House and were to use the same language as to the conduct of Lloyd George, the one man would get all the reproach; and, Sir, that is what you are doing: you are selecting that man. Let me tell you one thing, though, that it will produce no result at all. So far as I am concerned, I have nothing to reproach myself for, and I will not change my conduct, but will speak my mind whenever I think I should do so.

Hon. Mr. FOWLER: You were speaking your mind, but I do not think the workings of your mind are of such importance as to make any difference to anybody, no matter how you speak it.

My honourable friend referred to the conduct of Lloyd George only since the war. Let me say to him, and I have pleasure in saying it, that if there is any one man to whom the winning of the war is due, it is that great man Lloyd George—the greatest man in the world to-day, the man who took hold of matters when the situation on the continent was nearly desperate. I was over there at the time, and know something whereof I speak. He is a man of dynamic energy, of wonderful power, The moment he assumed the helm of state one could see the difference in the feeling of the people, the difference in the response of the people, the difference in the army, the difference in every way—Lloyd George, the man whom this puny statesman would attempt to traduce on the floor of this House; Lloyd George, the wonder-worker. Born in a remote village in Wales, the son of a poor preacher, the adopted son of a cobbler, a shoemaker. He has fought his way up, single-handed. He became a country attorney, and to-day stands pre-eminent among the statesmen of the world. And we hear would-be sarcastic remarks made by little two-by-four statesmen regarding this wonderful man, the man in whose hands the Tiger of France, Clemenceau, and the statesmen from the country to the South of us were but as clay in the hands of the potter. And he, forsooth, does not meet the expectations of the honourable member from Montreal (Hon. Mr. Beaubien). Lloyd George when he learns of this, will no doubt be deeply repentant, and I would not be surprised

if he were to instruct his secretary to send a letter of apology and explanation to the honourable member. Now, I have paid more attention to the gentlemen who have traduced the British Empire than they deserve, because that Empire will stand triumphant and glorious when all the yelping curs at her heels are gone and forgotten.

I am in the deepest sympathy with the honourable gentleman who is promoting this Bill, and my sympathy goes further than that of honourable gentlemen who merely sympathize with him. They sympathize tremendously; but, for fear that their sympathy might mean dollars and cents, they will not support his Bill. I will not only sympathize with the honourable gentleman, but I will support the Bill. I took a vow myself—a vow that I would not ask any one else to take—realizing as I did the wretched nature of the German nation, that I would never again so long as I live buy any article knowing it to be of German manufacture, nor would I deal in the store of a man who sold German goods. That is the way I feel about this matter, and I intend to support the Bill.

Hon. WM. ROCHE: Honourable gentlemen, when my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) introduced this Bill, I ventured to make a few remarks along the line that it would be extremely difficult to detect German goods, and also because of their mixture with other goods, and the necessity of their use in the arts, that we might be injuring ourselves more than we would the Germans. I think that indirectly I was the subject of the collateral censure of my honourable friend from Hamilton on that score; but I would ask him if he would penalize the whole German nation—the manufacturers of Germany, the hard working artisans of Germany, and the labouring men of Germany, for the injuries which the Kaiser and his military entourage inflicted upon the other nations? Would we make our enmity and animosity perpetual? Would we carry it on forever? And would we injure these people when the effect of our actions might be injurious to ourselves? That is a very plain and simple inquiry which I would present to the honourable gentleman.

But I would make a further inquiry into his historical recitations. He raised the parallel of Hannibal Barca and the Roman Republic of that time. We know that Hannibal had made a rather treacherous assault on Saguntum, and had been victorious at Cannae and Lake Thrasymene; that the soil of Italy was covered with the bones of those who had fallen in defence of the republic; and that the tremendous Numidian cavalry had defiled within sight of the walls of Rome. But was Hannibal a relative of any of the ruling families of Rome at that time? His father had caused him to swear eternal enmity. But I woul' like to know by what law my honourable friend would try the Kaiser. Would he try him by the law of England? would he try him by ex post facto law? would he try him by international law? We know that the Kaiser is the heir, by the second branch, to the throne of England. If he were tried by the law of England, he would say, "I am entitled to trial by my peers". And when has it been provided that the head of a warring government shall be tried by his enemies? These are the questions that were before the British people, and I do not know that Holland was unwise to shelter the Kaiser and not to give him up. We know that England has all along sheltered political prisoners; we know that it has been her boast that she has been the asylum of political refugees from all parts of the world.

Now, let us go a little further. How can we deliberately charge upon Germany acts of belligerence? How can we ascribe all the evils of war to Germany. Does not my honourable friend remember the 4th of August, 1914, when Germany had not declared war against England, but England declared war against Germany? Has he forgotten that fact? Was the German Emperor then justified in defending his dominions or not? Was the Emperor of Germany and were the people of Germany not justified in using all the military means in their power to prevent invaders coming into their country?—because it was the intention of the others to invade. Has the German mind forgotten the French occupation of 1808, after Jena and Auerstadt when Napoleon overran Germany? They have not forgotten the occupation of their cities, and the exactions made and the suppressions imposed upon them. When Napoleon was in Berlin in 1806-7, what did he do? He did exactly what my honourable friend proposes now; he issued an embargo against trade with the British Isles. That failed utterly because English trade penetrated into every seaport on the continent. The other nations sympathized with England, and she was able to maintain her commerce and continue the war for twenty-one years until Napoleon was taken to St. Helena.

There are other historical points that might be brought forward. Why continue

this petty enmity, this penalizing of our own people for having German goods or goods partially German when the British Empire is receiving German goods, restoring German trade, and trying to secure German trade?

But, further, what is the policy of the British Government in Europe? They do not wish any other power to be dominant, and when they have supported powers until they were able to balance or overcome other powers, they have taken the other side, because they must preserve that balancing of forces in Europe which enures to the peace of Europe and the peace of the world. What was the conduct of England in the war with Austria after the days of the elder Pitt? She supported Maria Theresa against the Prussians. When Frederick the Great took command of the German armies and seized Silesia the English went over to the other side.

Other people can read history as well as my honourable friend, and can recite as pregnant instances as the honourable gentleman has. It is the policy that Britain has pursued. They have awakened to the fact that there is a war of aggression on the part of France. Germany knows very well that France was only waiting. It is a subterfuge to say otherwise. If Germany had not invaded Belgium France would have invaded Germany. She had her plans fully prepared.

Hon. Mr. BRADBURY: What authority has the honourable gentleman for making that statement?

Hon. Mr. ROCHE: I have the very best authority, and I may tell my honourable friend that the plan of every ship that was built was known to Germany. Does my honourable friend think that these diplomatists that meet in Paris are blind and deaf and dumb to what is going on around them?

Hon. Mr. DOMVILLE: Are you referring to our Canadian representatives?

Hon. Mr. ROCHE: I do not know anything about them; I have never seen them; they never come to me for authority or anything of the kind.

The tendency is now for peace. For Heaven's sake let us have peace. Have we not had enough of war? Have we not sacrificed men and money and the amity of the people? Have we not violated the laws of God and man? Will we carry it on forever with enmity against any? Let us have peace, by Lloyd George or by France or Italy or Germany or any other power; let us have peace, and let God's will be done on the earth.

Hon. JAMES DOMVILLE: Honourable gentlemen, I do not want to say very much. But while these historians are at work where is poor Ireland? Did not the Germans send over brigades to kill the Irish in 1700? That is a matter of history. I am strongly in favour of the Bill, but, as my honourable friend has pointed out, there are difficulties. The fact is we are all full of imperialism I thought my honourable friend over there (Hon. Mr. Lynch-Staunton) wanted to commit us all to jail. We did not look to history, my honourable friend here (Hon. Mr. Roche) says. But what are we going to do? We had before our eyes imperial honors; and those who did the fighting, what did they get? They were humbugged. We were led to believe that it was a war of necessity. If they had all these troubles to work out, I do not know why they did not let the Serbians and Bulgarians kill one another instead of us. It is true that England had to step in and hold the sea, which the navy did so well that it saved the nation. I do not agree with all the statesmen; I do not agree with a good many in this chamber, because their views of governing the world are not sound and will not be carried out. Lloyd George has done remarkably well—no one better; still he was forced into it. The people of the country went to war to get their wealth dissipated and their children killed; but in Canada the blandishment was put over us, and without reckoning where we were we stood to defend anything. Where I come from the women and the churches were all talking of "your duty to God and man." But I say there is a greater duty than that. A man's intelligence should be used for the country he lives in, to make happy homes. That is what these embryo statesmen should consider. But unfortunately we are fighting—

Hon. Mr. McSWEENEY: Shadows.

Hon. Mr. DOMVILLE: Shadows, as my honourable friend says. There are generals by the score going around. Some of them did very good work. I speak now with knowledge, knowing something about military matters. But this is not a time to cavil. We have to do something. We cannot hang the Kaiser because he has lots of relations in England.

It is very difficult to have the Kaiser hanged up on Tower Hill, because his relatives everywhere would be humiliated. Now, we

must face this thought. My honourable friend says we cannot help it, we cannot send over an army, except an army of politicians and statesmen, to bring about peace. But we can do the next best thing: we can point out to the world that Canada is brave enough to say: "We will hold aloof, and will have no truck with you in the shape of trading in goods, and we will punish Germany by having nothing to do with her; she must take her medicine, and must be punished indirectly, if not directly, for fighting our countrymen, hanging them, shooting them, ravishing them, and she should be brought to book." I congratulate my honourable friend because of his statement.

Hon. W. H. THORNE: I want to state briefly why I am not in favour of this Bill. I have been in trade and merchandise all my life. The object of the promoter of this Bill is no doubt to prevent the consumption of German goods in Canada. Will it have that effect? Sentiment will not prevent the consumption of German goods. In a few years the sentiment created by the war, the feelings opposed to the use and importation of German goods, will die out.

Hon. Mr. DOMVILLE: All the worse.

Hon. Mr. THORNE: It is proposed to penalize any one who may buy these German goods; but I noticed that immediately after the armistice was signed the British merchants were reaching out to trade with Germany, and were re-creating the business they had lost during the war, although the sentiment is probably as strong in England as it is in this country. My feelings in regard to the war and its results are very strong against the Germans, but as a merchant I realize that that sentiment will soon die out, and that if people can buy a jack-knife made in Germany that suits them better and is cheaper, they will buy it. If the object is to prevent the consumption of German goods, I would suggest raising our tariff barriers or prohibiting the importation of German goods. If this Bill is passed the result will simply be that many Canadians, backed by Germans who are strong commercial men with strong commercial sense will find that there will be sale throughout this country for their goods if they can be placed here cheaper than the American or British. They will open up houses of their own, will put advertisements in the papers offering German goods for sale, and will put signs over their business places announcing "German goods dealt in here." I know enough about trade in this country to know that in nine cases out of ten people throughout the country districts will not hesitate, as soon as stable government is established on the other side of the water, to buy German goods if they are a little cheaper and as good as they can buy from the Mother Country or the United States.

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

DIVORCE BILLS.

SECOND READINGS.

Bill X, an Act for the Relief of Gladys Stewart Addison.—Hon. Mr. Barnard.

Bill Y, an Act for the Relief of Fedorin Cope.—Hon. Mr. Schaffner.

DIVORCE BILL (GENERAL).

MOTION FOR SECOND READING—DEBATE ADJOURNED.

Hon. W. B. ROSS moved the second reading of Bill J, an Act respecting the Dissolution and the Annulment of Marriage.

He said: Honourable gentlemen, in moving the second reading of this Bill, I do not propose to make any extended remarks. The Bill is unlike the Bill that was before the House the other day, which was entirely concerned with giving jurisdiction to the Superior Court of Ontario and the Superior Court of Prince Edward Island in the matter of divorce, and giving those two provinces the English law as it existed on the 15th July, 1870—merely a transfer of jurisdiction from this House to those courts. The present Bill is a different thing, and will apply to all the Divorce Courts in Canada, and it contains a number of provisions which will make the law a little more uniform than it would be without this Bill.

In the first section, for greater security, I intend to insert in the third line, with the consent of the committee, the words, "The province of Quebec alone excepted" after the word, "province." That leaves the Bill to apply to all courts in Canada having jurisdiction as to divorce.

The second section deals with a matter of this kind. A wife may be petitioned against by her husband for a divorce on ground of adultery, and on the trial of the cause it may transpire that she was innocent and that he was guilty. In England there is a statutory provision that in such case the husband's petition would be dismissed, but the wife would be entitled to a divorce against her husband. That is a

good law, because it makes men careful, and tends to prevent men from bringing actions for divorce unless they are prepared to stand examination and cross-examination as to their own conduct.

Hon. Mr. BELCOURT: I understand the law of England requires that, but I do not quite see the necessity for this section.

Hon. Mr. ROSS: There is no necessity for it as far as Manitoba, Alberta, and Saskatchewan are concerned, but there is in regard to British Columbia, Nova Scotia, and New Brunswick, because they have not such a provision, while the other provinces, which have the British law as of the 15th July, 1870, have that provision. The honourable gentleman is quite right in stating that there is no statute in the case of those provinces, but I want all the provinces put on the same footing.

Hon. Mr. BELCOURT: How is it that the provinces of New Brunswick and Nova Scotia have not the English law as well as other provinces?

Hon. Mr. ROSS: Because they have special laws of their own. Prior to Confederation they passed a divorce law which is still on their books.

Hon. Mr. BELCOURT: They adopted the English law with modifications.

Hon. Mr. ROSS: No. The legislature of Nova Scotia adopted the Scotch law, a very wide divorce law, and later on, a few years before Confederation, they narrowed it down. For instance, the Scotch law grants divorce for desertion for five years; but that was cut out, and it is limited now to one charge, that of adultery.

Hon. Mr. BELCOURT: It is similar to the others, then, because the sole ground is adultery?

Hon. Mr. ROSS: Adultery; but they have not this particular provision of the British law.

Hon. Mr. DAVID: So this Bill is not necessary to Bill I?

Hon. Mr. ROSS: No, Bill I stands by itself. This present Bill will produce uniformity in all the courts, to a certain extent.

Hon. Mr. BELCOURT: You are providing here for the uniform application of Bill I?

Hon. Mr. ROSS: I have provided for a new form of practice which refers to a certain state of facts, which may exist in any one of the courts.

Hon. Mr. BELCOURT: This is merely to establish a uniform practice in those courts?

Hon. Mr. ROSS: Yes, that is it. The principle of section 3 is the same as that of section 2. In British Columbia, and all those other provinces that adopted the English law, a husband is entitled to a divorce on the ground of adultery alone, but the wife has to prove adultery plus desertion or cruelty, etc. There is a good deal of complaint on the part of women of the country, and I sympathise with them in their view, that the law should be made the same for both.

Hon. Mr. BEAUBIEN: Is that the law in England?

Hon. Mr. ROSS: Yes, but this will put the wife and the husband on the same footing. Under section 3 the wife can get a divorce on the ground of adultery alone.

Hon. Mr. DAVID: Bill I says that the English law will apply; then the two Bills are distinct?

Hon. Mr. ROSS: I know, but this follows the other Bill. It would repeal the law of England that far, as applied to us.

Section 4 contains what I regard as an important and very just provision regarding domicile. Every one knows that it is a rule of English common law that the wife's domicile is the domicile of the husband, and the jurisdiction of the court granting the divorce is settled by the question of domicile. If a wife is deserted by her husband in one of the provinces, and he moves elsewhere, it is a great hardship to the wife to be compelled to find out where he has moved to, and chase him and file her petition in that province, or in a foreign country, as the case may be. Hence section 4 provides that a wife who is entitled to divorce on the ground of adultery may have a domicile of her own. For instance, I saw a case of this kind in Nova Scotia. A woman applied for a divorce, her husband having left her and gone to Western Ontario and settled there. The judge in the divorce court in Nova Scotia dismissed the petition on the ground that her domicile was the domicile of her husband, and therefore she would have to come up to Western Ontario. Of course, it is an implication of the common law that when a woman marries a man she intends to live with him;

but there is also this pretty strong implication, that when a man marries he undertakes to take care of her and make her his helpmate and companion. For that reason I think it is very fair that where a wife has been deserted by the husband and is applying for divorce she should have a domicile as if she were a femme sole, and not be subject to this common law rule that the domicile of the husband should govern. I may say that this is the law in New South Wales, and although there was some objection to it at first by the Imperial Parliament, the contention about it was abandoned after some few years, and the married woman there has the relief as given under this section 4. I attach more value to this than to almost any other section in the Bill, and I may say it was put in as result of questions I was asked in reference to another Bill that was withdrawn. But I refused to have anything to do with it unless this clause went into it, because I have seen a great deal of hardship of that kind. I saw here one case in particular, one of the hardest cases that I have ever seen before the divorce courts. A very fine young English woman who was married in England was brought out here by her husband, and two weeks after her arrival he deserted her. It turned out that he had been in this country for about a year. He was engaged to this girl before he left England. He got entangled with another woman here, and, instead of breaking off his engagement in England and marrying her, the dirty coward went back to England and married that beautiful woman, and he brought her out to this country. He ran away two weeks after bringing her to the city of Toronto, and left her stranded here. She would not go home—she said she could not and would not; she wanted to stay here; she wanted to get a divorce and get into some position in this country and earn a living. The Parliament of Canada has not been tramelled with regard to this question of domicile as a court would be, and it is, in my opinion, absolutely necessary and highly meritorious to give a wife who has been deserted, as that one was, a separate domicile, so that she may not have to go chasing after her husband, without knowing exactly where he is. In the case I have mentioned, after the husband left the city of Toronto, there was hardly any trace of him.

Hon. Mr. DAVID: Does my honourable friend think that it would be well to add to section 3 the words, "or in the law of England," so that the section would read: "Notwithstanding anything to the contrary in the law of any province, or in the law of England. . . ." Does not the honourable gentleman think it would be better to make that reference to the English law?

Hon. W. B. ROSS: I am trying now only to explain the principle of the Bill, which will be taken up in committee section by section. I hope honourable gentlemen understand that the fullest criticism of every section is invited, for I would be sorry if the Bill were to pass in any other way, without being carefully examined, clause by clause, line by line and word by word That is what I think ought to be done with any divorce legislation brought here.

Hon. Mr. BELCOURT: Will the honourable gentleman allow me a question, which arises out of the subject he is now discussing. My honourable friend has no doubt looked up the laws of the various provinces in regard to domicile. Let us suppose the case of a woman in Nova Scotia who has obtained a divorce from some court in one of the other provinces or in a foreign country. This question of domicile has a very wide application, and the question arises in my mind, just what recognition would be given by the court of Nova Scotia to the divorce obtained in a court of one of the other Canadian provinces, or in one of the states of the American Union, for instance. How would that work out?

Hon. W. B. ROSS: If the divorce was not granted by the court in the place where the woman was domiciled, the court of Nova Scotia would not recognize it at all. The test of whether a former divorce is of any value or not rests on this question of domicile.

Hon. Mr. McMEANS: Take the case cited by the honourable gentleman, that of a woman in the country for three months. Would that be a sufficient period to give her a domicile in the province of Ontario?

Hon. W. B. ROSS: It is all a question of fact that comes before the judge. If she can show the judge that she has made her home in Ontario, that is sufficient. It is not a question of whether she has been here three months or six months. As the English courts say, a person may not be domiciled even after twenty years' residence. It is necessary to convince the court that you have abandoned your old home and acquired a new home. It is in every case a question of fact.

Clause 5 is a clause that makes the husband or the wife a competent and compell-

able witness. The purpose of this provision is to bring about uniformity. The wife or the husband can give evidence in Nova Scotia. I do not know what the law is in New Brunswick.

Hon. Mr. McMEANS: That is a clause which requires a great deal of consideration. While the husband and the wife might be asked to give evidence, and be competent witnesses, it would strike me as being inadvisable to compel them to testify.

Hon. W. B. ROSS: That point can be taken up when the Bill is discussed in detail in committee.

Hon. Mr. McMEANS: Very well, I would like to discuss it.

Hon. W. B. ROSS: Then under section 6, the co-respondent is not a party to a divorce suit.

Section 7 provides for a decree nisi. We had some discussion on that the other day. I regard that as an important section. It is a mistake to grant an absolute divorce in the first instance; the divorce should be revokable for a least three months. I am not sure that six months might not be better. Experience in England shows that there are a great many cases reopened during the six months in which the decree is a nisi decree.

As to section 8, restricting the publication of the reports of divorce suits, I do not think there will be any difference of opinion.

Section 9 relates to alimony. I have my doubts about that section, as to whether the jurisdiction belongs to this Parliament or to the provincial legislature; but I thought it better to put it in here, and if the provinces have any doubt about the matter they can act under their own alimony laws. Some of the provinces have local statutes now. But this is one of the questions on which I have never been able to make up my mind, and I have not been able to find anybody who can tell me who has the right to deal with the question of alimony, which is closely related with the question of divorce.

Section 10 deals with appeals; and I intend to move in committee another clause at the end, giving courts power to make rules of practice. I forgot about that, but it can be done in committee.

This, honourable gentlemen, is just a short statement with regard to the Bill. You will see that there is in it nothing radical, and I think it would produce considerable uniformity in the divorce courts without making any substantial change in the law of divorce. In fact, it would not at all enlarge the jurisdiction of the courts in granting divorces, or the grounds on which the divorces would be granted. At all events, I think that all divorce legislation is of great importance and I invite the attention and the fullest criticism of this honourable House on every section of the Bill.

Hon. Mr. DANDURAND: It seems to me, from a reading of section 3, that it applies to all the provinces:

> **Notwithstanding anything to the contrary in the law of any province, adultery by the husband shall in itself be sufficient cause for the dissolution of a marriage.**

My honourable friend, I know, has in mind the establishment of uniform legislation and procedure in those provinces in which divorce can be granted, but it looks from the reading of that clause as if it applied to the one province which he left out of Bill I.

Hon. W. B. ROSS: The honourable gentleman will find that section 1 will read in this way:

> **In this Act, unless the context otherwise requires, "court" means the superior court having jurisdiction within a province, the province of Quebec excepted.**

I proposed to insert those words. But if there is any doubt on this point—there should not be the slightest—I can deal with the question in another way. Instead of those words, "the province of Quebec excepted," being inserted in section 1, there could be inserted at the end a clause to this effect: "This Act shall not apply to the province of Quebec."

Hon. Mr. DANDURAND: That will be satisfactory.

Hon. W. B. ROSS: That would perhaps be a neater way of putting it.

Hon. Mr. FOWLER: Why do you give the wife a separate domicile? Is it so that she may bring an action in any province where she happens to be?

Hon. W. B. ROSS: Certainly; instead of her having to chase the husband. The husband has his domicile, and if he wishes to institute divorce proceedings he may do so where he is. This gives the wife her domicile and she brings her action where she is domiciled, instead of chasing her husband all over the earth.

Hon. Mr. DANIEL: There is one question on which I am not clear, and it is this. It is proposed by this Bill to provide that all the superior courts in the various pro-

vinces shall have authority to grant divorces. What I would like to know is what are the causes for which those courts may grant divorce? I do not see any of those causes stated in this Bill. In what Act, or under what legislation or jurisdiction, can the courts grant divorce, and for what reasons? The only reason that is mentioned at all here is adultery, and that is mentioned only by the way. There are no causes put down here as statutory causes for which divorce can be granted, and I would like to learn from the honourable gentleman (Hon. W. B. Ross) where those causes are to be found, if they are not in this Bill?

Hon. W. B. ROSS: I may say, honourable gentlemen, with regard to those causes that they are contained in the statute, which will be found in volume 3 of the Revised Statutes of Canada. For the province of New Brunswick, they are found in the statutes of that province—the volume of 1886. With regard to all the other provinces, they are to be found in the English law. In connection with divorce, the grounds are stated seriatim.

Hon. Mr. DANIEL: Then there will be different grounds in different provinces.

Hon. W. B. ROSS: The grounds in British Columbia and all the Western Provinces, and in Ontario and Prince Edward Island, will be a little wider than those in Nova Scotia, and a little different from those in New Brunswick. It is not desired to interfere with Quebec at all, or with the other provinces any more than we can help. If Nova Scotia desired to have a change made regarding the grounds for divorce, I have no doubt this Parliament would put Nova Scotia on the same footing in that respect as the other provinces; and the same applies to New Brunswick. There is no difficulty at all, however, in ascertaining what are the grounds of divorce, for they are statutory.

Hon. THOMAS CHAPAIS: Honourable gentlemen, in opening my few remarks on this Bill, I must state that they shall be somewhat different from those I would have felt bound to make on the Bill formerly introduced by the honourable member from Victoria (Hon. Mr. Barnard). That other Bill had a wider scope. One of its obvious consequences would have been to break into the civil law of a great Canadian province, to defy one of her main religious and legal principles, to upset a very important part of her civil code, to put her judiciary in the most painful and dangerous position, in a word to create a situation pregnant with trouble, ill-feeling, friction and endless dissension. Clauses 2 and 3 of that Bill aimed at making divorce lawful within the province of Quebec, at introducing the principle of divorce in the common law of that province, contrary to this fundamental enactment of her Civil Code:

185. Marriage can be dissolved only by the natural death of one of the parties. During their lifetime it is indissoluble.

That clause is the embodiment of a doctrine held as unassailable by our forefathers, and juridically asserted by our old French laws, which are a most important part of these "civil rights" guaranteed by the Quebec Act of 1774.

It was never intended to invest the Federal Parliament with the power of subverting that doctrine, and of giving an adverse meaning to the words "Marriage and divorce," introduced in clause "91" of the British North America Act. To support that contention, allow me to make a brief quotation from the "Debates on Confederation." The Solicitor General of Canada made the following declaration in the name of the Government, on the 21st February, 1865:

Let us now examine the question of divorce. We do not intend either to establish or to recognize a new right, we do not mean to admit a thing to which we have constantly refused to assent. But at the conference the question arose which legislature should exercise the different powers which already exist in the constitutions of the different provinces. Now, among those powers which have been already and frequently exercised *de facto* is this of divorce. As a member of the conference, without admitting or creating any new right in this behalf, and while declaring, as I now do, that as Catholics we acknowledge no power of divorce, I found that we were to decide in what legislative body the authority should be lodged which we found in our constitutions. After mature consideration, we resolved to leave it to the central legislature, thinking thereby to increase the difficulties of a procedure which is at present so easy. . . . . We found this power existing in the constitutions of the different provinces, and not being able to get rid of it, we wished to banish it as far from us as possible. (Debates on Confederation, 1865, p. 389.)

This important and authorized declaration gave the true meaning of clause 91 of our federal constitution. Taking all that into consideration; I am sure the honourable members of this House, coming from our sister provinces, would have expected to see their colleagues of the province of Quebec join issue on that point, and make a strenuous effort to resist the intended invasion. Fortunately, we have been spared that unwelcome necessity. And I must

pay my most sincere tribute to the noble and wise inspiration which has led to the withdrawal of the Bill previously introduced.

But we have got now to deal with a new Bill. And though it does in no way challenge our convictions and feelings, as far as we represent specially the province of Quebec, it involves a general principle that for my part, as a Canadian legislator, I cannot see submitted to Parliament without raising my humble voice against it.

What is the object of this Bill? Undoubtedly it is to facilitate divorce. Last year, when a Bill of the same nature was introduced into this Parliament it was stated very frankly and very plainly that "in the interests of this country something should be done to facilitate divorce." This quotation is taken from the Debates of last Session, page 3772. To facilitate divorce is then the avowed and admitted object of the present Bill. And, should it become law, we all know that its aim would be attained. If, departing from the present regime of restriction and of special and exceptional jurisdiction, you should enact that, in eight of the nine Canadian provinces, there shall be courts vested with the power of granting divorce, you would surely take the best means of disseminating divorce, of encouraging it, of laying the temptation at the door of every citizen of this country. That cannot be denied. Should reasoning fail to prove that proposition, experience would come to the rescue.

The honourable members of this House know what took place in England. Until 1857 immemorially there was no such thing as legal divorce in the United Kingdom. No better proof can be given in support of that assertion than the following statement of Blackstone, the great English jurist. He writes in his celebrated "Commentaries":

> The canon law, which the common law follows in the case, deems so highly, with such mysterious reverence, of the nuptial tie, that it will not allow it to be unloosed for any cause whatsoever that ariseth after the union is made. And this is built expressly upon the revealed law. With us, in England, adultery is a cause only for separation from bed and board; for which the best reason that can be given is, that if divorce were allowed to depend upon a matter within the power of either of the parties, they would probably be extremely frequent.

That quotation is surely decisive; it cannot be controverted that, before the legislation adopted in 1857, legally the marriage tie was indissoluble in England. But from the middle of the seventeenth century the practice was introduced in Parliament to grant divorces—to pass Bills of relief, as they were styled. This regime of privileged divorce, by way of special legislation, lasted for about two centuries. Then towards 1850 a campaign was launched to abolish parliamentary and organize judiciary divorce. A commission was appointed to study the question, and, after two or three vain attempts, a law was passed in 1857 to give divorce a legal status in England and to create a Court of Divorce and matrimonial causes. With that piece of legislation, divorce became part of the common law. What was the result? A renowned historian, Mr. Justin McCarthy, will give us the answer. We read in his "History of Our Own Times":

> The Divorce Act, judging by the public use made of it, certainly must be held to have justified itself in a merely practical sense. It seems to have been thoroughly appreciated by a grateful public. It was not easy after a while to get judicial power enough to keep the supply of divorces up to the ever increasing demand. (A History of Our Own Times, vol. III, p. 27).

The following figures fully support that statement. During the first thirty years after the passage of the Divorce Act of 1857, 6,381 decrees absolute for dissolution of the marriage tie were granted in the English Court, while during the preceding two hundred years 317 only had been granted by Acts of Parliament. (Gemmill, "Parliamentary Divorce," 1889, p. 258).

A few more figures will not be here out of place. In the United States divorce is granted by the States Courts. In Canada until lately, for five provinces out of nine, it was granted only by Act of Parliament. Statistics compiled for a period of twenty years show that during that time, from 1867 to 1886 the American courts had granted 328,716 divorces (The Encyclopædia of Social Reform, Bliss and Binder, New York and London, 1908, p. 397), while in Canada the total number of divorces granted had been only 116. "The ratio of divorce to population in Canada, on the basis of the census of 1881, for the above period, was 1 to 37,983 persons, while in the United States, on the basis of the census of 1880, for the same period, the ratio was 1 to 150 persons." (Gemmill, p. xxii.)

Let us now make a comparison between the regime of divorce granted by courts in our own country and the regime of divorce enacted by way of special legislation. Statistics compiled for the first twenty years of Confederation show that the number of divorces granted by Parliament during that period, for the provinces of Ontario and Quebec, where there were no divorce courts, was only 26, while in the provinces of Nova

Scotia, New Brunswick, and British Columbia, where such courts were in existence, the number of judiciary divorces was 109. The ratio to population on the basis of the census taken in 1881 was for Quebec 1 to 194,146, for Ontario 1 to 101,222, for Nova Scotia 1 to 8,472, for New Brunswick 1 to 7,648, for British Columbia 1 to 3,297. The disproportion can be seen at a glance. A similar result is obtained if you compare figures for a later period. During the last session of this Parliament the following statistics were put before the House of Commons. From 1906 to 1918—thirteen years—the number of divorces granted by way of legislation for the provinces of Ontario, Quebec, Alberta, Saskatchewan, and Manitoba was 244. For the same period the number of divorces granted by the courts in Nova Scotia, New Brunswick, and British Columbia was 380. The population of the former was 5,849,215 and the population of the latter was 1,236,707. Therefore the ratio to population for the first five provinces was 1 to 23,992 while it was for the three last 1 to 3,254.

I need not further insist on that demonstration. I think it is an admitted fact that the unavoidable and natural result of the creation of divorce courts has been and must be a tremendous increase in the number of divorces. And, moreover, we have the candid admission of the promoter of a Bill similar to this one that its aim is "to facilitate divorce." It is to make it more easy, less remote, less costly, more accessible to all classes and to all individuals—in a word, to make it more democratic, to use the favorite expression of the day.

Now, is that object a desirable one? Is it desirable that the number of divorces should increase. Is it desirable that the number of marriage ties dissolved should be growing? Is it desirable that the number of families disorganized should follow a steady progression? Is it desirable that the number of unfortunate children, guiltless victims of the family wreck, should multiply? I say, decidedly no. Divorce is a social evil, a social danger, and instead of being disseminated it should be restrained. Decentralization of justice was once an undoubted national boon in our Canadian history; but decentralization of divorce would be an unqualified curse. The family is the corner stone of society. In the words of Goldwin Smith "it is of more importance than the state; the family may regenerate the state, but the state cannot regenerate the family." And another writer of a very different school of thought, the celebrated Ingersoll, has none the less sounded the same note, in the following lines:

> Civilization rests upon the family. The good family is the unit of good government. The virtues grow where one man loves one woman. Lover, husband, wife, mother, father, child, home, without those sacred words the world is but a lair, and men and women merely beasts.

Now, divorce is the most deadly menace to that great social institution. It strikes at its very foundation. It threatens its stability. It opens the door to unholy feuds and to shameful schemes devised to nullify the most sacred of human contracts. And in the countries where it has become part of the civil laws it has grown to be a source of patriotic dread and despondency. Some years ago an American writer made the following declaration:

> Among the social problems which are forced upon us for solution none are more radical in their relation to society at large than the matter of divorce, none are charged with greater danger for the future of the United States. If the foundations be destroyed what can the righteous do?

And another writer stated in an American review:

> The country begins to be pretty thoroughly aroused to the evil of frequent divorce and the necessity of wise and efficient measures to ward off the imminent danger to the family and to the state and church as well. The evil has put on such fearful proportions during the last few years and chimes in so readily with the present demoralized condition of society, that only combined special and persistent measures will have the least chance of success..

Only a few weeks ago, a well-known American divine, Rev. Dr. William T. Manning, rector of Trinity Church of New York, was raising his voice against what he called "the modern assault on morals." He said:

> We have now to face the question whether the institution of marriage in any real sense is to continue among us or whether America is to be a land in which marriage is regarded as a permanent relations only in the private view of certain individuals or of certain religious groups of people.
>
> On Manhattan Island alone 1,335 divorces were granted in 1919, as against 889 in 1918, an increase of about 50 per cent, over the year previous. In the States of Oregon and Washington a recent investigation is said to show that during a six months' period the ratio was one divorce to every two marriages.
>
> Statistics published some time ago by Mr. Carroll D. Wright, of the Department of Labour, in Washington, showed that in twenty years nearly 1,000,000 persons in the United States had applied to the courts for divorce, and that more than 650,000 had been granted. Think of the number of children, relatives and friends affected by these broken homes and of their influence among our population as a whole. There are comparatively few families which are not in some way touched by this influence.

Our present system of easy divorce is in some respects less moral than the system of polygamy. Under the system of polygamy a man remains in responsible relation with the wives whom he marries. Easy divorce allows any number of successive wives or husbands to cast loose upon society, with cessation of all mutual responsibility as soon as the divorce is secured.

From my own ministerial and pastoral experience, I am convinced that if the divorce courts were abolished, the overwhelming majority of those who now seek divorces would find it possible to live together with reasonable contentment, and that many of them would find the full happiness and reward of faithful married life.

The present destructive movement in regard to marriage is not going to stop and cure itself. Unless it is opposed by some strong counter force its progress will continue of its own momentum.—The Montreal Gazette, 26th March, 1920.

It was from such cogent motives than one of the greatest public men of England in the last century, Mr. Gladstone, made a desperate fight against the ill-advised Divorce Act of 1857. His biographer, the Rt. Hon. John Morley, tells us that he took the floor twenty-two times during that memorable debate which, through the different phases of the measure, lasted eighteen days. Let me quote a few passages of the powerful speech delivered by him on the 13th of July, 1857. I may be mistaken, but it seems to me that they admirably fit the present debate. Mr. Gladstone said:

What is my honourable friend going to do? He is going to give you a law under which divorce is to be made accessible to all classes of the community. Is not that a new law?... The fact of the occurrence every year of one or two of those divorce Bills limited to particular classes of society has had no more effect upon the mass of the British people than if no divorce Bill had ever passed. I am most anxious, Sir, to make this assertion broadly, because it is vital to the whole case. The honourable and learned gentleman says he is bringing forward no new law. Well, I won't argue with him whether it is a new law as regard the infinitesimal part of England to which it applies, but I say the present Bill pledges him to carry divorce to the door of all men of all classes, and his law therefore, is as completely novel to all interests and purposes as if the first Bill of divorce passed in the case of Lord Roos in the reign of Charles II, had never been introduced in Parliament and never been followed up by others to pander to the passions of society." Having thus stated what was the purpose of the Bill and what would be its natural outcome. Mr. Gladstone went on to point out its logical and fatal consequences. He said: "All Englishmen and all Englishwomen—all Irishmen and all Irishwomen—and in Ireland the observance of the marriage now is still more exemplary than in this country—know that on entering into the marriage state they contract an indissoluble tie. And then you have the authority of philosophers—most impartial philosophers—of Gibbon who condemns the license of divorce, and of Hume, who speculating with his unequalled acuteness on this subject, says there is nothing so dangerous as to bring a man and woman into union, unless you bring them into absolute and total union. The union has been absolute and total. The whole course of desire, thought, purpose, will and habit has adopted itself to the entireness of that union. The marriage state is a total and absolute change. You pass over a gulf which you know you cannot repass; you enter upon a new state and you adopt all its obligations,. But you are now going to make that gulf which has hitherto been impassable, passable; you are going to say to the woman who has sinned, although she may have sinned under the strongest temptation, "Your sin shall be unpardoned, you shall be divorced, and nothing shall reconcile you to the man from whom you have been divorced; your sin shall be impardonable by the person you have offended though with his whole heart and soul he may be desirous to forgive you. That to me is a most doubtful state of things as regards the shutting the door to the penitent; but still more doubtful is the shaking the great idea of the marriage contract in the minds of the English people. Do not let us deal with humankind as if they were creatures of pure intellect, as if life was governed by conviction. The traditions of past time and the rules and customs of society which a man inherits as it were from those who have gone before him, have more perhaps to do with the government of life than any other consideration. The indissolubility of English marriage is an idea which has never been shaken in the mind of England. At no time have the middle and lower classes of the English people known what it was to have marriage dissoluble. Take care, then, how you damage the character of your countrymen. You know how apt the English nature is to escape from restraint and control; you know what passion dwells in the Englishman. But here is a great feeling of restraint observed among your population, and which has prevailed ever since England was England, that the marriage tie is indissoluble. And is there any adequate reason for giving a shape to this notion? Are you quite sure, when you have shaken the feelings of the people on this vital point that they will settle down again upon a basis defined for them by my honourable and learned friend the Attorney General or by Act of Parliament? As I have said, you are bringing in a system entirely novel, not novel. perhaps, as regards that small class of persons who have from time to time been divorced through the intervention of private Acts of Parliament, but perfectly novel as regards the great bulk of the community and the great precedents of human history. No single age. or country, or period has ever known a law of divorce like this. None have ever gone so far, without going further.... I cannot regard this plan in any other light except one namely, as the first instalment of change, the first stage on a road of which we know nothing. except that it is different from that of our fore fathers, and that is a road which leads from the point to which Christianity found the heathenism of man. (Hansard's Parliamentary Debates, 3rd Series, vol. 147, pp. 835, 853-856).

In taking that stand, Mr. Gladstone was following the steps of another great leader, Sir Robert Peel, who, on a similar attempt, had firmly and successfully opposed the creation of a divorce court. "With reference

to public morality, it appeared to him (I am quoting his own words) that it would be much better to retain all existing inconveniences than to make divorce so easily obtained. To do that would be to hold out a temptation to adultery." (Hansard's Parliamentary Debates, 2nd series, vol. 24, p. 1287.)

In 1857 Mr. Gladstone had not yet attained that immense prestige which crowned his older years. He was defeated in that great parliamentary battle. But eighteen years later, Sir John Macdonald, Prime Minister of Canada, declared in the Canadian House of Commons that in his mind, "amongst the moral triumphs which Mr. Gladstone had achieved, there was none so great as his defeat when he protested against the establishment of a divorce court in England." (Debates of the House of Commons, 1875, p. 859.)

Sir John Macdonald made that declaration in 1875. Later on, in 1888, when a prominent member of our House of Commons was urging that steps should be taken to remove from Parliament the duty of granting divorce, Sir John made another statement on the same subject. He said he was opposed to a divorce court, because if one were established the number of applications would greatly increase. That had been the experience of England, and of those who once strongly opposed the establishment of the divorce court and the transfer of the trial of divorces from the legislature to the court, very many had seriously repented their advocacy of the measure, because the number of divorces, the corruption of society . . were increasing to the annually increasing degradation of the public mind. He preferred our system which offers very considerable impediments to the granting of divorces, to the systems which prevail elsewhere. (Debates of the House of Commons, 1888, vol. 2, p. 1414.)

This was a settled opinion in the mind of Sir John Macdonald. We find the following lines in the interesting "Memoirs" of Mr. Pope on the departed leader:

> Speaking one day on this subject (the Senate's jurisdiction in the matter of divorce), Sir John observed that the late Lord Westbury had told him that, when he sat in the House of Commons, he had rather a stiff encounter with Mr. Gladstone on the establishment of a divorce court in England, against which Mr. Gladstone took strong grounds. "And Gladstone was right, too," observed Sir John, "for of this I am convinced, that the establishment of the divorce court in England has been productive of much mischief. In former times, the procedure with respect to divorce was the same as in force in Canada to-day—that is, it could only be obtained from the Upper House of Parliament. In those days divorces were rare, expensive, and hard to get, and the morals of the community were spared the columns of scandal with which the English papers are occasionally filled. The only objection was on the ground of expense. It was urged that divorce was a luxury, accessible only to the rich. The establishment of the divorce court in Canada would mean cheap and easy divorces, which would lead to great laxity in the marriage relations. . . . They are beginning to see that in the old country. I hope it may be long before we have anything of the kind in Canada." (Memoirs of the Rt. Honourable Sir John Alexander Macdonald, by Joseph Pope, Vol. II, page 235.)

Nobody would deny the weight of that expression of opinion from the great Canadian statesman who took such a prominent and decisive part in the framing of our constitution, and in the moulding of our political institutions. Allow me to quote also the opinion of another eminent Canadian political man and jurist. Speaking in the same strain as Sir John Macdonald, the Honourable Mr. Mulock, later on Minister of the Crown and now Sir William Mulock, Chief Justice of the Exchequer division of the Supreme Court of Ontario, made this declaration:

> I think the facility with which divorces are granted in England and in other countries does go a long way to interfere with the sacredness of the marriage tie. . . There is no reason that justifies, in my opinion, the establishment of a divorce court for the province of Ontario. Divorce courts do exist in certain other of the provinces. If it is sought to harmonize legislation, that may be a reason for all these cases being brought before Parliament, but it does not supply a reason for adopting the suggestion made by my honourable friend for Queen's. (Debates of the House of Commons, 1888, vol. II, page 1416.)

In face of all these authorities, of all these powerful arguments against the dissemination of divorce, which would be so detrimental to the morals of our people, to the stability of the family, to the sound education of children, to the welfare of the state, what indeed can the supporters of that measure have to say? They say, first, that they do not ask for the introduction of the principle of divorce in our laws: it is there. The only thing they aim at is a change of jurisdiction, a betterment of the procedure followed heretofore. I would beg to reply that the proposition now before us goes further than that. They want to introduce legal divorce where it does not exist. They want to lower the fence, to open the gate, and give freer passage to the unloosened passion of men. Among our Christian community divorce is a disease; they strive to make it an epidemic. And I submit that a moral epidemic eats more deeply

into the vitals of the nation than a mere physical one.

The advocates of this measure also say that it is out of sympathy for the poor, for the lower classes, deprived of that great blessing of divorce that they propose this benevolent reform. Is it necessary to answer such sophistry? Divorce has been deemed at all times by the most eminent expounders of human wisdom to be a religious and social evil. Because that evil, with the complicity of passion, interest, and laxity of doctrine, has become accessible to the rich—has become a luxury of the rich, as you say—is it a reason why it should be made cheap enough to invade and poison the poor? Supposing that some fashionable and costly vice had fought its way through the higher ranks of society, do you mean to tell me that it is uncharitable, that it is contrary to the great and sacred principle of democratic equality to prevent the adoption of a scheme introducing the high-bred vice in the lower and swarming ranks of the nation? Daniel O'Connell, in face of a similar argument, made this typical answer:

> I wish, as the honourable mover, that the poor shall be placed on the same footing with the rich, but I would accomplish that not by giving it to the poor, but by refusing it to the rich. . . . If we regard the subject merely as statesmen, I would ask: are the upper classes who can obtain divorce more virtuous than the lower, who cannot? No man will say that they are, and is not divorce a temptation to adultery? Does it not give another argument to the seducer, when it enables him to say that he will restore the object of his passion to her rank again, or perhaps raise her to a higher rank than before? . . . . The Christian law, the canon law, the common law, and the law of both the Catholic and Protestant churches, are all on my side. (Hansard's Parliamentary Debates, 2nd Series, Vol. 24, p. 1,024.)

Then the promoters of that so-called reform use a circumstantial argument. They say, and it is true, that we have to face a frightful flood of divorce cases. They add, and it is false, that we should therefore divert that flood towards the ordinary civil courts. But they forget, or rather they try to make us forget, that this is only a passing and exceptional surge, due to special, extraordinary and well-known circumstances. Let us do our best to meet the crisis. I will not attempt to find out what would be the best emergency prescription. But I most energetically object to the enactment of a standing treatment for an occasional illness. Are we going to accept the notion that to face a transient evil we should enact a lasting harm? The muddy flood will recede, but the impairment of our social system would stay. I trust that the good sense of this Parliament will not be deceived by such faulty reasoning.

In concluding these too long remarks, I would like to sum up in a few words the whole trend of my feelings in regard to this Bill. Its aim is to facilitate divorce; its consequence would be to spread divorce. Now, divorce is a religious and social evil, which should not be disseminated, but should rather be restrained, if not suppressed. Therefore such a measure can not be acceptable to those who firmly believe that the theory and practice of divorce is condemned by the doctrine of Christ and by the most sound principles of social philosophy.

If the present Bill should be adopted, for the first time legal divorce would be introduced in the statutes of Canada. Let us pause before we take that momentous decision. Let us ask ourselves if it is wise, if it is sound policy to court family decay and social demoralization. Our country, like many others, is living through troublous times. We have to face disturbing problems and to prepare for coming trials. Let us do nothing which could weaken our fundamental institution and poison the wells of our national life.

Hon. G. W. FOWLER: Honourable gentlemen, just a word or two with regard to this Bill. I must congratulate the honourable member from Granville (Hon. Mr. Chapais) upon the very eloquent speech which he has made. I might say, paraphrasing what was said of old, it almost persuades me against this Bill. It certainly gave us a very interesting historical account of divorce as it was attempted to be enforced in England, and has also pointed out to us the horrors that might ensue if we persisted with this Bill. I sympathize with the point of view of those persons who are opposed to divorce. I think that divorce should not be granted except upon the highest grounds, and only in cases of utmost necessity. There are, however, cases in which it would seem to be a very great unkindness to keep two persons united in the bonds of marriage when all the obligations implied in that bond have been broken. It is contended that we should not have divorce, because, it is said, marriage is a sacrament. Those who are opposed to divorce use the quotation: "Whom God hath joined together let no man put asunder." There are other quotations from the Bible that might be used on the other side

"Be ye not unequally yoked together," is one that I would suggest as containing some argument in favour of divorce.

Hon. Mr. LYNCH-STAUNTON: Does not that refer to oxen?

Hon. Mr. FOWLER: That shows the absolute lack of knowledge of the Holy Scriptures on the part of my learned and honourable friend from Hamilton (Hon. Mr. Lynch-Staunton). I regret that my honourable friend should make such an exhibition of his absolute ignorance of what is common knowledge to those who have, as some of us have, studied the Scriptures from our youth. If it were true that all marriages were God-directed, then I would agree that divorce should not be permitted; but, judging by some of the marriages that we have seen, they exhibit evidences of the handiwork of another power, which occupies the nether regions, rather than the Power which controls the heavens and the earth and all things that are therein. I would have little faith in the all-wisdom, in the omniscience and enveloping kindness of Divine Providence if I believed that it had art or part in the bringing together of some persons whom I have seen joined in the so-called holy bonds of matrimony. I think that the sooner we get away from that idea the better.

Now, I want to congratulate the honourable gentleman, the projector of this measure (Hon. W. B. Ross), upon the attempt on his part to take away from this Chamber the reproach which it has had with it for a long time, of being merely a place where persons who have a quarrel in the married state may come and air their grievances and be separated. There are services which this branch of the legislature can perform of much more importance to the state than even the dissolution of marriage, and I am glad that this will be relegated by these Bills to the courts. I have great faith in the courts of this country. I have a very high respect and esteem for the judges of this country. The proper qualification of a judge is that he shall be an honourable man and shall have a general working knowledge of the law of the country. It is not necessary that he should be a brilliant advocate; for my observation has taught me that usually the most brilliant advocates have made some of the very poorest judges. I am not geting personal with my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton). There is no reason why he should not be a judge, because we all recognize the fact that he is qualified. But the fact that a judge should be of upright character; he should have a fair and open mind; he should be a man who entertains a respect for all the institutions of the country. He should have a respect for the very position which he holds. In the great majority of cases our judges fulfil the conditions and qualifications that I have laid down. I have had an experience of thirty odd years in the courts of one of the provinces of this country, and, speaking of that province, I may say that almost every man whom I have known on the bench has had the qualifications which I have laid down as being necessary for a good judge; and I believe the same is true of the rest of Canada. But there are men who, by some stupid blunder on the part of an unwise executive, have been elevated to the bench of this country and who are unfit to wear the judge's robes; who, forgetful of their own dignity and the dignity of the bench to which they belong, have laid aside the robe of the king's judge and have assumed instead the cap and bells of the king's fool; as Shakespeare says, in order to tickle the ears of the groundlings, in order to win the cheap applause of the hangers-on of the courts, that guttersnipe type whom puerile curiosity brings to the courts to listen to the cases being tried; I say judges have been known who, for the sake of winning the applause of that type of men, have indulged in ribald criticism regarding this institution and regarding individual members of this institution. Such men are elevated to the bench, not by reason of the possession of brains or by reason of having an intimate knowledge of the law, but sometimes for racial or religious reasons. I am glad to know that the members of the courts of this country are in the main such men as litigants in divorce cases may safely trust their future to; and I may say, while I am not in favour of indiscriminate divorce, I am in favour of striking the shackles from the slave, and of giving persons who have been led into an unfortunate marriage an opportunity to achieve in a second marriage the happiness which they may have missed in the first.

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

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

THE SENATE.

Wednesday, April 21, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill F2, an Act for the relief of Richard E. Anderson.—Hon. Mr. Gordon.

Bill G2, an Act for the relief of Thomas Edward Dowthwaite.—Hon. Mr. Gordon.

Bill H2, an Act for the relief of Thomas F. Gatenby.—Hon. Mr. Nicholls.

Bill I2, an Act for the relief of Michael Joseph Courtenay.—Hon. Mr. Nicholls.

Bill J2, an Act for the relief of Thomas Patrick O'Neill.—Hon. Gerald White.

Bill K2, an Act for the relief of Robert Ernest Beadie.—Hon. Mr. Ratz.

THIRD READINGS.

Bill T, an Act for the relief of Ignace Perugini.—Hon. Mr. Gordon.

Bill U, an Act for the relief of William Murray Gray.—Hon. Mr. Bradbury.

Bill V, an Act for the relief of Albert Harvey McBride.—Hon. Mr. Proudfoot.

Bill X, an Act for the relief of Gladys Stewart Addison.—Hon. Mr. Barnard.

Bill Y, an Act for the relief of Fedorin Cope.—Hon. Mr. Schaffner.

PRIVATE BILLS.

FIRST READINGS.

Bill 4, an Act to incorporate Armor Life Assurance Company.—Hon. Mr. Sharpe.

Bill 5, an Act respecting the Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Taylor.

Bill 25, an Act respecting the Pacific Coast Fire Insurance Company.—Hon. Mr. Schaffner.

Bill 26, an Act respecting the Pacific Marine Insurance Company.—Hon. Mr. Barnard.

Bill 33, an Act to incorporate International Loan Company.—Hon. Mr. McMeans.

Bill 34, an Act respecting the Montreal and Southern Counties Railway Company.—Hon. Mr. Boyer.

Bill 41, an Act respecting the Canadian Pacific Railway Company.—Hon. L. C. Webster.

Bill 42, an Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Barnard.

Bill 43, an Act respecting the Kettle Valley Railway Company.—Hon. Mr. Barnard.

Bill 44, an Act respecting the Montreal, Joliette and Transcontinental Junction Railway Company.—Hon. Mr. Pope.

SECOND READING.

Hon. Mr. McMEANS moved the second reading of Bill 33, an Act to incorporate the International Loan Company.

He said: Honourable gentlemen, I would ask in this particular case for a suspension of the rule so that the Bill may be sent to the Committee on Banking by Friday. The Bill has passed the Insurance Department and has been passed by the House of Commons. It is just an ordinary Bill for the incorporation of a loan company, and the gentlemen obtaining the charter have been here for about ten days. By having it go to the committee for Friday a week's delay will be saved. Under the circumstances, I would ask that the Bill be read the second time now.

Hon. Mr. BOSTOCK: Would the honourable gentleman explain what this Bill refers to?

Hon. Mr. McMEANS: The International Loan Company, which was incorporated in the province of Manitoba, is making application for a Dominion charter.

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

MAPLE PRODUCTS BILL.

FIRST READING.

Bill 28, an Act respecting Maple Products.—Hon. Sir James Lougheed.

DOMINION LANDS BILL.

FIRST READING.

Bill 55, an Act to amend the Dominion Lands Act.—Hon. Sir James Lougheed.

DIVORCE BILL (GENERAL).

SECOND READING.

The Senate resumed from yesterday consideration of the motion of Hon. W. B. Ross for the second reading of Bill J, an Act respecting the Dissolution and the Annulment of Marriage.

Hon. A. B. CROSBY: Honourable gentlemen, when I moved the adjournment of this debate last evening I did not do so with the intention of making any extended remarks, or with the hope that anything that I might say on this Bill would amount to very much. This question has been

fairly well threshed out. I happened to be in the House when the second reading of Bill I came up. On that occasion the honourable gentleman from Granville (Hon. Mr. Chapais), who yesterday gave us a very eloquent address on this Bill, asked that Bill I be not read the second time then, stating that he desired to speak on the principle of the Bill. The honourable gentleman from Middleton (Hon. W. B. Ross) told my honourable friend that he need not worry, that Bill J that was coming up was the same kind of Bill, that the principle was the same, and that he could make his speech upon the second reading of that Bill. But when I got up last evening to move the adjournment of the debate, the honourable gentleman from Middleton said that there was no principle to Bill J. He said, "Why move the adjournment? It has no principle." I was very much struck by such a remark coming from a gentleman of the make-up of my honourable friend from Middleton, because if there is one man to whom I would look for information, and whom I would expect to carry on any matter with decorum, particularly a legal matter, it is the honourable gentleman from Middleton.

I was here when Bill I was read the second time, and my honourable friend from Granville (Hon. Mr. Chapais) put exactly the same question that I would have put. He said that he did not intend to give a silent vote on such an important Bill. I had intended to vote conscientiously on Bill I; but when the honourable gentleman from Middleton said that Bill J would be the same as Bill I and that we could discuss the whole matter when it came up, I was satisfied I could vote as my conscience dictated. My honourable friend from Granville made a very eloquent address yesterday and I was interested in listening to him. What he said was particularly well directed. If I understand Bill I, it is for the purpose of giving the province of Ontario and the province of Quebec the right to establish divorce courts.

Hon. Mr. BOYER: No, not Quebec.

Hon. Mr. CROSBY: I should have said Prince Edward Island. I know that Quebec is always able to take care of itself in such matters, and I hope that honourable gentlemen from that province will excuse me for coupling that province with what I said, without any such intention. All the other provinces now have divorce courts of their own, and Ontario and Prince Edward Island, I understand, are the two provinces which will get divorce courts under Bill I, and I understand that Bill J provides regulations for their conduct. My difficulty is this: I have the good fortune to be one of those who are frequently accused of being opposed to divorce. There is no doubt about my position on that question. But we have divorce to deal with and so far as I am able conscientiously to deal with it, I am prepared to do so on its merits. At the same time, I am anxious that we should have as little divorce as possible. We should be careful not to do anything that would encourage divorce in this country. If I came to the conclusion that my honourable friend's Bill would curtail divorce, and give us a guarantee that there would be fewer divorce cases than we have under the present system, I would be very much inclined to vote for it. On the other hand, if I came to the conclusion that the putting of those Bills upon the statute book was going to multiply the divorce cases, I would vote against the Bill and that the law should remain as it is, bad though it may be. As you can see, honourable gentlemen, I am in quite a dilemma. Would some honourable gentleman tell me what is the truth of the matter? I might even refer to the lawyers, whom I am not very anxious to speak of, but whom we sometimes have to do with and take a great deal from, and who sometimes charge very high. I am told by some honourable gentlemen in this House that if divorce courts were established in Ontario the province would be flooded with divorce applications as soon as the law went into effect. I do not know whether that is true or not. I do not know very much about Ontario; but, judging from the people who come from that province, I consider it a very fair and very important province. But I am told there are hundreds of persons who are just waiting for that opportunity. If that be so, I shall be very much inclined to vote against Bill I and Bill J and let the situation remain as it is bad as it may be.

The same is true of the province of Prince Edward Island. I heard one honourable member representing that fair little island state that its people did not want this divorce law; they preferred to be without divorce courts of their own. If he speaks for that province—and I am confident that he is capable of speaking for it—then you are forcing upon that province a court which it feels able to do without, and which may possibly provide a speedier way of obtaining divorces than coming to Ottawa.

People talk about the expense. They say that the Divorce Court in Ottawa is a rich man's court. I have taken a great deal of interest in divorce cases, because I have been desirous of seeing that no divorces were granted by this Chamber that should not be granted; and I must say that the committee inquiring into those divorce cases are entitled to a great deal of thanks from this House and from the country for the very able manner in which they have dealt with them. I know of only two cases coming before this Chamber, or before Parliament, on which a division was taken. In both cases I voted against the divorce. One was afterwards thrown out in the Commons. The other, I am sorry to say, was not thrown out; that was the Eastcott case. You will remember we divided on that case. That was one of the occasions on which I felt that the granting of the divorce was not as fair as it should have been; for, in my judgment, the evidence was not sufficient, and without any doubt there was a very strong canvass made on that occasion. Moreover, I saw a number of honourable gentlemen leave the Chamber when the vote was about to be taken. I was disappointed at that divorce being granted.

However, it is said that this is a rich man's court. Now, my experience in watching and examining the different cases has not been that many rich men have been divorced. Most of the applications have been from persons belonging more or less to the working classes. There has not been a great proportion of business men. That shows that the Senate Committee is not wholly and solely a rich man's court, but that those who feel obliged to take advantage of the opportunity of obtaining a divorce may come here and obtain it, if they are entitled to it.

One reason why I feel opposed to this measure is that if the province of Ontario or the province of Prince Edward Island is to have a court of its own, a man who did not have strong reasons for a divorce might be able more easily to obtain the services of a lawyer for perhaps $5, $10, $15, $20 or $25—just according to the scale; whereas, I notice, very few of the lawyers who come here to plead cases get less than $250. That is a substantial fee. I know there are cases in which the petitioner makes application for a return of the deposit money, and if the petitioner is a person who has not plenty of funds, the committee sometimes refunds a portion of the $200; but I notice the lawyer always gets his $250, or $300, or more, for his share. That is one thing that may perhaps have a tendency to deter persons from seeking divorce. I have reason to believe that, because most of the cases that come before the Senate Committee are cases of persons who are already practically divorced, by virtue of the fact that they are living apart. Either the wife has left the husband and gone to live with somebody else, or the husband has left the wife and gone to live with another, and usually months have elapsed before the divorce application is made. That indicates to me, honourable gentlemen, that there are many persons who are living together, although they are not getting along well, and who might perhaps try to obtain a divorce if the method were easier—if they could go to a court in the vicinity in which they live, and if the lawyer's fee were smaller. The result might be a greater number of divorces in the different provinces.

One thing I would point out, honourable gentlemen. Marriage is too easily effected in this country. We ought to begin by putting more restrictions on marriage. Any man can go from the municipality in which he lives over to another municipality, buy a license, and go with some lady and get married straightway, without asking anybody's leave or license, or without any other restriction. I think, as I have said, that marriage is too easily effected. The provinces should get rid of the idea that all they need be concerned with is to obtain the few dollars charged for the license, or that the more persons who get married the better, so long as they add a few more dollars to the coffers of the provincial treasury. That seems to be the whole principle of the license bureau—to grant a license without ascertaining whether the man has been married or not, whether he is a widower or not, or whether he has already a wife or half-a-dozen wives. Licenses are granted without any hesitation.

A few days ago, when I was in New York, one of the leading papers there gave an account of 264 marriage licenses that had been granted on Easter Saturday morning before 12 o'clock. The newspaper stated also that the deputy clerk had married 84 persons that morning. If that is so, assuming that the deputy clerk of licenses arrived at his office at 9 o'clock and stayed there until 12, a period of 3 hours, or 120 minutes—as nobody goes to work now much before 9 o'clock, although a few, but very few, may start at 8—

Hon. Mr. POIRIER: Are you sure that three hours are equal to 120 minutes?

Hon. Mr. CROSBY: One hundred and eighty minutes. If I had any doubt I would apply to my honourable friend, but he did not give me time. Well, if you take 180 and divide it by 84, you will see that the marriages were disposed of very quickly and without much ceremony; that there was not the sacredness that there should be in the surroundings. I think it would be a good thing for the clergymen at the head of the Christian bodies in this country to form a union and insist that they should perform all the marriage ceremonies in this country, instead of having them performed by magistrates and every Tom, Dick and Harry. They should insist on that safeguard, because it is needed. I am told that some of the Christian bodies are not paying as much attention to the clergy as they should pay. Why do not the clergy combine in a union, as every other class is doing. The workingmen have their unions; the lawyers have their union—and it is one of the biggest and strongest in the country; the engineers have a union; so have the doctors and other professional men—all but the clergymen. It would be wise for the clergymen to get together and see if they could not bring about such a situation as would compel persons desirous of marrying in this country to be married before some Christian minister. And let the clergymen protect each other, so that an Ottawa man wanting to get married could not run down to Montreal and obtain a license without difficulty and get some one there to marry him. If the person belongs to Ottawa he should be married in Ottawa, or should have a certificate from some one in this city, which he could present in the other municipality for the purpose of obtaining the license there. That would be a very necessary safeguard. I say that if we started better, we might have better results.

Now, I trust I have made my position as clear to the honourable gentlemen present as it is in my own mind. We are dealing with an evil, and I have decided that it is perhaps better for me to vote for our retaining control of that evil here rather than for handing it over to some other court or courts, thus perhaps affording a greater opportunity or greater inducement for married persons to go into the divorce court. I cannot vote against Bill I at the moment, as it has already been read; but I claim the right to vote against it when it comes up for the third reading. Now, I do not want to be misunderstood. I do not want honourable gentlemen to feel that I am going against this Bill because I think divorces should not be granted at all; I am voting against it because I want to vote for what I believe will offer the least inducement to applicants for divorce, and will prevent as much as possible the increase of divorce in our country.

Hon. Mr. BOYER: The honourable gentleman was talking about a union of clergymen. Would that include the clergymen of the church to which he belongs?

Hon. Mr. CROSBY: I think they are all pretty well united. They take good care that they marry all their people.

Hon. Mr. BOYER: Then why preach to others? Can they not take care of themselves?

Hon. Mr. CROSBY: Well, I always like to help the weak.

Hon. B. C. PROWSE: Honourable gentlemen, I would like to say just a word or two on this question of divorce. My honourable friend from Halifax (Hon. Mr. Crosby) could have made his whole speech in one sentence, and we would have understood it thoroughly: "I am against divorce."

Now, we have no lawyer from Prince Edward Island, and the reason I asked the other day to have the debate adjourned was that I had not seen the Bill. But I wish to compliment the honourable gentleman from Middleton (Hon. W. B. Ross) for simplifying the situation so far as Prince Edward Island is concerned. We do not often have a divorce case in Prince Edward Island. So far as I can remember, we have had only one. But I do not see any reason why we should not have a divorce court on the Island, in case we should need it, so that a poor man as well as a rich man might take advantage of it.

Hon. HEWITT BOSTOCK: Honourable gentlemen, the honourable senator from Hamilton (Hon. Mr. Lynch-Staunton), when discussing Bill I, referred to some remarks that I have made and rather took exception to my saying that I was in favour of bringing the divorce law up to date. I infer from the honourable gentleman's remarks that he may have thought that I was in favour of largely extending the causes for which divorce should be granted in this country. I desire for a few moments to explain to the House the present posi-

tion of the divorce law in British Columbia, for it was with reference to the law in that province that I spoke of the divorce law being brought up to date. We in British Columbia have been working under the law of England of 1858, and divorces have been granted in that province both before it entered Confederation and since. For some considerable time divorces were granted without any question, but a few years ago Mr. Justice Clement took exception to the manner in which they had been granted and raised the point that British Columbia was not justified in granting divorce at all. I should like to refer for a few moments to the remarks which he made on this question. Dealing with the case of Sharpe v. Sharpe, brought before the Supreme Court of British Columbia, Mr. Justice Clement used these words:

> If I do not discuss at length the views expressed by the learned judges in Sharpe v. Sharpe (1877), B.C.R. 25, it is not because I have not carefully considered them. When first called upon to exercise jurisdiction in divorce, I was at once struck by the fact that the jurisdiction, if it exists, is unhappily in one way so fettered and in another so unfettered as to place a judge in a very unenviable position. Tied down to the law of 1858, he has none of the safeguards which now obtain in England against collusive actions—I mean the granting in the first instance of a decree nisi and the reference of the case to the King's Proctor for investigation and, if necessary, intervention; while on the other hand, as the full court has held in Scott v. Scott (1891), 4 B.C.R., 316, there is no appeal from his decision to any tribunal in this province.

I think the two reasons stated by the judge in that particular case are very good reasons why we should support this Bill that my honourable friend from Middleton (Hon. W. B. Ross) has brought before the House. That judgment states the position of the law in British Columbia to-day, and it shows that at the present moment we have not the power to investigate cases to the extent we should do. The Bill that my honourable friend has introduced should have the effect of preventing some divorces rather than increasing the number which several honourable gentlemen in this Chamber seem to think would be the result of passing this measure. I think it is in the interest of British Columbia at any rate, and probably of the other provinces, that this Bill, which has been so ably defended by my honourable friend from Middleton, should become law, and that it will not tend to facilitate divorce, but will, on the contrary, have the effect of deterring applicants from coming to the court as much as has been done in the past.

Hon. Mr. BOSTOCK.

Hon. RAOUL DANDURAND: I have no objection to the Bill as presented by my honourable friend from Middleton (Hon. W. B. Ross), provided it is made clear that it will affect only those provinces which will have divorce courts, and I understand from him that he intends to make it clear that this does not apply to Quebec. If I had been present when the Bill was explained, I would have challenged the affirmation that no principle was involved in it, and that it was but a transference of jurisdiction, inasmuch as Ontario and Quebec have not hitherto had an absolute right to divorce. The people of Ontario and Quebec had no settled or clear right to divorce. Any one from either province could come here and petition Parliament for legislation, which could, however, be refused. Even if a case was made out, a majority might be found in this Chamber, or in the other, to reject the Bill. So the people had no absolute right to divorce. Now, by virtue of Bill I, if it passes and is sanctioned, any citizen of Ontario will be entitled to apply to the court for a divorce, and, if he establishes his case, the judge is bound to grant his application.

I was in complete accord with my honourable friend from Granville (Hon. Mr. Chapais) yesterday regarding the danger of extending divorce legislation to such a large province as Ontario; but I feel that if Ontario desires this legislation it is not for those from another province, which is not affected, to refuse by their vote to grant what Ontario asks for. We are a Confederation, and it is understood that each province may enjoy whatever advantages it can claim under the constitution. We must recognize that principle, and at the same time see to it that no legislation that may be desired by one province and granted to it shall be extended to a neighbouring province if it is contrary to its customs and religious tenets. We applied that principle quite clearly in 1906, when a Bill called the Lord's Day Act was introduced by the Government of the day. That Bill purported to cover the whole of Canada, but I know that certain of the provinces, particularly Quebec, objected to certain of the restrictions contained in it, and fought strenuously to have the autonomy of each province respected, and we succeeded in having inserted in the Bill a clause which reads as follows:

> No action or prosecution for a violation of this Act shall be commenced without the leave of the Attorney General for the province in which the offence is alleged to have been com-

mitted, nor after the expiration of sixty days from the time of the commission of the alleged offence.

Under this clause we felt that each province would be able to administer that Act according to its own habits and ideas. That law has worked, I think, satisfactorily. Those provinces which have felt that their own laws in that respect were not sufficient have been able to take advantage of the Federal Act; but those provinces to which the provincial legislation has been satisfactory have not invoked this Act, and for them it remains inoperative. I think we should be guided by the same principle in the matter now before us, and I thank the honourable gentleman from Middleton for having recognized that principle and for having excepted the province of Quebec from the operation of this Bill. If the Confederation pact is to endure, and if harmony and peace are to prevail in this country, we should not do violence to the habits and customs of the people, especially to their religious convictions.

Hon. WM. ROCHE: Honourable gentlemen, I listened yesterday with a great deal of pleasure to the essay of my honourable friend from Quebec (Hon. Mr. Chapais.) A great deal of it I agree with; but with some of the points in it I am at variance. I will state these as briefly as I can. In the first place, my honourable friend drew a rather unfavourable contrast between the province of Quebec and the province of Nova Scotia and some other provinces which he named, on the ground that there were a much greater number of divorces in the province of Nova Scotia and these other provinces than there were in the province of Quebec. In the province of Nova Scotia there is a great influx of strangers. Many of them contracted hasty marriages, perhaps on the other side of the water, and perhaps on this side, and some of them have obtained divorce in the courts. That is not chargeable upon the native inhabitants. On the other hand, it does not follow because offences are not brought to judgment that a great number of them have not been committed. Perhaps, if the same facility had existed in the province of Quebec as exists in Nova Scotia, the number of divorce cases in that province would be very much multiplied. The number of criminals who appear in the police court in one place or another may indicate that crime is not more prevalent in that place than in another, but simply that the detection of it is more vigilant in the one place than in the other.

But I would rather dwell upon the sanctity of the home, of which the honourable gentleman spoke, and of the efforts that ought to be made by every influential body to preserve the amenity and the kindness and the binding force of home and domestic life in this and every other country. I will go a little further and say this: that when the affection of the man for the wife has vanished, from any cause whatever, if that affinity which the Creator made and blessed has departed from home life, home has become a hell, and the sooner a divorce is granted the better. I am not in favour of divorce. I would like to preserve all those alliances which have been made with sacred sanction, legal sanction, or whatever it may be. I think that with a little patience and forbearance a good many cases of divorce might be avoided. But I have known instances of married people dragging along a miserable existence when, for the benefit of their families and the benefit of society, they ought to be apart.

There is another feature of the case which I think has not been mentioned by anybody, and I would like to allude to it. At the present time I believe that cases from Ontario are heard by the Committee of the Senate. I saw by the telephone book that the areopagus where the trials are held is room 651. If that is not a difficulty in the way of securing divorce, I do not know what difficulty may exist; and the proceedings are heard comparatively in private. I think the committee sit around and listen carefully and judicially to the evidence, without any outside interference. Most of the cases that come before this court are from the city of Toronto. Most of the divorce cases that I have listened to in the Senate have been either from Toronto or from Hamilton.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. ROCHE: But what would be the case in a city like Toronto if the hearings were held in open court, and women crowded in frantically to hear the proceedings, and kept out some of the venerable gentlemen who wanted to hear just how depraved the community was? And it would be in the newspapers. What would be the effect if the women took it up, and, as a matter of gossip, retailed all the disgusting features of the trials held in such a way? What effect would it have upon the young people? What effect would it have upon

society in general to have the courts open, with people dropping in to hear what evil there is in the community? And if it were made the topic of moving pictures or some of the other means adopted nowadays to spread information amongst the people, what a diabolical effect it would have upon society by bringing these disgusting and horrible cases before the public mind and contaminating it! It is a great evil.

I do not perhaps lay so much stress upon the binding force of a religious ceremony. I think that any ceremony that would add importance and deliberation to the act of marriage would be desirable. Marriage is an old institution, because we have it upon the best authority that there was a marriage ceremony performed on the very day that Noah entered the Ark. It was not even the Jewish ceremony; it was the original ceremony, performed long before Christianity, long before the establishment of churches, long before the organization of civilization upon modern lines. Everything that would make the home life more amenable, more joyous, more satisfactory, I am for. How, then, shall we amend society? How shall we take away conditions that lead to divorce? How shall we alter conditions which make divorce the resort, and the only way of escaping an odious situation? Look at the great cities. Where do the men spend their evenings in the great cities? They spend them at the clubs and the theatres; and they spend their days in business;—business by day and amusement by night. Where do the women spend their time? At meetings of societies, social functions, and other entertainments;—domestic and home life neglected. The women of the present generation do not know how to keep house. They are not taught, and there is nobody to teach them. How shall we return to the good old days when the home was a pleasure, a delight, and an honour to look after? How shall we go back to those conditions? How shall we expend those safeguards of home and family life, and make them what they ought to be? That is the point. We should direct our efforts to reforming society if we can, not to running after and punishing the culprit after the offence has been committed, and making public and disseminating the details of bad lives everywhere. To do that will reform society and place it upon a better basis; it will elevate the home to its true condition in relationship to the population. That will be doing a good act, an act better than any divorce court that may be established, or any divorce court of the Senate, no matter how reputable, exacting, or well conducted, can do. We shall be doing a benefit if we try to restore the good old life that our fathers and our mothers and those before us lived.

Hon. GEORGE McHUGH: Honourable gentlemen, I did not intend saying anything on this subject. I am fully satisfied that you cannot establish a court that will deal better with divorce than the committees of the Senate have done since I came to this House. They have performed their work well. If anything were required to induce me to vote against establishing a divorce court in the province of Ontario, it would be the remark of my honourable friend who has just sat down (Hon. Mr. Roche) in reference to a remark of the honourable gentleman from Granville (Hon. Mr. Chapais) comparing Quebec and Nova Scotia to the detriment of Nova Scotia. The honourable gentleman from Halifax said that if Quebec had the facilities that Nova Scotia had, divorce might be more prevalent in that province. If the establishment of courts for the purpose of hearing divorce cases is going to increase the number of divorces in Ontario, I shall certainly oppose any such legislation.

The motion for the second reading of the Bill was agreed to on the following division:

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Honourable Messieurs.

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Bennett,	Pope,
Blain,	Power,
Bostock,	Prowse,
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Domville,	Ross (Moosejaw),
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Honourable Messieurs.

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The Bill was then read the second time

THE STAFF OF THE SENATE.

PLAN OF ORGANIZATION ADOPTED.

Hon. Mr. DANIEL moved the adoption of the Second Report of the Standing Committee on Internal Economy and Contingent Accounts.

Hon. Mr. BOSTOCK: I would draw attention to the second paragraph of this Report, which reads:

2. That the word "and" be inserted immediately before the words "Clerk of Stationery" in the title of the Deputy Clerk.

This refers to the item in the Minutes of March 11th, page 47, which read:

J. Chas. Young, Deputy Clerk and First Clerk Assistant, Master in Chancery, Clerk of Routine and Proceedings, Clerk of Stationery.

I understood that in the committee the word "and" between "Routine" and "Proceedings" was struck out, in order to make the Clerks designation agree with the heading used in our Minutes, "Routine Proceedings;" but this report does not cover that point.

Hon. Mr. DANIEL: I think it is a mere matter of taste to use the title "Clerk of Routine Proceedings" instead of "Routine and Proceedings."

Hon. Mr. BOSTOCK: It is a matter of keeping things in proper shape and order, and in accordance with the heading used in our Minutes.

Hon. Mr. DANIEL: The Assistant Clerk has always been designated as "Clerk of Routine and Proceedings;" but if there is any reason for striking out the word "and," th re would be no objection to the honourable gentleman so moving.

Hon. Mr. BOSTOCK: In that case I would move that the word "and" be struck out, so that the title of the Assistant Clerk would be "Clerk of Routine Proceedings."

The amendment was agreed to, and the report, as so amended, was adopted.

Hon. Mr. DANIEL moved the adoption of the fifth report of the Standing Committee on Internal Economy and Contingent Accounts.

Hon. Mr. POWER: I think that this report, recommending that the number of pages employed by the Senate be increased to eight, changes the decision of the committee. It seems to me that four pages are quite sufficient for this Chamber. I understand that the ground taken is that the pages have to run errands in various parts of the building; but it seems to me the right thing to do would be to appoint two or three additional messengers if they are deemed to be necessary. I gather from conversation, however, that the proposed plan is to appoint only one additional page, and that he is to have specified duties. If that is the case the better way would be to increase the number of pages to five.

Hon. Mr. DANIEL: I may say that the application came to the committee from the Clerk of the Senate. We have now four pages, and one is wanted immediately for the Debates staff. The honourable gentleman from Halifax thinks it would be better to employ a messenger; but a page can do all the work, and he is only paid as a page and not as a messenger; so I think the members of this Chamber will be quite willing to pass a recommendation so far as that one page is concerned. The other three are not required this session, but they will be needed next session, and this recommendation, if passed, will give authority to the clerk to engage those additional pages and have them ready for work next session. This is an immense building, with large distances and great floor space, and more assistance in the way of messengers and pages is required than were found necessary in the building we have left. These additional employees are not necessary now, while workmen are in this building, and we have to put up with a good deal of inconvenience, dust, and unpleasantness, which will be absent next session; but the idea is to have at least one page for each of the three or four floors available for the members as messengers, and service of that kind. So far there have been requests for additional messengers, but it is more than likely that before the end of this session such a request will be made with a view to next session's needs. This recommendation was carried without a single opponent or dissenting voice in the committee, which had as full an attendance as I have ever known since I have been connected with it.

The report was adopted.

Hon. Mr. DANIEL moved the adoption of the Sixth Report of the Standing Committee on Internal Economy and Contingent Accounts.

Hon. Mr. GIRROIR: I notice in this report a recommendation or resolution that the employees of the Senate, in addition to their actual duties, are charged with the

execution of any orders that are given them by the Clerk of the Senate. I would like to know just what that means.

Hon. Mr. DANIEL: That clause was inserted for a specific purpose. In carrying on the work of the Senate there are occasions when some particular employee is overworked, while others are doing nothing at all. The idea is not to give authority to the Clerk to change the regular duties of the employees in any way; but when occasion arises, if one is not doing anything, and there is work for him to do which cannot be accomplished by those whose duty it is, the Clerk may have discretion to put him on duty. For example, at present the Divorce Committee meets every day in the week, and our Clerk of Committees, Mr. Hinds, must be present every day, which makes it absolutely impossible for him to attend any other committee. Hence it is necessary to have somebody else to do his work while two or three committees may be on duty at the same time. At the present time the Clerk has no authority for that purpose, and honourable members of the Internal Economy Committee will remember that at our meeting the Clerk of the Senate had to act as clerk of the committee because there was nobody whom he could order to do the work. This clause is intended to give the Clerk authority to place on duty some one who is competent and is not otherwise engaged. To give an instance, our Law Clerk has a great deal of leisure, and I understand that formerly he did some work as a clerk of the committees.

Hon. Mr. DOMVILLE: He was younger then.

Hon. Mr. DANIEL: Under this clause, if adopted, the Law Clerk might be called on occasionally to do some work in committees when Mr. Hinds was absolutely unable to be present, on account of being engaged elsewhere. That is really the reason this clause is put in, and I hope honourable members will see the force and necessity of it, and will, by passing it, give the Clerk the authority that we ask for.

Hon. Mr. GIRROIR: What I was particularly anxious to know was whether this would interfere in any way with the classification of the service?

Hon. Mr. DANIEL: No; not with the regular duties.

Hon. Sir JAMES LOUGHEED: It refers to other duties.

Hon. Mr. DOMVILLE: Whose jurisdiction would the Law Clerk come under? Which is the Tycoon and which is the Mikado? That is what I want to know? Is he to be bossed by the Clerk of the House, or his deputy, or is he to boss them?

Hon. Mr. DANIEL: All these matters, I think, come under the jurisdiction of the Clerk of the Senate.

Hon. Mr. DOMVILLE: Then the Law Clerk is not superior to the Clerk of the Senate?

Hon. Mr. DANIEL: The Clerk of the Senate is over all the clerks.

Hon. Sir JAMES LOUGHEED: He is the deputy minister under the Civil Service Act.

Hon. Mr. POWER: I do not suppose there is any disposition to oppose the adoption of this paragraph of the report—that is, in substance; but I think the wording of the paragraph is susceptible of improvement:

> Your committee further recommends that, in addition to the present duties of the officials of the Senate, they shall undertake and carry out such other duties from time to time as may be assigned by the Clerk of the Senate.

Honourable gentlemen will see that that language, taken in its widest scope, would mean that the Clerk of the Senate could instruct the Law Clerk to act as a messenger, or could direct his own Clerk Assistant to do a messenger's duty. I know that that is not the intention.

Hon. Mr. DANIEL: Oh, no.

Hon. Mr. POWER: I only say that I do not think the wording of the paragraph is very happy. I think, further, that if a little more inquiry had been made, it would have been found that the Senate on more than one occasion adopted reports of the Committee on Internal Economy which directed that the Clerk of the Senate should have authority over all subordinates. There must be some head, and the Clerk of the Senate has charge of the executive work of the Senate. Of course, I quite understand that there would be no disposition to make the Law Clerk a messenger; but, as I say, I think that the wording is a little wider than it should be. I have no objection to the substance of the recommendation.

Hon. Mr. DOMVILLE: If the Law Clerk bucks up—and from my long acquaintance with him, I think he is very likely to do so—who is going to control? Has he not his appointment and position? You have cer-

tainly to take away his prerogatives first. If I were Law Clerk—

Hon. Mr. POWER: He is an officer appointed by the Senate, who can be removed by the Senate.

Hon. Mr. DOMVILLE: Who is?

Hon. Mr. POWER: The Law Clerk.

Hon. Mr. DOMVILLE: He is an appointee of the Senate.

Hon. Mr. POWER: Yes, he is an appointee of the Senate.

Hon. Mr. DOMVILLE: For how long? And what are his duties under the appointment? This is a serious matter. I am not kicking in any way, but I want to see that there shall be no conflict, that is all. If he has to do what he is told, it is all right.

Hon. Mr. DANIEL: I think no honourable member need be afraid that either the Law Clerk or anybody else would be put on duty that is uncongenial.

Hon. Mr. POWER: Excuse me. Do not say uncongenial.

Hon. Mr. DANIEL: It is intended that the other duties should be performed only in emergency cases.

Hon. Mr. POWER: I think the honourable chairman is unfortunate in using the word "uncongenial," because I can hardly think of any kind of work that would not be uncongenial to some gentlemen.

Hon. Mr. DANDURAND: I think that the senior member for Halifax (Hon. Mr. Power) is right: that, if we turn up the reports of the Internal Economy Committee, we shall find one, and perhaps more than one, recommendation on similar lines, affirming the right of the Clerk of the Senate, as head of the service, to see to the proper administration of the affairs of the Senate. My honourable friend the chairman of this committee (Hon. Mr. Daniel) has cited instances of members of the staff being overworked and of clerks of committees being needed. It seems to me that up to last year the Law Clerk attended all meetings of the Railway Committee and meetings of the Committee on Banking and Commerce; so I believe that we are simply reaffirming the general principle which has already been adopted by the Senate.

There is a query I would like to make concerning part of this report:

> Your Committee beg to recommend that Mr. Joseph Bouchard, Translator on the Debates staff, be retired on 1st July next, and that he be granted an annual allowance of $1,500.
>
> Your Committee further recommend that the Clerk of the Senate be authorized to make the necessary arrangements for the translation of the Senate Debates for this Session.

I would like to know who is attending to the translation of our Debates at the present time, and whether we can be given any information as to the mode in which the work will be carried on until the end of the session.

Hon. Mr. DANIEL: I am very glad that the honourable gentleman has brought up that question, because, as a matter of fact, the work is not being attended to There is a great accumulation of this work. As the honourable gentleman may know, Mr. Bouchard has not been doing any work. He has not been able to do any work for some time, and the Clerk of the Senate applied to the Civil Service Commission for help. They sent one gentleman, but it was found that he could not do the work. We have a temporary appointee, a gentleman by the name of Potvin, who does the work very well indeed, as far as he is able to do it; but he is only a temporary appointee. Now, the Clerk is asking for power—the granting of which is recommended in the second clause referred to by the honourable member from DeLorimier—to make the necessary arrangements for the translation of the Senate Debates for this Session. It is the intention, as I understand, to get that work done by contract for this Session until other arrangements are made; that is the only thing that can be done under the circumstances. We have no authority under the Civil Service Act to appoint a translator; we must get one from the Civil Service Commission. We got one: he was inefficient; and we are now being held up by being unable to get the translation made. That is a very necessary part of the report.

Hon. Mr. DANDURAND: I am reminded by the statement of the honourable gentleman that I was informed some weeks ago that the Civil Service Commission, after taking all the trouble it could possibly take to find a translator, and after holding an examination, actually sent to the Senate a man who was totally incapable of doing the work. I want to emphasize that statement. It has been corroborated by the chairman of the Internal Economy Committee, and I make that statement in order that the Civil Service Commission may take notice. Here was an official, simply a translator, to be appointed. There were, I am informed, quite a number of applicants. Surely there was among them some man who could do

the work properly; and yet, after examinations, they apparently picked out the worst in the list. Of course, I am aware that the Civil Service Commission has an immense amount of work to perform, and that it cannot itself proceed to examine the applicants, but must appoint boards. The members of a board may be drawn from Ottawa or from outside. It is a specially qualified jury to conduct the examination. Now, the Civil Service Commission should take care that those boards are properly constituted, in view of the utter failure which has paralysed the whole work of translating our Debates for the past month.

The report was adopted.

ELECTRIFICATION OF GOVERNMENT RAILWAYS.

DISCUSSION CONCLUDED—THE MOTION WITHDRAWN.

The Senate resumed from April 20 consideration of the motion of Hon. E. D. Smith:

That in the opinion of the Senate it is expedient and in the interest of Canada for the Government to proceed to substitute electricity for steam as a motive power upon the lines of railway owned by the Government as soon as and wherever economically practicable.

Hon. JOHN WEBSTER: Honourable gentlemen, before the debate on this resolution introduced by the honourable member for Wentworth (Hon. Mr. Smith) is closed, I feel it my duty to make a few remarks in the hope that I may be able to convince the Government of the necessity of doing something at the present time in the way of developing a further supply of electrical energy in the eastern part of the province of Ontario.

I think that we are all under an obligation to the honourable member for Wentworth for the very able and logical address he made in this House on Thursday last on this subject of electrifying where possible some of the Government railways, which in my humble opinion is a most necessary and proper course to pursue.

Now, we are all prepared to talk about Canada's natural resources, and I am free to admit that they compare most favourably with those of any other nation in the world; and one of the greatest of those resources is Canada's great water powers.

Let me say, honourable gentlemen, that I believe that Canada's success for the future now lies in the development of her natural resources; and, now that public ownership has been adopted by the Government of this country as one of their policies, I say to them to go on and still pursue their course along these lines, and wherever possible develop the necessary water-powers of this country and then electrify the Government railways with the energy thus produced and they will then have done something worth while towards rectifying the unfavourable situation in the exchange market of to-day.

Let me say further, honourable gentlemen, that the western part of this great province of Ontario has occupied a most enviable position owing to the hydro-electric development at Niagara Falls; and the cities of Toronto, Hamilton, London and St. Catharines have become beehives of industry through this great scheme whereby these cities were able to offer as an inducement to the proprietors of industries cheap power at a very nominal cost, say of from $10 to $15 per horse-power for a 24-hour service; while we who dwell in the eastern part of the province, where power is not available, have no such advantages, and for those industries that have to purchase coal in the United States at the present rate of discount you will find that it costs $75 per horse-power per annum for a 12-hour service. Honourable gentlemen, let me remind you that the people who dwell in the eastern part of the province have paid their full share of the cost of this hydro development at Niagara Falls without a murmur, although their towns and cities were starving for cheap power. Now, if public ownership is to receive our best and most careful consideration, I think it is up to the Government of the day at the earliest possible moment to see what can be done along the lines of harnessing up the Long Sault rapids, thereby improving navigation, and utilizing the energy developed on the mighty St. Lawrence to furnish power at first cost to supply the Government railways in the western part of the province of Quebec and in the eastern part of the province of Ontario.

It may possibly prove to be of interest to some of the honourable members of this House when I tell them that within 50 miles of this city there is one of the greatest water powers to be found on the continent of America—a power sufficiently large, if developed, to supply all the energy that will be required in both the state of New York and in this section of Canada for the next century. Now, why not develop it? There is simply no limit to the head of water there, and so far I have been unable to find a practical engineer who cares to

even give an estimate of the quantity of power that can be secured by proper development at this point.

Hon. Mr. DANDURAND: Will the honourable gentleman state at what point? Where is that fall?

Hon. Mr. WEBSTER: The Long Sault rapids on the river St. Lawrence. This power has been permitted to go to waste since the creation of the world. Let me say, honourable gentlemen, that there is sufficient power there to furnish that section of Canada not only for domestic purposes but also for manufacturing and commercial purposes, and the electrifying of all the Government-owned railways between Montreal and Toronto.

Now, I fancy I hear some honourable gentleman say that this is an international stream of water and that complications between Canada and the United States are bound to arise. Let me say to that honourable gentleman that the people who reside in that district over in New York state who will be benefited by this great power development are just as anxious to see it go through as our own Canadian people are.

I am free to admit that the people who are financially interested in the port of New York are opposed to the scheme owing to an impression that they have that, if ocean-going vessels were to go up to the head of the Great Lakes to discharge their cargoes and there take on their overseas cargo and go out to sea by this St. Lawrence route, their own Erie canal and port of New York would lose some of their regular business. I am free to admit that navigation and transportation on the St. Lawrence must be paramount; but we are told by the most eminent engineers of to-day that, by this development, and the construction of the necessary lift locks, and proper dams, transportation would be improved, and that a sufficient revenue would be obtained from the sale of the power thus developed to pay more than 10 per cent per annum on the cost of the work.

The honourable member from Wentworth (Hon. Mr. Smith) told us the other day that it takes about 250 tons of coal per mile per annum for a steam railway, which at present prices, including the discount on Canadian funds, would mean $4 per ton or $1,000 per mile. As the Government now owns about 600 miles of railway within transmission distance of the base of this great power, see what a saving would be effected. In a year it would amount to no less than $600,000 for coal for railway purposes alone, all of which at present goes into the pockets of the mine owners of the United States. This one item alone would be equal to an annual revenue of 5 per cent on an investment of $12,000,000, to say nothing about the other revenues to be derived from the sale of power. With this development there would be no further necessity of radial railways paralleling the lines of steam railways in Ontario.

I do not wish to take up the time of the House further just now; but, when it is so difficult, not only in Canada but also in the United States, to obtain coal, it seemed to me opportune to bring to the attention of the people of this country the great waste of power that is going on from day to day and from year to year that should be conserved for the benefit of our people.

Hon. Mr. ROCHE: I would ask the honourable gentleman, for the information of some like myself who know very little about the subject, if he has any estimate of the expenditure that would be incurred in carrying out the project he has outlined?

Hon. Mr. WEBSTER: I have never heard the figures given. I know that both the Government of Canada and the Government of the United States have engineers making a study of plans and estimating the cost of this work now.

Hon. E. D. SMITH: Honourable gentlemen, I do not intend to take up the time of the House at any great length. There has not been any objection raised in this House to my motion, except those of the honourable Minister of Labour, which he did not press very strongly. His objections were: First, that we could not do this now because we have not the power; and second, that, in his opinion, we could not economically electrify the railways of Ontario at the present time.

In regard to the first objection, I stated clearly, in my remarks on Thursday last, that we had not the power now, and therefore could not undertake the electrification of the government railways or any portion of them until the Chippewa development scheme was completed, which I stated likely would not be until the end of 1921, or possibly 1922. I understand that when these works are completed there will be sold, or as good as sold, about 250,000 horse-power. If that is the case—and it is not likely that the remainder of the development will be

finished until 1922 or possibly 1923—I quite agree with the Minister of Labour when he says that industries should be taken care of first. It is not likely that the Government of Canada or the Hydro-Radial Association, or any one else other than the manufacturers, will get any of this power until the manufacturers are satisfied, which is not likely to be until about 1923. So, we are not required to make an immediate expenditure of large amounts of money in this enterprise.

Then, in regard to the belief of the honourable minister that the electrification of steam railways is not economical at the present time. When I introduced this matter I stated that I was not an expert; but I have since had placed in my hands the report of a very important meeting of eminent engineers which took place in this city on the 19th of February last year. This report may be found in the Journal of the Engineering Institute of Canada of May, 1919. That meeting was held for the purpose of discussing railway electrification. There were many eminent engineers present, and I think it might be worth while to read their opinion. I shall take only a few extracts here and there, as the report of the meeting is somewhat lengthy.

The first paper read at the meeting was one by John Murphy, M.E.I.C., head of the electrical section of the Railway Department of the Dominion Government. He said:

It is many years since the N.Y., N.H. & H.R.R. cut its coal consumption in two by electrification.

Canada's coal shortage and its transportation difficulties, coupled with Ontario's power shortage during the war, have forced forward the question of railway electrification. It demands attention. Canada's steam locomotives use 30 per cent of all the coal consumed in Canada. But what is obtained at the wheels of the steam locomotives as the result of the mining, the hauling, the handling and consuming of some 9,000,000 tons of coal on locomotives each year in Canada? That is surely a pertinent question. The answer is as follows:—Only 3 (or 4) per cent of the mechanical energy which is in the coal itself, in the form of heat, becomes available in the form of power at the wheels of the steam locomotive! The 97 per cent (or 96 per cent) of the energy in those 9,000,000 tons of coal, which is lost every year in the transformation of the heat energy of the coal into the mechanical energy of the steam locomotive, cries out against a continuance of such wasteful procedure, and as engineers who are expected to guide the non-technical public, it is our duty, in my opinion, to industriously advocate the electrification of railways at every advisable opportunity.

The steam locomotive needs on an average 6 pounds of coal per h.p. hour because it burns coal while in the round house getting ready for its run, while standing on sidings and at stations, as well as while hauling its loads. The stationary steam plant, with its condensers and other fuel-saving apparatus—to say nothing of its better load factor—can produce power at the switchboard, which can be transmitted electrically to the wheels of the locomotive in such an efficient manner that from one-half to two-thirds of the railways' present coal needs can be saved by electrification.

That, you will observe, is with a steam plant producing electricity.

No argument is required, I think you will agree, to support the contention that eliminating the need for coal at a considerable distance from the mine is a greater measure of relief, and of true conservation, than increasing mine production and thereby adding more load to the already overburdened railways. Reducing coal consumption automatically relieves or releases men and apparatus all along the route from the mine to the consumer; it also relieves the route itself from some of its congestion.

So eminent an authority as Mr. E. W. Rice, the president of the American Institute of Electrical Engineers, addressing that body in New York in February, 1918, made the following statement:

"It is really terrifying to realize that 25 per cent of the total amount of coal which we are digging from the earth is burned to operate our steam railroads—and burned under such inefficient conditions that an average of at least 6 pounds of coal is required per horsepower-hour of work performed. The same amount of coal burned in a modern central power station would produce an equivalent of three times that amount of power in the motors of an electric locomotive, even including all the losses of generation and transmission from the power station to the locomotive."

Railroading in the mountains is the most strenuous kind of railway work, and I have chosen some mountain sections as examples of what can be done to them. The Butte, Anaconda and Pacific railroad, by electrification, is said to have increased its ton-mileage 35 per cent and at the same time decreased the number of trains, and their incidental expenses, 25 per cent. The time per trip was decreased 27 per cent. It is said their savings in the first year's operation, after electrification, amounted to 20 per cent of the total cost of electrification. That railway buys electrical energy from water power plants.

On the Norfolk and Western railway electrical energy is obtained from their own steam station. Twelve electric locomotives have replaced 33 Mallets of the most modern and powerful type. The tonnage has been increased 50 per cent, and the electrification obviated the necessity for double tracking. The salvage value of the released steam engines was 45 per cent of the cost of electrification Electric locomotives make 8 times as many miles per train-minute-delay as the steam engines. Their terminal lay-overs average only 45 minutes and they are double-crewed every 24 hours. Pusher engine crews have been reduced from 8 steam to 4 electric. Steam pusher locomotives have been reduced from 7 steam to 2 electric. Steam locomotives used to "fall down" in cold weather—the electrics always "stand up," they are really more efficient, in cold weather. As you all know, during our severe winter weather, trains are delayed by the extreme cold as well as by storms. In conversation with a superintendent

of a northern division not long ago, I was told that when the temperature fell to zero he at once reduced his train-loads ten per cent; that if the temperature went to twenty below zero, he reduced his train-loads twenty-five per cent; and from that on he was in mortal terror of his trains being tied up entirely. With extremely low temperatures and heavy snow storms tie-ups are inevitable on steam railways.

Speaking at the New York Railway Club in March, 1917, the electrical engineers of the Norfolk and Western railway stated that: "coal wharves, spark pits, water tanks and pumps as well as roundhouses and turntables have disappeared from the electric zone. Our track capacity has been doubled. Our operating costs have been reduced. From an engineering, an operating and a financial viewpoint our electrification has been a success." Speaking of the value of regenerative electric braking they went on to say:—'The use of the air brake is practically eliminated, it is only used to stop trains; it is regrettable we are unable to put a dollars and cents value on this great asset; to appreciate it properly one must have had experience with the difficulties of handling 90 car trains with air. Trains of 103 cars are now taken over the summit, 12 to 20 times every day, down the 2.4 per cent grade without even touching the air. We never broke a train in two or slid a wheel. It is done so nicely we wouldn't spill a drop of water out of a glass in the caboose."

Then, in reference to the Chicago, Milwaukee and St. Paul railway, Mr. Murphy says:

Among the advantages secured by this railway on its electric sections are the following:—The "cruising radius" of each electric locomotive is twice that of the steam engine. Sub-divisional points, where freight crews and steam locomotives were formerly housed and changed, have been abolished; the passenger crews' runs are now 220 miles instead of 110. For railway purposes these stations do not now exist; 7 or 8 miles of track at each old station have been taken up. In many months the electrics were not delayed a minute; the latter can do more work in cold weather. Many of the delayed steam trains were double-headers, but never more than one electric is hitched to a passenger train. An entire suspension of freight service, due to steam engines losing their steaming capacity and freezing up, was not an uncommon experience. Electrical energy for the operation of these trains cost considerably less than coal. This latter statement is one of the most interesting in connection with the operation of the C.M. & St. P. Ry., and it is especially interesting because it was made before they had improved their load factor.

The foregoing actual operating experiences on large railway electrification projects show what the electric locomotive is doing every day. As the vice-president of the last mentioned railway said: "electrification has made us forget that there is a continental divide."

The limitations of the steam locomotive are due to the fact that it is a mobile steam power plant of limited capacity; it is compelled to carry its own supply of coal and water; and, it is unable to take advantage of many of the economical refinements of the large modern stationary steam plant. On the other hand, the electric locomotive has no such limitations; it merely acts as a connecting link between efficient stationary steam or water power plants of unlimited capacity—because their number may be extended indefinitely—and the train to which it is connected. The Electrical World summed up the situation a short time ago when it said:—"Why continue to haul millions of tons of coal, for and by uneconomical steam locomotives, all over the country, and thus add more loads to the already overburdened railways, when the power which they need so badly can be much more economically and efficiently transmitted to electric locomotives over a wire the size of one's little finger?"

The next speaker was Mr. W. G. Gordon, transportation engineer of the Canadian General Electric Company of Canada, who, you may say, was an interested party, but whose argument, nevertheless, is worth listening to. In the course of his argument he says:

Mr. E. W. Rice stated at the June convention of the American Institute of Electrical Engineers last year:—"Electric locomotives have been so improved and simplified that they are competent to haul the heaviest train that can be held together with the present train construction; to operate at the highest speed permissible by the alignment of the road and independent of its grades; and that the electric locomotive can meet in the most efficient and adequate manner the transportation problems confronting the country, and offer better results than are now obtained or seem possible with steam locomotives. It should not be forgotten that steam locomotives burn about 25 per cent of the entire coal mined in the United States, and that 12 per cent of the entire ton mileage movement of freight and passengers carried is represented in cars and tenders required to haul coal to supply steam for the locomotives."

Where a trunk line is electrically operated from water power stations, it means that the total movement of railway coal and locomotive tenders is eliminated, and even if partially or wholly operated from steam power stations, the movement of locomotive tenders is eliminated and the movement of railway coal greatly decreased.

The benefit is self evident of being able to apply this ton mileage, at present absorbed by steam operation, in the movement of revenue tonnage.

The cost of maintenance of the electric locomotive is very much less than that of the steam locomotive. The following table gives the cost of maintenance in cents per locomotive mile for a number of railroads, these costs being for the years they have been operating electrically to 1917, inclusive.

The costs are given for an average of 5 years for three railroads, an average of 4 years for two railroads and an average of 2 years for the Chicago, Milwaukee and St. Paul R.R.

He gives the cost of maintenance of electric locomotives as follows:

Average maintenance on basis of locomotive weighing 100 tons.

Baltimare & Ohio R.R.	5.24
Butte, Anaconda & Pacific R.R.	7.08
Chicago, Milwaukee & St. Paul R.R.	3.09
Michigan Central R.R.	4.06
N.Y.C. & H.R.R.R.	3.50
Pennsylvania R.R.	3.40
General Average	4.39

The cost of maintenance per locomotive mile for steam locomotives compared with the above will be from 10cts. to 20cts or higher, depending on the capacity and service of the locomotive.

A very interesting comparison is given in the following table giving comparative results between steam and electric operation on the Butte. Anaconda and Pacific R.R. In 1913 the operation was entirely steam, since then it has been gradually superseded by electric operation. The figures for electric operation are averaged for 3 years, and, as there was still a considerable amount of steam operation during these 3 years, the figures do not show full credit to the benefit of electric operation.

Comparative Result—Steam and Electric Operation. B.A. & P.R.R.

—	Steam, 1913.	Electric average for 3 yrs.	Savings in amount.	Electric operation. Per cent
Fuel and power	$294,830	$175,165	$119,665	40·59
Locomotive repairs	97,45	57,881	39,611	40·61
Engineer's wages	99,611	74,036	25,575	25·67
Engine house expenses	28,34	16,703	11,639	41·06
Lubricants	9,345	5,444	3,901	41·76
Water	4,491	2,084	2,407	53.59
Other supplies	5,435	4,308	1·127	20·774
Total	$539,54[illegible]	$335,621	$'03,925	37.80
Revenue ton miles hauled	$153,168,648	169,553,405	16,384,757	10.70

The above table shows a saving in electric operation of 37.8 per cent, and at the same time an increase in the revenue ton miles hauled of 10.7 per cent.

Had these increased ton miles been hauled in 1913, the total cost would have been $597,277, so that the actual saving in electric operation is 44 per cent.

On this railroad 17 electric locomotives were in operation in 1914, 24 in 1916 and at present there are 28.

Where mountain divisions are electrically operated, a further marked economy is effected by regenerative breaking. This is obtained by exciting the fields of the motors on the locomotive on down grades so that the counter electro-motive force builds up higher than the line voltage and returns power to the line; this action retarding the train to whatever extent desired without the use of the air brakes. as well as supplying power to other trains running on the level or up grades. This action, of course, reduces the total demand on the substations with consequent reduction in the power demand on the primary source of supply.

I presume that is the reason why the honourable minister on Thursday said it was more economical on mountain sections than on the level. There is a great deal of evidence which this engineer adduced to prove the economy of electrification. I shall just read one more short extract.

Hon. Mr. DANDURAND: Does this gentleman give the primary cost of electrification?

Hon. Mr. SMITH: No, I do not think that was taken into account. But, as regards that, I am referring only to roads that were already built. My motion is for the electrification of the steam roads.

Hon. Mr. LYNCH-STAUNTON: What about the cost per mile for operation?

Hon. Mr. SMITH: Well, I have just stated that and the total cost of the road as compared with steam.

After giving a number of proofs, Mr. Gordon says:

This means that, over any line, trains of heavier tonnage can be hauled at a much better schedule speed than with steam locomotives. In the case where a single track steam line has reached its capacity and would have to be double tracked to handle increased ton mileage, electric operation will obviate the necessity of double tracking and permit of a large expanse in ton mileage handled.

I will not weary the House much more. The next speaker was Mr. F. H. Shepard, Director of Heavy Traction for the Westinghouse Electric and Manufacturing Company. Another interested party, it may be said; but his evidence is worthy of our attention. He says:

The growth of traffic on the Norfolk & Western caused so great a congestion on the Elkhorn Grade as to limit the output of the celebrated Pocahontas coal field, from which a great part of the revenue of the whole railroad is derived. The topography of this section is such that either additional tracks or revision of line was practically impossible. Electrification has doubled the capacity of this division and, during the past severe winter, the freedom of movement of traffic over this section was markedly the easiest of the whole railroad. A noteworthy feature of this operation is the large size of trains and the expeditious manner in which they are handled. On the lesser grades, trains of 5,000 tons are operated, and on the 2% grades, trains of 3,250 tons, at twice the speed of former steam operation, with three large Mallet engines per train. Trains are accelerated to a speed of 14 m.p.h. on the 2% grade in a little over a minute—in fact to quote a brakeman on one of his first trips: "these trains start like a trolley car."

The next speaker was Mr. H. H. Vaughan, M.E.I.C. Mr. Vaughan was in the employ of the Canadian Pacific Railway Company for a number of years, but at the time this meeting occurred he had not been in their employ for three years. He gives a great deal of evidence in regard to the efforts which were made by engineers to induce the C.P.R. during the time he was with them to change some sections of their line to electricity. One was the Connaught tunnel; another was the line from Smith's Falls to Montreal; and another was a portion of their line in the province of Quebec. But on each occasion the directors of the C.P.R., after careful investigation, decided that at that time electrification was not economical and abandoned it. Mr. Vaughan, however, sums up his remarks in this way:

> I do think, however, that our railway men and financial men do not look at this electrification problem in the right light. They look at it altogether from the dollars and cents point of view now. That is the natural way, and in a sense, is the proper business way to look at any proposition. I would firmly agree with that proposition when it comes to a question of substituting, for the steam locomotive, a steam power plant, and using coal for generating electricity, but in this country, where we have such a magnificent supply of water power, I believe it would be wise foresight for our railway people to invest money in electrification and to utilize that water power, instead of burning up the supply of coal which, in the days to come, will be needed by our descendants and who, if we consume it now, will bitterly regret the wastefulness of which we have been guilty.
>
> We can justify electrification if we take into account its contingent advantages and give it credit for all the saving that it can make. I believe, if that was done, the railways and railway engineers would find that it would pay to go ahead with the work of electrification.
>
> Electrification is, of course, a major change, and involves a large investment not unlike that involved in construction of terminals, second track, and new lines. The justification of these latter is almost never determined by the prospect of immediatae return, but rather by that determination which governs the expansion of, and provision for, facilities for a first-class railroad.

It seems to me Mr. Vaughan has there struck the right idea, that we must take into consideration the contingent advantage, and in the cases which I have drawn to the attention of this House that contingent advantage is of enormous proportions. It means the difference between profit and loss on the railways owned by the Government. I am satisfied that if the hydro-radial enterprise that has been started in the province of Ontario is carried out—and it will be carried out if the wishes of those who voted for the by-laws prevail—it will mean the taking away from our steam railways of enough of their traffic to make it unprofitable.

I do not intend to take up the time of the House any further on this question, though it is a very interesting subject and very much more might be said upon it. But I trust the Government will take it into very serious consideration, and as I said before, if that is done, I shall feel that I have accomplished something in bringing the matter to the attention of the House.

Hon. Mr. DANDURAND: Did the honourable gentleman, in his first remarks, state the cost per mile for the electrification of steam railways?

Hon. Mr. SMITH: Yes; I gave the cost of the electrification of the Chicago, Milwaukee and St. Paul railway, 440 miles. It was $18,000 per mile of track, or $27,000 per route mile, at that time; that is, in 1916. Of course, costs have increased very greatly since then. At the present time it would cost perhaps $40,000 a mile. I give that just as an estimate; that is about double what it cost in 1916. But these costs may increase in the future, or they may decrease. But as these costs increase or decrease, everything else does the same, apparently.

Hon. Mr. DANDURAND: Honourable gentlemen, I have no intention to speak at length on this proposition. I rise simply to say a word, which the honourable gentleman may answer. If I construe the proposition aright, I have no objection to adding my vote to that of the honourable gentleman. The motion reads:

> That in the opinion of the Senate it is expedient and in the interest of Canada for the Government to proceed to substitute electricity for steam as a motive power upon the lines of railway owned by the Government as soon as and wherever economically practicable.

This is so modest a proposition that I suppose anyone would agree with it—

Hon. Mr. SMITH: I should think so.

Hon. Mr. DANDURAND: — if it implies that the Government will choose its own time for the financing of the enterprise. Considering the proposition by itself, it might be decided to-day that it is economically practicable; but with the formidable obligations which the Government of Canada has assumed and is facing, it may not be able to finance the proposition for a number of years, although economically the proposition would be practicable.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, it might be inexpedient for

the Senate to pass a general resolution of this kind without having more definite information before them, touching the cost of the undertaking, and the financial position of Canada to enter upon so great a responsibility. My honourable friend (Hon. Mr. Smith) introduced the discussion in order to direct attention to this important subject; and, as he has already fulfilled his intention, I would suggest that no great purpose is served by absolutely committing the Senate in this very general way to so important a proposition. I am sure, not only that every honourable member of the House has listened with much pleasure to what my honourable friend has said upon the question, but also that the attention of the Government will be directed to it, and in that way as much will be accomplished as if we absolutely committed ourselves to the proposition.

Hon. W. B. ROSS: I was going to suggest, honourable gentlemen, that it might be well to refer this motion to the Finance Committee of the Senate.

Hon. Sir JAMES LOUGHEED: I do not object to that.

Hon. Mr. SMITH: I am quite satisfied with the suggestion of the honourable leader that the question will be drawn to the attention of the Government. That is my object: to draw it to the attention of the Government.

The motion was withdrawn.

OTTAWA AGREEMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 28, an Act to confirm an Agreement between His Majesty the King and the Corporation of the city of Ottawa.

He said: Honourable gentlemen, the object of this Bill is to make provision for increased payments to the city of Ottawa on account of the services rendered by the city to the public buildings of the capital. My recollection is that formerly we were paying about $15,000 a year in consideration of those services. That was afterwards, some years ago, increased by an additional contribution of $100,000 a year to the Ottawa Improvement Commission. Lately the subject has been reopened, and the Government has arranged to increase the $100,000 to $150,000 and to make the payment $75,000 in lieu of $15,000, thus making a total contribution of $225,000 annually.

This city will to some extent profit by the new arrangement, inasmuch as there has been eliminated from the contract which had previously been entered into the exemption of civil servants from payment to the city of certain taxes on income. The city, very naturally, has made even larger demands than the Government has conceded, but the arrangement is regarded as an equitable one. It has been sanctioned by the House of Commons, and I have no doubt this Chamber will approve of what the Government, and likewise the House of Commons, have done as to the agreement between the parties.

Hon. Mr. ROCHE: What does the Government get from the city?

Hon. Sir JAMES LOUGHEED: I suppose the city would say the Government gets exemption from taxation, for one thing. The city has claimed that Government property should be subject to taxation, the same as privately-owned properties. The Government is supplied directly by the city with water for all its public buildings, with the exception, I think, of the water furnished to the different departments for consumption. The payment agreed upon includes, for instance, the supply of water for sewerage purposes, for parks, and, I think, for fire protection. The Government will pay water rates for the other purposes to which I have referred, on the basis of 13 cents per thousand gallons "for such quantity of water as it may use in any year up to 200,000,000 gallons, and for water used in excess of 200,000,000 gallons in any year at the price or rate of 10 cents per thousand gallons."

Hon. Mr. BENNETT: Is all government-owned property in the city of Ottawa exempt under this arrangement? Is all the property between the river and the north side of Wellington street now exempt from municipal taxation?

Hon. Sir JAMES LOUGHEED: Yes; I understand that would become exempt. The contract would not permit of property rented by the Government being exempt. Property would be exempt if it were in the control or the possession of the Crown; but it is conceded that property rented from other parties and occupied by the Government would not be exempt from taxation.

Hon. Mr. BENNETT: But all this newly-acquired property is exempt?

Hon. Sir JAMES LOUGHEED: All property the title of which is absolutely vested in the Crown is exempt.

Hon. Mr. CROSBY: I think the time has come when the city of Halifax should be considered in connection with a vote such as the one that is now before us. In the city of Halifax there is about $20,000,000 worth of property on which not one cent of taxes is paid. The greater portion of that property has been handed over to the Dominion Government by the Imperial Government. The Government have the streets kept clean for them, and they get police service and fire protection. They get everything free. The time has certainly come when some consideration should be given to the city of Halifax.

Hon. Mr. McMEANS: What about Winnipeg?

Hon. Mr. CROSBY: Winnipeg is out of sight. Nobody knows anything about Winnipeg, and nobody cares. The Government have no public buildings there.

Hon. Mr. McMEANS: Oh, yes, they have.

Hon. Mr. CROSBY: My honourable friend may have to be looked after. I suppose the police have to take care of him. That does not cost anything. What I want to point out is that the greater portion of the water front in Halifax is owned by the Government, and the city provides sidewalks and streets and fire protection. Then, again, we have in Halifax the Wellington Barracks, covering a very large area all along up Gottigen street. The assessment of real estate values in Halifax would probably be somewhere between $45,000,000 and $50,000,000. Twenty years ago, when I was more familiar with it than I am now, it amounted to about $25,000,000. It is only fair and reasonable that Halifax should be given some consideration for all that property owned by the Government in the very heart of the city. My honourable friend (Hon. Mr. McMeans) speaks about Winnipeg. I do not know very much about Winnipeg, but if he has any claims to present here on behalf of Winnipeg, I have no objection to his presenting them. But I do know that in Halifax the Government occupies the greater portion of our waterfront. I understand that some change is about to take place; that the Government will sell some of the property there. I think they should do so, for they do not need all the property they have there now. In the meantime I think the Government should give Halifax at least $25,000 or $40,000 a year for the services they get from that good old city. In Halifax they are given good protection; it is not like the city of Winnipeg, from which my honourable friend (Hon. Mr. McMeans) comes, where there is trouble all the time and no man's life is safe. In Halifax everything is conducted in splendid fashion and the Government never suffers anything there from lack of fire protection or lack of protection of any other kind. The property is well taken care of. I would urge upon the honourable leader of the Government that the claims of the city of Halifax be considered in connection with this vote.

Hon. Mr. BOSTOCK: Honourable gentlemen, the leader of the Government has said that under this Bill the Government undertakes to pay a sum of $225,000 a year as against $115,000, I think it was, that we were paying formerly. But, upon examining the Bill, I find that there is a good deal more than that in it, because the Government also undertakes to keep up certain bridges, and "to maintain and repair good and sufficient sidewalks on the northern side of that portion of Wellington street between Connaught Place and the western boundary of the Perley Home property." I think that is new. I do not think the Government undertook that before in the arrangement with the city of Ottawa. Then, on page 5 of the Bill, the Government makes itself subject to "local improvement rates imposed by the corporation under the provisions of the Local Improvement Act." I do not know whether that is a new arrangement; but it seems to me that it might necessitate considerable expense in addition to the $225,000 to which my honourable friend has referred.

Further than that, I presume the city will get a considerable advantage from the privilege they now have of taxing civil servants on their incomes and on their property. I do not know whether my honourable friend has figures to show what the benefit of that arrangement will be to the city. If he could give us that information when we go into committee it would be very interesting. I think it is somewhat of a hardship upon the civil servants who were appointed to the service at a time when it was understood that they would not be subject to taxation by the city in the way that other people are. This change has been made, however, and I presume that question was considered.

Hon. Sir JAMES LOUGHEED: That arrangement, it seems to me, was not based upon common sense or reason. There was no reason why civil servants in the city of Ottawa should have been exempted from taxation while those in other parts of t...

Dominion were not. Furthermore, the case of the civil servants is not such a hard one as my honourable friend would lead us to believe. As he knows very well, civil servants have received great consideration, particularly since the war, in the matter of salaries and in the bonus which has been given them to set off to some extent the increased cost of living. However, if the city, when the first contract was entered into, was deprived of its right to impose taxation upon the civil servants, there is no reason why that condition of affairs should continue for all time.

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

SHIPPING BILL (CERTIFICATES OF SERVICE).

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 21, an Act to amend The Canada Shipping Act (Certificates of Service). Hon. Mr. Willoughby in the Chair.

On section 1—requirements for certificates, etc.:

Hon. Mr. BOSTOCK: Who appoints the board before which these men have to appear to get their certificates?

Hon. Sir JAMES LOUGHEED: It is done under the Marine Department.

Hon. Mr. CROSBY: They have examinations. I may say that this Bill is about 25 years behind the times. If it had been brought in 25 or 30 years ago it would have have been of some advantage to the Dominion of Canada, and we would be in a different position to that which we occupy to-day. However, the bringing in of this Bill now cannot do any harm.

In 1911 and 1912 schools were established in the Maritime Provinces where any one who cared to attend could get an education in navigation. I think the first school was started in Halifax; and there is now one in Sydney and one in St. John. It used to be that examiners went down there only once a year or once in six months; but now we have an examiner in Halifax who is there all the time. Sailors are now offered an opportunity of getting an education free, and of passing their examinations. I think there are very few ships in the employ of the Government on which the men have not got master's and officers' certificates. Some 20 years ago we used to grant tickets for service; but they were done away with. That system was not of much use because the ships would cross to Britain, and the Board of Trade there would not allow them to be brought back under those certificates. Many of the ships had to be sold to the Norwegians, the Swedes, the Danes, and others, and that is why Canada was in such bad shape with regard to shipping when the war broke out. We had gone back in our shipping. We built the finest ships in the world and manned them with the very best men in the world; but the practice of the British Board of Trade practically put Canada out of the shipping business.

As I say, this Bill will not do any harm. But why should the certificates be limited to ships of 750 tons, or to sailing vessels? I think it should include freight carriers propelled by steam if it is going to be of much advantage, because there are now more steam-propelled vessels than sailing ships.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

JOINT DISTRIBUTION OFFICE.

ORGANIZATION APPROVED.

The Senate proceeded to consider a message from the House of Commons approving and confirming the organization of the officers and clerks of the Joint Distribution Office of the Senate and the House of Commons.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this is simply a formal matter. In the Joint Distribution Office there are three clerks, and to comply with the requirements of the Civil Service Classification this organization has been made. I understand that it is practically as it was before.

Hon. Mr. BOSTOCK: We are apparently authorizing a Superintendent of Distribution of the printed documents of Parliament and three officials. I thought they were classed as clerks.

Hon. Sir JAMES LOUGHEED: I was going to move:

Resolved that the Senate doth concur with the House of Commons by approving and confirming the organization of the officers and clerks of the Joint Distribution Office of the Senate and House of Commons, as submitted to that House on the 31st day of March last, and that a message be sent to the House of Commons accordingly.

Hon. Mr. BOSTOCK: Can my honourable friend explain why they are referred to as three officials?

Hon. Sir JAMES LOUGHEED: It is simply an organization. My honourable friend will see, according to the resolution, that it only deals with the organization of the officers and clerks; then they have to be classified.

Hon. Mr. DANDURAND: All we decide is that there will be officials in the department?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: How many have there been up to date?

Hon. Sir JAMES LOUGHEED: Three. I understand that no change has been made.

The resolution was agreed to.

PRIVATE BILLS.

SECOND READINGS.

Hon. W. B. ROSS moved the second reading of Bill R, an Act to consolidate and amend the Acts relating to the Western Assurance Company. He said: Honourable gentlemen, this is simply a consolidating Bill, which can be dealt with in committee.

Hon. Mr. DANDURAND: Does it mean that there is to be a consolidation of the many amendments to the Act made from year to year, or that it is to be printed with the amendments proposed?

Hon. W. B. ROSS: It collects together a number of Acts and amendments. The Bill will go before the Banking and Commerce Committee.

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

Hon. W. B. ROSS moved the second reading of Bill S, an Act to amend and consolidate the Acts respecting the British America Insurance Company.

He said: This is exactly the same kind of Bill.

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

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

THE SENATE.

Thursday, April 22, 1920.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST READING.

Bill 12, an Act respecting the Hamilton Provident and Loan Society and to change its name to the Hamilton Provident and Loan Corporation.—Hon. Mr. Lynch-Staunton.

DIVORCE BILL.

FIRST READING.

Bill M2, an Act for the relief of William George Mackness.—Hon. Mr. Turriff.

INCOME AND BUSINESS PROFITS TAXES.

INQUIRY AND DISCUSSION.

Hon. W. H. BENNETT rose in accordance with the following notice:

That he will call the attention of the Senate and inquire:—The number of persons or corporations paying and the aggregate amount paid by each group by way of Dominion Income Tax or the Business Profits War Tax in the town of Midland during the years 1917 and 1918 whose assessed income was $1,500 and over, showing each group, and also by advances of $1,000; also specifying as between males and females.

He said: Honourable gentlemen, last year I either asked a question or moved for a return to the effect that there should be published by the Department of Finance, or that particular branch which deals with income and war taxes, a statement showing the number of persons who had paid their taxes; not giving their names at all, but classifying them according to municipalities. On that occasion the honourable leader of the House (Hon. Sir James Lougheed) suggested that the motion should be withdrawn, intimating that the Government, or the Finance Department, proposed to bring down a return, not by individual municipalities from one end of the Dominion to the other, but by larger districts. That return, I may say, was never brought down; at least, I am not aware that it was. So I have placed this motion on the order paper. I have done so, not with any particular desire to know what has gone on in the town in which I happen to reside, with respect to these so-called war taxes; but rather because the

Government intimated in another place a disposition to give all publicity as to the number of persons who have made returns on income subject to war taxes.

I may instance the case of the Canadian Pacific Railway Company. In answer to a question asked in the House of Commons on April 20, it was stated that that company had paid for the year 1918 $1,463,097, and that, up to last year, inclusive, they had paid $3,817,172. It may fairly be asked, if the business of the Canadian Pacific Railway Company is to be made public, if it is to be shown what war taxes they have paid, is it not equally fair that in every locality there should be published the name of every person who has paid war taxes. I will deal later on with the desirability of the publication of such lists.

But the Government, or the Finance Department, have gone further in this respect. In response to a motion made in the House of Commons for a return showing the number of persons in the city of Toronto who had paid income taxes or taxes on business profits, the following statement was made public. As this was not in answer to an inquiry, but was in response to a motion for a return it has not appeared in Hansard. Therefore, I will give the figures as stated in the return of which I have obtained a copy, showing the number of persons in the city of Toronto who paid income tax for the year 1918:

Amount of Income.	Persons.	Taxes paid.
$ 1,500 to $ 6,000	4,274	$ 170,214.96
6,000 to 10,000	1,215	222,604.83
10,000 to 20,000	688	397,216.88
20,000 to 30,000	165	251,037.00
30,000 to 50,000	91	272,438.87
50,000 to 100,000	55	378,680.88
100,000 or over	13	506,066.93
	6,501	$2,198,260.35

I will comment only on perhaps two of these groups. Take the case of persons paying on incomes from $50,000 to $100,000 or over. In the whole city of Toronto only 68 persons made returns on incomes of $50,000 or over.

I may say that when the first return was brought down in the House of Commons the other day the newspapers by error stated that it was indicative of the whole Dominion. That statement was subsequently corrected, and it was shown that the return applied only to the city of Toronto. The first statement published, that there were only 13 men in the whole Dominion who had an income of $100,000 or more was productive of a great deal of comment. In the reading room, where several of us were, the question was discussed, and within a few minutes there was made up a list of 13 men in the city of Ottawa alone, each of whom, it was agreed by those present, had an income far beyond $100,000. To say that in Toronto there were only 13 who had incomes of $100,000 is nothing more than a farce in my opinion. Take one gentleman—and I am not going to mention any names. The municipal taxes on his residence are $50,000 a year. The total number of persons in the city of Toronto who made returns and whose income was over $1,500 or under $6,000 was only 4,274. The whole income-tax law is based on the principle of honour; it is purely and simply a question of honour whether people do or do not make returns. The result is that a large number of persons in this country are very much prejudiced because, while their income may be small, may be under $2,000, it is rated in the most open way, while a man who may have a large income and is not an employee can abstain from making a return and thereby escape paying the tax. I believe that Mr. Breadner has done excellent work in the compilation of these lists. I believe he has done a great deal more than half-a-dozen ordinary men would have done. He has established a wonderful system for collecting this information. I am told that he has secured from one end of the country to the other all possible information, so that it will be possible to see whether men have or have not escaped paying the war taxes. Let me give an instance: this is a case that I know of. I refer to the Canada Steamship Company, a number of whose engineers and captains live in my town. Every one of those men who has $2,000, if he is single, is taxed on the extra $500, and why? Because the Government has gone to the company, and has asked it to give them a return showing what those men are earning. Then, in turn, I assume that the company has intimated to the men that they must pay their money; and that is the rule that I presume prevails with that and every other company.

I believe the time has arrived when the Government should not only intimate, by bringing down returns, as they have done in the case of the city of Toronto, how many people are paying their taxes, but that they should go further, and publish a list of the names of all in the country who have paid. Some honourable gentlemen will doubtless ask what is to be gained by that? I will give you an instance. Let us assume the case of the average small town. A man is

well known to have an income of $20,000 or $30,000. When the names are printed that man's name is absent. If the department does not receive anonymous letters intimating that there is a man of the name of John Smith, or whatever his name may be, who has escaped paying the tax, I would be very much surprised. It may be urged that that is giving too much publicity to a man's private business but I do not think so. What does the Government do with regard to a man's private business? You can go to the Distribution Office and ask for the bluebook relating to chartered banks, and what will you find? You will find the name of every man, woman, and child who owns a share of stock in any chartered bank in any part of the country. That is publicity. What is done in the municipalities? You can go to the proper municipal officer in your town and ask him to show you the assessment roll, and from it you can find out who in that town has been assessed and who has not. There is more publicity. Let us go a little further. I am in favour of the principle of taxing men when they are alive rather than after they are dead. Take the case of succession duties. Under the probate a list of all the assets of the deceased is made public. Why not make it public in his lifetime? Any man conversant with municipal taxation knows that men endeavour to escape it. In my own town I have known persons to be assessed for $1,500 of income, and they have carried it along for years; but when there was a hue and cry the assessment went up to $15,000. The person taxed knew that the assessment list was under the eye of every person in the town. When you have all that publicity for the assessment roll and know that people will not make a proper return under that system, what are you to expect under the system of the Finance Department which puts people on their honour, so that no one knows whether or not they are paying one cent of what they properly should pay?

To-day there is great need of money in this country. The Government tells the returned soldiers, whose claims are great, that it has not the money to meet their demands, which it is estimated would require from $500,000,000 to $800,000,000. Personally I am not in favour of that payment, and I am willing to state my reasons; but I say that it is a crying shame that the men who have returned to this country badly wounded, and who are unable to help themselves, the widows of men who have been killed, and the mothers who have lost their sons, are not receiving larger pensions than they are receiving to-day. I will mention a case that came to my notice only this morning. I received a letter from a widow, whose only support, her boy, went to the war. He was killed. She had been paid $40 a month, and had received in addition a bonus of $8—$48 per month in all. She is getting on in years, and, by reason of the fact that she owns her house and lot, she has been informed that $10 is going to be deducted from her allowance. Is it any wonder that there is a feeling, which I say is a proper feeling, in favour of these wounded men and the dependents of those who have been killed? This morning I went up, as I have frequently done, to the meeting of the committee dealing with these claims. I heard the evidence of a medical man who attends tubercular patients. He told the story of a man in an advanced stage of consumption. His pay for this total disability is $720 a year. There is a man, who is not able to work, trying to support a family on $720 a year, a man who has done what? True, he has not sacrificed his life, but he has sacrificed his future, and he is paid a paltry sum like that. If that man intimates that he is bettering his condition, or that his health is improving, a deduction is made. Perhaps a tubercular patient should receive more sympathy than patients of other kinds. He is practically taboo. I have known a young man whose services in a bank were dispensed with, and why? Because he had tuberculosis.

I do not know whether the Government will adopt the practice of publishing the names of the people who have paid their income tax, but in my opinion it is the only way in which they can increase, and I believe greatly increase, the income from war taxes. I know of a man who, I believe, has an income of $25,000 a year, and I do not believe he has ever paid a single cent.

Hon. Mr. LYNCH-STAUNTON: Why do you not report the case to the Government?

Hon. Mr. BENNETT: In the first place, I am not a common informer for the Government, and, in the second place, if I made a complaint, I might perhaps find that I had stultified myself, because he had made a return. I know of another man who during the war made huge profits, over $50,000 a year, on his own telling, and it was evident that he had been making a great deal of money. I have been told that he does not pay the war tax, and does not intend to do so until he is compelled. There is something in this grievance of returned soldiers

and their dependents, and the general public are not turning a deaf ear to fair and honest claims when they see men going around showing cheques for a return of 100 per cent on some of their investments. I have seen the cheque of a company which paid a 100 per cent dividend, while, under the law, it was supposed to pay 60 per cent of that to the Government; but no 60 per cent has been paid. I saw a man with a cheque for $5,000 who had made an investment of $5,000 in a certain company. How is it that these things are happening? Either the companies are not making the return, or they are not being treated as they should be by the Department; and I do not believe the latter is the case. On the contrary, I have heard many complaints that people have been harshly treated by Mr. Breadner, and I do not believe he is letting any one that he knows of escape.

In the province of Ontario, if a man holds stock in a joint stock company, if I want to see how much stock he has, all I have to do is to go to the proper office in the city of Toronto, and ask for the return of the company. Then I see in the public press that that company paid a certain dividend. But when it comes down to the question of who is paying the war tax and who is not, it seems to be like the sacred ark of the covenant, we must not lay hands upon it. Has not the time arrived when there should be publicity in these things?

I hope that if any discussion ensues on this question it may result in the Government taking the matter in hand and dealing with it—first, by bringing down a general return, by municipalities, and then giving the names of the persons who have paid the tax. Talk about publicity! My just happening to glance at a gentleman recalls something that happened in the town in which he lives. A woman in Ontario died leaving $75,000 or $80,000 to a man who was not a relative of hers. She had relatives in the States, and they were showered with letters telling them what had happened, and an action in the courts has been started. The people are alive, and are keen to expose any person who has not paid his war tax. A man employed by a company is exposed by it making the return of his income to the Department. He pays up to the last dollar. But the man with a large income may not be paying at all. Just remember the figures that I quoted as to Toronto. Sixty-eight men in the city of Toronto have made returns stating that their incomes range from $50,000 to $100,000. That reminds me of a discussion which I had with an honourable gentleman in this House the other evening. He said that my notice of motion should be extended to cover some other town in the county of Simcoe, and he asked what I estimated was the income of a certain man there. I have no doubt that he is a well-to-do man; he is a personal friend of mine; but I never knew that he had an income of $18,000 from a certain business. I had never heard of it before, but my honourable friend had. There is only one way to collect this tax, and that is to publish the names. Any man in receipt of a large income will be ashamed to see his name paraded through the country on the list, if his return has not been made, and truly made. Not only that, but the publicity which he will get will, as he must know, probably result in a prosecution.

A short time ago I saw a list of men in the city of Toronto who had not made their returns. I knew who two or three of them were, although I did not know them personally. They were men of intelligence and standing, and it was absurd to think that they should not have made their returns long before. There is unrest in the country. Some people may think it is slumbering. It does no good to talk about peace, peace, because there is no peace in this country to-day; and the first step that should be taken to allay the unrest that exists—I refer now particularly to the soldier movement, as it is termed—should be a substantial increase of the pensions for maimed soldiers and for dependents of deceased soldiers, and the money should be obtained by an endeavour to increase the income of the country by the payment of war taxes, particularly by those who have been shirking the payment in the past. The Government should address itself to that question with all possible heartiness.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I regret that I am not in a position to furnish my honourable friend from Simcoe (Hon. Mr. Bennett) with the information for which he asks. The Department of Finance has been charged with the duty of adopting whatever system seems to be best for the collection of the income tax. If the system which it has adopted has not met with the approval of my honourable friend, or the approval of the public, I presume the Government will have to assume the responsibility. This is a very large question. It is a question that may well be considered, whether or not it is desirable to publish the names of those

chargeable with income tax. Speaking for myself, I see no good reason why some system such as those which obtain in municipalities should not be applied to the collection of the federal income tax; but the subject is not so easy to work out as it would appear on its face. The difficulty which has always been met in imposing an income tax has been in the collection of it. That has invariably been the case, not only in this country, but in every country where such tax has been imposed.

I shall be very glad to direct the attention of the Minister of Finance to the remarks made by my honourable friend from Simcoe. As to whether or not he will agree with the views the honourable gentleman has expressed I am not in a position to say. I feel fully assured, however, that every attention will be given to the statements of my honourable friend.

In reference to the return which my honourable friend intimated was asked for last session, I am not prepared to say whether it was placed upon the Table of the House or not; but I would point out to my honourable friend that the inquiry was made last session, and that there is a good deal of human infirmity on the part of some of the departments in not charging themselves with very much responsibility once the session is over. I would suggest to my honourable friend the desirability of asking for a return during the present session, and I shall expedite it in every way possible.

My honourable friend spoke of the inadequacy of the pensions paid by the Dominion Government. I need not remind him that there is a committee of Parliament considering this subject at the present time. But it is to be pointed out—and I would ask my honourable friend not to overlook this—that the pension scale as we have it to-day has been fixed by Parliament. The representatives of the people themselves have had the matter within their exclusive responsibility. This scale of pensions has been fixed, not by the Government, but by Parliament, and if my honourable friend disagrees with the action of Parliament as to the size of the pensions payable to our returned soldiers who unhappily are suffering disability, he must blame Parliament itself. But it would not be out of place for me to say in this connection that the scale of pensions paid by Canada, I understand, exceeds very substantially that paid by any of our Allies or any of the Associated Powers in the war; and it seems to me that this fact should relieve Canada to some extent, if not altogether, from any criticism of ingratiutde to the returned men. The solicitude of Parliament, every Session since the war, has been exercised along the line of giving most mature consideration to the question of pensions, and I think I am correct in saying that every Session since the payment of pensions has been assumed by the Government of Canada, Parliament has made a very close investigation and scrutiny regarding not only what pensions Canada should pay, but also what pensions are paid by other countries. Therefore, while my honourable friend's criticism as to the collection of the income tax may have some ground, it seems to me that the Government as well as Parliament has discharged its full duty in investigating and in showing proper sympathy on the question of pensions.

However, as I have said, I shall be only too glad to direct the attention of the Government to the observations made by my honourable friend.

Hon. RAOUL DANDURAND: Honourable gentlemen, I would like to say a few words on the question raised by the honourable gentleman from Simcoe (Hon. Mr. Bennett).

Hon. Sir JAMES LOUGHEED: Before my honourable friend proceeds—I do not take any exception to my honourable friend making any observations he may desire, but it is a very bad practice to renew the debate after a motion of this kind has been discussed, and the inquiry has been made, and the answer has been given by the Government. I should be very glad to hear what my honourable friend has to say, but it is very desirable that the practice of discussing the question before the Government answers should be followed.

Hon. Mr. DANDURAND: I should have risen before my honourable friend; but it has occurred to me that there is perhaps one point which, with the permission of the House, I might emphasize. My honourable friend from Simcoe (Hon. Mr. Bennett) claims that there is considerable uneasiness in the country owing to the fact that the income tax may not have been paid by all who should make returns and send in their cheques. He suggests as a remedy that a statement showing those who have made returns and have paid the amounts they are called upon to pay should be published. I have not given any time or study to the question, but it seems to me that the practice throughout the world has

been contrary to that suggested by my honourable friend. I know of no country in which income tax is imposed that has as yet decided to publish the names of those who do make returns and do pay. There is one objection which occurs to me, and there may be many others. There would undoubtedly be an injurious effect upon the business community if there were published throughout the land the amounts which various firms pay. The information would indicate their commercial strength. In days of prosperity business men would not object to the publication of the amount of their turn-over and their profit; but there are also lean years, in which profits are not in evidence, and the statement would show that the firm's business was not a prosperous one in the previous year. Business men live on credit. It seems to me that the publication of the profits or lack of profits of various corporations and business throughout the country would shake considerably the foundations of our whole commercial edifice. As I have stated, I have given no time or special study to the matter; but as it has never occurred to other countries, so far as I know, to publish lists of the amounts paid in income tax, I would hesitate to approve of the suggestion at this moment.

Last year I made a suggestion which would, I think, help to clear the atmosphere. It was that the law be changed, and that, as in many other countries, every person be required to make a return to the Department of Finance. At present the law requires only those persons coming under the Act to make a return; so any one can excuse himself from making a return by deciding that he does not come under the Act. What objection can there be to requiring the whole community to make returns? Then you would have annually a complete census of the wealth of the people. I see no reason why every one in the community should not be called upon to send in a return, in order that the Department of Finance might see at a glance, when all the returns were tabulated, what was the exact situation in the country. Until that is done, I am convinced there will be suspicion and uneasiness throughout the country, because those who do make their returns will feel that there are many others who should pay the tax but are not doing so.

The discussion concluded.

Hon. Mr. DANDURAND.

HUDSON BAY AND STRAIT.

APPOINTMENT OF SPECIAL COMMITTEE.

Hon. Mr. FOWLER moved:

That a committee of twelve of this House be appointed to take evidence and report at this session upon the navigability and fishery resources of Hudson Bay and Strait, and of the character of the ports of said Hudson Bay with regard to their fitness as railway terminals, and that such committee shall have power to call for persons and papers, and that the said committee do consist of the Honourable Messieurs Bostock, Casgrain, Dandurand, P.C., Daniel, DeVeber, Fowler, Lougheed (Sir James), K.C.M.G., P.C., Michener, Schaffner, Sharpe, Watson and Willoughby.

He said: We are ready with our report, but it is necessary to re-appoint the committee in order to bring it in. The report is the result of the inquiry made by the committee during the last two sessions of Parliament.

The Hon. the SPEAKER: Will the honourable gentleman speak a little louder? I could not hear what he said.

Hon. Mr. FOWLER: In making the motion, I was just explaining to the House that this was simply a formal matter; that the motion was made in order that the committee might bring in the report, the result of our labours during the last two sessions of Parliament.

Hon. Mr. DANIEL: I would ask the honourable gentleman what difference there is between this reference and the reference to the former committee, which, so far as I am aware, has not yet reported. Is this exactly the same reference?

Hon. Mr. FOWLER: Yes.

Hon. Mr. POWER: The honourable gentleman from Sussex (Hon. Mr. Fowler) did not speak very distinctly, but I understand that the object of the appointment of this committee now is simply to edit, in a way, the report made by the committee during the past two sessions. I should like to know whether that is correct or not, or whether the intention is that this committee shall be a sort of perpetual committee, to go on, session after session, taking evidence which is largely a repetition of evidence taken years ago?

Hon. Mr. WATSON: It is only to report.

Hon. Mr. FOWLER: No, it is not intended to be a perpetual committee.

Hon. Mr. POWER: A ltle louder.

Hon. Mr. FOWLER: It is not intended to be a perpetual committee, but simply a

committee to make a report of what has been done in the past two sessions.

Hon. Mr. POWER: In that case, I have no further observation to make.

The motion was agreed to.

CANADA SHIPPING BILL (CERTIFICATES OF SERVICE).

THIRD READING.

Bill 21, an Act to amend the Canada Shipping Act (Certificates of Service).—Hon. Sir James Lougheed.

DIVORCE BILL (GENERAL).

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. W. B. Ross, the Senate went into committee on Bill J, an Act respecting the Dissolution and the Annulment of Marriage. Hon. Mr. Gordon in the Chair.

On section 1—definition "court":

Hon. W. B. ROSS: On account of a suggestion that came from the honourable gentleman on the other side of the House, I have reconstructed section 1. I move that this section be struck out, and that the following be substituted:

> In this Act, unless the context otherwise requires, "court" means the court which in any province has jurisdiction to dissolve or annul marriage.
>
> (a) This Act shall not apply to the province of Quebec.

That will be clause 1.

The reason for that change is that in the clause as it stood the words "Superior Court" are used. That is suitable except with regard to two provinces, New Brunswick and Nova Scotia. Nova Scotia has a divorce and matrimonial court, or, as it is called, a court for divorce and matrimonial causes; and New Brunswick has a court.

Hon. Mr. POWER: There is just one question which occurs to me, honourable gentlemen, with respect to this clause: that I do not find anywhere in this Bill any statement to indicate what court in each province is to have charge of divorce cases.

Hon. W. B. ROSS: Bill I provides for that. If the honourable gentleman will read Bill I plus the clause in the chapter of the statutes relating to interpretation, which defines the words "Superior Court," he will see that it is the "Superior Court" which has jurisdiction.

Hon. Mr. POWER: That removes my doubt.

The amendment of Hon. Mr. Ross was agreed to.

On section 2—relief to respondent on counter-charge of adultery:

Hon. W. B. ROSS: In moving this section, honourable gentlemen, I do not know that it is necessary to repeat what I said the other day, namely, that it is made to deal with a set of facts of this kind. A man petitions for a divorce from his wife, and she simply appears, but files no counter petition against him. At the trial it turns out that the wife is innocent, but the husband is shown to be an adulterer himself. This section will give the court power to grant a divorce to the wife, notwithstanding that there was no counter petition made. I think that is provided for in the English Act, and I am desirous that it should apply to all divorce cases, because I think from my experience here that it is a good thing to make a man a little careful about going into a court of justice. In other words, he must see that he has a pretty clean record himself before he seeks a divorce.

Hon. Mr. DANDURAND: When such a situation was disclosed in any case before the Divorce Committee, you did not act upon the evidence; you simply rejected the petition?

Hon. W. B. ROSS: It happened, so far as I know, in two cases. It happened once before a committee of which I was a member, and in that case I would have liked very much to grant the respondent a divorce, but we did not do so. But I am told there was a case, away back a good many years ago—

Hon. Mr. POWER: Yes; the Campbell divorce case.

Hon. W. B. ROSS:—that there was a case in which that was done.

Hon. Mr. DANIEL: I would like to ask the honourable gentleman if the language employed in this clause is sufficient to make plain exactly what he has just explained to the committee. It may be quite simple language to the lawyer, but it looks a little involved to the ordinary layman.

Hon. W. B. ROSS: I may say to my honourable friend that it is verbatim with the English Act.

Section 2 was agreed to.

On section 3—relief to respondent on counter-charge of adultery:

Hon. W. B. ROSS: Clause 3 is designed to put the wife on an equal footing with her husband. The husband gets a divorce on the grounds of adultery only under the English Act, but the wife has to prove not only adultery, but cruelty, or something else.

Hon. Mr. LYNCH-STAUNTON: Is not the law of England the law of 1870? I understand the honourable gentleman to say that under the law of England a woman applying for divorce can only secure that divorce when she proves cruelty or something else in addition to adultery.

Hon. W. B. ROSS: Yes.

Hon. Mr. LYNCH-STAUNTON: It appears to me that the proper place for this section would have been in Bill I. By this Bill we are passing a law declaring that the law of Canada is similar to the law of England of the 15th day of July, 1870, and by a concurrent Bill we say that the law of Canada shall be different from the law of England as of that date. I would like to know why this Bill, which is intended to deal only with procedure, should contain clause amending Bill I which passed here this Session.

Hon. Mr. DAVID: Does not the honourable gentleman think it would be proper to say that "notwithstanding anything to the contrary, the law of any province or the law of England"?

Hon. W. B. ROSS: I see no objection to inserting the words suggested by my honourable friend. In reply to my honourable friend from Hamilton, I would say that Bill I deals only with Prince Edward Island and Ontario. Bill J deals with all the divorce courts of all the provinces that have them.

Hon. Mr. LYNCH-STAUNTON: Would it not have been better to have put Bill I into Bill J?

Hon. W. B. ROSS: I do not think so.

Hon. Mr. POWER: The statement of the honourable gentleman from Middleton (Hon. W. B. Ross) is on the whole satisfactory; but, after all, they have had the present divorce system in England since 1857, and the adultery of the husband is not in itself a sufficient ground for the wife to obtain a divorce. I suppose there must have been some good reason, or some apparently good reason, why that line was taken by the legislators of England, and why they have continued the Act upon that line for sixty years. It does seem to me that honourable gentlemen might have pointed out why the motives which influenced the British Parliament should not weigh with us. I have known that the reason for that distinction was because the misconduct of the wife affected the offspring, whereas the misconduct of the husband did not necessarily do so. I am not undertaking to say that this is a mistake, but I think that we should have some further explanation as to why the change is made.

Hon. W. B. ROSS: I accept the suggestion of the honourable gentleman from Mille Iles (Hon. Mr. David). I would say to the honourable the senior member for Halifax (Hon. Mr. Power) that if we compare the social and political position of the women of the British Empire in 1857 with that of the women of the present day, we shall find that it was very much inferior.

Hon. Mr. BOSTOCK: I would like to ask the honourable gentleman whether it would not be better to use the same language that was used in Bill I, which says:

The law of England as to the dissolution of marriage and as to the annulment of marriage, as that law existed on the 15th day of July, 1870.

Hon. W. B. ROSS: That would not be necessary. This is wider.

Section 3, as amended, was agreed to.

On section 4—wife to have separate domicile for divorce:

Hon. W. B. ROSS: Perhaps I need not repeat what I said yesterday in moving the second reading of this Bill. I think this is a good section. Once you can see that divorce is permissable at all, it is an act of justice to women, and I would like this section to become law.

Section 4 was agreed to.

On section 5—evidence by husband and wife:

Hon. Mr. McMEANS: Before this clause is passed I would like to point out that it makes a very radical departure from all rules of evidence existing at the present time. I understand that the law of some provinces to-day is that while the husband and the wife are competent witnesses they are not compellable witnesses. Suppose a charge of adultery is made against either a man or a woman, but is not proceeded wit... fur-

ther than to have the defendant examined and asked whether the charge is a true one. It is generally accepted that a man in such circumstances, even if he is guilty, will not acknowledge it. I think that this provision opens the door to a great deal of perjury and many family troubles. The man or the wife is suspicious and files an application, relying on the fact that the other can be called to give evidence. I do not know why the honourable gentleman has put this in. While I have a great deal of regard for his legal knowledge, I would move to strike out the word "and" in the third line and to insert the words "but not a."

Hon. Mr. LYNCH-STAUNTON: Under the practice of the province of Ontario one litigant may cite the opposing litigant for examination for discovery before proceeding to trial. I think this provision would lead to a great deal of abuse and might be used for very improper purposes, and might involve people who were innocent. If a deadly enmity exist between the husband and the wife, either of them could be called by the other and put into the witness-box and asked whether they had committed adultery with so-and-so, without there being a shred of right. I would support the motion to make it clear that the husband or the wife should not be a compellable witness. There is no class of litigation in our province in which a party is not a compellable witness; but I think that in cases of divorce the husband or the wife should not be a compellable witness. I should be surprised to know that they are compellable witnesses before the Divorce Committee.

Hon. Mr. WILLOUGHBY: I also take exception to this clause. I think we should either adopt the motion to amend it or we might even go back to the English Act. An English Act of 1869 to amend the Evidence Act contains the following section:

> The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding; provided that no witness in any proceeding, whether a party to the suit or not, shall be liable to be asked, or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

I think it would be a very vicious practice. Every lawyer knows that a suit may be discontinued after discovery.

Hon. Mr. PROUDFOOT: I would like to have the clause remain as it is, with the provision that neither the husband nor the wife shall be obliged to give evidence for discovery.

Hon. Mr. LYNCH-STAUNTON: That is just as bad.

Hon. Mr. PROUDFOOT: No, it is not as bad, because you can secure the evidence of either the one or the other on the trial The whole object of the Common Law and of the Statute Law is to prevent people from compelling the husband and the wife to give evidence against one another. This is on account of the sanctity of the marriage pact. Now, we are dealing with parties who are at arm's length. The same thing no longer applies; so why should they not be placed in exactly the same position as other witnesses who may be called for the purpose of giving evidence? If you are going to carry this matter to a logical conclusion, and if people who are guilty of adultery are not going to be obliged to give evidence, then you should protect any one who is called as a witness. If a witness is asked, "Did you commit adultery with so-and-so?" that witness should be protected. I do not know whether my honourable friend would go that far.

Hon. Mr. PROUDFOOT: I understand that that was what was read a moment ago. This law would be of very great assistance in closing up cases in our courts. I do not think it would be advisable to permit the parties to be examined for discovery before the trial, for the reason that the case might not go any further, and there would be on record the statement as to what the party had sworn to. I see no objection whatever to the clause being amended in that way; but I think it should provide that the husband and the wife shall be not only competent but compellable witnesses. It is not going to work any hardship, and it will assist very greatly in the administration of the law.

Hon. Mr. LYNCH-STAUNTON: But I would suggest to my honourable friend—perhaps he has not thought of it—that if a man is made by this Parliament a competent or compellable witness, then we have no control over the practice in the courts. That is reserved for the province, and if a man is a competent or compellable witness the province can pass an Act making him compellable to give evidence for discovery. I do not think there is any authority to pass a statute here regarding practice.

Hon. Mr. PROUDFOOT: I do not quite agree with my honourable friend in that respect, because the court, in dealing with the question, would be bound to recognize the section of the statute under which it had jurisdiction to deal with it.

Hon. Mr. LYNCH-STAUNTON: Not if it has absolute control.

Hon. Mr. PROUDFOOT: Well, if it controls the practice, in so far as the legislation permits it to deal with that particular subject.

Hon. Mr. WILLOUGHBY: The Privy Council held that the province of Saskatchewan had power to grant divorce, and the judges in Saskatchewan passed a set of rules, in which provision was made for discovery.

Hon. W. B. ROSS: Honourable gentlemen, the amendment to section 5 is:

In any proceeding to dissolve a marriage or to annul a marriage, the husband and wife shall each be a competent but not a compellable witness.

I accept that amendment, because I want to get on. We can perhaps have the original section approved another year.

Hon. Mr. PROUDFOOT: We have already given way sufficiently, so far as this Bill is concerned. There is no use in destroying a section of the Act which may be of practical value, simply because you want to pursue the line of least resistance.

The amendment of Hon. Mr. McMeans was agreed to, and section 5 as amended was agreed to.

On section 6—co-respondent not party to divorce suit:

Hon. Mr. POWER: The honourable gentleman from Middleton might explain.

Hon. W. B. ROSS: I move the adoption of this clause 6, which abolishes the co-respondent. I inserted this clause for two reasons. In the first place, I think that the trial of what is really a civil case along with a case of adultery is a joinder of two causes of action, and I think, from what I have seen of it, that it is not a good law, and does not work well. In addition to that, I do not know that this Parliament has jurisdiction to deal with the co-respondent at all. The husband or the wife may bring action against the co-respondent in the Superior Court, or in the court having jurisdiction to deal with the matter; so you are not taking away any of the rights of the husband or the wife. We have no joinder in Nova Scotia at all and the Act of that province has worked very well without it. It only raises the question of jurisdiction as between the Federal and the provincial authority. I steer away from the question of jurisdiction as much as possible.

Section 6 was agreed to.

On section 7—decree nisi in first instance which may be made absolute:

Hon. Mr. WILLOUGHBY: In lines 27 to 29 you will see the words: "and if, from any such information or otherwise, the said Attorney General suspects that any party to the suit is or has been colluding or conniving for the purpose of obtaining a divorce contrary to the justice of the case." I find it pretty hard to understand exactly what is the meaning or what is the application of the words, "contrary to the justice of the case."

Hon. W. B. ROSS: Would it not be clear without the words "of the case?" It means, contrary to justice. It is quite intelligible to me.

Section 7 was agreed to.

On section 8—publication of report of divorce suits:

Hon. Mr. POWER: I wish to express my great pleasure at finding this provision in this Bill. Every honourable gentleman who reads the English newspapers must have noticed the disgusting details of divorce cases which are found in some of the best of them. This clause provides that there shall be no report of the proceedings until the suit has been determined, "unless the judge or court before whom the suit is heard or proceeding is had orders such publication." And here is a most important thing: "and after such final determination no such report shall be published without the approval of the said judge or court." I think that is a most admirable clause, and I assume that there will be no hesitation about passing it. We are doing all we can to prevent the distribution of indecent literature, and this will be a great step in that direction.

Hon. Mr. McMEANS: Might it not be well to insert in this section a clause to the effect that the judge may give an order that the case be tried in camera?

Hon. Mr. FOSTER: I am moving an amendment to that effect.

Hon. W. B. ROSS: Go on with that.

Hon. Mr. FOSTER: It would come in as subsection 3. Before I submit to the committee an amendment which I propose to this clause, I would ask the indulgence of the committee for a moment while I say one word of personal explanation. I was not present in the Senate owing to sickness in my family when this Bill came before the House. If I had been present, I should have considered it my duty, in the interest of the people whom I represent, and in accordance with their opinions, as well as representing my own views on legislation of this kind, to oppose the Bill. I do not want to have it said, because I move this amendment at the present stage, that I concur in the principle of the Bill for I do not. With that explanation I would move that section 8 be amended by adding the following subsection:

3. Any judge or court hearing any case or proceeding under this Act shall have the power to order, if in his discretion it seems in the public interest, that such case or proceeding may be heard in camera.

This amendment means that the court or judge, so far as the whole case or any part of it is concerned, may order that the evidence be taken in private, in order that it may not be heralded throughout the community or used to gratify morbid curiosity, if the character of the evidence is such as to make it, in his opinion, in the public interest that the evidence should not be heard in public.

Hon. Mr. DOMVILLE: That is good.

Hon. W. B. ROSS: I may say to the honourable gentleman that I am a little at fault in this respect. I had in my hand, when I was discussing the matter with him, a clause which I intend to move as subsection A of section 10, which would give to the different courts powers to make orders and rules. I will read the proposed subsection, because when we come to section 10 I mean to move that it be added. You will see that section 10 provides for appeal. Then 10A will read in this way:

The court, the appellate courts, and the Supreme Court of Canada, respectively, shall make such general orders, rules and regulations concerning the practice and procedure in such courts, respectively, and for proceedings in forma pauperis, as such courts may respectively consider expedient, and shall make tariffs of the costs and fees to be paid for or in connection with any proceedings had in such respective courts under the provisions of this Act, and may by such orders, rules and regulations provide for the trial or hearing, or any part of the trial or hearing, of any suit being held in camera; provided, however, that no order, rule, or regulation, shall be made to permit the introduction of co-respondents in any suit or to try any issue by a jury.

(2) In all matters not provided for by this Act or by any general order, rule or regulation, the practice and procedure shall conform to and be regulated, as nearly as may be, by the practice and procedure at the time in force in civil suits in the courts dealing with such matters, and if there is no such practice or procedure which can be conveniently and effectively adopted then, as nearly as may be, by the practice and procedure at the time in force in the Probate Divorce and Admiralty Division of the High Court of Justice in England, or in appeals therein or therefrom as the case may be.

(3) All general orders, rules and regulations made under this section shall be published in the Canada Gazette.

I would ask the honourable gentleman if this answers the purpose he has in mind.

Hon. Mr. FOSTER: I did not hear my honourable friend quite distinctly. I did not hear him read the words that would be necessary to cover that clause which I proposed. Perhaps they may be there.

Hon. W. B. ROSS: "And may by such orders, rules and regulations provide for the trial or hearing, or any part of the trial or hearing of any suits, being held in camera."

Hon. Mr. WILLOUGHBY: We are unable to hear.

Hon. W. B. ROSS: I am sorry. Nobody seems to be able to hear.

Hon. Mr. WILLOUGHBY: I think that under the English Act there are rules and regulations.

Hon. Mr. BELCOURT: I want it understood, honourable gentlemen, that I do not approve of the principle of the Bill at all. So far I have taken no part in the discussion, but I think, with regard to section 8, that we ought to provide for something which is not provided for there. Because I am opposed to the Bill, I want to see that the restrictions and conditions imposed are as severe as possible. In reading section 8, I find there is no provision by which the judgment or the decree of divorce shall be published, and I suggest to my honourable friend (Hon. W. B. Ross) that that is a thing which ought to be provided for. If a decree of divorce is made, the status of the wife and the husband is changed. That is a change of status which ought to be made public, and of which the whole community ought to know. For instance, in the province of Quebec, when a decree of separation from bed and board is granted, the order granting the separation is

posted up on a board placed in the court house for that purpose, and also, I believe, in a newspaper. That is done because the public is interested in knowing the changed relations between husband and wife. There are civil consequences arising from the separation or the divorce of which the public should be informed. I would suggest that section 8 should provide for the publication of the divorce decree, at all events when it becomes final.

Hon. W. B. ROSS: I think you can trust to the newspapers to publish the fact that there was a divorce. The Attorney General of the province has power to deal with these divorce cases, and I think that affords pretty good protection. I do not see that it would be of any value to say that the decree must be published.

Hon. Mr. BELCOURT: I do not propose publishing the evidence or any of the proceedings, but I propose that the decree of divorce should be published so that the general public may know that so-and-so have been divorced. There are some people in the community, at all events, who do not look upon a decree of divorce as conferring any very special distinction upon anybody; and I do not think anybody wants the number of divorces increased. We should take such steps as will tend to prevent divorces multiplying. As I say, the public is interested in knowing that the parties who have been divorced have changed their civil status, and that the obligations which result from the marriage relation have disappeared. To take a very homely illustration: the corner grocer, who has looked upon Mr. and Mrs. John Smith as married people, is interested; he has given groceries to the wife on credit because he knows that she is married to Mr. Smith. If he does not know that they have divorced, and continues to supply goods to Mrs. Smith, what will happen?

Hon. Mr. McMEANS: She would be guilty of fraud.

Hon. Mr. BELCOURT: But in the meantime he would have lost the groceries.

Hon. Mr. McMEANS: I fancy the corner grocer would be the first to know of their new status.

Hon. Mr. BENNETT: I think the honourable gentleman from Ottawa is quite right. The expense of having the notice published would be trifling. Men are willing to pay to advertise the fact that their wives have left their bed and board.

Hon. Mr. BELCOURT: I would propose striking out the words "and after such final determination no report shall be published without the approval of the said judge or court," and inserting, "such final determination shall be published in at least one newspaper within the jurisdiction of the court."

Hon. Mr. POWER: I hope the honourable gentleman from Ottawa will not persist in moving his amendment. The first subclause of clause 8, I think, is admirable. I understand that the honourable gentleman proposes that the evidence should be published.

Hon. Mr. BELCOURT: No, not the evidence. I stated that distinctly.

Hon. Mr. POWER: The report embodies the evidence. My idea is that when the case is closed the judge who tries the case files a judgment in the court; and then the question arises whether there should be some special means taken to make this filing known to the public. I contend that the change proposed by the honourable gentleman, as far as it goes, will simply render useless the first subclause.

Hon. Mr. BELCOURT: No. My honourable friend does not understand me.

Hon. Mr. POWER: My understanding may not be as acute as that of the honourable gentleman, but I think I understand the meaning of the English language fairly well.

Hon. Mr. BELCOURT: I am afraid my honourable friend misunderstood me, if he wants it that way. I said that I did not wish to change the section in so far as it prohibits the publication of the evidence. I thought I had made that as clear as possible. If not, I repeat that I do not want the evidence published; but I want the fact published that a decree of divorce has been granted.

Hon. Mr. McMEANS: Would not the honourable gentleman have to state by whom it was to be published?

Hon. Mr. BELCOURT: I would substitute the following words at the end of subsection 1:

And after such final determination, notice thereof shall be inserted in at least one newspaper published in the locality where such final determination has been so made.

Hon. Mr. PROUDFOOT: Would it not be better to say that the "decree" or "judgment" of the court should be pub-

lished? Otherwise what kind of notice is to be published?

Hon. Mr. McMEANS: What would be the effect of that notice? If the case is dismissed is the final determination to be published?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. McMEANS: Would the honourable gentleman publish the fact that a man or a woman has sued for a divorce and has failed?

Hon. Mr. PROUDFOOT: Here is the difficulty with regard to the amendment of my honourable friend from Ottawa. In the first instance, after the trial, would he publish the order nisi? The final judgment of the court is not published until at least three months afterwards. What are you going to publish?

Hon. Mr. BELCOURT: The final determination.

Hon. Mr. PROUDFOOT: Would it not be better to publish the final order of the court?

Hon. Mr. BELCOURT: That is what I am proposing.

Hon. Mr. PROUDFOOT: You are referring to the notice.

Hon. Mr. BELCOURT: Perhaps the language is inapt, but it is the final determination that would be published.

Hon. Mr. LYNCH-STAUNTON: What do you want to publish it for?

Hon. Mr. BELCOURT: So that everybody will know.

Hon. Mr. LYNCH-STAUNTON: Why is it anybody else's business?

Hon. Mr. BELCOURT: My honourable friend unfortunately has just come in and has not heard my remarks. First of all, I want the general public to know that the divorce has been granted. I think the public at large is interested in knowing that.

Hon. Mr. DANDURAND: Because of the legal effect.

Hon. Mr. BELCOURT: I am surprised that that should not have struck my hon. friend at once. I want these people to carry the badge of divorce. I want to try to limit divorce. So far in this country the badge of divorce has not been one of which people are proud. Then, from the legal point of view, these people have changed their relationship. The civil responsibility which attaches to the man and the wife ceases the moment they are divorced. I gave a homely, and perhaps not very dignified instance of what I had in mind. I want the corner grocer to know that the lady who has been the wife of John Smith is no langer his wife, so that he will not advance her any more groceries under a misapprehension. I thought, in the light of the speech he made the other day, that my honourable friend would probably have been the first to appreciate a reason of that kind.

Hon. Mr. POWER: I do not believe in divorce; but I feel that I cannot vote for the amendment proposed by the honourable gentleman from Ottawa, because I think it conflicts with the earlier part of subclause 1 of clause 8, which is intended to prevent the proceedings becoming public. If the proposed amendment is carried there is nothing to prohibit any one publishing a full report. The report includes the evidence of the proceeding as well as the judgment. The honourable gentleman from Ottawa should let subclause 1 remain, and add such words as these: "When the final judgment of the court or judge has been filed, public notice of such judgment shall be given in such manner as may be provided by regulation." After the final judgment is recorded in the court, notice is given to the public. The court would fix the regulations.

Hon. Mr. McMEANS: I take it that the amendment proposed by the honourable gentleman from Middleton (Hon. W. B. Ross) leaves it in the hands of the judge to make regulations. Surely that is sufficient.

Hon. Mr. FOSTER: The objection that I see to the amendment proposed by the honourable gentleman from Middleton (Hon. W. B. Ross) is that it does not say the judge must do it, but that he may do it.

Hon. Mr. McMEANS: It is left to the court to make these regulations. If the amendment of the honourable gentleman from Ottawa (Hon. Mr. Belcourt) goes through it will mean that if the case is one that should never have been taken into court, that fact will have to be advertised. Furthermore, the amendment makes no provision as to who shall do the advertising. I think that matter should be regulated by the judges.

The amendment of Hon. Mr. Belcourt was negatived.

Section 8 was agreed to.

Sections 9 and 10 were agreed to.

Hon. W. B. ROSS: Honourable gentlemen, I wish to propose now the addition of clause 10A. I read that clause to the House before, but I will read it again, if any one wishes:

The court, the appellate courts, and the Supreme Court of Canada, respectively, shall make such general orders, rules and regulations concerning the practice and procedure in such courts respectively, and for proceedings in forma pauperis, as such courts may respectively consider expedient, and shall make tariffs of the costs and fees to be paid for or in connection with any proceedings had in such respective courts under the provisions of this Act, and shall by such orders, rules and regulations provide for the trial or hearing, or any part of the trial or hearing, of any suit being held in camera; provided, however, that no order, rule, or regulation shall be made—

I have dropped out a line there.

—to try any issue by a jury.

(2) In all matters not provided for by this Act or by any general order, rule or regulation, the practice and procedure shall conform to and be regulated, as nearly as may be, by the practice and procedure at the time in force in civil suits in the courts dealing with such matters, and if there is no such practice or procedure which can be conveniently and effectively adopted then as nearly as may be, by the practice and procedure at the time in force in the Probate Divorce and Admiralty Division of the High Court of Justice in England, or in appeals therein or therefrom as the case may be.

(3) All general orders, rules and regulations made under this section shall be published in the Canada Gazette.

Hon. Mr. LYNCH-STAUNTON: Regarding this amendment, it seems to me that we are making this a Federal court. The British North America Act provides that the practice of all courts which try matters between subject and subject shall be regulated by the province. There is nothing that entitles the Dominion Parliament to confer power on any court authority to make practice or regulations. That power is conferred on the court by the provincial legislature. If this business were confined to the Exchequer Court, then in my opinion this clause would be proper; but when this jurisdiction is given to a provincial court, it appears to me that such a section as this should be passed by the provincial legislature. I cannot see under what law this section is suggested. So far as trying the case in camera is concerned, I can understand that we may perhaps provide for that; but if it is correct for us to make rules and regulations, then we deprive the provincial courts of their control over the costs of litigation. The question has often been discussed whether or not the costs payable by one party to another should be abolished. The proposal to abolish costs altogether has been up in the legislature more than once. Now, supposing that this clause is passed and is legal, and then the provincial court declares that there shall be no costs or that the costs shall be limited to $100 on each side, will the judges have the power to override the provincial legislature and to make a tariff of costs? This will raise a very serious question, the question of provincial jurisdiction.

Hon. Mr. FOSTER: Does my honourable friend contend that the Parliament which makes possible the tribunal cannot provide that the judge or the court hearing the case shall have power to hear the case in camera? That is as far as my amendment goes.

Hon. Mr. LYNCH-STAUNTON: I am devoting my remarks to the question of the control of costs and the control of the practice in the court. I am not at all sure whether there is not already a general power conferred by the Dominion Parliament to have cases heard in camera; but as to the other powers, it seems to me it is a grave question.

Hon. Mr. POWER: The honourable gentleman from Hamilton appears to overlook the fact that by the British North America Act divorce is handed over to this Parliament, and all the necessary machinery would naturally go with it.

Hon. Mr. LYNCH-STAUNTON: I may state to my honourable friend from Halifax that I quite appreciate that. But so is shipping, so is banking, so are bills of exchange; yet nobody has ever dreamed with reference to legislation regarding shipping, or bills of exchange, or banking, that the courts in trying cases should be circumscribed by Dominion statute.

Hon. Mr. BELCOURT: I think my honourable friend has forgotten for the moment that the Privy Council has settled that point—that where the Parliament of Canada legislates on any subject which appertains properly to it under the British North America Act, that which Parliament does incidentally, as a necessary incident to that legislative power, is quite within its competence, though it may be in contravention of provincial jurisdiction. That point is not open to discussion now at all, because the Privy Council is clearly on record as declaring that this Parliament may legislate on any matter affecting a civil right arising out of provincial juris-

diction, if it is a necessary incident of any subject upon which this Parliament can legislate.

Hon. Mr. LYNCH-STAUNTON: But the point that the honourable gentleman from Ottawa (Hon. Mr. Belcourt), if I may be pardoned for saying so, seems to miss is that this practice is not a necessary incident of the legislation of the Dominion Parliament.

Hon. Mr. BELCOURT: Well, I think it is.

Hon. Mr. PROUDFOOT: I do not quite appreciate the difficulty that the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) has in reference to dealing with practice and procedure. This particular clause simply gives the court that is to deal with the question authority to make general rules and to provide for costs, etc. If we did not confer that jurisdiction, I do not see how the court would have any authority to do so. We assume that we have the right to deal with legislation of this kind. Then, having the right to enact legislation of this nature, does it not follow that we also have the right to say to the courts: "You may have jurisdiction to deal with the question of procedure; that is, we give you authority. We do not say what your procedure shall be, or what course you are to adopt, but we give you authority to enact general rules for the purpose of carrying on your proceedings."

Hon. Mr. BELCOURT: We have done so, for instance, in the matter of bankruptcy, in the matter of winding-up, etc.

Hon. Mr. PROUDFOOT: My contention is that we have the right to do it.

Hon. Mr. BELCOURT: Yes.

Hon Mr PROUDFOOT: And the doubt that my honourable friend from Hamilton (Hon Mr. Lynch-Staunton) has in reference to this is that we have not the jurisdiction. It seems to me that we have, and that this clause is therefore in that respect not objectionable.

Hon. W. B. ROSS: Honourable gentlemen, I would like to call the attention of the honourable gentleman from Hamilton to subsection 14 of section 92 of the British North America Act, which states one of the powers given to the provincial legislature. It says:

> 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.

Hon. Mr. LYNCH-STAUNTON: That is the point.

Hon. Mr. ROSS: My learned friend raises the point—and I have heard it raised before—that divorce is a civil matter, and therefore when you give the provincial court jurisdiction in regard to divorce the provincial legislature would have to provide the procedure, under that section.

Hon. Mr. LYNCH-STAUNTON: That is the point.

Hon. Mr. ROSS: That is what I understand is the objection of the honourable gentleman. As against that there is another point: that the words "civil matters" refer to civil matters as they were assigned to the provinces. Divorce, although a civil matter, was not assigned to the provinces, but was assigned to the Parliament of Canada, and when we send that back to the provinces we may at the same time fix the procedure, in the same way as may be done, as is pointed out by the honourable gentleman from Ottawa (Hon. Mr. Belcourt), in regard to bankruptcy and other matters. I know there is a dispute on this question, and I do not pretend to be allwise in the matter or to decide who is right; but, as I understand the matter now, the decision of the Privy Council, as stated by the honourable gentleman from Ottawa, points to the fact that this legislation that we now propose is all right. But we will assume that it is wrong—that we have not jurisdiction. I think that even in that case we ought to pass it and that, so far as this House is concerned, the Bill should be as nearly perfect as we can make it; and if the High Court of Ontario says that this provision that we are making for rules of procedure is ultra vires, then that court will not act upon it, but will proceed to make its own rules, under the powers conferred by the legislature of Ontario. It was for a similar reason that I inserted the clause with regard to alimony. I do not know who is right or who is wrong on that question; it is one that has yet to be determined; but if we have the power, then, having legislated, we have done with the matter. Now it is for the High Court of Ontario to deal with it. I do not mean to say that the contention of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) is not perfectly correct.

Hon. Mr. LYNCH-STAUNTON: You are going on the principle of "safety first."

Hon. Mr. ROSS: Well, I want to get things done and get them out of the way.

The amendment of Hon. Mr. Ross was agreed to.

Section 11 was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

DIVORCE BILLS.

SECOND READINGS.

Bill Z, an Act for the relief of Alexander Scougall.—Hon. Mr. Mulholland.

Bill A2, an Act for the relief of Edith Gertrude Willis.—Hon. Mr. Proudfoot.

Bill B2, an Act for the relief of Ada Mabel Sanderson.—Hon. Mr. Ratz.

Bill C2, an Act for the relief of John Albert Green.—Hon. Mr. Ratz.

Bill D2, an Act for the relief of Emily Cruikshank.

Bill E2, an Act for the relief of Cyril Graham Sinclair.—Hon. Mr. Ratz.

GERMAN TRADE IDENTIFICATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. Lynch-Staunton, the Senate went into committee on Bill W, an Act for the Identification of Traders in German Goods. Hon. Mr. Daniel in the Chair.

Hon. Mr. LYNCH-STAUNTON: There is a printer's error in the second line. The word "inserted" should be "amended."

On subsection 1 of the proposed section 508 E—words "dealer in German goods" to be on dealer's premises, advertisements and stationery:

Hon. Mr. BOSTOCK: I would like to ask the honourable gentleman in charge of this Bill how this law is to be enforced. From the remarks made the other day when the Bill was up for second reading, it seems that gentlemen interested in business practically all admit that it will be very difficult to say whether the goods they sell were or were not manufactured in Germany. We know that many different things sometimes enter into the manufacture of a certain article, and some of these things may be manufactured in Germany. It may be very difficult to tell whether that is the case or not. Any person dealing in any of these articles may have to go to considerable trouble to find what has been done in manufacturing the goods.

Hon. W. B. ROSS: The principle of this Bill was carried in this House. It did not go down very well with me, but I let it pass. I want to point out that this section is too wide. It says:

> Every person who knowingly deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria-Hungary, shall keep posted, etc.

The point that troubles me is the same one that troubles my honourable friend the leader of the Opposition. For instance, iron ore may be got out of a mine in Germany, and transported to Belgium, or Sweden, to be refined; the pig iron may be sent to England, turned into steel, and finally made into knives which will be sent out here. The language of the Bill is too far-reaching. If the words "growth" and "product" were cut out, and if the Bill were confined to something manufactured as a complete article, it might be feasible to enforce it; but I really do not feel like voting for this section as it stands. Perhaps my honourable friend can give us some further light on the Bill.

Hon. Mr. LYNCH-STAUNTON: When this section passed the Senate in 1918, this question was very thoroughly gone into. The honourable member for Ottawa (Hon. Mr. Belcourt) pointed out the difficulties which have just now been mentioned, and the word "knowingly" was inserted to make it clear that if a man imported goods—for instance, knives made in England—and did not know that part of the product came from Germany, he would not be held responsible in any way at all. The word "knowingly" would cover such cases as have been conjured up. In making a charge against a person it must be charged that he sold goods, knowing them to be of German growth or production. If that is not proved, he is not liable and he is not bound to find that out. If the section is limited in the way proposed the act will become a nullity. There is no use in introducing legislation on any subject which is so unreasonable that it will be non-enforcible. No possible case of hardship can arise with the word "knowingly" in the section. The principle of the legislation is admitted, and the Act is of no use if it is made purely illusory.

Hon. M. SCHAFFNER: Will there be any difficulty in determining whether a man "knowingly" has the goods?

Hon. Mr. LYNCH-STAUNTON: It must be proved. If I charge you with a breach

of the Act, I must prove that you knew the goods were of German origin.

Hon. Mr. SCHAFFNER: It seems to me that there will be considerable difficulty there.

Hon. Mr. LYNCH-STAUNTON: It will be quite difficult to prove. In the case just mentioned it could not be proved; but there would be no difficulty in proving the charge in the case of something that came direct from Germany. What I had in mind when I put the words "growth, product, or manufacture," in the Bill was this. It is quite well known that goods manufactured in Germany—for instance, electrical machinery—having the manufacturer's name on them, will be moved over into Switzerland, or some other country, and assembled. Without this general clause those goods, while they are manufactured in Germany, will not be considered German, goods. In such a case one could not say he did not know the article was German, because there would be printing all over it indicating that it was. But in the case of a dye that is used in the manufacture of something else, or something of that kind, a man would not know anything about it. Of course, the House can emasculate the Bill to such an extent as to defeat its object; but as it passed the second reading I suggest that it should not be reduced to a mere shadow in committee.

Hon. Mr. RATZ: If a merchant now has goods, knowing them to be German goods, what will happen to them?

Hon. Mr. LYNCH-STAUNTON: The last subsection of the Bill covers that.

Hon. Mr. DAVID: Does not the honourable member think that the effect of the Bill will be to penalize English and American traders as much as German traders? Inasmuch as there is no law prohibiting trade between England and Germany or between the United States and Germany, English and American traders may send German goods here. Does the honourable gentleman think that a merchant in Montreal or Toronto would like to put up over his shop such a sign as has been suggested? What will become of German goods sold by English or American merchants?

Hon. Mr. LYNCH-STAUNTON: They will not be sent here. I do not see that we are greatly interested in them. My sympathies are entirely against people who deal in German goods. I know that there are people who deal in German goods, and that you can buy German goods at the present time for about one cent on the dollar.

Hon. Mr. McMEANS: Where?

Hon. Mr. LYNCH-STAUNTON: In Germany. Every one knows that at the present rate of exchange you can buy German goods very cheaply.

Hon. Mr. PROWSE: Do you not want to bring down the high cost of living?

Hon. Mr. LYNCH-STAUNTON: I am speaking only of German goods. We can buy other people's goods. This is not going to affect the high cost of living. We can buy Italian goods nearly as cheaply as German goods. The Italian rate of exchange is very low now.

Hon. Mr. McSWEENEY: Russian goods?

Hon. Mr. LYNCH-STAUNTON: You can buy Russian goods. The Russian rate of exchange is just as low as that of Germany.

Hon. Mr. BEAUBIEN: I want to enlighten my honourable friend. While in Geneva I met a member of the English House of Commons who had a grievance against the Germans. He had been delegated by his colleagues of the House of Commons to buy some German wine. The German people instead of selling the wine at the rate at which he expected to buy it—that is, at the rate of a mark for a cent and a half—immediately jumped up the price, and he had to pay a great deal more. You cannot buy German goods as cheaply as you think you can, if you take the mark as your basis of calculation. Another reason why you cannot buy German goods as cheaply as you think you can is because in many cases they have put on an export tax which goes up to two or three hundred per cent.

Hon. Mr. LYNCH-STAUNTON: Where have they done that?

Hon. Mr. BEAUBIEN: For instance, you cannot buy a motor car. When I was in Brussels a member of the ministry told me that his son in Germany had been offered a Mercedes at a price which would have been positively ridiculous. I think it was $1,200 for a 48 horse-power Mercedes, which was as good as a Rolls-Royce or a Pierce-Arrow. But upon investigating the matter he found that there was a very high price put on those goods for export. I am not saying this to my honourable friend for the purpose of defeating his Bill. The

principle has been accepted. But may I call his attention to this point? Section 3 is, I believe, intended to protect persons who in good faith have bought German goods which are now in this country. They might not have bought the goods had they known that they would be forced to advertise the source from which the goods came. Now, I would point out that there may be persons who have ordered goods which have not yet entered Canada, and may not arrive for two or three months to come. I would suggest to my honourable friend that he extend the clause so as to cover those persons, because they have not been notified of the passage of this legislation and they will surely be taken by surprise, for they are bound by the contracts which they have entered into and which they cannot cancel.

Hon. Mr. GORDON: Does not my honourable friend think that their reason would be that they are ashamed to acknowledge having bought German goods?

Hon. Mr. BEAUBIEN: I am referring to the purpose of sub-clause 3—

The Hon. the CHAIRMAN: May I remind the honourable gentleman that he is discussing subsection 3 and we are now on subsection 1.

Hon. Mr. BEAUBIEN: I must admit that. It is simply because this point has just been discussed.

Hon. Mr. ROCHE: I sympathize considerably with the learned introducer and mover of this Bill. I think we should have some regard to permanency in Bills of this kind, and I think the Bill of the honourable gentleman will have to be repealed at next session of the legislature. For that reason, because it is only a temporary Bill, I think I am going to vote for it. Now, I would point out to him a very valuable article, of extensive consumption—the article of sugar. We know that a syndicate in London has put up the price of sugar in the British Isles and wherever they can get three or four times its former price. Our Government is putting an embargo on the shipment of sugar to the United States. The United States in reprisal will very probably prevent Canada from obtaining any sugar from any of the possessions over which they have control. Now, where are we going to get sugar? The Germans will produce any quantity of beet sugar and that will be brought into Canada. There is no prohibition against its importation. The refineries will put upon it their processes; they will refine the sugar and mix it with other sugar and put it on the market. Sugar will be in demand as an article of prime necessity. Under this Bill persons who sell sugar of that kind, which is a mixture and part of which is the production of Germany, shall be liable to a penalty. In the process by which the sugar is treated in Canada it can be mixed up so that no dealer can tell how much is German beet and how much is other mixture. What will those who like sugar do? The general public will demand something at a reasonable price. Here is a prohibition in my honourable friend's Bill. I appeal to him to have some regard for the public. Legal precision is one subject, but the wants of a great community are a very different subject, and a Bill that is absurd upon its face ought not to pass the legislature.

Hon. Mr. THORNE: Honourable gentlemen, I expressed my opinion yesterday in reference to this Bill. I have the utmost respect for the opinions of members of the legal fraternity with regard to the technicalities of the law, but I must say I have not the same confidence in their opinions with regard to commercial matters. I think this Bill will defeat the object in view. As I sad before, the only way to regulate trade in German goods is through the customs or by tariff regulation. I believe that is the only practical way of settling this matter. My sentiments are just as strong as those of any man in this House with regard to German trade and the attitude which Germany took in the late horrible war, and I would like to see some step taken to prevent German goods from being imported into Canada; but the result of this Bill would be to advertise German goods and to create in Canada a market for them. The Bill would not be effective for the purpose intended. On the contrary, it would promote the sale and consumption of German goods in Canada. One or two years hence, in this country and in the United States and England, there will have passed away all sentiment against doing business with Germany, and if you desire to carry out the policy of preventing trade with Germany the only way to do so is by regulating the tariff. If under the tariff regulations German firms were prevented from selling to the ordinary merchant, they would start a house of their own in each city of the Dominion of Canada, and I will guarantee that sentiment would not prevent the ladies from buying such things as would appeal to them as being superior to, or cheaper than, goods

made in the United States or in Great Britain. I know from experience that in lines of industry in which German goods can be sold most cheaply, sentiment will not control the purchase and use of such goods. Holding these views, and feeling that this Bill should not become law, I move that the committee now rise.

Hon. Mr. LYNCH-STAUNTON: I would like to point out that one honourable gentleman contends that this Bill will embarrass the retailers and embarrass the people, and another gentleman says it will promote the sale of German goods and will not do any harm at all. Which is right? If the honourable gentleman who has just spoken is right, the passing of the Bill cannot cause the slightest injury to anybody. His objection to the Bill is that it will promote the sale of German goods. That was the burden of his speech.

Hon. Mr. THORNE: It will defeat the object in view.

Hon. Mr. LYNCH-STAUNTON: And therefore I do not see how any person who wants to sell German goods can object to the Bill.

Hon. Mr. WATSON: We know—

The Hon. the CHAIRMAN: I would remind the honourable gentleman that there is a motion before the committee—a motion which is not debatable. We shall have to take a vote on the motion of the honourable senator from St. John (Hon. Mr. Thorne). The motion is that the committee do now rise; and if that is carried it will of course defeat the Bill entirely.

The motion of Hon. Mr. Thorne was negatived.

Hon. Mr. WATSON: Mr. Chairman, I was about to remark when you called the vote, that when for a number of years, there was in force a surtax against German goods it was well known to the trade generally that a great proportion of German goods did come into this country without the payment of the surtax. It was known that English manufacturers imported materials from Germany, finished them in England, and shipped the goods to Canada as English-made goods. I am rather in sympathy with the views of the honourable gentleman from St. John (Hon. Mr. Thorne). I would be in favour of this Bill if it would prevent the advertising of German goods in Canada, or if it made it a criminal offence to advertise German goods in this country; but, as pointed out by the honourable member from St. John, the Bill would have the opposite effect. When goods are placed on the retailer's shelf, it does not matter where they come from, it is the quality and the price of the goods, and not sentiment, that will appeal to the customer. If you want to keep German goods out of this country, put up the tariff, or prohibit their importation altogether; then you will effect your purpose. But it seems to me that in this Bill and the objects in view there is a great deal of camouflage.

Hon. Mr. LYNCH-STAUNTON: That is the latest argument about it.

Hon. Mr. WATSON: That may be the latest, but that is the way it strikes me. I may be a little dense, but it seems to me that you are legalizing and encouraging the advertising of German goods in Canada by declaring that any person is guilty of a criminal offence and liable to a penalty if he does not advertise them.

Hon. Mr. PROUDFOOT: I am surprised to hear any honourable gentleman say that sentiment will be gone; that is, as I understand the statement, that the people will forget the facts that have been driven home to them during the four years of the war.

The Hon. the CHAIRMAN: Will the honourable gentleman excuse me. The debate, as it has been carried on by the last two or three speakers, is a discussion on the principle of the Bill. What we are discussing is the first subclause. The principle of the Bill has already been adopted by this Chamber, and we can now discuss only the clauses as they come up. We cannot discuss the principle of the Bill.

Hon. Mr. PROUDFOOT: All right, Mr. Chairman. I was only following along the lines of the honourable gentlemen who had just preceded me.

The Hon. the CHAIRMAN: I know.

Hon. Mr. PROUDFOOT: And I thought it was advisable to answer some of the statements. If we have adopted the principle of the Bill, in which I heartily concur, then there is really nothing more for me to say on the subject except that I fancy that if this clause is passed it will prevent something that is going on at the present time. We have in Canada merchants who, I think, are a disgrace to this country, because they are sending men over to Germany for the purpose of purchasing German goods and bringing them into Canada. Men who are supplied with goods purchased in that way and delivered in Canada will not be able

to sell them as they have been able to do in the past. For that reason I think that if this clause is changed at all, it should be extended so as to make it a criminal offence for merchants to send their travellers to Germany for the purpose of making purchases there.

Hon. Mr. GORDON: Honourable gentlemen, the arguments that have been advanced against this Bill, or this clause, might have come with good grace before the war, but for the life of me I cannot understand how any person can conclude that the passage of this measure would advertise German goods. How many men in Canada to-day who had any blood relation or any friend engaged in this war could put up a sign like this: "Dealer in German goods?" Why, it is preposterous to think that a sign like that would advertise German goods. How many men in Ottawa—how many members of the Senate—would like to have a sign up over their door: "Dealer in German goods"?

Hon. Mr. McSWEENEY: What is the use of putting it up at all? The Bill is of no use whatever.

Hon. Mr. GORDON: I say that the man who to-day would put up a sign of that kind is not worthy to be called a Canadian citizen.

Hon. Mr. LYNCH-STAUNTON: Or the man who would buy German goods.

Hon. Mr. GORDON: He is not worthy to live in America or in any of the countries of the Allies. This Bill has my wholehearted approval. I hope it will be a long time before any person in Canada will knowingly deal in German goods or in anything from Germany.

Hon. Mr. PROWSE: I did not speak on the second reading of this Bill the other day, for the simple reason that I thought the Bill was only a joke. I did not think it was possible for any man to stand up here and flaunt his loyalty—

Hon. Mr. McMEANS: I rise to a point of order. Are we going to go on with these clauses or are we going to talk about the principle of this Bill all night.

The Hon. the CHAIRMAN: What is your point of order?

Hon. Mr. McMEANS: My point of order is that we are not discussing the clause.

The Hon. the CHAIRMAN: I decide that the point of order is well taken. Shall this sub-clause be adopted?

Hon. Mr. PROUDFOOT.

Subsection 1 of new section 508E was agreed to.

Subsection 2 was agreed to.

On subsection 3—exception:

Hon. Mr. BEAUBIEN: I would suggest to the mover of this Bill that there be added in the second line of this subsection, after the word "are," the following words: "bona fide purchased or," so that the subsection would read as follows:

The provisions of this section shall not apply to dealings in any such goods, wares or merchandise as are bona fide purchased or in Canada at the date of the passing of this Act.

Persons who have already made bona fide purchases are in a position similar to that of persons who, in good faith, have such goods in the country at the present time, and they should be protected. I would suggest to my honourable friend that as this legislation was not advertised in advance, this amendment ought to be made.

Hon. Mr. ROBERTSON: Honourable gentlemen, I feel compelled to oppose that suggestion, because of the fact that it would only be legislating to assist the agents of retraders and merchants who have sent their representatives to Germany for the specific purpose of buying German goods and bringing them here to be sold to the people of Canada. I agree with the honourable gentleman from North Bay (Hon. Mr. Gordon) that it is an offence against the intelligence and the loyalty of our people for merchants to have done this thing, and those who have done it should suffer the consequences of their own act.

Hon. Mr. BEAUBIEN: May I ask the honourable minister a question?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. BEAUBIEN: What difference does the honourable minister find between persons who have done that and have the goods in the country, and persons who have done that but have not yet received the goods? What is the difference in the degree of the offence?

Hon. Mr. ROBERTSON: The difference would be this: that since the war Germany has not been exporting to any great extent, and there has not been any large quantity of German goods brought to Canada. German goods in Canada were probably here before the war, or during the early part of the war, and they have remained unsold because of the antagonism

of the people against Germany—because of the anti-German sentiment in Canada. It is quite proper to provide that merchants holding those goods, who have perhaps already suffered loss by reason of the fact that they have been on their hands, shall not be further penalized. But the merchant who has deliberately sent his agent to Germany since the close of the war and who purposes to bring into Canada German-made goods to compete with the goods manufactured in our own country, or in the countries of the Allies, ought to suffer the consequences of his own act.

Hon. Mr. McHUGH: May I ask the honourable gentleman who has just sat down; were not the United States one of our Allies in the late war, and are they not buying German goods? I was reading in a newspaper the other day that hundreds of thousands of dollars' worth of German dyes are being shipped to the United States now, and people think it a great privilege to be able to get them.

Hon. Mr. PROWSE: While we are on this point I should like to read a letter in my possession which was passed to me yesterday. Before proceeding with this, I wish to state that I consider myself as loyal a subject as there is in Canada, and I would not like to take back water. You may blend sentiment with law, and some other things, but I do not believe in mixing sentiment with business. I have here a letter from a member of Parliament who happens to be a farmer. He wanted some fertilizer and wrote to a firm in Summerside. The answer he received is dated March 30. I will not mention any names. The letter reads:

> Your letter of the 15th to hand. Have no ready-mixed fertilizer—

But they quote prices for chemicals which are mixed for fertilizers.

> Acid of phosphate, 16 per cent available.
> Nitrate of soda, $5.75 per cwt.
> Muriate of potash, from Germany—

The Hon. the CHAIRMAN: I think the honourable gentleman is quite out of order.

Hon. Mr. PROWSE: This is information which I think honourable members should have.

The Hon. the CHAIRMAN: This clause simply refers to the date at which this Act shall come into force.

Hon. Mr. PROWSE: You are going to pass this Bill, and you do not want the information Does not the country want it? I do not often take the floor of this House, and I ask the permission of the House to speak for a few minutes. I have been here for about ten years and have not occupied more than about twenty minutes, I suppose, and I do ask the privilege of this House—

Hon. Mr. McMEANS: I object, Mr. Chairman, I think your ruling should be maintained. We must deal with this Bill in the usual way. The honourable gentleman had every opportunity to discuss the principle of this Bill on the second reading, and this is no time to do it.

Hon. Mr. PROWSE: I did not take the Bill seriously. I thought it was only a joke. I think so yet.

Hon. Mr. LYNCH-STAUNTON: Then what is the use of discussing it?

Hon. Mr. PROWSE: If this Bill is carried, I wish to tell my honourable friend, you will advertise German goods from Vancouver to Prince Edward Island, with that sign over the door.

Some Hon. SENATORS: Order.

The Hon. the CHAIRMAN: I must call the honourable gentleman to order. I will put the amendment of my honourable friend (Hon. Mr. Beaubien). Do you insist on your amendment?

Hon. Mr. BEAUBIEN: No. I just want to put another question to the Minister of Labour on this point. Great quantities of these goods are being sold here by travellers who have come from Switzerland or the United States or somewhere else. Say a traveller goes to A and sells him goods. He sells some goods to B. Very good. The goods of A come in the day before this Bill is sanctioned. The goods of B come in the day after. Would my honourable friend tell me what is the difference in the degree of responsibility of A and B—why he should strike at B, and not at A?

Hon. Mr. ROBERTSON: My answer to the honourable gentleman would be that the same objection might be raised to every Act of Parliament.

Hon. Mr. BEAUBIEN: I beg my honourable friend's pardon. No Act of Parliament is retroactive unless it so specifies.

Hon. Mr. LYNCH-STAUNTON: Question, question. We have heard this before.

Hon. Mr. BEAUBIEN: I beg pardon. In this case you punish a man for something

done prior to the passage of the Bill, when the man does not know anything about the law.

Hon. Mr. McMEANS: If a man imports German goods into this country for the purpose of sale, is he ashamed to put over the door his sign to the effect that he is dealing in them.

Hon. Mr. BEAUBIEN: No.

Hon. Mr. PROWSE: Does he want to see his name over the door?

Hon. Mr. McMEANS: Yes.

Hon. Mr. PROWSE: You are advertising Germany. That is what I object to.

The Hon. the CHAIRMAN: Order.

Hon. Mr. LYNCH-STAUNTON: This discussion is out of order. The honourable gentleman says that he did not propose to move an amendment; therefore there is nothing to discuss.

Hon. Mr. BEAUBIEN: I beg pardon. We are on clause 3, and until it is adopted, I suppose we can discuss it. I shall bow to the ruling of the Chairman.

The Hon. the CHAIRMAN: You may continue so long as you deal with the clause.

Hon. Mr. BEAUBIEN: I say, why make a distinction between A and B? In one case you impose a responsibility which is followed by fine and imprisonment.

Hon. Mr. McMEANS: No.

Hon. Mr. BEAUBIEN: Yes. In the other case you refuse to impose it. The man in the second case is not more guilty than the man in the first; still, you punish him,—why? It is because you give this law a retroactive effect. You punish a man for completing a deal that was made prior to the coming into effect of this law. I submit that what is fair in the case of A should be fair in the case of B. But what are you going to do? What does it mean? It means that you do not do justice. You do something that you have no right to do—something that is not done in the case of any other offence. You have no right to penalize a man for a deed unless he is placed on exactly the same level as everybody else in the land. In this case there may be delay in delivery, something over which he has no control, and on that account he is not put on a level with everybody else.

Subsection 3 of section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

The Senate adjourned until to-morrow at 2.30 p.m.

THE SENATE.

Friday, April 23, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill N 2, an Act for the relief of Charles Elias Vardon.—Hon. Mr. McMeans.

Bill O 2, an Act for the relief of John Hamilton Harvey.—Hon. Mr. Bradbury.

Bill P 2, an Act for the relief of James Goddard.—Hon. Mr. McMeans.

Bill Q 2, an Act for the relief of Frederick Stephen Hartman.—Hon. Mr. Bradbury.

Bill R 2, an Act for the relief of William George McBride.—Hon. Mr. Bennett.

Bill S 2, an Act for the relief of George Stinson.—Hon. Mr. Bennett.

Bill T 2, an Act for the relief of John James Davis.—Hon. Mr. Bennett.

PRIVATE BILL.

FIRST READING.

Hon. Mr. BLAIN presented Bill U 2, an Act respecting the Army and Navy Veterans in Canada.

Hon. Mr. DANIEL: Will the honourable gentleman explain the Bill?

Hon. Mr. BLAIN: I may say that it was just placed in my hands at the door. I am introducing it in the absence of the honourable gentleman from Manitou (Hon. Mr. Sharpe). The object of the Bill seems to be to incorporate the Dominion Association of the Ladies' Auxiliary of the Army and Navy Veterans of Canada, and to give the Army and Navy Veterans the right to add the ladies to their association under a different name.

Hon. Mr. DOMVILLE: They are associating with them now.

Hon. Mr. DANDURAND: Is there an age limit?

Hon. Mr. BLAIN: I rather think not. The Bill will be open for amendment.

The Bill was read the first time.

CAMP BORDEN.

INQUIRY.

Hon. Mr. MITCHELL inquired of the Government:

1. How many acres are comprised in the area on which Borden Camp is placed?
2. From whom was this land purchased?
3. What was the total cost of the land?
4. What has been the total cost of equipping Borden Camp in its present condition?
5. What has it cost each year to maintain Borden Camp?
6. What has been the total cost of everything to date in connection with the purchase, equipment and maintenance of Borden Camp?
7. How many miles of roads and sidewalks have been built in connection with Borden Camp?
8. What has been the total cost of these roads and sidewalks?
9. How many soldiers have been trained each year at the Borden Camp?

Hon. Sir JAMES LOUGHEED:

1. 14,596.6 acres (includes road allowances).

2. G. A. Radenhurst, J. H. Smith, J. B. Smith & Sons, Francis McMulkin, J. F. Dumond, George Latimer, James Kanaley, W. J. Eagleson, E. Allen, F. M. Marks, W. D. Cochrane, G. F. Burton, Wm. Bathgate & others, Edward Anncke, D. Stewart, W. Bourne, G. Murgatroyd, C. F. Pascoe, T. Arthur, E. Thompson, G. Buxton, H. H. Tubb, D. Strachan, B. A. Read, J. J. Clark, Thos. S. Jarvis, Anna Radford, D. McLelland, James Sproule, George Fulton, Thos Duckworth, G. F. Burton, G. C. Biggar, W. A. Robins, F. Carnahan, Ida McMulkin, W. J. Woolsey, Jr., Samuel Gugins, A. Miscampbell, H. Cripps, P. H. Allen, J. C. Frain, W. T. Gregg, J. Adams, W. Higginson, George Harrison, A. J. Stewart, Owen Sherratt, A. S. Hook, Canada Company, S. G. Charlwood, F. W. Berry, M. and E. J. Ellis, J. and A. Jepson, F. C. Johnston, I. I. Sanford, I. Radford, Headley Holmes, J. Barr, Walter H. Cox, Moses Dumond,, Chas. F. Wright, P. K. Fitzpatrick, Robert Legate, David Forman, Henry Macklin, E. J. Reid, Gertrude Morby, Henry O'Brien, J. Campbell, P. Milne, J. H. Christopher, W. G. Francis, E. Laraway, Annie Carter, A. Carscadden, W. Russell, George Behe, W. Hughes, B. Yarrow, R. Hartes, J. Stribbell, W. Read, M. H. A. McNabb, Jas. Moorehouse, H. F. Richter, W. E. Luxton, G. H. Ruthven, Daniel Shaw, W. A. Ruthven.

3. $160,348.37 (includes $5,895.17 legal expenses).

4. $2,152,453.01

5. 1916-17, $6,503.06; 1917-18, $15,347.09; 1918-19, $10,365.47; 1919-20, $11,551.47.

6. $2,356,568.47.

7. Roads, 5.48 miles; sidewalks, none.

8. No separate accounts kept of roads. Costs included in above amount.

9. 1916, 34,070; 1917, 6,030; 1918, nil; 1919, nil.

RESCUE OF LIGHTHOUSE CREWS.

INQUIRY.

Hon. Mr. BOYER inquired:

What was the cost of sending a sealer from Newfoundland to Labrador to rescue the crews of the different lighthouses in the Strait of Belle Isle?

Hon. Sir JAMES LOUGHEED: The amount paid for the service of the Seal to bring the different lighthouse crews from Belle Isle to St. Johns, Newfoundland, was $20,000.

CANADA'S PEACE TREATY EXPENDITURE.

MOTION FOR RETURN.

Hon. Mr. BOSTOCK 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 of all moneys expended by the Government up to the present time in connection with the Treaty with Germany, Austria, Czecho-Slavia, the Serb-Croat-Slovene State and Bulgaria, stating the vote from which any moneys so far expended have been supplied; stating the amount assessed against Canada under Article 6 of the Covenant of the League of Nations, as the share of the Dominion of Canada for the purpose of carrying out the terms of the Covenant.

The motion was agreed to.

THE MANDATE FOR ARMENIA.

RUMOURED OFFER TO CANADA.

On the Orders of the Day:

Hon. Mr. CASGRAIN: Before the Orders of the Day are called I desire to bring up a matter of urgency, and I think it should receive the immediate attention of the Government and a reply should be made forthwith. I see in the Montreal Gazette of today the following words in large type: "Canada may be given Mandate for Armenia."

Hon Mr. DOMVILLE: My God!

Hon. Mr. CASGRAIN: "Curzon"—that is Lord Curzon, the British Foreign Minister—"Curzon tells Premier's Council Dominion is willing." Now, we ought to know who told him that Canada is willing. "Norway will refuse—Britain would bear part of burden—Is important matter for U.S." This is a cable from San Remo, where the Council

of the League of Nations is at present meeting, and here are the words:

San Remo, April 22.—Canada may receive the mandate for Armenia. America having failed to ratify the Treaty and accept the mandate burden and the League of Nations having refused on the ground of inadequate resources, the decision was that it should be offered to a neutral nation, and that the members of the League should guarantee the cost.

In accord with that plan the Council of Premiers yesterday decided to offer the mandate to Norway. The general opinion, however, is that Norway will not accept, as it would be called on to provide a police force of 40,000 as well as to make a financial sacrifice.

When that possibility—

And this is the particular place that I lay stress on, and I hope the Government will be able to reassure this House and this country with regard to it—

When that possibility was laid before the council Lord Curzon—

"The Right Honourable George Curzon Thinks himself an important person."

—Lord Curzon, the British Foreign Minister, rose and stated that he was in a position to state that Canada would accept the mandate if Norway refused.

Now, I would like to know from the Government—and I may tell the Government that this country is in no mood to police Armenia. I know it is out of order to make a speech at this time; but I think the country should be reassured at once that no one ever authorized Lord Curzon, British Foreign Minister, to speak in the name of Canada. In any case, the days of Orders in Council are past, and the Parliament of Canada would be the only authority that could authorize anybody to speak for Canada.

Hon. Sir JAMES LOUGHEED: My honourable friend from De Lanaudière should not take so seriously his perusal of newspaper reports. It is marvellous what feeling my honourable friend can throw into an unauthorized report which may appear in the public press. I regret very much that I cannot give him any information upon this subject. It seems to me that this is a flattering tribute to Canada, that Canada should be mentioned as assuming a responsibility so grave, so important, and of such magnitude as that referred to in the report. This report apparently has been received in the native city of my honourable friend, and I would suggest that, instead of inquiring from the Government as to the truth of it, he should inquire at the Gazette office.

Hon. Mr. CASGRAIN.

Hon. Mr. CASGRAIN: I think the honourable member is asked a very serious question. Is the Government aware of it, or is Lord Curzon talking for himself? That is the question I put.

Hon. Sir JAMES LOUGHEED: I said the Government is not aware of it.

Hon. Mr. CASGRAIN: That is what I want to know.

DIVORCE BILLS.

THIRD READINGS.

Bill Z, an Act for the relief of Alexander Scougall.—Hon. Mr. Mulholland.

Bill A2, an Act for the relief of Edith Gertrude Willis.—Hon. Mr. Proudfoot.

Bill B2, an Act for the relief of Ada Mabel Sanderson.—Hon. Mr. Ratz.

Bill C2, an Act for the relief of John Albert Green.—Hon. Mr. Ratz.

Bill D2, an Act for the relief of Emily Cruickshank.—Hon. Mr. Ratz.

Bill E2, an Act for the relief of Cyril Graham Sinclair.—Hon. Mr. Ratz.

GERMAN TRADE IDENTIFICATION BILL.

MOTION FOR THIRD READING—DEBATE ADJOURNED.

Hon. GEORGE LYNCH-STAUNTON moved the third reading of Bill W, an Act for the Identification of Traders in German Goods.

Hon. Mr. THOMPSON: I have been requested by a member of the Senate who is unavoidably absent to ask that, with the consent of the mover of the Bill, this order be discharged and placed on the Order Paper for Tuesday next.

Hon. Mr. LYNCH-STAUNTON: I do not see why that should be done.

Hon. Mr. BOSTOCK: Would not the honourable gentleman allow the Bill to stand? It is not unusual for an honourable member to make that request.

Hon. Mr. LYNCH-STAUNTON: On the third reading I think a discussion usually takes place.

Hon. Mr. CLORAN: Honourable gentlemen will allow me to speak on this question. This is the first time in four years that I have opened my mouth. I rise today on behalf of certain persons, probably the majority of people throughout the United Kingdom, and in Italy, and in part of Canada anyhow, to protest against the passage of this Bill for the identification of German traders. Why this question is

brought up is more than I can understand. It is a proposal which ought not to receive the support of members of this House. I do not intend to speak at length, I cannot speak as I should. I wish to point out how this Bill has attracted attention—attention which is to the detriment of Canada itself, and of Great Britain and the Allied Powers, who are absolutely opposed to the principle enunciated by the honourable member from Hamilton (Hon. Mr. Lynch-Staunton). I will read part of an editorial which appeared in the Montreal Gazette under the heading, "Trade with the Germans":

A Bill designed to discourage trade with Germany precipitated a debate of some warmth in the Senate on Tuesday. The discussion developed a wide range, covering the alleged shortcomings of the British Prime Minister, the untrustworthy character of the German people, and the consistency of certain individuals in this country now championing the cause of France.

The Gazette, it must be understood, is not an ordinary paper. It is really the mouthpiece of the Conservative party throughout the Dominion of Canada. I have good reason to know that, for I have been contesting its strength for the past 40 years. It has a great hold upon the people of Canada, and in all this time it has been the mouthpiece of the Conservative party throughout the length and breadth of Canada. It is the organ of the manufacturers. Now, in order not to delay the House, I will quote only one or two instances which the editor cites. I will read it. Unfortunately I cannot speak—

Hon. Sir JAMES LOUGHEED: You are doing all right.

Hon. Mr. CLORAN: It says:

Yet the world's memory is short, the memory to business still shorter, and all the countries which lately were at war with Germany are now seeking to establish, or have already renewed, commercial relations with her.

All the other nations are establishing business relations with Germany; Canada is alone now.

Nor is this to be ascribed wholly to forgetfulness. The world's trade and the world's finances have been seriously disorganized, and it is of the highest importance that both be restored to normality as rapidly as possible.

Then, let the honourable gentleman from Hamilton listen to this:

That end can not be served by boycotting the products of a great producing country such as Germany was before the war and will be again. The resumption of trade relations with Germany does not necessarily imply the wiping of the slate. On the contrary, it may be argued that the products of German industry are a necessity as a means of repairing the economic and commercial damage for which the German people are responsible.

This is a very serious statement and one which it would be foolish for men of your capability to cast aside because of a little sentiment. The article goes on:

Assuming that the policy of Canada is to exclude the products of Germany, will the measure proposed by Senator Lynch-Staunton be effective?

This is a question put by a Conservative paper, one of the backers of the honourable gentleman's party. Will it be effective, and the question is answered, no.

Difficulties of enforcement will suggest themselves at once, and no explanation has been given as to how these difficulties are to be overcome.

Such is the language of the editor of this paepr. All I can say, gentlemen, is to look at the matter as coolly and calmly as possible, and not to allow ourselves to be carried away. I cannot say what I wish, but what I have just read is a statement of the principles held by a paper of universal responsibility for all that it says in regard to political matters.

This morning's Ottawa Citizen contains an article headed "France and the Treaty," and which says:

Premier Nitti—

That is, the Prime Minister of Italy—

—makes it clear that Italy recognizes that only by a stable Germany and an independent Russia can Europe return to a sound and progressive basis.

This, honourable gentlemen, is only the beginning of the argument. The views of Premier Nitti are given fairly and without any bias.

The Montreal Gazette of April 22nd, under the heading "Purest Democracy," publishes the following statement of the Prime Minister of Italy:

Italy's foreign policy is inspired by the purest democratic principles. We waged war, not against the German and Austrian peoples, but against Imperial Germany and Austria. We must allow Germany to resume her place in the world. Europe will never recover stability until Germany—that great storehouse of productive energy—and Russia—that immense warehouse of raw materials—are once more placed in a position to progress and prosper once more. The whole effort of Italy's policy is directed to this end now.

Now, honourable gentlemen, I cannot read or speak exactly; but I have said enough to make you understand that Italy and Great Britain are against the prin-

ciple contained in the Bill introduced by my honourable friend from Hamilton. Therefore I ask that the House do not proceed with the consideration of the matter now, but that it be allowed to stand until Tuesday or Wednesday so that honourable gentlemen may have time to think it over, and decide whether it is right or wrong.

Hon. Mr. THOMPSON: Honourable gentlemen, I see no good reason why the request to discharge this motion until Tuesday should not be accepted. There is no great rush to crystallize this legislation into a statute. I regard it as legislation of a most mischievous character. There is unrest enough now in this country, without exploding such a bombshell as this, which will cause a great deal of difficulty, trouble, and dissatisfaction. I am going to move that this Bill be not now read a third time, but that it be read a third time this day six months.

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

Hon. Mr. McHUGH: I can see that the motion of my honourable friend may be the means of killing this Bill altogether. While I am not at all favourable to the Bill, yet I would rather see it come up and be discussed on Tuesday or Wednesday. I think the honourable gentleman who introduced the Bill (Hon. Mr. Lynch-Staunton) will probably accede to the very reasonable request that was made to have the Order for the third reading of this Bill discharged, and placed on the Order Paper next week. If the House then feels like giving the Bill the six months' hoist I shall acquiesce; but I think an opportunity should be given of further discussing the Bill next Tuesday.

Hon. W. B. ROSS: Honourable gentlemen, I intend to support the motion for the six months' hoist, and for two reasons.

Hon. Mr. CLORAN: Louder.

Hon. W. B. ROSS: The first reason is, as I stated yesterday, that even if you accept the principle of the Bill the application of it is too wide. It would be an improvement if the Bill were narrowed down to goods manufactured in Germany. As I pointed out yesterday, it covers a great deal more ground than that. Any raw material produced in Germany, and sold to any other nation on earth, and there used in the manufacture of an article sent to this country, would bring that article within the provisions of the Bill. I think the promoter of the Bill would have been wise to accept the suggestion to let the third reading of the Bill stand over until next Tuesday, to give an opportunity of considering whether or not it should be narrowed in its scope.

But there is a further question. The relations between Great Britain and her Allies and Germany and her Allies were settled by the Treaty of Versailles, which contained very elaborate provisions to guard against Germany passing any snide legislation with regard to foreign goods. The Americans complained of such treatment under the favoured nations clause with regard to oil. They claimed that the Germans had resorted to underhand practices, and had passed regulations in regard to the railways, which were Government-owned, which operated in favour of the home article and against the foreign article, and took away the whole benefit of the favoured nations clause. I examined the Treaty of Versailles somewhat carefully, and there are in it elaborate regulations guarding against that very thing. I think my honourable friend should study the Treaty and see whether he is not now proposing legislation which is contrary to the spirit, if not the letter of the Treaty. If this Parliament passed this Bill it is not certain that the British Government might not have to disallow it. If my honourable friend will not agree to let the Bill stand until next Tuesday, I shall support a motion for the six months' hoist.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman from Middleton, in order to injure the Bill, has advanced a number of arguments founded on nothing. Where is there a word in the Treaty which is infringed upon in any way by this Bill? We have all seen the Treaty. If there were anything in the Treaty in jeopardy by reason of the Bill, I would agree to withdraw it. But there is nothing whatever in that contention. Neither the honourable gentleman from Middleton nor any one else has advanced a single argument showing that the Bill controverts the Treaty. Two years ago this Bill was passed unanimously by this House; not a vote was taken. This session it has passed the second reading and the committee stage, and has been discussed again and again, and, until now, not one word has been said about the Treaty.

Hon. Mr. BOSTOCK: Honourable gentlemen, I regret very much that my honourable friend did not accede to the request of an honourable member of this House to

allow this matter to stand until next Tuesday. This Bill was discussed when it came up for second reading on Tuesday last; it was considered in committee on Thursday—only yesterday—and was put down for its third reading to-day. My honourable friend cannot say that there has been any delay in forwarding the Bill. The criticism that has been made of the Bill has, I think, been fair and just criticism; and I think the honourable gentleman, if anything, showed rather too much of a disposition, when we were in committee, to push the Bill through.

I did not make any remarks on the Bill on the second reading. I thought that probably the sentiment that the Germans should realize the enormity of their crime in forcing war upon the world should be brought home to them as strongly as possible, and, if it was possible to emphasize that in any way, I thought it was the right thing to do. I did not see, however, how this Bill was going to operate. I hoped that during the discussion in committee we would have got the information necessary to show us how the Bill was going to work.

My honourable friend has referred to the fact that the Bill went through the House two years ago. At that time we were at war with Germany, and, as I understand, there was no possibility of German goods being brought into Canada. As the honourable gentleman from Middleton (Hon. W. B. Ross) has said, we are to-day in a different position: we have entered into the Treaty of Versailles, the terms of which we are bound to carry out, and we want to see everything done to bring about peace and harmony in the world. My honourable friend controverts the statement that this would in any way interfere with trade, or with the principle of the Treaty dealing with the question of trade; but I think he has not studied the clauses of the Treaty closely enough to see that, as the honourable gentleman from Middleton stated, it is specially provided in the Treaty that the German nation shall not do anything to hamper trade between their own country and any of the Allied nations. They have to receive the same treatment as Germany would give to any of the nations that were allied with her during the war. I think we are interfering with that principle.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman allow me to ask him a question? It has been the law in England that goods brought in from Germany should be marked, "Made in Germany." Where is there in principle any distinction to be drawn between that legislation and this?

Hon. Mr. BOSTOCK: That refers to the goods.

Hon. Mr. LYNCH-STAUNTON: Yes. Foreign goods were marked in order that people might buy home-made goods. Where, in principle, is there any difference between that legislation and this?

Hon. Mr. BOSTOCK: By this legislation you propose to make people throughout the whole country advertise that they are importing German goods.

Hon. Mr. LYNCH-STAUNTON: And what is the difference?

Hon. Mr. BOSTOCK: I think there is considerable difference.

Hon. Mr. LYNCH-STAUNTON: Not the slightest difference.

Hon. Mr. BOSTOCK: Anybody who has suffered in the war, as the people in England and the people in this country have, will not be disposed to buy German goods unless they cannot possibly help it. If I may speak for myself, I should certainly not desire to buy them unless I were absolutely forced to do so. But to make it a crime for people to buy German goods is an unjustifiable interference with the trade of this country.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman will pardon me. The Bill does not provide that.

Hon. Mr. BOSTOCK: The Bill provides that any man who deals in German goods has to state that on his stationery, and advertise it to the world, and it puts him under the obligation of finding out where the goods came from.

Hon. Mr. LYNCH-STAUNTON: No.

Hon. Mr. BOSTOCK: Well, he would have to trace them up.

Hon. Mr. MURPHY: "Knowingly," it says.

Hon. Mr. BOSTOCK: I certainly consider that this legislation is not based on British principles of justice and fair play, and that it is a great mistake for the Senate of Canada to pass such legislation at this time.

Hon. Mr. CROSBY: Honourable gentlemen, I do not intend to vote on a matter so important as this without explaining

why I vote as I do. But I must first congratulate my honourable friend from Victoria (Hon. Mr. Cloran)—and I am sure that in doing so I voice the sentiments of every honourable member in this Chamber —on his first speech since his illness.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. CROSBY: And I am sure we all join in hoping and trusting that from day to day and from week to week he will recuperate in such fashion that we shall hear him as we did in the past—but with a changed view, of course.

This Bill, I believe, would not have gone as far as it has gone had it not been for the popularity of the honourable gentleman who introduced it and the fact that we look upon him as a man of ability devoting a great deal of care and consideration to any matter which he brings before this House. Personally I did not at all expect that this Bill would pass the second reading. I thought that, after the honourable gentleman had given expression to his views, the Bill would have been withdrawn.

We would all have liked to see something done with the Kaiser and others who were responsible for the war. In that we agree with the honourable gentleman. But, on the other hand, we know that there are men who are closer to this question than we are, and who understand it better. Lloyd George, the Premier of the British Empire —we might almost say, of the world—seems to be satisfied. I cannot state the case much more strongly than has been done by my honourable friend (Hon. W. B. Ross), whom I always like to follow in matters of this kind. Great Britain and France and the other Allies—what are they doing? My honourable friend Hon. Mr. Lynch-Staunton) says this Bill passed two years ago, and the honourable gentleman who has just taken his seat answers: "Yes, but we were at war at that time; we have since adopted a Peace Treaty." We have unanimously decided to accept that Peace Treaty. Are we going to have the peace which we have been looking for? Are we going to cry "Peace, peace!" and then to declare a commercial war? Shall we say that we have declared peace, but we do not mean peace and are not looking for peace? I think, honourable gentlemen, that we in this House should be very guarded and very careful. As I said before, I find it difficult to oppose a Bill which has been introduced by my learned and honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), and I feel very strongly against the Germans, particularly against the Kaiser and others who were responsible for bringing about a war in which so many lives were sacrificed for the re-establishment of freedom and of peace. But now that peace has been restored we trust it will continue for many, many years to come; and surely we are not going to give expression to a view differing so greatly from the views of the leaders whom we have followed. We followed Britain in this war; we followed France in this war. Can we not still follow the example of Great Britain and of France?

Hon. Mr. CLORAN: Italy also.

Hon. Mr. CROSBY: While some German goods may be brought by merchants into this country, we must remember that, on the other hand, we have a great many goods that Germany wants to buy. I might mention some of them. I think one of the best customers we have in Europe for the lobster trade of this country is Germany. The Germans are also customers for our lumber and many other products. If we do not buy German goods, they are not going to buy our goods. While we may not be particularly anxious for Germany to put herself again in the position which she occupied just before the war—while we may, in fact, take great care to keep her from occupying any position in which she can ever give us more trouble, yet I think we ought to be willing and ready to maintain the peace of the world as it should be maintained. Therefore I intend to vote against the Bill. I would have preferred to see it held over, as requested by the honourable member for St. John, until Tuesday. Nobody could have been harmed. With regard to any important Bill that comes before this House, when any honourable gentleman asks to have its consideration deferred in order that he may examine into it further, the Bill should always be held over, unless there is some very serious reason for proceeding with it immediately. I have come to the conclusion to vote for the motion made by the honourable gentleman from St. John, and to vote against the Bill.

Hon. Mr. LYNCH-STAUNTON: As there has been so much commotion aroused about this, I would like to state that I am willing that the third reading should stand until Wednesday.

The Hon. the SPEAKER: That cannot be done, however, if the honourable member for Fredericton does not agree to withdraw his amendment.

Hon. Mr. LYNCH-STAUNTON: I meant to move the adjournment of this debate until Wednesday next.

Hon. Mr. POIRIER: But the honourable gentleman has already spoken.

Hon. Sir JAMES LOUGHEED: The honourable gentleman can get some member who has not spoken.

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

DIVORCE BILLS.

SECOND READINGS.

Bill F2, an Act for the relief of Richard Anderson.—Hon. Mr. Gordon.

Bill G2, an Act for the relief of Thomas Edward Dowthwaite.—Hon. Mr. Gordon.

Bill H2, an Act for the relief of Thomas Ferby Gatenby.—Hon. Mr. Nicholls.

Bill I2, an Act for the relief of Michael Joseph Courtenay.—Hon. Mr. McCall.

Bill J2, an Act for the relief of Thomas Patrick O'Neill.—Hon. Mr. White, Pembroke.

Bill K2, an Act for the relief of Robert Ernest Beadie.—Hon. Mr. Ratz.

PRIVATE BILLS.

SECOND READINGS.

Bill 18, an Act to incorporate the Canada Security Assurance Company.—Hon. Mr. Foster.

Bill 4, an Act to incorporate Armour Life Assurance Company.—Hon. Mr. Schaffner.

Bill 25, an Act respecting the Pacific Coast Fire Insurance Company.—Hon. Mr. Shatford.

Bill 26, an Act respecting the Pacific Marine Insurance Company.—Hon. Mr. Barnard.

Bill 34, an Act respecting the Montreal and Southern Counties Railway Company.—Hon. Mr. Dandurand.

Bill 41, an Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Webster (Stadacona).

Bill 42, an Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Barnard.

Bill 43, an Act respecting the Kettle Valley Railway Company.—Hon. Mr. Barnard.

Bill 44, an Act respecting Montreal, Joliette and Transcontinental Junction Railway Company.—Hon. Mr. Pope.

Hon. Mr. PLANTA (for Hon. Mr. Taylor) moved the second reading of Bill 5, an Act respecting The Burrard Inlet Tunnel and Bridge Company.

Hon. Mr. POWER: This seems to be a very serious undertaking, the tunnelling of Burrard Inlet, and I think that the House is entitled to a little information on the subject before we send the Bill to committee.

Hon. Mr. BOSTOCK: As the honourable member for New Westminster (Hon. Mr. Taylor) is not in his place, perhaps I might be allowed to give my honourable friend a little information about this Bill. It is a Bill which has been before this House on several occasions. It provides for an extension of time. The Bill is promoted by the municipalities of the cities of Vancouver and North Vancouver and, I think, the municipality of Richmond. They hope at some time to put a tunnel under Burrard Inlet to connect the north side and the south side of the harbour. I do not think there is any particular harm in the Bill. They have so far been unable to float the necessary bonds for the purpose of carrying on the work, but they hope to be able to do so, and I think it is in the interest of Vancouver that the Bill should be kept alive.

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

DOMINION LANDS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 55, an Act to amend the Dominion Lands Act.

He said: Honourable gentlemen, this is a short Bill containing miscellaneous amendments to the Dominion Lands Act. Section 1 deals with the definition of "Allies," which is enlarged to include the Associated Powers. Sections 2 and 3 deal with letters patent. Section 4 deals with the sale of fractions of school lands which remain unsold, permitting them to be sold by the Department of the Interior.

Hon. Mr. BELCOURT: What is the occasion of section 1?

Hon. Sir JAMES LOUGHEED: I do not know just at the moment what the application of it would be. When we go into committee on the Bill we shall be able to consider that further. I suppose it is to include the United States, which was not an allied, but an associated power. That is the designation they gave themselves.

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

GRAND TRUNK AGREEMENT BILL.

FIRST READING.

Bill 54, an Act to confirm the agreement dated the eighth day of March, 1920, between His Majesty the King and the Grand Trunk Railway Company of Canada for the acquisition by His Majesty of the capital stock of the said Grand Trunk Railway Company, except the 4 per cent guaranteed stock.—Hon. Sir James Lougheed.

The Senate adjourned until Tuesday, April 27, at 3 p.m.

THE SENATE.

Tuesday, April 27, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill V2, an Act for the relief of Arthur Jones.—Hon. Mr. McMeans.

Bill W2, an Act for the relief of Eva Mary Moss.—Hon. Mr. Blain.

IMMIGRATION BILL.

FIRST READING.

Bill X2, an Act to amend the Immigration Act.—Hon. Mr. Robertson.

EMPLOYMENT OFFICES CO-ORDINATION BILL.

FIRST READING.

Bill Y2, an Act to amend the Employment Offices Co-ordination Act, 1919.—Hon. Mr. Robertson.

MAGDALEN ISLANDS SERVICE.

On the Orders of the Day:

Hon. JOHN McLEAN: I would like to bring to the attention of the Government a matter of great importance to a certain section of the Dominion. As honourable gentlemen may know, at the close of the season of navigation last fall, the Lady Evelyn was unable to perform service, and the car ferry was sent down to Pictou to release the Canadian Sealer, which was then lying there. It took the freight and passengers from Pictou to Souris, and then made an attempt to reach the Magdalen islands, but failed. The Government then sent the steamer Montcalm down to Souris to take part of the freight and passengers on board. It took her six weeks to get to the Magdalen islands. I may say that all the fishing supplies for the Magdalen islands, or nearly all that would be required for the spring, were on board the Canadian Sealer. On the 29th of March I received a telegram from the Magdalen islands asking about the ice conditions. I called the attention of the Deputy Minister of Marine and Fisheries to the matter, and he said that the steamer would be attended to at once.

On the 19th of April I received the following telegram:

> Frank Leslie arrived Sunday in small schooner from Magdalenes and reports no ice between Magdalenes and Souris. Understand likely Evelyn under repairs until June, and steamer Guide replacing her is now at Pictou, but waiting slip repairs, which will delay her some time. The crew for Sealer is not yet here, and some delay will be necessary after they arrive. Would urge that Sealer complete her trip to Magdalenes and avoid further expenses and delay of cargo. Will you kindly see Mr. Johnston and advise us by wire.

I called up Mr. Johnston, Deputy Minister of Marine and Fisheries, and he told me he had nothing to do with the matter; that the steamer belonged to the Railway Department. I then called up the Railway Department and was told they had nothing to do with it; the steamer had not been handed over to them up to that time; and I had better apply to the Department of Trade and Commerce. I applied to the Department of Trade and Commerce, and they said they had nothing to do with her: it was a matter for the Department of Marine and Fisheries. In this way I had to go all the rounds, and those people were without their fishing supplies. As every honourable gentleman knows the lobster season opened yesterday. The steamer is at Souris with no captain and no crew, with the exception of the engineers who were left on board of her last fall. Among other things, there were on board 120 casks of gasoline. There is no gasoline on the Magdalen islands and not a boat in that place could go out. There are on the Magdalen islands about 6,500 people, most of whom are employed in the fisheries, and without gasoline they would be unable even to get their nets. I think that whoever is responsible for this delay and carelessness regarding a steamer worth $300,000 or $400,000, lying there without a captain, should be taken to task. As I understand, she is to ply between Charlottetown and Newfoundland during the summer and should have been at Magdalen

islands ten days ago. It is a very great hardship on those people, and one that should not be overlooked. Whoever is responsible for it should be severely taken to task by the Government.

DIVORCE BILLS.

THIRD READINGS.

Bill J, an Act respecting the Dissolution and the Annulment of Marriage.—Hon. W. B. Ross.

Bill F2, an Act for the relief of Richard Ernest Anderson.—Hon. Mr. Gordon.

Bill G2, an Act for the relief of Thomas Edward Dowthwaite.—Hon. Mr. Gordon.

Bill H2, an Act for the relief of Thomas Ferby Gatenby.—Hon. Mr. Nicholls.

Bill I2, an Act for the relief of Michael Joseph Courtney.—Hon. Mr. McCall.

Bill J2, an Act for the relief of Thomas Patrick O'Neill.—Hon. G. V. White.

Bill K2, an Act for the relief of Robert Ernest Beadie.—Hon. Mr. Ratz.

SECOND READING.

Bill M2, an Act for the relief of William George Mackness.—Hon. Mr. Turriff.

PRIVATE BILLS.

THIRD READINGS.

Bill 33, an Act to incorporate International Loan Company, as amended.—Hon. Mr. McMeans.

Bill 9, an Act to incorporate Scottish Canadian Assurance Corporation.—Hon. Mr. Proudfoot.

Bill 10, an Act respecting the Trust and Loan Company of Canada.—Hon. Mr. Turriff.

Bill 7, an Act to incorporate the T. Eaton General Insurance Company.—Hon. Mr. Proudfoot.

Bill 8, an Act to incorporate the T. Eaton Life Assurance Company.—Hon. Mr. Proudfoot.

SECOND READING.

Bill L2, an Act respecting the Hamilton Provident and Loan Society, and to change its name to "The Hamilton Provident and Loan Corporation."—Hon. Mr. Lynch-Staunton.

OTTAWA AGREEMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 22, an Act to confirm an agreement between His Majesty the King and the Corporation of the City of Ottawa. Hon. Mr. Crosby in the Chair.

Section 1 was agreed to.

On the schedule:

Hon. Mr. TURRIFF: Honourable gentlemen, I should like to ask the leader of the Government, now that some changes are being made in respect to the city of Ottawa, if it is the intention of the Government to make the owners of buildings rented by the Government pay their taxes to the city. It seems to me that all the property rented by the Government should be left in exactly the same position that it would be in if it were rented to private individuals at about half the rental paid by the Government and that the owners should pay the taxes. If I own a building and rent it to an individual and pay the taxes and water rates, why, when I rent it to the Government for more than I could get from any one else, should it become exempt from all taxation in the same way that this building, for instance, is exempt? I do not think it is a fair proposition, and I do not think the Government should exempt from taxation buildings that they rent from private individuals. You must remember, honourable gentlemen, that there are very many buildings rented by the Government from private individuals. When the Government puts up a new building the overflow goes into it, and very little of the space previously occupied by the overflow is released. This has not been the case under only one government; it has always been the case. I think the time has come when the owners of buildings rented to the Government should be left in exactly the same position as they would occupy if their buildings were rented to private individuals.

Hon. Sir JAMES LOUGHEED: I understand that the Government is not claiming exemption from taxation on properties not owned by the Crown. Buildings which are rented by the Government are subject to taxation, the same as if they were occupied or rented by an individual. The only exemption from taxation is in the case of lands vested in the Crown. Before we reach the third reading of this Bill I shall make inquiries, and shall be able to advise my honourable friend further when the Bill comes up again for consideration.

Hon. Mr. TURRIFF: If the owners of such buildings are now paying taxes, they must have commenced very recently, because I know that a very few years ago all such buildings were exempt.

The schedule was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

DEVELOPMENT OF OIL SHALES IN CANADA.

REPORT OF SPECIAL COMMITTEE.

Hon. Mr. DOMVILLE (for Hon. Mr. Fowler) moved the adoption of the second report of the special committee appointed to inquire into the subject of the development of oil shales in Canada.

Hon. Mr. POWER: Honourable gentlemen, I have not had the pleasure of reading this report, and perhaps other members of the House are in the same position as myself. Before committing itself to the report, the House should know, at any rate substantially, what it contains.

I have just had a copy of the report handed to me. I find that the report which we are asked to adopt contains this statement:

> Your committee have examined a number of witnesses and in consequence would recommend that the scope of their inquiry be enlarged by including therein iron ore and coal deposits; also whether further and better means might not be placed at the disposal of the Department of Mines for the attainment of the above ends.

If we deal with iron ore and coal deposits it seems to me that we shall be trespassing upon the sphere of the Geological Survey people; and it may mean quite a long inquiry and the examination of a great many witnesses without producing any substantial result.

Hon. Mr. DOMVILLE: Oil and fuel and iron are very closely allied. I fancy the honourable gentlemen making this suggestion have thought it advisable to cover more ground and bring out more information. They are good enough to give their time. There is no money asked for.

The report was adopted.

DOMINION LANDS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 55, an Act to amend The Dominion Lands Act. Hon. Mr. Blain in the Chair.

On section 1—additional definition:

Hon. Mr. POWER: This is a somewhat important measure, and I think, with the leave of the House, we would not object to the leader of the Government explaining each clause of the Bill as we go along.

Hon. Sir JAMES LOUGHEED: As I said the other day, the amendments are of a miscellaneous character, and do not embody any particular principle or policy; they have relation more to the procedure of the Act than to anything else. We are placing an interpretation on the word "Allies" so as to include the Allied and Associated Powers. As honourable gentlemen know, the United States was not an Ally with ourselves in the great war, but was an Associated Power, and the object is simply to include the United States in the word "Allies."

Hon. Mr. POWER: Suppose the United States put an embargo on Canada's white paper business, as they are talking of doing?

Hon. Sir JAMES LOUGHEED: That would not make any difference to the provisions of the Act. or would not stand in the way of our receiving American settlers upon our lands. We are very glad to have them, for they are amongst the very best settlers we have on Dominion lands, and I think it is very desirable that encouragement should be given to them.

Section 1 was agreed to.

On section 2—letters patent may issue where settler has no adequate knowledge of English or French language, but has complied with other conditions:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen will remember that at the last session it was pointed out that under the Naturalization Act provision should be made for that class of settler who could not speak French or English, but who spoke another language, and that discretion should be vested in the Secretary of State to issue to him a certificate of naturalization.

Hon. Mr. DANDURAND: That would be after three years' residence?

Hon. Sir JAMES LOUGHEED: Yes. We restricted letters of naturalization to certain classes of aliens; but it was pointed out that that class of aliens had already entered for homestead duties and had performed their duties upon the land, and not being able to get letters of naturalization they were prevented from obtaining their patents. This discretion was therefore given to the Secretary of State, to make inquiry into such cases and issue letters of naturaliza-

tion, so that if they do not come within the Naturalization Act because of the lack of adequate knowledge of English or French the Secretary of State may relieve them of their disability in that regard.

Section 2 was agreed to.

Section 3 was agreed to.

On section 4—disposal of unsold portion of school lands to be after valuation by official of department:

Hon. Sir JAMES LOUGHEED: Under this section the minister has power to sell as well as to lease a fraction of a school section. The present Act provides that only a certain area of the land shall be sold; but there are cases where there may be a fraction outside of that area, and this section gives authority to sell that fraction. The school lands are held in trust, and are subject to certain regulations, and a certain routine has to be complied with before sale. The fact is that if there is a restriction no harm is done.

Hon. Mr. WATSON: I assume that the Provincial Governments will be consulted with regard to this particular section, because the school lands belong to them, and the Dominion Government is only holding them as trustee.

Hon. Sir JAMES LOUGHEED: Yes, but provision is made in the Dominion Land Act whereby the funds are placed in a trust fund, and of course an accounting is made to the Provincial Governments or cestui qui trusts from time to time.

Hon. Mr. WATSON: This is excluded from the section enabling the Dominion Government to sell lands?

Hon. Sir JAMES LOUGHEED: Yes.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

PRIVATE BILL.

FIRST READING.

Bill 6, an Act respecting the Canadian Mining Institute, and to change its name to the Canadian Institute of Mining and Metallurgy.—Hon. Mr. McMeans.

FOOD AND DRUG BILL.

FIRST READING.

Bill 27, an Act respecting Food and Drugs.—Hon. Sir James Lougheed.

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

THE SENATE.

Wednesday, April 28, 1920.

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

Prayers and routine proceedings.

IMPERIAL OIL COMPANY.

MOTION FOR RETURN.

Hon. Mr. DOMVILLE moved:

That an Order of the Senate do issue for a return showing all correspondence that may have taken place with the British Admiralty, and with the Naval Mission to India and the Dominion, 1919-20.

From the Sessional Return No. 254 brought down last session and laid before this House the Imperial Oil, Limited, in a letter addressed to the Honourable Minister of the Interior and signed by D. B. Hanna, president of the said company, under date March 1, 1919, protested against the Government granting the Shell Transport and Trading Company certain privileges claimed to be necessary for the economic exploration for oil in Northwestern Canada.

In the same letter the Imperial Oil, Limited, showed that they possessed or aimed at possessing a monopoly for supplying Canadian consumers of gasolene (motor fuel) and kerosene oil (lighting oil). In the said letter the Imperial Oil, Limited, claims, amongst other things, to be "the second largest amongst Canadian concerns, admitting first place only to the greatest of Canadian railways."

The motion was agreed to.

VALCARTIER CAMP.

INQUIRY.

Hon. Mr. MITCHELL inquired:

1. How many acres are comprised in the area on which Valcartier Camp is placed?
2. From whom was this land purchased?
3. What was the total cost of the land?
4. What has been the total cost of equipping Valcartier Camp in its present condition?
5. What has it cost each year to maintain Valcartier Camp?
6. What has been the total cost of everything to date in connection with the purchase of equipment and maintenance?
7. How many miles of roads and sidewalks have been built in connection with Valcartier Camp?
8. What has been the total cost of these roads and sidewalks?
9. How many soldiers have been trained each year at Valcartier Camp?

Hon. Sir JAMES LOUGHEED:

1. 12,428 acres.

2. Able, George; Adams, John; Adams, John; Alary, C.; Allard, Jean; Adams, Thomas; Aikens, Alex.; Auclair, Pierre; Amyot, Edgar; Amyot, Laureat; Augers, Chas. Olivier; Aikens, Adam; Billings, Thos.; Billings, John; Billings, Curtis; Bélanger, Louis Alphonse; Berry, John;

Berry, Margaret; Berry, Elizabeth; Bélanger, Germain; Bogue, Lawrence, Mrs.; Bowles, James; Bowles, Hugh; Brown, Walter; Billing, Wm. J.; Brown, Hooper Ireland; Bédard, Louis; Boivin, Etienne; Buchanan, Walter; Brousseau, R. E.; Billing, T. J.; Billing, Mrs. Curtis; Clouthier, Narcisse; Conway, Mrs. Julia; Crawford, Wm.; Clark, James; Châteauvert, Geo. E.; Cantin, Charles; Déchêne, John Duncan; Davidson, Robert; Darveau, Joseph; Dion, Narcisse; Duchesneau, Olivier; Duchesnay, C. J.; Dubeau, Théodore; Denis, Gaudoise; Woodlock, Michael; Elkins, F. W.; Fickler, Moses; Fogarty, Jeremiah; Fellows, Wm. T.; Godin, Désiré; Gough, Patrick; Girard, P.; Giguère, Mrs. B. B.; Griffin, James; Goodfellow, Wm. Est.; Goodfellow, Wm.; Gosselin, M. A.; Gérard, Napoléon, Holton, Thomas; Holton, Michael; Hicks, Isaac Chas.; Hamilton, James; Hagen, Charles; Henderson, Thos. Geo.; Hamilton, Adam; Hicks, A. J.; Ireland, Mrs. Mary; Jacques, Jas. Est.; Jones, Mrs. Elizabeth; Jack, William; Kirwin, Luke; King, Patrick; Knox, Wm. and Elizabeth; Knox, Thomas; Lyons, William; Lavigne, Arthur; Laurie, Archibald; Laurie, Alexander; Lannan, James; Landers, Edouard, et al.; Lepire, Frederic; Liddy, (alias Leidy) John; Landers, Edouard; L'Heureux, Jeremiah; Linteau, Charles; Lavalée, Thomas; Murphy, Mrs. Elizabeth; Morin, Louis David; Matte, Joseph Octave; Wolff, Carl; Maher, William; Maher, Wm. et al.; Murphy, Mrs. Julia; Murphy, John; Martel, Jean Baptiste; Murphy, Mrs. Michael, et al.; McBain, Wm.; McBain, Thos.; McBain, Graham; McBain, Mrs. Curtis; McLaughlin, Hugh; McLaughlin, F. J.; McKinley, Mrs. S. M.; McCoubrey, John; McMillan, Anne; Neil, Thomas; Neil, George; Penney, Miss Letitia; Pinkey Estate; Pageau, Frederic; Pageau, Sylva; Pageau, Charles; Pépin, Johnny; Papillon, Mrs. A. L.; Paquet, J. B. Aime; Paquet, Jean; Picard, Leger; Racine, Francis H.; Rancour, Alexis; Robitaille, Louise C.; Rourke, Heirs; School Commissioners; Smith, Richard; Smith, Frank and Wm.; Seed, W. Sam. Mrs.; Savard, Jean Bte.; Savard, Joseph; Séguin, Phillippe; Thompson, Thomas; Thompson, George; Thompson, Fred A.; Thompson, James; Thompson, Wm.; Ward, Mary C.; Whillans, Wm.; Wood, George.

3. $428,131.01.

4. $462,013.01.

5. 1914-15, $388.55; 1915-16, $35,458.36; 1916-17, $54,927.22; 1917-18, $20,346.80; 1918-19, $21,646.72; 1919-20, $7,545.72.

Hon. Sir JAMES LOUGHEED.

6. $1,030,457.39.

7. Roads—10.72 miles, of which 27 per cent is macadamized. Sidewalks—1.10 miles.

8. No separate accounts kept of roads. Costs included in above amount.

9. 1914, 32,000; 1915, 12,500; 1916, 16,800; 1917, 2,640; 1918, 4,040; 1919, Nil.

CANADA'S WAR EXPENDITURE AND CLAIM FOR INDEMNITY.

INQUIRY.

Hon. Mr. LEGRIS inquired:

(a) Has the Government computed the total of expenses incurred by the war which started in August, 1914; and, if so, what is the total of the expenses for Canada in the war?

(b) Has the Canadian Government claimed a war indemnity from Germany, or has the Imperial Government claimed an indemnity from Germany in favour of Canada; and, if so, what is the amount of the indemnity which Germany will pay to Canada?

Hon. Sir JAMES LOUGHEED:

(a) Total payments out of War and Demobilization Votes as shown by the books of the Finance Department:—1914-15, $60,750,476.01; 1915-16, $166,197,755.47; 1916-17, $306,488,814.63; 1917-18, $343,836,801.98; 1918-19, 446,519,439.48; 1919-1920, to March 31, $343,544,081.26; Total $1,667,337,368.83.

Note—In addition payments have been made out of Consolidated Revenue Fund for expenditure due to the war, as follows: European War Pensions to March 31, 1920, $47,535,886.30; Soldiers' Civil Re-establishment to March 31, 1920, $44,128,661.49; Soldiers' Land Settlement, to March 31, 1920, $38,652,692.98; Interest on Public Debt, to March 31, 1920, $203,517,241.02; such interest being on borrowings in connection with War debt.

(b) The claim of Canada is determined by Articles 232, 233, 235, and annex 1, of section 1, Part 8, of the Treaty of Peace with Germany, and is strictly limited to the classes of expenditures covered by these Articles. Canada will present a claim in accordance with the terms of the Treaty; this claim is in course of preparation, but the exact amount has not yet been ascertained.

RAILWAY FREIGHT RATES.

MAIL ORDER BUSINESS AND COUNTRY MERCHANTS—MOTION FOR RETURN.

Hon. W. PROUDFOOT moved:

1. That an order of the Senate do issue for a return of the evidence and other proceedings submitted before the Dominion Railway Commission at the sessions at Ottawa on October 3, 1911, November 7, 1911, and March 18, 1919,

relating to freight rates and all matters before said Board on said dates.

2. A copy of the report made by said Board to the Government as the result of said investigations.

3. A copy of the postal rate agreement or agreements existing between the Government and the railway companies for parcel post service, including a statement or copy of the rates charged by the Government railways.

4. A copy of the report made by the Dominion Railway Board to the Government on the contracts between the Government and the railway companies as to the rates charged for the postal services.

5. Does the said report show (or is the Government aware) that the rates fixed and paid are less than it cost the railway companies to perform the services?

6. What quantity of mail is carried annually by parcel post?

He said: Honourable gentlemen, the object of the investigations above referred to is for the purpose of ascertaining whether or not certain commodities were being carried at certain rates. I understand that a report was made by the Railway Board to the Government, but the report has not yet been made public, and it is for the purpose of having it brought down to the House that I make this motion.

Another object of the motion is to enable me to deal with the question of postal rates, in so far as they affect mail-order houses. The mail-order business is one of great importance to the people of the Dominion of Canada. When in the Ontario legislature, I advocated the imposition of a tax on mail order houses in each municipality; that is to say, if they sold by mail order in certain townships, or in certain towns or villages, they should pay a tax based on the business they did in each municipality. It is not fair that they should do business in a municipality and pay nothing in the way of taxes to the municipality, while the merchants there are obliged to pay taxes and other rates toward the up-keep of the municipality. The mail order business is carried on very extensively throughout the Dominion, and, according to my information, the mail order houses have been securing a great advantage over the merchants in the country districts. The question then arises, how far is the Government responsible for enabling the mail-order houses to carry on business? We find that on the 15th of March, 1918, freight rates were advanced 15 per cent, and that on the 12th of August, 1918, they were again increased 25 per cent. There was also an increase in the rates on various commodities.

Hon. Mr. ROCHE: On what railways?

Hon. Mr. PROUDFOOT: On all the railways: there was a general increase. The salaries of those engaged in the mail service were also increased, and in that way the cost of transportation was increased. My information is to the effect that, although those increases were made, nevertheless the postal rates were not increased, and that therefore the mail-order houses were able to carry on business at practically what it cost them to do so prior to the increase in freight rates. If that is so, it is unfair discrimination in favour of the mail-order house, and it is a kind of discrimination which should be put an end to. We must consider the effect it has on business in the rural municipalities and in the towns and villages. We find throughout the length and breadth of the land that the country stores are gradually being driven out of business by unjust competition. I say it is unjust competition when mail-order houses are enabled to ship goods into these municipalities at less than it costs the country to provide the carrying of these goods. They are discriminated against, first, in so far as the railways are concerned, and, secondly, in so far as the Government is concerned. The railways are carrying the mail-order business at less than cost, and the Government is providing the means for carrying it at less than cost. The result is, as an examination will show, the Government of this country is handing over every year millions of dollars to the mail-order houses. It would not be so bad if the general public were getting the benefit, but the public as a whole are not getting the benefit of the millions that are handed out in this way.

The Minister of Labour, at a meeting in, I think, Ottawa last year, made the statement that the Government of this country was bonusing the newspapers of the Dominion of Canada to the extent of about $6,000,000 a year by carrying them at less than the cost of transportation. Now, I am not making any complaint in that respect. There may be some justification for newspapers being carried in that way. Newspapers are supposed to be a means of educating the people and of disseminating the news from one end of the country to the other. That being so, there is an excuse for the Government spending money in that way. But there is no excuse in permitting one section of the people to secure an advantage over others. If the country stores had been allowed to go on as they did in years past, many of the young people in the country would have found it to their ad-

vantage to remain at home. The money would be kept in circulation in their immediate neighbourhood. Besides, those localities would not be entirely rural districts, as they are being made by the change which has been gradually brought about in the mode of business by the mail-order houses. No one objects to fair competition, but what people do object to—and I think they have a right to object to it—is unfair competition; and the competition is unfair when one class secures an advantage over another, at the expense of the whole public.

The object in desiring to distinguish between the provinces is to ascertain what amount of mail-order business is being done by the various houses, say in the province of Ontario. We can in that way ascertain whether the mail-order business is being carried on more extensively in Ontario than in any of the other provinces; and if that is the case, and I am correct in my surmise that this service is being carried on at a loss to the country, then Ontario is securing an advantage over the rest of the Dominion. If the service is being performed at a loss, the sooner the Government makes a change in that respect the better. Otherwise the same unfair conditions will continue in the future as in the past.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, my honourable friend from Huron (Hon. Mr. Proudfoot) has apparently anticipated the information with which the return would furnish us when brought down. Therefore it would probably be difficult, with the mass of material asked for, to gainsay what has already been stated. I have no disposition to criticise the course which honourable gentlemen may take in asking for the return of papers, information, etc.; but it seems to me that honourable gentlemen might greatly profit by attending at the departments and securing the information, which they would secure upon application to the minister. In that way we would have the advantage of any remarks made upon the motion being based upon the actual information in the possession of the Government; whereas, if information is sought by way of motions, particularly when the papers are very voluminous and it necessarily takes perhaps a couple of months to prepare them, the effect is lost, not only on the Senate, but also on the country, because the return is so long delayed that little or no attention is paid to it when it is placed upon the Table. I might direct the attention of honourable gentlemen to the fact that on many occasions I have placed upon the Table of the House most voluminous papers, which related to questions that really did not elicit very much interest in the country, and which, I venture to say, have been pigeonholed without being used for the purposes originally intended. I simply suggest to honourable gentlemen who wish to bring up subjects of this kind, covering a great deal of matter, that I should be only too glad to assist them in securing the information at first hand from the departments, so that when the motion is made the information will be in their possession, and their address to the House may be based upon the very best authority obtainable. I should be very sorry to disappoint my honourable friend from Huron as to furnishing this information; but the probabilities are that it will take until the end of the session to obtain it, and in the meantime the object which my honourable friend has in view will be lost. I hope honourable gentlemen will pardon me for making this suggestion. I do so simply for the purpose of making the deliberations of the Senate in matters of this kind more effective.

Hon. JAMES DOMVILLE: Honourable gentlemen, I am very glad this question has come up. I intended putting a notice of motion on the Order Paper, but I am trying to spare everybody—the Government and everybody else. They have their hands full. The first paragraph is: "That an order of the Senate do issue for a return of the evidence and other proceedings submitted before the Dominion Railway Commission . . . relating to freight rates." As the honourable leader of this House has said, it is impossible to tell what information is available, or how long it may take to supply it. But I think I am strictly within the rules of the House in calling attention to a matter regarding which, as I have said, I intended giving notice of a motion. In the hard times when everybody was suffering from the cold and had to burn up any wood there was in the house, the Intercolonial Railway put up the rate to $3 a ton on coal shipped from St. John for a distance of nine miles. Was that helping out the poor people? Was that reducing the cost of living? It was a terrible thing to contemplate. Now, this is not the time to attack anybody, but I am very glad my honourable friend from Huron (Hon. Mr. Proudfoot) has brought up this matter, because it gives us an opportunity to discuss the question. I think

that the Government should make inquiry and let us know something about this. I do not want to condemn the Government; all I want is to know why the freight rate on coal was put up to $3 a ton for nine miles, and why it was put up at a time when we had very bad storms and the most severe winter that was ever known. Surely that is not statesmanship. It is not the Government's fault. I am not blaming them; I am blaming those who were administering the affairs of the railway, and I do not think the increase should be allowed to pass without a protest and without our being given the reason.

Hon. Mr. PROUDFOOT: Honourable gentlemen, in view of what the honourable leader of the Government has stated, I have no desire to encumber the records or to cause unnecessary trouble in securing the return; but I think there would be very little difficulty in giving me the return asked for in the first two items.

Hon. Sir JAMES LOUGHEED: There will be no difficulty about motion No. 2.

Hon. Mr. PROUDFOOT: I am speaking of the first motion. I am referring to the question raised by the honourable leader as to the possibility of this being a voluminous return which it might take so long to prepare that it would not be worth while having it for this Session. If I can secure a return within a short time to paragraphs 1 and 2, particularly No. 2, the information will cover practically all that is required. I think that the report which the Government has in its possession will cover nearly all the information that is asked for.

Hon. Sir JAMES LOUGHEED: Yes, but the probabilities are that the Railway Commission will not permit the original documents to go out of its possession and be laid upon the table of the House. It will prepare a copy. The evidence submitted to the commission upon this subject must be very voluminous indeed. My honourable friend can very well appreciate the unwisdom, so to speak, of placing original documents on the table of Parliament. We have to rely upon copies being made. But if my honourable friend would attend at the Railway Commission and look over the material, he would obtain the desired information more readily than by moving for a return, particularly one which it would take so long to prepare.

Hon. Mr. PROUDFOOT: All I am asking in paragraph 2 is a copy of the report, not the evidence. I do not expect to get anything but a copy.

Hon. Sir JAMES LOUGHEED: Yes, but the honourable gentleman asks for the evidence.

Hon. Mr. PROUDFOOT: That is, a copy of the evidence. But I am not particular about the evidence if I am given the report asked for under paragraph 2.

The motion was agreed to.

DEPORTATION OF LEE QUONG KIP.

MOTION FOR RETURN.

Hon. Mr. PROUDFOOT moved:

1. That an order of the Senate do issue for a return of the minutes of the Board of Inquiry, No. 158, taken under The Immigration Act, at Vancouver, B.C., on July 3, 1919, dealing with the case of Lee Quong Kip, a Chinese student, who sought admission into Canada.

2. The finding of the said board.

3. All correspondence which passed between W. D. Scott, of the Department of Immigration and Colonization at Ottawa, and Ping Lee or any other person or official in relation to the said matter, including correspondence with the minister and his finding.

4. The order of deportation of the said Lee Quong Kip.

He said: Honourable gentlemen, I desire to point out some of the circumstances of this particular case, which has already received a good deal of consideration. I wish to place before the House some of the difficulties that Chinese have to contend with in securing admission to this country. On May 27, 1918, a letter was written by Mr. Scott, of the Department of Immigration, acknowledging receipt of $500 from Ping Lee, a brother of this young man. According to the contents of the letter, although the young man was to be brought in at Vancouver, the case was dealt with as an Ottawa registration, the Controller of Chinese Immigration at the port of arrival sending here the photograph, etc., of this young man. The $500 having been paid by the brother, this young man arrived in Canada on the 14th April, 1919. On his arrival an objection was taken to his entry into this country on the ground that he was within the restricted class, and had therefore no right to be allowed in. An inquiry was held on the 3rd of July, 1919, before some officer out there. I cannot quite make out his name, although it is signed to this document; but I believe his name is A. L. Jolliffe. The evidence taken on that inquiry was disposed of in a most summary way by this official. He says: "I hereby reject Lee Quong Kip and order that

he be deported, he being a prohibited immigrant uner P. C. 1202." The peculiarity about P. C. 1202 is that that order was passed on the 9th June, 1919, and was not in effect at the time when the young man landed in Canada, nor at the time when his money was received, and when, in view of the information which had been given by his brother, he was said to be a proper subject to come to this country. This young man was about seventeen years of age, and the intention of his brother and his friends in bringing him into Canada was to complete his education. Up to the time that he left China he had always been going to school. His brother, who lives in Toronto and is in good circumstances, desired to have him out here for the purpose of giving him an education, so that he might subsequently, on returning to China, be of some use in disseminating the English language in China. The official at Vancouver, for some reason, took very strong grounds, and, as I read the summary of his remarks, he declined to allow Lee Quong Kip to come into this country.

I have examined with a great deal of care the evidence given before that Board of Inquiry, and I venture to say that honourable gentlemen reading that evidence without bias—and I believe none of you have any bias in this particular case—will come to the very opposite conclusion from that of the official in Vancouver. The question was not allowed to rest there, because the young man had friends in Canada who were interested in having the regulation, as they understood it, carried out; and, as I have pointed out, this was not a Vancouver registration, but an Ottawa one. Why the official at Vancouver saw fit to take the course he did, and direct that he should be deported, I fail to comprehend. That action was prevented for some time by a habeus corpus having been secured from the courts, and security given, and the young man was kept in Vancouver on bail for a considerable time. The case went to the Court of Appeal, but that did not help the young man, for that court said they had no jurisdiction to deal with the question, because section 23 of the Immigration Act prohibited them from doing so, and, as Mr. Justice Martin expressed it, "The section says, 'Hands off.'"

We have heard so much here within the last few days, in discussing another matter, about British fair play, and how Great Britain desired to deal fairly and squarely with other people, that I should like to say that Great Britain has a special reason for being on friendly terms with China and Japan, and the people in the East; yet we find that the official at Vancouver has seen fit to reject this young man. I would not care so much about the matter if it remained with the official alone; but it was taken up in another way. I am counsel for the Chinese National League for the province of Ontario, which has branches all over the Dominion of Canada, its object being to assist the Chinese—they object to our calling them Chinamen. It is said by some people that they are not desirable immigrants, and that may be so in some respects; but people from one end of this Dominion to the other are anxious to secure the services of good Chinamen to look after their cooking and other household arrangements. They are required to pay a head tax of $500 apiece. Many of the Chinamen are gamblers, but that class does not belong to this league, which was established for the purpose of preventing the Chinese from being led away into gambling habits. The secretary of the league for the province of Ontario is a brother of this young man who was refused admission into this province under what is said to be an Order in Council, No. 1202. The matter was brought before the department, but the department desiring no doubt to stand by what the official at Vancouver had done, refused to interfere.

I have brought this matter up, not because it is going to do any good to this particular young man, but for the purpose of placing before this House and the country the manner in which officials of the Government have seen fit to deal with people who, as I contend, are desirable immigrants to this country. I tried to secure a stay of proceedings from the minister by writing to the department, but the last letter, which I received on the 16th of February, was to the effect that the minister had given the matter consideration, but did not see fit to stay the proceedings so far as Lee Quong Kip was concerned. If matters are to be disposed of in this summary way I think a change should be made in the law, and I desire to have this information brought down by return for the purpose, among other things, of ascertaining exactly what actuated the minister in reaching his conclusion. I think it is only fair that we should have this information, and that such a proceeding as happened in this case should not occur again. The Government got this young man into the country. They received his $500, and so far as I know they did not even return the money,

although I do not know how they sent the young many back. Probably they used some of the $500 for that purpose; but the balance of that $500 should still be in the hands of the department, and has not been returned. I therefore move for the return.

The motion was agreed to.

ESTABLISHMENT OF DIVORCE COURT.

REPORT OF OPPOSITION IN PRINCE EDWARD ISLAND.

On the Orders of the Day:

Hon. Mr. MURPHY: I beg to draw the attention of the House to a despatch which appears in this morning's Ottawa Journal:

Prince Edward Island is against Divorce Measure.

CHARLOTTETOWN, P.E.I., April 27.—By unanimous resolution to-day the Legislature declared that the establishment of a divorce court in this province, as proposed by the Dominion Senate, is against the best interests of the island, where there is no demand.

DIVORCE BILLS.

FIRST READING.

Bill A3, an Act for the relief of Marion Olive Booth.—Hon. Mr. Ratz.

THIRD READING.

Bill M2, and Act for the relief of William George Mackness.—Hon. Mr. Turriff.

OTTAWA AGREEMENT BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 22, an Act to confirm an agreement between His Majesty the King and the Corporation of the City of Ottawa.

He said: I informed my honourable friend from Assiniboia (Hon. Mr. Turriff) yesterday that I would make inquiry as to the payment of taxes on property leased by the Government in the city of Ottawa. I am informed by the officer in charge of this business that for the last eight or nine years taxes have been imposed on all properties leased by the Government, and that the only properties exempt from taxation under the arrangement which has been entered into between the city of Ottawa and the Government are properties vested in the Crown.

Hon. Mr. BELCOURT: Does my honourable friend mean that the lease contains a covenant on the part of the Government to pay the taxes?

Hon. Sir JAMES LOUGHEED: It may be by the lessor or the lessee, according to the provisions of the lease, but in no case does the Government claim exemption from taxation respecting property leased from private individuals.

Hon. Mr. TURRIFF: That does not exactly answer my question. What I complained of was that the Government, in paying rent for those outside buildings, exempted the owners of the buildings from taxation.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. TURRIFF: My honourable friend just now said that the Government does not claim any exemption from taxation. That is, that the Government may be paying the taxes on the building, in accordance with the agreement, as the honourable leader has said; but what I wanted to find out was if the owner of the building, who gets the rent for it, and in all cases a good rent, has to pay out of that rent the taxes of the city.

Hon. Sir JAMES LOUGHEED: As I have said to my honourable friend, the city collects taxes upon all property leased to the Government. It will collect that tax either from the owner or from the Government, in accordance with the provision made in the lease.

Hon. Mr. TURRIFF: That is just exactly what I am complaining of.

Hon. Sir JAMES LOUGHEED: Will my honourable friend answer this question: does it make any difference whether the Government or the owner pays the taxes, so long as the city gets the money?

Hon. Mr. TURRIFF: It makes the difference of the amount of taxes that are paid if the Government pays them. When the Government pays the taxes, it pays them over and above the rental that the owner could get for the property from any other organization. When we are making this new arrangement with the city of Ottawa, by which the Government is paying an additional amount of taxation—which I am not complaining of at all—I would like to have it understood that in the future the Government will not pay taxes as well as rent on any property they lease, and will not exempt that property from paying taxes. The owner of property rented to the Government should be in exactly the same position as he would be if he were renting to one of us or any one else.

Hon. Sir JAMES LOUGHEED: That is the case.

Hon. Mr. TURRIFF: No, it is not. When the Government undertakes to pay the taxes, it pays the full rent and the taxes in addtition.

Hon. Mr. ROBERTSON: No, no.

Hon. Mr. TURRIFF: Well, I happen to know.

Hon. Sir JAMES LOUGHEED: I might put the case to my honourable friend in this way, that no distinction is drawn between the Government and a private individual with reference to those leases, and it is simply a matter of arrangement in the lease as to which party pays the taxes. The city gets the taxes.

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

GERMAN TRADE IDENTIFICATION BILL.

REJECTED.

The Senate resumed the adjourned debate on the motion for the third reading of Bill W, an Act for the identification of Traders in German Goods, and the motion in amendment thereto, that the said Bill be not now read a third time but that it be read this day six months.

Hon. E. D. SMITH: I do not intend to make a speech on this Bill, but as I intend to vote for it, I want to give my reasons. Like thousands of other people, when I go into a store or when I order goods by mail I do not want to be put to the bother of stating that I do not want German goods. I would be satisfied if we had the goods marked "Made in Germany," but that is not always done, and a far more convenient and surer way is the one proposed in this Bill. When I cannot get German goods except in a store over which there is a sign stating "German goods sold here," I will not be put to any bother, and that is the reason why I will vote for this Bill.

Hon. Mr. MURPHY: What will you do when you write to a German house for goods?

Hon. Mr. SMITH: I will not write to a German house. I do not know whether it is going to reduce or increase the quantity of German goods sold in this country. We have heard two sets of arguments—one claiming that the putting of this sign upon premises where German goods are sold will increase the sale of those goods. If that is so, then there is nothing to the other argument, that we must trade with Germany in order that Germany may make money to pay the indemnities to the Allies. I am inclined to the French view: I do not care a hoot whether Germany is ever able to build up or not. Germany deserves to remain just where she is to-day, and if there were never any German goods sold in Canada, or in any other part of the British Empire, I would not be at all concerned. Therefore I intend to vote for the Bill.

Hon. Mr. McSWEENEY: I should like to ask the honourable gentleman whether he has not sold some of his goods to Germany?

Hon. Mr. SMITH: Yes, a long time ago, and I would sell them again if I could get the money.

Hon. Mr. BELCOURT: Honourable gentlemen, on a previous occasion I voted for my honourable friend's Bill, and, as I intend to vote against it this time, I think perhaps I should give my reasons. When the Bill was up some sessions ago, we were at war with Germany, and there were reasons in favour of the Bill which appealed strongly to Canadians generally. I must say, however, that the Bill did not appeal very strongly to me. The situation to-day is entirely different to what it was then. A state of peace has been substituted for the state of war which prevailed on the previous occasion. We have entered into an agreement, being one of the parties to the Treaty of Peace, and we are in an entirely different position. I need not elaborate that argument. I just want to say, however, that to me the Bill, both in letter and in spirit, is in absolute conflict with the covenants and undertakings which we, as one of the parties to the League of Nations, have made.

Hon. B. C. PROWSE: Honourable gentlemen, I listened with a good deal of attention to my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), and I must say that every tissue in this body vibrated, every drop of blood in these veins moved, just a little faster when I heard him, and I was perfectly satisfied that the honourable gentleman had made his point. But the second reading of the Bill was rushed through, and at the third reading, when I was shut off, and not allowed to speak, I began to think there was something more at the back of it. Sentiment is one of the finest things in the world; but you cannot blend sentiment with business; they are two absolutely separate things. Another

thing is loyalty—and there is dishonest loyalty and honest loyalty. You may get sentiment, and honest sentiment, from the pulpit; sometimes you get it in politics; but we have not always got it. I will give you an instance. In the last election sentiment was expressed on every platform from one end of the Dominion to the other, and rightly so; but when some one attempts to mix sentiment with business and manipulation, I for one cannot sit in my chair.

To-day the whole world is calling for greater production. How are you going to get greater production unless you encourage it? The high cost of living has to be reduced in some way. If the honourable gentleman promoting this Bill would propose some means of reducing the high cost of living, I am sure that the Government and the people would be delighted. If he can go further than that and suggest a means by which the returned soldiers can be remunerated in some shape or form, without hurting the finances of the country, he will go down to posterity and will live in history as one who introduced something of some use to his country. But, in proposing a Bill of this kind, he has put a white elephant on the country. But that is not all. He has proposed an absolutely unworkable machine, a machine which would require a force of men larger than that of the Post Office or the Customs Department to keep it working. There is in Great Britain to-day a law which says that every article that goes into Britain must be labelled, no matter whether it comes from Austria, Italy, Japan, or anywhere else. Every buyer from the Dominion of Canada who goes there knows what he is buying, because the articles are marked plainly, "Made in Germany," "Made in France," and so on.

I would not buy an article of German manufacture; I would not put it in my store if I could help it; but if a man has to buy German goods—because there are German goods which we cannot go without —I would not force him to put up a sign. Take, for instance, German fertilizer. Would you force a man selling that fertilizer to put a sign over his door saying, "We sell German goods"? Would you force him to put on his stationery the words, "German goods for sale." I say it would not be fair. Would you ask the farmer who buys that fertilizer and uses it, when he brings his load of potatoes to market, to put up a sign, saying, "Potatoes grown by German fertilizer." Would you force every second store from Vancouver to Prince Edward Island to put a sign over the door, "German goods for sale here?" I say no. I say that this Bill, instead of being a loyal Bill, is the most disloyal Bill that ever came before this House. Here is Great Britain with her arms open to German trade, and here we are, one of Britain's biggest customers, saying, "No, we won't trade with you." We do not go to Germany to buy the goods, but to Great Britain. If a man's loyalty amounts to anything, he must be loyal to himself. If we are not loyal to ourselves, we cannot be loyal to our families and to our country. I say that the first essential of loyalty, if I understand it aright, is that we should be loyal to the Mother Country and should trade with her. But what will England think if we pass this Bill and say to her, "We won't buy any German goods from you," and cut them out? I say, gentlemen, it is not fair. I might here quote Macaulay, who in 1845 said: "There is a mutual dependency between nations that we cannot get away from." That sentiment has never been controverted by any of the great statesmen in the British Empire, or in any other country. It has never been disputed until now, when our honourable friend from Hamilton comes here and says that it is all wrong. I say, gentlemen, that it is all right. If we want to be loyal, for Heaven's sake, let us be loyal to ourselves and let us be loyal to the British Empire, and not pass this Bill, because, by passing it, we would be loyal to no one.

Hon. G. G. FOSTER: Honourable gentlemen, before I express to the House my reasons for the vote which I am about to give on this Bill, I wish to say to the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) that I did not, and I do not now, agree with what he said when he introduced this Bill concerning the First Minister of England, Right Hon. David Lloyd George. On the contrary, I disagree with every word he said with regard to that distinguished statesman, to whom I, and every man in this House and in this country, owe a debt of gratitude that I do not know how we shall ever be able to repay. I do not agree with my honourable friend in his severe condemnation of the fact that those of the enemy who should have been punished have not been punished. I am not in a position, nor is my honourable friend, to know all the particulars which guided the League of Nations and the British Government in arriving at the conclusion they have with regard

to the German Emperor, the German royal family, the German soldiers, every one of whom I should like to have seen shot if I could have found legal machinery to carry out the sentence. I do not know how it could have been done, and therefore I am not going to sit in judgment and say that I condemn others who failed to punish them.

Having disagreed with my honourable friend on these points, I find myself just where I was two years ago. What we said at that time was that at the end of the war we would force our merchants to put up a sign on every store where they handled German goods in this country, which sign would tell the people going in there to trade that they were dealing with a firm buying and selling German goods, and thereby put them on their guard.

My honourable friend from Prince Edward Island (Hon. Mr. Prowse) talks about curtailing and preventing trade. There is nothing in this Bill about preventing trade with Germany. There is not one word that says that we cannot buy German goods if we want to. But I know that the majority of Canadians do not want to. Some of us never want to see a German face again, and we realize that we owe a debt to the boys who are dead, and to the boys who fought, and when any members of my family go into a store I want them to have a chance to know whether the goods they are buying are German goods or goods made by some nation who will not use the profits of Canadian trade to start another war with us at the first opportunity.

Hon. Mr. PROWSE: I should like to ask my honourable friend how much Germany would pay for the "ad": "German goods for sale."

Hon. Mr. FOSTER: I am not going to say that there are not German merchants who will be glad to know that we advertised their goods or that there are men in Canada—if there are any such—who are so far forgetful of their duty to Canada and to the Canadian soldiers that they would deal in German goods. But, as against that, I do not want people to go unwittingly into a store in Canada and think they are buying Canadian, American, or English goods, and have palmed off on them goods from a country that I detest and shall continue to hate so long as I have a drop of blood in my veins. They say we propose to curtail trade by insisting on this sign. We force a man who sells whisky to put up a sign saying that he is licensed to sell whisky; we compel a man who sells gunpowder and dynamite, to put up a sign stating the fact; and a man who is selling a damned sight worse when he sells German goods should not be ashamed but should be compelled to put up a sign stating the fact.

Honourable gentlemen, I am going to vote for this Bill as it has been brought down. I do not know whether it can be worked out in the way my honourable friend intends or thinks. I have doubts whether it can be. There will be vast difficulties in the way; I am free to admit that. But two years ago I voted in favour of the principle of a man who sold German goods putting up a sign stating that he was doing so, and I am going to stick to that principle to-day. I am not going to say that I have gone back on it because there is less danger of the German flag flying over this building to-day than there was at that time. I am going to stick to the guns that I fired then, and I ask every man who supported it before to do the same thing.

Hon. F. L. BEIQUE: Honourable gentlemen, I generally see eye to eye with the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), but I regret to say that on this occasion I am unable to support the Bill which he has presented to this House. In dealing with this measure we must not lose sight of the fact that the British Government has adopted a policy to encourage trade with Germany. One of the reasons of that, I think, is to enable Germany to pay the indemnity which she will be called upon to pay to the Allies. We must not lose sight of the fact that the moment that England deals extensively with Germany, the great majority if not all of the firms dealing with merchandise of different kinds will of necessity, if this Bill passes, be obliged to advertise that they are dealing in German goods. What effect will that have? The masses of the people, seeing that nearly all the merchants are dealing in German goods, and are advertising the fact, will come to buy German goods, and I am afraid that, instead of this legislation curtailing the sale of such goods it will have the opposite effect, popularizing the goods, and extinguishing the sentiment now prevailing, and which I hope will endure, against the purchase or sale of German goods. For the reasons I have stated, I cannot see my way to vote in favour of the Bill.

Hon. W. H. BENNETT: Honourable gentlemen, during the course of the discussion last week, some gentlemen advanced the argument that, as a matter of fairness to the German manufacturers, we should deal with them, and for that reason should not allow this Bill to pass. I have heard a great deal said about the Kaiser and his part in bringing about the war; but I want to say that his part was infinitesimal when compared with the part played by the German manufacturers, who, ever since the war of 1870 with France, have worked up the war feeling in Germany. Who worked up the war feeling? Was it not the manufacturers? Was not the aim of Germany to acquire colonies all over the world? For what? To foster German trade. Let any man read the story of the building up of the city of Essen, where the Krupp works are, and he will learn of the extraordinary evolution of that city. After the Franco-Prussian war it was a small place, but then started the era in Germany that produced this war, an era of filthy greed for money that started among the manufacturers. Any man who has ever read the political history of Germany knows that for years past in the elections there have been but two parties, the war party and the anti-war party. The Socialists were the anti-war party; why? Because they did not want to see a huge debt incurred, and for what purpose? For the benefit of the Krupps, dealing in guns, or others dealing in clothing or boots and shoes. The war spirit was fostered by the manufacturers of Germany, because they were amassing fortunes at the expense of the down-trodden taxpayers. Any man who has ever read of the movements of the Socialist party in Germany will be conversant with that, and will know that antagonism was developed among the masses of the people, by reason of the fact that the so-called war party were corrupting constituencies, buying up members of the Reichstag, and doing everything possible to keep up the feeling that millions upon millions must be spent for the purpose of war. The appeal was made in the constituencies: "If you want millions expended, vote for the war party. If you want to see your towns closed against the manufacture of war goods, vote against them, and vote for the Socialist or Peace party." And yet to-day we hear in Canada the cry raised—on whose behalf? On behalf of the manufacturers of Germany. Well, I am sick and tired of doing something for those manufacturers of Germany after what they have done to the world as a whole, and to Canada in particular, in the late war. It is all very well to say that sentiment is dead. I can go to houses not far from my own home and see three vacant seats, where before the war three young men used to sit who now are buried in Flanders. I know of homes where there are two vacant seats, and it is quite common throughout the country to find one vacant chair. And yet we are asked to take those German manufacturers to our breast.

We can learn a great deal from the war, and I hope we shall learn. What did we ever buy from Germany in large quantities? We bought toys to the tune of thousands of dollars. Go down Wellington street and you will find in one of the Government buildings an exhibition of German toys, many of them made from raw materials sent from Canada. Go to Beaverton and you will see a very large toy factory which has been established there and is increasing its business all the time. Toys such as we have been importing from Germany had better be made in Canada, because a great deal of the hardwood that went into their composition was imported from this or some other country. Let us teach the German manufacturers that they must be treated according to their deserts.

I supposed that some honourable member in the course of this debate would have said: "Look at what we ship to Germany." What do we ship to Germany? Not lumber. We cannot compete with the people of Norway and Sweden and other neighbouring countries that have lumber to ship. We cannot ship sawn boards, as they are called, because they cannot with advantage be sent that long distance. In the heavier sorts of timber the proximity of those countries to Germany gives them a more favourable chance than Canada.

"But," some honourable gentleman will say, "look at the figures of our exports of grain to Germany." But if you look at those figures you will find that in the years 1912 and 1913, when Germany was contemplating this war, we exported larger quantities of wheat than ever before. Our exports had never been up to such abnormal figures, and they have never been since, and never will be again; why? Because the Germans were making preparations for war in those years. I am sorry I have not the figures by me, but any honourable gentleman who will compare them will find that in the years prior to those immediately preceding the war, our exports of wheat to Germany would not at all compare with

what they were in those one or two years before. I know that particularly, because the fact was commented upon in my part of the country, where large quantities of grain for export went through the elevators—the abnormal quantity of grain then going to the continent of Europe and particularly to Germany. I think the time has arrived in this country when a little more regard should be had for the feelings of the people.

I have heard gentlemen say, "This Bill will not pass the House of Commons." Well, all I can say is that the gentlemen who vote against it in the House of Commons had better look out for public feeling in the province of Ontario. It may be popular in one or two German ridings to oppose such a Bill, but I do not think it is throughout the province. The House of Commons is the pulse of the people, and for no other reason than that I would vote as I am going to vote with all the greater pleasure in favour of this Bill, in order that it might pass the Senate and be sent to the Commons, which represents public opinion perhaps more than we do. If the Bill fails to pass there let it fail. But I have heard a great deal of favourable comment upon it by members of that House, and I say again, the time has arrived for us to stop this maudlin sympathy for Germany, and especially for the German manufacturer, who was the head and front of all the offending in the late war.

Hon. FREDERIC NICHOLLS: Honourable gentlemen, I do not intend to discuss the principle of this Bill, because when it was before this House in 1918 I gave on the floor of the House full expression to my sentiments in regard to it. I think, however, that the phraseology might be altered so as to make the Bill more workable. Clause 1 says: "Every person who knowingly deals in goods." In my judgment the words "offers for sale" would be preferable to the words "deals in goods," and I would suggest to the mover of the Bill that he agree to the change. The Bill further states: "Every person who knowingly deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany." In my judgment the words "or in part" should be eliminated, and the Bill should refer only to goods that have been manufactured wholly in Germany and are offered for sale in this country. My reason for making that suggestion is this. In my judgment it would be patriotic for any Canadian to utilize in manufacture raw materials which could be bought in Germany to better advantage than in any other country, and to use those raw materials in the manufacture of the finished product, thereby giving employment to Canadian artisans and affording facility for the purchase of other raw materials which are the product of this country, and to sell the product in competition with the finished product which might be brought in from Germany and sold as a complete product of that country. I would therefore suggest to the mover of the Bill—which Bill I intend to support, as I supported the similar Bill in 1918—that he eliminate the words, "or in part," from clause 1.

Hon. GEORGE McHUGH: Honourable gentlemen, I am in full sympathy with the sentiment that the honourable gentleman (Hon. Mr. Lynch-Staunton) had in bringing in this Bill. He felt that it was going to punish the Germans. But I do not think the method that he has taken is the right one. The trade between Canada and Germany is, I think, a matter for the Government to deal with by putting a tariff on goods coming from Germany. England is at the present time fitting up her ships, and ever since the close of the war has had agents in Germany, to cultivate trade with that country again. Are we going to stand out and refuse to trade with Germany? The honourable gentleman from Wentworth (Hon. Mr. Smith) said that he would sell to the Germans but he would not buy from them. I say that trade must be reciprocal. If you want to sell to people you must be prepared to buy from them. The honourable member from Midland (Hon. Mr. Bennett) says that we have no opportunity to send goods to Germany; that Norway and Sweden are going to outdo us in lumber, and as for grain the Germans took it only at the time when they were preparing for war. I can tell the honourable gentleman that the most profitable crop raised on the farms of Ontario to-day finds its greatest market in Germany; that is, alsike clover seed, which produces from $150 to over $200 to the acre in many parts of Ontario. The greatest customer we have for that seed is Germany. Now, if Germany refuses to take that seed from us because we refuse to take goods from her, will not that interfere materially with one great agricultural product of the province of Ontario? I do not know to what extent that seed is grown in other provinces of the Dominion of Canada; but I know that it is by far the most profitable crop in the part of Ontario where I live. We are out to trade with

the world, and I want our trade relations to be such as to be profitable to the people of Canada. Let other countries trade as they will. If the Government of Canada thinks that there is to large a quantity of toys or of poisons coming from Germany to this country, let them put on a tariff that will keep out such goods. I think that is the way to settle the trade question between Canada and Germany rather than to require people who import goods to earmark them as German goods or Austrian goods. I am going to vote against the Bill.

Hon. P. POIRIER: Honourable gentlemen, I am very much perplexed with regard to this Bill and the way I am about to vote. My sentiment is totally in favour of the motion of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton); so much so that if this Bill is carried and if I should see advertised by a merchant the fact that he is dealing in some particular German goods, I would certainly not buy those goods from him even if I had to pay a higher price for similar goods at some other store. On the other hand, we have concluded peace with Germany. I voted in favour of peace. I was sincere in my vote. When I voted peace I meant peace, not only on the battlefield, but also commercially and in every other respect. Peace embraces all that pertains to peace. The passage of this Bill would mean that for all time to come or until it was repealed it would be necessary to advertise any dealing in German goods. Is there to be no end to our enmity or to our warlike attitude towards Germany, however guilty, or however undeserving of any sympathy it may be, as it actually is? Are we forever to perpetuate a hatred between this country and a country with which the Empire and we ourselves have made peace? I voted for peace, and I am going to stand, although very reluctantly, by that vote. Therefore my reason, in this case dominating my sentiments, urges me to vote against the Bill of my honourable friend.

Hon. JAMES DOMVILLE: Honourable gentlemen, I will vote with the honourable member who has introduced this Bill (Hon. Mr. Lynch-Staunton), although I do not quite concur in it. I am sorry to say that the impression that will be received throughout the counrty from the debate in this House will be that the war has been nothing but a trade war, and that, now that we have made some bargain, we want to do business with the Germans. I think that is not the right way to look at the matter. I think that the Germans should be made to suffer for what they have done. I would not allow one dollar's worth of German goods to come into this country. As my honourable friend (Hon. Mr. McHugh) has said, this is a matter that comes within the purview of the Government. Are we going to say, because we can make a dollar here or a dollar there, that we will forgive the past. It will not be wiped out in Canada for centuries. Whoever else may be willing to forgive, there will be no forgiveness by the relatives of those who have suffered. Are they going to subscribe to the doctrine that everything is to be sacrificed for the good of trade? Better let the trade go. We have not accomplished much by this war. As I attempted to point out here last year—and I got into a good deal of trouble over it—this was a wicked war, and I do not know yet why it was planned. However, having carried on the war at enormous cost and sacrifice of life and treasure, how do we come out? Forgive? Shall we say: "Let us enter into trade relations; never mind the past; we want business." There is a story I used to tell when I was running an election. I do not know that it would be out of place to apply it now. In church—I will not say what church—there was a poor girl on the penitent stool, and they said: "Well, it is all over; kiss and forgive." An old woman got up, and she said: "That is all very well, but I have been going to this here tabernacle for over sixty years; I never did anything like that, and I am not going to forgive her now." I really think there is no justification for our letting the Germans off. As to requiring a dealer in German goods to put up a placard, perhaps that is the best means that occurs to my honourable friend; but I do not think it is going to work or answer the purpose intended. But no more of this forgiveness! Why do we not shoot or hang the Germans? Why should we allow them into this country? We are not in favour of allowing the Hindus, or the Chinese, or other yellow races in. Canada should look to her own children—to those who will come after us. However, I think that my honourable friend has gone as far as he can go with the Bill. He has brought the matter before the country. I think the honourable gentleman should now withdraw the Bill. I do not want to vote against it, and I certainly will not vote to help the Germans in my respect. I am between the devil and the deep sea. Now that the honourable gentle-

man has expressed his views, I think he should withdraw the Bill.

Hon. G. D. ROBERTSON: In order to come to the rescue of the honourable gentleman from St. John (Hon. Mr. Domville), if possible, I would point out that in my humble opinion there is nothing so serious in this Bill as some honourable gentlemen seem to feel. Let us remember that prior to the war practically every store a person entered dealt in German goods, and the goods were so marked and labelled. That custom became so common that even the vendors frequently alluded in their advertisements to the fact that those goods were of German make. Now, if it was right and proper in pre-war days for merchants in Canada to advertise the fact that they were dealing in German goods, what is the objection to their doing so now?

Hon. Mr. CROSBY: The law compelled them to do that then.

Hon. Mr. ROBERTSON: But times have changed since then. It is not probable that a German will desire to advertise his goods in Canada now. Is it not proper, therefore, that precautions should be taken to acquaint the purchaser in Canada as to the origin of the goods that he is purchasing, if they come from Germany? I do not think the majority of Canadian people desire knowingly to purchase German goods; therefore, I think it would be rendering a service to the people of this country to require dealers in German goods to acquaint the public of that fact; otherwise they would probably not be reminded of it. I propose to support the Bill for that reason, if no other.

Hon. ARTHUR BOYER: In answer to my honourable friend's statement that all German goods were marked before the war, I would say that a law was passed in England compelling the placing of the words "Made in Germany" on all kinds of goods that were made in Germany and sent abroad to be sold.

Hon. Mr. ROBERTSON: How could Great Britain require Germany to stamp her goods if they were for sale in Turkey?

Hon. Mr. LYNCH-STAUNTON: And in England?

Hon. Mr. BOYER: And in England.

Hon. Mr. ROBERTSON: The honourable gentleman used the word "abroad."

Hon. Mr. BOYER: In some of the best shops in Paris I bought balbriggan hose that were not French or English make. During the war I applied to the same house for the same kind of goods, and the reply was that they were made in Austria, and could not be procured. On another occasion I applied to an English house for a pocket-book such as I had bought perviously in England, and the answer was that that pocket-book was made in Austria, and could not be had until after the war. So much for the labelling of German goods. My honourable friend from Simcoe (Hon. Mr. Bennett) has touched the right point: it is a question of feeling as well as of trade. Before the war the German propaganda throughout the world was the biggest thing known to humanity. They advertised all over the world what they were going to do, and in a remarkable book published anonymously in Berlin, one German had the courage to tell the Emperor what he thought of him and of the policy of his Government. In that book he said: "You are asking for a place in the sun. Why, you have got it all. See what a merchant fleet you have developed the world over; you have practically driven some of the old-established lines from the trade of the world by putting on bigger boats and giving cheaper rates because they are subsidized by the German Government." I was in Yokahama when one of the P. and O. steamers was ready to sail for England. She was a ship of 6,000 tons. The German Government, or the Hamburg-American line, had a steamer there of 15,000 tons, and the rate they advertised was exactly one-third less than the P. and O. people had advertised, and the ticket took the passenger from Hong Kong to either Southampton or London. So much for advertising their trade. In that same book we were told of all the remarkable qualities the Germans possessed. Honourable gentlemen, you have all heard of the mighty collections of art treasures throughout the world. A great many of us have had the advantage of visiting the National Gallery in London. But did you ever hear who founded that gallery and made it one of the first in the world? The names of the different men who presided at the establishment of that great institution are unknown. If you go to Paris and visit the picture galleries of the Louvre you will never find out the name of the great man who originated that gallery and brought it to its present perfection. But if you go to Germany they will tell you that Mr. Bode was the great man who organized the National Gallery in Berlin; that he was the only art connoisseur in the world; that he had such a record amongst all the new

millionaires of later years that whenever a picture of any consequence was for sale nobody would buy it unless it had the official stamp of Mr. Bode. Another great authority was Professor Max Mueller, of Coblenz. When you found the names of those two men on a picture it was all right: it went. But you never heard of the great men of Great Britain who have worked, unknown to secure to the world the finest art collection there; and the same remark applies to Paris. But those two Germans were known the world over, through advertising. Germany was supréme in the way of propaganda by advertising. Once when I was in Rome I was offered a picture and I was shown the authenticity of it. They said: "We got it authenticated by Mr. Mueller, of Coblenz; here are all the papers signed and sealed; the man that sold me the picture paid so much for the official stamp of this gentleman." That gentleman died two years afterwards, and on his deathbed he made a public confession that for the paltry sum of five marks he had authenticated any picture merely for the sake of the money that was in it, though the pictures never were genuine. That was German propaganda for you.

Now, if it pleases England to trade with Germany, why should not Canada, a small British colony that has done its utmost in this war, simply say, "We won't." Let us say that this war has cost us enough in blood and money to do without German goods. Let us wear our own goods, and if we cannot get them to fit as they did before, let us be satisfied to wear overalls, if we must, instead of wearing German goods. When the war broke out Germany told us, "We are going to conquer the world." Ireland was to rise, to a man, but it didn't. India was to rise against British rule, but it didn't. The Cape of Good Hope was going to rise, but it didn't. Canada was going to lie back and lag, but Canada did the very opposite. The author of the book I have mentioned said to the German Emperor: "Your diplomats have systematically deceived you; your diplomats lied, or did not know what they were about when they told you that if you went to war you would conquer. You did not." So far as trade was concerned, what was the policy of Germany during the war? Take the northern district of France, containing the great manufacturing centres of that country. They systematically destroyed every factory in the north of France so that they would not in the future interfere with German trade. They destroyed every orchard in the richest part of France; why? Because some of them were interfering with the sale of German wines. Why should we not have some feeling left, and say: "No trade with Germany; let us do without the goods of Germany." We have done so; we have not missed German goods for the last five years, not having bought a pennyworth of them during that time. Then let us desist, and teach the world, if they are willing to sacrifice sentiment for money, that Canada for one will not do it.

Hon. P. McSWEENEY: I should like to read something from the Montreal Gazette of Tuesday, following my honourable friend from Montreal (Hon. Mr. Boyer):

Commercial Treaties—Germany and France may Co-operate in Three Branches.

PARIS, April 26.—Trade agreements or commercial treaties by which France and Germany may stabilize markets and co-operate in some branches of commerce are forecast in a report of the foreign trade bureau of the Department of Commerce. Three industries, potash, iron and coke, and textiles, are taken up by the report, which shows the economic dependence of the two countries upon each other.

Germany's former monopoly in potash is now jointly held by her and France. Iron and coke are closely related, and Germany is the logical source of the latter product, which France cannot produce in sufficient quantities. Alsace has many important cotton mills, but the product has in the past been sent to Germany for dyeing or printing. German plants are still better equipped to do this work than any in France, and, in addition, affords a good market for the manufactured goods.

Honourable gentlemen will see from this clipping that France has no objection to trading with Germany, although no country in the world suffered as France did: 1,750,000 of her men were killed, while England lost only 750,000, the United States lost only a very few, and Canada lost some 50,000 or 55,000 killed. This despatch shows that all over France they say: "We want peace; we want to sell goods to those people and buy goods from them; we have to do it; so we might as well come down first as last."

Hon. E. L. GIRROIR: With others, I have had great difficulty in arriving at a conclusion as to how I should vote on this Bill. People, countries, and empires are very often swayed and actuated by sentiment. Sentiment is a grand thing; countries have been saved by sentiment. In the last war many of our young men enlisted and went to the front and gave up their lives for sentiment for the country and the flag. That is one thing that ap-

peals to a person when he is endeavouring to make up his mind on any question. Another thing that actuates him in his conclusions is reason, and I think that in a question of this kind appeals can be made to reason as well as to sentiment.

The promoters of this Bill claim and argue that it is a Bill to punish Germany. The arguments advanced by practically all those who have spoken in favour of the Bill are arguments showing that we have suffered great injustice from Germany, and that now is our opportunity for getting square and punishing her for the great injustice she has done. Our men were killed; the bodies of our best sons lie in France and in Flanders, as a result of the war brought on by Germany. That is one of the arguments. Another is that the German manufacturer will be punished through this Bill, and that as he was behind the war we should have this Bill in order to punish him. What strikes me in considering that view of the question is that in endeavouring to punish Germany through this Bill, we may in the end punish ourselves.

The promoters of the Bill cannot say in one breath that it is designed to punish Germany, and in the next breath that it is going to help Germany by promoting the sale of German goods in this country. They must take either horn of the dilemma; and, as their arguments have all been calculated to show that Germans should be punished, we must take it that the object of the Bill is to punish the German people and German manufacturers. But what is the situation in Canada to-day from the commercial and business standpoint? We have been sweating and struggling for the last few years to try to live in this country. The Board of Commerce has been created by this Parliament in order to endeavour to keep down the high cost of living. The argument used was that during the war millions of people throughout the world were fighting each other, were destroying instead of producing, and that when the war was over and people settled down to produce there would be some hope of reducing the high cost of living. That was the argument; but the proposition contained in this Bill is to shut out 65,000,000 people from producing goods which might be brought into this country and might help to bring down the high cost of living. There is no way in which we can ever bring down that cost to a reasonable basis except by interchange of trade.

As has been pointed out with great force by the honourable member for Moncton (Hon. Mr. McSweeney), France and Belgium have been devastated and injured to a very much greater extent both in lives and in property than we have, and they are trading with Germany. Britain, who lost in the war twenty or thirty men to our one, is trading with Germany.

If the Canadian manufacturers and producers of goods wish to combat Germany, the proper way for them to do it is by producing goods at a reasonable price. Let them wake up, and do as Germany has done, and invent new methods of production. Let the labouring people of this country do as the labouring people of Germany have done. Let the manufacturers and the labourers and every one in his country stand together and endeavour to increase production and put on the market goods that are as good and as cheap as those of Germany. To pass a Bill which has for its object the tying up of 65,000,000 producers is to my mind to hang another millstone around the necks of the consumers of this country.

I do not think the manufacturers of this country have much cause to complain. They have made their millions during the war, and I do not complain of that: I am glad they have. If the country is to be prosperous, industry and manufacturing must flourish; but I do not think we are justified in passing a measure which, in my opinion, will do more harm than good, in that it will increase the cost of living. No one will deny that it is very difficult now for the consumers of this country to make both ends meet.

If I were actuated by sentiment, I would vote for this Bill. But I am not actuated by sentiment. I think the only way to discuss this question is by foregoing sentiment, and by appealing to reason and getting down to facts. The German people have injured us, no doubt; they have killed our sons; they have forced us to spend large sums of money for the defence of our country. They have done all that; but if we impose a greater burden on the consumers of this country in order to get square with Germany, I think we will do Canada a greater injury than we would do if we allowed German goods to come in under certain reasonable restrictions. I therefore feel it incumbent upon me to oppose the Bill.

Hon. J. J. DONNELLY: Honourable gentlemen, with all the suffering, and all the loss of life and treasure that has been brought to this country by the action of Germany in plunging the world into the great war, I think it is only natural that

there should be a strong desire to enact some legislation to prevent German-made goods finding a ready market in this country. With that sentiment I am fully in accord; but I do not think that the Bill which we are now considering is the best means of bringing about that result. If it is the wish of this country that we should not purchase German goods, why not place an embargo upon them? If the promoter of this Bill will amend it so as to compel all German goods coming to this country to bear the words, "Made in Germany," then the people will know what they are getting.

But that is not the course taken by the honourable gentleman. One part of the Bill says:

> Every person who knowingly deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria-Hungary, shall keep posted in letters easily legible over every outside entrance to his premises the words "Dealer in German Goods."

The sign that is posted over the door of a merchant is usually meant to signify his principal occupation. It might come to pass that a country storekeeper, carrying perhaps $15,000 or $20,000 worth of stock, would have $100 worth of German toys or dyes in his stock, and he would be obliged to place that sign over his store and, to a certain extent, brand himself pro-German. That would be the effect of it in most communities. I think that is an unfair position to put him in. You may say that he should not buy the goods. He may get the goods not knowing that they are German and may afterwards learn that they are; and he would then come under the Act. Unless the mover changes his Bill, I cannot see my way to support it.

Hon. GEORGE LYNCH-STAUNTON: Honourable gentlemen, I have listened to the debate—

Hon. Mr. BOSTOCK: I do not like to interrupt my honourable friend, but I think he has spoken to this motion before.

Hon. Mr. LYNCH-STAUNTON: I have not spoken. I have the right to close the debate. I do not see why any honourable gentleman should desire to cut me off.

Hon. Mr. BELCOURT: We heard all about it before.

Hon. Mr. LYNCH-STAUNTON: I have listened with feelings of utter surprise to some of the gentlemen who have spoken on this question. I introduced this Bill in the session of 1918, and at that time stated in the presence of honourable gentlemen that the Bill would not be effective until after the war, and that the reason for its introduction was so that when the war was over people could not oppose it on the ground that merchants had loaded themselves up with goods and that the legislation would be unfair. This Bill passed the Senate at that time with the support of all but perhaps one of the gentlemen now opposing it. The scales appear to have fallen from their eyes. Every gentleman who has stood up has said: "I have the greatest sympathy, my heart is breaking with sympathy for the dead Canadians and for the suffering families; I voted for the Bill before, but now I must vote against it." They remind me of the story, "Through the Looking Glass," and of the walrus and the carpenter who coaxed the oysters out onto the shore, telling them that they would have a friendly walk together:

> "I weep for you," the walrus said;
> "I deeply sympathize."
> With sighs and tears he sorted out
> Those of the largest size,
> And with his pocket handkerchief
> He wiped his streaming eyes.

These gentlemen who are so sorry voted for the Bill before. One of them at that time actually amended the Bill and said that it met with his approval; he actually helped the passage of the Bill; and now he gets up and says, "Oh, I cannot vote for it." Another gentleman, the leader of the Opposition, says, "True, I voted for the Bill, but we were at war then." True, the war was on; and he had been in the great theatre, where the greatest tragedy man has ever beheld was being enacted. He saw the abomination and the desolation in the holy places; he heard the cries of outraged France and the wail from Canada; and he then believed the Bill was just. But now the curtain has gone down; the poor exhausted German comes and appeals for his help, and his heart goes out to him.

Were these gentlemen, who one by one stood up in this House and said that they had voted for the Bill, dissimulating before the people of the country? Were they pretending that the war was a sufficient reason for their action? To me it is absolutely astounding that men having the responsibility of legislators, after reading and examining the Bill, and approving of it, should excuse themselves on the ground that they wanted to fool the people into thinking they were in sympathy with them. There can be no other excuse, because at that time it

was stated, and was known by every man who voted for this Bill, that it would not be effective until after the war. It was a simulated sentiment to show sympathy with the people who were sacrificing themselves in the war. I can understand a man who can skim fatness from the German broth not desiring the Bill to pass; but I cannot understand a man who supported the Bill after deliberate judgment—and he cannot say he did not give his deliberate judgment —now saying, "It is all sentiment," and kicking it out. One gentleman said, "It is all rubbish." Another spoke of it as a white elephant. Kipling will have to write another poem, "Lest We Forget," and will have again and again to remind the people of the world what Germany has done, so that it will not be forgotten entirely.

Passing from that view—and it appeals to me very strongly—I want to protest against this Bill being misrepresented in this House. I protest against arguments being advanced which a man must know, if he has the power of reasoning, are unsound. The contradictory arguments of honourable gentlemen remind me of the argument of the lawyer who was sitting beside an old counsel in the Supreme Court of the United States. He said: "I propose to address that argument to the court; what do you think about it?" "Well," said the counsel, "it is absolutely unsound; it is absolute rubbish; but you never know what those fellows in the togas up there will be moved by; try it on them." I suppose the gentlemen who put forward these arguments say: "We don't know what the Senate may swallow; we will try it on them." To begin with, they tell us that England has made a Treaty with Germany, and that this Bill would be in violation of that Treaty. I said that I thought no man should put up an insincere argument against this Bill. I asked the gentleman who made that argument to show me anything in the Treaty with which it was in conflict, and he said not a word. That was seeing what would go.

Hon. Mr. BELCOURT: The whole Treaty is predicated on trade with Germany.

Hon. Mr. LYNCH-STAUNTON: The whole Treaty? Show me the clause. Where is it mentioned in the Treaty? No one that I know of has been able to find anything in the Treaty which is in conflict with this Bill. Honourable gentlemen pretend that the Bill means one thing, while they know it means another. That is my protest. It is misrepresenting the meaning of this Bill. This Bill does not prevent a man importing and using all the German goods he chooses. There is not a word in the Bill which imposes any pain or penalty on any one who imports anything of that kind. You can fill every factory in Canada with German-made machinery, and this Bill does not affect you. You can use millions and millions worth of German clothes, food, anything you like, and this Bill does not affect you.

One honourable gentleman, for whom I have great respect, said that the Bill would promote the use of German goods. Another honourable gentleman, after listening to him, said that if we passed the Bill it would increase the cost of living, and that he was going to vote against the Bill because he believed that—and a half a dozen others believed him. Now, if it will increase the cost of German goods—

Hon. Mr. GIRROIR: What does the honourable gentleman say about it himself?

Hon. Mr. LYNCH-STAUNTON: I say it will not increase the cost of living, and I will prove it.

Hon. Mr. CROSBY: I rise to a point of order. I ask what motion is before the House. The popularity of the honourable gentleman promoting the Bill is so great that he got the Bill further than he otherwise would; but his popularity is not so great that he can stand here all day speaking.

The Hon. the SPEAKER: The question is on the motion of the honourable gentleman from New Brunswick (Hon. Mr. Thompson) for the six months' hoist.

Hon. Mr. CROSBY: And how is my honourable friend closing the debate? I ask your ruling, Mr. Speaker. He has already spoken.

The Hon. the SPEAKER: I thought the honourable gentleman was going to say just a few words. I did not understand that he was going to make a speech. If the honourable gentleman limits his remarks, he may continue.

Hon. Mr. CROSBY: Mr. Speaker and honourable gentlemen, I rise again to explain my point of order as taken on the ground—

Hon. Mr. LYNCH-STAUNTON: I submit that my honourable friend is out of order. I understand that His Honour the Speaker has ruled.

The Hon. the SPEAKER: I ruled that the honourable gentleman had the right to speak.

Hon. Mr. CROSBY: I ask that I be heard on the point of order.

Hon. Mr. LYNCH-STAUNTON: You cannot. The point of order has been ruled on. The honourable gentleman (Hon. Mr. Girroir) asks me whether or not it would increase the cost of living.

Hon. Mr. GIRROIR: I did not ask the honourable gentleman that. My honourable friend, in answer to my argument, I presume, stated that one member said that this Bill would help the sale of German goods and another said it would not. I would like to know what he thinks about that. Which will it be?

Hon. Mr. LYNCH-STAUNTON: I think it will not help the sale of German goods.

Hon. Mr. GIRROIR: Do you think it will hurt it?

Hon. Mr. LYNCH-STAUNTON: I am not quite an idiot. I would not have brought in the Bill if I thought it would help the sale of German goods. What I am telling the honourable gentleman is this. We do not import food from Germany, and we have had an opportunity ever since the Treaty was signed, and the cost of living has been going up and up all the time. I do not think the honourable gentleman has any more confidence in that argument than I have. One honourable member says it will increase the sale of German goods and he will vote against it. Why should an honourable gentleman go against those people who want this only from sentiment, when he does not think it would injure anybody? That is what passes my understanding?

Then there is another argument to which I would draw attention; and I have more respect for this argument than I have for any other which I have heard against the Bill. Some honourable gentlemen have said that it will decrease trade with Germany and lessen Germany's opportunity to earn money to pay off her indebtedness to the world. That is an argument that is entitled to respect. If it is reasonable, it ought to be weighed, and if it is not sound it ought to be ignored. Now, let us see. The business which we did with Germany at the high tide of our trade with her did not amount to more than $4,000,000 in a year. Here are the returns. The honourable gentleman from Simcoe (Hon. Mr. Bennett) has given them to me. The trade is a bagatelle. We did more business with Belgium than we did with that great empire.

Hon. Mr. BELCOURT: Then what is the use of bothering with the Bill? What is the good of moving Parliament if that is all the trade amounts to—if it is a mere bagatelle?

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman should have asked that question when he encouraged me to bring in the Bill, and when he moved to amend it, and approved of its being passed.

Does Germany require all this solicitude? I think I may safely say that Germany has come out of this war better off than any other people in the world; that all the lying camouflage that she has put up is in keeping with her whole history of unreliability. The whole debt of Germany before this war began was not more than $1,200,000,000, according to Whitaker, who is an authority on that question. That great empire of between sixty and seventy millions of people is, as I said the other day, a standing menace to the life of the world. During the war Germany did not spend any money outside her own country. All that she got from other countries she stole from them. She robbed Roumania; she wrecked Russia; she paid nothing to anybody. And she has all the wealth now that she had before the war. We did not set foot on German soil to destroy any property that she had. She was looked upon as one of the richest nations in the world; and can any person say that her treasure has been depleted? She has everything that she had before; whereas we, from this war, have gone empty away. Look at the rate of exchange. The devil has given her that blessing even. The greatest blessing that came to Germany was the fall of the mark on the market. A great English authority said the other day that the greatest blessing to England has been the fall of the pound sterling. It has absolutely cut off the importation of goods from the United States.

I can cite a case in point, and I can give you the name of the gentleman who actually bought the goods in question. Before the war began, a member of the House of Commons, engaged in the manufacture of knitted goods, purchased a machine for knitting, to be brought into Canada from Germany, for $1,800. The price was 9,000 marks, or $2,200, laid down in Buffalo, or $1,800 in Canada. The same kind of goods are for sale in Germany to-day at the same price,

and that gentleman has bought six of those machines. What do you suppose they cost him, in Canadian money? Four hundred dollars apiece. He bould six of those machines for $2,400, laid down in Buffalo—$400 apiece.

Hon. Mr. McSWEENEY: That is trading with Germany, is it not?

Hon. Mr. LYNCH-STAUNTON: That is trading with Germany. That gentleman could not be prevented under this Bill from doing that. But what I want to say is this. Any man that says Germany will not get an enormous trade, so long as the mark is worth only two cents, is talking nonsense. She will have an enormous trade and will build herself up as well as ever. I am sure we cannot keep German goods out of this country. I am sure that as long as they can be bought at low prices they will enter in large quantities.

Hon. Mr. DOMVILLE: Why not make the surtax higher?

Hon. Mr. LYNCH-STAUNTON: But I think that those who have suffered in this war are entitled to ask that German goods shall not be palmed off on them as English goods, or French goods, or Belgian goods, as an honourable gentleman showed a few minutes ago. We are entitled to some protection in this respect and not to have our request cast aside with the remark: "Oh, that is balderdash."

Then, to say that this legislation is unexampled is another insincere argument. We know that Canada placed upon German goods a supertax.

Hon. Mr. POIRIER: In retaliation.

Hon. Mr. LYNCH-STAUNTON: We know that the British Government required German goods to be marked, "Made in Germany." We know that these things have been done in retaliation, when there was no question of sentiment at all. We know that the United States put an embargo on pulp. We know that we put on an export duty to prevent the export of lumber to the United States. The history of legislation in the British Empire and in all other countries is full of that kind of legislation. And honourable gentlemen stand up here and say that this Bill is unexampled in this history of the Empire. As I asked one honourable gentleman the other day, what in principle is the difference between this measure and a law requiring German goods to be marked, "Made in Germany?". If you prohibit persons from selling goods made in Germany unless they are marked "Made in Germany," why are you doing that? You are doing it to discourage the purchase of German goods. The British Parliament, which is constantly cited, has done that. I tell you anything can be passed easily when it is not going to cost anything, or when it will make money for somebody; but when one appeals to men's better feelings, when one asks that sentiment be respected, then they say: "Let us look over the ledger first and see whether or not it will cost anybody anything."

We have lived for five years without dealing with Germany, and nobody has complained. But now gentlemen say the war is over and they are willing to take German goods made with the bloody hand —the blood perhaps of their own children on that hand; they are willing to do that rather than violate some economic principle.

After this Bill has received the stamp of unanimous approval in this House, after it has passed the second reading without a vote and has been allowed to pass through the committee, it is in my opinion most unfair, most improper, to treat it with the contempt with which it has been treated here. Let the Bill go to the House of Commons, the popular assembly, and let them say whether or not this is proper and right legislation.

Hon. Mr. TAYLOR: I understand that Mr. Speaker has not ruled that the honourable gentleman who has just spoken was closing the debate.

The Hon. the SPEAKER: The honourable gentleman from Hamilton has closed the debate.

Hon. Mr. CROSBY: He has no right to close the debate.

Hon. Mr. LYNCH-STAUNTON: I asked the honourable the Speaker to allow me to speak. I did not want to speak until everybody else was through, and Mr. Speaker had risen to his feet when I rose.

The Hon. the Speaker: We have to dispose first of the motion of the honourable member from Fredericton (Hon. Mr. Thompson), and then anybody can oppose the third reading, or make a motion in amendment, if he so desires.

The motion of Hon. Mr. Thompson, that the Bill be not now read the third time, but be read the third time this day six months, was agreed to on the following division:

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Honourable Messieurs.

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Blondin,	Poirier,
Bostock,	Power,
Cloran,	Prince,
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Dennis,	Robertson,
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Domville,	Smith,
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DIVORCE BILLS.

SECOND READINGS.

Bill N2, an Act for the relief of Charles Elias Vardon.—Hon. Mr. Gordon.

Bill O2, an Act for the relief of John Hamilton Harvey.—Hon. Mr. Ratz.

Bill P2, an Act for the relief of James Goddard.—Hon. Mr. Bradbury.

Bill Q2, an Act for the relief of Frederick Stephen Hartmann.—Hon. Mr. Bradbury.

Bill R2, an Act for the relief of William George McBride.—Hon. Mr. Bennett.

Bill S2, an Act for the relief of George Stinson.—Hon. Mr. Bennett.,

Bill T2, an Act for the relief of John James Davis.—Hon. Mr. Bennett.

PRIVATE BILL.

SECOND READING.

Bill U2, an Act respecting The Army and Navy Veterans in Canada.—Hon. Mr. Sharpe.

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

THE SENATE.

Friday, April 29, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill D3, an Act for the relief of Jessie Elizabeth Hudgin.—Hon. Mr. Proudfoot.

Bill C 3, an Act for the relief of William Edward Vinall.—Hon. Mr. Bradbury.

Bill D 3, an Act for the relief of Caroline Ewing Gudewill.—Hon. Mr. Bennett.

THIRD READINGS.

Bill N 2, an Act for the relief of Charles Elias Vardon.—Hon. Mr. Gordon.

Bill O 2, an Act for the relief of John Hamilton Harvey.—Hon. Mr. Ratz.

Bill P 2, an Act for the relief of James Goddard.—Hon. Mr. Bradbury.

Bill Q 2, an Act for the relief of Frederick Stephen Hartmann.—Hon. Mr. Bradbury.

Bill R 2, an Act for the relief of William George McBride.—Hon. Mr. Bennett.

Bill S 2, an Act for the relief of George Stinson.—Hon. Mr. Bennett.

Bill T 2, an Act or the relief of John James Davis.—Hon. Mr. Bennett.

SECOND READINGS.

Bill V 2, an Act for the relief of Arthur Jones.—Hon. Mr. McMeans.

Bill W 2, an Act for the relief of Eva Mary Moss.—Hon. Mr. Blain.

EMPLOYMENT OFFICES CO-ORDINATION BILL.

SECOND READING.

Hon. G. D. ROBERTSON moved the second reading of Bill Y2, an Act to amend the Employment Offices Co-ordination Act.

He said: Honourable gentlemen, the purpose of this Bill is to amend the Employment Offices Co-ordination Act of 1919 in such a way as to enable municipalities, in provinces where the Provincial Governments have not taken advantage of the opportunities offered under the Act, to exercise that privilege and to do as the provinces elsewhere have done. Briefly to demonstrate the necessity for this amendment, I would point out that in 1919, when the Employment Offices Co-ordination Act went into force, Quebec and all the provinces west took advantage of the Act, and employment offices

were established in those provinces under the terms of the Act. In the three Maritime Provinces, however, the Provincial Governments felt that from their standpoint it was not desirable to take advantage of the provisions of the Act; and therefore, during the reconstruction period immediately following the war, for the purpose of helping to place returned soldiers and civilians in employment, the Federal Government operated nine employment offices under an arrangement which ceases to exist at the end of April, 1920. Therefore we find ourselves in the position that in the largest cities, such as Halifax, St. John, and Moncton, which have signified a desire that this work should be continued, it cannot be carried on. There is provision that it may be done through co-operation between the Provincial Governments and the Federal Government. The municipalities, however, desiring that they should have an opportunity to carry on the work in co-operation with the Federal Government on the same basis, it is proposed to extend the Act so that in such cases that may be done. It will mean no added expense, no appropriation of money outside of that already provided for by statute.

Hon. Mr. BOSTOCK: Honourable gentlemen, in looking at this Bill and the report laid on the table of the House by the honourable gentleman at the beginning of this session, it seems to me that he has rather exceeded his authority under the original Act. As I read the original Act, and as I think the minister stated a minute or two ago, he was empowered to do this work in co-operation with the provinces. He apparently found that he could not get the desired co-operation in the three eastern provinces, but he went ahead and did the work and incurred expense. I cannot see that he had any authority under the original Act to proceed in that way. Of course, I understand that this Bill will give him power in future to deal not only with the Provincial Governments, but with municipalities or other organizations.

Hon. Mr. ROBERTSON: The observation of my honourable friend is quite correct so far as the existing Act is concerned. The work carried on by the Federal Department of Labour in the Maritime Provinces during the period of necessity was authorized, although not by statute, because it was necessary work. It was carried on to meet the emergency existing, but it cannot be carried on any further because the authority expires at the end of this month. Therefore it is proposed to amend the Act so that in the municipalities desiring that employment offices should continue to exist the work can be carried on along the same lines as it would be carried on had the Provincial Government adopted the privileges extended to it under the Act.

Hon. Mr. BELCOURT: There is nothing compulsory in any of these provisions?

Hon. Mr. ROBERTSON: No.

Hon. Mr. BELCOURT: It is left entirely at the discretion of the municipalities?

Hon. Mr. ROBERTSON: I might say to my honourable friend that a number of municipalities have urged that the service should not be discontinued, and that when it was explained to them that we could not continue because our authority had expired, they urged that some arrangement should be made whereby they could bear the share of the expense that would otherwise fall on the province. It is by reason of these requests that the amendment is proposed to the Act.

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

PRIVATE BILLS.

SECOND READING.

Bill 6, an Act respecting the Canadian Mining Institute, and to change its name to "The Canadian Institute of Mining and Metallurgy."—Hon. Mr. Gordon.

FOOD AND DRUGS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 27, an Act respecting Food and Drugs.

He said: Honourable gentlemen, this Bill proposes to repeal what is known as the Adulteration Act, and makes provision for the inspection of foods, so far as they relate to human beings, and drugs, so far as they relate to both man and beast. It likewise deals with the question of standardization so far as the subject has not come under the control of some of the other departments in the administration of other Acts. It is not intended to deal, for instance, with the Acts administered by the Agricultural Department as to the canning of foods, except to take for the department that will administer this Act power to examine into the purity of foods in the hands of the retailer. The same would apply to fish. For instance, fish is packed under the super-

vision, as I understand, of the Department of Marine and Fisheries. This would permit of examination for the purpose of discovering if the fish is fit for food when in the hands of the retailer. It is intended to apply to food that may be in transit, in the matter of interprovincial trade, or in the matter of export. The Bill covers so many subjects and is invested with so many details that until we go into committee it is difficult to discuss it intelligently enough to give honourable gentlemen an idea as to the full scope of its application. When we go into committee I shall be very glad to have here the experts of the department, who will furnish us with information as to every particular of the Bill.

Hon. Mr. MURPHY: I would like to ask the honourable leader of the House if the retailer who has the goods on his shelves will be penalized under this Bill, or will it be the manufacturer who puts up the goods?

Hon. Sir JAMES LOUGHEED: It will be the retailer.

Hon. Mr. MURPHY: That would be a manifest injustice to the retailer. How is the retailer going to analyse the goods or drugs on his shelves, in order to tell whether they are pure or impure? It is impossible for him to do so. These goods come from the manufacturers. They pass through the hands of the jobber and the wholesale grocer before reaching the retailer. It would be an injustice to take those goods off the shelves of the retail grocer, for instance, and if they were found impure in any respect under the provisions of this Bill, to penalize him when the manufacturer, who was the real culprit, would get off scot-free.

Hon. Sir JAMES LOUGHEED: There are many considerations entering into the subject, and if my honourable friend will wait until we get into committee, we shall be able to advance reasons why this should be done. There are other Acts affecting the very question which my honourable friend raises. There is another Bill, which will reach the Senate in the course of a few days, dealing with drugs and opium.

Hon. Mr. BELCOURT: May I ask the honourable leader of the House if this is a consolidation of previous Acts?

Hon. Sir JAMES LOUGHEED: Yes; it is a repeal of the Adulteration Act and a revision and consolidation of all the Acts relating to those particular subjects.

Hon. Mr. BELCOURT: I want to congratulate the Government and my honourable friend on bringing down a measure of this sort. It is a very necessary one. It was necessary many years ago, and should have been enacted then. I am afraid that in the past we have paid far more attention to protecting the horse, the cow, and the hog than we have to protecting man, in the matter of food. We have been very remiss in that respect. I am impelled to rise and say the few words I am going to say, because of a statement that was made to me only last evening by a gentleman from Montreal, whose father, an engineer in that city, is an old personal friend of mine. This gentleman told me that his father was very ill with eczema, and he said: "You would be astounded to know the number of cases of eczema that exist today in the city of Montreal." The doctors have attributed it entirely to the use of bad meat, which is taken out of warehouses and is being sold in the city of Montreal. When a statement of that kind is made by thoroughly responsible members of the community, men of high repute, one is doubly impressed with the necessity of legislation of this sort, and again I congratulate the Government on having brought down this measure. I am sure the Bill will receive all the attention which it deserves.

Hon. Mr. BOSTOCK: Honourable gentlemen, my honourable friend (Hon. Sir James Lougheed) has suggested that we can deal with this Bill very much better in committee than on the second reading. It is not at all against the principle of the Bill that I wish to make a few remarks, but I think that we must look into the Bill very carefully when we go into committee in order to see if some of its clauses have not a wider scope than we think. It seems to me that some of this legislation is rather on the drastic side, and the terms of the Bill may be much more far-reaching than on the surface would appear to be the case. I find in one clause that the informant is to receive half of the penalty. I think that policy is not a good one; it is very liable to lead to abuses.

The question raised by the honourable gentleman from Prince Edward Island (Hon. Mr. Murphy) as to making the retail merchant liable for the goods on his shelves, is also one that I think we ought

to consider very carefully, because, although the Bill provides that if the retailer brings in the wholesaler or the man from whom he obtains the goods, he himself is to a certain extent exonerated, still the penalty placed on the retailer is heavier than he ought to be asked to assume. However, as I have already said, these questions can be discussed much better in committee, and I will not detain the House any longer.

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

BRITISH COLUMBIA INDIAN LAND SETTLEMENT BILL.

MOTION FOR SECOND READING POSTPONED.

On the Order:

Second reading Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said province.—Hon. Sir James Lougheed.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I desire to couple this Bill with another which will shortly reach the Senate from the Commons—Bill 14. They have been largely discussed together in the House of Commons, and it will probably save time and enable us to have a more intelligent view of the subject to place them on the Order Paper together. I would therefore move the discharge of this Order.

The Hon. the SPEAKER: Until when?

Hon. Sir JAMES LOUGHEED: Say, until Tuesday next.

Hon. Mr. BOSTOCK: Has my honourable friend any idea as to when Bill 14 is likely to reach the Senate?

Hon. Sir JAMES LOUGHEED: I thought it would have been down to-day.

Hon. Mr. BOSTOCK: I understand it has not yet been reported out of committee of the House of Commons.

Hon. Sir JAMES LOUGHEED: Has it not? My idea is that this Bill should stand until the other reaches us. So we will put it on the Order Paper for Tuesday next.

The Order was discharged, and placed on the Order Paper for Tuesday next.

GRAND TRUNK AGREEMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 54, an Act to confirm the agreement dated the eighth day of March, 1920, between His Majesty the King and the Grand Trunk Railway Company of Canada for the acquisition by His Majesty of the capital stock of the said Grand Trunk Railway Company, except the four per cent guaranteed stock.

He said: Honourable gentlemen, it will be recalled that at last session of Parliament we passed the Grand Trunk Railway Acquisition Act, 1919. It was said by some of our critics that sufficient time had not been given for a proper consideration of that Bill. Whether that statement be true or not, it has been found that there were two small omissions in the agreement, which was to be ratified by the shareholders, and which has been ratified. It seems that a short line known as the Vermont and Province Line railroad, owned by the Grand Trunk, was omitted from the agreement. It is necessary, therefore, to amend the agreement by including this road with the others with which the agreement deals. There was also an error in regard to the Pembroke Southern railway which in the agreement appears as a railway under lease, whereas it is controlled by a majority stock in the hands of the Grand Trunk Railway Company. Hence it is necessary to amend the agreement so that the Pembroke Southern railway, instead of being described as under lease, shall appear as being controlled by the majority stock of the company.

There was another omission—I might call it an omission—it is not of a serious character—in regard to the notices which were sent out regarding the confirmation of the agreement. The shareholders naturally had to be notified. It seems that there was a small group of shareholders in Canada, numbering, I think, ten or twelve. There was an irregularity in the notice in regard to two of those shareholders. While the others in Canada may not have received notices, yet on their own authority the notice was properly served upon those who were authorized to appear for them at the head office of the company in England. The two shareholders in Canada not regularly notified represent only about $1,500 worth of stock, or thereabouts. So honourable gentlemen will appreciate the fact that the matter is not a very material one. Yet it is very desirable that regularity should be observed in regard to the notices sent to the various shareholders, and that, in order to cover any omissions of the kind which I have mentioned, Parliament should confirm the agreement with the

Grand Trunk Railway Company regarding which the notices were sent out. This is the purpose of the Bill.

Hon. HEWITT BOSTOCK: Honourable gentlemen, my honourable friend has not laid before us the correspondence which was brought down in the other House in regard to this matter. I do not say that I complain about that. I understand that it took three hours for the minister in the other House to read all that correspondence, and I think the honourable leader of the Government in this House has probably given us the pith of the correspondence in the few remarks he has made in moving the second reading of this Bill.

This measure, as my honourable friend has presented it to the House, appears innocent and simple. Its purpose, according to what he tells us, is simply to correct errors or omissions that have occurred in the drawing up of the agreement, one railway having been wrongly described, and another having been omitted, in the original agreement. These are small matters, regarding which we would make no objection. But this Bill, as I see it, brings before us the whole agreement with the Grand Trunk Railway Company respecting the purchase of the railway. We asked last year that this agreement be submitted to Parliament; but the Government at that time did not feel disposed to allow Parliament to examine the agreement before they passed upon it. The agreement now placed before us has already been sanctioned, although not altogether in due form, by the shareholders of the company, and we are practically committed to it by the legislation of last session. Therefore, I do not know that there is much to be gained by discussing its terms again.

We had a fairly full discussion of the whole matter at last session. But I would point out to the Government that the action taken by honourable gentlemen in this House last session in moving "that Bill 33 be not now read a second time, but that further consideration thereof be deferred until the next session of Parliament." was a wise one, and one to which the Government ought to have given their consent. Then we should not have been placed in the position in which we find ourselves today, of having to deal with this matter a second time in order to correct errors which would then not have been made or would probably have been discovered. This is, I think, a strong argument against legislation being brought down in a hurry, as was the Bill of last session. Honourable gentlemen will remember that it was introduced in the House in the very last days of the session, when we thought prorogation was about to take place. We were kept here for a considerable time longer, in order to put through this particular piece of legislation. Had the Government taken the necessary time to deal with it in the way in which honourable members of this House asked that it be dealt with, we should not now be called upon to deal with the question again.

Another point. We might also have taken a different view of the legislation had we had before us the information that has now been given to the country by the Minister of Railways, as to the country's position with regard to the roads now being operated by the Government. The other day the Minister of Railways told the country that it would be necessary to provide the sum of $47,000,000 for the purpose of making good the deficit on operations and to pay the fixed charges on the roads for the operation of which the country is now responsible. In giving those figures the Minister of Railways mentioned that the loss on the Grand Trunk Pacific would amount to $5,000,000 and the amount to be paid out on fixed charges would be $8,800,000. Those figures, as I understand, referred to the railway year ending the 31st of December, 1919. Let us consider the amount of money that has been put into these railways, and the amount of money that has been spent by the country on them. We find, on page 2 of the Public Accounts report, the following items put down as investments and assets of the country:

G.T.P. railway, prairie section loan account, chapter 19 of the Act of 1909	$10,000,000
G.T.P. railway, loan account, 1913	15,000,000
G.T.P. railway, loan account, 1914	6,000,000
G.T.P. railway, loan account of 1917	5,038,053
G.T.P. railway, Appropriation Act of 1918	7,471,399

These items make a total of $43,509,453 that we have advanced at various times in connection with the Grand Trunk Pacific, and that are now entered as investments of Canada in that railway. But in the Appropriation Act of 1918, and in the Appropriation Act of 1917, both these amounts were put down as loans to the railway company; but, as far as I can understand, the Minister of Railways the other day, when mentioning these amounts of fixed charges that the railways had to pay, was not taking into consideration any interest payment that the railway company would make on those loans which, accord-

ing to the Public Accounts, have been advanced to the company by way of loan and not as out-and-out payments. I think we ought to have further information about such a matter in order to realize what amount of money we are paying out in connection with these railways; because, if we are advancing this money by way of loan, the amounts ought not to be put in the Estimates every year but provided for by a separate Act; and surely the railway company, if they receive these moneys in the way of loans, ought to pay interest on them. If it is necessary for the Government to borrow money from other sources, it must pay interest on what it borrows, and if those sums are entered in the Public Accounts as investments, the country is certainly entitled to get interest from the railway for the amounts so advanced. I bring up this matter in order that honourable gentlemen may realize what the position is with regard to this particular railway question. If we were going into the general railway policy of the country many other questions would be raised which would add very greatly to the figures given by the Minister of Railways as to the actual cost of these railways to the country; and I think we should carefully consider the position into which we are driven and the enormous sums we are paying for the luxury of operating these railways.

Hon. G. G. FOSTER: I understand that the Bill before us has been fairly explained to the House by the honourable leader of the Government, and there is nothing in it which in any way adds to the financial obligations of Canada other than what was incurred by what is known as the Grand Trunk legislation of last session. When I saw in the press the announcement that the Government proposed to legislate with regard to the rights of minority shareholders in England or Canada, I confess that at first I thought that any such legislation must be improper and unfair to those stockholders; but, as I have read this Bill and heard the explanations given here and elsewhere, I have come to the conclusion that no wrong is done to any one, and that I have no legitimate cause of complaint against this Bill. I was opposed to the purchase by the Government of the Grand Trunk system, because I did not then and I do not now believe in government ownership or government management of railways; but I do not see that it is my duty to oppose a Bill which does not in any way commit me to a principle in which I do not believe, but which is necessary to complete legislation heretofore passed by a large majority of the members of the Lower House and a majority of this House. I understand that this Bill deals only with the Vermont and Province Line railroad, all of the stock of which is owned by the Grand Trunk railway, and the Pembroke Southern railway, the majority of the stock of which is owned by the Grand Trunk railway, and that they are the only two corporations in which any question arises under this legislation. Supposing for a moment that we were to throw out this Bill, or to delay the carrying out of this transaction by sending it back, it would mean that the Grand Trunk railway would issue new notices to all the shareholders of those two corporations that a meeting of the shareholders would be held, the Grand Trunk would control every share of one company and a majority of the stock of the other one, and we would have to ratify, after two or three months' delay, the Bill which we are given the opportunity of ratifying today. I cannot see that any one suffers, or that any wrong is done to any one by this Bill, and therefore I cannot see it to be my duty to vote against it. At the same time, in justice to myself and those of my friends who did not vote for the legislation before, I want to say that I do not recede one inch from the position I took at the last session. I did not believe in the purchase then; I do not believe in the purchase now. I did not believe then in government ownership; I do not believe in it now. But because of that opinion, which is a minority opinion, and not that of the majority of the members of the House of Commons and of this House, I do not see that it is my duty to offer useless opposition to this legislation, and therefore I shall not vote against it.

Hon. N. A. BELCOURT: This is the third act in the financial tragedy which, in the opinion of not a few Canadians, is bound to terminate in the financial ruin of this country. For my part, I am not prepared at this stage or at any stage to give any sort of acquiescence, by my silence, in the legislation which was passed by this House when we acquired the Canadian Northern, and later on when we acquired the Grand Trunk railroad. The original drama was schemed with only two acts: the acquisition of the Canadian Northern and the acquisition of the Grand Trunk. This third performance was wholly unexpected and

wholly unprovided for. When we did acquire the Canadian Northern it was contemplated and intended by the Government that the Grand Trunk would also be acquired later on; but it was deemed not easy to have the Canadian people swallow both pills at the one time. It seemed better to go ahead with the Canadian Northern, which was perhaps the worse of the two pills, and have that one well down before any attempt was made with the other.

The time for the play was well chosen. The excitement caused by the war, the fact that everybody's mind was centred on the one object, the one purpose, of bringing the war to a satisfactory conclusion, was chosen as the best time possible to pass this legislation, which would not have been passed, in my opinion, had it not been for the circumstances which I have indicated. It was thought—and I have no doubt the argument had a very strong influence in determining those who are responsible for the legislation—that when once the Canadian Northern had been acquired it would be an easy matter to convince the Canadian people of the absolute necessity of acquiring also the Grand Trunk in order to carry out the scheme of public operation of railways. Therefore, when the Canadian Northern deal was passed, the Grand Trunk deal was trotted out. All of us know how well the scheme was managed. It was only through the desperate appeal of the Prime Minister of the day to gentlemen of this House who owed their seats to his benevolence that the legislation was passed in the Senate. There were gentlemen in this House who were going through the lobbies decrying the deal in lurid language, and expressing their determination to vote against it, and yet who came to the House and voted for it. I am not going to inquire into their motives; I only state the fact. If the matter remained with me I would not do what my honourable friend (Hon. Mr. Foster) just now stated he would not do. I would kick the Bill out. I would try to save the country from the enormous financial burden which has been imposed on it by the taking over of those two railways and endeavouring to operate them as government properties.

We have been told that the obligations of those two systems would be six or seven hundred millions in one case, and I am not sure that we have been told what the obligations of the Grand Trunk are or might be. From all the information I have been able to gather I take it that the debts and obligations of those two systems are not very far from a billion and a half. When we are told that the debt of Canada to-day is two billions, I say we are misleading ourselves and the public; for the debt of Canada to-day, by reason of these obligations, is far nearer four billions than two billions of dollars. How are we going to pay this billion and a half in addition to the two billion of debt that we admit we have to pay? Is it by the operation of the railways? Those who took the trouble to go into this matter and think it out realized from the very first that there would annually and every year be a huge deficit in the operation of the railways. It was estimated as sixty millions in the first year, but it will be found that it is between sixty and seventy-five millions from the first year's operation. What are we going to do? How are we going to pay this billion and a half? We are told that this huge sum is represented by assets; that we own the property of these two systems. Well, I ask any business man, what is the good of an asset—the operation of which results in an annual deficit? Is that not the kind of asset that you would want to get rid of? Is that not the kind of an asset that is absolutely worthless? But that is our position to-day, and I am very much afraid that the people of Canada have a very poor conception of what is meant by the bargain which we have made with those two companies, and have not the faintest idea as to where they are being led by the Parliament of Canada in this legislation. The only reason worth mentioning why these railways should be taken over was that if we allowed them to go into the hands of a receiver Canada's credit would be very seriously affected.

Hon. Mr. BENNETT: Even had the railways gone into liquidation, how would the Dominion have escaped payment of the guarantees given on the bonds?

Hon. Mr. BELCOURT: Assuming that the Government would ultimately have had to pay these guarantees, I do not think those obligations were nearly half what the debts of the companies were; and if we were going to choose between escaping one debt and the other, we would be choosing the smaller debt and escaping the larger one; for if those companies had been disposed of they would have realized probably enough to indemnify the Dominion and Provincial Governments which have given the guarantees, and whatever was

realized would have gone to help to pay the obligation for which Canada was guarantor. I do not think it would have cost Canada very much if those railways had been allowed to be dealt with in the same way as any other bankrupt concern in Canada or any other country. The people of this Parliament had no right to saddle the country with the huge debt and the huge obligations of those two railway systems, especially when it must have been clear to anyone that we could not possibly operate them with success.

Now, what does Government operation mean in this country? Let us look for a moment at what it has done for other countries. There is no country on the face of the earth where government operation of railways has been successful.

An Hon. SENATOR: Germany?

Hon. Mr. BELCOURT: Not Germany. Prussia was the only part of the world in which it was reasonably successful; but the surplus declared there on two or three occasions was made, as it is generally made in cases of that sort, by cooking the acounts. I assert that there is not one country in the world where the government operation of railways has been successful, or rather, where it has not turned into a huge deficit. If you cannot make the operation of railways successful in countries such as France, Great Britain, Belgium, and Germany, how can you hope ever to make it a success in Canada? Belgium, for instance, has over 500 people to the square mile, whereas in Canada we have less than 2. The proportion is perhaps a little less in England, and a little less in France, but there you have a density of population at least two or three hundred times greater than it is in Canada. But that is not the whole story. In Great Britain, France, Belgium, and Germany the railways are principally occupied in carrying manufactured articles, and they have very short distances to go, whereas in Canada our railways are engaged mostly in carrying raw materials—ore, grain, iron, and so on. And look at the tremendous distances we have to carry goods across this country. I say it was utter madness for Canada to go into the undertaking of attempting to operate those railways; but the dictionary affords me no adequate words to describe our conduct in taking over those bankrupt systems.

I said this is the third act of the tragedy. I do not know how many more there will be, and I cannot see just what the fourth act will be; nobody can. I can only hope that the fourth act will come when the people realize the full significance of this matter, the extent of the enormous obligations that we have assumed, the greatness of the danger which Canada financially is going to run because of these undertakings. The people will then realize that the time will have come when they must hand the system over to somebody who will be able to make something out of it. So far as Canada is concerned, I have no hesitation in prophesying that at no time will Canada ever be able to operate those railways with anything but a deficit; hence the sooner we get rid of the system the better. I have no doubt that the gentlemen who have handed over this white elephant to Canada will be only too glad, when the time comes, to get together and buy it at auction or in some other way, and get it at auction price. Perhaps the very gentlemen who sold it will be the ones who will come along and succeed in buying back their own property for a mere bagatelle.

I quite realize that I am wasting my breath and my time, and that what I am doing now is absolutely useless; but I want to put myself on record once more, not because I hope to convert anybody or bring light to the mind of any, but only because I want to square myself with my own conscience. I cannot and I will not sit in this House, so long as I have a seat here, and by my silence acquiesce in this frightfully calamitous undertaking which Canada has gone into. My only purpose in rising and saying what I have said is that of acquitting my conscience. My voice is a very feeble one; my protest must be a very humble one, and can have no effect whatever; but I think I owe it to myself to utter it on this occasion, and on every other occasion when this matter is put before the House. I do not care how many acts there may be in the tragedy; I do not care if this is going to be a sort of continuous performance; for my part, I am going to protest on every occasion that offers. I would not wish any one to misinterpret my remarks; I would not wish any one to think that I have no confidence in the gentlemen who are administering the system. On the contrary, I have every confidence in Mr. Hanna, and I have great confidence in the men surrounding him. I think that if Mr. Hanna is given a free hand he will do far better than any one else could hope to do with this tremendous undertaking. But no process of alchemy has yet been discovered by which iron, for instance, can be turned into gold; and in my opinion there is no way of administering this railway to the profit of

Canada. But that will not be Mr. Hanna's fault. I am sure that the deficit that we are going to have every year will not be due to any delinquency or want of ability on his part, but simply because of the utter impossibility of bleeding stone.

Again, honourable gentlemen, I beg to be excused for indulging in a speech which I know will have no effect, and which might just as well never have been made. I am conscious that my only justification for making these observations, wholly unprepared and which on the spur of the moment I am impelled to make, is because of my deep and unalterable conviction that peril to Canada because of this nefarious bargain is much graver thant most people have realized. I want to get rid of something that troubles my conscience: that troubles it so much that I could not sit here and allow the principle of this Bill to be again sanctioned without voicing my protest.

Hon. W. C. EDWARDS: Honourable gentlemen, I must not attempt to make a speech. But, like my honourable friend from Ottawa (Hon. Mr. Belcourt), I want to take this occasion again to repeat what I have more than once said in this House, and what I have said many times in various parts of Canada, perhaps not publicly, but privately. My honourable friend does not go back to the origin of the terrible disease from which Canada is suffering, and from which I am afraid she will continue to suffer so long as Canada is Canada—that is, the inordinate unnecessary building of railways in this country. This building of railways is the outgrowth of a lack of knowledge on the part of public men and Canadians generally of their country. Unfortunately for Canada, few men have studied conditions and have come to understand fully the geographical construction and the physical disadvantages under which Canada necessarily labours.

A most inordinate overestimate of Canada's possibilities and resources is the cause of the whole tragedy. I say again, as I have said many times, that is a condition which has not been studied by the public men of Canada or by Canadians generally. When Canada rouses herself to the real truth, as I am sure she will within two or three years, there is going to be a tremendous awakening.

The public men of Canada are continually talking of our numerous resources and their inexhaustibility. There is no resource that is not exhaustible; and I regret to say it, as a Canadian, that this is a country limited in variety of natural resources. I swallowed the talk of our public men for many years, and was under the impression that this counry was going to be a second United States. Some years ago, however, I began to study conditions very carefully, and I arrived at an entirely different conclusion. It may seem egotistical for me to say this, but I say that there is no Canadian who has spent as much as I have done to study Canada east of the Rocky mountains to the Atlantic. We have explored more of Canada east of the Great Lakes than perhaps all of the rest of the lumber trade. That may seem an extravagant statement to make, but it is true. If the knowledge that I have of the eastern portion of Canada had been possessed by the people generally, certain conditions which now prevail, never would have prevailed.

I do not want to belittle the country. Canada has certain possibilities, but it is not the wonderful country, rich in resources, that the Canadian people believe it to be. I invite Canadians to make a study of their country and its conditions, and to make a comparison with the other countries of the world. Canada is necessarily a dear country to live in. It is a dear country in which to produce. We can produce very few articles here in competition with other countries. We can perhaps produce pulp and cement more nearly on an equality with other countries than anything else. But, generally speaking, Canada never has been, is not to-day, and never will be, a cheap country in which to produce. The great vigour of the people, because of the northern climate in which we live, contributes to our activities and enables use to withstand disadvantageous conditions. But I say that if Canada had been understood, the mad follies that exist in the country to-day, in the shape of railway construction, never would have been undertaken. I make the statement now, as I have made it before, that the wisest thing the Canadian people can do is to make a study of their country and determine how many thousands of miles of the railroads that have been built should be scrapped and abandoned entirely. Perhaps it is a courageous statement to make, but I believe before three years pass many Canadians will believe as I do.

Hon. Mr. McMEANS: Might I ask the honourable gentleman if he supported the Grand Trunk Pacific Bill, and if he supported the building of the Transcontinental railway.

Hon. Mr. EDWARDS: My honourable friend, I am afraid, is a politician; I am not. I am the only Canadian who honestly

opposed the building of the Transcontinental railway. There was no vote on that question in the House, both sides of the House, in their folly, supporting the undertaking.

Hon. Mr. McMEANS: Do I understand my honourable friend to say that he is the only one who opposed it?

Hon. Mr. EDWARDS: I sat in this House at the time. If I had sat in the Commons, I would have openly opposed it. It is true that I did not draw the attention of the House to the fact, but I took the strongest means in my power—by means of writing letters and by conversation—to hinder that project.

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

LOAN COMPANIES' BILL.

FIRST READING.

Bill 39, an Act to amend the Loan Companies Act, 1914.—Hon. Sir James Lougheed.

STEAMBOAT INSPECTION BILL.

FIRST READING.

Bill 49, an Act to amend the Canada Shipping Act (Steamboat Inspection). —Hon. Sir James Lougheed.

TRUST COMPANIES BILL.

FIRST READING.

Bill 38, an Act to amend the Trust Companies Act, 1914.—Hon. Sir James Lougheed.

CIVIL SERVICE INSURANCE BILL.

FIRST READING.

Bill 58, an Act to amend the Civil Service Insurance Act.—Hon. Sir James Lougheed.

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

THE SENATE.

Friday, April 30, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill E3, an Act for the relief of Charles Lindsay Keys.—Hon. Mr. Sharpe.

Bill F3, an Act for the relief of James Lewis Price.—Hon. Mr. Bradbury.

Bill G3, an Act for the relief of Frederick Tristram Clarke.—Hon. Mr. Proudfoot.

THE HALIFAX GARRISON.

INQUIRY AND DISCUSSION.

Hon. A. B. CROSBY rose in accordance with the following notice:

That he will call the attention of the Senate to matters pertaining to the garrison at Halifax, and the agreement with the Imperial authorities, and also regarding the defence, both military and naval, and the dockyard and all agreements and understandings in that connection; and inquire whether it is the intention of the Government to restore the regiment to Halifax.

He said: Honourable gentlemen, yesterday I was going to say a word or two with regard to the garrison of the city of Halifax, but the honourable leader of the Government asked me if I would wait until to-day, when he might be able to give me the information that I desired. I understand now that he agrees with everything that I am going to say, although he does not yet know what it is; so I feel perfectly free to discuss this matter as best I can.

Years ago we had in Canada an Imperial garrison. That garrison was from time to time removed from one place to another, and finally it came to the city of Halifax. The Imperial authorities decided that there must be a garrison at Halifax, and for the last 25 or 30 years that garrison, consisting of from two to four regiments, has been stationed at Halifax. For the last five or six years, until the Dominion Government undertook to take over the garrison, we have had in the city of Halifax in the neighbourhood of two or three thousand men. In 1905 an agreement was entered into between the Government of Canada, represented by the Militia Council, and the Imperial Government, represented by the Secretary of State for Canada, by which the Government of the day undertook the work of looking after the garrison at Halifax and carrying on that work. The Imperial Government loaned us officers, and handed over all the properties they had in connection with the garrison. They handed over the Wellington barracks, which I think—I do not want to exaggerate—cover about half a square mile of territory. They are situated on elevated ground in an ideal position fronting on Gottingen street, where there is a very high stone wall of from two to two and a half feet thick. They also handed over the Artillery Park, and a splendid

reservation for a military cemetery, where soldiers can be buried. Then there are the fortifications, situated on both sides of the harbour. As everybody knows, without Halifax, it would have been very difficult for Canada to carry on her part in the war. In fact, it would have been almost impossible for us to have won the war.

We all have a high regard and great respect for the soldiers, and we all want to do what we can for them, particularly for the returned wounded soldiers, who require care and hospital treatment. I need not refer to the dependents of those who have not come back. Certainly we are all interested in the men who require our assistance, and I think we all agree that nothing is too good for them. In the city of Halifax, a very large hospital was being built, which according to the terms of the contract was to have been completed on the last day of November last. That hostpital is just now nearing completion. Consequently sick soldiers and men convalescing could not be put into that building and had to be put into what were known as emergency hospitals on the Common, which were constructed to accommodate returned men, but which were being used for the troops then stationed in the garrison. Somebody started an agitation, and said that the place where the garrison were living was not good enough for the soldiers, and that they should be put into the Camp Hill hospital, so called, forgetting that the new hospital had not been completed and that the Camp Hill hospital was being used. Such an agitation was raised that it became evident that unless the men could get into the hospital on Camp Hill they would have to go somewhere else. Somebody was sent down from Ottawa to inspect the place, and as a result the garrison was removed to Montreal.

I am informed on creditable authority that the quarters in Halifax are just as good as those in Montreal. I am not saying that the quarters in Montreal are not good enough; but simply that they are no better than those in Halifax.

It is not my desire to interfere in any way with Montreal. Under the legislation which we passed two years ago we established an army of 10,000 men. Consequently Montreal can have a garrison of one regiment, or two or three regiments, if they so desire. But what I desire to impress upon the House is this. While garrisons were being taken away from other cities in Canada, it was considered expedient and necessary to have the garrison at Halifax, and the Government of the day entered into an agreement with the Imperial authorities undertaking to continue that garrison. It has been maintained there since, and I do not believe the Imperial Government would agree to its being removed from Halifax and placed anywhere else.

Hon. Mr. DOMVILLE: It ought to be put in St. John, N.B.

Hon. Mr. CROSBY: I do not know whether there should be a garrison there or not, but if it were decided to put one at St. John, N.B., I am quite sure the Imperial authorities would feel there should be another garrison established. We want the garrison at Halifax. My honourable friend, who is a military man, knows very well that if there is to be only one garrison in all the Dominion of Canada, that garrison should be at Halifax.

Hon. Mr. DOMVILLE: They spend money to keep Halifax up.

Hon. Mr. CROSBY: Well, that would be no disadvantage at St. John. Still, I am pleading that the garrison be left at Halifax, not at all because they would spend money in that city, but because I believe, as I said before, that the Imperial authorities would want the garrison continued there.

The Dominion Government came to the conclusion that it was not fair to expect the people of the United Kingdom to pay taxes for the maintenance of a regiment in the city of Halifax, or for a dock-yard in that city, and that the time had arrived when the Imperial authorities should be relieved of that expense. They were, accordingly, relieved of it. Now, I contend that we are not fulfilling our part of the contract. I have in my hand the agreement which was entered into, but I do not wish to take up the time of the House in reading it. Under the agreement, I believe, we had no right to withdraw the garrison from Halifax without the consent of the Imperial authorities, but the excuse was made that the garrison was being withdrawn for only a few months and would be returned. The article appearing in the newspaper indicates, however, that the garrison will not be sent back, and that is the reason why I bring this matter to the attention of the Government and ask that we perform our part, as we agreed to do.

The article to which I referred was published in the Morning Chronicle of Saturday last. It says:

It is believed in local military circles that the removal of the Royal Canadian Regiment,

from Halifax to Montreal, will be permanent. This is based on a despatch from Montreal to the effect that three million dollars will be expended for the erection of barracks to house 1,200 men. General Armstrong, officer commanding the Montreal district, has asked that city to give a 40-year lease on a piece of property in the East End, and it is believed that the barracks will be erected there.

On the arrival of the Royal Canadians at Montreal, from Halifax, many prominent business men of the Quebec city became interested in the idea of having them permanently located there. This has resulted in the proposal that barracks be erected for their accommodation. They are at present quartered in the Peel street barracks.

As I said before, there can be no objection to the establishment of a garrison of two or three regiments at Montreal, but what I desire to impress upon the House is the fact that there are in Halifax all the property and facilities necessary. There is no need to spend a dollar to obtain a lease of any property there. We have in Halifax sufficient property to accommodate 5,000 or 6,000 men, if necessary. The Wellington barracks were somewhat damaged in the explosion that occurred in December, 1917, as they had not been thoroughly repaired or reconstructed, they were not proper quarters for the men to enter last year; but the Wellington barracks are now, I understand, in good condition.

With regard to the navy, the most advantageous location for a dockyard is Halifax, and a dockyard was established there by the Imperial authorities. In fact, the gentleman who transferred the property to the Imperial authorities, did so without charging a single dollar, but on the condition that it must never be used for any other purposes than those of a dockyard. This Government has taken over the property on the same condition. There has been some talk of the navy going out of existence, or reverting to the pre-war status; but the agr ement between the Government of Canada and the Imperial authorities regarding the dockyard was similar to that with the military authorities with respect to the garrison. If we make up our minds that we can no longer continue the dockyard at Halifax and carry on the navy, as we undertook to do when we took over the property from the Imperial authorities, then it is our duty so to inform the Imperial authorities and let them decide whether to continue it or not. We must hand back to the Imperial Government all the property and material and tools that were turned over to us amounting in value to millions of dollars. There is in the War Department a schedule of all those goods and their values and the goods should be returned to the Imperial Government the very moment we decide not to carry on. I claim that this Government cannot properly break the agreement with the Imperial authorities without giving them proper notice and affording them an opportunity to re-establish in Halifax what they had there before. The naval base of what was called the North Atlantic squadron used to be Halifax harbour during the summer months and they went to Barbadoes in the winter. After the Canadian Government took over the garrison it was decided that the North Atlantic squadron should go to Bermuda, in place of Halifax. Are we going to say now that we do not want the Halifax dockyard any longer—that we are giving up our interest in the navy and naval matters, and our interest in the defence of Halifax, and the defence of Canada through Halifax? If we do that, we must give the Imperial authorities proper notice, so that they may decide whether they themselves shall carry on or not?

The Royal Canadian Regiment is looked upon as being practically a Halifax regiment, because a great many of the men enlisted there, although there are also, I understand, quite a number of men from the province of Quebec. I claim that the Royal Canadian Regiment, which held the garrison at Halifax and was transferred temporarily to Montreal, should be returned to Halifax, if we do not wish to break faith with the Imperial authorities.

Hon. Mr. POWER: Before the honourable gentleman ceases, I should be thankful to him if he would communicate to the House this agreement which he said was made at the time that the Imperial garrison was withdrawn. We do not know just where we are at without that.

Hon. Mr. CROSBY: I shall be very glad to read it. I never like reading documents, because, to tell the truth, I never like to listen to documents being read, and so many honourable gentlemen read so much of this kind of thing.

Hon. Sir JAMES LOUGHEED: Without knowing what is in them.

Hon. Mr. POWER: The honourable gentleman is a good reader.

Hon. Mr. CROSBY: I assure my honourable friend that I accept that as a great compliment, coming from him, because I always thought he did not consider I was much good for anything. However, I am very thankful and I appreciate the

compliment very highly. No honourable gentleman in this House could pay me a compliment that I would appreciate more. This is the agreement:

Memorandum of Agreement between the General Officer Commanding, Canada, representing His Majesty's Secretary of State for War, and the Militia Council representing the Dominion Government of Canada.

It is agreed as follows:

1. The Militia Council take over the control of the garrison of Halifax, and assume the financial responsibility for maintaining the defences as from 1st July, 1905.

2. The War Department transfers to the Militia, free of charge, and with fixtures, all their lands, buildings, and fortifications in Nova Scotia as coloured pink on the plan and enumerated in the inventory accompanying this agreement; the boundaries of which properties are more particularly indicated in the War Department property book dated 13th April, 1895, now in charge of the Militia Council (copy at the War Office).

The transfer of the War Department properties are made on the following conditions, viz:—

(a) That they are held by the Dominion Government for so long as they are required for colonial military purposes, and that when they cease to be used for such purposes they shall revert to the War Department to be disposed of for the entire benefit of the Imperial Government.

(b) The Dominion Government are free to remove or alter buildings now existing on War Department land, on the understanding that in the event of the ground ever being handed back, the colony will either replace the buildings, or return to the War Department the value placed upon them in the accompanying inventory.

(c) Should, however, it be considered necessary for the colony to remove War Department buildings to suit colonial military requirements and not to replace them, and at the same time not to incur the possible future liability, the sanction of the Army Council must first be obtained.

(d) The Militia Council are empowered to authorize and determine lettings and encroachments. The agreements connected therewith have been handed over accordingly.

(e) The Dominion Government further agrees to take over the plot at Fort Massey coloured blue on plan, and to look after it and maintain the ground as a military cemetery.

(f) In the event of all, or any, of the property reverting to the Imperial Government the Militia Council will—at the request of the Army Council—arrange for its disposal free of all agency or other charge, and will look after and maintain the property at the expense of the Dominion Government pending its disposal.

(g) The whole of the property was formally transferred on 16th January, 1906.

B. R. WARD, Lt.-Col.,
For General Officer Commanding, Canada.
Halifax, N.S., 30/1/07.

E. FISET, Col., D.M.M. & D.
For Minister Militia and Defence.
22/2/07.

I neglected to say that, while the garrison has been in Halifax, there are many fortifications and other structures and much land all over Nova Scotia that belong to the Imperial authorities; for instance, at Camperdown and in that direction; but I did not wish to take up too much of the time of the House. My honourable friend who has asked me to read the agreement (Hon. Mr. Power) is familiar with those properties.

Accompanying the agreement is a plan of the city of Halifax and the province of Nova Scotia, and the pink colour designates the different places which are held for fortifications. I have not that plan. The War Department property book, dated April 13, 1895, which is held by the Militia Council, contains a more elaborate description of the properties. The "Army Council" referred to in paragraph b is the Imperial Council.

You will see by the agreement that the Militia Council is given the right to remove the buildings, or to alter them in any way considered necessary for the accommodation of the garrison, but it has no power or authority or right to remove the garrison.

Hon. Mr. DENNIS: Has it the right to sell any part of the land?

Hon. Mr. CROSBY: It has no right to sell any part of the land. When the Dominion Government decide that they cannot carry on any longer, they must hand back the property to the Imperial Government in the same way and in the same form as it was turned over to them, including all the material, or value therefor.

Hon. Mr. POWER: Honourable gentlemen, this is really a very important matter, and, as there is a thin House and I think there should be some further discussion, I move the adjournment of the debate.

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

ECONOMIC CONDITIONS OF THE WORLD.

DECLARATION BY THE SUPREME COUNCIL OF THE PEACE CONFERENCE.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I desire to place upon the table of the House a Declaration by the Supreme Council of the Peace Conference on the Economic Conditions of the World. The document is a comparatively short one, and it contains so much interesting information as to present conditions that I am about to ask the House to consider

it as read, so that it may appear in Hansard. It deals with the present high cost of living; it gives a general statement of the position of the world to-day in this respect, and comparative statements as to the rise and decline of prices in the Napoleonic Wars and in the American Civil War. Likewise it deals with the increase of production, the collapse of exchanges, and other subjects which are not only of interest but of vital importance, and I am sure that every honourable gentleman, when it appears in Hansard, will read it with great interest.

Hon. Mr. BELCOURT: Will my honourable friend bring down any information he has with regard to the condition of the people in the European countries, particularly Germany and France? The Government must have information of that sort, and I believe it would be of very great importance to the people of Canada to know just what are the conditions with regard, for instance, to the supply of food in the various countries of Europe, and what are the commercial and financial conditions as well.

Hon. Sir JAMES LOUGHEED: I am unaware of our having any information of an official character on that subject. The attention of the Government has been directed to the unfortunate condition of the people of Austria with reference to the scarcity of food supplies in that country, by philanthropic organizations which are endeavouring to meet that situation. As to whether we have any official review of the food situation in the countries of Central Europe I cannot at the moment say, but I shall be very glad to make inquiry.

Declaration on the Economic Conditions of the World.—(As approved by the Supreme Council on March 8, 1920.)

The Supreme Council of the Peace Conference has taken into consideration the causes which combine to produce the present high cost of living, and now thinks it desirable to publish the following declaration:

1. General Statement of the Position.—The war which the democracies of Western Europe were forced to undertake in defence of their liberties, and which they have carried to a triumphant conclusion, has necessarily entailed the disorganization of the whole economic position of Europe.

This disorganization is reflected in the rise of prices which is at present the source of universal discontent among the peoples, belligerent and neutral alike. History shows that high prices are the invariable result of war, and in comparison with most wars the present situation is far from abnormal. In the Napoleonic wars, prices in England rose 75 per cent, and took eight years to become normal again. In the American Civil War American prices rose 100 per cent and took 12 years or more to become normal. As a result of this war, the most gigantic of all in the history of the world, general wholesale prices (as distinct from the cost of living) have advanced since 1913 approximately as follows:

	Per cent.
The United States	120
Great Britain	170
France	300
Italy	300
Belgium	300

Many causes contribute to this rise in prices, but they may all be regarded as directly or indirectly the consequences of war. For nearly five years the energies of the people have been diverted from the work of production to the work of destruction; for nearly five years the creation of new resources has been stopped and the resources of past generations consumed or destroyed. To feed and equip the nations engaged in this struggle, their Governments had to mortgage the prospective wealth of their countries in the form of credits or paper money. The excessive creation of these tokens of prospective wealth, as compared with the volume of real wealth, is indicated by the rise in prices.

Nothing but the hard necessities of war could have justified or excused this procedure. Its dangers are obvious. Public appreciation of the necessity of maintaining a strict balance between normal revenue and expenditure is weakened, and the ordinary individual is misled by the illusion of prosperity to believe that there is an increase in real wealth and an abundance of available supplies, and is encouraged in habits of extravagance.

Government action may mitigate or disguise some of the effects of the rise in prices, but it cannot remove the root cause, which is the destruction of wealth. This loss of wealth is, after all but a small matter compared with the sacrifice of life which was freely given during the war to overthrow militarism and re-establish national liberty in Europe. But its effects can only be healed by the passage of time, and the people of Europe, if they wish to expedite the process, must contribute to the works of peace the same ardour and devotion as they gave to the prosecution of

the war. In the sub-joined review of the position the Conference indicates the lines on which it considers that a solution of the problem can best be found; but it is vain to expect that the result of the war can be eliminated by a stroke of the pen.

2. Peace not yet Re-established.—At present Europe is far from having returned to the conditions of complete peace. Russia is stated to have in the field armies of 1,500,000 men or more, and the disbandment of these armies is of course a primary condition of European peace. But many also of the countries which have been created or enlarged as the outcome of the war have still the appearance of armed camps; and not less than 1,000,000 men are still under arms in Poland, Roumania and the new States created out of Austria-Hungary. Moreover, although armed conflict has ceased, the mutual rivalries and antipathies which are the natural legacy of war still dominate many of the nations of Europe, and are leading to the erection of artificial economic barriers which must seriously hamper, if they do not entirely prevent, the restoration of the common prosperity.

The first step to the reconstruction of Europe is to complete the process of demobilization in all countries, to resume the full employment in peaceful pursuits of the whole of the able-bodied population and to encourage by every means the normal interchange of their products. Until peaceful conditions have thus been resumed in every branch of life, Europe, which has suffered so terribly during the past years of strife, will continue to suffer from the restlessness and lack of confidence which is the natural consequence of the upheaval through which she has passed.

3. Increase of Production.—Liberty has, indeed, been preserved to Europe, and the threat of military domination is gone. This great achievement has, however, left victors and vanquished alike impoverished and enfeebled. Death or disablement has removed from the work of production millions of men in the prime of life; and millions more have had their efficiency impaired by sufferings on the field of battle or through pestilence or privations at home. Instead of having the assistance of these sons, each country has to provide, in the most generous measure possible, for the maintenance of the maimed and for the familes of the fallen, and this must for many years to come be the first charge on the national income. Meanwhile those who remain have not yet recovered the former habit of industry, and have not yet readjusted their standard of output to compensate for the reduction of hours which public opinion in all ocuntries has demanded and is securing. At the same time, of the machinery which might have made good these deficiencies much has been destroyed, and more has been worn out, no adequate renewals being possible during the war. In particular, all means of transport have been disorganized, and the efficiency of the railway systems has been universally impaired.

To these general losses must be added the special disturbances of production in each country. For example, a large portion of the most fertile territory, more especially in France and in the north of Italy, has been devastated; while in France also industrial centres and mining areas, of vital importance to her industries, have been completely destroyed and will not be able to resume production for years to come. In Belgium, similarly, the national industries suffered greatly during the period of occupation. Germany, on the other hand, has its industrial establishments intact, but is paralysed by lack of capital and credit, and by the disorganization bred of defeat; while in the case of Austria these conditions have led to the complete breakdown of her economic life. Russia has passed through all the throes of civil strife and is still the victim of confusion and anarchy. Each country suffers from a different difficulty, but each contributes its share to the common deficit.

In agriculture, Russia, which before the war was the most important granary of Europe, and of whose products Europe is in such need, either has not been producing at all or has not been able to exchange with her neighbours such products as she has.

Roumania, which before the war exported annually over six million quarters of wheat, has altered her system of land tenure, and is now ceasing to produce more than suffices for the immediate needs of her own population; indeed, on the 1st December last, it was stated that only 530,000 hectares had been sown as compared with an annual average before the war of 1,000,000 hectares, though some improvement has since taken place. Other countries again such as France and Germany which were largely self-supporting are unable at the present moment, owing to the devastation of the land, the destruction of buildings and machinery, or the lack of capital and fertilisers, to produce more than a fraction of what is required for their own needs,

and have been increasingly driven to compete in the world market for the limited supplies now available.

Again, in regard to coal, production in every country has been decreased, the approximate figures of output in metric tons for 1913 and 1919 respectively being as follows:

	1913.	1919.
United Kingdom.. ..	292,000,000	234,000,000
France (including Lorraine)..	44,000,000	22,000,000
Germany* (excluding Saar and Lorraine).	173,000,000	109,000,000
United States of America..	517,000,000	495,000,000

Although detailed statistics are not available, such information as we have goes to show that the output of factories and manufacturing industries throughout the world is below the standard which prevailed before the war, and far below the demands now made upon them. The net result of under-ropduction arising from these various causes is an acute shortage of the essential supplies on which the economic life of Europe depends.

This situation requires to be met with the same courage as was displayed on both sides during the war. The energy which was then thrown into the production of foodstuffs must be revived and reodubled in order to restore the situation. It must be made a point of honour with the tillers of the soil in every country to show that peace can extract from nature more than war. Europe must take measures to provide herself more largely with the food she requires in order that she may resume her full activities, and much can be effected if the necessary preparations are made without delay.

In regard to industry generally, each Government must take steps to impress on its people that the limitation of production directly assists the upward movement of prices, and that it is by increasing production that they can best help to solve the problem. Every proposal which may assist in this direction deserves the closest attention.

Governments must co-operate in the reconstruction of the common economic life of Europe, which is vitally interrelated, by facilitating the regular interchange of their products and by avoiding arbitrary obstruction of the natural flow of European trade.

The Powers represented at the Conference re-affirm their determination to collaborate with a view to the execution of these aims.

4. Increase of Consumption.—Meanwhile, instead of restricting the standard of consumption in view of this shortage of supplies, there is a general tendency to make heavier and heavier demands for the limited quantities of goods that are available. The increase of consumption takes the form of an intensified demand for commodities of every description. The demand not only for foodstuffs, but for clothing, boots and other manufactured articles, is in most countries far in excess of the supply, while luxuries of every kind command a readier sale than at almost any previous period.

The general extravagance now observable throughout the world is a phenomenon which as almost invariably followed in the footsteps of every great human catastrophe. It is well known to those who have lived in a district which has suffered from earthquake, and the history of the great plagues of Europe amply illustrates it; and the results have always been economically disastrous for the populations affected. It must be one of the first aims of each Government to take such measures as appear appropriate to the circumstances of its own people to bring home to every citizen the fact that for the time being, until supplies are increased, it is by diminished consumption and unselfish denial that they are best able to help themselves and the world and that extravagance increases the national difficulties and perils.

5. Credit and Currency Inflation.—The immense increase in the spending power of Europe which is reflected in this extravagance has been brought about by credit and currency inflation during the war. Broadly speaking, the general level of prices may be said to be the expression of the ratio between spending power on the one hand and the volume of purchaseable goods and services on the other. In order to prosecute the war, particularly in European countries, every Government found it necessary to increase the amount of currency in circulation. Unable to raise sufficient funds by taxation and by loans from real savings, they were compelled to resort to borrowing from the banks and the use of the printing press. Additional spending power was thus placed in the hands of the public at a time when the volume of purchasable goods was being reduced. For example, the note circulation has grown approximately as follows:

In the United Kingdom from 30,000,000*l.* in 1913 to nearly 450,000,000*l.* at the end of

*Exclusive of lignite.

1919. (About 120,000,000*l.* of the latter figure takes the place of gold coins in circulation in 1913);

In France* from 230,000,000*l.* in 1913 to 1,500.000,000*l.* in 1919;

In Italy* from 110,000,00*l.* in 1913 to 700,-000,000*l.* in 1919;

In Belgium* from 40,000,000*l.* in 1913 to 200,000,000*l.* in 1920;

While the war debts (which are closely connected with inflation) amount, in the case of the United Kingdom, to over 7,000,-000,000.*l*;

In France* to 6,750,000,000*l.*;

In Italy* to 2,750,000,000*l.*;

In Germany* (apart from liabilities for reparation) to 9.500,000,000*l.*;

In United States* to 5,000,000,000*l.*;

The total war debt of the world is approximately 40,000,000,000*l.*

Throughout Europe prices at present are with few exceptions paper prices. But gold prices have also risen, that is to say, gold has a lower purchasing power than it had before the war. This is the inevitable result of the many economies which have been effected in the use of gold for monetary purposes and, on the other hand, of the dispersal of stocks of gold previously held in Europe and their excessive accumulation in other countries. Thus, in the United States, although the gold standard remains effective, prices have advanced 120 per cent over the pre-war level. As the purchasing power of gold is ultimately the measure of price, it must be obvious that this change is itself responsible for much of the increase in the price of commodities, when expressed in terms of the currencies of all countries.

A considerable part of the rise in prices in Europe is due to this depreciation of gold, but there is an additional depreciation due to excessive issues of paper currency. The continual expansion of paper issues with its necessary consequence of continuously depreciating exchange prevents the grant of the commercial credits required by the situation, and thus fatally hampers the resumption of international commerce.

It is essential to the recovery of Europe that the manufacture of additional paper money and Government credits should be brought to an end, and this must be effected as soon as the war expenditure has been terminated.

**Note.*—The national currencies have in each case been converted into sterling at approximately par of exchange.

6. Profiteering.—Excessive profit making, commonly known as profiteering, has resulted from the scarcity of goods. Deflation and a check upon the continuous rise of prices will do much in itself to end the conditions that make profiteering possible. But it is essential, in order to obtain the co-operation of all classes in the increase of production, that each government should take such steps as are appropriate to the circumstances of its own people to assure and guarantee to the workers that the burdens that they are called upon by their efforts to remedy are not aggravated by those who would exploit the economic difficulties of Europe for their own personal ends.

7. Restriction of Government Expenditure.—Demobilization has been effected by the Powers represented at the Conference at a far speedier rate than could have been anticipated, but heavy abnormal expenditure resulting from the war still requires to be met (particularly in connection with the restoration of the devastated areas). Such charges must be regarded as part of the war burden, but in order to stop the process of inflation and to start the process of deflation, the necessary measures must be initiated by every country to balance recurrent government expenditure with national income and to begin at the earliest possible moment the reduction of the floating debts. The best remedy of all is that debts should be reduced out of revenue, but in so far as this is not possible, floating debts should be consolidated by means of long-term loans raised out of the savings of the people, and it is out of the savings of the people that any fresh capital expenditure must be provided. The Governments here represented have undertaken the consideration of the measures required for this purpose.

8. Restriction of Private Expenditure. — But private economy is not less urgent than economy in Government expenditure. It is only by means of frugal living on the part of all classes of the nation that the capital can be saved which is urgently required for the repair of war damage, and for restoring efficiently to the equipment of industry, upon which future production depends. It is of the utmost importance that it should be brought home to every citizen in each country that just as in the war their private savings made available for the Government goods and services urgently needed for the prosecution of hostilities, so in the period of reconstruction, economy by individuals will reduce the cost of essential

articles both for themselves and for their fellows, and will set free capital for the reconstruction of their country and the restoration of the machinery of industry throughout the world.

9. Collapse of Exchanges.—Commercial intercourse, on the resumption of which the recovery of the world depends, is governed by the foreign exchanges, and most of the foreign exchanges have been to a greater or less extent disorganized during the past year. The discount of European currencies on New York approximately stands as follows:—

	Per cent.
Pound sterling	30
Franc (Paris)	64
Franc (Brussels)	62
Lire	72
Mark	96

The state of the exchange does not reflect the true financial situation of the countries concerned, provided their industrial life can be resumed. It is in part the result of depreciation in the purchasing power of the several currencies, but in part it results from the failure of exports. Many countries are temporarily dependent on the importation of food, raw material, and other necessaries, and are not in a position to export nearly sufficient to furnish the requisite means of payment. The result has been severe competition for the very limited supply of Bills of Exchange which has forced down the rate of exchange beyond the point which properly represents the purchasing power of currencies in the buying and selling countries. In the degree in which rates of exchange are so forced down, the prices of imports are forced up and the prices of food and raw material increased. The ultimate cure is to raise exports to the requisite amount, and this should be impressed on the trading communities affected, but it is not immediately possible to increase exports sufficiently, and unless steps are taken to furnish a substitute the situation will rapidly become worse. It is therefore urgent to obtain a temporary balance of trade by means of commercial credits accompanied by the reduction of all non-essential imports to an absolute minimum.

10. Difficulties of Credit.—Attempts to manipulate the exchanges by Government action will only retard ultimate recovery. Meanwhile means must be found to prevent the breakdown of trading operations. At the present moment, the Governments of Europe are not in a position to furnish more Government loans except to a very limited extent for the purpose of relieving extreme distress, and State aid in this matter would be at the best entirely inadequate. It is from the resumption of commercial credits that the necessary means must be found for securing the interchange of the resources of the world, and the Conference is assured that such credits will be forthcoming as soon as governments have taken steps to strengthen confidence in their commercial and financial policy.

The Powers represented at the Conference recognize, however, the necessity of continued collaboration in this matter, and they will continue to consult together regarding the provision and distribution of the necessary raw materials and foodstuffs with a view to the early resumption of normal conditions.

They recognize, further, the special position of the devastated countries, and particularly of France, having regard to the widespread devastation which her territory has suffered, the consequent diminution of her immediate resources, and the heavy capital expenditure which she must incur in restoring the damaged areas. The restoration of the devastated areas is of primary importance to the reconstruction of Europe.

They have also had under consideration the special position of Germany, where enterprise is at present paralysed and the possibility of obtaining commercial credit closed, by reason of the fact that her obligations for reparation are still totally unknown. It is most desirable, therefore, in the interests of the Allied Countries, no less than in that of Germany, that at the earliest possible moment the total of the reparation payments to be made by Germany under the Treaty of Versailles should be fixed, and that, in accordance with the terms of the Treaty and the reply of the Allied and Associated Powers to the German delegates dated the 16th June, 1919, she should be enabled to obtain essential foodstuffs and raw materials, and, if necessary in the opinion of the Reparation Commission should be allowed to raise abroad a loan to meet her immediate needs, of such amount and with such priority as the Reparation Commission may deem essential. In the case of Austria, the powers here represented recognize that even more active assistance may require to be given.

11. Need for Co-operation of all Classes.—The review which the Conference has made of the situation indicates that the process of recovery of Europe must necessarily be a slow one, which cannot be ex-

pedited by short-cuts of any description. It can, however, be most seriously hampered by the dislocation of production by strikes, lock-outs and interruptions of work of all kinds. The civilization of Europe has indeed been shaken and set back, but it is far from being irretrievably ruined by the tremendous struggle through which she has passed. The restoration of her vitality now depends on the whole-hearted co-operation of all her children, who have it in their own power to delay or to accelerate the process of reconstruction. It is the hope of every Government that improved conditions of livelihood and of employment may be assured to the workers. To secure this result, each individual must contribute his best efforts to the restoration of his country. Taking the Allied countries as a whole, the recovery of industry has been remarkable. Nearly 18 months have passed since hostilities terminated; and the reaction which necessarily followed the tense strain of the war is gradually passing. The citizens of every country are once again resuming the normal occupations of home life, and in their renewed labours the Conference sees a clear sign of renewed prosperity.

12. Summary of Conclusions.—In view of the above considerations, the Supreme Council, after a careful survey of this vitally urgent problem in all its aspects, agree upon the following recommendations with a view to the amelioration of the present economic difficulties of Europe:—

(1) It is of paramount importance that peace conditions should be fully and completely restored at the earliest possible moment throughout the world. In order to achieve this object it is desirable—

(a) That peace and normal economic relations should be re-established as soon as possible throughout Eastern Europe;

(b) That armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security, and that the League of Nations should be invited to consider, as soon as possible, proposals to this end;

(c) That the States which have been created or enlarged as the result of the war should at once re-establish full and friendly co-operation, and arrange for the unrestricted interchange of commodities in order that the essential unity of European economic life may not be impaired by the erection of artificial economic barriers.

(2) Not only the Government of each country, but all those engaged in the task of production in every land, should give immediate attention to the execution of all measures which will contribute to the full resumption of peaceful industry, to the encouragement of better output on the part of the workers in every country, to the improvement of machinery and means of transportation, and the removal of such disturbing factors as profiteering.

(3) Each Government should at once consider means for urging upon its nationals in every rank of life the vital necessity of suppressing extravagance and reducing expenditure, so as to bridge the gap which must for some years exist between the demand for and the supply of essential commodities.

(4) It is essential that early steps be taken to secure the deflation of credit and currency (a) by the reduction of recurrent Government expenditure within the limits of revenue, (b) by the imposition of such additional taxation as is necessary to secure this result, (c) by the funding of short-term obligations by means of loans subscribed out of the savings of the people, and (d) by the immediate limitation and gradual curtailment of the note circulation.

(5) The provision of raw materials being essential to the restoration of industry, means should be found by which the countries which are in present conditions of international exchange unable to purchase in the world markets, and so are unable to re-start their economic life, can obtain commercial credits. It will be possible to achieve this when the countries have made the reforms indicated in the foregoing paragraphs.

(6) The Powers represented at the Conference recognize the necessity for continued co-operation between the Allies and for removing obstacles to the easy interchange of essential commodities. They will continue to consult together regarding the provision and distribution of necessary raw materials and foodstuffs with a view to the early restoration of normal conditions.

(7) The Powers represented at the Conference have given careful attention to the special case of the devastated regions, and more particularly of Northern France. The restoration of these areas is of primary importance for the re-establishment of the economic equilibrium of Europe and the resumption of normal trade conditions. It is evident that the large sums required for this purpose cannot be provided out of current revenue, nor can the work of restoration be postponed until the reparation due from Germany under the Treaty of Peace has been received. Under these circum-

stances the Powers represented at the Conference recognize that the capital sums required for this restoration may properly be raised by market loans in anticipation of the reparation payments provided by the Treaty, and that the restrictions which they desire to see placed on new borrowing do not apply to loans and credits raised for the purpose of meeting this abnormal capital expenditure.

(8) The Powers represented at the Conference have taken under consideration Article 235 and cognate articles of the Treaty of Versailles, and the passages in the letter addressed on the 16th June, 1919, by the Supreme Council to the German Peace Delegates which contemplate that Germany shall make proposals for fixing the total of the payments to be made by her by way of reparation, and that facilities may be given her to obtain necessary foodstuffs and raw materials in advance of payments being made by way of reparation. The Powers are agreed that it is desirable in the interest alike of Germany and of her creditors that the total to be paid by her for reparation should be fixed at an early date. They observe that under the Protocol to the Treaty a period of four months from the signature of the Treaty was provided during which Germany should have the right to make proposals of the kind referred to, and they are agreed that in the circumstances as they exist to-day such period should be extended.

2, Whitehall Gardens, S.W. 1,
8th March, 1920.

MAGDALEN ISLANDS SERVICE.

SPECIAL COMMITTEE APPOINTED.

Hon. JOHN McLEAN moved:

That a Select Committee of the Senate be appointed for the purpose of inquiring into the management of the steamer Canadian Sealer, now lying at Souris, P.E.I., laden with fishing and other supplies for the Magdalen Islands, and the reason why such steamer was not despatched at the opening of navigation to the Magdalen Islands, and that the committee be empowered to send for persons, papers and records and employ a stenographer and such clerical aid as may be necessary. The committee to be composed of Senators Crosby, Murphy, Tanner, Thompson and the mover.

He said: In asking for this committee I may say that the people of the Magdalen islands have been very badly used. The steamer they have needed so sorely all winter was not despatched this spring as early as navigation would allow her to go. It seems ridiculous that one of the Government steamers should leave England and get up to Montreal a week or so before this steamer was fitted out for that place, while the people were waiting ever since last fall for goods that they should have had before the season opened. I had a telegram from my son on the 28th stating that the steamer was expected the next day, but I learned that the captain of the steamer had arrived in Charlottetown looking for a crew, and up to the present time I have had no report that the crew has arrived or that the steamer has gone forward. I notified the Marine and Fisheries Department on the 29th of March that the Gulf was then clear as far as the Magdalen islands, and they said the steamer would be fitted out at once. When I got the telegram on the 21st asking that she be dispatched through to the Magdalen islands I called up the Department of Marine, and they referred me to the Railway Department, who in turn sent me to the Trade and Commerce Department, and they said they had no information, and referred me back to the Marine Department. Now, I understand the trouble to be that the steamer they had on hand, the Lady Evelyn, was not able to make the two trips a week. On this matter we will have more information when my honourable friend from Pictou (Hon. Mr. Tanner) gets his information on Wednesday next as to the nature of the contract. For the last thirty or forty years the Government has been paying a large subsidy for carrying mails and passengers and freight from Pictou and Souris to the Magdalen islands, and the only service that was satisfactory was that given by the Lady Sibyl, which was built by the Magdalen Islands Steamship Company, especially for that route. She is capable of making twelve or thirteen knots, and can make two round trips a week; but the Lady Evelyn, a smaller steamer, could not make a trip twice a week except in June and July, when there was not a large amount of freight offering; in the spring and fall, when there was a large amount of freight, she was not able to keep the freight clear.

My object in having this committee appointed is to find who are responsible for the neglect, delay, and hardship imposed upon the people of the Magdalen islands, and put it before the proper department. As the Government are building steamers now, I believe the time has arrived when they should build one of the capacity of the Lady Sibyl, which would take the round trip twice a week and clean up the freight, because it must have been a great expense either to the contractor or to the Government last fall to send the car-ferry down to

Pictou and take out this new steamer of 2,500 tons that was lying there, send her over to Souris, have her unsuccessfully attempt to do down; then replace her with the Montcalm; take part of the goods out of the Canadian Sealer; and then spend six weeks getting down to the Magdalen islands; whereas if her contractor had a steamer suitable for the purpose there would have been no trouble whatever; the freight would have all been cleaned up, and those people would have had their freight last fall. I believe if the Government built a steamer a little larger than the Lady Sibyl, with proper speed, and put her on that route, it would save the ship subsidies that are now being paid to the contractors, and take the mails and passengers and freight down there. There would be a further saving to the Government if that steamer were put in connection with the railway that carries the goods that are taken down to the Magdalen Islands. Those people do not raise any goods for export, and all the freight that goes down there in the shape of supplies—flour and goods of that kind—would come over the Canadian railways. If the steamer were taken over, the railways would have control of that, which I think would be of great service.

For these reasons I ask that this committee be appointed, with power to investigate matters.

The motion was agreed to.

PRIVATE BILLS.

THIRD READINGS.

Bill 5, an Act respecting The Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Taylor.

Bill 34, an Act respecting The Montreal and Southern Counties Railway Company.—Hon. Mr. Dandurand.

Bill 41, an Act respecting The Canadian Pacific Railway Company.—Hon. Lorne C. Webster.

Bill 42, an Act respecting The Esquimault and Nanaimo Railway Company.—Hon. Mr. Barnard.

Bill 43, an Act respecting The Kettle Valley Railway Company.—Hon. Mr. Barnard.

Bill 44, an Act respecting Montreal, Joliette and Transcontinental Junction Railway Company.—Hon. Mr. Pope.

Bill 26, an Act respecting The Pacific Marine Insurance Company.—Hon. Mr. Barnard.

Bill 25, an Act respecting The Pacific Coast Fire Insurance Company, as amended.—Hon. Mr. Shatford.

Bill 18, an Act to incorporate Canada Security Assurance Company, as amended.—Hon. Mr. Foster.

Bill 4, an Act to incorporate Armour Life Assurance Company.—Hon. Mr. Schaffner.

Bill P, an Act to incorporate United Canada Fire Insurance Company.—Hon. Mr. McMeans.

DIVORCE BILLS.

THIRD READINGS.

Bill V2, an Act for the relief of Arthur Jones.—Hon. Mr. McMeans.

Bill W2, an Act for the relief of Eva Mary Moss.—Hon. Mr. Blain.

SECOND READINGS.

Bill Z2, an Act for the relief of Nellie Adeline Wallace.—Hon. Mr. Ratz.

Bill A3, an Act for the relief of Marion Olive Booth.—Hon. Mr. Ratz.

The Senate adjourned until Tuesday, May 4, at 3 p.m.

THE SENATE.

Tuesday, May 4, 1920.

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

Prayers and routine proceedings.

IMPERIAL OIL COMPANY.

INQUIRY.

Hon. Mr. DOMVILLE inquired of the Government:

1. What knowledge they have of the said Imperial Oil Company, Limited, a company incorporated in Canada?

2. Whether or not this company, incorporated in Canada, are or are not a branch or a subsidiary company of the Standard Oil Company of the United States?

3. Has the said Imperial Oil Company, as stated in the press, a capitalization of $100,000,000? If it has not such capitalization, then what is the present capitalization of the company?

Hon. Sir JAMES LOUGHEED:

1. (a) Imperial Oil Company, Limited, incorporated under The Canada Joint Stock Companies Act 1877, by letters patent dated 8th September, 1880, with capital stock of $500,000.

(b) Capital stock increased by supplementary letters patent dated 13th December, 1898, to $1,000,000; further increased by

supplementary letters patent dated 4th July, 1907, to $6,000,000; 11th February, 1913, to $15,000,000; 15th November, 1915, to $50,000,000.

(c) Name changed to Imperial Oil, Limited, by supplementary letters patent, dated 15th September, 1919; latter name changed to Imperial Petroleum Company, Limited, by supplementary letters patent, dated 12th December, 1919.

2. No information.

3. Present capital stock, $50,000,000.

CORRESPONDENCE WITH BRITISH ADMIRALTY AND NAVAL MISSION —IMPERIAL OIL COMPANY.

MOTION FOR RETURN.

Hon. Mr. DOMVILLE moved:

That an Order of the Senate do issue for a return showing all correspondence that may have taken place with the British Admiralty, and with the Naval Mission to India and the Dominion, 1919-20, and also a list of shareholders, officers and directors of the Imperial Oil Company.

The motion was agreed to.

THE PUBLIC ACCOUNTS.

REFERRED TO COMMITTEE ON FINANCE.

Hon. Mr. NICHOLLS moved:

That the public accounts which were laid on the Table of the Senate on the 13th April last be referred to the Standing Committee on Finance.

Hon. Mr. BOSTOCK: I would ask the honourable member if he would agree to amend the motion by adding the Auditor General's Report for the year ending 31st March, 1919.

Hon. Mr. NICHOLLS: With the permission of this honourable House, I have no objection to amending the motion by that addition.

The motion as amended was agreed to.

THE LATE HON. R. H. C. PRINGLE.

TRIBUTES TO HIS MEMORY.

On the Orders of the Day:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, at this hour of to-day, in the town of Cobourg, sorrowing and mourning friends are laying in their last resting place the remains of our late colleague Senator Pringle. He was one of the younger members of this House, both in appointment and in years. Few men in Canada had more friends. He had the faculty of being friendly with all whom he met. In becoming a member of this body, while he attended fairly regularly, his professional duties largely prevented him from taking that active part in the proceedings of the Senate for which he was so well qualified. It is said that death loves a shining mark. I do not know of any man in this Chamber who in physical appearance gave more promise of long life, or who apparently possessed in greater degree the physical endowments for its enjoyment than our late colleague. Since he became a member of this House he suffered more or less from the disease which finally laid him low. Death found the weak spot in that powerful frame which seemed almost proof against attack.

Although the late senator was born in the province of Ontario, he left his native province some years ago and took up his residence on the Pacific coast, where for some years he was actively engaged in assisting in the development of the various resources of the province of British Columbia. There, as elsewhere, he made for himself a host of friends who to-day mourn his loss. Some few years ago he returned to his native province where he actively pursued his profession, and which province he so popularly represented in this Chamber. If any man were to be selected from the Senate of Canada for his gifts of friendship, of popularity, and of apparent physical endowments, it would have been our late colleague. But the messenger of death, regardless of appearance and of promise, lays his hand upon the strong as well as upon the weak; upon the youthful as well as upon the aged; upon those who have abundant promise of life as well as upon those who stand upon the precipice of death. Regardless of their faculties of body or of mind, death summons all to that bourne from which the weary traveller never returns.

A host of personal friends mourn the loss of Senator Pringle, and we join with them in our sympathies and condolences. Particularly, honourable gentlemen, do we extend our deepest sympathy to the sorrowing family who have suffered this unspeakable bereavement.

Hon. Mr. BOSTOCK: Honourable gentlemen, I desire to join with my honourable friend in expressing the sorrow that this side of the House feel at the loss of Senator Pringle. As has already been said, he was closely associated with both the West and the East in this Dominion. Brought up in the province of Ontario, educated at Trinity College school, Port Hope, and then Trinity University, where he took his degree, he afterwards was called to the bar of Ontario.

In the year 1898 he came out to British Columbia, at a time when that province was starting a very large mineral development. A great activity was going on in what was known as the Boundary creek country. Senator Pringle made his abode in the town of Greenwood, where he was in partnership with a Mr. Whiteside, under the name of Pringle & Whiteside. His kindliness of feeling and his general friendliness naturally endeared him to an active population such as the mining population of British Columbia, and he was prominent and active in the work of that province during all the time he was there. His many friends there will sincerely regret his sudden decease, because they looked upon him as a man of great promise, a man who, with his knowledge of the whole Dominion, was a very valuable representative in this Chamber.

Senator Pringle's friends were numerous throughout the country. Wherever he went he had the happy faculty of making friends. We on this side of the House join most sincerely in expressing our deep sympathy with his family in the loss they have sustained.

BOARDS OF CONCILIATION.

ALLEGED INCORRECT RETURN.

On the Orders of the Day:

Hon. Mr. NICHOLLS: Honourable gentlemen, I would like to draw the attention of the House to a return made in response to my inquiry in regard to Boards of Conciliation. It happens that the return is incorrect with respect to some of the information contained therein. I bring this matter to the notice of the House because, if the information contained in a return is incorrect it is very apt to be misleading, and does not answer the purpose of the member making the inquiry.

I am sorry that the Minister of Labour is not in his seat this afternoon. I am sure that any incorrectness in the return is not attributable to him personally. I intend to bring the matter to his attention in a more private manner. Last session I had to complain that a return which I asked for was incomplete and incorrect. This is the second time in two years that I have had to make the same complaint.

THE BUSINESS OF PARLIAMENT.

INQUIRY.

Hon. Mr. BOSTOCK: I would ask the leader of the Government if he can give us any information, first of all, as to the health of the Premier, and as to whether he is likely to return to Parliament. The statement was made some time ago that it was the intention of the Premier to return to Parliament two weeks before the end of the session, but no date was given as to when the end of the session was likely to be.

I think my honourable friend might also give us some information as to the course of public business. The announcement was made some time ago by the leader of the Government in another place that the Budget would come down I think to-day; but so far as I can learn that is not the present intention. I think it would be of interest to the House to know what the course of business will be within the near future.

Hin. Sir JAMES LOUGHEED: I very much regret that I cannot speak with exactitude as to the legislation which is yet to come down, except to assure the House that I am not aware of any legislation which is so voluminous that it will necessarily occupy the time of Parliament to any very great extent. We have a fairly large Order Paper before us now, and upon the completion of that work the Senate, I am sure, will be prepared to assume all the responsibility that may be involved in taking care of any further business which may be presented.

As to the Prime Minister, if my honourable friend will permit me. I should like to postpone answering that question pending his return. He has always been very well qualified to answer for himself. I am looking forward to his early appearance in the House, and to his assurance that he will be able to look after the duties of the high position which he occupies.

OPIUM AND NARCOTIC DRUG BILL.

FIRST READING.

Bill 20, an Act to amend the Opium and Narcotic Drug Act.—Hon. Sir James Lougheed.

SOLDIER SETTLEMENT BILL.

FIRST READING.

Bill 68, an Act to amend the Soldier Settlement Act, 1919.—Hon. Sir James Lougheed.

ANIMAL CONTAGIOUS DISEASES BILL.

FIRST READING.

Bill 78, an Act to amend the Animal Contagious Diseases Act.—Hon. Sir James Lougheed.

PETROLEUM AND NAPHTHA BILL.

FIRST READING.

Bill 92, an Act to amend the Petroleum and Naphtha Inspection Act.—Hon. Sir James Lougheed.

PRIVATE BILL.

FIRST READING.

Bill 40, an Act respecting the Canadian Pacific Railway.—Hon. Mr. De Veber.

DAYLIGHT SAVING.

Hon. Mr. POWER: Honourable gentlemen, on Friday this House adjourned under standard time, and to-day, as I understand, we have met under daylight saving time. As far as I am aware, there has been no action taken by the House to provide for the change, and I do not think any announcement has been made by the leader of the House. I understand that in another place the acting leader of the Government announced that thereafter the business of that House was to be conducted under what is known as the daylight saving plan. Perhaps the leader of the Government in this House will enlighten us on the subject as to this House.

Hon. Sir JAMES LOUGHEED: My honourable friend has already made so clear a pronouncement upon it that it is unnecessary, I think, for me to say anything. I am indebted to my honourable friend for informing the House. We shall act upon that during the balance of the Session.

DIVORCE BILLS.

THIRD READINGS.

Bill Z2, an Act for the relief of Nellie Adeline Wallace.—Hon. Mr. Ratz.

Bill A3, an Act for the relief of Marion Olive Booth.—Hon. Mr. Ratz.

SECOND READINGS.

Bill B3, an Act for the relief of Jessie Elizabeth Hudgin.—Hon. Mr. Proudfoot.

Bill C3, an Act for the relief of William Edward Vinall.—Hon. Mr. Bradbury.

Bill D3, an Act for the relief of Caroline Ewing Gudewill.—Hon. Mr. Fowler.

EMPLOYMENT OFFICES CO-ORDINATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. Robertson, the Senate went into committee on Bill Y2, an Act to amend the Employment Offices Co-ordination Act. Hon. Mr. Thompson in the Chair.

On section 1—definitions:

Hon. Mr. BOSTOCK: The minister the other day, when this Bill was before the House for second reading, told us that he had authority to do what he had done in the Maritime Provinces, but he did not give us any statement as to whence he had derived that authority. I see in the report which the minister brought down at the beginning of the session that an Order in Council was passed on the 24th of December, 1918, and I presume this was the authority for the minister to spend the money in the Maritime Provinces, contrary to the Act of 1918. I would ask the minister if he would bring a copy of that Order in Council before the House, so that we may have an opportunity of looking at it and understanding the situation exactly.

Hon. Mr. ROBERTSON: I shall be glad to bring before the House, for the information of my honourable friend, the Order in Council to which he refers; but I desire to correct his impression that the authority by which the department acted was contrary to the provisions of the statute. The three Maritime Provinces did not see their way clear to avail themselves of the opportunities under the statute to establish employment offices in a co-operative way. Therefore, for the purpose of providing the necessary service during the demobilization and re-establishment period, this authority was given and acted upon under the War Measures Act, and the offices, nine in number, were maintained in the three Maritime Provinces up to May 1, 1920. They have now been discontinued, and at the request of two of the government of the Maritime Provinces a conference is to be held in the near future for the purpose of discussing what we shall do with regard to the carrying on of these offices under the statute.

Section 1 was agreed to.

Section 2 was agreed to.

On section 3—allotment of moneys appropriated:

Hon. Mr. BOSTOCK: I would like to ask the minister a question with regard to that new subsection. I understood him to say that the idea was to establish these offices in connection with municipalities in cases where the provincial governments would not undertake the work. Is it the intention under this clause that the municipalities shall provide half of the cost of the office, in the same way as the Provincial Government?

Hon. Mr. ROBERTSON: That is the intention. The purpose of the amendment is to give the municipalities the same opportunity to take advantage of the provisions of the Act itself, on a fifty-fifty basis, as the province would have if it saw fit to come into the arrangement.

Hon. Mr. BELCOURT: I am afraid my honourable friend is going beyond the jurisdiction of this Parliament. It may be argued that paragraphs a, b, and c, of section 3 of the Act of 1918 are quite permissible, because the powers conferred upon the minister may be exercised without at all infringing the rights of the provinces; but I do not think that this would apply to the amendment now proposed in new paragraph b:

> **To require any person or firm to make a written return of such information as may be deemed necessary for the purposes of this Act, or of any regulation made by authority of this Act, under penalty not exceeding one hundred dollars and not less than ten dollars, for each refusal or neglect to answer or wilfully false answer.**

That would be a power which the minister might exercise in regard to any person in any province, and notwithstanding any provincial legislation. So my honourable friend, I am afraid, did not quite state the case the other day when he said that the provisions of the amendment were provisions which would be enforced only with the consent and participation of the provinces. That would not apply to the amendment which is now proposed, because, whether the provinces wish it or do not wish it, my honourable friend can require any person or firm to make a written return. I do not think that is within the constitution. I am afraid that provision would be ultra vires.

Hon. Mr. ROBERTSON: If my honourable friend fully understands the proposed amendment and the reasons for it being inserted here, he will quite appreciate the necessity of it. The Department of Labour maintain what is known as a clearing house in the city of Winnipeg for Western Canada, and one in Ottawa for Eastern Canada, and the employees of labour, particularly the manufacturing concerns, numbering between 8,000 and 9,000 throughout the country, make a weekly return on a form of postal card size, showing the number of persons they have had in their employ during the week, and the number they anticipate they will require during the next week, and some other information, so that we may know at all times just what the prospective requirements are. Up to the time when the War Measures Act was discontinued, there was authority—I do not recall, but I presume it was by Order in Council—whereby any information desired had to be supplied. Under that arrangement we were able to get, in connection with this service, the information necessary to carry on our work intelligently. It has happened that a few, a very few—perhaps less than a score out of 8,000 or 9,000 employers throughout Canada—have objected to going to the trouble of sending in this necessary information. This clause is inserted simply for the purpose of enabling the department to obtain the necessary information and to administer the Act properly. I think you will find that under the Board of Commerce Act the powers of that board are still wider than those which are suggested here, and if the Federal Parliament had jurisdiction to enact a clause of this sort in the Board of Commerce Act, it seems to me there is no question as to its jurisdiction in this connection.

Hon. Mr. BELCOURT: I am afraid that that is not a very convincing sort of argument: it is simply begging the question: because if the provisions of the Board of Commerce Act are ultra vires, they would not make this any better. Because an ultra vires Act has already been passed, is no reason why another Act would be intra vires. If my honourable friend will look at section 6 of the present Act, he will see that it provides:

> The payments hereinbefore authorized shall, as to each province, be conditional upon agreement between the minister and the Government of the province as to the terms, conditions and purposes within the meaning of this Act upon and for which the payments are to be made and applied, and upon such agreement being approved by the Governor in Council.

Clearly my honourable friend's jurisdiction with regard to payments would be limited by the Act; that is, it would require the concurrence of the Provincial Government. But that applies only to payments; and here my honourable friend is taking a power which is not dependent upon the agreement or concurrence of the province: he will have the right to require any person or firm to make a written return of information. This clause can be intra vires only if, like the question of payments, it is made subject to the acquiescence or concurrence of the Provincial Government. I am afraid that if it is not so conditioned, or so limited, it will be ultra vires.

Hon. Mr. ROBERTSON: I can only say, in reply to my honourable friend's observation, that I am not a lawyer, but that the Parliamentary Counsel has passed upon the clause, and I think the Justice Department has also reviewed it, and I can only feel that their opinions and decisions ought to be sufficient justification for my respectfully suggesting that the clause be adopted.

Section 3 was agreed to.

The preamble and the title were agreed to.

Hon. Mr. BOSTOCK: I see that there are two other Orders in Council in connection with this matter. May I ask the minister if, when he is bringing down the one to which I have already referred, he will at the same time bring down the other two?

Hon. Mr. ROBERTSON: Would my honourable friend quote the numbers of them?

Hon. Mr. BOSTOCK: They are quoted in the report I have here. Order in Council No. 3111. December 17, 1918; No. 3171, December 24, 1918; and the other one is put down as March 12, 1919—no number is given in the report.

Hon. Mr. ROBERTSON: I will have them looked up.

Hon. Mr. DANDURAND: Did I understand from the honourable Minister of Labour that the opinion of the Justice Department had been asked upon the validity of that clause; and that the Department of Justice had declared it to be intra vires of this Parliament?

Hon. Mr. ROBERTSON: No. The honourable gentleman did not understand me to say that. I said that the Bill had been referred to the Parliamentary Counsel before it was introduced, and, I understand, to the Department of Justice for their opinion upon it. I cannot say definitely that the Department of Justice did review it, but I believe they did.

Hon. Mr. DANDURAND: Does not the honourable gentleman think, since the question has been raised, that it would be in the interest of this Parliament and of the public at large that such opinion should be sought before the third reading is given to the Bill?

Hon. Mr. ROBERTSON: I have no objection to that being done if the honourable gentleman so desires. When the Bill goes over to the House of Commons, the Minister of Justice will be sitting in the House, and if there is any doubt about the question it will be dealt with there.

Hon. Mr. POWER: I do not propose to say anything against this Bill; but I do respectfully protest against the line taken by the honourable the Minister of Labour. He undertook apparently to silence criticism of the wording of this Bill by saying that it had been drafted by the Parliamentary Counsel. Well, the Parliamentary Counsel is not an officer of this House, and each member of this House is entitled to his own independent opinion, and I do not think that it is a seemly thing to bring in the opinion of an outside officer of Parliament to prevent the members of this House from expressing their opinion or from allowing their opinions to have the weight to which they are entitled.

Hon. Mr. ROBERTSON: I must respectfully call the honourable gentleman's attention to the fact that I did not make the statement with which he credits me namely, that the Parliamentary Counsel drafted the Bill; because that is not the case. It was referred to him and was reviewed by him. Neither have I raised any objection to any honourable gentleman in this House expressing his opinion upon the subject as fully as he desired.

Hon. Mr. BELCOURT: I should have pointed out to my honourable friend (Hon. Mr. Robertson) that the penalty provision in this Bill is a very drastic one. It is a penalty "not exceeding one hundred dollars and not less than ten dollars, for each refusal or neglect to answer or wilfully false answer." I do not think my honourable friend ought to press this Bill, at all events to the third reading, without having the question which has been raised submitted pointedly to the Minister of Justice. If the point is well taken, it may be brought up again in another place, but I do not think the Senate ought to pass legislation which is open to objection when it reaches another place. I think it is eminently the duty of the Senate to raise and decide questions of this sort, and I for one, object to the Bill being sent from this House with a sort of label attached to it containing an invitation to the other House to correct our mistakes or to overlook our failure to do that which we should have done.

Hon. Mr. ROBERTSON: I have no objection whatever to my honourable friend's suggestion, and will let the Bill stand until to-morrow. Meanwhile I can obtain some further views from the Department of Justice concerning it.

Hon. Mr. BELCOURT: The third reading would not be to-morrow.

Hon. Mr. DANDURAND: We could perhaps leave the Bill in committee and report progress.

Hon. Mr. BELCOURT: That would be better; because we may amend it.

Hon. Mr. ROBERTSON: That is quite satisfactory if it is the honourable gentleman's desire.

Progress was reported.

FOOD AND DRUGS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

Hon. Sir JAMES LOUGHEED moved that the Senate go into committee on Bill 27, an Act respecting Food and Drugs.

Hon. Mr. BELCOURT: It is proposed to deal with Bills 27, 28, and 29 together?

Hon. Sir JAMES LOUGHEED: No, just with Bill 27.

Hon. Mr. BELCOURT: Would it not be advisable to deal with all three at the same time? You have a general Act respecting food and drugs. Why not make the other Bills part of that, and have only one?

Hon. Sir JAMES LOUGHEED: The Bills as to honey and maple products?

Hon. Mr. BELCOURT: Yes. Why not put them all into one Act?

Hon. Sir JAMES LOUGHEED: Bill 27 simply deals with general principles and does not deal with individual subjects. All through the statutes runs legislation dealing with particular subjects such as honey, maple products, butter, oleomargarine, etc. It would therefore be very undesirable for us to encumber this Bill or to import into it any specific subject, because it is a Bill dealing simply with general principles. As we proceed my honourable friend will probably observe what is the policy of the Bill.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 27. Hon. Mr. Crosby in the Chair.

Hon. Sir JAMES LOUGHEED: I would ask leave of the committee to bring within the bar, Dr. Amyot, who is the Deputy Minister of the Department.

Section 1 was agreed to.

On section 2—definitions:

Hon. Sir JAMES LOUGHEED: I may say that paragraphs a, b, and c are from the old Act; that is, the Adulteration Act. Paragraph d is new.

Hon. Mr. BOSTOCK: Paragraph d confines the interpretation of the word "food" to food for man only?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And does not refer at all to animals?

Hon. Sir JAMES LOUGHEED: No.

Section 2 was agreed to.

On section 3—food, when deemed to be adulterated:

Hon. Mr. POWER: Is not the language a little too sweeping? "Food includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever." Section 3 says that food shall be deemed to be adulterated within the meaning of this Act—

—if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

Now, suppose that the food in question is Scotch whisky; if you put a little water into the Scotch whisky you are guilty of adulterating the food.

Hon. Sir JAMES LOUGHEED: I do not think any Scotchman would stand for that.

Hon. Mr. DOMVILLE: Where are they going to get the Scotch?

Hon. Mr. POWER: It is not a joke; it is a serious matter.

Hon. Sir JAMES LOUGHEED: My honourable friend will observe the words: "or lower or injuriously affect its quality or strength." I think that is sufficient protection.

Hon. Mr. POWER: If you say, "and lower," it might do. As I say, water is a substance, and it certainly does reduce the strength of whisky.

Hon. Sir JAMES LOUGHEED: Language cannot be so scientifically exact that we can qualify it in such a way and make the Act praticable. We have to import some common sense into the administration of the Act. I am sure that no inspector of the department, nor yet any court, would for a moment place upon the Act a strained

construction of that kind. I suppose almost every page of our statutes affords such instances. We have to legislate with common sense.

Hon. Mr. POWER: And leave something for the courts to do.

Hon. Sir JAMES LOUGHEED: Yes. Otherwise they would not have anything to do.

Hon. Mr. BOSTOCK: I understood my honourable friend to say that the first four paragraphs are old. I would like to know what the policy of the department has been under paragraph b. My honourable friend probably knows that what they call a base, such as apples, is very often used in the manufacture of strawberry and raspberry and other kinds of jam. I should think that would be an adulteration under the Act.

Hon. Sir JAMES LOUGHEED: The policy of the Act is to prevent food becoming deteriorated by adulteration. In the case my honourable friend speaks of a foreign substance might be introduced into the article in question, but it would not deteriorate it so as to bring it within the Act.

Hon. Mr. BOSTOCK: I would like to ask the leader of the Government how paragraph e will affect the question of milk. In dairy herds very often there is a good deal of disease, and I presume in that case milk would be considered adulterated under this Act.

Hon. Sir JAMES LOUGHEED: It would come under the Act.

Hon. Mr. MURPHY: No allowance should be made for any one to sell milk from a diseased animal. As honourable gentlemen know, that is the most potent way of communicating disease to man. The diseased animal should be slaughtered and not kept in the herd at all.

Hon. Mr. DOMVILLE: How are you going to decide whether or not a cow is diseased?

Hon. Mr. MURPHY: By testing it.

Hon. Mr. DOMVILLE: My honourable friend knows that what is revealed by the test is probably never correct. A whole herd might be condemned because of the way in which it was handled. They test an animal by taking the heat of the blood, or whatever it is, and if a certain condition shows so and so, the animal is described as being diseased or as having tuberculosis. Everything depends on the care and the knowledge of the man conducting the test. I know of a herd in New Brunswick which was said to be diseased. A friend of mine who owned the herd said, "If you are going to destroy these animals, you may as well destroy all the animals in Canada." Although it cannot be demonstrated, there is a certain amount of tuberculosis in all cattle.

Hon. Mr. MURPHY: How is the standard under paragraph g to be fixed?

Hon. Sir JAMES LOUGHEED: By Order in Council.

Hon. Mr. POWER: Under paragraph g, and also, I think, under sub-clause 2, the question arises as to skim milk. If both parties understand that the cream has been taken off, you can hardly call it adulteration.

Hon. Sir JAMES LOUGHEED: So long as it is sold as skim milk it is all right if it is up to the standard for skim milk.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—misbranding:

Hon. Mr. BOSTOCK: Is there any change in this clause?

Hon. Sir JAMES LOUGHEED: There are some changes.

Hon. Mr. BELCOURT: Last session my honourable friend told us that he would use his influence, and we know it is very great, towards having what is new and what is old in these Bills printed in parallel columns, so that we might know what improvement was being suggested. I know my honourable friend was quite sincere and earnest at the time. I would like to know what his sincerity and earnestness has resulted in. So far I have not seen any evidence of a change.

Hon. W. B. ROSS: That question was up in the other House the other day, and they are going to try the experiment.

Hon. Sir JAMES LOUGHEED: I quite admit that my promise of last year has risen up in judgment against me and has disturbed my rest on one or two occasions; but it occurred to me that the joint committee of both Houses, of which my honourable friend is a member, might take up the question and absolve those of us who were going to exercise special efforts in that direction.

Hon. Mr. BELCOURT: Passing the buck.

Hon. Sir JAMES LOUGHEED: If the joint committee were to take up this subject it seems to me that they could easily work out a satisfactory scheme. I quite appreciate the difficulty confronting the honourable gentleman, but do what you can the law officers apparently keep to the old form and give us as little information as possible.

Hon. Mr. MURPHY: In the other House the new clauses were so marked.

Hon. Mr. BELCOURT: We are very remiss. I had a Bill this morning from the Ontario Legislature, and every new section is indicated by a hand at each end.

Hon. Sir JAMES LOUGHEED: It seems to me that question would have to be dealt with by the joint committee, so that reports could be made simultaneously to both Houses, and a uniform plan adopted. I hope my honourable friend will take it up with the committee.

Hon. Mr. DANDURAND: If we do not succeed, we may have to do as they have done in Ontario—call in the farmers.

Hon. Mr. BOSTOCK: What parts of this clause are new?

Hon. Sir JAMES LOUGHEED: The greater part is new. Misbranding was not recognized in the old Act.

Hon. Mr. POWER: When does this Act go into operation?

Hon. Sir JAMES LOUGHEED: By order in council.

Hon. Mr. POWER: Men who have laid in stocks would be liable if it went into operation at once.

Hon. Sir JAMES LOUGHEED: It will not become operative with regard to existing stocks until July, 1921. Clause 5 is practically new, and might be discussed from that standpoint.

Hon. Mr. DANDURAND: Would the honourable gentleman explain the reason for the suspension of this enactment by Order in Council?

Hon. Sir JAMES LOUGHEED: It is on account of the various bottles that have been made for this purpose, and the difficulty of replacing them. It is proposed to extend the time to the first of July, 1923.

Hon. Mr. MURPHY: Will the manufacturers of carbonated beverages be compelled to put a statement of the contents of the bottles on the labels?

Hon. Sir JAMES LOUGHEED: I purpose moving an amendment to line 33.

Hon. Mr. BELCOURT: Has the department considered the advisability or the means of preventing the adulteration of food, not merely in the way stated here, but by its own process, as it were—deterioration, either by reason of the bottling, the can used, or something else? We have all read recently of the very serious trouble caused by the eating of ripe olives. Many deaths have taken place, both here and in the United States. Only a few days ago I read in one of the newspapers that the trouble was largely caused by the rubber rings, which are used to hermetically seal the bottles, poisoning the contents. The same article pointed out that contrary to the general opinion, it was not the tin can that caused the trouble, but ripe olives contained in bottles. I do not know whether the department has considered that.

Hon. Sir JAMES LOUGHEED: Section 3, paragraph d, does this, and in fact was provided for that purpose.

Hon. Mr. BELCOURT: I am afraid that would not meet the case I am putting.

Hon. Sir JAMES LOUGHEED: It would refer to the chemical process of becoming putrid.

Hon. Mr. BELCOURT: Very serious danger is encountered by the community in the way I have indicated, and if there is any preventive against that the department should consider the advisability of making it a part of this legislation.

Hon. Sir JAMES LOUGHEED: That is one of the objects, and it is proposed, under the powers granted in the Bill, to make inspection so as to determine fully whether the food is fit for human consumption.

Hon. Mr. BELCOURT: Should there not be some provision in the Bill to cover that?

Hon. Sir JAMES LOUGHEED: If my honourable friend thinks that paragraph d is not sufficient I will accept a suggestion and before we come to the third reading we can follow it up. We desire to make the Bill effective along these lines.

Hon. Mr. DANDURAND: I received a letter drawing my attention to section 5, and to amendments made in the House of Commons in the Bill as recently drafted, referring to the limitation of the last part of section 5, paragraph f, by which the Governor in Council may defer the opera-

tion of that subsection for such period as he may prescribe "with regard to bottles containing mineral waters, ginger ale, ginger beer, or other common beverages, ordinarily known as soft drinks." It was suggested that the words "ordinarily known as soft drinks" should be deleted in order to allow the Governor in Council, on representations made, to go beyond that expression, "soft drinks," because those beer bottles are not easily obtained just now, and some delay may be necessary in that case, as in others, for the importation of the standard bottles. I give the argument for what it is worth; but, as the matter is to be reviewed by the Governor in Council, I am disposed to move to strike out the words "ordinarily known as soft drinks" so as to give power to the Governor General, if fair representation is made, to allow a bottle which does not fall under the words "soft drinks."

Hon. Sir JAMES LOUGHEED: I propose amending that by adding after the word "prescribe" in the thirty-third line. "up to the first day of July, 1923."

Hon. Mr. DANDURAND: So that the right of the Governor General to suspend this clause would be limited, to that date.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: Will not the honourable gentleman agree to the striking out of the words, "ordinarily known as soft drinks?"

Hon. Sir JAMES LOUGHEED: Would not that amendment be sufficiently broad to cover beer bottles?

Hon. Mr. DANDURAND: There may be a question in view of the legislation of the province of Quebec.

Hon. Mr. POWER: If the suggestion to strike out those words, "ordinarily known as soft drinks," is adopted, other soft drinks would be shut out.

Hon. Mr. DANDURAND: No; "or other common beverages."

Hon. Mr. POWER: Hop beer is no stronger than ginger beer, and root beer is also a soft drink.

Hon. Mr. LYNCH-STAUNTON: The phrase "soft drinks" is a common slang term which has no real meaning outside of slang.

Hon. Mr. DANDURAND: You have the words, "or other common beverages."

Hon. Mr. DANDURAND.

Hon. Sir JAMES LOUGHEED: Strike out the words "ordinarily known as soft drinks."

Hon. Mr. BELCOURT: It occurs to me that the words used in the section are not comprehensive enough with regard to bottles containing mineral waters, ginger ale, etc. There are other beverages, such as distilled water and spring water sold, but they are not mineral waters.

Hon. Mr. POWER: Ginger ale or ginger beer is not a mineral water.

Hon. Mr. BELCOURT: No, but I think the words ought to be extended so as to include distilled water, and probably others.

Hon. Sir JAMES LOUGHEED: Originally the language was intended to cover that class of bottle in which a cheap drink is sold. The more expensive class of bottle can easily be supplied by the bottler, but this is intended to cover alone that class which with their contents cost five or ten cents each.

Hon. Mr. DANDURAND: Bottles for mineral waters like Radnor, which are "charged," cannot be had on this side of the Atlantic.

Hon. Mr. BELCOURT: But I am dealing with water alone. In Ottawa there are from fifteen to thirty people peddling water from door to door, and it is not mineral water at all. It was shown a few years ago that some of those waters were absolutely bad, and conveyed typhoid fever, or were in close contact with water which at that time was polluted with typhoid germs. For this reason the Act should be made more comprehensive.

Hon. Sir JAMES LOUGHEED: We should insert "water," whether we call it distilled or any other kind.

Hon. Mr. LYNCH-STAUNTON: What is intended would be secured by striking out the words "or other common beverage," and inserting "or other non-alcoholic beverage." I happen to know that this amendment was made to cover a man conducting a pop factory and making five cent drinks, and it certainly does not cover all those wishy-washy beverages.

Hon. Mr. BELCOURT: I would suggest that the honourable leader of the House leave that section over for consideration.

Hon. Sir JAMES LOUGHEED: All right.

Section 5 was allowed to stand.

Section 6 was agreed to.

On section 7—samples may be obtained; seizure of suspected articles; examination at customs:

Hon. Mr. BOSTOCK: Is this section new?

Hon. Sir JAMES LOUGHEED: No; the only new feature is that it gives the department authority to hold samples until analysis is made.

Hon. Mr. LYNCH-STAUNTON: Is it new so far as it gives power to the department to seize and confiscate the goods without any trial or any conviction?

Hon. Sir JAMES LOUGHEED: The spirit is the same as in the old Act, except that now the inspector may temporarily seize a suspected article until an analysis is made, and if the goods are not found contrary to the Act they may be immediately released. It was found that when seizures were not made the vendors took precautions to dispose of the suspected goods as rapidly as possible, so that when the inspector returned they were gone. Under the old Act it was not possible to hold the goods imported into Canada for sufficient time to determine what should be done with them.

Hon. Mr. LYNCH-STAUNTON: Subsection 2, at line 22, says:

If the Dominion Analyst reports that the said article is adulterated or misbranded within the meaning of this Act the article so seized and held shall *ipso facto* be forfeited to His Majesty. Otherwise it shall be released forthwith.

The article seized might be very valuable; yet in making this new law we are giving an official power to forfeit it without granting the holder of the article any trial at all. He should not be fined or imprisoned without a trial. That is a very drastic Act.

Hon. Mr. DENNIS: And the accused is without any remedy.

Hon. Sir JAMES LOUGHEED: I understand the Act provides that the goods seized are held and go as an exhibit to the court.

Hon. Mr. LYNCH-STAUNTON: But the subsection says the article shall be "forfeited to His Majesty."

Hon. Sir JAMES LOUGHEED: If it is adulterated there is no reason why it should not be.

Hon. Mr. LYNCH-STAUNTON: But the official has the power of trial.

Hon. Mr. DANDURAND: And the accused has no recourse whatever.

Hon. Mr. LYNCH-STAUNTON: He has no trial, no hearing, no chance to combat the finding.

Hon. Sir JAMES LOUGHEED: I understand there is a clause.

Hon. Mr. POWER: I find no provision here that the Dominion Analyst shall be on the spot and make his report forthwith. In the summer time a dealer in soft drinks might suffer serious pecuniary loss by being compelled to hold a large stock over until the Dominion Analyst, perhaps coming from some distant city, had an opportunity to examine and report. In large cities there are Dominion Analysts, but they are not distributed over the country, and provision should be made for prompt reports.

Hon. Sir JAMES LOUGHEED: Section 13 deals with reports.

Hon. Mr. LYNCH-STAUNTON: The honourable member for Middleton (Hon. W. B. Ross) has just pointed out that section 12 absolutely contradicts section 7, with which we are now dealing, because it says:

If the Dominion Analyst reports to the department that the whole or any part of such articles of food or drugs as have been submitted for analysis by the aforesaid inspector is adulterated or misbranded, the minister may declare such articles, or so much thereof as the Dominion Analyst reports to be adulterated or misbranded, to be forfeited to the Crown.

This leaves it in the discretion of the minister, while section 7 gives the minister no discretion whatever; he is as helpless as anybody else; the article is ipso facto forfeited to the Crown.

Hon. Sir JAMES LOUGHEED: Instead of saying "shall ipso facto be forfeited," we might use the words "may ipso facto," etc.

Hon. Mr. LYNCH-STAUNTON: No, it must be read "shall."

Hon. Mr. DANDURAND: Could not the owner be notified, and a certain time allowed to him?

Hon. Sir JAMES LOUGHEED: It is taken out of his possession.

Hon. Mr. LYNCH-STAUNTON: It seems to me that subsection 2 is superseded by section 12, and should be struck out altogether. Certainly they are contradictory. This subsection 2 of 7 is not required if section 12 stands.

Hon. Mr. BELCOURT: I think my honourable friend is quite right; the subsec-

tion is either mandatory or contradictory, and I agree with him that that part should be struck out.

Hon. Mr. LYNCH-STAUNTON: I move that subsection 2 of section 7 be struck out.

Hon. Sir JAMES LOUGHEED: Let it stand meantime.

Hon. Mr. BELCOURT: I did not understand my honourable friend to suggest the striking out of the whole of subsection 2, but only the words relating to seizure and forfeiture.

Hon. Sir JAMES LOUGHEED: That provision is not only desirable but necessary.

Hon. Mr. LYNCH-STAUNTON: I would move to strike out all the words from line 22 to the end of the subsection, as follows:

If the Dominion Analyst reports that the said article is adulterated or misbranded within the meaning of this Act the article so seized and held shall ipso facto be forfeited to His Majesty Otherwise it shall be released forthwith.

Hon. Mr. McMEANS: I would like some explanation about that. I do not quite agree with the honourable gentleman (Hon. Mr. Lynch-Staunton) when he says there is a contradiction between section 2 and section 12. As I read it, subsection 2 refers to one article which the inspector, when he comes into a store, may pick up, while section 12 refers to all articles of the same class.

The amendment of Hon. Mr. Lynch-Staunton was agreed to, and section 7 as amended was agreed to.

Subsections 1 and 2 of section 8, were agreed to.

On subsection 3—analysis and certificate thereof:

Hon. Mr. DANDURAND: In subsection 3 of section 8 there is full protection of the party, because on the report of the Dominion Analyst the owner may be sued and the report of the Dominion Analyst may be offered as evidence. I see in that provision protection for the owner, but I do not know whether in any case he has the right to a trial.

Hon. Mr. MURPHY: Under subsection 4 it is provided that the Department may keep a man waiting for six months before giving him a certificate as to the condition in which his goods were found. Is that right? Section 9 gives a person the right to appeal to the Minister from the decision of the analyst. Is he going to be obliged to wait six months for an opportunity to appeal?

Hon. Mr. LYNCH-STAUNTON: He ought to get a certificate forthwith.

Hon. Mr. BELCOURT: Why should not the inspector be required, at the time he sends the certificate to the department, to send a copy to the person from whom the sample was procured?

Hon. Sir JAMES LOUGHEED: The certificate is that of the Dominion analyst, apparently.

Hon. Mr. BELCOURT: Yes. Why should not the person from whom the sample was procured be advised at once?

Hon. Mr. POWER: Six months seems a long time. In the next clause we find that if the party wishes to appeal he has to move within ten days of the receipt of the copy of the certificate. Why should you give the department six months to move, and compel the party accused to move within ten days?

Hon. Sir JAMES LOUGHEED: The Deputy Minister of the Department informs me that there are really cases in which it will take six months to determine.

Hon. Mr. LYNCH-STAUNTON: They should make the analysis with all despatch and furnish a copy of the certificate promptly to the man concerned.

Hon. Sir JAMES LOUGHEED: It has to be done within six months of the time of procuring the sample.

Hon. Mr. LYNCH-STAUNTON: But, as I understand this clause, the analysis might be made to-day and a copy of the report not be furnished for six months to the man whose goods were seized.

Hon. Sir JAMES LOUGHEED: Because the sample might take that lenght of time to analyse.

Hon. Mr. LYNCH-STAUNTON: The analysis might be made in two days, and under that section the report might be held for six months.

Hon. Mr. MURPHY: Would the Deputy Minister please give us an example of any article that takes six months to analyse? I would like to know of any such article. I do not know at present.

Hon. Sir JAMES LOUGHEED: Why mention any particular time? Why not say: "A copy of such certificate shall be

furnished by the department to the person from whom the sample was procured?"

Hon. Mr. LYNCH-STAUNTON: Forthwith after the analysis is made?

Hon. Sir JAMES LOUGHEED: Yes, we will take that.

Hon. Mr. BELCOURT: The section reads: "If it appears to the Dominion analyst that the sample is adulterated or misbranded within the meaning of this Act, the Dominion analyst shall so certify." Why not at that time send a copy of the certificate to the owner?

Hon. Sir JAMES LOUGHEED: We will put it that way.

Hon. Mr. McMEANS: "If it appears to the Dominion analyst." Does that mean, if it appears to him without analyzing it at all? Surely he should analyze it or do something to determine whether it is adulterated or misbranded or not.

Hon. Mr. MURPHY: "Appears" is a very unfortunate word there. The clause should read: "If on analysis it appears misbranded." Surely the general appearance of the article should not be sufficient.

Hon. Sir JAMES LOUGHEED: Well, if the facts warrant that conclusion.

Hon. Mr. DANDURAND: I suppose "if it appears" are synonymous with "if he finds."

Hon. Mr. MURPHY: "Appears" is an unfortunate word.

Hon. Sir JAMES LOUGHEED: I do not know of any word more used in judicial proceedings than the word "appears." It is a word which is invariably used in all orders of the court.

Hon. Sir JAMES LOUGHEED moved that subsection 4 be amended to read as follows:

A copy of such certificate shall be furnished forthwith by the department to the person from whom the sample was procured.

The amendment of Hon. Sir James Lougheed was agreed to, and the section as amended was agreed to.

On section 9—appeal; further investigation and analysis:

Hon. Mr. BELCOURT: I do not think the words "in full" should be included. The person supplying the article has only ten days in which to controvert the certificate of the Dominion analyst. He gets notice to-day, and ten days hence he must put before the minister a complete case.

Hon. Mr. MURPHY: Thirty days would be better.

Hon. Mr. BELCOURT: I think a period of ten days is altogether too short, because by the words "in full" he would be obliged to submit at once to the minister the complete evidence.

Hon. Mr. LYNCH-STAUNTON: It does not say that at all; it says that he shall notify the minister that he intends to submit the evidence.

Hon. Mr. BELCOURT: "Stating in full the nature of such evidence."

Hon. Mr. LYNCH-STAUNTON: The nature will be that the article is pure food and that the label is all right.

Hon. Mr. BELCOURT: No, no. My honourable friend is too much of a lawyer to think it means that.

Hon. Mr. LYNCH-STAUNTON: It says, "stating in full the nature of such evidence."

Hon. Sir JAMES LOUGHEED: My recollection is that you have to take such a step as that under the summary proceedings in appeal from a justice of the peace under the Criminal Code. That is to say, you have to serve your notice of appeal within, I think, ten days. That is all that is required. The appeal is not lodged. The person concerned simply gives notice of appeal. He simply has to state that he intends to present evidence in his own behalf to controvert the certificate. He does not submit evidence; he simply states the character of the evidence to be submitted.

Hon. Mr. BELCOURT: I do not think so. I think the words "stating in full the nature of such evidence," mean that he would have to submit a complete statement.

Hon. Sir JAMES LOUGHEED: If they had to state the evidence in full, that would be a different thing.

Hon. Mr. BELCOURT: It is open to that construction.

Hon. Mr. McMEANS: If a man living in Victoria receives a copy of the certificate, he is required to notify the minister within ten days. It will take six days for his notice to reach here. You might as well shut him out altogether.

Hon. Mr. MURPHY: To whom is this appeal? It says the Dominion analyst in one place, and in another place it says the chief Dominion analyst. Are you going to

appeal to the man who condemns your goods?

Hon. Mr. BELCOURT: No. He notifies the minister.

Hon. Mr. McMEANS: The minister may not get that notice.

Hon. Mr. MURPHY: In one place it says Dominion analyst; in another place, chief Dominion analyst.

Hon. Mr. POWER: I think that instead of striking out the words "in full," as suggested by the honourable member from Ottawa (Hon. Mr. Belcourt), it would be better to lengthen the time given to the accused to make his appeal; because we should see that the department gets fair play; and if the party appealing is not bound to state in full the grounds of his appeal, the department is liable to be taken by surprise when the inquiry comes up. I think the better way would be to give the accused a little longer time to make his appeal.

Hon. Mr. MURPHY: There is no objection to that.

Hon. Sir JAMES LOUGHEED: What does the honourable gentleman from Ottawa suggest?

Hon. Mr. BELCOURT: Of course, it depends altogether on whether the words "in full" are left in or not.

Hon. Mr. LYNCH-STAUNTON: Thirty days.

Hon. Mr. BELCOURT: If the words "in full" are stricken out, I am quite satisfied with the time given.

Hon. Mr. MURPHY: Leave "in full" and make the time thirty days.

Hon. Sir JAMES LOUGHEED: We will extend the time and leave in the words "in full." That permits of a better presentation of the case.

Hon. Mr. BELCOURT: Give thirty days

Hon. Mr. POWER: Give twenty days.

Hon. Sir JAMES LOUGHEED: Say we split the difference and make it twenty days.

Hon. Mr. POWER: I move that the word "twenty" be substituted for "ten" in the fourth line of the paragraph.

The amendment of Hon. Mr. Power was agreed to, and section 9 as amended was agreed to.

Section 10 was agreed to.

On section 11—inspectors appointed by councils; analysis; prosecutions; special application of penalties:

Hon. Mr. BOSTOCK: Is this a new clause, or is it the same as the old clause?

Hon. Sir JAMES LOUGHEED: I understand it is the same principle as in the old Act. Section 13 of the old Act makes provision for this.

Hon. Mr. BELCOURT: Did it not provide that the penalty should be divided between the informer and the department?

Hon. Sir JAMES LOUGHEED: That is further on. But section 11 seems to be precisely the same as section 13 in the old Act.

Section 11 was agreed to.

Sections 12 and 13 were agreed to.

On section 14—regulations by Governor in Council:

Hon. Mr. POWER: Should not these things be done by Parliament rather than by the Governor in Council?

Hon. Sir JAMES LOUGHEED: That would be very cumbersome.

Section 14 was agreed to.

On section 15—regulations by minister:

Hon. Mr. BOSTOCK: I think that paragraph c of this section contains an objectionable provision. I do not see why the informant should receive half the fine.

Hon. Mr. CURRY: I have had, I think, a dozen or more very strong telegrams from both grocers and druggists, protesting against the division of the penalty with outside persons.

Hon. Mr. LYNCH-STAUNTON: There will be no prosecutions unless that is done. There are very few prosecutions even now, and there are a great many adulterated foods. This is a very salutary provision, and I think it should be there to protect the public.

Hon. Mr. BOSTOCK: Will not the public protect themselves under this Act?

Hon. Sir JAMES LOUGHEED: No. This principle is to be found in many Acts.

Hon. Mr. BOSTOCK: I think it is very objectionable.

Hon. Mr. DANDURAND: Of course, those who are poisoned cannot prosecute; but those who are only half-poisoned, I should think, would be actuated by a spirit of revenge.

Hon. Mr. CURRY: Is that in the old Act?

Hon. Sir JAMES LOUGHEED: Yes.

Section 15 was agreed to.

On section 16—penalties:

Hon. Mr. LYNCH-STAUNTON: I submit that this section should be amended to read in this way: "Every person who knowingly, or under such circumstances that a magistrate finds that he should have known, sells, offers for sale, or exposes for sale," etc. A man should not be held criminally liable if he did not know, or if it can be said that he ought not to have known.

Hon. Mr. MURPHY: Section 17 covers that.

Hon. Mr. LYNCH-STAUNTON: No, it does not. I have read section 17, and I think it is the most extraordinary clause I ever saw. I think that a man should not be held criminally liable unless he knows or ought to have known. A man may buy sealed packages, in which case he has not the slightest opportunity of knowing; and I submit that he should not be held liable. The language I have suggested leaves the matter entirely in the discretion of the magistrate. If he finds that a man ought to have known, he would be liable. I think the magistrate should have the responsibility of saying that a man could not know or ought not to have known.

Hon. Mr. McMEANS: Why does not section 17 cover that case?

Hon. Mr. LYNCH-STAUNTON: I will explain if a man buys a large quantity of canned goods from a reputable dealer, does any one contend that he is bound to open those cans and have the contents analysed? Section 17 says that if the person accused proves "that he could not with reasonable diligence have obtained knowledge of its adulteration or misbranding he shall be discharged." With reasonable diligence he could have opened the cans.

Hon. Mr. DANDURAND: Then they would not be saleable.

Hon. Mr. LYNCH-STAUNTON: No. He could punch a hole in every can.

Hon. Sir JAMES LOUGHEED: This provision would not go that far.

Hon. Mr. LYNCH-STAUNTON: No man is held liable in a criminal prosecution unless the court is satisfied that he has knowledge or ought to have known.

Hon. Sir JAMES LOUGHEED: If we amended the provision is accordance with the views expressed by my honourable friend, it would be futile to attempt to enforce the Act because it would not be possible to prove knowledge in regard to deteriorated or adulterated foods on the shelves of a retailer. Surely section 17 is sufficient. The last subsection of section 16 doubles the penalty if the offence is an aggravated one. The policy of this Act is to protect the public from being poisoned. Is it not infinitely more important that the public should be protected than that some one who is selling adulterated food should possibly escape? It seems to me that you have to choose between the two, and we have imported into section 17 all the protection required by any man dealing in these goods. All he would have to do would be to make the necessary inquiry.

Hon. Mr. BOSTOCK: Would it not result in this: A man buying a case of canned salmon would have to take one tin and have it analysed before he could sell the case?

Hon. Sir JAMES LOUGHEED: No. All he has to do is to exercise ordinary discretion.

Section 16 was agreed to.

Sections 17 and 18 were agreed to.

On section 19—voluntary payments:

Hon. Mr. BOSTOCK: What is the object of clause 19? Does that mean that when the man is brought up he may voluntarily pay so much to the minister and the prosecution will stop? It is a rather curious provision.

Hon. Mr. McMEANS: I think the word "voluntary" should be struck out.

Hon. Sir JAMES LOUGHEED: It simply permits the accused to acknowledge his guilt.

Hon. Mr. McMEANS: He does not pay voluntarily, but because he has committed an offience.

Hon. Mr. DANDURAND: That can only be done after a suit has been instituted.

Hon. Sir JAMES LOUGHEED: Yes, after adulteration has been established.

Hon. Mr. BOSTOCK: Can the minister say how many payments have been made under this section of the old Act.

Hon. Sir JAMES LOUGHEED: My deputy tells me that even within the last three weeks there have been some.

Hon. Mr. BOSTOCK: Perhaps my honourable friend could let us have that information later.

Hon. Sir JAMES LOUGHEED: Yes.

Section 19 was agreed to.

On section 20—refusal of access:

Hon. Mr. POWER: I think the language of this clause is rather too sweeping. If a person omits to show the inspector—it is not merely if he refuses, but if he "omits to show the inspector all or any of such articles in his possession"—he shall be liable. I think that is going rather too far.

Hon. Sir JAMES LOUGHEED: That is the law which has been on the statute book for many years, and I do not think it has been productive of any great hardship. The department is acting under that now.

Hon. Mr. DANDURAND: There need be no prosecution. If the analysis establishes that a person is guilty he can pay in.

Hon. Sir JAMES LOUGHEED: Suppose there is a certificate establishing adulteration or misbranding. A man so charged may not desire to go to court and he may say, "I admit the offence," and he can pay the fine.

Hon. Mr. BRADBURY: Do you think that is sufficient punishment? I do not think it is.

Hon. Sir JAMES LOUGHEED: He may not knowingly have been a party to the offence. This provision relates only to the first offence.

Section 20 was agreed to.

Section 21 was agreed to.

On section 22—false label or neglect to label:

Hon. Mr. McMEANS: I move to strike out the word "knowingly."

Section 22, amended as suggested, was agreed to.

On section 23—expenses:

Hon. Mr. POWER: This clause is a little hard on a man who establishes his innocence. Of course, you cannot get costs against the Crown.

Hon. Sir JAMES LOUGHEED: It is one of the misfortunes of litigation.

Section 23 was agreed to.

Sections 24 and 25 were agreed to.

On sections 26—1907, c. 27; 1914, c. 45; not affected:

Hon. Mr. MURPHY: What is this clause for?

Hon. Sir JAMES LOUGHEED: It is to prevent any conflict with the departments administering those Acts.

Section 26 was agreed to.

Section 27 was agreed to.

The schedule was agreed to.

On section 5—misbranding (reconsidered):

Hon. Sir JAMES LOUGHEED: As this is a very mixed question, covering a whole range of bottles, I would suggest that it be left to the Governor in Council.

Hon. Mr. BRADBURY: I am in receipt of a telegram in regard to this Bill, and I presume that many other honourable gentlemen have received similar telegrams. It reads as follows:

Understand Food and Drug Bill, No. 27, provides for every bottle of aerated water, temperance and other beer being marked with label giving capacity and contents. If Bill passed in present form it will be impossible for the brewers and bottlers of this country to continue in business. The glass manufacturers cannot supply sufficient new bottles of uniform size, and trade forced to purchase second-hand ones, which vary in size slightly. The expense of labelling each bottle with labels giving capacity would also add considerably to cost to the consumer. Bill should be amended so as not to apply to any beverage. Hope you will help us.

Hon. Sir JAMES LOUGHEED: Strike out all the words after the word "prescribe."

Hon. Mr. DANDURAND: The regulations of the Governor in Council will then defer the operation of the whole subsection, whereas, as the Bill came from the House of Commons, the suspension referred only to the bottles. I would suggest that it be made to read in this way:

And provided further that the Governor in Council may make regulations deferring the operation of this subsection, in whole or in part.

Hon. Sir JAMES LOUGHEED: Yes, that will be all right.

Section 5, amended as suggested, was agreed to.

The Bill was reported, as amended.

The amendments were concurred in.

HONEY BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 29,

an Act respecting Honey. Hon. Mr. Nicholls in the Chair.

Hon. Sir JAMES LOUGHEED: I ask the permission of the committee to bring in Dr. McGill.

Sections 1, 2 and 3 were agreed to.

Hon. Sir JAMES LOUGHEED: I move to add the following section:

4. Everyone who violates any provision of section 2 or section 3 of this Act is guilty of an offence and liable upon summary conviction to the penalties provided by section 16 of the Food and Drugs Act, 1920.

The amendment was agreed to.

The preamble and the title were agreed to, and the Bill was reported as amended.

MAPLE PRODUCTS BILL.

SECOND READING.

Bill 28, an Act respecting Maple Products.—Hon. Sir James Lougheed.

TRUST COMPANIES BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 38, an Act to amend the Trusts Companies Act, 1914.

He said: The object of this Bill is to place trust companies under the Insurance Branch so far as inspection is concerned. It places them in practically the same position as insurance companies with relation to inspection. There are about 30 trust companies operating under federal legislation, and there is no provision at present for an annual inspection; but the department or the Minister of Finance is placed in motion, perhaps by some untoward circumstance, and an inspection is made. Companies of this character are becoming so important in the transaction of business that it is very necessary for the public to be protected by the most rigid inspection.

Hon. Mr. BOSTOCK: I understand that this Bill and the next Bill on the Order Paper, No. 39, are very much on the same lines.

Hon. Sir JAMES LOUGHEED: Yes, necessarily so.

Hon. Mr. BOSTOCK: I understand that the power to inspect these companies is going to be placed in the hands of the Superintendent of Insurance. Possibly when we go into committee the minister will be able to tell us how much extra work this will entail on the Insurance Department; I suppose it will mean quite a large amount of extra work, and probably more officials appointed under the superintendent, in order to carry out this work.

Hon. Sir JAMES LOUGHEED: There are only 30 companies, and it may require an extra official.

Hon. Mr. BOSTOCK: The same superintendent who looks after the insurance business is going to do this work also?

Hon. Sir JAMES LOUGHEED: Yes.

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

LOAN COMPANIES BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 39, an Act to amend the Loan Companies Act, 1914.

He said: What I have said in regard to trust companies applies with equal force to loan companies.

Hon. Mr. DANDURAND: I think the Government is to be commended for presenting this legislation, more especially in deciding to put the inspection in the hands of the Insurance Department. I have followed the work of that department for a number of years, and, while there may be in the Government other departments that are managed as effectively as the Insurance Department, there is none better.

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

STEAMBOAT INSPECTION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 49, an Act to amend the Canada Shipping Act (Steamboat Inspection).

He said: The object of this Bill is to give authority to the Government of Canada to make rules and regulations respecting the testing of boilers and all manner of machinery within steamboats. That of course would cover the inspection of hulls and the equipment of steamboats. The Bill also permits of inspection during the construction of a ship, and the imposition of such fees as will be necessary to maintain the expenditure which the department is making. I understand that up to the present time the fees for inspection and this kind of work have very largely applied to ships not registered in Canada, ships registered here being permitted to

escape with a very inadequate fee in fact, not sufficient to maintain the public service. The schedule of fees is based entirely on the actual cost to the Government.

Hon. Mr. ROCHE: Would this Bill apply to vessels owned abroad which temporarily put into Canadian ports, or would such ships be exempt? And would the Bill apply only to vessels built in the Dominion of Canada?

Hon. Sir JAMES LOUGHEED: I understand that it will apply to all steamships coming into Canadian ports.

Hon. Mr. BOSTOCK: Can my honourable friend tell me if the department accepts certificates from England or other countries?

Hon. W. B. ROSS: Under this Bill such certificates would be good for one year, after which time such ships must have Dominion inspection.

Hon. Mr. NICHOLLS: Do I understand that this Bill will apply to every steamship coming from abroad?

Hon. Sir JAMES LOUGHEED: Yes, to every steamship that has not been examined within a year. If such a ship presents Lloyd's certificate showing that it has been examined within a year, it would be exempt from Canadian inspection, but if that certificate is more than a year old the ship would be subject to inspection here.

Hon. Mr. NICHOLLS: I do not find any mention in the Act to the effect that ships will be exempt if they have certificates from Lloyd's.

Hon. Sir JAMES LOUGHEED: This will be governed by regulation, and I understand the regulation will be of that character.

Hon. Mr. MURPHY: They do not accept Lloyd's.

Hon. Mr. NICHOLLS: They are not empowered under the Act to accept anything; I think that should be considered. Take the case of the Cunard and White Star lines, which have the best steamers that sail the Atlantic; under this Bill those ships cannot leave port until they are inspected and the fees paid, although they may have the very highest certificates from the port of London or the port of Liverpool.

Hon. Sir JAMES LOUGHEED: I know there was a very great difference of opinion about this when the Bill was in the House of Commons. When we go into committee I will have full information on the subject.

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

CIVIL SERVICE INSURANCE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 58, an Act to amend the Civil Service Insurance Act.

He said: As honourable gentlemen are aware, the Government maintains an insurance service for members of the Civil Service. This insurance service has been self-supporting. The amount of the policy has been increased from time to time. At the beginning it was, I think, $2,000 or $2,500. Then it was increased to $5,000. It is now proposed to increase the maximum amount of insurance to $10,000, so as to permit of a more adequate allowance for the family of the deceased, or the beneficiaries, as the case may be. As I have already stated, the insurance is self-supporting, and the Government therefore feel every confidence in acceding to the representations which have been made by the members of the Civil Service, that the amount should be increased from $5,000 to $10,000. Owing to the very great rise in prices and the increased cost of living, it is very desirable that additional provision should be made along these lines.

Hon. Mr. BOSTOCK: I notice that this Bill empowers the Government to extend the insurance to the Navy as well.

Hon. Sir JAMES LOUGHEED: Yes. Under the old Act it was extended to the civil and military employees of the Government. Why the Navy was left out I do not know, unless it was that when the Act was passed, shortly after Confederation, we were not so impressed with that branch of the service as we are now.

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

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

THE SENATE.

Wednesday, May 5, 1920.

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

Prayers and routine proceedings.

CANADIAN NATIONAL RAILWAY.

BRANCH LINE TO OKA—INQUIRY.

Hon. Mr. BOYER inquired:

Did any officials of the Department of Railways and Canals or of the Canadian National Railways attend during the year 1919 a banquet at the Trappist monastery at Oka and there and then promise that a branch line of the National Railway would be built from the station Frenière to the monastery?

Hon. Sir JAMES LOUGHEED: The answer to the entire question is: No.

APPOINTMENT OF FRENCH TRANSLATOR.

INQUIRY AND DISCUSSION.

Hon. Mr. POIRIER inquired:

1. Whether Major E. J. Stehelin, who was employed for a few months in the Senate, and who has just been dismissed for alleged incompetence, had passed the examination required by law.

2. The list of candidates who competed at the same time as he did, and of those who qualified.

3. Their rank by order of points obtained.

4. Had Mr. Stehelin obtained the number of points necessary to qualify him as French translator?

Hon. Sir JAMES LOUGHEED:

1. Yes.

2. The candidates who competed were as follows:

Audette, Geo. A., Ottawa, Ont.; Baril, J. E. W., Ottawa, Ont.; Bélanger, Jos. E., Hull, Que.; Chassé, Henri, Quebec, Que.; Cruchon, Chas. T., Montreal, Que.; de la Durantaye, L. J., Ottawa, Ont.; Drouin, Adolphe, Ottawa, Ont.; Ghysens, E. A., Ottawa, Ont.; Giguère, Jas. A., Montreal, Que.; Godin, J. R., Montreal, Que.; McRae, D. M., Peterborough, Ont.; Montgomery, M. I., Peterborough, Ont.; O'Farrell, Wm., Quebec, Que.; Potvin, A., Ottawa, Ont.; Sauvé, Jos. H., Montreal, Que.; Solomon, S. G., Montreal, Que.; Stehelin, E. J., Yarmouth, N.S.; Vallières, Henry, Ottawa, Ont.; Warren, Jas. M., Ottawa, Ont.

Those who qualified were:

(a) Returned soldiers—Marks obtained (maximum 200): Stehelin, E. J., 177.8; Baril, J. E. W., 172.7; Drouin, Adolphe, 167; Chassé, Henri, 165.

(b) Civilians—Marks obtained (maximum 200): Ghysens, E. A., 182.8; Audette, Geo. A., 181.2; de la Durantaye, L. J., 173; Potvin, A., 171.8; O'Farrell, Wm., 170.

3. Rank by order of points obtained: Ghysens, E. A.; Audette, Geo. A.; Stehelin, E. J.; de la Durantaye, L. J.; Baril, J. E. W.; Potvin, A.; O'Farrell, Wm.; Drouin, Adophe; Chasse, Henri.

4. Yes.

Hon. Mr. POIRIER: Honourable gentlemen, I may not be quite in order, but I crave the indulgence of the House while I say a few words in regard to the answer which has been given by the leader of the Government to the question put. It will be seen from the answer that of the returned soldiers who qualified Major Stehelin got 177.8 out of a possible 200 points. Next to him came Mr. Baril, a professional translator, who got 172.7 points, or 5 points less than Major Stehelin; then followed Adolphe Drouin, with 167 points, or 10 points below Major Stehelin. Therefore, honourable gentlemen, if the examiners know anything about their business, and I can assure you that they are eminently capable, this gentleman qualified. To prove this more clearly I will refer to the list of civilian candidates who also passed the examination. One of them, Mr. Potvin, who is employed here as professional translator, and, I understand, is well qualified, took the examination at the same time, and he got 171.8 points, being 6 points below Major Stehelin.

Major Stehelin, when he passed his examination, was just back from the war. He had not shaken the dust of the trenches off his feet. He saw an advertisement in the paper, tried the examinations, and on his own merits, without any influence, he was appointed and sent here by the Civil Service Commission. That same gentleman was later dismissed on the ground of alleged incompetency. The allegation of incompetency falls, prima facie. The proof that he is competent is the answer to this inquiry. I do not know what power there is in this House—I do not refer at all to the committee, nor to the Clerk, nor to the Speaker, because they cannot go into the details of every case; but who is the power in this House that thwarts the nomination, the proper nomination, of competent men made by this commission? Who is it in this House who renders null and void the will of the country, as enacted in the 39th section of the Civil Service Act, which says:

In all examianations persons who have been on active service overseas on the military or naval forces of His Majesty during the present war; who have left such service with an honourable discharge; and who obtain sufficient marks to pass such examinations, shall, irrespective of the marks they have obtained, be placed in the order of merit on the list of successful candidates above all other candidates.

This gentleman had qualified in every way. I desire this House to know that when

the war broke out he with all his brothers, four or more of them, volunteered at the very first call, and went over and served their country. This gentleman was promoted on the battlefield, and the old father of these boys died during the war, possibly not of regret to see his sons fighting for England, Canada, and France, but more likely because he himself was too old to cross over. Major Stehelin has been properly sent to this House. He was dismissed because of alleged incompetency, and, what is worse, one of my honourable colleagues said—what he will permit me to qualify as regrettable—that the selection of this very man was the worst that could have been made. I say that, according to the answer which is before us, according to my own knowledge, not only was it not the worst, but it was the best that could have been made from among the military candidates. I knew of this gentleman, and he came to me and told me that life was made impossible for him in the Senate. I asked what was the matter, and asked him to show me his translations. He brought me the last translation he had made. I looked over it, and, gentlemen, if I can judge of the French language, that translation was 25 per cent better than some of the translations of our Debates which have been made of late years. No doubt the language was not as eloquent as that of Bassuet or of Mirabeau; but, honourable gentlemen, you cannot make an eloquent French translation of an English speech that lacks eloquence.

I shall not add anything further except to say that I believe a wrong has unwittingly been done, and I would like the members of the Committee on Internal Economy to see why they are made responsible for a wrong towards a very deserving man.

Hon. Mr. BRADBURY: If I am in order, I would like to say a few words. I do not think that remarks such as have been made by the honourable gentleman (Hon. Mr. Poirier) should be allowed to go without some words of rebuttal. I am amazed at the attitude the honourable gentleman has taken on this question. I happen to know a little about what has taken place in regard to the appointment of this translator. The gentleman, according to the return which has been made, secured a sufficient number of marks to put him at the head of the list, and one would naturally have thought he would be competent to fill the position. The man has my heartfelt sympathy, and, as a returned soldier myself, I would have been glad to see him not only obtain the position but prove himself qualified to hold it. I am informed by those who know that he was absolutely incompetent; that his translation was so bad that it could not be used. It was sent to experts to be examined, and these experts pronounced it absolutely unfit to be placed in Hansard. I was led to believe that the honourable gentleman who has appealed on behalf of this man knew these facts. Still he pleads that a man who is inefficient should be placed in such an important position as translator of the Senate.

I am sorry, honourable gentlemen, to realize that the tendency in our Civil Service to-day does not seem to be towards securing efficiency. Efficiency ought to be the aim of the Senate and of every honourable gentleman in it. Instead of that, if I can read between the lines, the honourable gentleman would be quite satisfied to retain in the Senate, at a high salary—I think $2,400 or $2,500—a man who was absolutely incapable of doing the work. How this man secured the marks which qualified him for the appointment is another question. It proves to me that the examination which take place in connection with appointments to positions of this kind are little short of a farce. Honourable gentlemen may remember that at last session, when the question of the method of making appointments to the staff of the Senate was debated in this House, I contended that the Chief of the Department requiring assistance ought to be consulted in the preparation of the examination papers, so that the man appointed would be qualified to fulfil the duties he would be called upon to perform; but the House did not see eye to eye with me. Consequently that provision was omitted. The fact that this gentleman apparently succeeded in passing an examination and satisfying the Civil Service Commission demonstrates clearly that the examination was anything but sufficient. The man himself had absolutely no experience. In the first place, the position calls for a man with certain qualifications, including university graduation. This man is not a graduate of any university. He was, I understand, a book-keeper in a lumber camp, perhaps a very competent man in his line, but absolutely unqualified for the very important position to which he was appointed.

Hon. Mr. CASGRAIN: I do not want to interrupt the honourable gentleman, but how does he account for the fact that this gentleman got so many points?

Hon. Mr. BRADBURY: I say that the examination was apparently a farce; that is what I say, when this man could secure those marks with his limited knowledge of the work. The honourable gentleman from Granville (Hon. Mr. Chapais), who is not here at the moment, is more competent to speak on this question than I am. He is an educated Frenchman. I am told that when a page of the translation was submitted to the honourable Senator, he declared that it demonstrated the absolute incompetence of the man who made that translation; it was not a good translation and was unfit to be inserted in Hansard.

I do not know the object of raising this question. I presume that every honourable gentleman in this House is anxious to secure efficiency in its officials. That should be the first aim. Now, if this gentleman was inefficient or incompetent, why should any honourable member rise in his place and protest against his being removed from the position? I could understand the honourable gentleman (Hon. Mr. Poirier) having a grievance against the Civil Service Commission for sending to this House a man who was evidently incompetent and inefficient. If the appointee was not qualified, as I think has been demonstrated, beyond any question by men who know, then why should the honourable gentleman feel that the man has been harshly treated? I am told on every good authority that this man, when he was occupying the position, admitted frankly that he was not competent to discharge the duties appertaining to the office. In view of these facts I do not think that anybody responsible for changing the situation is deserving of censure or blame. I think that if the authorities of this House had not taken the action necessary to insure our having a correct translation, then they would have been derelict in their duty to the House, and would have been deserving of censure. I think that the officials of the House deserve to be highly commended for the action they have taken.

I hold in my hand the classification volume in which are stated the qualifications required for this position as follows:

> **Education equivalent to university graduation; at least two years of experience as translator or experience of similar character and standard; in some cases sufficient specialized training or previous experience to insure thorough familiarity with legal and scientific terminology; considerable demonstrated aptitude for translation and the faculty of expressing ideas clearly in each of the languages used; ability to read, write and speak two or more languages fluently.**

Unfortunately, honourable gentlemen, this man had none of these qualifications; and how under heaven he secured the highest marks in that examination is a mystery to everybody. That is a question that might bear investigation.

Hon. Mr. POIRIER: Is that an insinuation against the honesty of the Civil Service Commission or the examiners?

Hon. Mr. BRADBURY: Honourable gentlemen, I am making no insinuation: I am making a plain statement of facts, and the honourable gentleman can take out of that whatever he likes.

Hon. Mr. GIRROIR: Is he a university graduate?

Hon. Mr. BRADBURY: According to my information, he is not a university graduate, and has none of the qualifications that would have entitled him to the position which has been awarded him by the Civil Service Commission. This is only another argument, and a very strong argument in my mind, for taking this House from underneath the operation of the Civil Service Commission. Every official of this House, to my mind, ought to be appointed to the House on the recommendation of some responsible officer of the Senate.

Hon. Mr. POIRIER: Hear, hear; I am in favour of that too.

Hon. Mr. BRADBURY: If that were the case, we would have no such trouble as we are having to-day. I purpose giving you some day an opportunity of voting on this question, as I intend to move an amendment to the Civil Service Act when it comes before us, with that purpose in view.

Now, I am not going to detain the House. I would not have risen to say a word only that I thought my honourable friend (Hon. Mr. Poirier) was perhaps misinformed. The gentleman who now occupies the position of translator, Mr. Potvin, whom I have known for years, is a graduate of two universities. He is a thoroughly qualified French scholar. He had been performing the duties of the position to the satisfaction of his chief and of everybody who came in contact with the translation, for, I think, eight or nine months previous to the examination. In my opinion, according to law Mr. Potvin should have been appointed without that examination.

Hon. Mr. CASGRAIN: Is Potvin a returned soldier?

Hon. Mr. BRADBURY: No, he is not a returned soldier, but I would like to say

this on his behalf: he did a great deal more than a good many returned soldiers in connection with the war.

Hon. Mr. MURPHY: That is what they all say.

Hon. Mr. BRADBURY: This man devoted two years of his time to assisting in recruiting in his own province. He tendered his services for overseas, but was rejected twice by the doctors on account of his heart. It is not his fault if he is not a returned soldier. He has rendered good service. He has done more than a great many honourable gentlemen in this House have done to help win the war. However, I am not going to discuss that question. He was highly qualified to fill the position, whereas the man who was appointed and afterwards relieved by the authorities of the House was absolutely unqualified. I think the officers of the House deserve credit for what they have done.

Hon. Mr. CASGRAIN: May I ask the honourable gentleman a question before he sits down. According to this return, Mr. Potvin received 171.8 marks; he did not get as many points as the returned soldier. But they passed over a man named Ghysens and another named Audette, and another named de la Durantaye. Those men got more points than Potvin. How does the honourable gentleman explain that?

Hon. Mr. BRADBURY: I have really no explanation to make. I am not conversant with that phase of the situation. But in reply to the honourable gentleman I would say this, that in an important appointment of this kind something more is needed than a technical examination. Consideration must be given to the man himself—his personality and his fitness for the position. These factors ought to receive far more consideration than even the examination. I am told on the very best authority that there is no better translator in the employ of either of the Houses to-day than the man who now fills the position, Mr. Potvin.

Hon. Mr. POIRIER: Honourable gentlemen, may I be allowed to conclude the debate?

The Hon. the SPEAKER: Being responsible for the dismissal of Major Stehelin as French translator, I may be permitted to give some explanation. When Mr. Stehelin was appointed by the Civil Service Commission he was sent here. We tried him several times, and he made several translations in the course of about two months. I received many complaints that he was not at all qualified as a translator. I read his translations myself, but did not consider myself sufficiently qualified to render judgment; so I consulted many experts in French translation. All agreed that it was of no use to employ a man who would make such translations as Mr. Stehelin did. A second time I asked these experts if Mr. Stehelin, after having worked five or six months, might not possibly become qualified, and they all answered it was of no use to try. I was very sorry to be obliged to replace him, because, as the honourable member from Shediac (Hon. Mr. Poirier) stated, he was employed overseas during the course of the war—not in the trenches as the honourable gentleman from Shediac stated. If I am correctly informed, Mr. Stehelin is well qualified in the lumber trade. If he suffered, it was not in the trenches, but in the lumber camps. He may be perfectly well qualified to fell trees, but I consider that he is absolutely incompetent for translation. As I have stated, I consulted several experts and not one of them told me that it was possible to retain him in the position. Even one member of the Civil Service Commission, to whom the translation made by Mr. Stehelin was submitted, said that he had no qualifications at all. That is why I dismissed him. I was very sorry to be obliged to do so, but the French translation must be first-class or we must have none at all.

Hon. Mr. POIRIER: May I be allowed a word? There is certainly some misunderstanding of a serious character about this. The man, according to the Montreal examiners who looked at the papers—

The Hon. the SPEAKER: May I draw the attention of the honourable gentleman to the fact that he is out of order.

Hon. Mr. DANDURAND: I do not know whether I am in order or not, but I would like to ask the honourable the Speaker whether or not another examination has taken place since, and, if so, who has been selected?

The Hon. the SPEAKER: There is no selection yet.

Hon. Mr. DANDURAND: The present appointment is but a temporary one?

The Hon. the SPEAKER: Yes.

Hon. Mr. DANDURAND: Until an examination is held?

The Hon. the SPEAKER: Yes.

Hon. Mr. DANDURAND: I may say, honourable gentlemen, that I am the person referred to by my honourable friend from Shediac (Hon. Mr. Poirier) as having expressed in rather harsh terms my opinion as to the incompetence of Mr. Stehelin. I did not even know the name of the party. I drew my conclusions, first, from a statement that had come to me, and from the dismissal, which was apparently a corroboration of that statement. These are the only facts I had. A report came to me a month before, and then we had the report from the Internal Economy Committee. Reading my remarks again, I observe that I stated that the commission had unfortunately selected the most incompetent man. While that may be true, I hope that it is not. The gentleman may not have been the most incompetent, but in this respect I am no better informed than the Senate is at the present time.

Hon. Mr. POIRIER: I have been out of order, but would the honourable the Speaker permit me to put to him a question?

The Hon. the SPEAKER: Certainly.

Hon. Mr. POIRIER: I have been told directly that the gentleman was given at the start something like five pages a day to translate. That was before he had been coached and before he had time or opportunity to see how the Senate was constituted. If that is so—I do not say it is—but if he was examined on translations which he did at the rate of five pages a day, I say there is no man who could translate five pages a day and could safely submit his translation to a critical examination.

Hon. Mr. DOMVILLE: This thing is entirely out of order.

The Hon. the SPEAKER: I am informed by the Clerk of the House that he had two months and a half in which to do the work, and the Chief Translator advised Stehelin to take all the necessary time to make the translation correctly.

Hon. Mr. POIRIER: The Clerk knows. I simply put the question.

The discussion concluded.

SERVICE TO THE MAGDALEN ISLANDS.

MOTION FOR RETURN.

Hon. Mr. TANNER moved:

That an order of the Senate do issue for a return of copies of contracts between any department or departments of the Government and the owners of the steamship Lady Evelyn in respect to the carriage of mails, passengers and freight between Pictou, Souris and the Magdalen Islands, and copies of schedules of rates for such service, if such schedules are in the possession of the Government.

The motion was agreed to.

DIVORCE BILL.

THIRD READING.

Bill H3, an Act for the relief of Edith Sarah Bell.—Hon. Mr. Ratz.

THE BRITISH EMPIRE STEEL CORPORATION.

On the Orders of the Day:

Hon. FREDERIC NICHOLLS: Honourable gentlemen, I would like to ask the indulgence of this House to refer to a matter that is occupying public attention to a considerable extent at this time. Yesterday, the honourable the leader of the Opposition placed on the Order Paper an inquiry for certain particulars in connection with the British Empire Steel Corporation. I am told that if I were to remain here until tomorrow I would have an opportunity of speaking to the question. But, unfortunately, I am informed that a great many of the mechanics in our Peterborough works have threatened to go out on strike tomorrow morning. Therefore, by leave of the House, I would like to refer to this matter at the present time.

I am interested in this merger from the standpoint that I am one of the vice-presidents of one of the constituent companies, the Dominion Iron and Steel Corporation; and, while I shall not attempt at this time and in this place to defend the British Empire Steel Corporation, because I do not see that any information is yet before the public that warrants any attack, and therefore no defence is necessary, I do think it would be interesting to this House to have certain information from one who is qualified to give it first hand.

It was some months ago when the question of the merging of certain Canadian steel corporations and other corporations came before the company of which I am an executive officer, and at that time I was personally very much opposed to the idea. I assumed—it has since turned out erroneously assumed—that the proposition was simply for the purpose of stock manipulation, and I believed then that any merger having that as the main object in view was detrimental to the interests of the country. Since that time I have been present at a

great many conferences, and I have to say now that, with a more intelligent understanding of the situation and of the proposals set forth, I am only too glad to say that I believe that the merger of the Canadian companies as proposed by the British Empire Steel Corporation will be one of great advantage to Canada. There are good mergers and there are bad mergers, but from a patriotic standpoint I believe this merger will bring prosperity in certain lines of industry, will increase the development of our resources, and will be to the advantage of Canada and beneficial in every way.

At the present moment any manufacturer who uses iron or steel as the base of his industry knows that we are entirely dependent on the United States in that respect, and that at times like the present, when it is almost impossible for the United States to secure a sufficient amount of raw material to enable the American manufacturers to keep their factories employed, honourable gentlemen may imagine that it is far more difficult for Canadian industries that have to depend on the United States for their supply to receive equally favourable treatment.

The Dominion Iron and Steel Corporation, wnich is the principal constituent of the new merger, because in the new issue of securities I believe it is allotted 38 per cent of the whole, occupies a very peculiar strategic position in regard to world trade; but in regard to domestic trade it occupies a somewhat disadvantageous position. It has the great advantages for export of coal, of iron, and of seaboard. The port of Sydney is nearer to South Africa, Southern Europe, and South America than is the port of Liverpool. But, unfortunately, Sydney is about the most easterly port in Canada, and, as you know, honourable gentlemen, iron and steel and coal are very weighty products, and the freight rates have made it impossible for the Sydney corporations, the Dominion Iron and Steel Company and the Nova Scotia Steel Company, to market their products to advantage in the western section of this country. Freight rates by rail are prohibitive. They have been able to ship coal by vessel during certain months of the year to the port of Montreal. The balance of the Canadian requirements of coal are imported from the United States. In order that we may develop our natural resources we must look for an export market, and that was the one reason, my whole reason, for being favourable to the coming alliance with the British Empire Steel Corporation, when I found that it was to be promoted and placed before the public on a basis such as that upon which every Canadian industry should be established.

First of all, I would like to refer to a most misleading statement which was made in another place yesterday. Taking the Hansard of the House of Commons, I notice that Mr. J. E. Armstrong made the following remarks:

> I rose particularly to call the attention of the Government to the fact that the time has come when we should investigate these mergers instead of permitting them to say that they have a capital of $207,000,000, and that they are going to put in enough watered stock or common stock to make up $500,000,000.

Some Hon. SENATORS: Order.

Hon. Mr. BELCOURT: We cannot discuss what is going on in the other House.

Hon. Mr. NICHOLLS: Well, honourable gentlemen, I will not quote from Hansard; but I think my memory is sufficiently clear to enable me to mention that I read in the newspaper this morning that a certain member in another place had made the statement that, because the British Empire Steel Corporation was applying for a charter of $500,000,000 capital, and only $207,000,000 of that was to be issued for the purpose of taking over the constituent companies that were entering into the merger, the balance was all to be issued as watered stock. That is a most unfair statement. A little knowledge is a dangerous thing. If we are to assume—no business man would—and if others who are not interested in business to the same extent are allowed to form the impression that all the balance of the capital that is not invested on the immediate inception of the corporation is going to be distributed as watered stock, I do not know what stage we would arrive at.

The facts are these. Of $500,000,000, $207,000,000 is to be issued to take care of the securities of the different enterprises entering into the new merger. The balance will remain in the treasury, and will be issued from time to time, if called upon, for the sake of strengthening the organization by the addition of new interests.

It is a very ambitious scheme. As I have pointed out, heretofore we have been entirely dependent on the United States. To-day there are associated with this new enterprise a number of leading manufacturers and financiers of Great Britain. They are going into this, not simply because they expect to make money out of it, or because they expect to make any great amount of money—because they have deliberately shut the door against making money; and that

has led me to the belief, honourable gentlemen, that, after all, the guiding spirit is the fact that they want to act in accordance with the lessons they have learned from the war, when the trade of Great Britain and the trade of the Empire was so dependent upon German activities, and that they must have for their shipbuilding, for their machine building, and for every other class of industry, iron and steel to make the Empire independent.

My proof that they are actuated by a self-sacrificing spirit is this. The industries at Sydney cannot be developed without the expenditure of a very large amount of capital. The Dominion Iron and Steel Company cannot, if it remains as it is, satisfactorily proceed without many millions of new capital. These British capitalists have undertaken to take $25,000,000 of 8 per cent cumulative preference stock at par, and to put that $25,000,000 at par into the treasury, and they do not get one share of common stock or any other kind of security. It is cash, and clean cash. They get no bonus of common stock; there is no water in it; and therefore I think that honourable members of this House should be informed of the fact when they come to the discussion of this matter, at which discussion I regret to say I shall not be present.

Hon. Mr. McSWEENEY: Does not the honourable gentleman think that 8 per cent is a pretty stiff rate?

Hon. Mr. NICHOLLS: I do not believe that anybody could go into any financial market in the world at this very moment and get $25,000,000 on an 8 per cent basis, when the Governments are paying 6 per cent.

Hon. Mr. DOMVILLE: As I understand my honourable friend, these companies on this capital are going to issue stock at 8 per cent.

Hon. Mr. NICHOLLS: I think that every financier will admit that in these days, considering the risk, unless the men who are supplying that money are actuated by patriotic motives and by a desire to bind the different parts of the Empire closer together, both for patriotic and selfish reasons, it would be quite impossible at this time to get $25,000,000 for any Canadian industry at such a rate.

Hon. Mr. BELCOURT: Are we to understand that there is some legislation coming down in regard to this question later on?

Hon. Mr. NICHOLLS: I mentioned on rising that the leader of the Opposition had placed an inquiry on the Order Paper for certain information regarding the merger, and by leave of the House, knowing some of the facts which could not be procured elsewhere, I desired to give the House any information which was at my disposal. If the House desires to hear it, I shall be pleased to continue; if not, I shall be equally pleased to take my seat.

Some Hon. SENATORS: Go on.

Hon. Mr. BELCOURT: I asked a question which was not answered. Is this to be followed by any legislation?

Hon. Mr. NICHOLLS: I am quite unaware that any legislation is to follow.

The Hon. the SPEAKER: From the form of the inquiry of the leader of the Opposition, I take it that he does not intend to speak upon it.

Hon. Mr. CROSBY: The information is important anyway.

Some Hon. SENATORS: Go on.

Hon. Mr. NICHOLLS: As it is the expressed desire that I continue, I will give you another fact, and that is that the directors of the new merger will be entirely Canadian, or so I am informed, and that the British people who are advancing the initial $25,000,000 are satisfied to remain as an advisory board in London, and to leave the entire operation and management of this great Canadian enterprise to Canadians to develop for the benefit of Canada. I think it is rather unusual for people who are putting up a large amount of money when money is required, and when they are in a position to dictate terms, not to dictate terms, but to say: "We have decided not to go into this at all; we believe in Canadian management of Canadian institutions, and we look to you to work with us for the good of Canada and for the good of the Empire."

Before I was converted I had to be convinced by facts. The facts were placed before us by probably one of the leading firms of auditors in the world—Warwick, Mitchell, Peat and Company. They investigated most thoroughly our books, the books of the Nova Scotia Steel Company, and those of the steamship company. Warwick, Mitchell, Peat and Company and Price, Waterhouse and Company are, I think, the two concerns of actuaries that stand higher than any other when an organization is going to be put together and the shareholders or others desire to know the true conditions of affairs. We

had a full and most voluminous report, made after a most thorough investigation of the books and accounts. We had the best minerological experts that Great Britain could produce spend months investigating the physical assets of the company, the stocks of coal, ore, machinery, etc.; so the directors only voted in favour of bringing about this merger after the fullest investigation. But, after having been approved by the directors, all this has still to be submitted to the shareholders, who will be called in a special general meeting to consider it. So that every shareholder, from the largest to the smallest, will before it is consummated have an opportunity of expressing his opinion and criticising, or recommending or making any other suggestion that the circumstances of the case may seem to him to warrant.

Although this matter concerns our Canadian resources, I doubt if there are many honourable gentlemen in this Chamber who are aware of the fact that within the bounds of the province of Nova Scotia and on Belle Isle, which is part of Newfoundland, there is fifteen per cent of all the coal and iron ore of the world. Of what advantage has that been to this country in the past? We have played with it, but it should make us potentially rich. We have played with it largely because of the adverse geographical situation. If these wonderful natural resources had been situated say in the vicinity of Montreal, or in the province of Ontario, which are the manufacturing centres, radiating both east and west, Canada would to-day occupy a different position industrially and financially. But those resources have been lying dormant, honourable gentlemen, and this is the first opportunity we have to make a proper development and use of them. Canada during the war gained the admiration of the world not only by the gallantry of the soldiers that it sent to the front, but also on account of the financial strength of the country, which enabled it to meet the enormous expenditures connected with the conduct of the war. Canada has won the admiration of the world for having shown to the returned soldiers greater consideration than has been shown in any other part of the world; and we have not done with that yet. I believe that if we are able to link up with the Empire and march in synchronism with her, each constituent part of the Empire aiding in purely British development, it will be a great thing for this country financially, commercially, and patriotically.

The reason five hundred millions of capital is asked for is that it will leave an ample amount of treasury stock which can be issued only in the event of other enterprises—British, Indian, Australian, etc.—coming in to cement still further this world-wide British Empire consolidation. And I would draw the attention of honourable gentlemen to the fact that when any such question arises it must come before a Canadian board of directors, who will have to consider it from the standpoint not only of the Empire interest, but also of the interest it will be to Canadians and to Canada.

As I am speaking by leave of the House, I do not wish to take up too much time. I have felt that there were certain things that would interest the members—

Hon. Mr. DOMVILLE: Would my honourable friend permit me to ask him a simple question? I appreciate his ability, and I appreciate his desire in this matter; but I would like to put a question to him regarding a point which I could not understand, as to the Dominion Steel Company. What has that to do with the Davie Shipbuilding and Repairing Company, Limited? And what has it to do with the Maritime Nail Company?

Hon. Mr. NICHOLLS: I am very glad the honourable gentleman has asked that question. This is so large a subject that it is quite impossible for me to give to the House all the information I would like to give in a few remarks made by leave of the House; but I may state that in my judgment it would be quite impossible for us to carry out the full purpose of the combination unless there were adequate shipping at the command of the Empire Steel Corporation.

Hon. Mr. DOMVILLE: My honourable friend has not told us about the Maritime Nail Company.

Hon. Mr. NICHOLLS: As to the Maritime Nail Company, I may tell the honourable gentleman that the Dominion Iron and Steel Company during the war developed a very large export trade in nails with France and Great Britain. Their total nail-producing capacity was more than taken up by their export trade, which also took the output of the nail manufacturing company in St. John. I am glad to say that the Canadian corporation, which never had had any of the export trade and had never been able to engage in the world-wide competition in the manufacture of nails, showed itself during the war to such advantage that it has been able to retain its trade

after the war, and the manufacture and export of nails will become a very important part of the future production of the corporation. That is where quantity production lowers prices. If the Canadian corporation can manufacture only, we will say, one-tenth of what a similar corporation is manufacturing in the United States, they cannot manufacture to the same advantage; therefore they cannot manufacture and sell as cheaply. But if by means of this Empire trade they can manufacture in gross as much as the competing company in the United States, they will be able to reduce very largely, their cost of production, so that they can compete successfully.

There has been a great deal of criticism because the figures seem large, but I have not heard any criticism of the United States Steel Corporation, which is investing almost as much at Ojibway, on the Detroit river. That is an American corporation. They have been welcomed with open arms and have been given a great many advantages and concessions, and every dollar that they may make in the employment of a capital of from $100,000,000 to $200,000,000 will go across in dividends to the United States. It can at least be said that the money earned by the British Empire Corporation will remain within the Empire.

I feel that I am trespassing too much on the indulgence of the House, honourable gentlemen, and occupying too much of your time; but I consider that this is one of the most important questions that has ever been brought to the attention of this country. I honestly believe—otherwise I would not have become connected with it—that it is going to do more for the development of our natural resources of that class, and our raw materials, than has ever been dreamed of before. I believe it is going to give us connection with the great iron and steel mills of Great Britain, of Australia, and of India. I think it is most unwise for gentlemen whose names I have read in the newspaper this morning to attempt to frighten away or discourage capital when it is willing to come here without bonus. I think it is a most regrettable thing, and I hope that the same class of destructive criticism will not occur in this honourable House. Of course, constructive criticism is helpful to any enterprise or any industry.

Hon. Mr. BOSTOCK: I understood the honourable gentleman to say that the amount of stock that was to be issued was $207,000,000; but the statement that appeared in the Ottawa Journal yesterday morning gave it as $250,000,000. Can he explain the difference between his statement, and the statement which was attributed to Col. Morden?

Hon. Mr. NICHOLLS: The balance sheet as submitted to me called for $207,000,000. Whether there has been any new enterprise which has been given consideration since then, or whether the $250,000,000 is an error in the report in the press, I am unable to tell the honourable member at this time.

Hon. Mr. BOSTOCK: I might point out to the honourable gentleman that the statement as it appears in the paper refers to the assumption of a nominal funded debt of $43,000,000. That added to the $207,000,000 which the honourable gentleman mentions would make the total $250,000,000. Can the honourable gentleman give us any information about that $43,000,000?

Hon. Mr. NICHOLLS: I am sorry I cannot at this time; but if it is a funded debt it will of course be taken care of by the issue of new securities. What I do know is this, that the valuation by the experts is $403,000,000 as against $207,000,000 of contemplated capital. I know also that when the corporation starts there will be over $77,000,000 of liquid assets, cash and goods.

Hon. Mr. BELCOURT: Honourable gentlemen, I am sorry I cannot congratulate my honourable friend on bringing this subject before the House at this time, nor can I congratulate him upon the remarks which he has made. I am very sorry to have to rise and say this, for my honourable friend and I are very good friends, and I dislike saying anything which may at all appear ungracious. But I am impelled to do so as a member of the Senate of Canada, which unfortunately has thrown at it daily many bricks that it does not deserve. I do not know the first thing about the subject which the honourable gentleman has discussed, and I will not attempt to follow him in any of the details as given to this House. But I rise for the purpose of placing on record my view that it is utterly unseemly for the Senate of Canada to be made the channel by which—

Hon. Mr. CROSBY: You should have objected before the honourable gentleman made his statement. I rise to a point of order.

Hon. Mr. BELCOURT: I am objecting now. I say it is unseemly that the Senate should be made the means—

The Hon. the SPEAKER: An objection having been raised, the honourable gentleman can speak only by leave of the House.

Some Hon. SENATORS: Go on.

Hon. Mr. BELCOURT: I do not know anything about this merger; I do not know anything about the details of it.

Hon. Mr. LYNCH-STAUNTON: What is the use of the honourable gentleman addressing us on it if he does not know anything about it?

The Hon. the SPEAKER: If the honourable gentleman from Halifax (Hon. Mr. Crosby) insists on his point of order, the honourable member from Ottawa (Hon. Mr. Belcourt) cannot speak without the consent of the majority of this House.

Hon. Mr. CROSBY: Perhaps I may be given an opportunity of explaining my point of order and the reason why I object. The honourable member from Toronto (Hon. Mr. Nicholls) asked the permission of this House to place this information before us. Permission was granted him unanimously; there was not a dissenting voice. At that time my honourable friend from Ottawa had the right to dissent if he so desired. Now, having listened—and in my judgment with a great deal of profit—to the remarks made by the honourable gentleman from Toronto, are we going to precipitate a discussion that is altogether out of order? My honourable friend from Ottawa will understand that I feel some diffidence in raising the point of order when an honourable member like himself has the floor. I would look to the honourable gentleman for the observance of perfect order, and he must know that when, after hearing the explanation of my honourable friend from Toronto, who cannot be here to-morrow, we unanimously granted consent to him to speak, we cannot go any further with the discussion unless we are going to open the question and give everybody an opportunity to discuss it.

Hon. Mr. DOMVILLE: Is not my honourable friend looking for information? Surely we desire to hear what any honourable gentleman has to say?

Hon. Mr. CROSBY: Certainly.

Hon. Mr. DOMVILLE: Now, will the honourable gentleman just remain quiet a moment—un moment? Does my honourable friend think it advisable, or does he wish us to move the adjournment of the House?

Hon. Mr. BELCOURT.

That could be done. But surely the honourable gentleman does not want that. I think there might be a discussion on the subject prior to what may come later in the shape of a report.

Hon. W. B. ROSS: Honourable gentlemen, I was going to suggest that if we are to have a field day on this question, the honourable leader of the Opposition (Hon. Mr. Bostock) might change his motion so as to permit of the question being discussed when it comes up at the regular time to-morrow. Then my honourable friend from Ottawa will have a chance to say all he desires to say, and the rest of us will likewise have a chance to talk. The thing is developing now into a debate, and I am very glad of it, for I want to have my part in it.

Hon. Mr. BOSTOCK: With the leave of the House, in order to meet the wishes of honourable gentlemen, I would change my inquiry—

Hon. Mr. BELCOURT: Will the honourable gentleman wait until I finish with the point of order? I do not propose to prolong the discussion. I thought that, when my honourable friend from Toronto (Hon. Mr. Nicholls) had been permitted to discuss the matter at all, it was allowable for other members of this House to do likewise. If it was permissible for him to discuss the matter, I do not see how it would not be permissible for me to do the same thing. But I am not going to precipitate a discussion, nor am I asking, as my honourable friend from Nova Scotia (Hon. W. B. Ross) fears, that we have a field-day. I do not propose that at all; I rise simply to put before the Senate a consideration which is, it seems to me, of paramount importance to this House, apart altogether from the subject which has been brought up by my honourable friend from Toronto. The point I want to make is this—that it is unseemly, that it is improper, for this House to be made the channel by which a merger of this kind may be discussed and may be boomed; because, after all, the remarks of my honourable friend were made for the purpose of helping on this combination, which will soon ask the people of Canada to subscribe to the stock.

Hon. Mr. NICHOLLS: I would ask the honourable gentleman to withdraw that remark.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman (Hon. Mr. Belcourt) tell us how, when, as stated by the honour-

able member from Toronto, it is not going to be offered to the public, any evil will come of it?

Hon. Mr. BELCOURT: It is going to be offered to the public. If it is not going to be offered to the public, then, it seems to me, we are wasting the time of the House in discussing the matter. If the public is not interested, why should we discuss it?

Hon. W. B. ROSS: There has not been anything so interesting before the House this session.

Hon. Mr. NICHOLLS: Honourable gentlemen, I am very sorry indeed if I have transgressed the rules or if I have done anything that led to the remark made by my honourable friend from Ottawa (Hon. Mr. Belcourt). I felt that the members of this House would be interested in knowing something of this matter; and if the remarks which I made were out of order, or if there was in them anything reprehensible, I am very sorry indeed. I ask the leave of the House to give the information which I presented.

Hon. Mr. TURRIFF: Honourable gentlemen, I would like to ask a question, as my honourable friend from Toronto will not be here to-morrow when the matter comes up. I understood my honourable friend to say that at the present time industries requiring iron and steel and coal were absolutely dependent on the United States. I did not gather from what he said what was the cause of their being dependent—whether it was the freight rates from Sydney up to Quebec and Ontario, or whether there were other reasons. I remember very well that, when the Dominion Iron and Steel Company was formed, the reason given was that it was so well situated it could supply the whole Dominion and could export better than any other steel company on earth.

Hon. Mr. GIRROIR: Mr. Speaker, I should like to ask whether it has been decided that this matter shall be open for debate to-morrow or not. I think this question is of national importance and should be thrown open to debate, so that any misunderstandings, or any remarks made that are apt to create misunderstanding, may be cleared up. It is in the interest of the whole country, and I would like to know whether the question will be open for discussion to-morrow.

Hon. Mr. DOMVILLE: It cannot be opened to-morrow. There is no notice of motion.

Hon. Mr. GIRROIR: Was not the notice going to be changed?

The Hon. the SPEAKER: I understood the honourable leader of the Opposition (Hon. Mr. Bostock) to say he was going to amend his inquiry.

Hon. Mr. BOSTOCK: I rose for the purpose of saying that, if the House so desired, my motion might be changed to read: "That he will call the attention of the Government and inquire."

The notice, as amended, stands.

OLEOMARGARINE BILL.

FIRST READING.

Bill 103, an Act to amend the Oleomargarine Act, 1919.—Hon. Sir James Lougheed.

PILOTAGE BILL.

FIRST READING.

Bill 94, an Act to amend the Canada Shipping Act (Pilotage).—Hon. Sir James Lougheed.

DIVORCE BILLS.

FIRST READING.

Bill 13, an Act for the relief of Albert Graham Elson.—Hon. Mr. Ratz.

SECOND READINGS.

Bill E3, an Act for the relief of Charles Lindsay Keys.—Hon. Mr. Gordon.

Bill F3, an Act for the relief of James Lewis Price.—Hon. Mr. Bradbury.

Bill G3, an Act for the relief of Frederick Tristram Clarke.—Hon. Mr. Proudfoot.

THIRD READINGS.

Bill B3, an Act for the relief of Jessie Elizabeth Hudgin.—Hon. Mr. Proudfoot.

Bill C3, an Act for the relief of William Edward Vinall.—Hon. Mr. Bradbury.

Bill D3, an Act for the relief of Caroline Ewing Gudewill.—Hon. Mr. Fowler.

FOOD AND DRUGS BILL.

THIRD READING.

Bill 27, an Act respecting Food and Drugs.—Hon. Sir James Lougheed.

HONEY BILL.

THIRD READING.

Bill 29, an Act respecting Honey.—Hon. Sir James Lougheed.

PRIVATE BILLS.

THIRD READINGS.

Bill R, an Act to amend and consolidate the Acts respecting the Western Assurance Company.—Hon. Mr. Foster.

Bill S, an Act to amend and consolidate the Acts respecting the British America Assurance Company.—Hon. Mr. Foster.

OAKLEY DIVORCE CASE.

REPORT OF COMMITTEE REFERRED BACK.

Hon. Mr. WILLOUGHBY moved the adoption of the 56th report of the Standing Committee on Divorce, to whom was referred the petition of Mary Oakley, together with the evidence taken before the said committee.

Hon. W. B. ROSS: Honourable gentlemen, before this report is adopted, I would like to call attention to the fact that the recommendation of the committee is a departure from what has been the usual practice in this committee. The committee have recommended that the mother, Mary Oakley, be given the custody of the children. I believe some recommendations of that kind have been made and passed by this House; but I do not think that has been the case since some time in the eighties. I was not in this House at that time; but I am told that the committee, and presumably the House, abandoned the practice of dealing with the custody of the children, and simply granted the divorce or refused it. For some reason or other it was thought unwise that this House should deal with the question of the custody of the children, inasmuch as all the provinces have machinery of their own for dealing with that question.

I was not present when the committee adopted this report, and there may be some special reason for it. No doubt the Chairman will explain to the House why the committee departed from the usual practice. I am not complaining; I only want to put the House au fait.

Hon. Mr. WILLOUGHBY: I had the honour of presiding at the meeting of the Divorce Committee when this report was recommended. This phase of the question was deferred at that time at my request, and I consulted the authorities as to whether or not we should make the recommendation. I may say frankly that I was not strongly in favour of making this recommendation; but rightly or wrongly, I think the committee have the authority to exercise this power. Apparently the last case in which the custody of the children was granted was in 1905, that of Isaac Pitblado, the well-known lawyer of Winnipeg.

In the case that is now before the House, independent evidence was submitted to the committee as to the financial standing of the petitioner. Evidence was given not only by the mother, but by the family solicitor, which satisfied the committee that she was abundantly able to look after and properly maintain the children. I may say that to the committee she seemed to be a person eminently fitted to have the custody of the children. I cannot give any reason for the recommendation other than that the husband had abandoned the children. They were left in the custody of the mother, and it was evident to the committee that she was the proper person to have the charge of them, and beyond any shadow of doubt had the means to maintain them. These are the main reasons for making the recommendation.

Hon. Mr. BOSTOCK: I would like to ask the honourable gentleman if there was any suspicion that any move would be made to take the children out of the custody of the mother.

Hon. Mr. WILLOUGHBY: I understand that the mother, speaking through her attorney, was afraid that such an effort might be made, although the father, the respondent was in New York.

Hon. Mr. CASGRAIN: For certain reasons some of us do not interfere in divorce petitions; but is it not very unusual for the committee to say who shall have the custody of the children? It is bad enough to have divorce; but you are adjudging civil rights.

Hon. Sir JAMES LOUGHEED: I have been a member of the Divorce Committee for probably a longer period than any of the present members of the committee, and I might say that since becoming a member of that committee this subject has frequently been brought to our attention, numerous applications having been made by petitioners to be given the custody of the children. We have persistently refused such applications, within my own knowledge, since 1890, with the exception of the Pitblado case in 1905. My recollection of the circumstances of that case is that there was a possibility of the children being suddenly removed to the United States, where the father would not be in a position to assert his authority over them or to demand their custody. However, that was a very exceptional case, and there was a grave doubt in the minds of the committee as to whether they should exercise such authority.

Furthermore, it has been urged, and I think with very considerable weight, that the committee would be exceeding its

authority, and would be usurping what in my judgment is clearly the right of the provinces under property and civil rights. I think the courts are in a very much better position to determine this question than a committee of Parliament. If we start dealing with the question of the custody of the children, we will next have to deal with the question of alimony; and in that way we shall be, according to my judgment, going entirely outside of the authority by which we act. I think it would be much better to confine the exercise of our authority to the single question of divorce, leaving the question of the custody of the children and the question of alimony to the courts of the respeotive provinces in which the parties may live. I am unaware who is the promoter of this Bill, but I think there is every probability of it being jeopardized in its passage through Parliament during the present session if this clause is left in the Bill. I think it would be in the interest of the petitioner that the words should be stricken out:

—and granting her the custody of the children, the issue of said marriage, and for such further and other relief as to the Senate may seem meet.

I submit this with all due deference, and more particularly as an attempt is being made—which I hope will succeed—to hand this entire subject over to the jurisdiction of the courts, it would be unwise for us to depart from the very well established practice which has prevailed in the Senate for practically a generation.

Hon. Mr. WILLOUGHBY: I have no objection to the clause being stricken out of the Bill, as suggested by the honourable leader of the House, if the other members of the committee are agreeable to that.

The Hon. the SPEAKER: You might postpone the consideration of the Bill until to-morrow.

Hon. Mr. CASGRAIN: I would move to strike out these words.

Hon. Sir JAMES LOUGHEED: I will move that the report be referred back to the committee for further consideration.

The motion was agreed to.

THE HALIFAX GARRISON.

INQUIRY AND DISCUSSION.

The Senate resumed from April 30 the discussion of the inquiry of Hon. Mr. Crosby:

That he will call the attention of the Senate to matters pertaining to the garrison at Halifax, and the agreement with the Imperial authorities, and also regarding the defence, both military and naval, and the dockyard and all agreements and understandings in that connection; and inquire whether it is the intention of the Government to restore the regiment to Halifax.

Hon. L. G. POWER: The honourable gentleman who made this inquiry (Hon. Mr. Crosby) divided it into two sections, one dealing with the military aspect of the matter, and the other with the naval aspect. These two aspects of the question are really distinct and independent.

With respect to the garrison, which is perhaps the more urgent just now, honourable gentlemen must bear in mind that Halifax is a strategic point, and not simply a point on the map. It is a port where coal and food and ships and military stores and dockyards are all available; it is not like an ordinary town. Halifax has been the headquarters in America of the British Navy ever since about 1750, and it has been a garrison town for over 160 years. The expedition which finally captured Louisburg—and since which Louisburg has been a British possession—was fitted out and sailed from Halifax in the year 1758; and from that time forward Halifax has been both a naval and a military station. That is a circumstance which I think should count for a little. Shortly after that, the expedition to Quebec, during which General Wolfe lost his life, was started from Halifax. Then during the Revolutionary War, beginning in 1776, Halifax was again the principal military and naval station of the British arms. During the French war which took place in the period between the close of that Revolutionary war and the war of 1812, Halifax continued to be a garrison town, and the military and naval headquarters of Britain in North America. Then of course in the war with the United States in 1812, Halifax was again the headquarters of the British military as well as naval forces. In the same way, during the Crimean war, although England was rather short of troops, the garrison was not withdrawn from Halifax. Instead of two battalions there was only one, which was a strong battalion stationed in Halifax.

In the recent war, which is now definitely over, Halifax occupied a very important position as a military and naval station, as every one knows. There was a time when it was thought that Halifax was liable to be attacked by German submarines and it was efficiently garrisoned.

It is now proposed to withdraw the infantry from Halifax altogether, and apparently to leave the military defence of

that city in the hands of a few artillery men. I think some very substantial reason should be shown for such a change as that, such a departure from the policy of England toward Canada which has continued down to the present time; but so far as I am aware no substantial reason has been given. Of course, honourable gentlemen have learned that nowadays countries going to war do not begin and move forward gently, as they did a hundred years ago or more; perhaps before war is declared the attacking forces are on foot. If Halifax, which is so important as a station for military and naval purposes, were left defenceless, and a war should break out unexpectedly, the place might be carried by a coup de main, and it would be impossible for Canada to recover it. I think that is a matter which deserves a good deal of consideration.

While Montreal has the largest population of any city in Canada, it is not in any sense a strategic point for a military or naval station, and is not calculated to be that. Quebec is such, to a certain extent, but Montreal is not. We should examine the record and should see what England did. I remember when there were British garrisons in Toronto, Montreal, and Quebec as well as in St. John and Halifax; but as the field for imperial action grew larger the troops were gradually withdrawn, first from Toronto and then from Montreal, Quebec and St. John; but England never withdrew her troops from Halifax. Two regiments were retained there up to 1905, when Canada took over the military defence of the place.

Bearing in mind this little history, let us look at the agreement to which my colleague (Hon. Mr. Crosby) has called attention. The transfer of the War Department properties was made in 1906 on the following among other conditions, namely:

(a) That they are held by the Dominion Government for so long as they are required for colonial military purposes, and that when they cease to be used for such purposes they shall revert to the War Department to be disposed of for the entire benefit of the Imperial Government.

That shows that it was not the intention of the Imperial negotiators to transfer the military property in Halifax absolutely to the Dominion, because if it were they could not talk about reverting and about their being seriously altered. Then paragraph f says:

(f) In the event of all, or any, of the property reverting to the Imperial Government the Militia Council will—at the request of the Army Council— arrange for its disposal free of all agency or other charge, and will look after and maintain the property at the expense of the Dominion Government pending its disposal.

The Militia Council here mentioned is the Canadian Council, and the Army Council is the Imperial authority.

So, honourable gentlemen, looking at the history of the case, and at the language used in this transfer, I think it is perfectly clear that it was not the intention of the parties to that negotiation that the garrison should be withdrawn from Halifax, an important strategic point which should not be neglected. As the honourable gentleman who spoke before me (Hon. Mr. Crosby) very properly said, the Dominion Parliament has now provided for a considerable increase in the regular force, sometimes called the permanent force; and when that force is increased there will be no difficulty whatever in assigning a regiment to Montreal, if that is thought desirable, leaving in Halifax the regiment which has been stationed there until now. With respect to this military matter, I feel that what is now proposed—to abandon the garrisoning of Halifax except as regards a few artillerymen, and to transfer the garrison to Montreal—is really, substantially, a breach of faith with the Imperial Government.

Another point made by the honourable gentleman who brought this matter before the House deserves to be made again: That in Halifax we have always accommodated two regiments. All the buildings are there. Although the Wellington barracks suffered somewhat through the explosion, I understand that the necessary repairs have been or are being made, and there would be no difficulty in accommodating two regiments in Halifax again. That is an important point, because building costs very much now, and if the garrison is transferred to Montreal, the newspapers say it is proposed to spend some millions of dollars in providing a barracks in that city—an expenditure which, I think, is entirely unnecessary, as Halifax now has the required accommodation.

I wish to say a few words, on a somewhat broader platform, with respect to the naval question, which has been brought up by the fact that steps have been taken from headquarters in Ottawa to withdraw a very considerable portion of the staffs from Esquimault and Halifax, and the impression appears to be that Canada is going out of the naval business. I hope it is so. What should be the policy of Canada with respect to the navy? Looking at the financial condition of this country, at the tremendous burdens we have to bear, and at

the fact that our capacity to bear that burden is almost questionable, we should not go in for spending money on a navy unless it is shown to be absolutely necessary. Honourable gentlemen know that a very small navy will cost a very large sum of money, and, unless it can be shown that a navy is an absolute necessity, I think we should not spend money upon it. I fail to see any necessity for a Canadian navy at the present time. It is easy to understand that before the outbreak of war in 1914 there was something to be said in favour of it. At that time, and for some time previously, Germany had been threatening the maritime supremacy of Great Britain, and the Motherland had to pull herself together, to call in her ships from the various outlying stations, and bring them to the North Sea, and Canada was, in a way, only doing her duty in contributing some other ships to replace those that had been withdrawn. But what is the situation to-day? The German navy which had threatened Britain's supremacy is gone, and the bulk of it is at the bottom of the water at Scapa Flow, while the chief part of the remainder is in the hands of the Allied Powers. I cannot see, therefore, what we need a navy for.

With respect to this question, and also others, I trust I am a loyal subject. I hope I am as loyal as the average Englishman, but I look at this question from the point of view of Canada in the first place. While I am loyal to the Crown, I am loyal to Canada also; and just as an Englishman thinks of the interests of England first, and those of the colonies afterwards, so I think of the interests of Canada first, and of those of Great Britain afterwards. I am afraid there is a tendency amongst a certain class of our population in Canada to think first of England's wishes or fancies, and secondly of the interests of Canada. No one accuses Australia or New Zealand of any lack of proper loyal sentiment, and Lord Jellicoe went to Australia and to New Zealand and laid his proposals before them, and the governments of both countries rejected his proposals. Then he comes and lays proposals, as I understand, before the Government of Canada. I think that we are in a much better position to reject them than either Australia or New Zealand.

Hon. Mr. DANIEL: Australia and New Zealand have something in the nature of a navy, have they not?

Hon. Mr. POWER: Australia has had a navy for several years. Australia needs a navy. Australia is an island and the people are exposed, or think they are exposed, to attacks from Japan. The position is different from that of Canada.

Then there is this to be borne in mind, that, no matter whether we try to set up a navy or not, as long as England owns so many West India islands and Guiana, and as long as the Panama canal is a waterway, England must and will keep ships in North American waters, and there is no necessity that I can see for Canada keeping ships here too. England will continue to have a very large navy, and that navy will naturally be spread over the face of the waters in all directions. So any naval business that may be necessary can be transacted by the British ships.

The honourable gentleman who brought this matter before the House spoke of Bermuda as being now the summer station of the British West Indian-North American squadron. I think the honourable gentleman was a little in error. No doubt Bermuda is not as warm as Jamaica or any of the other West India islands, but the climate of Bermuda is a very enervating one and it would not serve, as Canada in the past served, as a summer station for the bulk of the British ships. They came to Halifax. Then they came up from Halifax to Quebec, and some of the smaller ships to Montreal. The navy will continue to need a summer station, and Halifax has always been the summer headquarters in North America.

I do not think, honourable gentlemen, that I have anything further to say on this subject except that we should be loyal to Canada first and foremost, then loyal to Great Britain, and that with respect to this naval proposal we should not go into it until a Canadian navy is shown to be absolutely necessary; and up to the present time it does not appear to be necessary and no one has undertaken to show that it is.

Hon. J. G. TURRIFF: Honourable gentlemen, I think it is quite natural for the honourable member from Halifax or any one from the lower provinces to make objection if the garrison is to be removed from Halifax to Montreal. However, there are many of us who are not so much interested in that aspect of the question. Speaking for myself, I am more interested in the extra expenditure that will be required if it is true that the transfer is to be made. I understand from the discussion that has taken place so far that Halifax has all the accommodation necessary for a garrison of one or two battalions. It seems to me—

although, I must confess, I am not well posted in the matter—that Halifax is a very good place for the garrison to be located at. If, as I infer from the newspapers, the removal of the garrison to Montreal would necessitate the erection of barracks costing as much as $3,000,000, that would be a move in the wrong direction in the present condition of Canada's finances, and I hope to hear from the honourable leader of the Government a denial of the report that that move is considered necessary or is contemplated. If the garrison is not necessary in Halifax, then, to my mind, it is not necessary at all in Canada. If the garrison is to be removed from Halifax, why not disband it and save so much money? However, I should judge from the agreement between the Government of Canada and the British authorities, which has been read, that, as stated by my honourable friend from Halifax, the removal of the garrison would be rather in the nature of a breach of faith; and it seems to me that if we are going to carry out our agreement the forts and other properties should be handed back to Great Britain, so that the British authorities might maintain the garrison in Halifax if they thought it necessary to do so.

I do not see why it should be necessary to have a large body of soldiers in Montreal. In the last few months it has been decided to increase the strength of the Royal Canadian Mounted Police from 1,000 to 2,500. Their headquarters are at Ottawa. Barracks are to be built at Rockcliffe, and we shall have here a fine large body of men who can be sent out quickly to any part of Canada where there is trouble.

The main consideration that appeals to me in this matter is this. Our expenditure in Canada is tremendously high. We do not know exactly how we are going to meet it. We are the only country in the world that has been deficient in looking after its expenditures. I see that in the month of March alone the United States reduced their debt by $750,000,000, and that Great Britain proposes to reduce her debt this year by £255,000,000 sterling and next year by £300,000,000 sterling. We in Canada, who are always talking about being so rich, are not going to meet our charges this year; We are going to add, I am informed, at least another hundred million dollars to our debt, by borrowings of one sort or another. You may not float a loan, but if you issue treasury bills they have to be paid in just the same way. In view of all these facts it seems to me that it would be good policy for the Government not to go in for the expense of building huge new barracks if they already have accommodation in Halifax, even if Halifax is not as good a location for the garrison as Montreal would be. That is the only consideration that appeals to me. I do not care two straws whether the garrison is at Halifax or at Montreal. Let it be at which ever is the better place, if one does not require a higher cost than the other. But it seems to me that in view of the fact that Halifax has been the home of the garrison for all these years, there should be some very strong reasons for removing it from there, especially if the removal is going to cost money, at a time when we can ill afford to spend it.

Hon. WM. ROCHE: Honourable gentlemen, I do not wish to go further into the details of this subject and the inquiry which has been made; but, before the minister answers the question which my honourable friend has addressed to him, I would like to make a remark or two upon the concrete subject of removal of the Royal Canadian Regiment from Halifax. The wider question of the navy and the army might be reserved for some future occasion on which we could take up the whole subject and discuss it. I will say simply this. The Royal Canadian Regiment in question has been accommodated at one barrack in Halifax. That barrack, I believe, requires, or has had, repairs, and will be fitted for the accommodation of the regiment again. In addition to the barrack for the soldiers, there is a large building, almost equal in size, for the accomodation of the officers. In front, between the two barracks, is a large esplanade which can be used as a reviewing ground and for the exercising of the soldiers. If those facilities had to be provided in another city, like Montreal, a very large amount of money would have to be spent in acquiring a site and in erecting the buildings. Besides, the British Government—or, I suppose, the Canadian Government, under lease from them—have a large number of buildings for the accommodation of the married men; there are fifty or more buildings. To provide similar accommodation in any other city would require a very large amount of money. In addition to that, there is on the Common an exercising ground for the troops, and there is the Citadel Hill, with a large fort on the top of it, and there are outlying batteries outside of Halifax—all of which could be utilized in giving training and

exercise to the regiment. Moreover, there is a close connection between the army and the navy, and the army people can understand what naval evolutions are taking place and know something of the routine of the navy. Halifax has also several outlying islands. One that I have particularly in mind is McNab's Island, a large island out near the sea. Upon that there are tents for the soldiers and they can go there in the summer time. It is a very healthful resort and provides ample space for all their military evolutions. Without any exception Halifax is the ideal place for a regiment. There is hospital accommodation and there is ample provision for sanitary arrangements being made if the town should become unhealthy or if an epidemic should break out in the barracks.

With regard to the expense, I do not think that suitable accommodation, or accommodation equal to that already available in Halifax, could be procured in Montreal for an expenditure of less than $10,000,000; and as the Halifax site, with all these advantages and facilities that I have endeavoured brieby to describe, with all its historical elements and its connection with the naval efforts, is far superior to any other site that I know of in Canada, it would be folly for the Government—I do not know that the Government would be singular in this act of folly, but I should say it would be a crowning act of folly for the Government at a great expense to take away the regiment from the place to which it has been accustomed, which is adequately fitted for it, and which can be improved to an infinite extent.

Hon. Mr. CASGRAIN: Has it not been the universal custom not to leave a regiment more than a certain number of years in any one town?

Hon. Mr. ROCHE: It was the custom of the British Government to inure the soldiers to different climates. The soldiers were sent from one place to another. The British Government sent them out to the West Indies, and when they were diseased in the West Indies they were brought to Halifax to recover. It would be the same with Montreal; after the soldiers went there and became diseased, they would be brought back to Halifax.

Hon. RAOUL DANDURAND: Honourable gentlemen, I have seen no statement from the Government explaining its action in regard to moving the garrison from Halifax to Montreal. I am not even sure that the Government intends to remove to Montreal the regiment now stationed in Halifax. But I know this much, that it has apparently been decided that a regiment shall be stationed in Montreal. I know that, because the General Officer Commanding the division has applied to the city council of Montreal for a certain number of acres in a park in the east or northeast end of Montreal, stating that accommodation would be needed for 1,000 men, and at the same time asking for the use of a building which is now on the grounds and which would house a certain number of soldiers. It was explained that a number of houses would have to be built for married soldiers. The figure of $2,000,000 or $3,000,000 was mentioned as the capital expenditure. That is an official statement which I think we shall find will not be controverted. As I have stated, I do not know what actuated the Government to make this change. I surmise that up to 1914-18, the danger be a foreign one, it was considered desirable to have a regiment stationed in Halifax, but that since 1918, the dangers being possibly internal or domestic, owing to the changed conditions and the unrest which prevails in large centres of population, the Government has felt the need of maintaining soldiers in places like Montreal rather than in a quiet, sedate place like Halifax. If these are the reasons which have actuated the Government, there may be good ground for their action.

But should not the Government apply its policy in such a way as to save every dollar it can? If the Government decides that it is better and safer policy to have a garrison of 1,000 men near a large centre which in the near future may have a population of 1,000,000 with a foreign element of 15 or 20 per cent, rather than to have the garrison located a thousand miles away, I have nothing to say against that decision; but I would point out to the Government that in the carrying out of such a policy it could save millions of dollars by using the barracks at St. Johns, on the Richelieu river, which were built in 1844, I think, by the Royal Engineers, and have since been enlarged. During the war more than a thousand men were housed and received their training there before being moved eastward. There are splendid grounds around those barracks, and it seems to me that if the Government wants to have a thousand men within striking distance of Montreal, the purpose in view could be served by having them at a distance of 45 minutes by rail, just as well as by having them at the extreme east end of Montreal. In fact, it

would take 40 or 45 minutes for the troops to march to the centre of the city from the place they would be located in Maisonneuve Park.

I have risen simply for the purpose of emphasizing what has been pointed out by some of my colleagues who have just preceded me, namely, the importance of the Government economizing as much as possible. It is all very well to say that we have immense undeveloped resources, but we all know that those immense undeveloped resources are not taxable to-day, nor will they be taxable to-morrow. We are facing an immense deficit. Why should we go into an expenditure of millions, when we have within a half-an-hour of the city splendid barracks which are capable of quartering the men that are now to be housed in the city of Montreal?

I say likewise that it is no time for Canada to spend millions with a light heart to create and develop a navy. We should have a chance to breathe a little. Canada has increased her debt by two billions, and we do not yet know where the money will come from to meet the annual interest on that charge. Should we not wait until we have adjusted our finances before discussing the question of a navy? Why should we launch into this venture and increase our expenditure by $10,000,000 a year? To me it is an inexplicable folly.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I do not profess to be able to discuss this subject in any sense as a military strategist, or even from the standpoint of military science. We have to rely on the Department of Militia to advise us under such conditions as have been pointed out by the honourable gentlemen who have referred to the defences of Halifax, and especially to the agreement entered into between the Imperial authorities and our own Government.

I submitted the question which was placed upon the Order Paper by my honourable friend from Halifax (Hon. Mr. Crosby) to the militia authorities, and they informed me as follows:

> Since the withdrawal of the Imperial troops there has never been at Halifax a complete battalion of the Permanent Force; and since Germany collapsed, the strategical importance of the fortress has declined; the centre of interest has shifted from the North Atlantic to the North Pacific. It is therefore considered safe to reduce to one company the strength of the Royal Canadian regiment at Halifax; and there is no agreement which that reduction would violate. When the fortress was taken over from the Imperial Government no stipulation was made as to the standard of defence to be maintained.

It will be observed from the agreement itself, which the honourable gentleman from Halifax was good enough to place on Hansard, that the defence of Halifax is a subject to be determined not by the Imperial authorities but by this Government, and that the condition upon which the Halifax property is held is based entirely on maintaining such a defence as may in the judgment of the Canadian government be considered wise. This property was never handed over to the Canadian authorities in fee simple, or with the view of the Imperial authorities divesting themselves of ownership. We are simply holding it for the purposes of such defence as the Government of Canada may think fit. It is of the essence of this agreement, as will be found in paragraph A of the agreement, that these properties will be held by the Dominion Government so long as they are required for colonial military purposes, and that when they cease to be used for such purposes they shall revert to the War Department, to be disposed of for the entire benefit of the Imperial Government. The subsequent paragraphs, B, C, D, E, F, and G, are all practically of this essence.

I do not know whether my honourable friend from Halifax contends that the Royal Canadian Regiment is a Halifax regiment. I understand that is not the case. Before the Imperial authorities handed over this particular property, the Royal Canadian Regiment had been organized and was distributed throughout the different parts of Canada. But, since the transfer to the Canadian Government that regiment was mobilized in Halifax, and has been subject to the disposition of the militia authorities of Canada. I quite agree with what my honourable friend from DeLorimier (Hon. Mr. Dandurand) has so forcibly pointed out, that it may be more necessary to keep in one of our large centres a large number of troops than to maintain, as was formerly done, the defences of Halifax. At the present time we have more to fear from internal disturbances than from attacks which may be made from outside. Conditions brought about by the late great war have caused unrest in almost every country; and almost every country that was in any way affected by the war has to work out to-day the very serious problem of how to maintain internal conditions. That, I venture to say, is the most important problem that we in Canada shall have to face in the next five or six years. I do not ap-

prehend, and I fancy that no honourable gentleman here would apprehend, any difficulty from outside. But it is very essential that in large centres of population throughout the country we should have a sufficient number of troops to maintain that authority which is consistent with law and order.

I do not know that I can say anything further on this subject. I accept the statement furnished me by the Department of Militia and Defence as a complete answer to the inquiry placed on the Order Paper by my honourable friend from Halifax.

Hon. A. B. CROSBY: I desire to say a word or two in reply to the statement of the minister. I ask the leave of the House, because I do not want to do anything that would not be in accord with the views of the House. The reply read by the minister states that a company of the regiment will remain in Halifax. A company numbers about 200 men, I think.

Hon. Mr. ROCHE: One hundred.

Hon. Mr. CASGRAIN: Say 125, and compromise.

Hon. Mr. CROSBY: I think it is 200. The companies are bigger in Halifax than anywhere else. Let me say that at least 1,000 men are required there to take care of the property that is now vested in the Imperial Government through the Dominion Government. There are the fortifications, there is McNab's island, which was referred to by the honourable member from Halifax (Hon. (Mr. Roche), and there are I suppose half-a-dozen military boats, two of which run regularly from the King's wharf in Halifax down to the forts. In one of these forts, called the Spion Kop, it is claimed they have guns that have a range of 16 miles. When my honourable friend from Halifax said that the enemy expected to take Halifax on several occasions, he might have said that it was not done because they were afraid to come near it. It was so fortified that there was no possibility of getting near it. Before the United States came into the war,we had at times from 80 to 150 ships in Bedford basin being examined. Those ships and their cargoes were examined by experts from the United Kingdom and from Canada. Everything was searched and looked into. Even Trotzky came there, and if the British authorities had done what they should have done Tratzky would not be living to-day, and there would be no trouble with him. He did enough in Halifax to warrant his execution. He complained very much of the way his baggage was examined, and because he was put to the trouble of going through an examination.

In addition to the properties I have already mentioned, there is the Wellington barracks and Citadel Hill. Any one spending any time in Halifax would not fail to see those places. Then there is Artillery Park, and the Cemetery. All those properties require men to look after them, apart from the necessity of having a garrison to repel any foreign attack..

My honourable friend (Hon. Mr. Dandurand) has referred to the necessity of having a regiment at Montreal. I do not object to a regiment being stationed at Montreal. The Minister of Militia and Defence has the right to establish an army of 10,000 men, and there will be plenty of soldiers for Montreal. Conditions must be very bad in Montreal. If they need a regiment in Montreal when we are going to have 2,000 mounted police in Ottawa, something very dastardly must be expected.

Hon. Mr. CASGRAIN: There is a big population.

Hon. Mr. CROSBY: Yes, there will be a big population if you have 2,000 soldiers here and another 1,000 or 2,000 in Montreal. However, I am not complaining of that. What I say is, that under the agreement we are bound to notify the Imperial authorities before withdrawing that regiment from Halifax. When the Dominion Government took over the troops at Halifax there was not only the Royal Canadian regiment, which numbered between 1,000 and 1,200 men, but we had one or two companies of Royal Engineers. I am informed that at Point Pleasant you can go underground, out of sight of everybody, and by means of some sort of contrivance you can tell the exact location of a ship coming towards the harbour, and that by the operation of some device with which I am not familiar, by merely touching a button, you can blow her to pieces. If that is the case, is it not wise to keep the defences that did not cost us a cent, in proper condition? Is it not right to keep a regiment there? If we decide that it is not, I say that at all events we should inform the Imperial authorities that we have abandoned Halifax as a garrison city of the Dominion of Canada and of the Empire, and should hand the property back and let them say whether or not they will put a regiment there. The answer which we have heard is no answer to the agreement which I cited.

The discussion concluded.

TRUST COMPANIES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 38, an Act to amend the Trust Companies Act, 1914. Hon. Mr. McMeans in the chair.

Subject 1—definition:

Hon. Sir JAMES LOUGHEED: As I explained yesterday, this Bill merely makes provision for an annual inspection of all trust companies somewhat similar to the inspection of insurance companies by the Superintendent of Insurance.

Section 1 was agreed to.

On section 2—examination and report on condition of companies:

Hon. Mr. BOSTOCK: I would like to ask the leader of the Government whether under the proposed arrangement the superintendent will have authority to say when a company may commence business. I understand that in the past certain irregularities have occurred in regard to trust companies —that some of them proceeded to do business when they had not complied with the Act, and that afterwards it was found that all the transactions of the company were illegal. I think that is a very serious matter. If there is no provision in the Act, I think some arrangement should be made whereby the superintendent would have the right to refuse to allow a company to proceed to do business until it was shown that the conditions under which the charter was granted had been complied with.

Hon. Sir JAMES LOUGHEED: I do not think there can be the slightest doubt that a trust company cannot proceed to do business, any more than could an insurance company, without securing the authority of the Finance Department. The powers of the company are defined either by the letters patent which it may receive, or by the special Act which it may obtain from Parliament. All those companies are under the control of the Insurance Branch of the Finance Department.

Hon. Mr. BOSTOCK: The other day I received a letter pointing out that in the winding up of a trust company in British Columbia it was discovered that the company had proceeded to do business before properly complying with the Act, in the matter of putting up the necessary cash. In the interests of the public it is very important that such a serious breach of the law should be prevented in future.

Hon. Sir JAMES LOUGHEED: Of course, a company may do business surreptitiously, but in the Trust Companies Act as it is today no trust company can obtain letters patent; they must come under the provisions of that Act, which is the authority.

Hon. Mr. ROCHE: What would be the scope of an inquiry by the Finance Department into a trust company? Could the inspector, or an official designated for that purpose, inquire into the value of mortgages or other securities? Of course, the usual examination is by document—there are so many thousands of dollars here and so many there; but now that there may be a transition in the values, would the investigation by the Finance Department go further in the case of trust companies?

Hon. Sir JAMES LOUGHEED: Yes, precisely as they would examine into the securities of an insurance company. In further answer to my honourable friend (Hon. Mr. Bostock), who asked as to the authority under which a trust company must act, I would refer him to section 13 of the Trust Companies Act, which makes provision that a company shall not commence business or exercise any of the powers conferred under section 62 of that Act until it has obtained from the Minister of Finance a certificate permitting it to do so, and no application for such a certificate can be made, and no certificate issued, until satisfactory evidence has been submitted to the minister on affidavit of the company's officers. The particulars of the evidence that must be submitted are given in the Act.

Hon. Mr. DANDURAND: The necessity for such inspection is so apparent that I would suggest to the honourable leader of the Government that in the annual conferences between the Federal Government and the provinces this matter should be taken up, in order to incite the provinces to establish uniform modes of inspection of their own provincial trust companies, and thus afford complete security to the public. Although the provinces believe that they have the exclusive right of legislating in this matter, they would surely be agreeable to such uniformity as to give such protection as this inspection woud ensure to those who deal with federal companies.

Hon. Sir JAMES LOUGHEED: I quite agree with what my honourable friend has

said; but the provinces seem to be reluctant in regard to all companies of this kind, to enter into any uniform arrangement between themselves and the Federal Government. If I had my way I should have some uniform system by which all companies would be incorporated in Canada, in the different provinces, under one General Act. To-day we have the anomaly of each province legislating for itself, and incorporating companies which do business all through Canada, so that the public have to familiarize themselves with all the company law of the different provinces. That remark applies to loan companies and trust companies. It is only by a process of evolution that we can bring about even the advanced legislation contained in this Bill, because up to the present time it has been most difficult to get public opinion to consent to a proper inspection of loan and trust companies.

Section 2 was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

LOAN COMPANIES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 3, an Act to amend the Loan Companies Act, 1914. Hon. Mr. McSweeney in the Chair.

Hon. Sir JAMES LOUGHEED: This Bill is substantially the same as the preceding. It deals with the inspection of loan companies, such inspection to be of the same character as in relation to trust companies.

Hon. Mr. BOSTOCK: Can my honourable friend tell us whether these loan companies are allowed to take money on deposit, in the same way as banks?

Hon. Mr. ROCHE: They do, anyway.

Hon. Sir JAMES LOUGHEED: I cannot tell my honourable friend, but I will find out to-morrow. Of course, it is a well-known fact that all the loan companies have been doing that kind of thing in the different provinces, but whether we prohibit them from taking money on deposit I cannot say at the moment.

Hon. Mr. McMEANS: I think it is generally regulated by the charter they get on a joint-stock basis; but some of them get special powers, through different legislatures, to take money on deposit. I do not think there is any Dominion legislation. They might possibly get a special Act from the Dominion Parliament giving that power, or they might become incorporated provincially under the Joint Stock Companies Act.

Hon. Sir JAMES LOUGHEED: A Dominion company cannot now be incorporated without coming under this Act. As to whether this Act expressly prohibits them from accepting money on deposit I cannot say; if it does, I do not know but that the company, by way of borrowing, could take a deposit, agreeing to pay a certain percentage on it. However, I will make enquiry to-morrow and find out what the provision is.

Sections 1, 2, and new section 70A were agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

CIVIL SERVICE INSURANCE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 58, an Act to amend the Civil Service Insurance Act. Hon. Mr. McMeans in the Chair.

Hon. Sir JAMES LOUGHEED: The object of this Bill is to increase the maximum policy issued by the Government to $10,000. At the present time it is $5,000. The fund is self-supporting.

On section 1—authority to insure extended to persons in navy:

Hon. Mr. DANDURAND: The first section is for the purpose of extending the insurance?

Hon. Sir JAMES LOUGHEED: Yes, to persons in the navy.

Hon. Mr. DANDURAND: Did I not understand that all our naval forces had been disbanded or abolished lately?

Hon. Sir JAMES LOUGHEED: No, simply superfluous members of the force, I think. We have a sufficient number to maintain the defence of the country at the present time, and it can be extended to them. Originally, however, this should have been extended to the naval as well as the military service.

Hon. Mr. DANDURAND: If my honourable friend assures us that all the superfluous naval men have been dispersed, then

we need not concern ourselves very much about the balance, because it will be nil.

Hon. Mr. BOSTOCK: The naval men have not been insured at all up to this time?

Hon. Sir JAMES LOUGHEED: No, it only extended to the civil and military employees of the Government.

Section 1 was agreed to.

Sections 2 and 3 were agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

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

THE SENATE

Thursday, May 6, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill J3, an Act for the relief of Francis Charles Dean.—Hon. Mr. Blain.

Bill K3, an Act for the relief of John James Garrison.—Hon. Mr. Blain.

Bill I3, an Act for the relief of Dora Lumsden MacLaurin.—Hon. Mr. Sharpe.

THIRD READINGS.

Bill E3, an Act for the relief of Charles Lindsay Keys.—Hon. Mr. Gordon.

Bill F3, an Act for the relief of James Lewis Price.—Hon. Mr. Bradbury.

Bill G3, an Act for the relief of Frederick Tristram Clarke.—Hon. Mr. Proudfoot.

PRIVATE BILL.

FIRST READING.

Bill M3, an Act respecting the Montreal Central Terminal Company.—Hon. Mr. Beaubien.

BOARDS OF CONCILIATION.

ALLEGED INCORRECT RETURN.

On the Orders of the Day:

Hon. G. D. ROBERTSON: Honourable gentlemen, I would crave the indulgence of the House for a moment to make an observation concerning a statement made by the honourable member for Toronto (Hon. Mr. Nicholls) the day before yesterday. I had intended doing this yesterday, but was called out to the telephone while the honourable member from Toronto was speaking and I missed the opportunity. I had hoped to do it while he was present in the House. He is not present to-day. The honourable member stated that he had asked for a return of certain information to be supplied by the Department of Labour; that the report was brought down, and he questioned the coreotness of it. I think it is but fair that I should have the opportunity of stating to the House that the report as brought down was absolutely correct. The honourable member from Toronto overlooked one important matter, else he would not have raised the question. He noted in the return what he thought was an omission, namely, the Board of Conciliation that was appointed in the year 1918 to deal with a dispute between the Canadian General Electric Company and its employees. That was not mentioned in the report brought down, for the reason that during the war period industries engaged in the manufacture of war materials were, by Order in Council under the War Measures Act, brought within the scope of the Industrial Disputes Investigation Act, and for the purposes of this Act during the period of the war they were regarded as public utilities. Therefore, inasmuch as the honourable gentleman's question referred only to boards that had been established in industries other than public utilities, the board to which he specifically refers was not included in the report, the industry being a public utility within the meaning of the Act at that time. I desire to correct the impression which the honourable member's remarks doubtless left on the minds of honourable members, namely, that the report brought down was not wholly correct. I desire to assure the House that it was.

TRUST COMPANIES BILL.

THIRD READING.

Bill 38, an Act to amend the Trust Companies Act, 1914.—Hon. Sir James Lougheed.

CIVIL SERVICE INSURANCE BILL.

THIRD READING.

(Bill 58, an Act to amend the Civil Service Insurance Act.—Hon. Sir James Lougheed.

GRAND TRUNK AGREEMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 54, an Act to confirm the agreement dated the 8th day of March, 1920, between His Majesty the King and the Grand Trunk Railway Company of Canada for the acquisition by His Majesty of the capital stock of the said Grand Trunk Railway Company, except the four per cent guaranteed stock. Hon. Mr. Blain in the Chair.

On section 1—alterations in schedule to agreement:

Hon. Mr. BOSTOCK: Honourable gentlemen, I understand that this clause is for the purpose of correcting an error in the agreement. I would like to ask the leader of the Government, in regard to the Vermont and Province Line Railroad Company, whether when the Grand Trunk Bill was before this House last session there was a considerable liability against the road which was likely to fall upon the Grand Trunk Railway Company or upon the Government in connection with some lawsuit by reason of that company not having carried out the provisions of the charter that it holds in the United States. This is a matter of importance to the people of Canada. We do not know very much about this question; we are falling heir to it through assuming to run roads in another country. That raises the important question of the liabilities and difficulties that we are taking upon ourselves by the action of the Government with regard to this agreement.

Hon. Sir JAMES LOUGHEED: I cannot tell my honourable friend whether there is any litigation pending. It is sufficient, it seems to me, that we are this much ahead, that we are getting a railway that we did not expect to get. While it is of standard gauge, the same gauge as the Grand Trunk railway system, it is not quite so long. It is about three miles in length.

Hon. Mr. WATSON: Does it run?

Hon. Sir JAMES LOUGHEED: As the Grand Trunk controls 100 per cent of the stock, it seems to me that we might as well take it.

Hon. Mr. BOSTOCK: With all its liabilities?

Hon. Mr. CASGRAIN: Will the honourable gentleman tell us what the liabilities are?

Hon. Sir JAMES LOUGHEED: On a road only three miles in length they would not be very great.

Hon. Mr. CASGRAIN: On a road with a terminal they might. Three miles of the Grand Trunk going into the city of Montreal is valued at $10,000,000.

Hon. Sir JAMES LOUGHEED: Yes, we are getting a very valuable property there.

Hon. Mr. CASGRAIN: What is the value of it?

Hon. Sir JAMES LOUGHEED: I take my honourable friend's statement as to that.

Hon. Mr. FOWLER: What is the change from the position of last year?

Hon. Sir JAMES LOUGHEED: The Vermont and Province Line Railroad Company was omitted from the agreement of last year, and we are now including it in the agreement. It is a property that is transferred by the Grand Trunk to the Government.

Hon. Mr. FOWLER: Why was it omitted before?

Hon. Sir JAMES LOUGHEED: It was done by mistake. The Grand Trunk holds 100 per cent of the stock. Then there is the Pembroke Southern Railway Company which appeared as a leased road. That is a mistake. The road is controlled by the Grand Trunk holding a majority of the stock, and it is to correct that mistake that that road is being included in this Bill. As I pointed out, there was also a slight omission which could scarcely be said to be material, in regard to some of the notices served upon the stockholders. There were some stockholders in Canada, eight of whom had authorized notice to be served on their agents in London. Two had not, and they did not receive the regular notice.

Hon. Mr. FOWLER: How long is this road?

Hon. Sir JAMES LOUGHEED: The Vermont and Province Line railroad is about 3 miles long. It is on the other side of the line. I cannot tell the honourable gentleman exactly where it is, but it is in the state of Vermont, I understand.

Hon. Mr. POWER: Does the Government not assume certain responsibilities in taking over this Vermont line? I was under the impression last year, when we were told that the annual sum for which Canada would be liable under this agreement would

not exceed $5,000,000—that that included everything. Now it appears that that did not include the liabilities arising in a case like this. I think the House is entitled to full information on a question of that sort.

Hon. Sir JAMES LOUGHEED: This will not exceed the maximum liability of the Government. The finding of the arbitrators cannot exceed the maximum amount fixed by statute.

Hon. Mr. FOWLER: Notwithstanding the addition of these things that were forgotten?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. FOWLER: It strikes me as being a little careless, to say the least, to leave out a whole railroad, even though it were only 3 miles long, and to not know whether it is owned or leased. How long is the Pembroke Southern Railway?

Hon. Sir JAMES LOUGHEED: About 25 miles.

Hon. Mr. FOWLER: It looks, because they were so anxious to get rid of it and to unload it on the Government, as if it did not amount to much.

Hon. W. B. ROSS: I would like to ask the leader of the Government if these two roads are mortgaged; that is if there are outstanding bonds on these roads?

Hon. Sir JAMES LOUGHEED: Even though there were bonds on these roads, that would not necessarily make the Government liable for payment on the bonds. If the roads were encumbered for more than their value, the Government would readily let them go; but if they are not encumbered for their full value, or not at all, it is manifestly to the advantage of the Government to have them. Had the facts as they appear before us to-day appeared on the face of the agreement last session, I am sure that it would not have altered the decision of Parliament in any way.

Hon. Mr. CASGRAIN: I do not know where the agreement says that the Government can let go of anything that it is not suited with. Why do they not let go of the Grand Trunk Pacific?

Hon. Mr. LYNCH-STAUNTON: I understand that the Government assumes all the liabilities of the Grand Trunk.

Hon. Mr. DANDURAND: I am in absolute agreement with my honourable friend. Any of these subsidiary companies that have maintained their entity may be allowed to go into the hands of a liquidator. The Government may take no responsibility; but I ask my honourable friend if the same thing could not have been done with the Grand Trunk Railway Company, and liquidation allowed to take place? If that had been done we would not now have been facing the tremendous responsibility that we are assuming in these times of stress.

Hon. W. B. ROSS: I think I said last year that you might abandon a road like that. But there is almost a multitude of these small roads lying in the United States, and if you undertake to throw out what does not pay and to hold what does pay, you may find that that will affect the treatment you will receive all along the line of the Grand Trunk in the United States. While it is legally possible to take that position, I do not know that it is a practical policy. You may have to make good these bonds.

Hon. Mr. BELCOURT: I would like to direct attention to paragraph 10 of the agreement, regarding undisclosed liabilities. I assume that the result of this is that the Government is bound to pay these liabilities when disclosed, and that the only remedy provided is that in paragraph 10. Construing that, it seems to put upon the Government the obligation of paying all the now undisclosed liabilities, whatever the amount, over and above the limit of $5,000,000 interest per annum. They are bound to pay all the liabilities of these companies whatever they amount to, and the only remedy is to ask the arbitrators to take that into account, and to reduce the award if they feel so disposed. But there is primarily a liability on the part of the Government to pay all the liabilities, now disclosed or still undisclosed.

Hon. Sir JAMES LOUGHEED: I am afraid my honourable friend misapprehends clause 10 of the agreement. That clause has a precedent in the agreement between the Government and the Canadian Northern. I may say that clause originated in the Senate, and was inserted in the Canadian Northern agreement for the protection of the Government. It fixed a maximum of liability under the award, the intention being that the arbitrators should not have the right to fix an award greater than a maximum sum which we determined, and which was accordingly expressed in that agreement. In this agrement we have inserted practically the same provision.

Last session a disclosure of the liabilities of the Grand Trunk was made, so far as they could be determined. We provided that if a full disclosure of those liabilities had not been made, or were not made at the time of the award, such liabilities as were disclosed thereafter should be practically deducted from the award, and the award reduced by that amount.

Hon. Mr. BELCOURT: If the arbitrators say so.

Hon. Sir JAMES LOUGHEED: If the liabilities are undisclosed, and within the period mentioned in clause 10 they become disclosed, they must be deducted from the award.

Hon. Mr. BELCOURT: If the arbitrators say so.

Hon. Sir JAMES LOUGHEED: It is an instruction to the arbitrators to amend the award accordingly. It is manifestly for the protection of the Government, and would work out in the way that I have indicated. Let me further say, in regard to any liabilities which may exist in connection with those two roads, that those liabilities would come in under the same clause. Consequently the Government cannot be damnified in any way by reason of those liabilities. It might become a question whether the roads had any margin of valuation in them. That of course is to be determined hereafter. We could not determine it here to-day, even if we knew the extent of the liabilities. But these cannot be added to the liability of the Government.

The Deputy Minister of Railways is here, and, with the consent of the Senate, I would ask him to come within the bar.

Hon. Mr. BELCOURT: My honourable friend said a moment ago that last year the amount of the liabilities was disclosed.

Hon. Sir JAMES LOUGHEED: I will not say with exactitude, but an idea was given as to the amount of the debenture indebtedness, etc., against each road embraced in the agreement.

Hon. Mr. BELCOURT: Has my honourable friend those figures at hand?

Hon. Sir JAMES LOUGHEED: I have not. The Deputy Minister informs me that there is nothing against those roads more than the ordinary liabilities as to the actual cost of construction. The Vermont and Province line railroad is really a siding about three miles in length.

Hon. Mr. LYNCH-STAUNTON: How much is there of that?

Hon. Sir JAMES LOUGHEED: I have not that information.

Hon. Mr. BELCOURT: Does my honourable friend maintain that primarily the Government is not bound to pay the obligations of these different railways, whatever they amount to, whether disclosed or to be undisclosed?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: The Government is liable to pay?

Hon. Sir JAMES LOUGHEED: No. My contention is that it is voluntary on the part of the Government to pay off those liabilities. If the Government should choose to let any particular road go into the hands of the creditors and be wound up in the usual way, the Government can exercise its right so to do just the same as the Grand Trunk.

Hon. Mr. CASGRAIN: But the Government cannot be insolvent.

Hon. Sir JAMES LOUGHEED: If a road is insolvent, if it does not possess a value beyond the liabilities, then there is no reason why the Government should keep it.

Hon. Mr. FOWLER: Those are all separate corporations?

Hon. Sir JAMES LOUGHEED: Yes. But the Government does not enter into any specific obligation for the payment of any of the liabilities.

Hon. Mr. FOWLER: It might be inexpedient to do that.

Hon. Sir JAMES LOUGHEED: Yes, it might.

Hon. Mr. FOWLER: It might be bad politics.

Hon. Sir JAMES LOUGHEED: Of course, if it were necessary, the Government would pay off the liabilities.

Hon. Mr. BELCOURT: I want to place on record my advice, or my suggestion, to the Government. I do not know whether it will be considered or not.

Hon. Sir JAMES LOUGHEED: It will receive every consideration, I assure you.

Hon. Mr. BELCOURT: I desire to make the suggestion anyway, on behalf of the public. I would very strongly urge the Government not to pay liabilities not yet disclosed, whatever they may amount to.

Section 1 was agreed to.

On section 2—agreement as corrected ratified:

Hon. J. P. B. CASGRAIN: I do not know whether this agreement would have been carried by the shareholders if there had been added to the Bill a certain provision which gave rise to considerable debate in another place. We all remember that in 1910 there was a strike on the Grand Trunk which tied up the system from Chicago to Portland. The Minister of Labour at that time, the present leader of the Opposition, and the late Sir Frederick Borden acted as mediators between the men and the Grand Trunk Company, and they succeeded in having the men taken back. No mention at all was made at that time of pensions. The men were reinstated, with their seniority rights. I am informed that some of those men had been in the employ of the company and participating in the pension fund for over thirty years, and they fully understood that in being reinstated they were not losing any of the advantages they had enjoyed; that they were being put back as they were before, as old employees, not as new men, and without losing their seniority rights. Now, I have asked the Minister of Labour to be present, because I would like to know his opinion about this. There are three alternatives, honourable gentlemen: first, that the pensions shall be forfeited; secondly, that we shall insert in this Bill—and this is the very last chance we have for doing it—a clause whereby the company shall be called upon to carry out the understanding then reached and to pay those pensions; thirdly, that the Government, that is, the taxpayers, will pay those pensions. These are the three alternatives regarding which I would ask the Minister of Labour to give us his opinion in a little while.

The Minister of Justice in another place declared, as we read in all the newspapers, that the men may not have a legal right to those pensions. But there is a moral right, and it would be infinitely better for the country to pay those pensions than for this Parliament to usurp the functions of the courts of justice of the land and declare, without hearing the parties, that the Grand Trunk shareholders should be mulcted for the amount of the pensions. The amount is not disclosed. No one has been able to tell what it is, although there has been in another place a debate which lasted nearly two days. However, we are face to face with this situation, that a grave injustice has been done. The late C. M. Hays—de mortuis nil nisi bonum—

came across to Canada from the adjoining Republic, and sometimes pretty sharp things are done to the south of the 45th parallel. He never mentioned this pension business, but afterwards, a long time afterwards, he declared that he could not reinstate those men in their pension rights because the Provident Fund of the Grand Trunk Railway Company did not allow for the paying of those pensions, as there was not continuity of service. Now, if the Grand Trunk had been willing to do justice to those men—

Hon. Mr. FOWLER: Which men?

Hon. Mr. CASGRAIN: The employees, the strikers. If the Grand Trunk had been willing to do justice to them, it could easily have been arranged and the necessary power could have been obtained from Parliament. So that contention does not hold good at all. However, I may say that the then Government refused to have anything further to do with the Grand Trunk Company until they gave justice by implementing their word and carrying out the understanding. These are the facts that are before us.

It was most clearly demonstrated, and it has not been denied in any of the discussion that has taken place, that there had been no talk of these pensions at all. The men were put back in their places with all their rights, whatever they might be. However, the Minister of Justice, as you can see by the papers, did a great deal of special pleading; but he would not take one side or the other, and he said it would be injudicious for Parliament to saddle the shareholders with this; and, I may say, the Minister of the Interior said about the same thing. Now, we know that we in this country are in a terrible mess with this railway business; the blame belongs where it belongs. Twenty years ago we had some 16,000 miles of railway—

Hon. Mr. McMEANS: Who was in power 20 years ago?

Hon. Mr. CASGRAIN: Wait a minute. Twenty years ago we had some 16,000 miles of railway. That meant one mile for every 300 inhabitants. That was already quite a large mileage. But the country evidently could stand it, and the railways were able to pay dividends. Ten years later the mileage had increased to about 25,000 miles. Then we had one mile of railway for every 284 persons in the country. That was a difference of only 16 persons per mile, because during those ten years the popula-

tion had increased from something over 5,000,000 to more than 7,000,000. You will see that under the former administration there were just as many persons per mile of railway owing to the natural increase of population and to the immigration coming into Canada we had not overbuilt. But ten years ago or thereabouts there was a change. What happened? The immigration stopped. Do you think that railway building stopped? We went on building railroads even more than before, and, according to the Drayton-Acworth report, we were loaded down with 40,000 miles of road, enough to go around the earth at the equator one and a half times. Therefore that was the time when we should have stopped railroad building. But that was the very time we went on building more than ever before, and at the time the Drayton-Acworth report was submitted, about five years ago, there were only 187 persons in the country for every mile of railway.

Hon. Mr. LYNCH-STAUNTON: Would the honourable gentleman tell us the exact mileage that was built after 1911?

Hon. Mr. CASGRAIN: After 1911? I have just said about 15,000 miles.

Hon. Mr. LYNCH-STAUNTON: Where was it?

Hon. Mr. CASGRAIN: Will the honourable gentleman give me time to explain where it was? I shall be very glad to do so. I think the honourable gentleman should not ask this question when, as we know, he was himself the very person who with Mr. Gutelius investigated this matter. The honourable gentleman is very facetious in asking me that question. He is supposed to know and he got well paid to know.

Hon. Sir JAMES LOUGHEED: I think the honourable member for Hamilton should have put the question in a different way. He should have asked: who made the contracts for the building of the roads that were built after 1911?

Hon. Mr. CASGRAIN: I am very glad to answer that too. The Canadian Northern went at that time as far as Edmonton. Now, what broke the back of the Canadian Northern was to build from Edmonton to Vancouver across the Rocky mountains. I will ask, who subsidized that road? Who contributed anything to it, and what did this administration do? Did they give one subsidy to that road? Did they give two subsidies or three subsidies? They gave four subsidies to that road—a thing unheard of. And where was it built? Within a stone's throw of the road that was already there, the Grand Trunk Pacific. For 360 miles, from Edmonton to Lucerne, at the top of the Rocky mountain, the two roads, two beautiful roads, ran just parallel—and nobody in the country! And I may just tell you this, honourable gentlemen, it does not matter if we take a little time on this thing. Remember that every day we postpone taking over that Grand Trunk railway we are saving the country at least $80,000; that is $3,000 an hour. So there is no hurry in taking it over. We have plenty of time to discuss it.

Hon. Mr. CROSBY: I would ask the hon. gentleman to tell us how we are saving $80,000 a day by delaying the taking over of the Grand Trunk.

Hon. Mr. CASGRAIN: I am very glad that question has been put, because that gives me a chance to explain that also, and this is the very simple explanation. The Grand Trunk railway, administered like a comic opera, as government railways have been administered, will have a big deficit. I predicted the other deficits, and I have been on the conservative side every time. The Grand Trunk railway, under Government control, will have a deficit of $30,000,000 a year, with present rates.

Hon. Mr. McMEANS: The Grand Trunk proper?

Hon. Mr. CASGRAIN: The Grand Trunk proper will have a deficit. I stake my reputation on this: I thoroughly believe the Grand Trunk in twelve months of Government ownership will have a deficit of at least $30,000,000; and, honourable gentlemen, if we are here next session, twelve months hence, we shall see whether I am right or not.

Hon. Mr. CROSBY: Mr. Speaker, and honourable gentlemen,—

Hon. Mr. CASGRAIN: Will the honourable gentleman sit down?

Hon. Mr. CROSBY: Here is an honourable gentleman making predictions and telling us what is going to happen to the Grand Trunk, and everybody knows he does not know very much about the Grand Trunk and does not know what he is talking about. We want to learn something; we do not want to sit here all day listening to a man jabbering—

Hon. Mr. CASGRAIN: Mr. Chairman, he has no right to interrupt.

Hon. Mr. CROSBY: I will have an opportunity of getting after him later.

Hon. Mr. CASGRAIN: Thirty million dollars a year makes over $2,000,000 a month; it makes over $80,000 a day. So that is what will be the loss.

Hon. Mr. FOWLER: Do you distinguish between the Grand Trunk and the rest of the system, or does that mean the whole system?

Hon. Mr. CASGRAIN: I am talking about the total mileage of the old Grand Trunk Company in Canada and in the United States.

Hon. Mr. FOWLER: Just that?

Hon. Mr. CASGRAIN: Just that, and we shall see who is right.

Hon. Sir JAMES LOUGHEED: I do not wish to interrupt my honourable friend, particularly as he is saving the country $3,000 an hour, I understand, and therefore he might go on for some time and we should be that much money ahead. But I think that we committed ourselves to the policy of this Bill when it passed its second reading, and my honourable friend is clearly out of order in discussing the policy of the whole question. Under section 1 we are simply discussing the question whether or not we shall amend this schedule by adding the two roads in question.

Hon. Mr. CASGRAIN: We are on section 2.

Hon. Mr. BOSTOCK: The question of ratifying the agreement.

Hon. Sir JAMES LOUGHEED: Yes, simply the question of ratification.

Hon. Mr. CASGRAIN: I said that if the Senate, in ratifying the agreement, had in its wisdom added a provision respecting pensions, it would affect the rights of the shareholders. Naturally, if those pensions were to be paid, the shareholders would get that much less.

Hon. Sir JAMES LOUGHEED: You were talking of the general railway situation.

Hon. Mr. CASGRAIN: I was drawn into that: I was not going into that.

Hon. Sir JAMES LOUGHEED: I would like to know the honourable gentleman on this side of the House who handed those notes to my honourable friend.

Hon. Mr. CASGRAIN: It was my own brief.

Hon. Mr. FOWLER: When the branch roads were taken over by the Canadian National Railway, were the employees taken care of in regard to pensions?

Hon. Mr. CASGRAIN: No. The Grand Trunk came before Parliament in 1907 and asked permission to take out of their earnings a certain amount to create a pension fund—they called it a provident fund—for their employees. The Grand Trunk railway is the only railway, so far as I know, that has such a fund. That fund has been in existence since the eighties, and in 1907 they were allowed to add to it out of the earnings of the road.

Hon. Mr. FOWLER: The Government railway has a fund exactly the same, and the case of the men on the branch lines would be even stronger, because they were never strikers, but always loyal servants.

Hon. Mr. CASGRAIN: Are they losing their pensions also?

Hon. Mr. FOWLER: I understand they are losing their pensions.

Hon. Mr. CASGRAIN: Clause 17 of the agreement states:

> In no case shall any acquired rights or vested interests in either the pension system or the Insurance and Provident Society be affected.

So they get their pension; it is only those unfortunate strikers of 1910 who lose their pension.

Hon. Mr. FOWLER: But that does not apply to those men on branch roads which were taken over by the National system?

Hon. Mr. CASGRAIN: I am only speak- about July, 1910, when the agreement was entered into, which was witnessed by two ministers of the Crown, by which the men were to be reinstated with their seniority rights; and after they were reinstated they were denied their right to the pensions, and to this day they have not got them. The Government of that day refused to have anything further to do with the Grand Trunk Railway Company until they gave satisfaction or justice to those people in accordance with the agreement entered into. That is all I am saying.

Hon. Mr. McSWEENEY: How many were there?

Hon. Mr. CASGRAIN: I cannot tell you. We have the Minister of Labour present, and I would like to ask him which of these three alternatives is to be followed —whether the pensions are to be forfeited,

whether he is going to amend this Bill in such a way that those men will get their pensions, or whether the country is going to be taxed for them? The honourable gentleman is a prominent member of the Labour party, and that party is becoming very powerful in the country at present—and I will add that if there were no strikes for five years a great many of the leaders of the Labour party and walking delegates would be out of employment, and they would have to go and work like everybody else. One of the arguments made in another place against paying these pensions was that the labour leaders had said: "Oh, the men don't care for the pension." Of course, labour agitators do not like a system of pensions, because the hope of receiving a pension for continuous employment has prevented many men from going on strike, and they are all the happier for it. The labour agitators do not like anything that prevents a strike. I do not say this because I am against labour, for I am just as good a friend of labour as any one here; I was the first one in this House to propose the eight-hour day, and I made a long speech on it, but got very little sympathy. I was the first one in this House to say that men should be paid semi-monthly. But the Labour party is travelling altogether too fast for me: I must confess that I cannot keep up with it. There are too many labour leaders and they are too ambitious, and I will welcome the day when a man will arise in this country and free labour from the tyranny of unionism.

Hon. G. D. ROBERTSON: Inasmuch as my honourable friend has indicated so directly that he desired some remarks from the Minister of Labour upon this question, I feel like gratifying his desire if the House will spend a little time—not for the purpose of using the question as a political football, as has unfortunately been done in times past, but in order calmly and impartially to state the truth, if I can.

Hon. Mr. DANDURAND: You will have many honourable gentlemen listening to you.

Hon. Mr. ROBERTSON: The honourable gentleman who has just spoken referred to the fact that in 1910 a strike occurred on the Grand Trunk railway, and that the then Minister of Labour and the then Minister of Militia succeeded in having the men who were out on strike reinstated. He points out that the question of the payment of pensions did not come prominently to the front when those men retired from the service, nor did that question arise for some time. I want to show that the honourable gentleman's information is quite erroneous. That strike occurred in July or August, 1910, and, notwithstanding the fact that the Government of that day continued for nearly a year and a half afterwards, 200 Grand Trunk conductors and trainmen were out of service until about January, 1912. I took occasion only to-day to look into the files and get an idea of what did actually take place, because my honourable friend spoke to me yesterday, as he told the House, and I found that voluminous correspondence had passed between officers representing those employees and the Department of Labour. Evidence was submitted clearly indicating that the promises and pledges made by the then management of the Grand Trunk had not been fulfilled; but, notwithstanding that great pressure had been brought to bear on the Labour Department of that day, it was only in 1912 that the question was taken up. It was then found that of the 200 men whom Judge Barron, the commissioner appointed to investigate their complaints after the strike, had found should be reinstated, 138 had not been reinstated. Pressure was brought to bear, which I need not go into in detail, and it proved sufficient to cause the reinstatement of those 138 men forthwith—an action which I submit might have been taken a year and a half before. It was somewhat of a surprise to me that the honourable gentleman should attempt to bring up this matter on the floor of the House for the purpose of throwing mud at the Government because of lack of interest in or sympathy for those railway men.

That, however, has nothing whatever to do with the question of pensions. It was not until February, 1914, that the subject of pensions arose, when a conductor in the province of Ontario, whose name I think I could find, was disqualified from further service in the Grand Trunk employ because of failing eyesight, and he made an application to the company to be retired upon his pension. He was one of the employees who had participated in the strike trouble of 1910, and he was informed that because his service had not been continuous, but had been broken by that short interval when he was on strike, he was not entitled to the pension consideration. Subsequently cases of a similar nature arose. Men being retired because of having reached the age limit, or for physical

infirmities such as occurred in the case cited, found themselves exactly in the same position. The railroad organizations representing those classes of men—conductors and trainmen—took this question up with the management, and endeavoured to obtain fair and equitable adjustment of the difficulty. The record indicates that a good deal of sympathy existed in the minds of the subordinate officers of the Grand Trunk railway, but that the manager of that day did not see the question in the same light, and adhered to the original stand that had been taken. It was pointed out to the management that there was no precedent for their action, and that they had specifically agreed to reinstate those men in the service and restore to them all their promotion and seniority rights, which undoubtedly carried also the right to their pension payments, the same as in the case of any other employee, had they not been removed from service.

Hon. Mr. FOWLER: Pension was not mentioned in this agreement, was it?

Hon. Mr. ROBERTSON: No.

Hon. Mr. FOWLER: Was there a clause in the provision saying that service must be continuous in order to secure a pension?

Hon. Mr. ROBERTSON: I will read the pension regulations, if I may:

> Absence on leave, suspension or discharge followed by reinstatement within a year, or the temporary left-off on account of reduction of force, need not be considered as a break of continuity of service.

Mark, it is absence on leave, suspension, or discharge, which may subsequently be followed by reinstatement within a year.

Hon. Mr. FOWLER: Were the strikers reinstated within a year?

Hon. Mr. ROBERTSON: The agreement was that they were to reinstate them within ninety days.

Hon. Mr. LYNCH-STAUNTON: Was it within the year that they were reinstated?

Hon. Mr. ROBERTSON: No, because the pressure that ought to have been brought on the company between July, 1910, and January, 1912, was not brought, and it was not until January, 1912, that the Minister of Labour of that day took the matter up and brought it to a head, and those men were not only reinstated but in many cases were paid for time lost.

Hon. Mr. LYNCH-STAUNTON: The men went out on strike, as I understand?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. LYNCH-STAUNTON: Then some conciliation proceedings took place and an agreement was made with the Grand Trunk; was that agreement made within a year?

Hon. Mr. ROBERTSON: Yes. Let me make it clear. The strike occurred in July, 1910. In August of that same year, I think, an agreement was made as between the Minister of Labour of that day and the Minister of Militia of that day and Charles M. Hays, president of the company, to the effect that all those men would be reinstated who had not been guilty of any criminal act, and that it would be done within a period of ninety days.

Hon. Mr. LYNCH-STAUNTON: So they became entitled to go back within a year?

Hon. Mr. ROBERTSON: Yes; but the fact is that 200 of those men, notwithstanding the agreement that they were to go back within ninety days, were not brought back until 1912, when pressure was brought to bear on the Government.

Hon. Mr. FOWLER: That would not make any difference.

Hon. Mr. ROBERTSON: That does not disqualify them at all.

Hon. Mr. BELCOURT: Was the matter submitted to the courts? Was there any legal proceeding taken at any time?

Hon. Mr. ROBERTSON: No, none; but I desire to point out that, notwithstanding all those facts, the railway company took the position that those men had not been continuously in service within the meaning of the Provident Fund Act, and therefore were not entitled to the pension. Appeal was taken by the organizations named to the vice president, subsequently to the president; but meanwhile a new president had come into office, Mr. Chamberlin, and subsequently an appeal was made through him to the board of directors of the Grand Trunk railway in London. Those negotiations continued over a period from 1915 to about September 11, 1917, and during all this time efforts were being made by negotiations with the company to get this matter straightened out fairly.

Hon. Mr. BELCOURT: My honourable friend might tell us if during that interval of time the fees were deducted for the Provident Fund?

Hon. Mr. ROBERTSON: I cannot give information on that point.

Hon. Mr. BELCOURT: Do I understand that the pension fund was kept up by specific contributions made by those men, or through deductions from their monthly salaries?

Hon. Mr. ROBERTSON: If my recollection is correct, it is an amount set aside by the company itself, a fund established for the purpose, and out of that fund the pension allowances are paid.

Hon. Mr. FOWLER: No contributions from the employees?

Hon. Mr. ROBERTSON: So far as I know, there is no contribution to that particular fund. There is still another fund, the insurance fund, to which I used to contribute 87 cents a month years ago, but I think this is altogether a different matter from the pension scheme.

Hon. Mr. FOWLER: Usually there is so much deducted from each man's monthly pay for these pension schemes.

Hon. Mr. ROBERTSON: That is the custom in the Intercolonial railway, with which my honourable friend is familiar, but the Canadian Pacific scheme is on the other plan: the employees do not contribute anything to it.

Hon. Mr. CASGRAIN: They get that much less salary.

Hon. Mr. ROBERTSON: Oh, no. Up to September, 1917, the gentleman who had been conducting the negotiations on behalf of the employees found that they were unable to reach any satisfactory settlement with the company's officials, or even any reply giving satisfaction from the board of directors itself. Naturally, as is the custom in these democratic organizations, they laid the facts before the members over the whole system in an open circular letter. They did not use other means to bring pressure to bear to obtain a square deal, and the matter dragged on until the first part of 1919. After every possible effort had been made, the employees said to the Government: "If the Grand Trunk is taken over by the Government"—as was then foreseen might occur—"we desire the Government to see that these men are protected and fairly treated;" and I think it has been made clear already in another place that this is likely to be done, and that the intention of the Government is that it shall be done. Up to the present time there are some 18 men, perhaps more, who were entitled to the benefits of this pension fund who have not received them.

Hon. Mr. BELCOURT: Have all the others been arranged for?

Hon. Mr. ROBERTSON: So far as I know, 18 is the number that have reached the pension age.

Hon. Mr. FOWLER: Have all who have reached that age been refused so far?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. BELCOURT: How many are there altogether who stand in that position?

Hon. Mr. ROBERTSON: I should think a very considerable number; it would run into the hundreds. There were at that time probably 2,000 men on strike. Of course, a large number of them have probably left the company's service since, for various reasons. The number who are being deprived of their pensions when they reach the pension age runs into several hundreds.

Hon. Mr. BOSTOCK: It is not only the 138 men that the honourable gentleman mentioned.

Hon. Mr. ROBERTSON: No. Those 138 men were men whom the company did not restore to service in accordance with their agreement. Nevertheless, all the rest who were restored would likewise be debarred from receiving their pension.

Hon. Mr. MURPHY: How would that be?

Hon. Mr. LYNCH-STAUNTON: They were not out a year.

Hon. Mr. ROBERTSON: The company's contention was that they were not suspended, not off on leave of absence, not dismissed, and that therefore they were not covered. Frankly, the position, as I understand it, is this. It is the intention of the Government to see that the interests of these men are properly and fairly protected before these negotiations with the Grand Trunk Railway Company are closed, and I think it is a fact, and can be properly contended, that the amount due these men is a liability of the Grand Trunk Railway Company towards these men. There is going to be a Board of Arbitration, on which the Government will be represented, and I think that is the place to determine whether this charge should be made against the Grand Trunk Company in making an adjustment with them. I am not speaking for the whole Cabinet on this subject; I speak only for myself; but I know that that

is the view entertained by some of my colleagues, although the question has never been officially discussed or determined by the Cabinet as a whole.

Hon. Mr. FOWLER: Is this a large amount of money?

Hon. Mr. ROBERTSON: No. I do not know what the pensions would amount to. The minimum Canadian Pacific Railway pension was $22 a month; that has now been increased to I think $25. It would mean at the present time that the liability, as a maximum, would average probably $25 or $30 a month for these men, running back to 1914. But it is important that the principle should be decided because of a number of other men who have been in the employ of the company for 30 or 40 years —I know of one man who was in their employ 47 years—and who have become blind or incapacitated in the service.

Hon. Mr. FOWLER: When the Government takes over this road, what provision will be made for the men of the future? What about the hundreds of men who would be entitled to this pension if sufficient time had elapsed, and it was due to them? Is the Government making some provision for them?

Then, I would ask the honourable minister to direct his attention to the case, the pitiable case in some instances, of the officials along the branch lines which have been taken over by the National railway. Many of these men have been railroading all their lives, and have always had before them the prospect, which for a long time was a will-o-the-wisp but which may now become a true light, that if the road were taken over by the Government they would come under the pension system. Unfortunately these men find now that they are too old, and that the labour associations refuse to take them in. There will have to be some special arrangement made for them, and I would earnestly ask the Minister of Labour, who is, as he should be, the friend of such people, to look into the question and see what measure of justice he can devise for them.

Hon. Mr. ROBERTSON: It might clear up the point to state that a careful and exhaustive inquiry has been proceeding and is still proceeding in regard to pensions. Conditions regarding pensions are very different on different parts of the line now controlled or likely to be controlled and operated under government ownership, and when the general organization is completed a new and probably entirely distinct plan of pensions and retiring allowances for the older employees will be created which will apply uniformly and equitably to all. It is something like the effort that is being made to bring into uniformity the different branches of the Civil Service. Small branch lines of minor importance, on which employees were receiving small wages and perhaps had very limited responsibilities, have been absorbed by the large system. That has occurred not only in my honourable friend's part of the country, but in other parts as well. The absorption of the small lines has made necessary a pension scheme that will be fair and equitable, and that will cover all employees of railways owned by the Government.

Hon. Mr. DANIEL: I would like to ask the minister if he is aware of the cause of the strike, and whether it was supported by public opinion. If it was a justifiable strike the men are entitled to the sympathy of the public. If it was not, then I do not think they are.

Hon. Mr. ROBERTSON: I do not know that that question is quite in keeping with the question before the House, but in answer to my honourable friend, I can say from recollection and from personal knowledge that public sympathy was entirely with the employees at the time of the strike. The Grand Trunk employees for many years had been receiving very small wages, much smaller than had been paid on the competing road, the Canadian Pacific, and it was the general impression at the time, whether it was correct or not, that the management of the railroad of that day was very antagonistic to the employees, and that their position was becoming absolutely intolerable. I say this, not only from personal observation and recollection, but from records that are available, and from which it can be clearly demonstrated that the sympathy of Parliament itself was at that time with the employees.

Hon. Mr. FOWLER: Honourable gentlemen, as I understand this matter, it seems to me that there was a certain amount of money devoted by the Grand Trunk to a particular purpose, namely, the paying of these pensions. That fund would surely belong to the Government.

Hon. Sir JAMES LOUGHEED: It is taken over by the Government subject to all its obligations.

Hon. Mr. FOWLER: Then, I do not see why all this discussion is necessary, be-

cause the matter is entirely out of the hands of the Grand Trunk Railway Company. My honourable friend from De Lanaudière (Hon. Mr. Casgrain) shakes his head, but I persist that the matter is entirely out of the hands of the Grand Trunk, and that it has become a matter for the Government to deal with to see that these men receive fair play. For my part, I am satisfied to rest there, and feel assured that they will receive justice.

Hon. Mr. BELCOURT: I am afraid the case is not quite as my honourable friend puts it. If it were I would be satisfied. The Minister of Labour has answered the question put by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) quite satisfactorily so far as he as a member of the Government is concerned, but he only speaks for himself. I have no doubt that he will do everything to implement the promise he has made, but unfortunately he is only one among many. Paragraph 17 of the Bill says:

> In no case shall any acquired rights or vested interests in either the pension system or the Insurance and Provident Society be affected.

It clearly includes these members.

Hon. Sir JAMES LOUGHEED: Is not the contrary the proper interpretation to place upon that? Whatever rights they have acquired are still intact, and to be determined hereafter.

Hon. Mr. BELCOURT: No, their vested rights are gone. They were deprived of those rights in 1910, and have been deprived of them ever since.

Hon. Sir JAMES LOUGHEED: The most that can be said is that they have been postponed.

Hon. Mr. BELCOURT: They are not in the enjoyment of their rights to-day.

Hon. Sir JAMES LOUGHEED: If they had a right in 1910 or 1912, is there anything which up to the present time has affected the continuance of that right? If they had a legal right in this fund, can it not be asserted to-day as well as in 1912?

Hon. Mr. BELCOURT: I am afraid that if the agreement is left as it is these men will have no rights whatever. The Grand Trunk have in this agreement a provision which will prevent them being compelled to pay.

Hon. Mr. FOWLER: I take it that it does not make any difference at all. Here is a sum of money that was once the Grand Trunk Railway Company's. It is now the Government's money, and the Government can do with it as it likes.

Hon. Mr. CASGRAIN: It is going to be distributed among the shareholders.

Hon. Mr. FOWLER: Not at all.

Hon. Mr. THOMPSON: If the road were not taken over by the Government, what would be the men's chances of getting the pensions?

Hon. Sir JAMES LOUGHEED: We cannot say. But might I ask my honourable friend from Ottawa (Hon. Mr. Belcourt), if there is anything in this agreement to prevent the Government, as an act of grace, reconsidering or adjusting this claim?

Hon. Mr. BELCOURT: No.

Hon. Sir JAMES LOUGHEED: Would my honourable friend as a lawyer be prepared to fasten upon this agreement a liability concerning which we have no evidence to-day?

Hon. Mr. BELCOURT: I am not doing that. I do not want to cut the men out. If you leave things alone I am satisfied; but here you are cutting them out of their legal right.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. BELCOURT: Of course, it all turns on the interpretation placed upon the words I have read. I may be all wrong and my honourable friend may be right, or I may be right and my honourable friend may be all wrong. I cannot construe these words as having any other effect than to deprive these men of their legal rights.

Hon. Mr. LYNCH-STAUNTON: It seems to me that there is a great misapprehension. These pensions are not a liability of the Grand Trunk Company at all, nor are they made a liability of the Government. The pensions are a liability of the pension fund. If a man obtains a pension it is not taken out of the funds of the Grand Trunk Railway Company, but out of the pension fund which has already been set aside by the Grand Trunk railway for the purpose of paying pensions. The Grand Trunk Railway, like a bank or any other institution, sets aside each year so much money for a pension fund. If the Government takes over the road, it will continue to set aside so much each year for that fund, and will have no proprietary interest in it. The question is whether or not the men shall rank on the pension fund. If

the men do not rank on the pension fund, that will not benefit the Government at all, because the Government cannot appropriate and use the money. They are only trustees for the men, and the whole question is whether or not this pension fund shall be saddled with this liability. If the Government intends to increase the pensions, that is quite another question; but, so far as the Grand Trunk Railway is concerned, their assets would not be increased one dollar if they paid all these pensions, because they are only liable for the amount they agreed to contribute. It passes my understanding, and for the life of me I cannot see, how this agreement, which deals with the liabilities of the Grand Trunk Railway Company which may be assumed by the Government, or which the Government may ask to have charged against the value of the Grand Trunk railway, can in any way be involved.

Hon. Mr. BELCOURT: It is the subject-matter of the agreement:

> In no case shall any acquired rights or vested interests in either the pension system or the Insurance and Provident Society be affected

I cannot see how it passes my honourable friend's understanding. It is part of the agreement we are discussing, part of the agreement we are making. If the Government should decide to-morrow to pay these men, that is so much money that the taxpayer would have to pay. It is a sum that the Grand Trunk would be relieved of.

Hon. Mr. FOWLER: The fund would not in any case go back to the Grand Trunk Company. They have divested themselves of it and set it apart. It would no more go back to them than rails or rolling stock. It belongs to the people who have bought the Grand Trunk railway; therefore it belongs to the Government of Canada; therefore the Government of Canada will have the administration of it; therefore I think it is perfectly safe to leave the whole matter as it stands, no matter what the section says. We are satisfied to have the fund in the hands of the Government, knowing that they will treat the men not only fairly but generously.

Hon. Mr. BOSTOCK: The second clause calls upon us to ratify an agreement. I have not yet heard any really good explanation from the leader of the Government as to why we should be called upon to ratify this agreement at the present time. Last session we dealt with the question of this agreement in a Bill which was put through Parliament. That agreement, I understand, went before the shareholders of the Grand Trunk Railway Company in London and was approved of by them, and was afterwards signed by the representatives of the company on behalf of the shareholders. That being so, I cannot see why we should now be called upon to ratify the agreement. We can ratify something that the Government of Canada has done, but it does not seem to me to be quite the proper thing to ask the Parliament of Canada to ratify an agreement in order to put into shape something that has been done by the shareholders of the Grand Trunk Railway Company. This brings me to another point. Last session, when this question was under discussion, we on this side of the House suggested to the Government that possibly it would have been better if they had given the matter further consideration and had come to an arrangement with the Grand Trunk Company on lines very different from the lines of this agreement; that would have been very much better for the Dominion Government to make an arrangement with the Grand Trunk Company along the lines that were suggested in the correspondence brought down, lines which would have kept the Grand Trunk Company and the shareholders interested in the operation of the road. Canada would have had the advantage of a large body of shareholders in England and possibly in other parts of the world being interested in seeing that the Grand Trunk railway was successfully operated and that the business was properly carried on; and they would have been interested not only in the development of the railway, but also in the upbuilding of the Dominion of Canada itself. That policy would have been a very much better one for the country and would have saved the Dominion of Canada from being placed in the position it occupies to-day, of having under the agreement to arrange to pay a fixed sum of money as interest to the shareholders of the Grand Trunk railway every year. They obtained money on the credit of the Dominion of Canada, and the Dominion is responsible for paying the interest on the company's shares and bonds, without any reference to the operation of the road or the amount of profit that may be derived from it. This agreement imposes upon the country very great liabilities and responsibilities, and I do not think the country realizes the extent of the difficulties with which we may have to contend in carrying out the terms of the agreement. As was pointed out last session by the hon. gentleman from Middleton (Hon. W. B. Ross),

the operating of these roads in the United States will give rise to all sorts of difficulties. The Dominion of Canada may find itself in the position of being subject to the laws of another country. I think we ought to protest once more against being asked to ratify an agreement of this kind and against the country being saddled with an enormous liability in addition to that which we have already assumed on account of the war and on account of the railway policy which has been pursued. I think this is a very serious question, and one on which we should make our position very plain.

As to the operation of these roads, the announcement we have had from the Minister of Railways this year regarding the roads the Government is already operating, is not very encouraging or likely to lead us to believe that the operation of this Grand Trunk system, when it comes into our possession, will be any more successful than that of the other roads which the Government has been operating now for two or three years. The Government has contended that by taking over this Grand Trunk system we shall be able to effect a considerable saving through the amalgamation of offices, the doing away with certain buildings, and the elimination of certain expenses of management; but I fear that in the present railway situation the money that may be saved in that way will not by any means make up for the tremendous cost of operating these roads and the deficit that the country will probably have to face.

I do not know that it is worth while to take up the time of the House in making a further protest; but, in the first place, I do not think we should be called upon to ratify this agreement for the purpose of making it valid because of something that has been done or omitted by the Grand Trunk Company or its shareholders. I understand that a meeting has been held in London within the last few days by the Grand Trunk Company; and if there was anything not properly done at the first meeting, which was held in February of this year, they had time to call a second meeting and correct the errors or omissions. I cannot myself see why we should be asked to ratify the agreement in this way, for the benefit, practically of the Grand Trunk Company.

Hon. Mr. BELCOURT: I asked my honourable friend (Hon. Sir James Lougheed) a little while ago, when the discussion was going on, if he could give us the figures of the liabilities of the Grand Trunk system, and I understood that my honourable friend was getting those figures for us. If he has them I should be very glad to hear what they are.

Hon. Sir JAMES LOUGHEED: My recollection is that last session, when the question was under discussion, an approximate statement was submitted. It did not enter into the statute, but it was submitted for the consideration of the House. I should be glad if my honourable friend would peruse that, if he feels inclined to take sufficient time to do so.

Hon. Mr. BELCOURT: I think the public is as much interested as I am. It is on behalf of the public that I am asking for this information.

Hon. Sir JAMES LOUGHEED: I think my honourable friend will find the statement on file. It was laid on the table of the House last session and was printed. We have no intention of repeating that, because there is no necessity for so doing, during the present session.

Hon. Mr. BELCOURT: It does not make very interesting reading.

Hon. Sir JAMES LOUGHEED: It may not be the most interesting class of literature, particularly for the coming warm season.

Section 2 was agreed to.

Section 3 was agreed to.

On the schedule (agreement):

Hon. Mr. POWER: I would like to make two or three observations on that schedule. We find in this agreement a statement of control, as follows:

1. Statement of Control.—The Grand Trunk represents that the companies, properties and interests comprised in the Grand Trunk Railway system are correctly and fully set forth in the First Schedule to this Agreement, and that it has in such Schedule correctly and fully shown how the various companies and their undertakings are controlled by the Grand-Trunk, whether by stock ownership and to what extent, and whether by leases, agreements or otherwise, distinguishing in these respects the direct ownership and control by the Grand Trunk from the indirect ownership and control through companies included in the system.

When we passed the Bill last year we had the solemn declaration of the Grand Trunk Company that we had been furnished with full and complete and accurate statements of all the liabilities of the company and of the particulars necessary to enable Parliament and the public to understand just what was being done. Now the Government come down and say, notwithstanding this

solemn declaration, that there are certain interests of the Grand Trunk which do not appear. These interests, as I understand, involve liabilities as well as assets. That does not seem to me like a very business-like transaction.

Then, clause 10 of this agreement says, with respect to undisclosed liabilities:

10. Undisclosed liabilities.—Should the Government, within three months after making of the award, claim that there existed any liabilities of the Grand Trunk, or of any company comprised in the Grand Trunk System, which were not disclosed to the Board of Arbitrators prior to the making of their award, the Government may, within such period of three months, apply to the Board of Arbitrators to amend their award, and the Board may thereupon decide whether such liabilities existed and were disclosed to them, whether the amount of their award would or would not have been affected thereby, and the amount of the deduction, if any, to be made in respect thereof; and may amend their award accordingly.

That provision that after the arbitrators have met and made their award they may amend it, goes to show that it is not a complete, final thing.

I think the attention of the committee ought to be directed particularly to clause 11 of the agreement:

11. Limit to the Amount of the Award.—The value, if any, so determined shall not be greater than an amount on which the annual dividend at four per cent per annum on the aggregate face value of the present guaranteed stock and the new guaranteed stock taken together would be $5,000,000—

This is a thing which has taken me rather by surprise—

—that is, the value, if any, so determined shall not exceed sixty-four million one hundred and sixty-six thousand six hundred and sixty-six dollars and sixty-six cents ($64,166,666.66).

Note the 66 cents.

The fixing of this limit shall not be taken by the arbitrators as any admission or indication that the value to be determined is the amount so fixed, or any other amount.

Unfortunately, honourable gentlemen, I am not in any respect a financial man, and I have to confess that when we were passing the Bill last year I was under the impression that our greatest liability was the $5,000,000; but, instead of that, I think it is $64,166,000. I do not know whether or not other members of the House were under the same impression as I, but this is a very serious disappointment to me. I thought we were getting off comparatively cheaply, but it does not so appear. I think, honourable gentlemen, that this case illustrates the unwisdom of not retaining parliamentary control. If this agreement had gone over to the shareholders of the Grand Trunk Company and had been accepted by them and then come back to us to be approved of, we should not be obliged to deal with it again in the way in which we are now doing.

The schedule was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

PRIVATE BILL.

SECOND READING.

Bill 40, an Act respecting The Canadian Pacific Railway Company.—Hon. Mr. De Veber.

SOLDIER SETTLEMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 68, an Act to amend the Soldier Settlement Act, 1919.

He said: Honourable gentlemen, the object of this Bill is manifold. Each section has an object in itself. The main purpose is to provide somewhat greater elasticity for the purposes of administration. The first clause is to make clearer the interpretation of the word "settler." The second clause deals with the question of transportation for the chairman of the board. It is largely a matter of routine. The other sections also deal with matters of routine or administration. When we go into committee I shall be very glad to have the officers of the department here to explain the different sections of the Bill. There is no general policy involved in it.

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

ANIMAL CONTAGIOUS DISEASES BILL

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 78, an Act to amend the Animal Contagious Diseases Act.

He said: The object of this Bill is to remedy what has been an abuse in cases where animals are destroyed. Under the Animal Contagious Diseases Act the Government is liable for the payment of two-thirds of the value of the animal. The owner then takes the animal and in many cases realizes a substantial amount upon it by selling it for beef to the butcher or to some other person. So very frequently it has paid the owner of the animal to have it destroyed under the Animal Contagious

Diseases Act. This Bill may not appeal to thrifty individuals who have realized upon their herds in that way.

Hon. Mr. POWER: No member of this House has realized.

Hon. Sir JAMES LOUGHEED: It is proposed that hereafter the Government shall pay two-thirds of the value and the owner shall not be permitted to realize on the remains.

Hon. Mr. BOSTOCK: Then does the Government become possessed of the carcass?

Hon. Sir JAMES LOUGHEED: It will see to the destruction of the animal, if necessary.

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

PETROLEUM AND NAPTHA INSPECTION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 92, an Act to amend the Petroleum and Naptha Inspection Act.

He said: The object of this Bill is to increase the weight of naptha from eight pounds to five one-hundredths of a pound per gallon to eight pounds and seventeen-hundredths per gallon. It has been discovered that in the refining of certain oils which are obtainable, a greater amount can be produced, which would be equally advantageous for domestic and other purposes if the specific gravity were increased. So the Bill makes provision for increasing the specific gravity by a fraction of a pound, as I have stated.

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

EMPLOYMENT OFFICES CO-ORDINATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. Robertson, the Senate went into committee on Bill Y2, an Act to amend the Employment Offices Co-ordination Act. Hon. Mr. Thompson in the Chair.

The Hon. the CHAIRMAN: Everything but the title in this Bill has been agreed to. Perhaps the minister has some explanation.

Hon. Mr. ROBERTSON: I think it was the wish of the committee the other day that certain Orders in Council asked for by the leader of the Opposition should be laid upon the Table. I have pleasure in complying with his request, and file the information. The only other point on which the committee were not in accord was as to section 2, relating to the Federal authority. In that connection I would point out that there are a considerable number of Acts now upon our statute book in which provisions exactly similar to those contained in this section already exist. For example, in our Dominion Statistics Act, chapter 43, in the statutes of 1898, an almost identical provision is to be found. In the Act of 1906 respecting infectious and contagious diseases in animals, a similar provision is found. In the Act of 1906 respecting shipping in Canada a similar provision is found. The Act of 1917 respecting insurance contains a similar provision; and, in the statutes of 1917, the Act authorizing the levying of a war tax upon certain incomes has a similar stipulation, requiring certain returns to be made under penalty. I might quote others, such as the Department of Commerce Act, which I named the other day, and to which the honourable member from Ottawa took exception. I think therefore there is no impropriety in including this clause, and I move its adoption.

Hon. Mr. DANDURAND: The honourable gentleman has cited a number of precedents and he draws the inference that those precedents create a right. This is an implication that would not stand as an argument before the courts. I think he should give the opinion of the Department of Justice on that point, as to legislating in that sense. Of course, Parliament has passed similar legislation, and up to this date it has not been questioned by any test case in the courts; but the affirmation of the honourable member from Ottawa was that, in the sense that it has not had a definite decision, the question still remains a doubtful one, no judge of one of our High Courts of Justice having been called upon to pass upon it.

Hon. Mr. ROBERTSON: I might clear up the point my honourable friend has in mind by acquainting him with the fact that the question was referred to the Department of Justice this morning, and I have before me a memorandum which says that they have assured us that in their opinion there is no doubt that Parliament would be within its legislative rights in passing this section of the Bill.

The preamble and the title were agreed to, and the Bill was reported without amendment.

MAPLE PRODUCTS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 28, an Act respecting Maple Products. Hon. Mr. Crosby in the Chair.

The Bill was reported without amendment.

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

THE SENATE.

Friday, May 7, 1920.

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

Prayers and routine proceedings.

DIVORCE BILL.

FIRST READING.

Bill M3, an Act for the relief of James Lyon Lincoln Bobbin.—Hon. Mr. McCall.

CANADIAN NATIONAL RAILWAYS.

RECEIPTS AND EXPENDITURES—INQUIRY.

Hon. Mr. McSWEENEY inquired of the Government:

1. What were the receipts of the Intercolonial railway for the fiscal year ending March 31, 1920?
2. What was the expenditure for the same period?
3. Also, what were the receipts of the Transcontinental from Moncton to Winnipeg for the year ending March 31, 1920?
4. Also, what was the expenditure for the same period?
5. What were the receipts and what was the expenditure on the Canadian Northern system for the year ending March 31, 1920?
6. What were the receipts and what was the expenditure on the Grand Trunk Pacific, now in the hands of a receiver, for the year ending March 31, 1920?

Hon. Sir JAMES LOUGHEED:

1. The gross revenue was $28,104,733.66.
2. The operating expenses were $30,908,505.18.
3. The gross revenue was $11,592,718.72
4. The operating expenses were $14,584,250.06.
5. The gross revenue for year 1919, was $53,562,177.57. The operating expenses for the same period were $60,034,023.92.
6. The revenue for calendar year 1919, was $12,251,462.13. The operating expenses for the same period were $17,587,567.37. Figures from January, 1920, to March, 1920, are not yet ascertained.

THE MANITOBA MENNONITES.

INQUIRY.

On the Orders of the Day.

Hon. Mr. McSWEENEY: I would like to direct the attention of the leader of the Government to a despatch in this morning's Ottawa Journal headed: "Manitoba Mennonites Finally Decide to Move Settlement to Mississippi—After All-Day Conference Members decide to Leave Canada and Locate with Uncle Sam." The despatch comes from Plum Coulee, Manitoba, and is as follows:

By Canadian Associated Press.

Plum Coulee, Man., May 6.—The Mennonites of Manitoba, after an all-day conference held on Tuesday by the members of the Mennonite Church at the village of Rhineland, decided to leave Canada and seek new homes in the state of Mississippi, where they have secured options along with the Mennonites of Saskatchewan on large tracts of unoccupied lands.

They hope to be permitted to have their own schools conducted under the direction of their own church, in which German is the only language and the Bible the lesson book. Preparations are being made by them to move after this year's crop has been harvested, and delegates have left for the Mennonite settlements near Swift Current and north of Saskatoon to advise them of the difficulty of their compatriots in Manitoba.

Probably the leader of the Government can give us some information on this subject.

Hon. Mr. DANDURAND: It would be interesting to know from the representatives of the province of Manitoba if these people have been good citizens and an asset to the Dominion. If we were thus informed, perhaps we could press the Government to retain them in Canada; but I think we should have the opinion of the members from Manitoba as to the fitness of such a request.

Hon. Mr. SHARPE: Ask the honourable gentleman behind you (Hon. Mr. Watson).

Hon. Sir JAMES LOUGHEED: I am sorry I cannot give any specific information to my honourable friend. Suffice it to say that if these people are seeking the liberty indicated by the article which my honourable friend from Moncton (Hon. Mr.

McSweeney) has read, I fancy the people of Canada will be able to reconcile themselves to their departure.

Some Hon. SENATORS: Hear, hear.

LOAN COMPANIES BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 39, an Act to amend the Loan Companies Act, 1914.

He said: I informed my honourable friend opposite (Hon. Mr. Bostock) that I would make inquiry as to the right of loan companies to receive deposits. I find that under section 65 of the Loan Companies Act authority is given to them to do so.

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

GRAND TRUNK AGREEMENT BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 54, an Act to confirm the Agreement dated the 8th day of March, 1920, between His Majesty the King and the Grand Trunk Railway Company of Canada for the acquisition by His Majesty of the capital stock of the said Grand Trunk Railway Company, except the four per cent guaranteed stock.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, this is probably the last time that we will have an opportunity of discussing this question; so perhaps I may be allowed to say a few words. I wish to draw the attention of the House to the report, the day before yesterday, of the Canadian Pacific Railway Company, from which it can easily be seen that, although it has been said that a ten per cent dividend was paid by that company, such is not the case, but that they paid 7 per cent from the profits on earnings and 3 per cent out of some special fund, and that, when they had paid the usual dividend, there remained the small surplus of one-half of one per cent, which is very close indeed to the margin of safety. The president Mr. E. W. Beattie, declares that for the last two years the returns have not been adequate to meet the real necessities of the road, let alone to make betterments and improvements. He showed that, although freight rates have been increased thirty per cent, and passenger rates ten per cent, the expenses are so great that the margin of profit shown is only four per cent on the amount of money invested in the railway. He says that a readjustment of rates is absolutely necessary if the Canadian Pacific railway is to continue to develop this country, as it has done in the past, and to keep abreast of the progress of the day. He draws attention to the argument against increasing the rates of the Government railways. They need an increase in rates, and a very large increase; but some people say that if you increase them, you will cause the coffers of the Canadian Pacific Railway to overflow. The coffers of that company have overflowed before now, and it has been to the advantage of this country; nobody will deny that. On the other hand, as he points out, it is not sound policy to penalize a company that is acting wisely and running its affairs economically. If you do not raise the rates, and if those who ship goods pay rates which are not sufficient to pay for the service they are getting from the transportation company, then the other people of the country who are not shippers will pay the difference. Again, he says it is not sound to take from the Canadian Pacific Railway Company any excess that they make over a certain amount. Naturally one would expect him to say that. We must not forget that the Canadian Pacific railway was to a great extent built with money furnished by this country. The Drayton-Acworth report shows that the Canadian Pacific Railway Company got $358,000,000, including their land at $119,000,000; therefore they might reasonably be expected to contribute something to the country. We all remember what the Canadian Pacific Railway Company received in the beginning. They were given about 600 miles of completed railway, and surveys extending almost from ocean to ocean—at all events from the Great Lakes to the Pacific ocean; 25,000,000 acres of land in fee simple; $25,000,000 in cash; and also —and this is the most serious matter, and the honourable gentleman from Portage la Prairie (Hon. Mr. Watson) was one who fought it—they were given the right for 20 years to charge what they liked for service rendered in the Prairie Provinces.

Hon. Mr. McMEANS: That right was taken away from them.

Hon. Mr. CASGRAIN: At the instance of the honourable gentleman from Portage la Prairie and the Laurier Government.

Hon. Mr. LYNCH-STAUNTON: Is that all contained in the article which my honourable friend has?

Hon. Mr. CASGRAIN: Not necessarily.

Hon. Mr. McMEANS: My honourable friend is absolutely in error when he speaks about the right being taken away. I understand that, it was the Norquay Government of Manitoba who made the protest, and the Dominion Government, in order to do away with that agreement, loaned the company $15,000,000.

Hon. Mr. CASGRAIN: I have discussed that question with my honourable friend before. We did not agree at that time, so I do not hope to convince him this afternoon. But, after all, the Canadian Pacific railway is a public utility, and the tendency of the age is that public utilities should pay only a reasonable rate of interest to their shareholders. I can give an instance of a contract that was made for the tramways of Montreal. A valuation of the property was made by the commission, and all that the shareholders could possibly receive on their investment was 6½ per cent. The company had to accept that, and the fares have to be so fixed that the return shall be no more and no less; and no expenditure may be proceeded with by this company without the sanction of the Commission. It is not public ownership, because the company operates the road; but the rates are fixed independently of the company, and if any extension is to be made this independent commission decides whether the line shall be built or not; and when the line is built it is obliged to charge certain fixed fares. So, after the C.P.R. shareholders have been fairly treated, and well treated, I would not be averse to having anything over and above a reasonable dividend fall into the public coffers. The C.P.R. would only be returning to this country what they have been getting from it.

Now, as to government railroads, where are we going if we do not increase rates? According to the admission made by the Minister of Railways, we have had a deficit of no less than $47,000,000. And that is the deficit which they own up to. What must be the real deficit! It reminds me of the play in which the lady says, "Oh, you don't know the half of it, dearie." Well, perhaps we don't know the half of it: it may be much more than that. Then the minister adds that for every dollar collected by the railways, 78 cents went to the workmen. Considering also the enhanced price of coal, which is 200 or 300 per cent more than it used to be, you can see how much was left. I do not think the farmers of this country should complain so very much about increased rates. They used to sell potatoes for $1 a bag and now they are selling them at $6 a bag; and they are selling wheat at two or three times as much as they used to get. They should be willing to help this country along. Yesterday the price of corn was $1.82 a bushel. Fifty cents used to be the ruling price. The increase is considerably more than 300 per cent. It is discrimination to tax the people who are not shipping, and who must pay the increased price for the article. The people who are not shipping and who are getting no benefit are actually taxed more than the others.

There is another point. In the discussion yesterday I was interrupted by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton). He doubted that there could be 40,000 miles of railway a few years after of the accession to power of the present Administration. Well, I took those figures from the Drayton-Acworth report. I see that, according to the correct figures the Government now controls 22,000 miles, including the Grand Trunk, and the C.P.R. controls 14,000 miles. That makes a total of 36,000 miles. There is a difference of 4,000 miles—

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman has quite convinced me. He need not labour it any further.

Hon. Mr. CASGRAIN: That leaves only 4,000 miles for the independent roads. In any case I thought that the Drayton-Acworth report would be correct. It cost this country a lot of money. They had an endless number of experts going all over the railway systems, and then they devised the scheme—to which we are coming, by the way—that of having a so-called company manage the government railroads. I thought surely that report would be correct as to mileage, and I did not verify the figures myself, but took 40,000 miles as being correct. However, that is only one factor.

At the time we took over the Canadian Northern, this House was fairly evenly divided. Now, I do not think I am divulging any secrets or saying anything I should not say. I went to Lord Shaughnessy and said to him: "You see, they are going to buy the Canadian Northern. It is a matter of over $500,000,000, nearly $600,000,000, and when it is operated it will be like the I.C.R.—it will not pay operating expenses." Nor has it. We have that huge debt saddled on the country. "Now, the C.P.R. is

interested more than any other corporation in having this country run properly. Why should not the C.P.R. use some of its influence? Surely the Canadian Pacific railway must have some friends left on the Government side of the Canadian Senate, and it requires only four or five Senators on the other side to prevent this Canadian Northern deal, which I think is a bad one"—and I still think it is a bad deal—"from going through." Well, the C.P.R. were absolutely indifferent. I was in Lord Shaughnessy's office for nearly an hour. I said: "Lord Shaughnessy, this is what is going to happen to you. The first thing you know they will take over the Grand Trunk after taking the Canadian Northern, and then the C.P.R. will be all alone fighting the Government roads." What is the position of the C.P.R. to-day? They have 14,000 miles: the Government have 22,000 miles.

In my position as vice-president of the Empire Parliamentary Association I have had to entertain men from Australia, where there is government ownership. These gentlemen, discussing the railway question, told me that it was impossible to operate satisfactorily the two systems in the one country, that it must be either one system or the other; you cannot have both. If you have government operation here and private operation there, and people have the choice of working for a private concern or loafing for the Government, which side are they going to take? I said to Lord Shaughnessy: "They are going to disorganize all your system, and next the C.P.R. will have to be gobbled up too." I should not be surprised if the C.P.R. came to that.

Hon. Mr. ROBERTSON: Do I understand my honourable friend to state that the employees on the Government-owned railways are loafing?

Hon. Mr. CASGRAIN: My experience has been this. I happen to have had to operate a railway—not a very long one, only 100 miles in length, but just as wide as the C.P.R., a line from Metapedia to New Carlisle. I ran that railway for ten years, and I saw what was going on. I saw our road opened up, the snow all shovelled away, when the Government road was tied up and the workmen were smoking their pipes. That is a thing I can speak of. The Minister of Labour has had experience on railroads, but I have had a little experience too. He is not the only pebble on the beach. What is more, I was the whole thing on the road. I had no board of directors. I was president and manager and everything.

An Hon. SENATOR: And chief engineer.

Hon. Mr. CASGRAIN: And chief engineer. And here is another point. During the ten years I never even received a lawyer's letter.

Hon. Mr. LAIRD: You were not shovelling snow.

Hon. Mr. CASGRAIN: And we never paid a dividend; not even a coupon on a bond.

Hon. Mr. FOWLER: Is the road still in existence?

Hon. Mr. CASGRAIN: You cannot have two systems in the country. Before the Laurier Government came into power, in 1896, we had in this country for a long time a Conservative Government and there was an exodus from Canada to the United States. People were leaving this country just as the Mennonites are now treking south. C.P.R. stock was selling at 33 cents on the dollar, and the credit of the company was not much. But a change came over the country. Another Government came in, and with it prosperity. We had Laurier and prosperity.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. CASGRAIN: And what did you see the Canadian Pacific railway stock do? You saw it climbing and climbing and getting to par and increasing to 150 and 175. I think it went to 280. Now we have had a Conservative Government for some time, and it is commencing to slide down and down, and in the last paper I saw it was at 116. It may get down to 30 cents yet. But I see a ray of hope. I think there will be a change in this country. I do not care whether it is the Farmers or the Liberals or the Labour or any other party, because no party can do worse than the present Government have done, and when the change takes place prosperity will come back to this country.

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

EMPLOYMENT OFFICES CO-ORDINATION BILL.

THIRD READING.

Bill Y2, an Act to amend the Employment Offices Co-ordination Act.—Hon. Mr. Robertson.

MAPLE PRODUCTS BILL.

MOTION FOR THIRD READING POSTPONED.

On the Order: Third reading of Bill 28, an Act respecting Maple Products.—Hon. Sir James Lougheed.

Hon. P. C. MURPHY: Honourable gentlemen, with the concurrence of the honourable leader of the House, I would ask that this Bill stand. Clause 2 of the Bill makes it impossible for a retailer to sell maple syrup or maple products, because he has no means of telling whether they are adulterated or not. I think also that the provisions contained in this Bill are amply covered in the Act we passed the other day, known as the Pure Food and Drugs Act.

Hon. Mr. BOSTOCK: Does the honourable gentleman want to amend the Bill or to have it thrown out?

Hon. Mr. MURPHY: I want to have the Bill amended if it is to be passed. I want to have the word "knowingly" inserted so that it will read: "No person shall knowingly expose for sale." As you will readily understand, it is absolutely impossible for the end man, who is the retail dealer, say, in a general store in the country, and who buys his goods from the manufacturer or the jobber, to tell whether the maple syrup or maple sugar is adulterated or not. I have personal knowledge of a case occurring under the old Act, and this Bill is not very different—a case in which Inland Revenue officers on their rounds entered a store and took a sample of maple syrup that had been put up in Quebec and was labelled "Guaranteed pure maple syrup." A sample of this syrup contained in a 24-ounce bottle, was bought for analysis, and as a result the merchant was brought before a magistrate and fined $20 and costs. That was a manifest injustice, for nobody could tell under the circumstances whether that maple syrup was adulterated or not. I tasted some of the syrup, and I assure you I could not tell. There is no justice in making the retail grocer subject to a fine of $200, as he would be under the provisions of this Bill.

The Order was discharged, and placed on the Order Paper for Monday next.

PRIVATE BILL.

THIRD READING.

Bill L2, an Act respecting the Hamilton Provident and Loan Society, and to change its name to "The Hamilton Provident and Loan Corporation."—Hon. Mr. Lynch-Staunton.

PUBLIC PRINTING.

On the motion for concurrence in the First Report of the Joint Committee of both Houses on the Printing of Parliament:

Hon. L. G. POWER: Honourable gentlemen, I think it would be regrettable if this report were allowed to pass without some observation. The change made two or three years ago in the method of distributing parliamentary documents—a change which originated in this House and was reported on by the Joint Committee on Printing—has had the effect of saving, not a few dollars, but some hundreds of thousands of dollars to the country, and I think that the Committee of the Senate might very well have indulged in a little self-praise in connection with the matter. Now the committee have met and they have decided to carry a little further the reform which has already progressed so well. The committee, I think, deserve commendation for the line they have taken, and I assume that this report will be adopted without any question.

The report was concurred in.

DIVORCE BILLS.

SECOND READINGS.

Bill H3, an Act for the relief of Edith Sara Bell.—Hon. Mr. Ratz.

Bill I3, an Act for the relief of Albert Graham Elson.—Hon Mr. Ratz.

PILOTAGE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 94, an Act to amend the Canada Shipping Act (Pilotage).

He said: Honourable gentlemen, the object of this Bill is to remove the restriction which is now part and parcel of the Act, under which the pilots' tariff cannot be increased until the minimum salary of the Quebec pilots' for three successive years falls below $600 a year. That is considered entirely inadequate, and the object of the Bill is to give authority to the minister of the department under which the pilots come, to increase that tariff from time to time as may be consistent with the requirements of the situation.

Hon. Mr. BOSTOCK: Will the leader of the Government be in a position when we go into committee to tell us the rates of pilotage that are being paid now? I take it from reading the Bill that a change has been made by Order in Council, because the Bill is retroactive from June, 1914.

Hon. Sir JAMES LOUGHEED: I will find that out for my honourable friend when we go into committee.

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

OLEOMARGARINE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 103, an Act to amend the Oleomargarine Act of 1914.

He said: Honourable gentlemen, this is to extend the time for the manufacture, importation and sale of oleomargarine for one year. It also gives further authority to deal with the subject of regulations. It makes provision for prescribing penalties for violation of the regulations. There has been more or less controversy between the dairy interests of Canada and the consuming public as to this particular question. But the Government is prepared to assume the responsibility for extending the time for another year for the importation, sale, and manufacture of oleomargarine.

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

OPIUM AND NARCOTIC DRUG BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 20, an Act to amend the Opium and Narcotic Drug Act.

He said: Honourable gentlemen, this Bill is introduced in pursuance of the provision which appears in the Peace Treaty between the Allied and Associated Powers and Germany and other enemy countries. Previous to the war, in 1911, a convention was entered into at the Hague in pursuance of which the different nations agreed to legislate in regard to the regulation and suppression of narcotic drugs. The Bill is largely administrative. It embraces the principle to which I have referred, and amends chapter 17 of 1911, the Act under which we have proceeded in the past, so as to permit of its more effective enforcement. There is no necessity of my dwelling upon the desirability of legislation looking to the regulation and suppression, so far as it can be brought about, of so deleterious a drug as opium.

Hon. Mr. DANIEL: The Bill, as first introduced in another place, was a most crude and inoperable Bill in every respect, and it has undergone a great number of amendments before coming to us in its present condition. In my opinion the amendments have had the effect of improving the Bill. The intention of the Bill, as has been said by the leader of the Government, is to make it more difficult for those who are inclined to become addicted to the use of opium, morphine, and drugs of that kind to obtain them. There is no doubt that in order to attain that end certain disabilities will be imposed upon those people. For instance, they will be prevented from getting paregoric and such remedies without a prescription. As the Bill was first introduced, it prevented the ordinary grocery store in the country from selling domestic remedies which they have been accustomed to sell and deprived people in rural districts of the opportunity of obtaining them, which would have entailed a hardship indeed. But the Bill, as amended, has remedied that situation to a great extent, and, as it appears before us, I think it as good and proper a Bill as can be framed for the purpose which it has in view. No Bill which absolutely prohibits can be enforced without inflicting some hardship on some people. We all realize that in connection with the prohibition laws which have been in force for the last few years. This is another prohibitory measure with which I presume we will have to comply. The Bill in its present form is one that I think we may very readily adopt, if we think it is necessary, as I think we all do, under the arrangements which this country has entered into regarding opium and other drugs. There are some very good points in the Bill, and some which are not so good, but which I think cannot be avoided.

Hon. Mr. BOSTOCK: I think the Government is to be congratulated upon doing everything possible to stop the sale and the use of drugs in this country. The opinion in the province from which I come is that the traffic in drugs has increased enormously. Only the other day I read in one of our papers here that within the last three or four weeks two very large seizures of drugs, valued at something like $50,000, have been made in the city of Vancouver. That shows that somebody is importing these drugs into this country, and I presume they are being imported for the purpose of sale to individuals who, unfortunately, are addicted to the drug habit. All prohibitory laws should be very carefully considered, and adopted with very great caution. At the same time, I think there is no case in which the Government is more justified in passing prohibitory legislation. I notice that the last clause of the Bill

provides that it is not to come into force until a date to be fixed by proclamation of the Governor in Council. The Act is such a good one that I do not see why its operation should be suspended. Why should it not go into effect immediately? Perhaps my honourable friend will be able to tell us that when we go into committee.

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

SOLDIER SETTLEMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 68, an Act to amend the Soldier Settlement Act, 1919. Hon. Mr. Thompson in the Chair.

On section 1—settler to mean male member only, etc.:

Hon. Mr. BOSTOCK: This applies only to male members?

Hon. Sir JAMES LOUGHEED: It is to remove any doubt as to the Act including female members of the Canadian Expeditionary Force.

Section 1 was agreed to.

On section 2—Chairman of Board to have free or reduced transportation:

Hon. Sir JAMES LOUGHEED: That is to place him in the same position as a Deputy Minister in regard to transportation.

Section 2 was agreed to.

On section 3—calculation of cost of land and improvements:

Hon. Mr. POWER: What is the effect of this clause?

Hon. Sir JAMES LOUGHEED: This amendment, if adopted, will authorize the board to make larger advances for the improvement of land than the amount authorized by the Act, keeping, however, the total advances for all purposes to the settler within the maximum prescribed by the Act. It simply permits of a new distribution up to the amount of the maximum. It is felt that settlers purchasing unimproved farms should be placed on the same footing as those purchasing improved farms. Under the amendment any amount expended on the land by the board for permanent improvements may be classed as part of the cost of the land to the board. It does not include the loan.

on. Mr. BOSTOCK.

Hon. Mr. BOSTOCK: Does that mean that part of the loan is to be for the purchase of stock, cattle, horses, and that kind of thing? Could a part of that money that is to be used for horses and cattle be applied to improving the land?

Hon. Sir JAMES LOUGHEED: No. It draws a distinction between improved and unimproved land. I understand that at present a certain amount may be advanced on improved land, which would be in excess of what could be advanced on unimproved lands. This is to permit of a larger expenditure being made in improving the land.

Hon. Mr. BOSTOCK: That would be counted part of the purchase price?

Hon. Sir JAMES LOUGHEED: Yes.

Section 3 was agreed to.

On section 4—additional security for advances as may be required.

Section 4 was agreed to.

On section 5—powers of board:

Hon. Mr. BOSTOCK: These are new clauses, are they not?

Hon. Sir JAMES LOUGHEED: It is proposed to give advantageous terms to settlers purchasing unimproved lands or securing advances for the operation of unimproved lands howsoever acquired. In the case of land purchase interest will begin to accrue one year from the date of the sale, and the first annual instalment, which shall be paid not later than two years from the date of the sale, will consist of accrued interest only. Repayment of advances for stock and equipment will be made in six annual instalments instead of four, as at the present time. In the case of sales of stock and equipment to settlers for the operation of improved farms, a larger cash payment may be required. The loan may be made repayable in six or less annual instalments, and the first payment must be made not later than the first day of October or November, as the case may be, next following the date of the sale. It simply permits of a variation in the time payment.

Hon. Mr. BOSTOCK: Paragraph d is to permit of that?

Hon. Sir JAMES LOUGHEED: That is what I take it to be, so as to permit of that principle being carried out.

Section 5 was agreed to.

On section 6—no officer, agent, or employee to purchase, acquire, or sell land which Board is authorized to deal with, or act as agent or take commissions:

Hon. Mr. BOSTOCK: What is the effect of that clause?

Hon. Sir JAMES LOUGHEED: It is to prevent the members of the Board, particularly of local Boards, from trafficking in any way in the lands which they are administering on behalf of the Government in the carrying out of the Act. I think there have been cases in which there has been a suspicion that members of the Board have been largely responsible for selling their own lands or lands in which they are interested.

Section 6 was agreed to.

On section 8, new section 65, subsection 1—marks or brands to denote the Board's ownership of property:

Hon. Mr. BOSTOCK: What is the effect of that clause?

Hon. Sir JAMES LOUGHEED: That provision is made to overcome difficulties which have arisen under the Chattel Mortgage Act, that is to say, in cases where the settler may have property of his own, it is desirable to be able to distinguish the property of the Board, on which they hold the security, from other property which may be brought upon the land. It is therefore proposed to mark it or brand it so that its identity may be distinguished from other property.

Subsection 1 of new section 65 was agreed to.

Subsection 2 was agreed to.

On subsection 3 of new section 65—unauthorized applying or destroying of marks or brands:

Hon. Mr. BOSTOCK: Would these marks be registered with the Provincial Government?

Hon. Sir JAMES LOUGHEED: Not necessarily so. On cattle, I presume, it would be necessary, but in regard to other personal property, I think it would not. The matter would be largely, if not entirely, regulated by the law of the province; but difficulty has always been experienced under the Chattel Mortgage Act in distinguishing what property is really covered by the chattel mortgage, because there may be similar property upon the land in question; and when the mortgagee seizes the property it may be claimed by some person that it is not the property mortgaged. This is simply to protect the interest of the Government to a greater extent than the Act now permits.

Hon. Mr. BOSTOCK: In the case of cattle in the western provinces, there are arrangements for the recording of brands of cattle?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: I presume that the Government branding would be recorded in the same way.

Hon. Sir JAMES LOUGHEED: I should think the provincial legislation would have to be complied with; otherwise it would be ineffective as evidence.

Subsection 3 was agreed to.

Subsections 4 and 5 were agreed to.

On new section 66, subsection 1—insurance of property in favour of Board by settler when indebted to Board:

Hon. Sir JAMES LOUGHEED: That is to protect the interests of the Government.

Hon. Mr. BOSTOCK: Would the Government have any power to object to the company in which that insurance was made, or would they have to take the insurance in any company?

Hon. Sir JAMES LOUGHEED: I should say they should have the right to pronounce upon the company. The mortgagee, under a mortgage, invariably passes upon the goodness of the policy, or upon the company in which it is taken out.

Subsection 1 was agreed to.

Subsection 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

ANIMAL CONTAGIOUS DISEASES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 78, an Act to amend the Animal Contagious Diseases Act. Hon. Mr. Murphy in the Chair.

On section 1—provision re sale by Crown of carcass of condemned animal:

Hon. Mr. EDWARDS: What is the section that is repealed?

Hon. Sir JAMES LOUGHEED: The section that is repealed is that which permits

the owner to sell the carcass and apply the proceeds to his own account. That is now reversed. Hereafter the Government will pay two-thirds, as before, and will itself sell the carcass.

Hon. Mr. BOSTOCK: Section 46 of the Act reads:

> Every person who violates any provision of this Act, or of any regulation made by the Governor in Council or by the minister under the authority of this Act, in respect to which no penalty is hereinbefore provided, shall for every offence be liable to a penalty not exceeding two hundred dollars.

That is what we are repealing now?

Hon. Sir JAMES LOUGHEED: Yes, that is repealed. Under clause 1 we are repealing section 46 and paragraph b of section 7, which deals with the sale of the carcass.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

PETROLEUM AND NAPHTHA INSPECTION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 92, an Act to amend the Petroleum and Naphtha Inspection Act. Hon. Mr. Bennett in the Chair.

On section 1—test increased from 8.05 pounds:

Hon. Mr. WATSON: What is the occasion for this amendment?

Hon. Sir JAMES LOUGHEED: It is now ascertained that oil can be refined which will be equally useful for domestic and other purposes if the specific gravity is increased. Thus a greater volume of oil can be manufactured for uses of that kind. The specific gravity is increased from 8.05 pounds per gallon to 8.17 pounds per gallon.

Hon. Mr. BOSTOCK: That is illuminating oil, is it? Or does it refer to all kinds of oil?

Hon. Sir JAMES LOUGHEED: It is chiefly illuminating oil. I will read to my honourable friend what was said regarding the present Act:

> That Act was passed in 1906 when the oil came from the Canadian and Pennsylvanian fields. Oil ranged from 8 and 8.05 to 8.13 pounds per gallon. Since that time there has been production from other sources and latterly we have been getting oil from midcontinent points in Wyoming and elsewhere, which is of very much higher specific gravity, running to as much as 8.15 pounds per gallon. If we do not increase the allowance as to specific gravity in the testing of the oil, we lose seven-tenths of one per cent in the process from the crude to the refined and by bringing the requirement up to 8.17 pounds per gallon we allow for the full extraction of refined oil from the crude. This refers to illuminating oil.

So the Bill simply makes provision for a larger volume from the crude oil.

Hon. Mr. POWER: It is very much to be regretted that this measure should be discussed in committee in the absence of the honourable gentleman from Rothesay (Hon. Mr. Domville), who has a technical knowledge and is very keenly interested in the oil business in various forms. However, he may have a chance to say something at the third reading.

Hon. Sir JAMES LOUGHEED: We shall doubtless have his views on this Bill during the Session.

Hon. Mr. WATSON: Will this affect the specific gravity of gasoline?

Hon. Sir JAMES LOUGHEED: I do not think so. This refers simply to increasing the refined products from crude oil. I do not think it would have anything to do with gasoline.

Hon. Mr. WATSON: Gasoline is a refined product of crude oil, is it not?

Hon. Sir JAMES LOUGHEED: Yes, but its specific gravity is entirely different from this.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

IMMIGRATION (DEPORTATION) BILL.

MOTION FOR SECOND READING—DEBATE ADJOURNED.

Hon. G. D. ROBERTSON moved the second reading of Bill X2, an Act to amend the Immigration Act (Deportation of Undesirable Persons).

He said: Honourable gentlemen, if the proposed amendment to section 41 of the Immigration Act is adopted, the section will apply merely to British subjects born outside of Canada and who have not acquired Canadian domicile, and will not apply to any others. All the other provisions of the Act so apply, and this amendment will bring section 41 into line with all the other clauses of the Act so far as it relates to British subjects.

The proposed elimination of subsection 2 of section 41 is regarded as desirable. That subsection was passed at a time when it was necessary, under war conditions, to place safeguards or restrictions which would enable the immigration authorities to cope with any situation that might arise.

Hon. Mr. WATSON: Will the honourable gentleman read that portion of the section which is being repealed?

Hon. Mr. ROBERTSON: Subsection 2 of section 41, which it is proposed to repeal, reads as follows:

> Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act, be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes.

It does not seem necessary any longer to keep what may be termed a rather radical restriction in the Act, and, as honourable gentlemen know, it has been very widely objected to by the press and by labour people particularly. Inasmuch as it was enacted for a specific purpose in time of war, and the emergency has now passed, it is not considered important by the Department of Immigration that it should be continued.

Hon. Mr. BOSTOCK: Honourable gentlemen, this Bill seems to be one of those which are very difficult to understand owing to the way they are printed. When I first read this Bill the term "Canadian citizen" seemed to me to be very broad, and it was difficult to understand the meaning or effect of the Bill. In the Act of 1910 I found a definition of "Canadian citizen." But I did not understand very clearly from the explanation given by the minister what was the change that was being made. I understood the honourable gentleman to say that the present Act did not affect a British subject domiciled in Canada. It seemed to me that the proviso in the present Act was that the section should not apply to any person who is a British subject either by birth in Canada or by naturalization; but the explanation that the minister has just given seems to be contrary to that.

Hon. Mr. ROBERTSON: There is a distinction, though perhaps not a very wide one, between Canadian naturalization and Canadian domicile. The term "Canadian citizen" is defined in section 2 of the Act, paragraph f, I think.

Hon. Mr. BOSTOCK: That is the Act of 1910?

Hon. Mr. ROBERTSON: 1910 or 1918. At any rate, "Canadian citizen" is interpreted to mean "a person born in Canada who has not become an alien; a British subject who has Canadian domicile; or, a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile." The Act as it would apply if amended as proposed would mean that a British subject, after he had been resident in Canada for, I think, a period of five years, would be regarded as having obtained Canadian domicile and would then be on the same ground as a Canadian-born citizen; but a British subject who had been here less than five years would still come under the provisions of section 41 of the Immigration Act.

Hon. Mr. BOSTOCK: Does not that question of domicile relate closely to the question of intent? Would not a man who came over here with the intention of living in Canada be immediately considered to be domiciled in Canada? It seems to me it is a very wide question, and one which it is rather difficult to discuss.

Hon. Mr. ROBERTSON: I think that the term "domicile" is quite clearly defined in the interpretation clause of the Act. It reads:

> (d) 'domicile' means the place in which a person has his home, or in which he resides....
> (i) Canadian domicile can only be acquired, for the purposes of this Act, by a person having his domicile for at least five years in Canada.

That is the interpretation of the word "domicile" in the interpretation clause. Whatever it may mean elsewhere, that is what it means for the purposes of this Act.

Hon. Mr. MURPHY: I would like to ask the minister if this repeals the drastic authority which we gave the Government last year?

Hon. Mr. ROBERTSON: Only in part.

Hon. Mr. MURPHY: What part?

Hon. GEORGE LYNCH-STAUNTON: Honourable gentlemen, I am very much surprised that the honourable minister should bring in at this time a Bill which practically repeals the Act which was passed last session. Chapter 26 of the Statutes of 1919 says:

> Every person who by word or act in Canada seeks to overthrow by force or violence the Government or constituted law of Great Britain and Ireland, or Canada, or of any of the provinces of Canada, or the Government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said

governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property, or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation.

I think everybody will agree that at all times, even the most peaceful times, when society is best ordered, such a person is an undesirable citizen, no matter whether he comes from Australia, South Africa, or Great Britain. It seems to me wise that we should have such a salutary provision in our law. It will only be invoked and has only been invoked on proper occasions. I for one am very much opposed to allowing such to come into this country, even though they are British subjects and the descendants of British subjects from generation to generation for all time. I therefore beg to move, seconded by my honourable friend from Middleton (Hon. W. B. Ross) that this Bill be not now read, but that it be read this day six months hence.

Hon. W. B. ROSS: Honourable gentlemen, I have only a few remarks to make in regard to this Bill and the amendment moved by my honourable friend. The easiest way to understand this section is to bear in mind, first, that there is a general law authorizing the deportation of certain classes of people. At the end of the Act there is a clause which exempts from the provisions of the Act British subjects born or naturalized in Canada. If you change the Act, persons who have become British subjects by virtue of the British Naturalization Act can come here and claim to be Canadian citizens. This Bill enlarges the exemption. The present exemption is confined to Canadian-born or naturalized Canadian citizens. If this Bill were to be passed, not only would Canadian-born and naturalized citizens be exempted, but British subjects who came here could claim the benefit of the exemption. As a matter of fact, I am a Scotchman—and I am not ashamed of my race. I have heard it said, and I agree with it, that while a Scotchman as a rule is a very good man, a bad one is about the worst you can get hold of; and close behind him comes the Englishman, who as a rule is a very good man, but who, if he is bad, is a pretty bad character. Among the class of people described in the Act with which we took such great pains last year, there are a number of Scotch and English who come to this country. They are trained agitators. They are brought up in an atmosphere that is rather hostile to law and order. They are unscrupulous and very clever, and are about the worst class of people that the Government of this country has to deal with. I think that the Act passed last year worked well, and is a useful Act; and while I would not say that it is absolutely necessary to continue it for all time. I do not think we should wipe it out at present. Anyone who is acquainted with what is going on in this country knows that conditions are not yet normal. Look at the conditions in the United States: they are far from normal; they are far from settled; and there is a great deal of trouble there. We know how drastically that country deals with such people as have been described.

I am in favour of leaving the Act alone. When conditions become normal and it is found that there is no necessity for such a statute as this, it can be repealed; but I think it would be a great mistake to alter the law which was passed last year, and which is working so well. I am not afraid of high-handed action. We have seen enough of what is going on to know that the Government, or anyone acting for the Government, or the police, will not undertake to do anything except for good and sound reasons.

Hon. GEO. H. BRADBURY: Honourable gentlemen, a year ago, when the Government took power to deport aliens or undesirables, I took the ground very strongly, as honourable gentlemen will remember, that the Government would have been derelict in its duty if it had not done so. I am amazed to find to-day that the Government has apparently backed down on the legislation which was passed a year ago. It is simply another evidence of the weakness of the Government in dealing with questions that affect labour interests. To my mind, if we pass this Bill that has been sent over to us by the House of Commons, we will be doing something—

An Hon. SENATOR: It has not been sent over from the Commons.

Hon. Mr. BRADBURY: Well, I am amazed to know that it originated in this House. I did not believe that anyone in this House would bring such a Bill before it under

present conditions, in view of our experience during the last year in the city of Winnipeg, when men who under this Act would be free to carry on a nefarious campaign, did carry on such a campaign which very nearly caused a revolution, tied up the city, and caused bloodshed and loss of life. If we are foolish enough to endorse this Bill, we are simply saying to those men and others like them: "You can come to this country; agitate if you like; preach sedition if you like; we will not deport you."

Hon. Mr. ROBERTSON: Will my honourable friend pardon me? That is not the effect of the adoption of this Bill.

Hon. Mr. BRADBURY: I still maintain, with all due deference to the Minister of Labour, that I am right in my interpretation of the Bill, and I maintain that if it is passed the very men who were put in jail for committing those acts cannot be deported. Is not that right?

Hon. Mr. ROBERTSON: No; it is absolutely wrong.

Hon. Mr. BRADBURY: I don't agree. Why was the Act of last Session passed? I maintain that it will be a great mistake if the Government does not keep on the statutes legislation that will give it absolute control of the people who come here, even after they become Canadian citizens. I cannot conceive of anything more dangerous than the passing of this Bill. It would appear to me as if it had been introduced at the request—not at the request, but at the demand—of the labour organizations of Canada.

Hon. Mr. ROBERTSON: That is quite incorrect.

Hon. Mr. BRADBURY: The question is whether we in this Parliament are going to be dictated to by labour or any other organizations, and induced to pass legislation that would endanger not only the property of this country, but the lives of the people as well, and make it impossible to maintain law and order in Canada.

In view of the fact that a year ago we did take power to deport not only alien enemies but Canadian citizens who preached sedition or committed acts that brought them under the law, and in view of this Bill coming before the Senate endorsed by the Government, not much encouragement is held out to the people who are trying to maintain order in Canada. The experience that we had in the city of Winnipeg ought to be a warning to every man that such legislation as we placed on the statute book a year ago is absolutely necessary. It does not necessarily follow that it should be enforced harshly; but I maintain that, when there is occasion to enforce it, it should be on the statute book so that it could be invoked, and should be strictly enforced when necessary. I do not believe that men who commit acts which bring them within the provisions of such a law should be dealt with as some men in Canada have been dealt with. As my honourable friend (Hon. Mr. Lynch-Staunton) has said, agitators who have come from the Clyde, or from England, have caused a great deal of our trouble. If I understand this Bill, such characters could not be deported if once they became Canadian citizens if we adopt this Bill. They would be protected by their citizenship, and could do almost anything they liked. They could be put in penitentiary, of course; but I do not believe it is in the interests of good government that such men should be put in the penitentiary and kept at the expense of the country. They should be deported, and the deportation of half-a-dozen such men would be the very best thing that could happen to-day as a warning to others. When they are sent to the penitentiary they become martyrs: the Government is pestered by petitions to release them.

Hon. Mr. ROCHE: Where would you deport British citizens to?

Hon. Mr. BRADBURY: To the country from which they come—or we might send them to Halifax.

Hon. Mr. ROCHE: They are all good citizens there.

Hon. Mr. BRADBURY: I saw this Bill to-day for the first time, and I was amazed when I looked at it. So far as I am concerned, I shall vote against it and shall do everything I can to make such legislation impossible. To my mind it is legislation that is well calculated to encourage agitators all over Canada. It is a confession of weakness on the part of the Government, and I think would do a very great deal of harm. I think at the present moment it should not have been brought before the House.

Hon. Mr. CASGRAIN: I would like to ask the honourable gentleman some questions. Are any of the men who were convicted in Winnipeg Canadian citizens?

Some Hon. SENATORS: All of them.

Hon. Mr. SCHAFFNER: I would like to ask the Minister of Labour a question. I understand that the passage of this Bill would repeal the Act that we passed last Session?

Hon. Mr. ROBERTSON: In part.

Hon. Mr. LYNCH-STAUNTON: No, the whole thing.

Hon. Mr. SCHAFFNER: That should be made clear.

Hon. Mr. ROBERTSON: The wave of enthusiasm against this bit of legislation reminds me of what you might witness, and do sometimes witness, at a labour meeting when a fellow with a glib tongue gets on the platform and carries away his audience until they are prepared to vote to assassinate the King.

Hon. Mr. CROSBY: I did not think they ever did that in labour meetings.

Hon. Mr. ROBERTSON: There seems to be a feeling, without any one stopping to reason about it, that when the legislation of last Session was passed it was necessary; that the necessity has not passed by; and that in case it should be needed in the future it should be kept on the statute books. Let me assure honourable gentlemen of what I know to be true in connection with this matter. While it may be that the legislation which we passed last year served a good purpose at the time, there was nothing done during the war period that caused so much discontent or made it so hard to control labour in this country as that very thing.

Hon. Mr. FOWLER: Why?

Hon. Mr. ROBERTSON: Because it was regarded as un-British and unfair.

Hon. Mr. FOWLER: Un-British?

Hon. Mr. ROBERTSON: Un-British, absolutely.

Hon. Mr. FOWLER: Well, let us be un-British, then. Let us be Canadians.

Hon. Mr. ROBERTSON: Un-British to say that a British subject should be deported without a trial.

Hon. Mr. FOWLER: Oh!

Hon. Mr. ROBERTSON: That is absolutely what this means.

Hon. Mr. LYNCH-STAUNTON: Why not repeal the whole law?

Hon. Mr. CASGRAIN.

Hon. Mr. ROBERTSON: I say that under that legislation it was possible to deport without a trial a British subject who had been in this country for, if you like, 50 years, if he had not taken out Canadian naturalization papers. That, I submit, honourable gentlemen, is something to which the press and the public of this country did take serious exception. That provision was enacted only because the Government of the day and Parliament realized the necessity, under war conditions, of doing drastic things; but now that the necessity has passed, there is surely no objection to giving a British subject who has been resident in this country for at least five years a trial before a jury of his peers before he is deported.

The first clause of the Bill is simply an amendment to section 41. In the second clause of the Bill it is proposed to repeal a provision which permitted the deportation of anyone, whether a British subject or the subject of any other country, who at any time since May, 1910, had been guilty of any of the acts or utterances described in section 41 as being seditious. That legislation was passed a year or more ago, and there has been an opportunity for dealing with any persons in this country who came within that class; and I can assure this House that a substantial number of men in different parts of Canada were deported. It is not generally known at the present time; but I know of one locality from which a large number of men of that class were deported. I think the number was 22. Those whom it was desired to remove having been deported, the legislation has served its purpose; so that to-day there is in this country nobody of the class referred to who has been here five years since the legislation was passed; that is, only a year ago.

Hon. Mr. BRADBURY: The minister says this has served its purpose. That is, in the honourable gentleman's opinion.

Hon. Mr. ROBERTSON: Obviously it has served its purpose, because it gave the authorities more than one year to remove from the confines of this country any persons coming within that class who had prior to the date the legislation was passed committed any of those acts.

Hon. W. B. ROSS: Suppose a man comes in to-morrow and does that sort of thing?

Hon. Mr. ROBERTSON: Then he can be deported to-morrow or at any time within five years without a trial.

Hon. W. B. ROSS: Not if you pass this Bill.

Hon. Mr. ROBERTSON: I beg the honourable gentleman's pardon. To acquire Canadian domicile one must be a Canadian citizen or a British subject having acquired Canadian domicile, which means five years' residence in Canada.

Hon. Mr. FOWLER: Does the minister say that we have deported all who came within the undesirable class except Canadian citizens?

Hon. Mr. ROBERTSON: All whom it seemed necessary to deport.

Hon. Mr. FOWLER: What about Ivens and some more of those preachers?

Hon. Mr. ROBERTSON: I think honourable members will agree that the Government and the authorities of the province of Manitoba and the courts of that province acted wisely when they gave to Mr. Ivens and every one of his colleagues in that movement a fair trial. Mr. Ivens came to this country a young man, in fact a boy. He received his education in the Wesleyan College in Winnipeg. He grew up in this country. He had been here for more than thirty years. I submit to you that public opinion, and you honourable gentlemen yourselves, would agree that it would not have been fair to railroad that man out of this country without a fair trial.

Hon. Mr. CROSBY: How about the others?

Hon. Mr. ROBERTSON: Citizens of foreign countries who came to Canada and were guilty of seditious acts and utterances merited deportation, even though those utterances or acts were committed prior to the time this legislation was passed. We dealt with a substantial number. Now, that having been done, and more than a year having gone by during which that work has been carried out and concluded, there is no necessity for continuing upon our statute books a law that will permit an officer of the Immigration Department to cause to be deported a British subject who has been in this country more than five years.

Hon. Mr. THOMPSON: And has been guilty of all those acts?

Hon. Mr. FOWLER: Can any officer do that?

Hon. Mr. ROBERTSON: The immigration officers can do that without a trial. Now, honourable gentlemen, I urgently suggest that this matter be given careful and serious consideration before you finally decide. I am not asking you to make a snap judgment upon it, but am simply requesting you to give earnest consideration to this question: is the Parliament of Canada going to refuse to pass legislation which will entitle a British subject of more than five years' residence in this country to a fair trial before a jury of his peers before he is deported?

I would suggest that, inasmuch as we have a very small attendance in the House at the present moment, and as this is a very important subject, we should adjourn the debate until some future day—say until Tuesday of next week if you desire, to give you time to inquire and consider just what the effect of this measure would be.

Hon. Mr. BOSTOCK: The honourable gentleman stated two or three times, in discussing this question of domicile, that a man has to be in the country five years before he acquires Canadian domicile. I cannot see that in the Act of 1910, which I have before me. It says only three years. Has the Act been changed since then?

Hon. Mr. ROBERTSON: I think it was changed in 1918.

Hon. Mr. LYNCH-STAUNTON: What is the section?

Hon. Mr. ROBERTSON: I think I can give the honourable gentleman the information. "The Immigration Act and Regulations," as issued by the Immigration Department in the year 1919, quotes section 2, paragraph d, as follows:

Hon. Mr. LYNCH-STAUNTON: Of what Act?

Hon. Mr. ROBERTSON: The Immigration Act?

Hon. Mr. LYNCH-STAUNTON: What year?

Hon. Mr. ROBERTSON: 1919.

Hon. Mr. LYNCH-STAUNTON: What chapter?

Hon. Mr. DANIEL: The new section 41 of the Immigration Act was enacted by Chapter 26 of the Statutes of 1919.

Hon. Mr. ROBERTSON: I do not think you will find it there.

Hon. Mr. LYNCH-STAUNTON: Where is the section that defines "domicile"?

Hon. Mr. BOSTOCK: Chapter 25.

Hon. Mr. ROBERTSON: It is section 2, subsection 1, paragraph d of the Immigration Act of 1919. It reads as follows:

Canadian domicile can only be acquired, for the purposes of this Act, by a person having his domicile for at least five years in Canada after having been landed therein within the meaning of this Act.

Hon. Mr. LYNCH-STAUNTON: That does not affect the other Acts. It says, "for the purposes of this Act."

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. LYNCH-STAUNTON: But it does not say for other purposes?

Hon. Mr. ROBERTSON: No.

Hon. Mr. LYNCH-STAUNTON: Well, that is quite a different thing.

Hon. Mr. ROBERTSON: Well, section 41, which we are proposing to amend, is a part of this Act; therefore the five years' clause necessarily applies.

The Hon. the SPEAKER: It is moved by Hon. Mr. Robertson that this debate be now adjourned until Tuesday next.

Hon. Mr. LYNCH-STAUNTON: No. I object to it standing until Tuesday. I think it ought to stand until after the adjournment if it stands at all.

Hon. Mr. CROSBY: After the adjournment.

Hon. Mr. LYNCH-STAUNTON: There may not be many here on Tuesday.

Hon. Mr. ROBERTSON: I was not aware that there was to be an adjournment.

The Hon. the SPEAKER: We might say Friday of next week, and if the House did not sit on that day it would not come up until after the adjournment.

Hon. Mr. ROBERTSON: I think, honourable gentlemen, that that is hardly fair. This Bill has been on the Order Paper for several days. It is a simple matter. Surely honourable gentlemen can give it the necessary attention.

Hon. Mr. McMEANS: It is the honourable gentleman's own motion to adjourn until next Friday.

Hon. Mr. ROBERTSON: No, Tuesday.

The Hon. the SPEAKER: I mentioned Friday myself.

Hon. Mr. ROBERTSON: I moved the adjournment till Tuesday.

Hon. Mr. BRADBURY: Honourable gentlemen, I do not think this question ought to be postponed until Tuesday. Every member of this House knows that we are not likely to have a large attendance of the House then. We have a fair attendance at the present moment.

Hon. Mr. CLORAN: No.

Hon. Mr. BRADBURY: And there is a very strong opinion in the House at the present moment. I think that instead of adjourning the debate until next week, we ought to take a vote now.

Hon. Mr. ROBERTSON: If it is the will of the majority, honourable gentlemen, that it should be adjourned until Friday, I will not raise strenuous objection, but I think it is not unreasonable to say we should be in a position to proceed with it earlier.

The Hon. the SPEAKER: Friday is substituted for Tuesday of next week.

The debate was adjourned.

STEAMBOAT INSPECTION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

Hon. Sir JAMES LOUGHEED moved that the Senate go into Committee on Bill 49, an Act to amend the Canada Shipping Act (Steamboat Inspection).

Hon. WM. ROCHE: Honourable gentlemen, at the second reading I asked the Minister whether this Bill was to apply to shipping generally, and I think he replied in the affirmative. I would like to point out at the present moment, if the honourable gentleman says that, what would be involved in it.

Hon. Sir JAMES LOUGHEED: We can discuss the question fully when we go into Committee, as we intend to do.

Hon. Mr. ROCHE: This affects the principle of the Bill; that is the point.

Hon. Sir JAMES LOUGHEED: The principle of the Bill has been assented to by the House, because the Bill has received its second reading. It is now at the Committee stage.

Hon. Mr. ROCHE: I am speaking against the motion to go into Committee on the Bill.

Hon. Sir JAMES LOUGHEED: Oh, yes; my honourable friend can do that.

Hon. Mr. ROCHE: I want to point out briefly what effect the Bill will have. I say that this infringes international law. In the first place, foreign ships are deemed part of the territory and under the control of foreign states, and these resent any in-

terference with the management or construction of their ships.

Hon. Sir JAMES LOUGHEED: My honourable friend will observe that it is proposed to give authority to the Governor in Council to make rules and regulations along the lines mentioned in the Bill, and we would have to wait until those rules and regulations are made.

Hon. Mr. ROCHE: Yes, but this proposes rules and regulations regarding ships over which we have no control.

Hon. Sir JAMES LOUGHEED: No. Manifestly—

Hon. Mr. ROCHE: I do not want to argue with the honourable gentleman; I only want to say just what effect it would have and also to urge that we consider carefully its effect on Canadian shipping. If this Bill is passed, foreign ships putting into ports like Sydney for coal would have to be stopped and their fires would have to be put out and their boilers examined. Halifax also is a port of call. Vessels come in merely to get orders, and then they proceed. If they can be stopped and their boilers inspected, it will have a bad effect.

Hon. Sir JAMES LOUGHEED: The Government will not go beyond its authority in the matter.

The motion was agreed to, and the Senate went into Committee on the Bill. Hon. Mr. Daniel in the Chair.

On section 1, new section 578—rules and regulations:

Hon. Mr. ROCHE: Now, Mr. Chairman, I wish to make this observation, that in the cases I have cited of foreign ships, the regulations could not apply to them, because they are precluded by their nationality from control by the Governor in Council or anybody else in this country.

Hon. Sir JAMES LOUGHEED: Impliedly, without any argument, this must necessarily be within the authority of the Government of Canada. We cannot for a moment presume to assert authority which we do not possess. Until the rules and regulations are passed, of course, it cannot be determined what the authority is. But I think my honourable friend may rest assured that the Government of Canada is not going to assert an authority which it clearly does not possess.

Hon. Mr. EDWARDS: If you buy a foreign ship, until that ship is registered in Canada it is not subject to inspection.

Hon. Mr. CROSBY: There are conditions under which we can have a foreign ship examined. Canadian vessels have to pass a test at least once a year. Their boilers must be tested every year, and under certain conditions the vessels may have to be tested more than once. For instance, a ship may meet with an accident. Then, there are classes of ships that come into Canadian waters, and, I am sorry to say, are able to trade between one Canadian port and another. Any such ship that remains here for a certain length of time is subject to inspection, whether she is British or Norwegian or Swedish, or whatever register she may be. If the vessel is trading from port to port in the Dominion of Canada she is subject to our boiler regulations. We have passed legislation by which we restrict the size of ships, in order to give the Dominion Coal Company, the Dominion Iron and Steel Company, and the Nova Scotia Steel Company the privilege of chartering these ships, because we did not have ships on our own register up to 1,500 tons. These ships have been coming into Canada and trading in Canada year in and year out, and they come under our boiler regulations. We exercise control over them. Under the Shipping Act their boilers must be tested at least once a year. In my judgment no foreign ship should be trading between port and port in Canada. We have ships of our own, and we want to preserve our own coastwise trade. However, we are not discussing that point. The point I am making is that any ship that comes into Canadian waters and trades from port to port in Canada is properly subject, regardless of nationality, to the same examination as a Canadian ship.

Hon. Sir JAMES LOUGHEED: Paragraphs a, b, c, d, e, f, and g of this new section 578 are the same as in the present law.

Hon. Mr. ROCHE: With regard to the observation of my esteemed colleague from Halifax (Hon. Mr. Crosby), I want to say that vessels loading cargo in Canada would be on a different basis from those about which I have spoken. Provision could be made that vessels should not load in Canada unless they were subject to inspection. We might have control over that. But my good friend from Halifax knows very well that the portwarden or anybody else cannot make a survey upon a foreign ship except on application to the consul of the nation by which the vessel is owned.

Hon. Mr. CROSBY: Certainly not, if she is one of those ships that have a right, under the old British Treaty, to trade in ports in the Dominion of Canada. We cannot interfere with a ship that comes into any port of Canada to load for any part of the world, and the Act does not propose anything like that. We could not interfere if we desired to do so. The ships I was referring to are those which come into Canadian waters and go from port to port in Canada; and, as I said before, I trust that practice may not prevail very long. But any ship of that kind comes under the regulations if she remains in Canadian waters for a year.

Paragraphs a to g inclusive were agreed to.

On paragraph h—fees:

Hon. Sir JAMES LOUGHEED: The object of this is simply to make the system of inspection self-supporting, as I explained the other day on the second reading.

Paragraph h was agreed to.

On section 2—duty on steamboats registered in Canada:

Hon. Mr. BOSTOCK: I see that in the old Act the amount was fixed, but now it is left to the Government.

Hon. Sir JAMES LOUGHEED: It was based on a charge of ten cents per ton, which in the case of small boats was entirely inadequate to cover the expenses of the inspector sent to make the inspection, and in the case of the larger class of ships was out of proportion. A classification based upon tonnage will hereafter be adopted so that the incidence of the charge will fall equitably.

Hon. Mr. EDWARDS: Should not the word "fees" be used instead of "duty"?

Hon. Sir JAMES LOUGHEED: "Duty" is the word that has been used in the past.

Hon. Mr. EDWARDS: It is not the proper word.

Hon. Sir JAMES LOUGHEED: In the old Act, under the head of "Inspection fees," section 643 says: "The Governor in Council may fix a duty."

Hon. Mr. EDWARDS: It is the wrong word.

Hon. Sir JAMES LOUGHEED: It is understood.

Hon. Mr. EDWARDS: It does no harm.

Hon. Mr. BOSTOCK: Perhaps the leader of the Government can tell us the distinction between the word "duty" and the word "fees" in new section 644. I have been assuming that there was none; but apparently there is a distinction.

Hon. Sir JAMES LOUGHEED: They are meant to be the same. They are synonymous terms.

Hon. Mr. EDWARDS: No doubt it is just an error.

Hon. Sir JAMES LOUGHEED: A distinction seems to be drawn between the two.

Hon. Mr. EDWARDS: I beg pardon, Mr. Chairman: they are "fees." I have been paying them for years. However, I do not think any harm will accrue from the use of the word "duty."

Hon. Sir JAMES LOUGHEED: As it has been on the statute books for a great number of years, it is probably well to adhere to it.

Section 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

DIRECTOR OF COAL OPERATIONS BILL.

FIRST READING.

Bill O3, an Act respecting the Director of Coal Operations.—Hon. Mr. Robertson.

DIVORCE BILL.

FIRST, SECOND AND THIRD READINGS.

Bill P3, an Act for the relief of Irene Martin Chapman.—Hon. Mr. Proudfoot.

The Senate adjourned until Monday, May 10, at 8 p.m.

THE SENATE.

Monday, May 10, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill Q3, an Act for the relief of Jennie Wright.—Hon. Mr. McCall.

Bill R3, an Act for the relief of Alfred Charles William Wesley.—Hon. Mr. Blain.

Bill S3, an Act for the relief of George Orville Scott.—Hon. Mr. Turriff.

Bill T3, an Act for the relief of John William Wallace.—Hon. Mr. Bradbury.

Bill U3, an Act for the relief of Harry Davis.—Hon. Mr. Bradbury.

RETURNED SOLDIERS' EMERGENCY FUND.

INQUIRY.

Hon Mr. TANNER inquired of the Government:

1. What is the total amount of Federal Emergency Fund paid in each province to returned soldiers?
2. What is the number of men in each province who received payment out of such fund?
3. What is the total amount of such fund paid in each county of Nova Scotia to returned soldiers?
4. What is the number of men in each county of Nova Scotia who received payment out of such fund?

Hon. Sir JAMES LOUGHEED: 1, 2, 3 and 4. The necessary information to answer this question will not be available until some time after May 15th, as the branches of the Federal Emergency Appropriation Department in the Western Provinces have until May 15th to pay soldiers' settlement cases, claims for which originated prior to april 24th. Official returns from such branches will therefore not be received in full until some time after that date.

Advances to branches in the respective provinces to 24th April, 1920, less refunds to date:

Province.	Advance.
Alberta	$1,065,000 00
British Columbia	970,000 00
Manitoba	325,000 00
New Brunswick	57,175 67
Nova Scotia	200,000 00
Ontario	1,258,982 21
Quebec	1,242,577 68
Prince Edward Island	22,800 00
Saskatchewan	450,000 00
Yukon	10,000 00
Total	$5,601,535 56

THE ROYAL ASSENT.

The Hon. the SPEAKER informed the Senate that he had received a communication informing him that the Deputy Governor General would attend in the Senate Chamber at 4.30 p.m. on Tuesday, May 11, for the purpose of giving the Royal Assent to certain Bills.

RUMOURED FRENCH EMBARGO ON LOBSTERS.

INQUIRY.

On the Orders of the Day:

Hon. Mr. MURPHY: I would like to bring to the attention of the House a seemingly well-founded report that the Government of France is about to put an embargo upon the importation of lobsters into that country. Inquiries have been made at the Department of Trade and Commerce, but they seem to be in a quandary to answer them. I would ask the leader of the Government if he has any information on the subject, and, if not, whether he will endeavour to get the information for us. The question was asked in the other House this day week, but there has been no reply which would in any way clear up the matter. I need hardly say that such an embargo would be a serious blow to the lobster industry of the Maritime Provinces, which amounts to about $3,000,000 a year.

Hon. Sir JAMES LOUGHEED: I have no information upon the subject, and have had no intimation that such a thing was to be done. If I can get any information on the subject I shall be glad to communicate it to my honourable friend.

MAPLE PRODUCTS BILL.

REFERRED BACK TO COMMITTEE OF WHOLE.

On the order for the third reading of Bill 28, an Act respecting Maple Products:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I wish to make a slight amendment to this Bill before it is read the third time. I therefore move that it be not now read a third time, but that it be re-committed to the Committee of the Whole.

The motion was agreed to, and the Senate went into committee on the Bill.

Hon. Sir JAMES LOUGHEED: I propose striking out clause 3 of the Bill which makes provision for the imposition of a fine in the event of maple sugar being seized on the shelves say of a retail merchant or otherwise, if it should be found to be adulterated in any way. The Food and Drugs Act which was passed a few days ago makes, I think, all the necessary provision for the imposition of penalties and for the enforcement of an Act of this kind. I therefore move that clause 3 be stricken out.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED: Then, I propose that clause 4 be amended so that it will read as follows:

Every person who violates any of the provisions of this Act shall be guilty of an offence and liable upon summary conviction to the penalties prescribed by section sixteen of the Food and Drugs Act, 1920.

Hon. Mr. BOSTOCK: By that alteration the honourable gentleman is moving to strike out the words—

Hon. Sir JAMES LOUGHEED: The words "of subsections two and three of said section two."

Hon. Mr. BOSTOCK: Does this alteration meet the point that was raised the other day by the honourable gentleman from Tignish (Hon. Mr. Murphy)?

Hon. Mr. MURPHY: Yes.

Hon. Sir JAMES LOUGHEED: Yes. The Food and Drugs Act makes the most ample provision for the enforcement of penalties.

Hon. Mr. ROCHE: May not the penalties prescribed by the Food and Drugs Act be too severe for those who may sell adulterated maple sugar? With what substance is maple sugar adulterated? Some of those penalties may be very severe indeed.

Hon. Sir JAMES LOUGHEED: There is a minimum penalty, which is very small, and the Food and Drugs Act makes the most ample provision, so that any one violating it may take advantage of a want of knowledge or anything of that kind. Last week before we passed the Food and Drugs Act we discussed that phase of the question. I am sure this is a very reasonable and moderate Bill.

Hon. Mr. MURPHY: As the one who raised that point, I may say that I took exception to that section of the Food and Drugs Act on account of its stringency. You will notice by the section that when a man is supposed to be liable under this Act, if he notifies the magistrate that he bought the article in good faith and used all necessary precautions to get a pure article, he would not be subject to the fine.

The amendment of Hon. Sir James Lougheed was agreed to.

The Bill was reported as amended.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

DIVORCE BILLS.

THIRD READINGS.

Bill H3, an Act for the relief of Edith Sarah Bell.—Hon. Mr. Ratz.

Bill I3, an Act for the relief of Albert Graham Elson.—Hon. Mr. Ratz.

SOLDIER SETTLEMENT BILL.

THIRD READING.

Bill 68, an Act to amend The Soldier Settlement Act, 1919.—Hon. Sir James Lougheed.

ANIMAL CONTAGIOUS DISEASES BILL.

THIRD READING.

Bill 78, an Act to amend the Animal Contagious Diseases Act.—Hon. Sir James Lougheed.

PETROLEUM AND NAPTHA INSPECTION BILL.

THIRD READING.

Bill 92, an Act to amend the Petroleum and Naptha Inspection Act.—Hon. Sir James Lougheed.

STEAMBOAT INSPECTION BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 49, an Act to amend the Canada Shipping Act (Steamboat Inspection).

Hon. Mr. BOYER: Before the third reading is carried, may I call the attention of my honourable friend the leader of the House to paragraph d:

(d) respecting boats and life-preservers, fire buckets, axes and lanterns and other life-saving appliances to be carried by steamboats or by other vessels mentioned in this part.

And then paragraph f:

(f) requiring steamboats to carry chemical or other fire-extinguishers, and prescribing the number of such fire-extinguishers.

Why make a difference by not specifying that the Governor in Council shall have power to prescribe the number of life-boats, life preservers and fire-buckets? Only the number of fire-extinguishers is to be prescribed.

Hon. Sir JAMES LOUGHEED: Does not my honourable friend consider that the authority would be sufficient to prescribe the number of boats, life-preservers, fire-buckets, axes, etc.? My honourable friend

might as well ask that the number of axes, the number of fire-buckets, and the number of lanterns, be prescribed:

Hon. Mr. BOYER: That is precisely what I say.

Hon. Sir JAMES LOUGHEED: But we do not do that?

Hon. Mr. BOYER: Why should you ask power to prescribe the number of fire-extinguishers and not to specify the number of boats that should be carried?

Hon. Sir JAMES LOUGHEED: It might be difficult to determine the number of life-boats that should be carried. I do not think that you could adopt any uniform standard by which that could be done.

Hon. Mr. BOYER: Yes, according to the number of persons the boat is licensed to carry.

Hon. Mr. CASGRAIN: Not the number of boats—the size of the boats.

Hon. Sir JAMES LOUGHEED: That authority should be sufficiently wide to permit of the number being prescribed.

Hon. Mr. CROSBY: According to class of boat.

Hon. Sir JAMES LOUGHEED: It would have relation chiefly to the number. As I understand, my honourable friend (Hon. Mr. Boyer) asks if in paragraph f the number of fire-extinguishers to be carried is to be specifically mentioned, why should not the same provision apply in paragraph d?

Hon. Mr. BOYER: That is my objection.

Hon. Sir JAMES LOUGHEED: Paragraph f simply states what shall be done as to fire-extinguishers, but paragraph d leaves it entirely with the Government to regulate the whole subject.

Hon. Mr. CROSBY: Through the inspector.

Hon. Sir JAMES LOUGHEED: Paragraph f throws upon the Government the responsibility of specifying the number of fire-extinguishers, that is all.

Hon. Mr. BOYER: I have no objection; only I thought I would draw attention to it. I do not see why, if the number is specified in one clause, it should not be specified in the other.

Hon. Mr. CASGRAIN: Perhaps I could explain.

Hon. Mr. BOYER: Now the authority is going to speak.

Hon. Mr. CASGRAIN: Well, perhaps I could. You must know that at present there are various kinds of life-boats. There are the collapsible life-boats, there are boats of different sizes, and so on. The regulation under the Shipping Act on the other side states exactly the provision that must be made for every one. There is no analogy between the number of boats and the provision of live-saving. For instance, there is a new launching apparatus by means of which it is possible to handle about four times as many boats as formerly. That makes quite a difference. It is not the number of boats that is important; it is the number of places in the boats. Everyone must be provided for. There are boat drills at certain hours, and every one must go and stand by the boat. Every passenger on board ship has a particular place assigned to him.

Then, as to the number of fire-extinguishers, that is an altogether different thing. For instance, all the fire insurance companies say that there must be a certain number of fire extinguishers. That is why the number is specified here, I take it. It is the same with regard to a store or other building. If you want to get the benefit of some insurance clause or to pay less for your insurance, you must have a certain number of fixed fire-extinguishers.

Hon. Sir JAMES LOUGHEED: I think it is all right as it is.

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

PRIVATE BILLS.

THIRD READINGS.

Bill U2, an Act respecting The Army and Navy Veterans in Canada.—Hon. Mr. Sharpe.

Bill 6, an Act respecting The Canadian Mining Institute, and to change its name to The Canadian Institute of Mining and Metallurgy.—Hon. Mr. Gordon.

SECOND READING.

Bill M3, an Act respecting The Montreal Central Terminal Company.—Hon. Mr. Beaubien.

DIVORCE BILLS.

SECOND READINGS.

Bill J3, an Act for the relief of Francis Charles Dean.—Hon. Mr. Gordon.

Bill K3, an Act for the relief of John James Garrison.—Hon. Mr. Ratz.

Bill L3, an Act for the relief of Dora Lumsden MacLaurin.—Hon. Mr. Ratz.

PILOTAGE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 94, an Act to Amend the Canada Shipping Act (Pilotage). Hon. Mr. Daniel in the Chair.

On section 1—section 434 repealed, etc.:

Hon Sir JAMES LOUGHEED: My honourable friend opposite (Hon. Mr. Bostock) asked me for a statement of the fees of pilots. I lay the statement upon the Table. As I explained in introducing this Bill, it is proposed to repeal the section of the Act referred to because it provided that the pilotage charges cannot be increased until the minimum fees of a pilot for three consecutive years fall below $600. Of course, that is a very low rate of payment for pilots. It is proposed to leave the matter entirely to the discretion of the Minister. There is no intention at the present time of increasing the fees, but this removes the restriction, which is very embarrassing.

Hon. Mr. BOSTOCK: Does not the passing of this Bill rather hold out an invitation to the pilots to ask for an increase?

Hon. Sir JAMES LOUGHEED: The desirability of increasing them has been represented, but the Minister has no intention of doing so at the present time. But when the restriction is removed, if it should be desirable to do so, owing to the increased cost of living, and so on, he can exercise his discretion.

Hon. Mr. DANDURAND: Do I understand that the Minister does not intend to avail himself of the legislation?

Hon. Sir JAMES LOUGHEED: The Minister states that, notwithstanding the repeal of the section, it is not his intention at the present time to increase the pilots' charges. But should the matter become acute, or should a case be so clearly made out as to require the intervention of the Minister in the matter, he will be at liberty to exercise his discretion.

Hon. W. B. ROSS: I undestand that the average income of the pilots is now $2,400 a year, so it will be some considerable time before they get down to $500. What is intended, I understand, is to make the law with reference to Quebec uniform with that respecting St. John, Halifax, and Sydney.

Hon. Sir JAMES LOUGHEED: Yes, the restriction applies only to Quebec.

Hon. W. B. ROSS: It is an invidious distinction.

Hon. Sir JAMES LOUGHEED: I suppose there are complaints from those pilots who are asking for an increase.

Hon. W. B. ROSS: I do not think so.

Hon. Sir JAMES LOUGHEED: It is an invidious distinction which applies only to the pilots below Quebec.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

OLEOMARGARINE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 103, an Act to amend the Oleomargarine Act, 1919. Hon. Mr. McSweeney in the Chair.

Sections 1 and 2 were agreed to.

On section 3—power to prescribe penalty, etc.:

Hon. Mr. BOSTOCK: Does this increase the penalty over that of last year?

Hon. Sir JAMES LOUGHEED: That is entirely new.

Hon. Mr. MURPHY: Honourable gentlemen, I do not rise to oppose this or any other clause in the Bill; on the contrary, as a physician, I commend it very highly. I know that oleomargarine, if properly put up, is under ordinary conditions a very nutritive substance, and is very much better than a good deal of the butter produced in ordinary dairies.

I wish to draw attention to an article that appeared in the Toronto Globe in November last. The remarks are those of Mr. E. S. Archibald, the present superintendent of the dairy at the Experimental Farm, which, by the way, is an ideal breeding place for germs to contaminate the products of the institution. Evidently some other gentlemen as well as myself must have objected to the moss growing on the roof and the cracks in the floor as having a deleterious effect upon the butter manufactured there. In the course of an address this gentleman goes out of his way to say:

Milk is now costing $3.14 per 100 lbs. to produce on the Experimental Farm, and last year

averaged $2.96 per cwt. These figures, Mr. Archibald said, lined up fairly closely to those secured by Prof. Archie Leitch. An additional item of cost, not usually encountered, was the cost of several extra men to weigh the feeds and milk and keep the stables clean for visitors and the super-critical visitors from the Senate.

If we are to infer from that, and the inference is plain, that the only time efforts are made along that line is when some of the super-critical gentlemen around me go out there, what is the usual condition of the place? It is a demonstration station to which people look to learn something, and it should be clean at all times, and there should be no necessity of hiring men to have it ready in case of visits from super-critical gentlemen from the Senate. This gentleman, I submit, should not have gone so far out of his way to be facetious before a public meeting, and I think he deserves to be censured.

Hon. Mr. TURRIFF: I would like to ask the leader of the Government what is the object of limiting the time during which oleomargarine can be manufactured in or imported into Canada? Surely the time has arrived when we might follow in the wake of most other countries where butter is manufactured and where there is a large consuming public, and allow the people of this country to choose whether they will use oleomargarine or butter. When butter was twenty-five to thirty cents a pound could understand the argument against the use of oleomargarine, because then people who were not very well off could afford to buy butter. But now that butter is from sixty cents to a dollar pound, it is a very serious thing for the people of limited incomes to be restricted. I have heard it argued in the other House that oleomargarine is not a good article of food. I have eaten a good deal of it; I have it in my house; and I have eaten butter that was a great ideal worse than the oleomargarine that is on the market to-day. I do not think that any one is likely to mistake oleomargarine for butter. I heard one man argue that the merchants sell oleomargarine as butter, and the next moment he was contending that it was no good for food and was not fit to eat. If merchants can sell it to the people as butter, and if the people cannot tell the difference, it must be a pretty fair article of food. Any of the Government analysts will tell you that it is fully up to butter in food properties. It seems to me that, instead of extending the time for its importation and manufacture for one year, when we will have to go all over this again, it would be good poilcy to say that oleomargarine may be manufactured or imported until legislation is passed to the contrary. If the manufacturer of oleomargarine is not certain of the time in which he can engage in that business, or if he thinks that his factory is going to be closed up in a year, what inducement is there for him to go into the business? What is the result? All this has a tendency to keep up the price of oleomargarine. I would have no objection to the passage of strict regulations providing for the punishment of persons who attempted to deceive the public. Oleomargarine should not be sold as butter, and if any one attempts to sell it as butter the punishment should be sufficiently severe to prevent him attempting to do so again. But to say that oleomargarine should not be manufactured or imported is surely not in accordance with the ideas of the people of Canada to-day. If I thought that this legislation would inflict a hardship upon the farmers I might hesitate to speak as I am doing; but it can be no hardship upon them. They have been and are now getting high prices for butter, and I am sure they will continue to do so for years to come, and I do not think oleomargarine can enter very largely into competition with good butter. No doubt the Government has given this question careful consideration. If they put this Bill through, as I presume they will, I hope that a year from now they will come to the conclusion that the time has arrived for free trade in oleomargarine, as being a very important article of food of the people of Canada.

Hon. Mr. CASGRAIN: The honourable gentleman seems to know all about oleomargarine. Can he tell us how they give it the taste of butter?

Hon. Mr. MURPHY: There is butter in it.

Hon. Mr. TURRIFF: I am informed by a man who is thoroughly posted, having to do with its manufacture, that in the manufacture of oleomargarine a certain amount of whole milk is mixed with it.

Hon. JOHN WEBSTER: And buttermilk.

Hon. Mr. TURRIFF: I am informed that whole milk is used, and also a certain percentage of butter. The balance of the material, or 75 per cent of it, is produced on our Canadian farms. It contains animal fats cotton-seed oil, cocoanut oil, and other vegetable oils, every one of which is a first-class, wholesome food. The butter and the milk, I understand, are put into it to give

it as nearly as possible the taste of butter, to which people are accustomed. That is a perfectly legitimate practice. If you can make oleomargarine taste as well as butter, it is worth as much as butter, because its food value is as great as that of butter.

Hon. Mr. CASGRAIN: I have been told that, in order to give it the taste of butter, a few drops of bad melted butter are put into it.

Hon. Mr. MURPHY: Oh, no.

Hon. JOHN WEBSTER: In reply to the honourable member from Assiniboia (Hon. Mr. Turriff) I may say that I think it is wisdom on the part of the Government that they have extended this time for one year. At the close of the great war no person in Canada knew what the effect on the dairy industry would be. The dairy industry of Canada is one of the greatest industries we have, but I must say that with the prices the farmer or producer is receiving for his milk, I do not think he is suffering by the manufacture of oleomargarine. Butter in this country to-day has become almost a luxury for the poor man. But, regarding the quality of oleomargarine as compared with fine butter, I cannot agree with the honourable member for Assiniboia.

Hon. Mr. TURRIFF: Well, give us our choice.

Hon. Mr. WEBSTER: I have tried several times to eat it in New York, but I prefer my bread without any oleomargarine on it. Any person who has been accustomed to good creamery butter, or first-class dairy butter made by a Canadian woman, will not take kindly to oleomargarine. I think the Government is very wise in limiting the time from year to year. Had a depression occurred in the cheese trade or the creamery butter trade, it would have been an easy matter to let the time for the manufacture of oleomargarine expire and let the people of Canada have creamery butter at a lower price. But there is a foreign demand for all the fine butter we can make in Canada, and so long as the prices remain high I think the Government of Canada is displaying a great deal of wisdom in giving the workingmen who cannot buy butter at fancy prices an opportunity of obtaining fats of this kind.

Hon. Mr. BEIQUE: I would ask the honourable leader of the Government whether it would not be well to strike out clause 3 of this Bill, as he did a similar provision in Bill 28, the Maple Products Bill, leaving the penalty to come under the operation of Bill 27, an Act respecting Food and Drugs, which, as he said a moment ago, makes all the necessary provision for the enforcement of a penalty.

Hon. Sir JAMES LOUGHEED: I would not like to consent to striking out clause 3. I am not prepared to say without looking into the question further, that oleomargarine would necessarily come under the Food and Drugs Act of 1890. As this is simply a tentative piece of legislation, expiring at the date mentioned, I think it had better go as it is.

Hon. JOHN WEBSTER: If I might be permitted to make a suggestion, I would urge that instead of striking out clause 3, the penalty should be made $100. That is the way to deal with that clause. I know of a storekeeper who during this past winter has sold, on an average, according to an admission which he made the other day, 150 lbs of oleomargarine a week, as butter. He was fined the other day $50, the full penalty of the law. That man should have been fined $150 or $200. He was importing oleomargarine, and clearing 25 cents a pound on it by selling it to the poor people of Kingston as butter. I would make the penalty more than $50, and protect the dairy trade.

Hon. W. B. ROSS: That would not quite meet the case. A man might sell 5,000 lb. and $100 would not be a sufficient penalty. The penalty should be as it is $50, but the offender should be made to return to the purchaser twice the value of all the oleomargarine that he sold as butter.

Hon. JOHN WEBSTER: That is all right.

Hon. W. B. ROSS: There was a similar difficulty in England. The fine was made as high as £5,000, but the man who sold the oleomargarine as butter profited to the extent of £30,000, and, after paying his fine of £5,000, was £25,000 ahead. These penalties are not of much value. The offenders should be dealt with in the other way—that of allowing the persons who got the oleomargarine for butter to recover twice the value.

Hon. Mr. DANDURAND: I wish to inform my honourable friend from De Lanaudière (Hon. Mr. Casgrain), who seems to have very little regard for oleomargarine, that I was lately told by a grocer selling that article that during the winter he sold it to persons of limited means for cooking purposes, and even for the making of fine pastry, and they all claimed that it served the purpose as well as the butter generally used in cooking. I have heard that more

than once; so I wanted to give the information to my honourable friend, who seems to be prejudiced against oleomargarine.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

OPIUM AND NARCOTIC DRUG BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 20, an Act to amend The Opium and Narcotic Drug Act.—Hon. Mr. Blain in the Chair.

On section 1, subsection 1—title changed:

Hon. Mr. BOSTOCK: Why is this restricted to narcotic drugs? Are there no other drugs to which this law is to be applied?

Hon. Sir JAMES LOUGHEED: This Bill is confined entirely to habit-forming drugs.

Subsection 1 was agreed to.

Subsection 2 was agreed to.

On subsection 3—amendment in consequence of section 5A:

Hon. Mr. DANIEL: What is the effect of this clause?

Hon. Sir JAMES LOUGHEED: It makes it obligatory to have a license to sell.

Hon. Mr. MURPHY: As I understand, every wholesale or retail druggist and every physician will have to be licensed under this Act.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: What will be the position of country stores under this Act? They sell certain patent medicines which, I suppose, contain some of those drugs. Will they be liable, unless they get a license from the minister, to be fined for having those medicines in their possession?

Hon. Sir JAMES LOUGHEED: There is a provision whereby any person can sell a preparation with a limited quantity.

Hon. Mr. BOSTOCK: Such as most patent medicines would have?

Hon. Sir JAMES LOUGHEED: That is provided in paragraph a of subsection 4, new section 5A.

Subsection 3 was agreed to.

Subsection 4 was agreed to.

On subsection 5, new section 5, subsection 1—penalty for giving, selling, or furnishing drugs to any but authorized persons:

Hon. Mr. FOWLER: This seems to be a pretty drastic section. It does not specify the drug. It would cover everything in the nature of medicine or drugs. I do not think that should pass in so broad a form. What is meant by "drugs"?

Hon. Mr. MURPHY: I would like to ask the honourable leader if the Bill has not been very much amended. Have we before us the amendments made to it?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. MURPHY: That is the difficulty.

Hon. Sir JAMES LOUGHEED: This is the Bill as it has come from the Commons.

Hon. Mr. MURPHY: After it was amended?

Hon. Sir JAMES LOUGHEED: Yes, it was amended radically.

Hon. Mr. MURPHY: We have not those amendments made to the Bill.

Hon. Mr. FOWLER: Without a definition of the word "drugs," what would it cover?

Hon. Sir JAMES LOUGHEED: Paragraph a of subsection 2 gives the meaning of "drugs":

> "drug" means and includes any substance (whether, alone or in conjunction with any other substance) mentioned in the Schedule to this Act or which may be added to such Schedule under the authority of this Act.

And if my honourable friend will refer to the schedule he will find that it means: cocaine or any of the salts or compounds thereof; morphine or any of the salts or compounds thereof; opium; eucaine or any of the salts and compounds thereof.

Hon. Mr. FOWLER: Would that cover liniments? There are drugs in those.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: Then you could not sell Friar's Balsam without the authority of a doctor. It seems to me you are tying up the druggist in a very tight corner.

Hon. Sir JAMES LOUGHEED: In new section 5, subsection 4, the exceptions are to be found.

Hon. Mr. DANIEL: I think this is one of the most important sections in the whole Bill. If the Bill contained this section alone it would be worth passing, for the simple reason that it prohibits the refilling

by druggists of a physician's prescriptions without orders from the physician to refill them. Every one knows that doctors have been blamed to some extent for creating the habit of narcotic drug-taking, by prescriptions which they have given at various times. As a matter of fact, if such habits have been formed, through doctors' prescriptions, which are given only for emergencies, for certain purposes, and for a certain length of time, it is because of the irregular action of druggists in continuing indefinitely to fill such prescriptions time after time. That is very often how the habit of taking narcotic drugs is acquired. It is not by the original prescription of the physician, which is given for a certain purpose, usually in an emergency, and only for a certain length of time. This section prohibits the druggist from refilling any prescription of that kind without a special and specific order from the doctor to do so, and I think that if it is carried out it will be one of the most useful means of preventing the drug-taking habit, or at all events of decreasing it.

Hon. Mr. BOSTOCK: Can the honourable gentleman, with his experience, say whether it is likely to be carried out or not, and whether it should not be subject to some other regulation?

Hon. Mr. DANIEL: That I was going to ask afterwards.

Hon. Mr. MURPHY: It is like every other statute in that respect.

Hon. Mr. FOWLER: It seems to be a section in the interest of the doctor. If the doctor's prescription can be used only once—if you must go to the doctor every time—I can quite understand why the honourable gentleman from St. John (Hon. Mr. Daniel) would be very strongly in favour of this.

Hon. Mr. DANIEL: That is a lawyer's view of it.

Hon. Mr. FOWLER: I suppose honourable gentlemen do not remember the time when they were purchasing paregoric. But paregoric would be excluded by this, would it not?

Hon. Mr. MURPHY: So it should be.

Hon. Mr. SCHAFFNER: It is used for children more than anything else.

Hon. Mr. FOWLER: There have been some pretty good men raised on paregoric, and they have lived a long time. I must say it strikes me that this is very drastic legislation, and I think we are having too much of that kind of legislation. There is too much of "thou shalt not" in our enactments, and it is really against the public interest, I think, to pass laws of that sort. I for one protest against this section. I do not think that subsection 4 (a) of section 5A gives sufficient relief.

Hon. Mr. MURPHY: I might tell my honourable friend that under subsection 4 (a) paregoric would not be shut out, because there is not a sufficient strength of opium in it. Opium is the chief ingredient in paregoric. At the same time, I might tell my honourable friend it is and always has been a very dangerous thing in the household, and has on more than one occasion, to my own knowledge, been productive of serious harm.

Hon. Mr. DANDURAND: I do not know much about this question except that I have heard doctors and others say, ever since I have been able to understand, that half the children who die before attaining their second or third year do so as a result of having been drugged with all kinds of patent medicines. Knowing hardly anything of hygiene, and very little of the way in which children should be fed, the parents, when a child cried, even though it had been fed only half an hour before, fed it again; and if the child cried again, they gave it a bottle. Thus, often, owing to the parents' lack of knowledge of the effects of these drugs, children have been sent to the grave.

Hon. Mr. MURPHY: That is true as far as ordinary food is concerned. But if a child, after being given the bottle, continues to cry, recourse is had to the paregoric bottle, and he is chloroformed into quietude. When he awakens he cries again because of the disturbance created in his stomach by the food, and he is given paregoric again and is once more chloroformed into a state of insensibility, and in that state he dies.

Subsection 5 of section 1 was agreed to.

On subsection 6 of section 1—Minister may issue licenses, etc.:

Hon. Mr. DANIEL: Under this clause, is a druggist who is not in the habit of making large importations obliged to pay $5 every time he wants to import a few grains of morphine, or tincture of opium, or opium itself?

Hon. Mr. MURPHY: A man with a small drug store could not do that.

Hon. Sir JAMES LOUGHEED: I am informed that there are only about thirty or forty in the whole Dominion who will take out these licenses. I may say that the further provisions of the Bill are entirely new, and are drafted in prusuance of the Convention of 1911, which I understand was entered into at The Hague. This legislation is practically in conformity with legislation introduced by the other nations who adhere to that Conventon.

Hon. Mr. DANIEL: But that Convention does not specify the fee that is to be paid for a license?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. MURPHY: Perhaps the explanation is that this is only for import from foreign countries. It may be that there are only forty or fifty who will be under the necessity of taking out licenses. If it applied to every retail druggist who bought morphine or opium, t would be out of place.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. MURPHY: Do we understand that—wholesale importers?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. MURPHY: Should not that be made clear?

Hon. Sir JAMES LOUGHEED: They will discover that.

Hon. Mr. DANIEL: I am not sure that the leader of the Government is absolutely corredt about that. If you look at this section you will find that there are two charges mentioned—one of $5, and another of $25. The section says:

> For a license for a year for a manufacturer or a dealer other than a retail druggist, the sum of $25.

So the retail druggist pays $5 for every importation he makes, while the other man pays $25 a year.

Hon. Mr. SCHAFFNER: As a rule, does the retail druggist import?

Hon. Mr. MURPHY: No. That is the point I want made clear. If he buys from a wholesaler. will he have to pay $5?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. FOWLER: Will this have the effect of shutting out Tanlac? That is a very important medicine.

Hon. Sir JAMES LOUGHEED: According to the newspapers.

Hon. Mr. FOWLER: I understand it has saved the lives of hundreds of thousands of people. I would be a great mistake. A doctor's prescription would be required, and a doctor would not give a prescription for it; he would lose his job.

Hon. Mr. DOUGLAS: It is not often that I rise to address the House, but I do not think we have considered the question we are now discussing. We know what opium has done in China and in other eastern countries, and we know something of the growth and development of the opium traffic in the British possessions. I had the privilege of living for some years in the East, and know something of its development, and the vast importance of this question. This has not yet been realized by the Canadian people, and I would like to throw out a little hint in this regard. I know of the practice of some of the foreigners in our Northwest. I have seen fine and beautiful specimens of the poppy in large quantities. It is put to uses of which we at present do not take any cognizance. It is a very common thing for foreigners in our West to put it into cakes for festive occasions—marriage feasts and all sorts of entertainments. They like the flavour of the poppy seed, and in that way it is introduced into their sweetmeats. This practice is becoming quite common. We are guarding our own people and our own families, but I have never yet heard a word as to what Canada can do and is doing, and as to what our foreign population has done and is doing, in the cultivation of the opium plant.

Hon. Mr. MURPHY: Have the poppies grown in the West anything like the strength of the opium of the East?

Hon. Mr. DOUGLAS: I am speaking of what my own eyes have seen. The poppies of the West are a rather stronger and better plant than you find in India, for example, where I spent some twelve years.

Another thing. We are adepts in growing tobacco. Our Lower Canadians can tell us all about that. We think tobacco is not so very dangerous, but there is great danger in its habitual use. A field of poppies is a beautiful sight; it is like a sea of roses; but you can scarcely realize the influence that it exercises upon those engaged in its cultivation. A man, for example, cannot cultivate the opium plant and make it fit for market as we know it, because he becomes drunk, and that in a few hours.

Hon. Mr. DANDURAND: What damaging effect has it had upon the foreign communities where it is used?

Hon. Mr. DOUGLAS: They look upon it as a great advantage. They make the same use of it in their feasts and gatherings as do the people of India and Japan and other countries where it is used. Of course, the growth and use of opium has been checked in Japan and China. I would like our Canadians to be a little more alive to the situation, and to endeavour to curtail some of these things. We must not only consider what the doctor or the druggist may do. I never come across the poppy in this country without a shiver passing through my frame. I know something about medicine, and I know the mischief that has been done in the East through opium. To me it would be a very sad reflection if our legislation were lacking in any way to effectually prevent the culture of these plants in our own beloved Canada.

Hon. Sir JAMES LOUGHEED: In line 23, strike out the word "and" and insert the word "or."

Hon. Mr. BEIQUE: What constitutes an importation?

Hon. Sir JAMES LOUGHEED: Bringing such a product in from a foreign country.

Hon. Mr. BEIQUE: Can purchases be made by five different stores and imported together?

Hon. Sir JAMES LOUGHEED: It would be one importation. They would have to be licensed to import.

Then, in line 26, after the word "druggist," add the following words: "who manufactures any drug."

Hon. Mr. FOWLER: You give a man an annual license, and yet you charge on each importation.

Hon. Sir JAMES LOUGHEED: It is a manufacturing license. There shall be a license for each exportation and importation, and there shall be a license for the man who manufactures.

Hon. Mr. FOWLER: And there is a license for the retailer, although you make him pay on each individual importation.

Hon. Sir JAMES LOUGHEED: No, they are two entirely different things.

Hon. Mr. FOWLER: Suppose he does not manufacture?

Hon. Sir JAMES LOUGHEED: He is not bound to take out that license.

Hon. Mr. FOWLER: He has to pay $5 for an annual license and $5 for each importation. That is not regulated. If a man were rich, he could import $20,000 worth of drugs, but the man who had to import in small quantities would have to pay $5 every time. I should think it would be according to the size of the importation.

Hon. Sir JAMES LOUGHEED: He will not import unless it pays him to do so, because he can get it from the wholesaler.

Hon. JOHN WEBSTER: But suppose a Toronto or a Montreal wholesaler is short of a certain drug, as happened on many occasions during the "flu" epidemic. Suppose a man living near the international boundary line keeps a drug store, and he orders from New York a small shipment of one of these drugs and gets it next morning by mail. He would have to pay $5 every time he made an importation, although the drug itself did not cost $5 in New York. There are many cases of that kind right near the international boundary line.

Hon. Sir JAMES LOUGHEED: This is only the maximum. It does not follow that the Order in Council will fix the fee for exportation and importation at $5. This simply provides that the fee shall not exceed that amount. The intention of the department is to advise the Government to permit an importation of $25 without that charge being made. But this is regulative, and its object is to fix the maximum amount.

Hon. Mr. MURPHY: Why should the importer be required to pay even 50 cents under the conditions which the honourable gentleman from Brockville (Hon. Mr. Webster) mentions?

Hon. Mr. FOWLER: There must be a fee. The honourable leader says the importer may be allowed to import up to $25 worth, but the Act would require the payment of a fee.

Hon. Mr. MURPHY: For instance, a man might run short of heroin and send across the international boundary line for some, which might be worth only $5, and if he had to pay only a dollar it would not be reasonable or equitable at all.

Hon. JOHN WEBSTER: I fully realize the importance of these cases, because during the "flu" epidemic of last year there were druggists who could not obtain articles in Montreal or Toronto, and who wired to

New York and got them next day by mail. Under this provision each importation would cost the importer $5.

Hon. Mr. DANIEL: Were they narcotic drugs?

Hon. Mr. WEBSTER: I do not know. I am not a physician.

Hon. Sir JAMES LOUGHEED: I might say to my honourable friend from Sussex (Hon. Mr. Fowler) that it is really not obligatory to issue the license. My honourable friend will see that this simply gives power to the Department of Health to issue licenses. It is simply an enabling power and it is proposed that it shall be exercised reasonably. There may be circumstances in which the importation or the exportation may be permitted without license.

Hon. Mr. FOWLER: Why not say: "No fees shall be exacted for any importation under $25"? That would make it clear.

Hon. Sir JAMES LOUGHEED: You mean, the value of the drug?

Hon. Mr. MURPHY: Yes; an emergency importation, for instance.

Hon. Mr. FOWLER: Yes, in the value of the drug.

Hon. Sir JAMES LOUGHEED: It seems to me that, while it is not obligatory to issue the license, but only an enabling power given to the department, that is not going to be exercised arbitrarily. I understand that a regulation will be passed, by which a person, without being obliged to take out a license, may bring in $25 worth. If the value is more than $25, then the license would be required.

Hon. Mr. FOWLER: Why not provide that in this clause?

Hon. Mr. DANIEL: If a small importation came through the custom house, how would the authorities be aware of it? How would they know whether I or anybody else was importing something in the mail?

Hon. Mr. MURPHY: You cannot watch that.

Hon. Sir JAMES LOUGHEED: The customs authorities are aware of it.

Hon. Mr. MURPHY: No, they are not If the stuff is put into an envelope in the ordinary way, how will they know?

Hon. Sir JAMES LOUGHEED: The postal authorities will become aware of it.

Hon. Mr. DANIEL: There is nothing in the Bill about that.

The Hon. the CHAIRMAN: Honourable Sir James Lougheed moves that in line 25, after "druggist" there be added, "who manufactures any drug."

Hon. Mr. BOSTOCK: Why does the honourable gentleman propose that amendment? Do retail druggists as a rule manufacture the particular drugs that are mentioned in the schedule of the Act?

Hon. Mr. MURPHY: No.

Hon. Mr. BOSTOCK: I think the retail druggists would simply be importing. I understand that, according to the amendment proposed, it would be necessary for the retail druggist to take out a license for a year, which will cost him not more than $5 if he manufactures any drugs.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: But I do not think drugs are ever manufactured by retail druggists, are they?

Hon. Sir JAMES LOUGHEED: Oh, yes, they are.

Hon. Mr. BOSTOCK: The drugs we are referring to are opium and the others specifically mentioned in the schedule to the Act.

Hon. Sir JAMES LOUGHEED: Oh, yes, any number of them are manufactured.

Hon. Mr. DANIEL: I think there is some little doubt about that. In the schedule, as I read it, only four are mentioned: cocaine or any salt or compound thereof; morphine or any salt or compound thereof; opium; eucaine or any salt or compound thereof. These are the only drugs we are dealing with. Retail druggists manufacture laudanum and paregoric

Hon. Mr. MURPHY: But they have to get the opium first.

Hon. Mr. DANIEL: And laudanum and paregoric are not mentioned in the schedule at all. Opium is mentioned, but they do not manufacture opium; they import opium. But they manufacture out of opium laudanum and paregoric.

Hon. Mr. BOSTOCK: Would the honourable gentleman look at page 4 of the Bill? He will see that by subsection 5 of new section 5A the schedule is amended so as to provide a further definition of "opium." I do not know whether those drugs to which the honourable gentleman refers would be covered by that definition.

Hon. Mr. MURPHY: Cocaine and eucaine are altogether different substances.

Hon. Mr. FOWLER: Would that amendment apply to a druggist who compounds?

Hon. Sir JAMES LOUGHEED: No. It applies simply in case he manufactures the particular product.

Hon. Mr. MURPHY: No; anything containing opium.

Hon. Mr. FOWLER: Could he not compound, and use opium in any mixture that he puts up?

Hon. Mr. MURPHY: Up to a certain extent.

Hon. Mr. FOWLER: That might affect anything he makes.

Hon. Mr. MURPHY: Read subsection 4 (a) of new section 5A.

Hon. Mr. DANIEL: The preparations of opium are added, at the end of the Bill.

The amendment of Hon. Sir James Lougheed was agreed to, and subsection 1 of new section 5A, as amended, was agreed to.

On subsection 2 of new section 5A—penalties for importing or exporting drugs without license:

Hon. Mr. MURPHY: I would like to draw the attention of the representative of the Department of Health to the remarks just made by my honourable friend from Saskatchewan (Hon. Mr. Douglas). Has the fact been taken into consideration that whole fields of poppies are grown in the West and that the product is used in bread and all kinds of concoctions for festive occasions? There should be severe restrictions to prevent that. It nullifies the effect of the whole Act.

Hon. Mr. DANDURAND: Is there any provision for controlling the growing of the poppy plant?

Hon. Mr. MURPHY: They never took it into consideration. They did not know.

Hon. Mr. DANIEL: I think that if the honourable member sends a note to the President of the Privy Council, informing him of these facts, he will put in an amendment to the Act.

Hon. Sir JAMES LOUGHEED: We may have to legislate hereafter.

Hon. Mr. MURRAY: But it has been formally drawn to our attention by the honourable member from Tantallon (Hon. Mr. Douglas). He asseverated on his own knowledge that there are whole fields of poppies grown by the foreign population. That statement is worth investigating.

Hon. Mr. FOWLER: Yes; anything that adds to the beauty or the gaiety of the nation, shut it out.

Hon. Mr. MURPHY: That is certainly gaiety.

Hon. Mr. FOWLER: Do you not think that the penalty provided in this subsection is pretty heavy?

Hon. Mr. MURPHY: Not for bootlegging.

Hon. Mr. FOWLER: The maximum is $1,000 and the minimum is $200. That is pretty severe.

Hon. Sir JAMES LOUGHEED: My honourable friend would not claim it was too severe for those bootleggers who are peddling opium in almost every city of the Dominion and creating havoc amongst the population.

Hon. Mr. FOWLER: Not for that.

Hon. Sir JAMES LOUGHEED: It is intended to meet that class.

Hon. Mr. FOWLER: But would not the druggist come under it?

Hon. Mr. MURPHY: Yes, if he was persisting.

Hon. Mr. FOWLER: Why not say "any person not a registered druggist"?

Hon. Sir JAMES LOUGHEED: The druggists possibly traffic in the same trade.

Hon. Mr. FOWLER: If you are going to take that line, doctors also do some things they should not do, the same as members of other professions.

Hon. Sir JAMES LOUGHEED: But this refers to men who seek to make a living by it.

Subsection 2 of new section 5A was agreed to.

On subsection 3 of new section 5A—physicians, veterinary surgeons, dentists and druggists excepted, but must make prescribed declaration and furnish information as requested:

Hon. Mr. DANIEL: This subsection says:

> The provisions of paragraph f of this section shall not apply to a duly authorized and practising physician, veterinary surgeon or dentist, but every such physician, veterinary surgeon, or dentist, shall on request furnish the minister with any information which he may

require under any regulation made under this Act with respect to the drugs received, dispensed, prescribed, given away or distributed by such physician, veterinary surgeon or dentist.

What does that mean? Does it mean that a practising physician can be called upon to state exactly how much he prescribed for any individual patient, and when, and the doses, and everything of that kind? To my mind the wording of the clause is too diffuse. It gives the minister power to call upon the physician for all kinds of information, which the physician cannot possibly furnish him.

Hon. Sir JAMES LOUGHEED: If he cannot give the information he cannot comply, that is all.

Hon. Mr. DANIEL: Yes, but if he does not give the information he is liable to a penalty.

Hon. Mr. FOWLER: Quite right.

Mon. Mr. DANIEL: That is the point. I think that clause should be modified to some extent.

Hon. Sir JAMES LOUGHEED: If it is ascertained that a surgeon or a dentist or a veterinary surgeon has been using an unusual quantity of opium, why should he not be required to furnish that information? It seems but reasonable. Furthermore, the physician will hereafter be relieved of the obligation of keeping a record.

Hon. Mr. DANIEL: The remarks of the honourable the leader of the Government are all very well as far as they go, but this clause does not say that the information shall be required only of any physician who in the opinion of the Minister, is using or dispensing more opium or morphine than the Minister thinks he ought to. The Minister can call upon any physician at any time for any information that he may want. There is nothing in this to indicate that that information will be required only from those physicians who in the opinion of the Minister are using more of these drugs than he thinks they ought to use. I think the clause ought to be modified in such a way that the Minister would understand that he is only authorized to call upon a physician for information in any case where he appears to be prescribing too much.

Hon. Mr. FOWLER: Many physicians in the country and in small towns keep a drug store or keep supplies in their office.

Hon. Mr. DANIEL: They dispense their medicine.

Hon. Mr. FOWLER: Yes, they dispense their medicine. Such a person is acting in the dual capacity of druggist and physician, and he ought to be subject to the same restrictions as are imposed upon the druggist. If you make the druggist furnish the information, why should you not make the medical man do so? It is not to be supposed that the Minister will ask every medical man for the information. It is to be inferred from the very tenor of the section itself that such information will be required only where the Minister has suspicions that the man is overdoing the thing.

Hon. Mr. DANIEL: It does not say so.

Hon. Mr. FOWLER: Otherwise you would infer that the Minister would be trying to poke his nose into everybody's business. It is only in cases where suspicion has been aroused and information is laid, or something of that sort.

Hon. Sir JAMES LOUGHEED: Where there has been abuse.

Hon. Mr. FOWLER: I think the section is all right.

Hon. Mr. MURPHY: I quite agree with the honourable gentleman from Sussex (Hon. Mr. Fowler) that there should be some limitation. We know that unfortunately there are doctors who are not too scrupulous.

Hon. Mr. DANDURAND: They are not all angels.

Hon. Mr. MURPHY: They are not all angels. They are human after all.

Hon. Mr. FOWLER: Some of them are inhuman.

Hon. Mr. MURPHY: The Minister will not require the informaaion unless his attention is directed to abuses, or unless a case is made out against a man; and if such a thing should occur it is the Minister's duty and responsibility to inquire, and he should have the power to demand information as to how much of the drug is being used.

Subsection 3 of new section 5A was agreed to.

On subsection 4 of new section 5A—liniments, etc:

Hon. Mr. MURPHY: I take it that any ordinary proprietary medicine containing opium or morphine as derivatives is allowed to be sold in an ordinary retail store. Is that the fact? Might not an opium habitué get a dose if he got a vial containing two

grains of opium? He could buy up the whole stock of a retail store and have a glorious drunk on it.

Subsection 4 of new section 5A was agreed to.

Subsection 5 of new section 5A was agreed to.

Sections 2 and 3 were agreed to.

On section 4—commencement of Act:

Hon. Mr. BOSTOCK: When is it intented to put the Act into force?

Hon. Sir JAMES LOUGHEED: Just as soon as the Department gets the forms prepared and everything necessary to put it into motion.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

PRIVATE BILLS.

FIRST READINGS.

Bill 71, an Act respecting the Bell Telephone Company of Canada.—Hon. Mr. Todd.

Bill 23, an Act to incorporate the Aberdeen Fire Insurance Company.—Hon. Mr. Schaffner.

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

THE SENATE.

Tuesday, May 11, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill V3, an Act for the relief of Elizabeth Conway Murray.—Hon. Mr. Pope.

Bill W3, an Act for the relief of Lockhart Pierce Sutton.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Frank Fulson.—Hon. Mr. Robertson.

Bill Z3, an Act for the relief of James Proudfoot.—Hon. Mr. Blain.

PRIVATE BILL.

FIRST READING.

Bill X3, an Act respecting the Colonial Investment and Loan Company.—Hon. Mr. Proudfoot.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

INQUIRY.

On the Orders of the Day:

Hon. RAOUL DANDURAND: I would draw the attention of the honourable leader of the Government to a Bill which was read the second time yesterday and sent to the Railway Committee—an Act respecting the Montreal Central Terminal Company. A Session or two ago this Bill failed to pass in the Railway Committee, because the Minister of Railways declared his opposition to it. The Bill has for its object the organizing of terminals and the exchange of freight between the Grand Trunk, the Government railways, and the Canadian Pacific. I have been lately informed that the Government was changing its attitude on this Bill and would not oppose it. I draw the attention of my honourable friend to this information in order that when the Bill comes before committee he may be in a position to say what is the attitude of the Government or the Minister of Railways regarding it. It was my honourable friend himself who, when the Bill came up, declared the absolute opposition of the Government to its passage.

Hon. Sir JAMES LOUGHEED: If my honourable friend will be good enough to remind me of the Bill being before committee, when we come back, I shall be very glad to ascertain what is the attitude of the Government respecting it. I have no personal knowledge of it at the present time. I do not know that the Government has in any way changed its attitude upon the Bill since we dealt with it before.

Hon. Mr. DANDURAND: I put the question only in order that at the next meeting of the Railway Committee my honourable friend might give me the information.

Hon. Sir JAMES LOUGHEED: Of course, that would in no way restrict the liberty of the Railway Committee in dealing with the Bill as freely as they dealt with it on a previous occasion.

Hon. Mr. DANDURAND: I understand.

CRIMINAL CODE (FRENCH VERSION) BILL.

THIRD READING.

Hon. Mr. BLONDIN moved the third reading of Bill C, an Act to amend the Criminal Code (French Version).

Hon. Mr. DANDURAND: Honourable gentlemen, the special committee which was appointed to examine into the many amendments to the French section of the Criminal Code, contained in this Bill, do not pretend to have gone beyond the duty entrusted to them. Considerable work could have been done on the whole Act itself. There were many reasons why the committee should not undertake that stupendous task; but we all agreed that at the next revision of the Criminal Code we would ask the Government to see that a proper committee was appointed for the purpose of making the French text such that we need not blush to have it seen by governments of other countries knowing the French language. If the Government does not appoint such a committee the French members of the Senate will be very glad to see to the appointment of a committee that, with the help of the staff, may do what we regard as a meritorious work.

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

DIVORCE BILLS.

THIRD READINGS.

Bill J 3, an Act for the relief of Francis Charles Dean.—Hon. Mr. Gordon.

Bill K 3, an Act for the relief of John James Garrison.—Hon. Mr. Ratz.

Bill L 3, an Act for the relief of Dora Lumsden MacLaurin.—Hon. Mr. Ratz.

PILOTAGE BILL.

THIRD READING.

Bill 94, an Act to amend the Canada Shipping Act (Pilotage).—Hon. Sir James Lougheed.

OLEOMARGARINE BILL.

THIRD READING.

Bill 103, an Act to amend The Oleomargarine Act, 1919.—Hon. Sir James Lougheed.

OPIUM AND NARCOTIC DRUG BILL.

THIRD READING.

Bill 20, an Act to amend The Opium and Narcotic Drug Act (as amended).—Hon. Sir James Lougheed.

DIVORCE BILL.

SECOND READING.

Bill N 3, an Act for the relief of James Lyon Lincoln Cobbin.—Hon. Mr. McCall.

DIRECTOR OF COAL OPERATIONS BILL.

MOTION FOR SECOND READING POSTPONED.

Hon. G. D. ROBERTSON moved the second reading of Bill O 3, an Act respecting the Director of Coal Operations.

Hon. HEWITT BOSTOCK: I would point out to my honourable friend that this Bill has not yet been distributed. I have asked for a copy of it and have not been able to obtain one.

Hon. Mr. ROBERTSON: I can state to the House briefly the purpose of the Bill, and if honourable gentlemen desire that it should stand over, I have no objection. In 1917 in April, I think—there was appointed by Order in Council a Director of Coal Operations, with jurisdiction over the coal mines in what is known as district 18, in Alberta and southern British Columbia. The duties of the director were to regulate the production of coal, the selling price of coal, and the wages of the miners. Any disputes that arose between the miners and the employers which they could not themselves adjust were to be referred to the Director of Coal Operations, and his decision was to be final. That arrangement was carried on most successfully. No interruption whatever occurred in the production of coal in that area up to the sympathetic strike of 1919, when the miners went out for some little time in sympathy with the Winnipeg difficulty. That control will cease automatically at the end of this session of Parliament unless it is continued by legislation. Representatives of the workmen, of the employers and of the Government of the province of Alberta declare —and it is the opinion of the officials of the Department of Labour—that it is in the public interest that this control or direction of coal operation should be continued until the next session of Parliament, or probably for the period of one year. If prior to the expiration of that time the Governor in Council should deem it unnecessary to continue the measure, he may annul it. It is simply a temporary expedient for the purpose of continuing the present stable situation in that district. There is yet some danger of interruption through what is commonly known as the O.B.U. element agitating for the overthrow of the International Union and their purpose, which they publicly announced a year ago, to take control of the mines and have them operated by the workmen. Honourable gentlemen are familiar with their policy of confiscating

the property from the employers, etc. It is therefore deemed desirable, in the public interest and to insure the continued and uninterrupted production of coal, especially during the winter months, that the authority under which the Director of Coal Operation works, and the orders which he has issued up to date, should be validated and continued for a period of approximately one year. That is the purpose of the Bill.

Hon. Mr. BELCOURT: To what area is the jurisdiction extended?

Hon. Mr. ROBERTSON: The province of Alberta and the Crowsnest district of southern British Columbia—the area that is known as district 18.

Hon. Mr. BELCOURT: Does that comprise merely the coal lands which are still under the jurisdiction of this Dominion? Is it confined to those lands?

Hon. Mr. ROBERTSON: No. The director has jurisdiction over all the mines that are in operation.

Hon. Mr. BELCOURT: What jurisdiction has this Parliament in the matter? As I understand my honourable friend, the Orders in Council dealt with the price of coal, with wages, and with disputes between the workingmen and the operators. On what ground does the honourable member base our jurisdiction for the purpose of this legislation?

Hon. Mr. ROBERTSON: It is upon the same ground as that on which the Federal Parliament claimed jurisdiction in passing the Industrial Disputes Investigation Act, which governs this matter in so far as public utilities are concerned. Coal mining comes under the head of public utilities. Instead of relying upon the establishment of boards from time to time as disputes arose, it was in 1917 considered desirable to establish a tribunal that would be available at all times to adjust disputes promptly. This experiment has been tried out and has proved successful for three years. It will be abandoned when conditions in that territory seem to be wholly normal. It is not considered that normal conditions yet exist, although the abnormal conditions that prevailed a year ago have very much improved. It is therefore desirable that the control should be continued for a limited period.

Hon. Mr. BELCOURT: I have not the Industrial Disputes Investigation Act before me. My honourable friend is much more familiar with that than I am. My recollection is that coal mines are not included.

Hon. Mr. ROBERTSON: Oh, yes.

Hon. Mr. BELCOURT: As public utilities under the Act?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. DANDURAND: Could the honourable gentleman tell us where are the headquarters of the One Big Union? Where does it originate and from where is it directed? Has it started in Canada or on the other side of the line? Do those who belong to the One Big Union on the Canadian side receive their orders from headquarters in the United States?

Hon. Mr. ROBERTSON: My honourable friend has asked a rather wide question and one which it is perhaps difficult to answer. The One Big Union is an organization that supposedly sprang into existence in Canada about a year ago last February.

Hon. Mr. BELCOURT: Was it born in Canada?

Hon. Mr. ROBERTSON: No; it was conceived in Chicago and born in Calgary. The Industrial Workers of the World, an organization with which this House is of course familiar, have printed and distributed a great deal of literature, advertising themselves as being the original and central publishing house for O.B.U. literature. The I.W.W. is a term and the Industrial Workers of the World are an organization not held in high repute by the public of this country; and it is my personal opinion, although I have perhaps no proof for saying this, that the name, One Big Union, was adopted for the purpose of making the people believe that it was something new, and was not the I.W.W. being transported to Canada. It is simply a camouflage for the introduction of the I.W.W. into this country. As to the origin of the organization, I fancy that the honourable gentleman who asked the question is probably as well informed as I am.

Hon. Mr. BELCOURT: Referring back to this Bill, I would ask my honourable friend if he has submitted it to the Department of Justice with regard to the question of constitutionality?

Hon. Mr. ROBERTSON: There can be no doubt as to the constitutionality of the Bill, because its purpose is simply to do in another way what the Industrial Dis-

putes Act already provides for—to continue to do the work in a way that has proven acceptable to all parties concerned and has brought prompt and satisfactory results during the last three years.

Hon. Mr. BELCOURT: I have great respect for my honourable friend's opinion, even his legal opinion; but I am sure he will not be shocked if I say that I have greater respect for that of the Department of Justice, and I cannot say that I share his view that there is no doubt about the constitutionality of this Bill. Personally I believe it is not constitutional, and for that reason I think we would be in a better position to deal with it if the question of constitutionality were pointedly submitted to the Department of Justice, so that we might know what they think on the question.

Hon. Mr. ROBERTSON: My honourable friend raised exactly the same point a few days ago in connection with another matter, and the Department of Justice without any hesitation ruled absolutely that the Bill was in order; and I quoted in the House probably a dozen or more Bills in which a similar clause was included. If there is any doubt in the mind of the honourable member from Ottawa as to the constitutionality of the Industrial Disputes Investigation Act itself, or as to the right of the Federal Parliament to pass legislation governing public utilities such as coal mines, I would point out to him that mining is specifically named in section 1 of the Industrial Disputes Investigation Act as being a public utility and coming within the scope of that Act. I do not presume to set up my opinion against that of my honourable friend, he being a lawyer, but I think it is obvious that there is no doubt as to jurisdiction. However, if my honourable friend desires to raise the point when the Bill goes into committee, I shall endeavour to ascertain for him the opinion of the Justice Department regarding it.

Hon. Mr. BELCOURT: I am only suggesting that this be done now in order to expedite matters.

Hon. Mr. DANDURAND: The honourable gentleman has spoken of the abnormal conditions that still prevail in British Columbia. Could he give us up-to-date information as to the conditions? I asked him the question two or three weeks ago. I should be interested to know what have been the recent developments.

Hon. Mr. ROBERTSON: As honourable gentlemen are perhaps aware, I have not made it a practice to say much publicly about what has been going on in the way of the adjustment of disputes throughout the country. I do not know that it is in the public interest to enter into those matters too deeply; but, in reply to the honourable gentleman's question, I would point out that for several months last year, following the difficulty at Winnipeg, the coal miners in district 18 were on strike. Some benefits perhaps came from that, inasmuch as, after being on strike about four months and when the fall was coming on, they were anxious to get back to work and coal production was necessary, and we got along through the winter very nicely. But in the month of December and this will perhaps explain, as well as anything else, the necessity for the introduction of this Bill—the organization known as the One Big Union served notice upon the Coal Director and upon the Coal Operators' Association that unless an agreement were made with the One Big Union and they were officially recognized as a labour organization before the first of January, they would proceed to enforce their demands by any means that seemed necessary. In the month of December steps were taken to meet the situation and prevent what would have been a disaster to the people of the Prairie Provinces—the cessation of coal production in very severe weather when there was no surplus of coal on hand. By perhaps unusual action, but action necessary to meet the emergency, the Director of Coal Operations and the Coal Operators' Association and the United Mine Workers' organization, who were seeking to fulfil and maintain the contract that had been made, each doing their part, we succeeded in maintaining the production and supply of coal, so that there was no suffering from coal shortage. Subsequently, in the enforcement of the agreement that had been made in December, some objection was taken by the One Big Union organization and its followers, and local strikes were precipitated her and there. Those, however, have happily passed away; the men have gone back to work; and conditions at the present time throughout the entire district are normal.

As a result of the recent revision of the agreement between the United Mine Workers' and the coal operators in the United States, it becomes necessary during the next few weeks or months to negotiate a new agreement in district 18, and it seems

most important that affairs should not be left to hazard or luck until matters are adjusted and a definite, permanent agreement is made between the employers and their workmen. Until that agreement is concluded it is the desire of both the United Mine Workers' organization, who have endeavoured to stabilize the situation there, and the Coal Operators' Association, composed of the employers, that the Government should continue to act in the capacity of buffer as between them, and help to stabilize the industrial situation in that coal area.

Hon. W. B. ROSS: I agree with the honourable member from Ottawa (Hon. Mr. Belcourt) that there is a good deal of doubt about the jurisdiction or the power of Parliament to pass this Bill. I have not the Bill before me; I have only heard the statement of the Minister of Labour. I think it is highly desirable that this question of constitutionality should be threshed out before the Bill is given its second reading. The question of constitutionality is one that ought to be discussed before the Bill goes into Committee. What the Government did by Order in Council a few years ago, of course, does not throw any light at all upon the position of things to-day. In England the war is still on, because an Act was passed providing that the war should not be over until there was a proclamation saying that it was over; but here the war is certainly over, because the Peace Treaty has been ratified and there has been an exchange of ratifications. So far as we are concerned, there is no war. If there is jurisdiction to legislate on this subject it is not by virtue of the War Measures Act; it would have to be under the British North America Act. It seems to me that this Bill would come into conflict with section 92 of the British North America Act. Coal companies are in practically the same position as electric railway companies and as factories for that matter. Just where the jurisdiction lies I do not know, and at the moment I am not offering any opinion. I think the question must be threshed out, and I would suggest to the honourable the Minister of Labour that, having explained the Bill and enabled the House to see what his point is, he should let its stand until after the adjournment. There will be no time lost. The right stage at which to raise this question of constitutionality is at the second reading. If the Bill passed the second reading and the question of constitutionality had to come up in Committee, that would not hely matters at all.

Hon. Mr. ROBERTSON: I have great respect for the opinion of the honourable member for Middleton in legal matters; but with all due regard to his remarks, may I ask why it is necessary for this House even to stop to question our jurisdiction at this time? There is a public service to be performed. This measure has been in effect. If this Bill is not constitutional, then the Industrial Disputes Act itself is not, and that Act has not been questioned by the provinces in the thirteen years that it has been in force. The province of Alberta in this case, through one of its government officials who was here within the last two weeks, has urged that we pass legislation to continue this control. I think it would be most unwise at this time and under these circumstances to raise the question of jurisdiction, because it is not important and nobody is objecting on that ground. If on some other occasion honourable gentlemen deem it desirable that the question should be carefully sifted I have no objection; but I hope that this House will not hold up a necessary measure—for it is necessary, even though it is only temporary—designed for the purpose of maintaining stable conditions in a very important industry upon the output of which hundreds of thousands of our people are dependent for their coal from day to day during the severe winter season. We ought not to let a question of that sort interfere with our doing what is necessary under the circumstances to meet the situation.

Hon. Mr. ROCHE: I would like to ask the Minister a material question. There is a struggle between the operators and the miners. I imagine that if the Controller fixed a price at which the article would be sold, that embraced the elements of labour, operating charges, and all that. I would ask the minister if he remembers what the Controller allowed as the ground price of the coal? What would there be for the owner of the mine after the charges were paid, and what would be allowed to him as profit on his commodity? Was there any allotment of that kind?

Hon. Mr. ROBERTSON: I have not at hand the information for which my honourable friend asks; but in 1917, when the control began, the existing price of coal and the existing wages were taken as a basis, and as the controller from time to time authorized an increase in wages by reason of the increased cost of living—which by the way was the basis upon which the increased wages were calculated—he granted an increase in the selling price of coal, sufficient

to meet the increased cost of labour. That was for the purpose of preventing the operators of the mines, if they had been so inclined, from unduly enhancing the price of coal, as we know was done in some other coal fields. If miners' wages went up 25 cents a day, coal went up 25 cents a ton; and in order to prevent anything that would have the semblance of profiteering on the part of the coal operators, this control was maintained. I think there is no doubt that it has stabilized the situation. It has prevented unjust criticism from being levelled at or directed against the employers, the coal operators, because the public have had confidence in the Director and felt that he did not grant or permit an increase in the price of coal that was not warranted by reason of the increase in the cost of production. I think the arrangement has been generally satisfactory to all parties interested.

Hon. Mr. ROCHE: How much was left for the owner of the coal in the ground, after it was all settled? Was that ever determined?

Hon. Mr. ROBERTSON: I do not know that that was determined. I think that they worked from the basis of prices existing at the time the directorship or control commenced.

Hon. Mr. BOSTOCK: Honourable gentlemen, I do not share my honourable friends view with regard to the attitude we should take towards this Bill. No harm could result from holding over the matter until we have had time to make a real study of the Bill. I quite agree with the honourable Senator from Middleton (Hon. W. B. Ross) that the question of our right to pass this legislation should be considered on the second reading. I do not wish in any way to obstruct the honourable gentleman's Bill; but, in order that the House should clearly understand the position, the question of constitutionality should be thoroughly threshed out and not glossed over. I therefore ask my honourable friend to let the Bill stand for the time being.

Hon. Mr. ROBERTSON: I think I stated at the outset that, in view of the fact that the Bill was not printed or had not been distributed, I had no objection if honourable gentlemen desired that it should stand over.

The order was discharged.

EXCHEQUER COURT BILL.

FIRST READING.

Bill 108, an Act to amend the Exchequer Court Act.—Hon. Sir James Lougheed.

ADJOURNMENT OF THE SENATE.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That when the Senate adjourns to-day it do stand adjourned until Tuesday, the 25th May next, at 3 o'clock in the afternoon.

Hon. Sir JAMES LOUGHEED: In placing this motion on the Order Paper I had regard to the fact that practically all public Bills that have been before the Senate have been disposed of. We have not upon the Order Paper any public business with which we can proceed. Although there are a number of Bills on the Order Paper for to-morrow, yet it remains to be said that dealing with them even to-morrow would not hasten their passage, with the exception of the second readings.

Hon. Mr. BELCOURT: They are all divorce Bills, are they not?

Hon. Sir JAMES LOUGHEED: Yes, and reports from the Standing Committee on Divorce. These can be disposed of as advantageously when we meet again as they would be to-morrow.

Hon. Mr. MURPHY: I would ask the honourable leader to consider in a charitable way the position of his brethren from the outlying provinces, and make that motion read "Wednesday at 8 o'clock" instead of Tuesday. We are church-going people, and we would have to leave home on Saturday in order to reach here in time to sit with our brethren on Tuesday. If the honourable leader could postpone the sitting for one day and make his motion for Wednesday evening at 8 o'clock, we could come and join you. We on our part, by remaining here in Ottawa all the time, as we are bound to do, have deferred to our friends from Quebec and our friends from Ontario, and this is the first time we have asked any consideration for ourselves, and I submit to the honourable leader and the members of the House that in justice they should now give us an opportunity to arrive back here at the appointetd time.

Hon. Mr. DANDURAND: I may say, in the name of my colleagues from Montreal, that we have no objection.

Hon. Mr. MURPHY: I hesitate to do it, but I think that the House will bear with me under the circumstances. I would move

that instead of Tuesday it may be made Wednesday evening at 8 o'clock.

Hon. Mr. THOMPSON: Three o'clock.

Hon. Mr. MURPHY: Eight. We cannot get here at 3 o'clock.

Hon. Mr. POWER: There is nothing to prevent the honourable gentleman from Prince Edward Island from being here at 3 o'clock on Wednesday afternoon.

Hon. Mr. MURPHY: I might point out to the honourable gentleman that we come up on the Ocean Limited, and very often that train is late. As the honourable gentleman knows, the last time we came up it was three hours late and he had to remain over in Montreal with me for the 3 o'clock train in the afternoon, and did not reach here until 7 or half-past 7. The same thing is liable to occur on our way up. We cannot be sure of getting here at 3 o'clock.

Hon. Mr. POWER: The better way is to see that the National Railway service is improved.

Hon. Mr. LAVERGNE: I would point out to the honourable leader of the Senate that if we come here on the 26th we shall have no work to do that week. I would move as a sub-amendment that we adjourn until the 31st day of May. Then we would be sure to have some work to do.

The amendment of Hon. Mr. Murphy was agreed to, and the motion of Hon. Sir James Lougheed, as amended, was agreed to.

The Senate adjourned during pleasure.

THE ROYAL ASSENT.

The Right Honourable Sir Louis Henry Davies, K.C.M.G., Chief Justice of Canada, Deputy Governor General, having come, and being seated on the Throne, and the House of Commons having been summoned. the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bills:

An Act to amend the Currency Act, 1910.

An Act to amend the Royal Canadian Mounted Police Act and to transfer to the Commissioner of the Royal Canadian Mounted Police the powers heretofore vested in the Commissioner of Dominion Police.

An Act to amend The Government Annuities Act, 1908.

An Act to amend the Civil Service Superannuation and Retirement Act.

An Act to amend The Ottawa Mint Act.

An Act to amend the Customs Act.

An Act for carrying into effect the Treaty of Peace between His Majesty and Bulgaria.

An Act to amend the Canada Shipping Act (Certificates of Service).

An Act to incorporate Scottish Canadian Assurance Corporation.

An Act respecting The Trust and Loan Company of Canada.

An Act to incorporate The T. Eaton General Insurance Company.

An Act to incorporate The T. Eaton Life Assurance Company.

An Act to confirm an Agreement between His Majesty the King and the Corporation of the city of Ottawa.

An Act to amend The Dominion Lands.

An Act to amend The Technical Education Act.

An Act respecting The Burrard Inlet Tunnel and Bridge Company.

An Act respecting The Montreal and Southern Counties Railway Company.

An Act respecting The Canadian Pacific Railway Company.

An Act respecting The Esquimalt and Nanaimo Railway Company.

An Act respecting The Kettle Valley Railway Company.

An Act respecting Montreal, Joliette and Transcontinental Junction Railway Company.

An Act respecting The Pacific Marine Insurance Company.

An Act to incorporate Armour Life Assurance Company.

An Act for the relief of George Henry Shemilt.

An Act for the relief of John Bertram Hall.

An Act for the relief of Nell Louise Dennis.

An Act for the relief of Harry Ernest Wright.

An Act for the relief of Henry Delphe Parizeau.

An Act for the relief of Gele Karafel.

An Act for the relief of William George Uren.

An Act for the relief of Meryl Adams.

An Act for the relief of Herbert Walter Ecclestone.

An Act to incorporate International Loan Company.

An Act to amend The Trust Companies Act.

An Act to amend the Civil Service Insurance.

An Act to amend The Loan Companies Act, 1914.

An Act to confirm the Agreement dated the eighth day of March, 1920, between His Majesty the King and the Grand Trunk Railway Company of Canada for the acquisition by His Majesty of the capital stock of the said Grand Trunk Railway Company, except the four per cent guaranteed stock.

An Act for the relief of Ignace Perugini.

An Act for the relief of William Murray Gray.

An Act for the relief of Gladys Stewart Addison.

An Act for the relief of Fedorin Cope.

An Act for the relief of Albert Harvey McBride.

An Act for the relief of Alexander Scougall.

An Act for the relief of Ada Mabel Sanderson.

An Act for the relief of John Albert Green.

An Act for the relief of Emily Cruickshank.

An Act for the relief of Cyril Graham Sinclair.

An Act for the relief of Richard Ernest Anderson.

An Act for the relief of Edith Gertrude Willis.

An Act for the relief of Thomas Edward Dowthwaite.

An Act for the relief of Thomas Ferby Gatenby.

An Act for the relief of Michael Joseph Courtney.

An Act for the relief of Thomas Patrick O'Neill.

An Act for the relief of Robert Ernest Beadle.

An Act to incorporate Canada Security Assurance Company.

An Act respecting The Pacific Coast Fire Insurance Company.

An Act respecting The Canadian Mining Institute, and to change its name to "The Canadian Institute of Mining and Metallurgy."

An Act to amend the Canada Shipping Act (Steamboat Inspection).

An Act to amend the Soldier Settlement Act, 1919.

An Act to amend the Animal Contagious Diseases Act.

An Act to amend the Petroleum and Naphtha Inspection Act.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1921.

The sitting having been resumed:

Hon. Mr. LAVERGNE: Honourable gentlemen, I asked that the motion which I made be put to a vote, and that has not been done. I moved that the House adjourn until the 31st of May, instant, at 8 o'clock in the evening.

The Hon. the SPEAKER: The motion for the 26th has been carried.

Hon. Mr. LAVERGNE: I made another motion. We shall have nothing to do on the 26th.

The Hon. the SPEAKER: The adjournment to the 26th has been carried. There is no other motion to be made now.

Hon. Mr. LAVERGNE: I would ask the honourable leader of the House to say something about it. I know I am in order.

Hon. Sir JAMES LOUGHEED: I would suggest to my honourable friend that he bring that up on the 26th.

Hon. Mr. LAVERGNE: That will not do at all.

The Senate adjourned until Wednesday, May 26, at 8 o'clock p.m.

THE SENATE.

Wednesday, May 26, 1920.

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

Prayers and routine proceedings.

GRAIN AND FLAX ELEVATORS IN ONTARIO.

INQUIRY.

Hon. Mr. PROUDFOOT inquired:

1. How many elevators were there, in the year 1919, in province of Ontario, handling grain and flax?
2. Where are they situated?
3. What is their capacity?
4. What quantity of grain and flax was received by each elevator during the said year? Distinguish between the different kinds of grain and where grown.
5. How much of this grain was exported?
6. Where was it exported to?
7. Did the Government, through the Grain Board or otherwise, fix the various charges to be taken by the elevators?
8. If so, a schedule of such charges?

Hon. Sir JAMES LOUGHEED:

1. Forty-one. See statement attached marked "A".

2, 3, 4. Ditto.

5. No record.

6. Answered by No. 5.

7. Yes. The charges were made in accordance with the provisions of the Canada Grain Act.

8. See schedule attached marked "B."

BRITISH EMPIRE STEEL CORPORATION.

INQUIRY.

Hon. Mr. BOSTOCK rose in accordance with the following notice:

That he will call the attention of the Senate and will inquire:—1. Has a company been incorporated by Letters Patent under the name of British Empire Steel Corporation?
2. When was it incorporated?
3. What are the names of the incorporators?
4. What is the amount of the capital stock?
5. Into what denominations is this stock divided?
6. How much has been issued?
7. To whom has it been issued, and for what consideration?
8. Has a prospectus been issued?
9. If so, what are the chief points brought out in the prospectus?
10. What powers has this company of issuing bonds or debentures?

He said: Honourable gentlemen, the inquiry that stands in my name mentions that I shall call the attention of the Senate to the matter and inquire. As honourable gentlemen remember, the inquiry was worded in that way at the instigation of some honourable members of the Senate who seemed to desire to discuss this question. Personally I have no desire to discuss it, and, as I have noticed that since this question was put on the Order Paper an application has apparently been made to the province of Nova Scotia for an Act of incorporation, I do not see that this House has anything further to do with the matter. But I would ask the Government if they can reply to my question.

Hon. Sir JAMES LOUGHEED:

1. Yes.

2. 15th March, 1920.

3. Frederick Henry Markey, Waldo Whittier Skinner and George Gordon Hyde, all of His Majesty's Counsel learned in the law; Ronald Cameron Grant, accountant, and Robert John Forster, secretary, all of Montreal, Quebec.

4. $100,000.

5. $100 shares.

6. No information.

7. No information.

8. No information.

9. Answered by No. 8.

10. Their powers do not appear in the charter, but are governed by the provisions of section 69 of the Companies Act.

STEEL AND SHIPBUILDING COMPANIES.

INQUIRY.

Hon. Mr. BOSTOCK inquired:

1. Have the following companies been incorporated either by Letters Patent or by Act of the Dominion Parliament: The Dominion Steel Corporation and subsidiary companies, Nova Scotia Steel and Coal, Limited, and subsidiary companies, Canada Steamship Lines, Limited, Canada Foundry and Forgings, Limited, and its subsidiary companies, Maritime Nail Company and its subsidiaries, Collingwood Shipbuilding Company, Limited, Port Arthur Shipbuilding Company, Limited, Halifax Shipyards, Limited, Davie Shipbuilding and Repairing Company, Limited?

2. If not, have they been incorporated under the laws of any province? If so, which province in each case?

3. What is the authorized capital of each company?

4. What is the debenture or bonded indebtedness of each company?

5. What is the amount of capital issued and at present outstanding of each company? How is it divided up?

6. How long has each company been in existence?

7. Has a balance sheet been issued by any of these companies? If so, how often?

8. Is the value of the properties owned by each of these companies known to the Government?

Hon. Sir JAMES LOUGHEED:

1. (a) "Canada Steamship Lines, Limited" incorporated under the Dominion Companies Act, October 17, 1913, formerly "Canada Transportation Lines" incorporated under the Dominion Companies Act on June 17th, 1913.

(b) "Canada Foundries and Forgings, Limited," incorporated under the Dominion Companies Act January 25th, 1912.

(c) "Maritime Nail Company, Limited," incorporated under the Dominion Companies Act, February 12, 1912.

(d) "Collingwood Shipbuilding Company, Limited" incorporated under the Dominion Companies Act, December 28th, 1916.

(e) "Halifax Yards, Limited," incorporated under the Dominion Companies Act, May 23, 1918.

(f) "Davie Shipbuilding and Repairing Company, Limited," incorporated under the Dominion Companies Act, June 4, 1914.

No information re subsidiary companies.

2. (a) "Dominion Steel Corporation, Limited," incorporated by Nova Scotia Statute, 1912, Cap. 202; 1914, Cap. 175.

(b) "Nova Scotia Steel and Coal Company, Limited," incorporated by Nova Scotia Statute 1901, Cap. 158. Name changed from Nova Scotia Iron and Steel Company, Limited," incorporated by Nova Scotia Statute, 1898, Cap. 137, 1900, Cap. 272; 1901, Cap. 158; 1902, Cap. 179.

(c) "Port Arthur Shipbuilding Company, Limited," incorporated under the Ontario Companies Act 13th December, 1916.

3. (a) Canada Steamship Lines, Limited $25,000,000
(b) Canada Foundries and Forgings, Limited 4,000,000
(c) Maritime Nail Company, Limited 3,250,000
(d) Collingwood Shipbuilding Co. Limited 2,600,000
(e) Halifax Ship Yards, Limited 10,000,000
(f) Davie Shipbuilding & Repairing Co. Limited 500,000
(g) Port Arthur Shipbuilding Company 2,500,000

4. Summaries submitted for the fiscal year ending March 31, 1919, as prescribed by section 106 of the Companies Act, show as follows:

Canada Steamship Lines, Limited:
Bonds or debentures authorized $9,000,000.00
Bonds or debentures issued.. .. 7,120,506.66
Canada Foundries & Forgings, Limited:
Bonds or debentures authorized.$ 750,000.00
Bonds or debentures issued.. .. 315,600.00
Maritime Nail Company, Limited:
Bonds or debentures authorized.$ 450,000.00
Bonds or debentures issued.. .. 450,000.00
Collingwood Shipbuilding Company, Limited:
Bonds or debentures authorized.$1,950,000.00
Bonds or debentures issued.. .. 1,950,000.00
Halifax Shipyards, Limited:
Bonds or debentures authorized.$1,000,000.00
Bonds or debentures issued.. .. 1,000,000.00
Davie Shipbuilding & Repairing Company, Limited:
No return received.

5. Summaries submitted for the fiscal year ending March 31, 1919, as prescribed by section 106 of the Companies Act, show as follows:—

Canada Steamship Lines, Limited:
Capital issued.. .. ....$24,500,000
120,000 common shares of.. ..$100 each
125,000 preferred shares of..$100 "
Canada Foundries and Forgings, Limited:
Capital issued.. .. .. ..$1,920,000
9,600 common shares of.. ..$100 each
9,600 preferred shares of.. ..$100 "
Maritime Nail Company, Limited:
Capital issued.. .. .. ..$760,000
3,655 common shares of.. ..$100 each
3,405 preferred shares of.. ..$100 "
Collingwood Shipbuilding Company, Ltd.:
Capital issued $2,600,000
26,000 common shares of.. ..$100 each
Halifax Shipyards, Limited:
Capital issued.. .. .. ..$8,000,000
50,000 common shares of .. ..$100 each
30,000 preferred shares of.. ..$100 "
Davie Shipbuilding and Repairing Company, Limited:
No return received.

6. (a) "Canada Steamship Lines, Limited," incorporated October 17, 1913.

(b) "Canada Foundries and Forgings, Limited," incorporated January 25, 1912.

(c) "Maritime Nail Company, Limited," incorporated February 12, 1912.

(d) "Collingwood Shipbuilding Company, Limited," incorporated December 28, 1916.

(e) "Halifax Ship Yards Limited," incorporated May 23, 1918.

(f) "Davie Shipbuilding and Repairing Company, Limited," incorporated June 4, 1914.

(g) "Dominion Steel Corporation, Limited" incorporated 1912.

(h) "Nova Scotia Steel and Coal Company, Limited," incorporated 1901.

(j) "Port Arthur Shipbuilding Company, Limited," incorporated 1916,

7. No information.

8. No information.

DIVORCE BILLS.

FIRST READINGS.

Bill A4, an Act for the relief of Albert Frnest Bulley—Hon. Mr. Taylor.

Bill B4, an Act for the relief of Beatrice Booth Gendron.—Hon. Mr. Proudfoot.

PRIVATE BILLS.

FIRST READINGS.

Bill 52, an Act to incorporate the Western Canadian Union Corporation of Seventh-day Adventists.—Hon. G. V. White.

Bill 72, an Act to incorporate the North-west Route, Limited.—Hon. Mr. Sharpe.

SUPREME COURT BILL.

FIRST READING.

Bill 109, an Act to amend the Supreme Court Act.—Hon. Sir James Lougheed.

DIVORCE BILLS.

THIRD READING.

Bill N3, an Act for the relief of James Lyon Lincoln Cobbin.—Hon. Mr. McCall.

SECOND READINGS.

Bill Q3, an Act for the relief of Jennie Wright.—Hon. Mr. McCall.

Bill R3, an Act for the relief of Alfred Charles E. Westley.—Hon. Mr. Blain.

Bill S3, an Act for the relief of George Orville Scott.—Hon. Mr. Turriff.

Bill T3, an Act for the relief of John William Wallace.—Hon. Mr. Bradbury.

Bill U3, an Act for the relief of Harry Davis.—Hon. Mr. Bradbury.

Bill V3, an Act for the relief of Elizabeth Conway Murray.—Hon. Mr. Pope.

Bill W3, an Act for the relief of Lockhart Pierce Sutton.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Frank Fulsom.—Hon. Mr. Robertson.

Bill Z3, an Act for the relief of James Proudfoot.—Hon. Mr. Gordon.

PRIVATE BILLS.

SECOND READINGS.

Bill 23, an Act to incorporate Aberdeen Fire Insurance Company.—Hon. Mr. Schaffner.

Bill 71, an Act respecting The Bell Telephon Company of Canada.—Hon. Mr. Todd.

Bill X3, an Act respecting the Colonial Investment and Loan Company.—Hon. Mr. Proudfoot.

IMMIGRATION (DEPORTATION) BILL.

ORDER FOR SECOND READING POSTPONED.

On the Order:

Resuming the adjourned Debate on the motion for the Second Reading Bill (X2), An Act to amend the Immigration Act (Deportation of Undesirable Persons), and the motion in amendment thereto, by the Hon. Mr. Lynch-Staunton, that the said Bill be not now read the second time but that it be read this day six months.—Hon. Mr. Robertson.

Hon. Sir JAMES LOUGHEED moved that the order be discharged and placed on the order paper for to-morrow.

Hon. Mr. BRADBURY: The honourable member for Hamilton (Hon. Mr. Lynch-Staunton), who took such an active part

in this matter and moved the amendment, is not here and may not be here to-morrow. I think it is only fair to give him a chance to be present when the question is taken up.

Hon. Sir JAMES LOUGHEED: I would suggest to my honourable friend that when the question comes up to-morrow he speak to it if the honourable member from Hamilton is not present. The honourable the Minister of Labour asked me to have this order stand until to-morrow, but he did intimate that he was very desirous of proceeding with it then, even though the honourable gentleman from Hamilton should be absent.

The order was discharged and placed on the Order Paper for to-morrow.

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

THE SENATE.

Thursday, May 27, 1920.

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

Prayers and routine proceedings.

THE LATE LT.-COL. G. H. BAKER, M.P.

PROPOSED MEMORIAL.

Hon. GEO. G. FOSTER presented the First Report of the Baker Memorial Committee.

He said: Honourable gentlemen, on behalf of the Baker Memorial Committee I present their Second Report, which deals fully with the work of the committee. It is necessary only to remind the members of this Chamber that at last session the committee recommended that there should be a panel on the right hand side of the stairway leading up to the House of Commons. The committee this year have concurred in that proposal. Our committee would have made a final report to-day but for the fact that we were not able to agree on the exact wording of the two inscriptions, on the right and the left of the memorial. This is the only point that is not settled and covered by the present report.

DIVORCE BILLS.

FIRST READINGS.

Bill C4, an Act for the relief of Mary Oakley.—Hon. Mr. Gordon.

Bill D4, an Act for the relief of Margaret Elizabeth Cooper.—Hon. Mr. Proudfoot.

Bill E4, an Act for the relief of Catherine Burfoot.—Hon. Mr. Proudfoot.

Bill F4, an Act for the relief of Mary Henrietta Pettit.—Hon. Mr. Ratz.

Bill G4, an Act for the relief of Thomas Lindsay Thacker.—Hon. Mr. Ratz.

Bill H4, an Act for the relief of John Durose.—Hon. Mr. Ratz.

BRITISH COLUMBIA FISHERIES TREATY.

INQUIRY.

On the Orders of the Day:

Hon. Mr. BOSTOCK: I would like to ask the honourable leader of the Government if he can give us any information about the treaty with regard to the fisheries of British Columbia, which, according to the Gazette of yesterday, has lately been signed by the representative of the Washington Government and by Sir Douglas Hazen on behalf of the Canadian Government; and if there was any truth in a former report that some alteration had been made at Washington in the treaty as originally drawn up.

Hon. Sir JAMES LOUGHEED: I have no information on the matter, but I shall be very glad to make inquiry, and if the Government has any information I will communicate it to the House.

DIVORCE BILLS.

THIRD READINGS.

Bill Q3, an Act for the relief of Jennie Wright.—Hon. Mr. McCall.

Bill R3, an Act for the relief of Alfred Charles E. Westley.—Hon. Mr. Blain.

Bill S3, an Act for the relief of George Orville Scott.—Hon. Mr. Turriff.

Bill T3, an Act for the relief of John William Wallace.—Hon. Mr. Bradbury.

Bill U3, an Act for the relief of Harry Davis.—Hon. Mr. Bradbury.

Bill V3, an Act for the relief of Elizabeth Conway Murray.—Hon. Mr. Pope.

Bill W3, an Act for the relief of Lockhart Pierce Sutton.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Frank Fulsom.—Hon. Mr. Robertson.

Bill Z3, an Act for the relief of James Proudfoot.—Hon. Mr. Gordon.

IMMIGRATION (DEPORTATION) BILL.

MOTION FOR SECOND READING—DEBATE ADJOURNED.

The Senate resumed from May 7 the adjourned debate on the motion of Hon. Mr. Robertson for the second reading of Bill

X2, an Act to amend the Immigration Act (Deportation of Undesirable Persons), and the motion in amendment thereto by the Hon. Mr. Lynch-Staunton, that the said Bill be not now read the second time but that it be read this day six months.

Hon. Mr. ROBERTSON: Honourable gentlemen, two or three weeks ago a Bill to amend the Immigration Act was brought up in this House for its second reading. The honourable member from Hamilton (Hon. Mr. Lynch-Staunton) moved in amendment that the Bill be not read a second time, but that it be postponed for six months. Some discussion took place, and, the day being a Friday, there was not a very large attendance in the House; consequently I moved the adjournment of the debate in order that the matter might have the consideration that it undoubtedly deserves, and that it might not be dealt with too hastily. I think it but fair to say that I believe the honourable gentleman from Hamilton was not fully aware of all the facts bearing upon the question, else he might not have submitted his amendment. Briefly, the facts are these. In June, 1919, some serious industrial disturbance occurred in the city of Winnipeg, and it was apparent that certain men were conducting themselves in a way that was probably not lawful, and were guilty of seditious acts and utterances. But there was at that time no provision in the Criminal Code of Canada to enable the courts or the Government to adequately cope with crimes of that sort. Therefore Parliament in its wisdom passed certain amendments to the Immigration Act. Honourable gentlemen may recall that that measure was not discussed at any great length; in fact, I think it passed through both Houses in one day. I have no hesitation in saying that I believe that at that time that particular piece of legislation was necessary and desirable in order that steps might be taken, should occasion arise, to protect the interests of our people, and to guard against and adequately deal with residents of Canada who might be guilty of seditious acts which could not be tolerated. Had the amendments which were made to the Criminal Code at the subsequent Session, and which are in effect to-day, been in force, it would not have been necessary to pass such special legislation. The war has now passed away, and the necessity for the continuation of what I regard as very drastic legislation no longer exists. The provisions of the Criminal Code are ample to meet the requirements, and the Government and the Parliament of Canada are being severely criticised by the public at large, and, as honourable gentlemen know, by a large and influential press, claiming that the legislation which I have referred to, and which it is now proposed to amend or repeal, ought not to have been passed because it was contrary to British customs and British institutions, and what we ordinarily term British liberty.

May I point out that the amendments to the Immigration Act, as they now stand, make it possible to deport from Canada a British subject who may have been resident in Canada nearly all his life without giving him a trial by a jury of his peers. Such procedure, honourable gentlemen, is absolutely contrary to the spirit of the British constitution, and to that great bill of rights, the Magna Charta, upon which it is founded, and I am sure that there is no desire on the part of honourable gentlemen to put the Parliament of Canada in the position of resorting to or returning to a high-handed method of dealing out justice such as existed prior to 1215.

Hon. Mr. SHARPE: Might I ask the honourable gentleman a question? Under the law as it stands at present, would it be possible to deport the men who are now in jail in Manitoba for the disturbances they caused a year ago?

Hon. Mr. ROBERTSON: I feel quite incompetent to give a legal opinion on the question; but my own view is that, by reason of the fact that those men were taken into custody and were given a fair trial before a jury of their peers, and were found guilty and convicted and sentenced and are now serving their terms of punishment, when they shall have paid the penalty imposed upon them by the court they will not be liable to any further punishment. I do not think that a man can be tried twice for the same offence, or can be tried a second time after he has been convicted and has paid the penalty imposed on him. That may be only a layman's view, and it is not my intention to express an opinion from the legal standpoint.

There are two clauses of the amendment proposed to the Immigration Act. One proposes that a British subject, after he has resided in Canada for five years, cannot be deported without being given a trial for the offence with which he is charged. The second amendment proposes that the clause which was added to the Act last year, whereby it was possible to accuse a man of the

crime of sedition, although it might have been committed prior to the time the Act was passed, is now obsolete, and need no longer appear. That is retroactive legislation, to which I think honourable gentlemen have gone on record as being opposed.

As the Immigration Act now stands, because of the necessity which arose a year ago, it is possible to take a British subject or any alien and deport him for an alleged seditious utterance or an Act that may have been committed prior to the passage of the Act. That was obviously necessary and desirable when the legislation was passed, because of the fact that, perhaps within a few weeks prior to that time, certain men had been guilty of such things, and if we were to cope with the situation it would be necessary to have legislation which would enable the authorities to act legally in relieving the country of the menace with which it was felt we were then confronted. It is now a year since that legislation was passed, and any man resident in Canada then who was guilty of a seditious act committed prior to June, 1919, who has not been dealt with and deported before now, ought not, I think, to be held responsible or liable for something that has passed and gone years ago. I do not think it was ever contemplated that any amendment to the Criminal Code should be retroactive. This legislation was made retroactive because of the emergency that existed, and because the Criminal Code did not meet the situation. It has since been remedied; war conditions have passed away; the emergency no longer exists, and the Criminal Code is sufficient to meet conditions in peace time, and, I think, in war time; and this measure would undoubtedly remove what I think, and what in the opinion of the Government itself, is a cause of unrest and disquietude at the present time. We ought not to have upon our statutes any law that can be regarded as contrary to or in violation of the principles laid down in the British constitution.

Hon. Mr. SHARPE: Who is finding fault with the law as it stands? Who is asking for the repeal of this legislation?

Hon. Mr. ROBERTSON: I do not think it is improper for me to say that this Bill was introduced in this House because of the fact that we had but little work to do at the time, while in another place there was much legislation under consideration, and the Minister of Immigration and Colonization requested me to introduce the Bill here. If any honourable gentleman has the thought in mind that it was because of any idea of my own, I wish him to disabuse his mind of that thought.

Hon. Mr. SHARPE: Is there not usually some agitation for legislation of this kind? I do not think that the men who are Canadians and who are going to remain Canadians would be asking for it.

Hon. Mr. ROBERTSON: If my honourable friend would refer to the utterances of the press throughout the country for weeks, and indeed months, after the legislation which it is sought to repeal was passed, and would come to my office and to the office of the Minister of Immigration, I am sure that the evidence would satisfy him that there is ample justification for this Bill. Opinions have been expressed and resolutions passed, not by radical labour bodies, but by what we term sane labour elements in Canada, pointing out that this legislation has been adding oil to the flame of discontent, and has made it much more difficult than it would otherwise have been to control the labour situation. The legislation does not serve any good purpose, but is simply an aggravation; and I assure honourable gentlemen that it is not the desire of this House, or any other constituted authority in Canada, courts or otherwise, to impose a system of this sort, whereby a British subject, resident in this country for five years or more, would be summoned and deported without being given a trial.

If I may be pardoned for again referring to the provisions of the Magna Charta, on which the rights which we enjoy, of which we are so proud, are based, namely, that no free man shall be outlawed or imprisoned, or have his property taken from him, except by the judgment of a lawful court composed of a jury of his own rank, I think that every sane man in this country deprecates any thought of the confiscation of property without compensation, which, as we know at the present time, is being advocated by certain elements in this country and throughout the world. That is a principle that is forbidden under the Bill of Rights. On the other hand, that same doctrine upon which British greatness has grown up, provides that a man shall not be deprived of his liberty without a trial by a jury of his peers. That is all that this amendment to the Immigration Act contemplates, and I respectfully submit, honourable gentlemen, that the Criminal Code as it now stands is ample to meet all the requirements, and that the passing of this Bill would pro-

mote peace, order, and good government, and that failure to pass it would have the contrary effect. I therefore hope that this House may see fit not to support the amendment presented by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton).

Hon. Mr. BRADBURY: Before the honourable gentleman sits down, will he permit me a question? The honourable gentleman has at different times to-day and when he was speaking previously stated that the legislation was not British. Does not the honourable gentleman know that during the war there were dozens of Canadian citizens who had gone over to London and were deported from London without any trial?

Hon. Mr. ROBERTSON: I am very well aware that that is the fact. The Immigration Act as it is proposed to amend it would give Canada a similar right to deport any British subject who comes to Canada and does not behave himself, if he has not been here for more than five years; and I do not know that any Canadian citizen who had been residing in England for more than five years was deported without a trial.

Hon. Mr DANIEL: I would like to ask the minister to make clear a point that puzzles me a little. There are two provisos. One, which it is proposed to repeal by this Bill, reads in this way:

> Provided that this section shall not apply to any person who is a British subject, either by reason of birth in Canada or by reason of naturalization in Canada.

It appears to me that that provision exempts Canadian citizens, while the proviso we are now asked to approve simply says:

> Provided that this section shall not apply to any person who is a Canadian citizen.

What is the difference? A man is a Canadian citizen either by birth or by naturalization, and it appears to me that the old Act was just about the same in this respect as the Bill.

Hon. Mr. ROBERTSON: Without going carefully into that, my opinion is that the Act as it now stands permits the deportation of a British subject who is not a Canadian citizen, no matter how long he may have been resident in this country. The proposed amendment would make it possible to deport a British subject who has not been in Canada long enough to obtain domicile, which under the Naturalization and Immigration Acts, is a period of five years.

Hon. Mr. DANIEL: It will not affect Canadian citizens?

Hon. Mr. ROBERTSON: No, it will not affect Canadian citizens.

Hon. Mr. MURPHY: Would the honourable gentleman permit me a question? Was the Immigration Act which we passed last Session necessary? If it was necessary, why change it? Are the same conditions not liable to arise again?

Hon. Mr. ROBERTSON: No.

Hon. Mr. MURPHY: They are not? Well, I mistake the signs of the times. I wish to differ with the minister. I believe that those conditions are possible at any time, and if the Act was necessary last year it is still necessary to have it maintained.

Hon. Mr. ROBERTSON: My reason, honourable gentlemen, for expressing the view that the same conditions could not arise again is that the Criminal Code itself has been so amended since this legislation was passed as to meet all necessary requirements and all emergencies.

Hon. Mr. MURPHY: Would the minister state in what manner the Criminal Code was amended so as to meet such conditions? I am not aware of any legislation having been passed that would meet conditions such as occurred in the Winnipeg strike, when we had to pass special legislation to enable us to cope with it; and the minister was on the ground at that time, and was one of the strongest supporters of that legislation.

Hon. Mr. SHARPE: Could the minister tell us how many men were deported under the Act as it stands at present, since it was passed?

Hon. Mr. ROBERTSON: I am not in possession of that information, but I do know that a substantial number were deported, most of whom were not British subjects, however. Therefore, so far as that class of men is concerned, the law is not changed, except that it is not retroactive. But, honourable gentlemen, if I may be pardoned for making a further observation after I had closed my remarks, I would suggest that it is fair and right that we should view the situation from

the standpoint of the Golden Rule. If any one of us had been a resident of England for a period of more than five years, and had been a loyal citizen and had committed no act that could be criticised, and if then for some reason somebody took a dislike to us and under an Act such as the Immigration Act caused us to be deported from England without being given a trial to determine whether we were guilty or not, we would regard it as most unjust. I submit, honourable gentlemen, that that is the proper viewpoint to take on this question—that we should respect the rights of other people if we hope to have our own respected.

Hon. J. G. TURRIFF: I intend to vote for the amendment to give this Bill the six months' hoist, and I want to state in a few minutes my reason for doing so. I believe that the Minister of Immigration should be vested with authority to deport a man who acts in the manner in which some men have acted within the last year or two, in bringing about trouble and trying to set aside proper government throughout the Dominion of Canada. I do not think there is much in the argument that was advanced just before my honourable friend the Minister of Labour sat down, that a person would be deported without a thorough inquiry on the part of the Minister of Immigration. If a man comes to this country and succeeds in obtaining Canadian citizenship, and then misbehaves by trying to set aside proper government and by putting the country to enormous expense, he should be deported. I have seen it stated that the Winnipeg trial would cost far more than $1,000,000. There are men who would behave in that way if the country had to provide a million dollars to prosecute them; and, on the other hand, if they knew that they were liable to be deported for conducting themselves in that manner, they would hesitate very much. The present legislation, if it is allowed to remain as it now stands, would be in my judgment the best possible deterrent for such men, because if there is anything they object to it is to be sent back to their own country, where they would be cast into jail at once if they started one half the trouble they have caused in this country. I am not as a rule in favour of high-handed measures; but I have not the slightest fear that any man in Canada who would attain to the position of Minister of Immigration would be likely to deport a person without very fully inquiring into the case to determine whether he deserved deportation or not. We shall have enough to do to deal with our own Canadian citizens, whom we cannot deport; but in respect to the desire to override law and order, there are worse men coming from various foreign countries, and I claim that they should be deported if necessary. I am absolutely in favour of leaving the authority to be exercised by the Government, as it is at present, because that will do more to deter that class of men from acting improperly than anything else would. So I trust that the amendment will carry.

Hon. GEO. H. BRADBURY: Honourable gentlemen, I regret very much that the member for Hamilton (Hon. Mr. Lynch-Staunton) is not here. I do not agree with the honourable gentleman who introduced this Bill (Hon. Mr. Robertson) that if the honourable gentleman from Hamilton had known all the facts he would not have taken the action he did. I discussed this matter pretty fully with the honourable member from Hamilton, and he was thoroughly aware of what would be the effect of his amendment when he moved the six months' hoist. I believe that this is a very important piece of legislation. It looks to be quite an innocent little Bill, but it will have a very far-reaching effect if this honourable body is led to endorse it.

In the first place, what is the clause of the Immigration Act that is being amended? I will read to you a part of clause 41 of chapter 26 of the Immigration Act, which, I may say, was rushed through this House very hurriedly:

41. (1) Every person who by word or act in Canada seeks to overthrow by force or violence the Government of or constituted law and authority in the United Kingdom of Great Britain and Ireland, or Canada, or any of the provinces of Canada, or the Government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said Governments or of any foreign Government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada, or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to

deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

Honourable gentlemen, what does that mean? Under section 41, the Minister of Immigration can deport any resident of Canada who is not a Canadian citizen by birth or by naturalization and who is proven guilty of any of the acts mentioned in the section just quoted. This is the present law. If we adopt the amending Bill proposed by the Minister of Labour, we cannot deport a man, no matter how great a menace he may be to law and order in Canada, unless he is an alien. In other words—

Hon. Mr. ROBERTSON: If my honourable friend will permit me, I desire to point out to him that that is not quite correct; that it is possible to deport any British subject who has not been a resident here for a period of five years, being the time required to obtain domicile.

Hon. Mr. BRADBURY: I understand that; I understand that persons who have been in the country for less than five years may be deported. A Red agitator who is British and has residence in Canada for five years may carry on a campaign among our citizens calculated to overthrow the Government of this country; or he may be the cause of riots and bloodshed and the destruction of property; he may be guilty of all the acts set out in section 41 of the Immigration Act; still, if we pass the proposed amendment, we cannot deport that man.

It will be remembered that last session, after an attempt had been made in this House to pass legislation that would have given the Government power to deport persons who were a menace to the State, and after this House had refused to endorse such legislation, the Government itself put through a Bill to amend the Immigration Act, and then realized, at the eleventh hour, that they did not have power to control the Red element in Canada, and that in order to obtain that power it was necessary to bring down another Bill, which my honourable friend (Hon. Mr. Robertson) is now desirous of amending. The Bill was passed by the House of Commons after an explanation by the Minister of Immigration. It was given the first, second and third readings in just ten minutes. This shows, honourable gentlemen, how important the Government at that time considered this legislation to be, and how well it succeeded in impressing upon the House of Commons the importance of it. The Bill was rushed over to this Chamber and passed in like manner, in just seven and a half minutes, even in face of the fact that the House just the day before had refused to endorse similar legislation which I had the honour to move. My honourable friend says the Bill was an emergency measure. Perhaps it was, but it was legislation that was then deemed necessary in the best interests of the country, and I am one of those who contend that the conditions in Canada have not changed sufficiently to warrant the Government in destroying the power which they now hold.

As I said a moment ago, this House endorsed that legislation. It was late; it ought to have endorsed such legislation before, when it had an opportunity of endorsing a measure which had been brought in by one of its members. However, it was better late than never, and the Senate justified itself in approving of the legislation that was sent over from the Commons.

What I have said refers to clause one of the Bill. Now let us consider clause 2. We may find, honourable gentlemen, that this apparently innocent Bill, like some dangerous reptile, has its sting in the tail. I think you will find that one of the greatest objections to the Bill is to be found in this very innocent-looking line comprising clause 2:

Subsection 2 of the said section forty-one is hereby repealed.

Let me read the subsection which it is proposed by the Bill to repeal:

41. (2) Proof that any person belonging to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act, be deemed to establish *prima facie* that he still belongs to such prohibited or undesirable class or classes.

If we repeal this subsection as suggested, we practically say to the red element of Canada: "Agitate; create all the trouble you like; destroy property, cause loss of life; the Government will not deport you." That is practically what we say if we accept the suggestion made by the honourable the Minister of Labour. I ask, honourable gentlemen, would that be a wise thing for this House to do?

Every honourable gentleman will, I am sure, recognize that this subsection entails absolutely no hardship on any reputable citizen of Canada. On the other hand, it is a protection to all good citizens, and it enables the Government to enforce law and order throughout the Dominion.

Hon. Mr. BENNETT: Would the honourable gentleman allow me a question? Suppose that a year elapsed after a man had been deported, and that the minister found that the information upon which he had deported the man was absolutely false—that the deportation had been brought about by ill-will, or something of that kind. Who would make amends to the man for having been deported without a trial?

Hon. Mr. BRADBURY: Of course, that is straining the point a great deal; that is a case that is not likely to occur, for the reason that the Minister of Immigration, who is responsible for the deportation, will not deport anybody without being absolutely sure that he deserves to be deported.

Does the present law in any way have an injurious effect upon reputable citizens? I think not. But it does affect and ho'd back and check the dangerous Red element, which has been very aggressive, and which has already caused serious loss of life and property in this country. I think every honourable gentleman will admit that. This clause simply says to the agitator who is in the country to-day, and who has already committed those acts, and has made himself liable to deportation, that the Government has not taken any action, but that it is possible that, if he continues to commit acts of this kind, the Government will use this club that is hanging over his head if necessary. I believe it is salutary legislation. Why should this House be so much concerned over such characters as are affected by the present law? It does not affect any reputable labour man in Canada. No respectable labour man in Canada has any reason to be afraid of the legislation that is on our statute books. It is to protect the labour man and the lives and the property of himself and his children against agitators who have come into the country, and who may do harm, and who have done harm, as was the case in the city of Winnipeg. This is a big stick, if you like, that the Government of Canada places in the hands of the Minister of Immigration to hold over the heads of undesirable characters, which enables him to say to these men: "Behave yourselves, or this stick will fall, and we will get rid of you and send you out of the country." It is not punishment enough to try these men, as was done in the city of Winnipeg, at a cost of nearly a quarter of a million dollars, and to send them to the penitentiary. These men are in the penitentiary at the expense of the people of Canada. If they are undesirable citizens, I contend that the wisest and easiest course would have been to deport them in the first place, and I believe that if the Government invoked the Act that is on the statute book in a few cases and deported these dangerous men who get in among the reputable labouring element and cause this unrest, it would be a good thing for the country. Any man who employs large numbers of labouring men too often finds that he has one or two agitators among his gang, and he knows that the quicker he gets rid of them the better for himself and his men.

I submit, honourable gentlemen, in view of the situation in Canada to-day, that this legislation brought into this House by the minister, endorsed no doubt by the Government, as he says, ought not to receive the support of this body. If the Government is really in earnest in this matter, why did it not submit the Bill to the popular body to pass and then send it on to the Senate? That has not been done. The Bill has been sent to us to pass, and then to send it to the House of Commons, which, I am satisfied, from what I have heard, would put their veto on it. I submit that any backing up on the part of the Government at the present moment—because that is what this legislation means—is an invitation to the disorderly and dangerous element to commence to agitate and cause perhaps serious trouble in the country. Why, honourable gentlemen, it was just a year ago that the legislation which we are now asked to repeal was rushed through both Houses as necessary legislation.

My honourable friend the Minister of Labour says that since that time the Criminal Code has been amended in such a way that this legislation is not necessary. Every honourable gentleman knows that while the Criminal Code has been amended, a man cannot be deported under the Criminal Code. He can be proceeded against for sedition, and sent to the penitentiary. But we do not want to fill our penitentiaries with this class of men. We should send them out of the country. I contend that the deportation of one or two or half-a-dozen of them would have a better effect than putting twenty of them in the penitentiary. When you put them

there you make martyrs of them, and forthwith the labour organizations of the country proceed to petition the Government to release them. You place the labour organizations in an awkward position. We should go slowly in amending important legislation like this. I submit that if the Bill was a necessity a year ago, when it was put through in a very few moments, it is just as necessary to-day. We have the same element still in Canada. It may be sleeping but it is here, and the Government has evidence against dozens of men who would come within the meaning of clause 2 of this Bill. That is a fact that is known to everybody who knows anything about what the Government has been doing. I say that this is salutary legislation. It is a splendid thing for the law to have a club which it can hold over the head of evil-doers, and I trust that this body will not endorse the Bill before the House, but will rather vote for the six months' hoist moved by the honourable gentleman from Hamilton.

Hon. E. L. GIRROIR: Honourable gentlemen, we who are democrats to the hilt, sprung from the toilers and workers and farmers of the land, are very apt, perhaps, to be carried away by our sympathy for the labouring man, and, if we allow that to take too great a hold upon us, we may support a measure that will not be to the best advantage of the people of Canada. To my mind there is one thing that is higher and more sacred than anything else, and that is the safety of the State. If the safety of the state is imperilled, then it is the duty of all persons to stand by the State. To my mind there are elements in Canada who are endangering the safety of the State, and it might be our bounden duty to support legislation that would allow those who have the administration of affairs for the time being to take summary action.

The Minister of Labour, in the very able address which he delivered in support of his Bill, stated that the rights which he was seeking to accord to these men were like the rights that were sought for the people under the Magna Charta. Now, let us think for a moment why Magna Charta was obtained, and the circumstances surrounding the agitation which brought about the granting of the Magna Charta by King John. The Magna Charta was granted because the barons were being oppressed by the King. King John was making exactions upon the barons and the people that were so obnoxious, so unfair, that the people rose up and demanded from the King that they be granted the right of trial by their peers. They had been thrown into prison, they had been taxed and penalized, and had no recourse. They were not given an opportunity of stating their side of the case; but the King, who is all-powerful, took the matter into his own hands, and was exacting tribute or punishing or penalizing them to such an extent that they could stand these wrongs no longer, and rose up demanding certain privileges, which were granted at the point of the bayonet, so to speak, and which have ever since been the right of British subjects.

What is the situation to-day compared with the situation then? The situation to-day, as I understand it, is that certain elements in this country, as well as in other countries, are in exactly the same position that King John was in at the time the Magna Charta was demanded and obtained. That is to say, there are certain agitators in Canada and in other countries who are using the most powerful weapons that can be used to exact from the people at large concessions to which they are not justly entitled. I do not say for a moment that the labour people are not entitled to use the strike weapon within reasonable bounds; but when they go to the extent of plotting and agitating for the overthrow of established authority, when they go to the extent of adopting a programme to put aside all lawful government in this country, then they are using that weapon in a way calculated to do injustice to the bulk of the people, and to exact from them a tribute to which they have no right, not even to as great an extent as had King John to the tribute which he was exacting. Take the situation as it existed in Winnipeg. Men plotted there for the overthrow of constitutional authority. There is no question about that: that cannot be denied. So bad was the situation in that respect that perhaps for the first time in this country citizens of all classes banded themselves together to oppose to the very limit the onslaught of the extremists who were not only threatening the lives and the property of the people, but were threatening to overthrow lawful constituted authority.

Now, does it not seem right that some power should be placed in the hands of the governing authorities whereby they may take speedy action in case of an emergency —in case men appear in any community in Canada and begin an agitation which might cause grievous injury to the whole country, which might bring death and destruction in its wake? Is it not fair that some person in authority should have in

their hands the power of taking action which would relieve the country speedily of this menace? You talk of trying these men. What happened at the trials which took place in Winnipeg? These men who were tried, able men, eloquent men, men who knew how to appeal to a jury, who knew how to appeal to a mob—or to the multitude, if you like—in many cases defended themselves, and they were given the very best opportunity that could be accorded to any one to disseminate throughout this country from one end to the other, by means of their addresses to the jury and their questions to witnesses, ideas and doctrines of the most revolutionary kind. If you are going to try these men, you are simply going to aid them in the dissemination and distribution of the doctrines which they advocate, and which everybody must acknowledge are not such as any of us here, or any citizen of Canada worthy of the name, could subscribe to. I for my part will always stand up to the very utmost for the rights of the labouring man, for the rights of the worker who is one of the producers of wealth in this country; but I think it is not in the interest of the honest labouring man of Canada, the labouring man who has the welfare of the country at heart, to allow the seeds of revolution and anarchy to be sown among his class. The best interests of the labour men of this country will be served by sustaining in Canada the established form of Government in such a way that when rights are taken away from any one they can be given back by the proper authorities. The labour man and the agitator have no more rights in this country than the ordinary citizen, and if they are going to use the strike weapon to such an extent as was threatened in the city of Winnipeg, in order to remove lawful authority and to obtain concessions to which they are not entitled, then I think it is time for us to stand by the law on our statute books, which will aid in their speedy removal from our midst. The fact that people make claims and strike does not for one moment mean that the claims are just. When labour men hold up the community and deprive them of food and fuel and other necessaries of life, they are the judges. The people generally do not previously pass judgment upon their claims. The men try their own case; they decide in their own favour; and they strike to obtain concessions and privileges which the bulk of the community may believe they are not entitled to obtain. Thus it is that the strike weapon is a more powerful weapon than has ever been used before in this country. It is so powerful that, if it were used to the extent that has been threatened on more than one occasion, the whole commerce of the country could be destroyed, public utilities could be destroyed, and people could be deprived of the absolute necessities of life; death and destruction could be caused upon every hand. I have no fear that the honest labouring man of Canada who seeks to better his position is going to bring about any such condition in the country. I have absolute faith in him.

He has been tried, and tried hard, on many an occasion in the past, and he has always shown himself a true Britisher and a true Canadian. But I have fear that agitators who come amongst us from abroad may sow the seeds of rebellion and anarchy in our midst and may do irretrievable injury, not only to the country at large, but to the labour people of Canada in particular. Therefore when I say that I am going to support this amendment I do so only in the interest of the people of Canada, not only in the interest of stability of government in this country, but, as I honestly believe, in the interest of the loyal, honest labouring men of Canada as well.

Hon. N. A. BELCOURT: Honourable gentlemen, I propose in a very few words to state why I am not going to vote for the amendment moved by the honourable gentleman from Hamilton. I must say that it is after considerable hesitation that I have come to that conclusion. My hesitation has been due to two or three considerations. First of all, my dislike, my fear, of the foreign agitator, especially the international agitator—the man who carries on the nefarious business of labour agitating, sometimes in Canada, sometimes in the United States, and sometimes in Europe. I hesitate also because of the tendency which it seems to me is too much in evidence nowadays in Canada, that of pandering to, and endeavouring to meet all the wishes of, the labour men in this country. Some of them are very unreasonable and impracticable. Another reason which causes me to hesitate is my profound dislike of most of the war legislation, especially the war Orders in Council, such as are by this Act continued indefinitely.

Notwithstanding these considerations, I feel that it would be unwise and illogical for us to deport without trial men who have been given citizenship in Canada. I think it is dangerous to confer upon one

man, even a Minister of the Crown, the power to deport, without trial, without any investigation except such as he may carry on by and through his subordinate officers, a man to whom Canada has given the right of Canadian citizenship. I think it is improper to empower a minister of the Crown to undo that which the Government of the country has done. When we grant a certificate of naturalization, giving to a man who has lived here the requisite length of time and has complied with the law, the right to call himself and to be treated by others as a Canadian citizen, I do not think it is something which we can revoke. It is something which is given, not for a year or two, but permanently. Deportation would be, to all intents and purposes, a complete cancellation of the certificate of naturalization by which one who, having complied with the law, becomes a Canadian citizen.

Hon. Mr. BRADBURY: You cannot deport a Canadian citizen, if I understand the Act aright.

Hon. Mr. BELCOURT: No; I do not say that. I say that for that very reason we should not deport one who has become a Canadian citizen. Not only should a Canadian citizen by birth not be deported, but you should not deport the man whom you have made a Canadian citizen by naturalization.

Hon. Mr. BRADBURY: Under the Act you cannot deport him either.

Hon. Mr. BELCOURT: You can do it under the Act.

Hon. Mr. DANIEL: No, you cannot.

Hon. Mr. BRADBURY: You cannot deport a Canadian citizen either by naturalization or by birth.

Hon. Mr. DANDURAND: But does not the British subject acquire Canadian citizenship by five years' domicile or residence in Canada? If he does, is this not equivalent to giving the alien his naturalization papers?

Hon. Mr. BELCOURT: That is the position I take. My position is that by residing in this country for five years a Britisher becomes a Canadian citizen entitled to the rights and privileges enjoyed by all other Canadians, whether born or naturalized.

Hon. Mr. McMEANS: He would under the amendment, not under the present Act.

Hon. Mr. BELCOURT: It is the amendment we are discussing—the Bill introduced by the honourable the Minister of Labour. I say that under the law the Britisher who comes over here and remains five years and complies with the law, conducting himself properly and decently, will be entitled to be considered to all intents and purposes a Canadian citizen; and if he becomes a Canadian citizen, it is not for a year, but permanently.

Hon. Mr. BRADBURY: Not under the present Act. A British subject coming over here and remaining five years does not become a Canadian citizen. There is in clause 41 of the Act a proviso which says:

> Provided that this section shall not apply to any person who is a British subject, either by reason of birth in Canada or by reason of naturalization.

Under the Act a British subject does not become naturalized. He would become a Canadian citizen and could not be deported under this amendment.

Hon. Mr. BELCOURT: No. Under the Naturalization Act, by five years' residence he becomes a Canadian citizen, without having to go through any formality at all.

I do not want to make a speech. I desire only to state as briefly as I can the reasons why I think we should support this Bill. I contend that, having conferred Canadian citizenship upon a person born in the British Isles who has resided in this country for five years, we should not transfer to any one man, even a Minister of the Crown, the right to take away that which the law has granted. It is not in the interest of the future of this country, not in the interest of the colonization and development of Canada. It might deter a great many persons from coming here. We should not put any obstacles in the way of proper immigration to this country.

Some honourable gentlemen have waxed eloquent over the great dangers with which the Canadian labourer has to contend because of agitators coming here and trying to inculcate the doctrines of Bolshevism, etc. Honourable gentlemen, it is not by references in this House or the other that we are going to clear the country of those ideas. They are in the country, and they have to be met, and the sooner they are met the better. It is not by burying our heads in the sand, like the ostrich, that we are going to overcome the difficulty. Whether those men come from England or elsewhere, the ideas are in the country to-

day, and I for one am not prepared to admit that our labour people are so weak and so unintelligent that they cannot themselves see the weakness and falsehood of those doctrines and ideas. If they are, then it is only by educating them, only by showing them the fallacies of such doctrines, that we shall succeed in avoiding the dangers which threaten us. To my mind, there are two things which we should do. We should be very careful when we allow any foreigner or any Britisher to come and establish himself in this country. There should be a strict examination. We should not admit any one who is not capable of becoming a good citizen—a good loyal British subject.

Hon. Mr. SHARPE: But we have them here.

Hon. Mr. BELCOURT: Yes; largely because we have been too careless in letting them in; largely because we have not properly investigated the standing of those people, where they came from, the theories they held, etc. We let everybody in without discrimination, without investigation. Before admitting immigrants, there should be a strict inquiry made as to their antecedents—who they are, where they come from, etc.; and before they are granted certificates of naturalization or recognized in any way as Canadian citizens, there should again be a proper investigation. Canadian citizenship should not be conferred upon them unless and until we are perfectly sure that they will make good citizens. It seems to me that it is illogical for us, in granting naturalization, to say that if it pleases say the Minister of Immigration at any time without trial to order deportation, he may do so. I do not think that is in the interest of Canada. For that reason, notwithstanding my dislike of those agitators, I feel that, in order to be logical and consistent, and in order to do that which is in the best interest of Canada, we ought not to continue legislation which would throw discredit on our own act of citizenship granted by naturalization.

Hon. Mr. SHARPE: My honourable friend is a very clever lawyer. Would he be kind enough to tell us under what arrangement the Americans deport all their Reds? They have deported a large number, I understand—shipload after shipload. Under what law or what arrangement? Is it something along this line?

Hon. Mr. BELCOURT: I do not know, and I may tell my honourable friend that I am not very much concerned. I am not one of those who generally look to the United States for advice or guidance in matters of this sort. So far as Canada is concerned, I think we have done pretty well in the past, and our own traditions and our own legislation ought to be sufficient guidance for us in determining questions of this sort.

Hon. J. J. DONNELLY: Honourable gentlemen, I did not have the privilege of hearing the discussion when this Bill was before the Chamber on a previous occasion; but, after listening to the explanation which has been given to-day by the Minister of Labour, I am disposed to be in sympathy with the principle of the Bill. I cannot agree with the argument put forward by the honourable member for Selkirk (Hon. Mr. Bradbury), that, because the Bill that was passed a year ago received only about ten minutes consideration in the House of Commons and seven minutes consideration in the Senate, it should not be amended or altered at present. I am rather disposed to think that that is a good argument why some consideration should be given to it at the present time, and why there might be strong reasons for amending it. Nor can I agree with the honourable member from Selkirk in his argument that if we pass this Bill we strengthen the position of the Red agitator. My belief is that you strengthen the Red agitator if you give him a grievance, and the Bill passed in 1919 did give him a grievance and placed him in a position to stir up trouble; made him much stronger over the people whom he was endeavoring to control. I think that to remove that grievance will be a step in the right direction, and that, I believe, is the object of the Bill.

My main reason, though, for desiring to support the Bill, is that I understand from the minister that under it no British subject will be deported without being given a fair trial. I believe that is a principle which should be supported by this House.

The honourable member from Selkirk mentioned the cost of the trial in Winnipeg. If we were guided entirely by the question of cost in giving a fair trial to all those who come before the courts—if we carried that argument to its logical conclusion, we would adopt lynch law in this country, because it would be a great saving of expense to the country if we lynched those who were guilty of murder, instead of giving them a fair trial. I believe in the principle of a fair trial, and I think that is the main principle

involved in the measure. For that reason I propose to support the Bill.

Hon. Mr. McMEANS: I am not very clear with regard to the Bill introduced by the honourable the Minister of Labour. I understand it to be an amendment to the Immigration Act, providing that if a British subject stays in this country for five years the Act shall not apply to him. I would like to ask the honourable the Minister of Labour if he is in favour of the Act with that amendment?

Hon. Mr. ROBERTSON: In answer to the honourable gentleman's question, I shall have to make an observation. I do not think he has quite stated the case. There is nothing to prevent the British subject, after being given a trial, from being deported, if it is decided that he should be; but after he has resided here five years and under the Naturalization Act has gained Canadian citizenship, he cannot and ought not to be deported without a trial.

Hon. Mr. McMEANS: But are you in favour of leaving the Act on the statute book with the amendment that you now propose?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. McMEANS: Then I think the remarks of the honourable minister, from a logical point of view, entirely failed. If it is proper to expedite the deportation of a man from Canada because he is dangerous, it is just as important to do so after five years as it is after four.

Hon. Mr. ROBERTSON: But he should be proven guilty.

Hon. Mr. McMEANS: I understand the Minister of Labour to say further that there is no necessity at all for the Act, because the amendments to the Criminal Code cover all the features that are necessary. If the Minister of Labour would bring in a Bill repealing that Act entirely, so that we could discuss this matter on some question of principle, I would be prepared to meet him half-way. But here is an Act that he placed upon the statute book last year, and he comes this year and says, "I want it changed so that if a man has been in the country for five years the Act shall not apply to him." Honourable gentlemen, there is something wrong about that principle. If the Act is a proper one for Canada, it ought to be applied to an immigrant whether he has been in this country for four, or five, or six years. Either the principle of the Act is correct, or it is wrong. I can speak about this matter from a disinterested point of view, because, I am proud to say, I am Canadian-born and am quite free from the effects of that Act. But suppose the Reds should get into power and that Act were on the statute book. There are many on this side of the House and some honourable gentlemen on the other side who might be railroaded out of the country. There is that danger about it.

Hon. Mr. CROSBY: Better fix it.

Hon. Mr. McMEANS: But I would like to get at the principle of this thing. If the Act is proper in principle, this proposed amendment is not, and if the Act is not proper in principle any amendment will not cure the defect.

Hon. P. POIRIER: Honourable gentlemen, I did not come prepared to make a speech nor do I intend to make one, but I crave permission to be allowed to summarize this Bill as I understand it There was, as everybody knows, a world war. During the war we had recourse to emergency legislation, as did other countries. In some countries it was even necessary to adopt martial laws. Now that the war is over, why should we continue to live under what I might call an autocratic regime, such as we willingly accepted during the war? A great principle is involved in the question before the Senate to-day: shall the Canadian citizen be a free man or not? If the Bill does not carry, we go back to the time of Magna Charta, and to King John Lackland, to whom reference was made by my honourable friend from Antigonish (Hon. Mr. Girroir). At that time the authorities could take it upon themselves to cast a man into jail, or into the Tower of London, to rob him and to deprive him of his life, without a trial by his peers. We have come through revolutions and bloodshed to the state of freedom which prevails in the British Empire. Are we going to go back to King John?

Some Hon. SENATORS: No. no.

Hon. Mr. POIRIER: We are, if we do not wipe this legislation off our statute book. Remember, honourable gentlemen, that a Canadian citizen holds a sacred right that no man may take from him against his will. A Canadian citizen is equal to what formerly was a civis Romanus. What made the grandeur of Rome? The fact that the State upheld the rights of all its citizens. If this Bill does not pass, honourable gentlemen, there is a man in this Dominion who may act as the kings

or the ministers of France acted before the Bastile was razed: there is a man who may deport a Canadian citizen without trial. To me the enormity of that situation is appalling, and I am surprised at any honourable gentleman standing for the continuation of a state of things which was unfortunately made necessary by the war. Let us return to normal conditions: let us refer differences to our courts. I believe in our courts: they represent a high state of civilization. But if you give power to a minister, or to the Government, or to the Governor, or to the King, to deport a Canadian citizen without trial, I say, honourable gentlemen, you are going back to the days of King John Lackland, and we may have to fight again for the recovery of our liberties.

Hon Mr. SHARPE: You voted for the Bill last year.

Hon. Mr. POIRIER: Last year the war was hardly over, and peace had not been concluded.

Hon. Mr. SHARPE: We may have another war next year.

Hon. Mr. POIRIER: But when we can let us have peace. I am strongly opposed to the continuation of autocratic and tyrannical legislation in this country. I say that this legislation smacks of Bolshevism, and that it might better be enacted by a Soviet than by a Canadian Parliament.

Hon. Mr. BENNETT: I should like to ask the minister a question. In the case of deportations last year, were the proceedings ex parte, or how were they conducted?

Hon. Mr. ROBERTSON: In answer to my honourable friend's inquiry, if I remember correctly, the provisions of the Immigration Act touching that point provided that officials of the Immigration Department—I think either two or three officials—had jurisdiction to make an inquiry and advise the minister as to whether or not deportation should take place. The minister acted upon their recommendation, unless he had doubts as to the correctness of the recommendation. The men accused did not have the opportunity of a trial by jury before being deported. The suggestion is, as the honourable gentleman from Acadie (Hon. Mr. Poirier) has just pointed out, that notwithstanding the fact that after five years' residence in this country, under the Naturalization Act, a British-born subject becomes a Canadian citizen, he is, by the Immigration Act as it now stands, deprived of the right of a trial.

Hon. Mr. BENNETT: Then the man complained against was not even present.

Hon. Mr. ROBERTSON: No.

Hon. Mr. BENNETT: That is barbarous.

Hon. GEO. McHUGH: Honourable gentlemen, I have listened with a good deal of interest to the discussion of this question and I must say, from the statements of the honourable Minister of Labour, that I am fully in sympathy with the proposed Bill. I listened to the address of the honourable gentleman from Selkirk (Hon. Mr. Bradbury), who wants the law to remain as it stands, so that it may be held as a big stick over the heads of the people. The honourable gentleman from Antigonish (Hon. Mr. Girroir), followed somewhat along the same line, and said that in case any one was accused of sedition or anything of that kind, it should be left with the Minister of Immigration to say whether or not he should be deported.

Hon. Mr. GIRROIR: I do not think my honourable friend is quite stating the case.

Hon. Mr. McHUGH: When there is cause for suspicion.

Hon. Mr. GIRROIR: My idea is that in exceptional cases, when the safety of the state is threatened, some one should have authority to deport.

Hon. Mr. McHUGH: The state is better able to take care of itself than the individual. The men in Winnipeg who were accused were brought to trial, as I think every person accused of a crime should be, but they were not all convicted. It would have been an injustice to the innocent if they had all been deported without a trial. I think the sooner legislation is passed under which a man may retain his freedom until he is fairly convicted of some crime the better. I shall support the Bill.

Hon. HEWITT BOSTOCK: Honourable gentlemen, from the arguments used by the Minister of Labour in his speech this afternoon it did not seem to me that the honourable gentleman was going the right way about attaining the desired object. If it is his intention that these men should have a trial before any action is taken, I do not think this legislation is going to accomplish that intention. My chief objection to the legislation put through last year was that it failed to provide that a man should be

given a hearing before action was taken. As the minister explained a few minutes ago, everything was left in the hands of the officials, who reported to the Minister, and then it was left to the Minister to decide what should be done. The man charged had no opportunity of being tried before his peers. The Minister now comes down and proposes this amendment, but only in one certain direction. As I view it, the amendment simply makes provision that a British subject, like myself, who comes to Canada and lives here for five years, cannot be deported; but the British subject who has not been here for five years can be deported without any trial. It seems to me that if it is good legislation to provide that a man who has been in this country for five years should be given a trial before he is deported, it would also be good legislation to give the same right to a British subject who has been here for only four years. I think it is the intention of the Minister to amend the Act in a very different way from that which is provided for in the Bill.

As was said by the honourable gentleman from Winnipeg (Hon. Mr. McMeans), if the Act is to be amended now I think we ought to discuss the whole principle and policy of the Act. In the first session of 1919 the Government considered that this legislation was necessary, and I for one do not think that conditions in the country have altered very much since that time. I do not altogether like this kind of legislation; but if the Government, which is responsible for the administration of the affairs of the country, thought that it was necessary in the first Session of last year, I for one do not feel inclined to vote for the Bill, and shall vote for the amendment, because I do not think the Bill goes far enough in one respect, and I think it would be better that we should discuss the whole question as a matter of policy on another occasion.

Hon. J. W. DANIEL: Honourable gentlemen, I coincide in a great many of the sentiments expressed by the honourable gentleman who has just taken his seat. It is barely twelve months since the legislation which we are now asked to amend was enacted. As has already been said, it was put through Parliament hurriedly as an emergency measure; and I cannot see that the circumstances which produced the urgency at that time have changed to such an extent that we might now safely repeal that legislation.

I must say, honourable gentlemen, that I was astonished this afternoon at the great amount of sympathy extended by some honourable gentlemen who have spoken—sympathy to whom? To the worst malefactors this country has ever seen; the very worst class of people that have ever received the hospitality of this country. What worse character could we receive into our midst than a man who comes here for the express purpose of agitating and creating trouble and trying to overthrow the Government of the country. The people for whom sympathy has been expressed this afternoon are described in the Act: how are they described? They are described as "advocates of assassination." Are they people to whom our sympathy should go out this afternoon? Should we extend our sympathy to any one "who advocates the assassination of any official of any of the said Governments, or of any foreign Governments, or who in Canada defends or suggests the unlawful destruction of property?" Are these the kind of people to whom we should extend our sympathy? People who come here to burn down and to destroy what our citizens have for many years been trying to build up? Such a thing does not appeal to me, honourable gentlemen. Should we extend the right hand of sympathy to any man "who, without lawful authority assumes any powers of government in Canada or in part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm or by blackmail?" or things of that kind to obtain action and a position in this country that he is unable to obtain by legitimate means? One honourable gentleman has said: "Why, if you do not pass this legislation, you will give these people, these agitators, these men who are attempting and advocating the destruction of property and the assassination of officials, a grievance." Just think of it: you will give them a grievance. A murderer might just as well say that you give him a grievance by putting a section in the Criminal Code providing that if he commits murder he must be hanged. Such arguments do not appeal to me in the slightest degree. The legislation of last year was passed in good faith as a matter of urgency and emergency, and to my mind there is no reason in the world why it should be suddenly repealed and cut off at the present time. Personally I am opposed to both sections of the Bill which is now before us, and under the circumstances I feel obliged

to vote for the amendment of the honourable gentleman from Hamilton.

Hon. L. G. POWER: Honourable gentlemen, I had not proposed to say anything in connection with this measure, and I do not know that I should now, only that the leader of the Opposition has expressed a view on the subject in which I do not feel able to concur. I agree with the leader of the Opposition in feeling that perhaps this legislation might have come to us in a better form; but, after all, honourable gentlemen, the House is not altogether responsible for the form. The Government and their officers and the Parliamentary Counsel are responsible for the form; and even though the form does not quite suit us I do not think the fact that we do not fully approve of the form is sufficient reason for voting against the measure.

The honourable gentleman from Selkirk (Hon. Mr. Bradbury) spoke of the haste with which the measure was put through the two Houses in the first session of last year. When the honourable gentleman gave us that piece of information, I thought that he was really putting into the hands of the minister about the strongest argument that he could. It is a well known maxim in law that hasty legislation is as a rule bad legislation; and no legislation could have been much more hasty than that of which the honourable gentleman from Selkirk spoke. This is supposed to be peculiarly a deliberative body —supposed to be, on the whole, the coolest, and I think I might almost add, the most level-headed legislative body in the country; and to say that they would pass a measure of this sort in seven minutes goes to show that the Senate were just a little bit rattled, to use a slang expression. The Government may have been suffering last year from a condition like that of Philip who had been a little bit drunk and who now feels sober and appeals to Parliament to help him out of his trouble.

Hon Mr. BRADBURY: If I remember rightly, the honourable gentleman was in his place last year when that legislation was passed.

Hon Mr. POWER: I do not remember whether I was or not; but it does not follow, if I overlooked my duty on that occasion, that I should do the same thing now.

What is the proposal, honourable gentlemen? I mean what does the law as it stands to-day--and as the honourable gentleman from Selkirk wishes it to stand—what does that do? It practically places the liberties of a very large proportion of our people in the hands of any government understrapper who may be actuated by vindictiveness or some other unworthy motive. That is not a satisfactory condition of things. The references that have been made to cases of murder, etc., are to my mind quite beside the question. As some honourable gentleman said, one would not advocate lynch law in the case of murder, and I do not think that these subordinate officers, who are not always the most high-toned people in the world, should be allowed a chance to interfere so seriously with the welfare of men who perhaps may be infinitely better than themselves. We should, I think, bear this in mind: I do not remember now who expressed the maxim, but it was substantially that it is better that ten guilty men should escape than that one innocent man should be found guilty. And I do not think that there is much danger of many guilty men escaping.

Then, some honourable gentleman spoke of men coming from abroad. But this measure does not apply to men coming from abroad; it applies to citizens of Canada. If the honourable gentleman from Selkirk, or any other honourable gentleman, can devise some legislation which will shut out the objectionable people from abroad, I shall be glad to support it. But unfortunately, as far as my limited judgment goes, I feel bound now to vote against the amendment and in favour of the Bill.

Hon. W. H. BENNETT: Honourable gentlemen, I have listened to the debate with much interest, and propose to vote for the Bill introduced by the honourable the Minister of Labour. I am at a loss to understand some of the arguments that have been adduced here to-day. In the first place, it has been argued that there is enormous expense in having to institute criminal prosecutions. I do not know of any country in which there is not expended annually an enormous sum for criminal prosecutions. Take the province of Ontario, in which there have been some big criminal trials, like the Hyams case and the case at Woodstock some years ago. The country spent a great deal of money in both of those murder cases in order to secure convictions, and everybody will agree that it was money well spent. That being the case, if any person shows a disposition to contravene any section of the Act, he can

be prosecuted, even if the prosecution does cost the country a good deal of money. I suppose the effect of enforcing the law and prosecuting is to deter others as well as to punish the accused. For that reason it is to be hoped that if any prosecutions do take place under the Immigration Act or under any section of the Criminal Code, they will have a deterrent effect on other persons. One would imagine from the remarks of some honourable gentlemen that there was not a decent labouring man in Canada; that from one end of Canada to the other there was a seething mass of men who were out to murder and burn down houses and commit all sorts of crimes.

Some Hon. SENATORS: No, no.

Hon. Mr. BRADBURY: There has not been a word said to that effect.

Hon. Mr. BENNETT: My honourable friend from St. John (Hon. Mr. Daniel) was reading a list of horrible crimes for which men would be deported.

Hon. Mr. DANIEL: Those are the men you are speaking in favour of.

Hon. Mr. BENNETT: When my honourable friends can prove that men have been doing that sort of thing, then it will be high time to threaten other people with the dangers of it. Now, were there any charges in Winnipeg?

Hon. Mr. SHARPE: They have to do those things before they can be deported.

Hon. Mr. BENNETT: Were there charges of murder or anything of that sort—

Hon. Mr. SHARPE: Yes, there was murder in Winnipeg.

Hon. Mr. BENNETT: —against Dixon or any of those other men?

Hon. Mr. SHARPE: I say there was murder.

Hon. Mr. BENNETT: Was there a charge of murder laid? It is true that in Winnipeg there was a terrible state of affairs; there is no question about that. But there was no other city in Canada where the Government intervened and prosecutions resulted.

Hon. Mr. McMEANS: Suppose they had succeeded in Winnipeg, what would have taken place in other cities in Canada?

Hon. Mr. BENNETT: I admire the Government's action. It was the Government, not the city of Winnipeg—

Hon. Mr. McMEANS: Will the honourable gentleman excuse me when I tell him that the city of Winnipeg asked the Dominion Government to keep away from Winnipeg and they would settle the matter themselves. And they did settle it: the Committee of One Thousand Citizens of the city of Winnipeg settled that strike.

Hon. Mr. BENNETT: All honour to whom honour is due, and if the honourable gentleman wants to throw so much discredit on the Minister of Labour—

Hon. Mr. McMEANS: No.

Hon. Mr. BENNETT: Wait a moment. The minister was there—

Hon. Mr. McMEANS: Will the honourable gentleman excuse me? He must not put into my mouth words that I did not say. I said not one word in disrespect of the Minister of Labour, for whom I have the highest regard, and it ill becomes the honourable gentleman to make that statement.

Hon. Mr. BENNETT: If the honourable gentleman will refer to Hansard he will find his words there—that the Committee of One Thousand or One Hundred asked the Dominion Government to keep out of the matter. These were his own words. Surely the Minister of Labour is a member of the Government.

Hon. Mr. McMEANS: They settled it: they took charge of all public utilities. How did the Government do it?

Hon. Mr. BENNETT: If the honourable gentleman still sticks to his former statement, that the Committee of One Hundred, or One Thousand, asked the Dominion Government to keep out of it, all right.

Hon. Mr. McMEANS: When the honourable gentleman does not know the difference between the Committee of One Hundred and the Committee of One Thousand, he knows very little of what took place in Winnipeg.

Hon. Mr. BENNETT: The honourable gentleman will find in Hansard, when he refers to it, that he made that statement—that this Committee invited the Government to keep out of it and they would settle it themselves.

Hon. Mr. SHARPE: That is no disrespect to the Minister of Labour.

Hon. Mr. McMEANS: Not the slightest.

Hon. Mr. BENNETT: I am bound to say that the Minister of Labour was not invited

by your Committee to come back. He was there throughout the proceedings.

In the next place, I think it is only a fair principle of ordinary British law that a man is entitled to see his accuser face to face. Yet we are told by the Minister that under the deportation arrangements that have been made during the past year a man did not even know who was making the accusation against him.

Hon. Mr. BRADBURY: I do not think the Minister would seriously make that statement.

Hon. Mr. BENNETT: In proceedings of that nature the man accused may not even know who is making the accusation. There may be a charge preferred against him, and the next night he may be hurried out of the country. Some persons contend that lawyers do not know anything at all about law. Well, some lawyers may and some other lawyers may not. I know one thing, however, that there have been many miscarriages of justice; there is no question about that. Let me give you an instance. When Sir Charles Fitzpatrick was Minister of Justice of Canada a man was convicted at Owen Sound on a charge of rape and was sentenced to a term of 15 years in the Kingston penitentiary. He was released the next year because the woman who had made the charge of rape and had given the evidence against him gave birth to a mulatto child. The man was released, but had it not been for that incident he might be in the penitentiary to-day serving a 15-year term. I know there are many cases of miscarriage of justice, and one can readily understand that in this country, where there are so many fire-eaters. There may be fire-eaters outside this Chamber too. Let us assume that a foreigner has a choice location of land in the Canadian Northwest, and a charge is preferred against him by someone who wants him to be driven out of the country, while the time has not lapsed in which he can prove up on the property. What is the result? The result is simply this. The charge may be preferred against him behind his back, and he never has the opportunity of meeting his accuser face to face. He is dispossessed of his land and is hurried out of the country. Yet in Canada we are to-day saying that we need population to come into the country.

My honourable friends from Winnipeg seem to resent that I should dare to say anything at all in opposition to it. Let me tell them what is going on in Winnipeg to-day.

Hon. Mr. BENNETT.

Hon. Mr. McMEANS: You do not know anything about what is going on there.

Hon. Mr. BENNETT: Well, I will tell you what is going on, according to a despatch appearing in the newspapers to-day.

Hon. Mr. BRADBURY: They nominated all the blackguards.

Hon. Mr. BENNETT: I will ask my honourable friend not to forget that he has made use of that term, "all the blackguards."

Winnipeg, May 27.—F. J. Dixon, M.L.A., Rev. William Ivens (convicted strike leader), F. G. Tipping and W. A. James will be the Dominion Labor party's candidates at the provincial elections. They were nominated at a meeting of the party in the labor temple Tuesday night as the result of a ballot by mail of the membership, marked according to the proportional representation system of voting, and the four were chosen from a slate of nine.

While the party originally intended to run six candidates, the meeting before the count was proceeded with, decided to cut the number down to four. This reduction was made in consequence of a tacit understanding with other labor organizations regarding labor candidates for the Winnipeg seats.

These men did not nominate themselves. They were nominated by the Labour party.

Hon. Mr. BRADBURY: Tell us who they are.

Hon. Mr. BENNETT (reading):

It is expected the other labor nominees for the ten city seats will be as follows:

Socialist party—Four: R. B. Russell, W. A. Pritchard, R. A. Johns, and George Armstrong (all convicted strike leaders).

Ex-soldiers' and ex-sailors' Labor party—

Hon. Mr. GIRROIR: Let me ask the honourable gentleman a question. I notice he has mentioned Mr. Ivens. What was he convicted of?

Hon. Mr. BENNETT: I cannot give the particular count of the indictment, but he was convicted.

Hon. Mr. GIRROIR: Sedition.

Hon. Mr. BENNETT (reading):

Ex-soldiers' and ex-sailors' Labor party—President Cartwright or Ald. John Blumberg.

Social democrats—Ald. John Queen (convicted strike leader).

Including Mr. Dixon, who was charged with seditious libel and acquitted, seven of the candidates who are named, are men who figured in the prosecutions that followed the strike of last summer.

This Labour convention selected those very men who were accused, and some of whom were convicted. They have agreed

on the number to be selected—agreed to cut down the number to four. And the agreement is an arrangement with other labour organizations in the city. Now, we had a great war. My honourable friend from Selkirk (Hon. Mr. Bradbury), my honourable friend from Winnipeg (Hon. Mr. McMeans) and my honourable friend from Manitou (Hon. Mr. Sharpe) were all gallant colonels of battalions that went overseas. Are they going to tell me that they did not have among the battalions thousands of good labour men?

Hon. Mr. BRADBURY: Good, honest men—yes.

Hon. Mr. BENNETT: And these honourable gentlemen kissed the tips of their fingers to those labour men and bade them good-bye, and hoped they would come back safe.

Hon. Mr. BRADBURY: That is a contemptible statement to make. It was made in that spirit—

Hon. Mr. BENNETT: I would have wished good luck to the men who had gone.

Hon. Mr. McMEANS: It is about all you would do, I think.

Hon. Mr. BENNETT: I want to say that when the labour men nominate these candidates there must be a feeling in Winnipeg even for these men. They have made amends by their conviction and by the punishment which followed their conviction, which I think was well deserved. I think they were properly dealt with and had fair trials.

I do maintain that there should be in Canada henceforth at least a chance for any man to meet his accuser face to face when any charge is preferred against him. For that reason I propose to vote for the Bill introduced by the Minister of Labour. I am paired for the occasion with an honourable member who has left the House, but if he returns I shall vote for the Bill. When there is in this country a little less flag-waving, when there is less of this war talk, it will probably be better for the material interests of the country; and if this country is to be built up, it will be built up by the workingmen of Canada to a great extent; and when I observe conventions in the city of Winnipeg select those men as candidates, I cannot believe that the labouring men of Winnipeg do not know where they stand. They would not select those candidates simply to be beaten. They are not going to be candidates for the Senate, but for places where they will meet the voters. I say in all sincerity that I believe the minister's Bill is in the right direction. If there are wrong-doers they can be prosecuted under certain clauses of the Criminal Code.

My honourable friend the leader of the Opposition (Hon. Mr. Bostock) objected to the line being drawn at five years, because a man might be prosecuted who had not been five years in the country. There is no special reason for fixing at 21 years of age instead of 20 the age qualification of the voter, because he has fully as much sense at 20 as at 21; but there must be some limit fixed by law. In this case I assume that the idea is that when a man has been in the country five years, that man—

Hon. Mr. BELCOURT: He has acquired a right.

Hon. Mr. BENNETT: Yes, he has acquired a right; and not only that, but, having been in the country for that length of time, he has a better idea of the institutions of the country and will be more in love with it; for I think all men who come to this country should be in love with the country's institutions.

Now, I am very sorry if any of these honourable gentlemen should be disturbed because after they have risen en masse to give their opinion anybody should dare to differ with them. But I want to tell these gentlemen from Winnipeg that if they go up there—

Hon. Mr. McMEANS: Does the honourable gentleman refer to me when he speaks of the gentlemen from Winnipeg? There is only one man here from Winnipeg.

Hon. Mr. BENNETT: The honourable gentleman from Winnipeg and the honourable gentleman from Selkirk.

Hon. Mr. McMEANS: Then put it that way.

Hon. Mr. BENNETT: I would advise them strongly—

Hon. Mr. McMEANS: I would like to know if I am the special object of your references, that is all?

Hon. Mr. BENNETT: My honourable friends—I will say honourable and gallant gentlemen, too.

Hon. Mr. McMEANS: Yes, that is better.

Hon. Mr. BENNETT: Then nothing will be missed from the military standpoint.

Hon. Mr. McMEANS: I wish I could say the same for you.

Hon. Mr. SHARPE: You are too careful of the dollars you have. You would not spend the money.

Hon. Mr. McMEANS: I do not know of any gentleman who has sneered more at men who went into the military and endeavoured to do something for the country than the honourable gentleman has done.

Hon. Mr. POWER: One at a time, please.

The Hon. the SPEAKER: I would ask that the honourable gentleman who has the floor be allowed to proceed without interruption.

Hon. Mr. SHARPE. Should we sit here and be insulted by a man like this? I do not think we should. I raised a battalion and took it overseas, and did my best, and spent thousands of dollars of my money; and I am not going to be insulted by a man like this. I do not care who he is, I will not stand for it.

Hon. Mr. McMEANS: I desire to reiterate what the honourable gentleman has just said. I too have lost of my substance and of my blood in this war; I too went out and did my best to raise men; and this honourable gentleman has no right to get up and sneer at men who have done that.

Hon. Mr. BRADBURY: I occupy the same position. I raised my battalion and spent thousands of dollars. There is not one of the so-called political colonels who has not spent from $10,000 to $15,000 to raise a battalion. They have gone overseas and risked their lives, only to be sneered at by a gentleman who has done nothing.

Hon. Mr. BENNETT: Since the honourable gentlemen have got over their self-congratulation and adulation, I am satisfied that they should take all the honour that they can get out of it.

Hon. Mr. McMEANS: They will not get much from you.

Hon. Mr. BENNETT: If they feel that they have done more than their share, very well.

Hon. Mr. BRADBURY: We have not done more than our share. We have not done enough.

Hon. Mr. BENNETT: Now, to come back to where we were. I want to say to the honourable gentlman from Winnipeg and the honourable gentleman from Selkirk that there will be an opportunity afforded of proving whether I am right or wrong. I understand that in the provincial elections in Manitoba these men will be brought out by the labouring classes of the city of Winnipeg as candidates, and my honourable friends will have full rights on the platform, and I hope they will give them a merry fight. We will see the results. But, as I think the time has gone by to hold the club over these men, I propose to vote for the Bill as it stands.

Hon. WM. PROUDFOOT: Honourable gentlemen, I did not intend to say anything on this question; but, as I intend to vote for the amendment of the honourable gentleman from Hamilton, perhaps it is right that I should give my reasons for so doing. I am sorry that this debate has brought forth so much ill-feeling, and that we had to listen to the statements made a few moments ago. I do not think it is quite becoming to the dignity of the Senate that matters of this kind should be aired in that way. I am sorry that such a thing should take place, and I am also sorry that the Minister of Labour saw fit to introduce this Bill. I do not think it is wise to bring it forward at the present time. I think it is brought forward, not in the interest of the people of Canada as a whole, but in the interest of certain agitators who have made it their business—

Hon. Mr. ROBERTSON: Honourable gentlemen, I want to assure this House, and I think this House knows, in view of what I had to do last year to maintain order and peace in this country, perhaps in the face of my own better judgment and convictions from a labour standpoint; that what I did was done because the interests and the safety of the State required it when Canada was in danger; and now I will not stand idly by and have an honourable gentleman suggest that I am bringing in this legislation in the interest of any class of agitators. I want further to point out that different honourable gentlemen this afternoon have classed labour men generally with the men who have been guilty of sedition in this country. It is most unfortunate and most unfair, and such a suggestion will be repudiated by all honest labour men throughout the country. I beg honourable gentlemen's pardon for having taken up the time of the House.

Hon. Mr. PROUDFOOT: I had no intention of attributing to the Minister of Labour any such motive in bringing forward the Bill. What I meant was that the agitation in certain quarters had induced the Govern-

ment to bring forward the Bill at the present time. If it were not for the agitation the Government would be satisfied to let the legislation stand as it is. I have no desire to say a word against the labourites. It is not the main body of labour who are the cause of the trouble in this country; the trouble is caused by the agitators, the very men who should come under this Act, the very men that you had in view when the legislation was brought into existence in June, 1919. I was not personally present when the Bill was brought into the House, and I was somewhat surprised to find that the Bill had been rushed through in a very few minutes, as appears to have been the case. It was a very important Bill. I do not believe that any man, no matter how high he may stand in the Government—whether he is the Minister of Labour, the Minister of Immigration, or the Prime Minister himself—should be given the right to dispose of a man's liberty without a trial; and that is what is done when a man is deported from the country without a trial. I say that is unfair and that no man should be given that power.

What facts are we confronted with at the present time? The Government saw fit to place this Act on the statute book in 1919, and it was placed on the statute book for a very good reason. Then we had the trouble in Winnipeg, on account of which certain men were tried and found guilty of sedition and other crimes against the commonwealth —men who, if they had had their way, would have done what, so far as the people of Canada generally and the people of Winnipeg particularly are concerned? They would not only have taken possession of the country, but would have been trying to govern it at the present time. Why should the Government now seek to change that law? I am going to vote for the amendment, because, if we pass the Bill, what is going to be the result? We will be saying to these men in Winnipeg, to these men in prison: "Come out from prison; we cannot do anything with you." We are going to say to agitators all over the Dominion of Canada—and they are not all confined to Winnipeg, unfortunately—that the Government has thrown up its hands, that it is not going to be able to control the situation as it did, and that admission is going to encourage these men. That is what I object to mainly in the present Bill. Why should we take such a course? Why should we not say: "We are going to let the law remain as it is until the affairs of the country are quieted; until this agitation has ceased to exist." That is the course I think the Government should take. I think that if the Government were well advised they would withdraw the Bill. As the leader of the Opposition has said, the Bill does not deal with the situation; it only deals with a very small fraction of it; and if we pass it the men whom we are trying to prevent agitating in this country will say: "The Government has withdrawn their efficient piece of legislation, and we can do as we like." There are only one or two things that I want. I want to see the amendment carried, and I want to see the Minister of Immigration have backbone enough to deport those men when they are released from the penitentiary at Stony Mountain.

Hon. RAOUL DANDURAND: Honourable gentlemen, I do not intend to give a silent vote on this question, but I shall be as brief as I can in giving my reasons for voting for the Bill and against the amendment. What does the Bill say? It says:

> Section forty-one of the Immigration Act, as the said section is enacted by section one of chapter twenty-six of the Statutes of 1919—

which declares the conditions under which people may be deported—

> —is hereby amended by striking out the proviso at the end thereof and substituting therefor the following:
>
> Provided that this section shall not apply to any person who is a Canadian citizen.

That is, if this Bill is passed, no one who is a Canadian citizen will be deported under the Act. Now, what is a Canadian citizen? A Canadian citizen is described under three heads: First, "a person born in Canada who has not become an alien;" second, "a British subject who has Canadian domicile" —that is, who has been five years in this country; third, "a person naturalized under the laws of Canada, who has not subsequently become an alien or lost his Canadian domicile." The Act of last year excepts from deportation a person who is a British subject either by reason of birth in Canada, or by reason of naturalization in Canada. Honourable gentlemen will see that the exception covers a Canadian citizen born in Canada, and a person who, under the naturalization laws of Canada, has become a Canadian citizen; but it does not cover a British subject who has Canadian domicile. I confess that I am very much surprised at the stand taken by a number of my honourable friends in this Chamber who oppose this amendment to the Act which will comprise as a Canadian citizen a person of British birth. You are excepting from deportation Canadians born

and aliens who have become naturalized, no matter from where they may have come; but you say to the British-born, who come here from the Mother Country—from England, Scotland, or Ireland—that, although they have acquired Canadian citizenship by five years' residence in Canada, they shall not be treated as Canadian citizens, but may be deported as aliens.

Hon. Mr. POIRIER: A Canadian may be deported as well.

Hon. Mr. DANDURAND: No, a Canadian-born cannot be deported. An alien who comes from any quarter of the globe but Britain, and who has his naturalization papers, is a Canadian, and is free from deportation under the Act; but a Britisher born, a man of your own blood, who has been five years in the country and has acquired Canadian citizenship, who is as much a citizen as the alien who has not British blood in his veins, will be subject to deportation and treated as a stranger. I well remember the slip of the tongue of Sir Wilfrid Laurier in 1904—if I am not mistaken as to the date—when, in discussing the case of Lord Dundonald, he spoke of him as a foreigner instead of as a stranger. I remember the wind that was raised from the Atlantic to the Pacific because a scion of England had been called a foreigner. You are declaring that a man who comes from England, Scotland, or Ireland, and who has been five years in this country, and has acquired Canadian citizenship, is still an alien and a foreigner, and can be deported without a trial.

Hon. Mr. DANIEL: Only if he does certain things.

Hon. Mr. DANDURAND: Yes, only if that Britisher,

> by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, etc.

After five years, a person of British birth who has acquired Canadian citizenship may be deported on the report of one or two employees of the Immigration Department, if by common repute he belongs to or is suspected of belonging to any such organization. If you think that is a brotherly or a proper Imperialistic view to take of the Englishman, you are welcome to that view.

I am ready to accept the amendment as proposed in the Bill, because it puts all men who have acquired Canadian citizenship on an equal plane, no matter from where they may come—even if they are from London or Liverpool. I do not say that the Act, framed as it is, has my approbation. It did not have my approbation when it was moved by the honourable gentleman from Selkirk (Hon. Mr. Bradbury) as an amendment to the Immigration Act. This special Act was passed in my absence. Had I been here I would have renewed my objections to the form of the clause of which I have just read a part. But the present Bill is, I think, a fair one. Although my honourable friend to my left (Hon. Mr. Bostock) will vote against it because in his opinion it does not go far enough, I shall accept it as far as it goes, because it puts all Canadian citizens on the same plane. It is not a question of sympathy; a Canadian-born or a naturalized alien can be as bad as a man who has come from the British Isles and is called a "Red," and we must bear with him, and can only cope with his misdoings by the application of the criminal law; and we shall do likewise in the case of the British-born who has been here five years and has acquired Canadian citizenship, as we do in the case of aliens who obtain naturalization papers.

Hon. GEORGE GORDON: Honourable gentlemen, I have listened with an open mind to the discussion on this Bill and have been sincerely endeavoring to place myself on record as doing that which is in the best interests of our country. I am sorry that the discussion this afternoon has led to some little differences of opinion, because I am sure we all wish to be placed upon the plane of having considered every question coming before us in an impartial manner and without allowing our temper to interfere in any way.

In the first place, I would like to correct an impression which seems to have been made upon the minds of some honourable gentlemen that other honourable gentlemen have this afternoon said things reflecting upon labour of any description in this country. I did not hear anything of that sort, and did not understand that any such remarks were made, and I think that on calm reflection it will be concluded that nothing of that nature was said.

I would be opposed to this Bill if it were simply, as some honourable members seem to think it is, a proposal to take away from the Minister of Immigration the right to

deport, and if it did not leave in the hands of the authorities a weapon with which to deal with agitators. We must not think that deportaion is the worst thing that could befall an agitator. Sometimes you are sending an agitator over to the neighboring country from which he came, and where he may still breed sedition of all kinds. It appears to me it is much better to do as the Criminal Code has always allowed and will always allow the authorities to do, that is, to put him into prison here after he has had a trial by his peers. I think that the principle of ordering deportation or any other punishment without a trial is wrong, and I am glad, therefore, to be able to concur in the principle involved in this Bill.

I think that the effect of this proposed legislation will be good. It will not help to allay unrest of the agitators, but none of us care about that. We want to allay the unrest among right-thinking men. As far as the agitator is concerned, there is not a man in this House who does want to get rid of him as expeditiously as possible. If I thought for a moment that this Bill would allow the agitator to escape I would be absolutely opposed to it; but, as I have already mentioned, I think the Criminal Code will take care of him properly.

Hon. Mr. ROBERTSON: Honourable gentlemen, I will not take up much time, but there are two or three questions that have been raised—

Hon. Mr. CROSBY: Mr. Speaker and honourable gentlemen, do I understand that the Minister is now closing this debate?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. CROSBY: I must have an opportunity of speaking on this question. I do not intend to give a silent vote. I move the adjournment of the debate.

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

DIRECTOR OF COAL OPERATIONS BILL.

SECOND READING.

Hon. Mr. ROBERTSON moved the second reading of Bill O3, an Act respecting the Director of Coal Operations.

He said: Honourable gentlemen, this Bill was discussed at some length the other day, and I think the honourable gentleman from Ottawa (Hon. Mr. Belcourt) requested some information as to whether or not the Department of Justice considered it in order that it should be passed. For the honourable gentleman's information I desire to state that both the Minister of Justice and the Deputy Minister have personal knowledge of the Bill and have passed upon it. I have a memorandum from the Department of Justice endorsing it.

Hon. Mr. BELCOURT: Would my honourable friend read it?

Hon. Mr. ROBERTSON: I have not the memorandum with me, but I can get it for the honourable gentleman.

As outlined the other day, the purpose of the Bill is to enable the Government to continue the control and guidance of coal operations in what is known as District 18, comprising the province of Alberta and the southern portion of British Columbia, for a period of one year or such shorter time as in the opinion of the Governor in Council is desirable. It is needless for me to enter into the details again.

Hon. Mr. PROUDFOOT: I would like to ask the minister exactly what is meant by the Orders in Council that are dealt with. The Bill as it stands refers to many Orders in Council. Some of them apparently are to remain in force. I have no knowledge of what they are.

Hon. Mr. ROBERTSON: The Orders in Council referred to are noted in clause 1 of this Bill. Under the War Measures Act the Government, by Orders in Council P.C. 1725, P.C. 1896, P.C. 3224 and P.C. 426, created a Director of Coal Operations and clothed him with certain authority. By Order in Council passed a few months ago, these and certain other special orders were to continue in force during the present Session of Parliament, and they would automatically become extinct at the end of this session unless continued by legislation. It is deemed desirable by the Dominion Government, by the representative of the Alberta Government with whom I have discussed it, by the Coal Operators' Association, with whom I have had verbal, telegraphic, and written communications, and by special representatives of the United Mine Workers, who are representing the men affected, and with whom I have communicated by telegram and by letter, that the co-operation now existing amongst the Government, the coal operators and the United Mine Workers should be continued for the purpose of stabilizing, maintaining, and insuring the production of coal in that area until all danger of any repetition of the difficulties which we have had in the past has disappeared. This Bill proposes

that the Director of Coal Operations shall continue to exercise the powers with which he was vested under those Orders in Council, and that the orders which are enumerated in the schedule at the foot of the Bill, and which have been issued by him, shall be validated and continue in force, until cancelled by him, for a further period. It is purely for the purpose of carrying on the control, which has proved successful, until it appears to be no longer necessary. There is absolute unanimity on the part of all parties interested as to the desirability of this legislation.

Hon. Mr. BELCOURT: It is quite evident that my honourable friend who has just asked a question (Hon. Mr. Proudfoot) and probably other honourable gentlemen in the House are not aware of what matters are dealt with, and in what manner they are dealt with, in these Orders in Council; and the answer which my honourable friend the Minister of Labour has just given is more remarkable for the information it does not contain than for the information it contains. What my honourable friend (Hon. Mr. Proudfoot) evidently desires to know is what are the subjects dealt with in those Orders in Council. They are mainly questions of the hours and the wages of the men employed in the mines. These are the main subjects.

Hon. Mr. ROBERTSON: No.

Hon. Mr. BELCOURT: Oh, yes. I have read them. They deal mainly with the hours and wages of men employed in those mines, the conduct of the operations, etc.

I took the ground the other day that before the Bill passed the second reading we should have the opinion of the Department of Justice. Notwithstanding the respect which I have for the Justice Department, I maintain that we have no right whatever to deal with this matter here. This Bill is wholly unconstitutional, because it deals with a subject which falls exclusively within provincial jurisdiction, namely, property and civil rights. If hours of labour and wages of labourers are not matters of provincial jurisdiction, coming under the head of property and civil rights. I do not know what could come under that head. I repeat, I have the greatest possible respect for the Department of Justice, but I am quite clear in my own mind, from my own experience, that this Parliament has no right to deal with hours of labour and wages of employees.

Hon. Mr. DANDURAND: The honourable gentleman (Hon. Mr. Robertson) could perhaps, when we go into committee, lay upon the table, or place at our disposal the opinion which he has obtained from the Minister of Justice on this matter, and also the series of Orders in Council, in order that we might scan them.

Hon. Mr. ROBERTSON: The Orders in Council were laid upon the Table, at the request of the leader of the Opposition, some days ago. I shall be glad to lay upon the Table the orders issued by the Coal Director, the numbers of which appear in the schedule referred to in the Bill.

It is perhaps out of order for me to reply to the observations of the honourable member from Ottawa regarding the constitutionality of the Bill, but surely, inasmuch as the Federal Parliament have dealt with hours, wages, etc., in coal mines, by the Industrial Disputes Investigation Act, which has been in force for the past thirteen years, without any exception having been taken by the provinces, coal mining must be considered as coming within Federal jurisdiction, especially when these properties are Federal natural resources and are still in the hands and ownership of the Federal Government to a great extent.

Hon. Mr. BELCOURT: My honourable friend told me the other day, in answer to my question, that these Orders in Council or regulations did not apply exclusively to lands owned by the Crown, but applied to all mining properties in the West; so this distinction is quite in conflict with the statement he made the other day.

Hon. Mr. ROBERTSON: Not at all; for the reason that I have just stated. The properties are largely owned by the Government; that is, they are Federal natural resources. That is what I stated the other day.

Hon. Mr. BELCOURT: If my honourable friend had stated that these Orders in Council and regulations were confined to Crown coal lands, I would not have raised the question of constitutionality.

Hon. Mr. ROBERTSON: It would not alter the situation.

Hon. Mr. BELCOURT: He told us that the Orders in Council applied to all mining lands, whether owned by the Crown or by individuals. That is why I raised the point that, notwithstanding his opinion and that of the Department of Justice, we had no right to deal with such matters here.

Hon. Mr. POWER: Do I understand the minister to promise that he will lay

the Orders in Council and also the communication from the Minister of Justice before the House when it goes into Committee on this Bill?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. POWER: And then there would not be any objection to discussing the constitutional question, although, strictly speaking, that should be discussed at the second reading.

Hon. Mr. ROBERTSON: No objection on my part.

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

EXCHEQUER COURT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 108, an Act to amend the Exchequer Court Act.

He said: Honourable gentlemen, last Session we amended the Judges Act, making provision for the salaries of a president and two puisne judges of the Exchequer Court. This apparently was in contemplation of some constitutional changes taking place in that court. Why it was done it is difficult to say at the moment, because the Government apparently had not determined upon making the changes which the draftsman of the Bill perhaps assumed would be made. I need not point out that this is not in conformity with the Exchequer Court Act, which simply makes provision for a judge and for an assistant judge. The object of this Bill is to bring it into conformity with the legislation of last session, to a limited extent, contemplating of course an amendment being made in that Act to meet the changes which we shall make by the Bill now before us.

This Bill provides that the Exchequer Court shall be presided over by a president and a puisne judge instead of by a judge and an assistant judge. It also gives authority to the Government to appoint a deputy judge. This is very desirable in the event of their being a congestion of business in the Exchequer Court necessitating further assistance.

Hon. Mr. BOSTOCK: How is the deputy judge appointed?

Hon. Sir JAMES LOUGHEED: The deputy judge will be appointed by the Governor in Council. It further gives authority to the Government to enlarge the jurisdiction or the powers of the Registrar of the Court. With these changes we shall, I think, improve upon the constitution of the Exchequer Court and to some extent bring it into conformity with the legislation of last year.

Hon. Mr. PROUDFOOT: I notice that under clause 13 a registrar is to be appointed. I understood that there was already a registrar of the court.

Hon. Sir JAMES LOUGHEED: Yes. This simply amends the section of the Act under which the registrar is appointed.

Hon. Mr. BELCOURT: Is it the intention to appoint a third judge now?

Hon. Sir JAMES LOUGHEED: No. No provision is being made for the appointment of a third judge. Provision is being made for the appointment of a deputy judge under certain conditions. The judge of the Exchequer Court becomes the president of the court, and the assistant judge becomes a puisne judge.

Hon. Mr. PROUDFOOT: A puisne judge has been appoined?

Hon. Sir JAMES LOUGHEED: The assistent judge will become the puisne judge.

Hon. Mr. PROUDFOOT: He has not yet been appointed?

Hon. Sir JAMES LOUGHEED: Yes; but not as puisne judge. That appointment will be made in pursuance of this legislation.

Hon. Mr. BELCOURT: The object of the Bill is merely to give the title of puisne judge to the assistant judge?

Hon. Sir JAMES LOUGHEED: Yes, and to give authority to the Governor in Council to appoint a deputy judge.

Hon. Mr. DANDURAND: I observe that the deputy judge is to have "the qualifications for appointment hereinbefore mentioned." I suppose this refers to the qualifications for puisne judge?

Hon. Sir JAMES LOUGHEED: Yes, already in the Act.

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

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

THE SENATE.

Friday, May 28, 1920.

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

Prayers and routine proceedings.

NAVIGABILITY OF THE SASKATCHEWAN RIVER.

MOTION FOR RETURN.

Hon. Mr. BRADBURY moved:

That an Order of the Senate do issue for a return of all plans and reports made by the engineers of the Public Works Department in connection with a survey made of the Saskatchewan river, to determine the possibility of navigation from Lake Winnipeg to Edmonton.

The motion was agreed to.

PUBLICATION OF RETURNS IN HANSARD.

INQUIRY.

On the Orders of the Day:

Hon. Mr. PROUDFOOT: At this point there is a matter to which I should like to refer. I asked for certain information, and the return was brought down on the 26th. I find, however, that the part of the inquiry that I particularly desire has been left out. I do not know whose fault it is. The answer to question 8 refers to a schedule, but the schedule does not appear in Hansard. I was under the impression that in the case of an inquiry the information would appear in the printed report. Should not all the information that is brought down be published in Hansard?

Hon. Sir JAMES LOUGHEED: No, I do not think that is usually done.

Hon. Mr. PROUDFOOT: That is my point. How much of it should be published? I find in the next inquiry that a long schedule has been published in Hansard. It is for the purpose of finding out what should be published that I raise the question.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that discretion is given to the Editor of Hansard in matters of this kind, and it would be very unwise to take up space in Hansard to publish voluminous returns that are frequently published in blue-books. My honourable friend has the information on the Table of the House, has he not?

Hon. Sir JAMES LOUGHEED.

Hon. Mr. PROUDFOOT: I presume the information is there, but I thought it should be published in the printed report.

Hon. Sir JAMES LOUGHEED: It depends upon the volume of the information asked for.

DIVORCE BILLS.

SECOND READINGS.

Bill A 4, an Act for the relief of Albert Ernest Bulley.—Hon. Mr. Taylor.

Bill B 4, an Act for the relief of Beatrice Booth Gendron.—Hon. Mr. Proudfoot.

PRIVATE BILLS.

SECOND READINGS.

Hon. G. V. WHITE moved the second reading of Bill 52, an Act to incorporate the Western Canadian Union Corporation of Seventh Day Adventists.

Hon. Mr. BOSTOCK: I think the honourable member in charge of this Bill should give us some explanation as to the purpose of the Bill.

Hon. Mr. WHITE: Honourable gentlemen, this is an application for incorporation on the part of the Western Canada Union Conference of Seventh Day Adventists. The petitioners are officers and members of the Conference. The Western Canadian Union Conference is an unincorporated organization which administers the affairs of the Seventh Day Adventists' Church in Western Canada. The territory of the Conference includes the provinces of Manitoba, Saskatchewan, Alberta, British Columbia and that part of Ontario lying west of the 89th meridian. The Seventh Day Adventists' Churches in the provinces mentioned are represented in the Union Conference. The Union Conference desires incorporation for the purpose of administering the temporalities of the Conference, and such of its property as may with advantage be handled by a body having corporate existence. This action, namely, that of obtaining some sort of corporate existence is a very usual one on the part of religious associations, or local organizations of religious bodies, as it facilitates the handling of their property and their business activities generally. There are many such acts of incorporation in the statute books of this Parliament. An Act of the Parliament of the Dominion of Canada (6 and 7 Geo. V., Chapter 56, of 1916) which I have here, incorporated the Eastern Canadian Union Conference of Seventh Day Adventists. The present Bill, which is practically an adaptation of the Act referred to,

is designed to obtain the same advantages for the Western Conference. The present Bill is applied for with the written concurrence of the Eastern Canadian Union Conference.

Hon. Mr. CASGRAIN: Is it true that those Seventh Day Adventists work on Sunday? What about the Lord's Day Alliance? I understand the Seventh Day Adventists keep Saturday, the seventh day of the week.

Hon. Mr. DANDURAND: No. The honourable gentleman is all wrong. They work only one day in the week.

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

Hon. Mr. SHARPE moved the second reading of Bill 72, an Act to incorporate The North-West Route, Limited.

Hon. Mr. BOSTOCK: I think we ought to have some explanation of this Bill. A Bill similar to this was introduced into this House two or three years ago.

Hon. Mr. SHARPE: Last year.

Hon. Mr. BOSTOCK: If my memory serves me rightly, at that time the committee to whom it was referred did not agree to the Bill and it was thrown out. Perhaps the honourable gentleman who is in charge of the Bill can explain to us whether this is exactly the same as the last one?

Hon. Mr. SHARPE: Honourable gentlemen, I am satisfied that this is the same Bill as the one that was introduced into this House last year and was turned down by the committee. It has been introduced this year in the House of Commons and has passed the Railway Committee there, and also the House. Now it comes to us. It is a charter to improve the waterways and to build short pieces of railway from the Hudson bay into the Great Slave country. That is what it amounts to. While this Bill stands in my name, I feel quite free to say that I shall be ready to criticize it as strongly as I did last year if I think there is on it anything that should not be put through.

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

SUPREME COURT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 109, an Act to amend the Supreme Court Act.

He said: Honourable gentlemen, in a word, this Bill is for the purpose of bringing about simplification and uniformity in the jurisdiction of the Supreme Court, and preventing appeals being brought in matters of trifling importance, more particularly on the plea that the title of land or future rights are involved. Several sections of the Bill embody amendments and additions to the Act made from time to time to meet special cases as they have arisen. Honourable gentlemen will doubtless recall that for a number of years we have been adding amendment after amendment to the Acts respecting the Supreme Court, the Exchequer Court, and many of the other judicial tribunals of the country. It is desirable, therefore, to consolidate those amendments and to render them as compact as legislation can make them. Another purpose of the Bill is to prevent a class of appeals which to-day occupy a large part of the time of the Supreme Court. It is now proposed that an appeal shall not lie in any case unless the sum involved is $2,000 or over.

Hon. Mr. DANIEL: Does that refer to appeals to or appeals from the Supreme Court?

Hon. Sir JAMES LOUGHEED: Appeals to the Supreme Court. Protection is being given to litigants in matters which might not come within that class of case, by making provision for the Appellate Court or highest court of any particular province to give a right of appeal to the Supreme Court. That will be recognized in a certain class of case, which the Supreme Court hereafter may hear.

A great deal of judicial controversy has arisen on certain definitions, such, for instance, as the terms, "final judgment" and "judicial proceedings." There has been more or less diversity of opinion on those terms in the different provinces. One object of the Bill is to render uniform, so far as possible, the use and meaning of certain technical terms.

When we go into Committee I shall be very glad to explain in greater detail many of the amendments, which are largely of what might be termed a domestic or internal character, so far as the court itself is concerned. I think it sufficient to say that these amendments are being carried out at the instance of the Supreme Court itself, and we are greatly indebted to the judges of the court for the preparation of the legislation now before us.

Hon. Mr. PROUDFOOT: Honourable gentlemen, in new section 37 it is provided that "an appeal shall lie directly to the Supreme Court from any final judgment of a provincial court, whether of appellate or original jurisdiction." Is it intended by that that appeals may be taken directly from the trial judge, or must they be from the appellate division?

Hon. Sir JAMES LOUGHEED: I cannot answer my honourable friend's question, but I shall be prepared to do so when we go into Committee.

Hon. Mr. PROUDFOOT: There are a number of other points, but it would probably be better to leave them until we go into Committee.

Hon. Sir JAMES LOUGHEED: Yes. When we go into Committee I shall have all the information my honourable friend may desire.

Hon. Mr. PROUDFOOT: I notice that by section 39 appeals are to be limited to cases in which over $2,000 is involved? In Ontario there has always been an appeal in any case involving $1,000 or over, and it has been found to work very satisfactorily in our courts. This will deprive many persons of the right to appeal?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. PROUDFOOT: The fact that the judges of the Supreme Court desire these changes is, I think, one reason why we should scrutinize the Bill very closely. Possibly they want to save themselves considerable work. However, I will bring these matters up in Committee.

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

INDUSTRIAL DISPUTES INVESTIGATION BILL.

CONCURRENCE IN COMMONS AMENDMENTS.

The Senate proceed to the consideration of the amendments made by the House of Commons to Bill D, an Act to amend the Industrial Disputes Investigation Act, 1907.—Hon. Sir James Lougheed.

Hon. Sir JAMES LOUGHEED moved concurrence in the amendments.

Hon. Mr. BOSTOCK: Can my honourable friend give us an explanation as to the effect of those amendments? They are stated on page 250 of our Minutes, but without the Bill it is rather hard to tell exactly what is their effect.

Hon. Sir JAMES LOUGHEED: This Bill should have stood in the name of my honourable friend the Minister of Labour. It appears to have been put in my name.

Hon. Mr. ROBERTSON: In reply to the inquiry of the honourable leader of the Opposition, I may say that the proposed amendments as made by the House of Commons do not in any way alter the sense of the Bill as introduced and passed here. The word "duly," in two places, I think, has been taken out of the original Bill, which read, "duly authorized." Only the word "authorized" remains. I do not think it changes the sense of the sentence at all. By an amendment made in the other House, at page 1, in line 24, they strike out the words "members of the union" and insert "union members affected." That does not change or affect the meaning in any substantial way whatever. The other amendments are of no consequence and do not change the general meaning of the Bill. They are entirely acceptable so far as I am concerned.

The motion was agreed to.

BRITISH COLUMBIA INDIAN LANDS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said province.

He said: Honourable gentlemen, this Bill has appeared on the Order Paper for some weeks. It is desirable now to proceed with it.

Hon. Mr. DANDURAND: I beg the honourable gentleman's pardon. Did I not understand that this Bill was postponed from day to day in order to await the arrival of another Bill?

Hon. Sir JAMES LOUGHEED: Yes. The other Bill will probably be here by the time this receives its third reading. The other Bill is scarcely as germane to the present Bill as I had first thought. However, the two Bills are entirely independent of one another, notwithstanding the fact that both deal with Indian affairs.

In 1912 an Order in Council was issued in pursuance of an agreement that had been entered into between the Federal Government and the Government of British

Columbia, touching certain differences concerning Indian reserves in that province, and which rendered it desirable that there should be a settlement between both Governments in the interest of the Indians themselves. A Royal Commission was appointed by both Governments in 1913, and that Commission sat and took evidence until 1916, thoroughly investigating the whole of the Indian reserves in the province of British Columbia.

Hon. Mr. DANDURAND: It sat as a Joint Commission?

Hon. Sir JAMES LOUGHEED: A Joint Commission. There were a certain number of representatives selected by the British Columbia Government and a certain number of representatives appointed by the Federal Government, and they sat as a Joint Royal Commission. A report was made by that commission along the lines of the agreement which had been entered into, and in pursuance of which the commission was appointed. Probably the essential features of the report, more particularly those with which we have to do, have relation to the reduction of some reserves and the addition of other reserves. That is to say, it is proposed to reduce, by way of cut-off, certain reserves occupied by the Indians to the extent of some 47,000 acres; and the British Columbia Government, in view of this reduction, are conveying to the Crown, in the right of the Dominion Government, for the Indians some 87,000 acres.

Hon. Mr. BRADBURY: Has that conveyance been accepted by the Indians?

Hon. Sir JAMES LOUGHEED: It was proposed in the original agreement that before effect would be given to the cut-off of the different reserves the Indians of the respective reserves should surrender that particular cut-off; but it has been found that effect cannot be given to the report of the Royal Commission in that way. Consequently the British Columbia Government some time ago passed a Bill, almost in the same language as the Bill now before us, and it is proposed by the enabling legislation—that which has been secured from the British Columbia Legislature and that which it is proposed shall be secured from this Parliament—that effect shall be given to the report which was made by the Joint Royal Commission, except in the matter of securing the surrender by the Indians of the various cut-offs which have been made.

I need scarcely point out to honourable gentlemen that the interests of the Indians in the hands of the two Governments can be protected by the two Governments better than by any other means. The Indians upon those reserves would number, in round figures, I understand, about 20,000 scattered over the whole province of British Columbia. The reserves include nearly three-quarters of a million acres of land. The title of the land has been for a long time in dispute as between British Columbia and the Indians, and, I might say, as between the Federal Government and the Indians. There never was a formal cession of the Indian lands in the province of British Columbia after the province came into the Union. There was, as honourable gentlemen will recall, a time when there were two Crown colonies in what now constitutes British Columbia—one on the Island of Vancouver, and one on the mainland. Those two colonies came together in 1866, if I remember rightly, and became one colony. I need not refer to the entry of British Columbia into Confederation in the seventies. The question of the Indian title is practically the same to-day as it was at that time. Under the Imperial Government there were certain lands allotted to the Indians. They were permitted to occupy them. There was never any formal cession of those lands to the Indians. They claimed to have had—and possibly we might not dispute it—what is known as an aboriginal title to the land; but the right of occupation had always been ceded to the Indians by the Imperial Government, by the Crown colonies, and afterwards by the British Columbia Government, and likewise by the Federal Government. But in some of the provinces there had been a formal cession of the Indian lands by way of Treaty to the Federal Government. That did not take place in British Columbia. The old practice has been carried on from Crown colony days down to the present time. It is now proposed under this agreement that the reserves which have been delimited in the report shall be conveyed by the province of British Columbia to the Crown in right of the Dominion Government for the Indians. When any of those lands are sold hereafter, the money will be carried in trust account for the particular band of Indians that occupies those lands. There is one condition, however, which has been imposed by the province of British Columbia, and which is similar to that obtaining in all the other provnces of the Dominion, namely, that should the band of Indians occupying the reserve in question become extinct, the land would revert to the province, together with any funds which might

stand in trust for the band. There is no difference, I understand, between the arrangement so specified in the report and that which obtains in the other provinces.

Hon. Mr. BOSTOCK: Might I interrupt my honourable friend for a moment? I thought there had been a change in that particular case, and that some arrangement had been made whereby the province of British Columbia had foregone half of its claims to the reversionary title.

Hon. Sir JAMES LOUGHEED: I do not know that I have the report before me. However, we can satisfy ourselves on that point before we go into Committee. I need scarcely say to honourable gentlemen—because they are probably aware of the fact, as some of us have been circularized—that certain parties who believe they have a divine mission to reveal to the Indians rights which are not conceded by either the Government of British Columbia or the Federal Government, have asked that they be permitted to appear before a Committee of Parliament and make representations with a view of having the whole subject determined by the Privy Council. Such an opportunity was given in the House of Commons to those who felt that that mission had been imposed upon them on behalf of the Indians in the province of British Columbia, and I might say that the Committee of the House of Commons was not very greatly impressed with the representations made, and consequently refused to give effect to such representations. It is not desirable that there should be a repetition of that at this particular time. It is not desirable that encouragement should be given to parties to guide the Indians as against the paternal supervision which has been exercised by the Government of the province and likewise by the central Government in looking after the Indians of this Dominion. I am satisfied that I am justified in saying that no other Indians have been as well looked after as the Indians of Canada. When the treatment of the Indians of Canada has been compared with the treatment accorded to the Indians of other countries, particularly in neighbouring countries, it has been proverbial that the credit of Canada stands very high indeed. I have never heard of the treatment of the Indians of this Dominion by either Federal or Provincial Governments being successfully attacked. In this particular case I might say that the province of British Columbia, and likewise this Government have at heart the interests of the Indians within the boundaries of that province; and when a Royal Commission is appointed and the two Governments arrive at a conclusion based on common ground, it is in the public interest that we should give effect to that finding; and this legislation has in view only the giving effect to the joint action of the Government of British Columbia and the Government of the Dominion.

Hon. HEWITT BOSTOCK: Honourable gentlemen, my honourable friend has dealt with this question in a rather light kind of way. It seems to me that it is a very serious matter. The Bill which is now before us has only two clauses, and does not look to be very formidable; but it proposes to give effect to the report of this Commission that was appointed under the agreement made between the Government of this Dominion and the Government of the province. The agreement sets out that the consent of the Indians shall be obtained to the findings of the Commission. Section 2 of the agreement reads:

> 2. The Commission so appointed shall have power to adjust the acreage of Indian Reserves in British Columbia in the following manner:
>
> (a) At such places as the Commissioners are satisfied that more land is included in any particular reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.

The Bill, if it becomes law, overrides that agreement. Clause 2 of the Bill provides:

> To the full extent to which the Governor in Council may consider it reasonable and expedient the Governor in Council may do, execute, and fulfil every act, deed, matter or thing necessary for the carrying out of the said Agreement between the Governments of the Dominion of Canada and the province of British Columbia according to its true intent, and for giving effect to the report of the said Royal Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the province.

Honourable gentlemen will notice that the clause says it is to be a final adjustment and settlement of all differences between the Dominion and the provincial Governments, not only with regard to the reserves, but I take it to mean that it is to cover all questions that may affect the Indians. Then clause 3 says:

> For the purpose of adjusting, readjusting or confirming the reductions or cut-offs from reserves in accordance with the recommendations

of the Royal Commission, the Governor in Council may order such reductions or cut-offs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the Indian Act to the contrary, and may carry on such further negotiation and enter into such further agreements with the Government of the province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.

This question is one that has caused a considerable amount of trouble between the province of British Columbia and the Dominion Government for a great many years. My honourable friend refers to the fact that the province of British Columbia has never recognized the Indian title, as it is called. As he very truly said, the Government of British Columbia, while that province was a Crown colony, set aside certain lands for the Indians to live upon; and I do not think those Indian lands were ever conveyed to the Indians in any way. At the time British Columbia came into Confederation, a clause was placed in the terms of union which read as follows:

13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government, and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

That was the basis of arrangement between the Dominion and the province in this matter, and it apparently provided that if the Dominion Government and the provincial Government disagreed in this matter the Secretary of State was to decide.

The matter apparently went along until 1875, when an endeavour was made to bring about a setlement, and an Order in Council was drawn up as a result of negotiations and recommendations between the province and the Dominion Government. At that time the Attorney General of British Columbia, Mr. Walkem, afterwards Mr. Justice Walkem, made a recommendation to the Government; and a clergyman of the Church of England, a Mr. Duncan, made certain recommendations on behalf of the Indians. Mr. Duncan was apparently very much interested in this matter, and he and the Attorney General of that time apparently did not altogether agree as to how the question should be settled. As a result of their work the Dominion Government passed an Order in Council, which was the basis of the understanding arrived at. It is rather a long document, but I think that possibly I had better read it to the House in order that honourable gentlemen may understand the situation. It is dated the 5th of November, 1875, and says:

The undersigned has had under consideration the Report of the Executive Council of British Columbia of the 18th August last, adopting the recommendations contained in a memorandum of the Local Attorney General, the Hon. Geo. A. Walkem, as the expression of the views of that Government as to the best method of bringing about a settlement of the Indian land question and submitting those recommendations for the consideration and assent of the Government of the Dominion.

The action of the British Columbia Government in this matter was no doubt brought about by the Order of Your Excellency in Council of the 4th November last, on the subject of the Indian Reserves of British Columbia, which was communicated officially to the British Columbia Government by the Secretary of State.

The suggestions contained in Mr. Walkem's Memorandum and adopted by the Order in Council of the British Columbia Government are as follows:—

1. That no basis of acreage for Indian Reserves be fixed for the province as a whole, but that each nation (and not tribe) of Indians of the same language be dealt with separately.

2. That for the proper adjustment of Indian claims the Dominion Government do appoint an agent to reside with each nation.

3. That reserves of land be set aside for each nationality of Indians. Such reserves to contain in addition to agricultural land, a large proportion of wild and forest land. Every application for a reserve shall be accompanied by a report from the agent having charge of the nation for whom the reserve is intended; and such report shall contain a census and give a description of the habits and pursuits of each nation, and also of the nature and quantity of land required for the use of such nation.

4. That each reserve shall be held in trust for the use and benefit of the nation of Indians to which it has been allotted; and in the event of any material increase or decrease hereafter of the numbers of a nation occupying a reserve, such reserve shall be enlarged or diminished as the case may be, so that it shall bear a fair proportion to the numbers of the nation occupying it. The extra land required for any reserve shall be allotted from vacant Crown lands, and any land taken off a reserve shall revert to the province.

5. That the present local reserve be surrendered by the Dominion to the province as soon as may be convenient, the province agreeing to give fair compensation for any improvements or clearings made upon any reserve which may be surrendered by the Dominion and accepted by the province.

The suggestions in question are stated by Mr. Walkem as having been made by Mr. Duncan in a letter which is appended to the Order in Council.

The undersigned would remark that the suggestions as given by Mr. Duncan in the letter in question do not correspond precisely with the propositions formulated by Mr. Walkem.

Mr. Duncan's suggestions are as follows:

1. That no basis of acreage for reserves be fixed for the province as a whole, but rather that each nation of Indians be dealt with separately on their respective claims.

That for the proper adjustment of such claims let the Dominion and the Provincial Governments each provide an agent to visit the Indians and report fully as to the number and pursuits of each nation and the kind of country they severally occupy.

3. That the Provincial Government deal as liberally with the Indians as other Provincial Governments in the Dominion. My opinion is that a liberal policy will prove the cheapest in the end; but I hold it will not be necessary in the interests of the Indians to grant them only cultivable lands; rather I would recommend that a large portion of their reserves should be wild and forest lands, and hence may be very extensive without impoverishing the province, and at the same time so satisfactory to the Indians as to allay all irritation and jealousy towards the whites.

4. I think the Provincial Government might reasonably insist upon this with the Dominion Government, that no Indian shall be allowed to alienate any part of a reserve, and in case of any reserve being abandoned, or the Indians on it decreasing so that its extent is disproportioned to the number of occupants, that such reserve or part of a reserve might revert to the Provincial Government.

Mr. Duncan adds: "The existing reserves are shown to be by the correspondence both irregular in quantity and misplaced as to locality by following tribal divisions, which is no doubt a mistake and fraught with bad consequences.

"My advice would be in the meantime simply to ignore them, as it certainly would not be wise to regard them as a precedent, and it would be impolitic to have the two systems of reserves in the province, one tribal and the other national."

Hon. Sir JAMES LOUGHEED: Whose document is this?

Hon. Mr. BOSTOCK: This is Order in Council No. 1088, of the 10th of November, 1875. This is the memorandum attached to the Order.

Hon. Sir JAMES LOUGHEED: By whom is the memorandum signed?

Hon. Mr. BOSTOCK: By R. W. Scott, Acting Minister of the Interior. It goes on to say:

It will be observed that Mr. Walkem speaks of the appointment of an agent by the Dominion Government whereas Mr. Duncan proposes that the Dominion and Provincial Governments shall each provide an agent to visit the Indians and report upon the question of reserves.

While the undersigned is of opinion that in view of the very large experience Mr. Duncan has had amongst the Indians of British Columbia and the marvellous success which has attended his labours amongst them, that gentleman's suggestions on matters of Indian policy are entitled to the greatest weight, and while he concurs entirely in the general principles enunciated by Mr. Duncan, yet he thinks that both the suggestions of Mr. Duncan, and the propositions of Mr. Walkem adopted by the Government of British Columbia in their Minute of the 8th August last fail to provide a prompt and final settlement of this long pending controversy.

Mr. Walkem provides merely that the agent shall make an application for a reserve and report upon the subject and Mr. Duncan recommends that the Dominion and Provincial agents shall report merely as to the number and pursuits of the Indians. Looking to Mr. Walkem's admission, "that the Indians have undoubtedly become discontented and that they are restless and uneasy as to their future," and to his further statement "that the local government have been keenly alive not only to the advantage but to the absolute necessity and urgent importance of a speedy settlement of all the questions connected with their reserves," and again to Mr. Duncan's expression of opinion as to "the urgency and importance of the land question and its vital bearing on the peace and prosperity of the province," the undersigned submits that no scheme for the settlement of this question can be held to be satisfactory which does not provide for its prompt and final adjustment.

In lieu therefore of the propositions submitted by Mr. Walkem and sanctioned by the Order in Council of the British Columbia Government, the undersigned would respectfully propose the following:—

1. That with a view to the speedy and final adjustment of the Indian reserve question in British Columbia on a satisfactory basis, the whole matter be referred to three commissioners, one to be appointed by the Government of the Dominion, one by the Government of British Columbia, and the third to be named by the Dominion and the local Governments jointly.

2. That the said commissioners shall as soon as practicable after their appointment meet at Victoria and make arrangements to visit, with all convenient speed, in such order as may be found desirable, each Indian nation (meaning by nation all Indian tribes speaking the same language) in British Columbia and after full inquiry on the spot, into all matters affecting the question, to fix and determine for each nation separately the number, extent and locality of the reserve or reserves to be allowed to it.

3. That in determining the extent of the reserves to be granted to the Indians of British Columbia no basis of acreage be fixed for the Indians of that province as a whole, but that each nation of Indians of the same language be dealt with separately.

4. That the commissioners shall be guided generally by the spirit of the terms of union between the Dominion and the local Governments, which contemplates a "liberal policy" being pursued towards the Indians; and in the case of each particular nation regard shall be had to the habits, wants and pursuits of such nation, to the amount of territory available in the region occupied by them, and to the claims of the white settlers.

5. That each reserve shall be held in trust for the use and benefit of the nation of Indians to which it has been allotted, and in the event of any material increase or decrease hereafter of the members of a nation occupying a reserve, such reserve shall be enlarged or diminished as the case may be, so that it shall bear a fair proportion to the members of the nation occupying it. The extra land required for any reserve shall be allotted from Crown lands, and any land taken off a reserve shall revert to the province.

6. That so soon as the reserve or reserves for any Indian nation shall have been fixed and determined by the commissioners as aforesaid, the existing reserves belonging to such nation, so far as they are not in whole or in part included in such new reserve or reserves so determined by the commissioners, shall be surrendered by the Dominion to the local Government so soon as may be convenient, on the latter paying to the former, for the benefit of the Indians such compensation for any clearings or improvements made on any reserve so surrendered by the Dominion and accepted by the province as may be thought reasonable by the commissioners aforesaid.

It will be observed that the preceding paragraphs Nos. 3, 4, 5 and 6 are substantially the same as those submitted in the memorandum of Mr. Walkem approved by the Order in Council of the British Columbia Government.

The undersigned would further recommend that each commissioner be paid by the Government appointing him; and that the third commissioner be allowed ten dollars per day while acting, and that his pay and other expenses be borne equally by the Dominion and the local Governments; and the undersigned would further recommend that if this memorandum be approved by your Excellency, a copy thereof and of the minute of Council passed thereon be communicated to His Honour the Lieutenant Governor of British Columbia for the consideraation of his Government, and that another copy be placed in Your Excellency's hands for transmission to the Right Honourable the Secretary of State for the Colonies.

The whole respectfully submitted.

(Sgd) R. W. Scott,
Acting Minister of the Interior.

That Order in Council, I think, represents the situation existing at that time. As a result of that, the Commission was appointed which proceeded to set apart the reserves in British Columbia. But of course they did not deal with the question of the aboriginal title, which has been in the minds of the Indians for a long time. The policy of the provincial government throughout had been that they did not recognize any title of that kind. It was presumably when the Indians of British Columbia came to know more about what was done in the rest of Canada, probably as a result of the province coming into Confederation, that they became more interested in the question of the aboriginal title, and found that the Indians in other parts of Canada had had arrangements made with them whereby their title was surrendered. If I understand it aright, that was the policy of the Dominion Government throughout the whole of Canada outside of British Columbia, and it has been because of the attitude of the province of British Columbia in this matter that the question has never been settled in that province. But I find that a surrender was made in one particular case in the year 1899, when the Dominion Government made arrangements about the land in the Peace River area. It was before the province of Alberta was established, and when the land was in the hands of the Dominion Government. An arrangement was made with the Indians for the surrender of the Indian title to certain lands in the northern part of British Columbia. Whether that was done without the knowledge of the province of British Columbia, or whether it was done under an agreement between the provincial government and the Dominion, I am not in a position to state. The situation as I see it, therefore, is a rather peculiar one, inasmuch as in one part of the province certain arrangements have been made with the Indians and in the rest of the province the whole matter has been ignored or treated in the way that I have endeavoured to describe.

Honourable gentlemen will understand that this may lead to confusion in the mind of the Indian. He probably does not distinguish between the provincial and the Dominion Government. He looks upon both Governments as the representatives of the Crown. One of the Indians, who was in Ottawa a short time ago and who comes from the Shuswap Reserve, which is nearest to my part of the country, said when he came to see me that he considered the Government as representing the King and he looked to the King to treat him fairly and properly. That, I think, is the attitude of the Indians with regard to all matters of this kind, that they look upon the Government, whether provincial or Dominion, only as representing the King of England, and they are not able to distinguish the nice differences existing as between the provincial Government and the Dominion.

In the other House a petition was presented by the Indian tribes; and in order that honourable gentlemen may understand this matter, it might be well to read the words of that petition. It reads as follows:

1. The Indian tribes of British Columbia have always claimed tribal ownership of their respective territories under aboriginal title and the Proclamation issued by King George Third in the year 1763.

2. In the year 1875 by report of the then Minister of Justice of Canada adopted by the

then Governor General of Canada in Council it was declared that the land claims of the Indian tribes of British Columbia are well founded and that those tribes are entitled to an interest in all the lands of that province.

3. The then Government of the province of British Columbia and succeeding governments of that province refused to recognize the land rights so declared, and proceeded to deal with the lands of British Columbia as the absolute property of the province, notwithstanding the fact that in the year 1875 the then Land Act of the province had been disallowed upon the ground that its provisions ignored the land rights of the Indian tribes.

4. The present position of the Indian land controversy which thus arose and has ever since continued is shown by the following extract from the statement of the Allied Tribes prepared at the request of the present Premier of British Columbia and presented to him on 13th December last:—

"By means of the direct and independent petition of the Nishga tribes we now have our case before His Majesty's Privy Council. We claim that we have a right to a hearing, a right which has now been made clear beyond any possibility of doubt. Sir Wilfrid Laurier, when Prime Minister, on behalf of Canada, met the Indian tribes of northern British Columbia, and promised without any condition whatever that the land controversy would be brought before the Judicial Committee. Moreover, the Duke of Connaught, acting as His Majesty's representative in Canada, gave positive written assurances that if the Nishga tribe should not be willing to agree to the findings of the Royal Commission, His Majesty's Privy Council will consider the Nishga petition. In view of Sir Wilfrid Laurier's promise and the Duke of Connaught's assurances, both of which confirm what we regard as our clear constitutional right, we confidently expect an early hearing of our case."

5. By communication which on 27th May, 1918, the London agents of the Nishga tribe addressed to the then Lord President of His Majesty's Privy Council, it was submitted on behalf of all tribes allied in support of the Nishga petition, among other things as follows:

"They are unwilling to be bound by the agreement regarding reserves mentioned in the petition which was made in the year 1912 between the Government of Canada and the Government of British Columbia, as therein stated, 'as a final adjustment of all matters relating to Indian affairs in the province of British Columbia,' and under which the findings of the Royal Commission have been made. On the contrary, the allied tribes contend that both that agreement and the Order in Council adopting it which was passed on 27th November, 1912, are beyond the power of the Government of Canada."

3. Your petitioners therefore humbly pray that your honourable body do not read a second time said Bill No. 13, until all matters above set out and related matters shall have been fully considered by your honourable body.

And your petitioners will ever pray.

Peter Calder, of Nishga tribe.
George Matheson, of Tsimpshian tribe.
Peter R. Kelley, of Haida tribe.
Basil David, of Shuswap tribe.

All representing the Allied Indian tribes of British Columbia.

Dated at Ottawa, the 23rd day of March in the year 1920.

Hon. Mr. BOSTOCK.

The Deputy Superintendent General of Indian Affairs has placed in my hands the reply of the department to that petition. It would take too long to read the whole of it, but I would like to read a part of it. in reply to the second and third clauses of the petition the department says:

In order to understand the bearing of these clauses, and to appreciate the erroneous statements or implications made therein, it is necessary to state the facts with reference to the entry of British Columbia into Confederation.

I do not think that I need go into the whole question; it would take up too much of the time of the House; but on page 6 of this reply it is stated:

The reference in Clause 3 of the petition presented to the House of Commons this session regarding the disallowance of the Crown Lands Act of the Province of British Columbia in 1875 is so slight as to be misleading. What occurred at that time cannot be understood without an extended explanation. I am attaching hereto a copy of the documents as they are printed in Hodgin's collection,—"Dominion and Provincial Legislation, 1867 to 1875," page 1014 et seq. By an Order in Council of the 16th March, 1875, this Act was disallowed because the Indian title had not been ceded. It will be observed that the memorandum of the Minister of Justice states that:—

"It is not necessary now to inquire whether the lands to the west of the Rocky Mountains and bordering on the Pacific Ocean form part of the lands claimed by France, and which, if such claim were correct, would have passed by cession to England, under the Treaty of 1763, or whether the title of England rests on any other ground, nor is it necessary to consider whether that proclamation covered the land now known as British Columbia. It is sufficient for the present purposes, to ascertain the policy of England in respect to the acquisition of the Indian territory rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia."

The memorandum also states that the policy "of obtaining surrenders at this lapse of time and under the altered circumstances of the province may be questionable." The assertion of the claims was, on the part of the Minister of Justice, made as a matter of duty.

The Crown Lands Act was disallowed; meanwhile negotiations had taken place between the two Governments and a working basis on which the reserves were to be set aside had been fixed and the decisions were incorporated in joint Orders in Council. This arrangement having been made the matter was further considered by the Dominion Government, and the Honourable Edward Blake, then Minister of Justice, recommended that the Act should be allowed to go to its operation. He stated as follows:—

"Although the undersigned cannot concur in the view that the objections taken are entirely removed by the action referred to; and, though he is of opinion that, according to the determination of council upon the previous Crown Lands Act, there remains serious question as to whether the Act now under consideration is within the competence of the provincial legislature, yet since, according to the information of the undersigned, the statute under con-

sideration has been acted upon, and is being acted upon largely in British Columbia, and great inconvenience and confusion might result from its disallowance; and, considering that the condition of the question at issue between the two governments is very much improved since the date of his report, the undersigned is of opinion that it would be the better course to leave the Act to its operation.

"It is to be observed that this procedure neither expresses nor impliedly waives any right of the Government of Canada to insist that any of the provisions of the Act are beyond competence of the local legislature, and are consequently inoperative."

Many amendments to the Crown Lands Act of the province have since been made and allowed by the Dominion Government.

The matter stood thus until the appointment of the commission. Amongst other reasons given in the general report of the commission, on page 17, the commission state:

The Land Act of 1875 provided for the conveyance of lands to the Dominion Government "in trust for the use and benefit of the Indians." By Section 9, of Chapter 38 of the Statutes of 1899, an amendment was made by adding to the provision in the Land Act these words "and in trust to reconvey the same to the Provincial Government in case such lands at any time ceased to be used by such Indians." In 1911 this enactment was made:

"Provided always that it shall be lawful for the Lieutenant-Governor in Council to at any time grant, convey, quit claim, sell or dispose of, on such terms as may be deemed advisable, the interest of the province, reversionary or otherwise, in any Indian reserve or any portion thereof."

In the previous year the following had been enacted:

"There shall not be registered in any Land Registry Office any title derived from His Majesty the King in the right of Canada . . . . . land forming part, or that at any time formed part, of an Indian reserve, without the sanction of the Lieutenant-Governor in Council."

Honourable gentlemen will see from that the kind of entanglements that had arisen as between the Dominion and provincial Governments; and, as it states here:

To remove the administrative entanglement thus occasioned and to provide for the final and complete allotment of lands for Indians in British Columbia, the agreement hereinbefore quoted in full was entered into by the Governments of the Dominion and the province, and this Commission was appointed thereunder.

As my honourable friend has said, this Commission has gone very fully into the question of these reserves, and has cut off parts in some places and added on in others. I understand that when the Commission was sitting in British Columbia the question was raised by the Indians as to the title referred to by their petition, and the Commission stated that they had no power under the terms of their appointment to deal with that question. The matter was left in that way, and the Indians of course could not deal with the question before the Commission.

But now, if I understand the situation aright, what the Indians fear in this Bill, should it become law, is that they will be entirely put out of court, and be unable to proceed on any question of title, and I am in hopes that before this Bill goes through the Senate my honourable friend will allow the matter to be discussed before a special Committee, in order that honourable gentlemen who are interested in this matter and who realize that it is not a good thing to allow these people to feel that consideration has not been given to what they have had to say, may be enabled to discuss the question.

My honourable friend referred to the fact that the question had been brought up in another place. I do not exactly understand how that has been done, except in the discussion on another Bill. The Bill before the Committee in another place is Bill 14, which deals with different matters to those dealt with in this particular Bill. Of course, it may be possible that the Chairman of the Committee allowed these people to come forward and make a statement; but Bill 13 would not be before the Committee, and, under the rules of the House, I do not see how it could be discussed.

There is another feature in regard to this matter which I think requires considerable consideration: that is the quesiton of the fishing and hunting rights of the Indians, and matters of that kind. Honourable gentlemen will remember that yesterday I referred to the Treaty lately made between the Dominion and the United States with relation to salmon fishing on the Pacific coast. That Treaty was drawn up for the purpose of restoring, if possible, conditions in the Fraser river. For years past the numbers of fish going up the Fraser river have been very much depleted from year to year. As honourable gentlemen know, these Indian reserves in British Columbia, especially those set apart in the early days, were nearly all along the banks of the Fraser river. That was the line of travel taken by the early settlers going into British Columbia for the purpose of opening up the mines and minerals of that country, and therefore the traveller came more quickly into contact with those Indians than with Indians in other parts of the province. The Indians on those reserves had naturally fishing rights, and now that the salmon that run up the Fraser river have become so depleted the Indians do not

get anything like the same quantity of fish that they got in former times. That difficulty is recognized by the Fishery Superintendent of the Provincial Government. In the report that he made to the provincial Government in 1918 he used these words:

> The right of the Indians to take salmon is unquestioned, but the number of salmon they can now catch is so small as to be of little benefit to them. Owing to the fact that most of the Indians now grow the bulk of the food they use and are no longer dependent upon salmon, and that drastic measures must be taken to restore the runs of salmon to the Fraser, the Government should step in and acquire by purchase the Indians' right to take fish above the commercial boundaries. It is suggested that the Indians, if deliberately approached, would dispose of their fishing rights to the Government, and that the Government is fully warranted in entering upon negotiations to acquire those rights. The sooner the better.
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> It is self-evident that salmon taken from the vicinity of their spawning grounds are much more valuable, individually and collectively, than the fish taken within commercial fishing waters. Sockeye that were worth 75 cents each to commercial fishermen on the Fraser the past year are worth many times that amount to the spawning grounds. The runs of the future depend upon the number of eggs deposited and hatched within the river's basin. The female sockeye of the Fraser produce averagely 2,500 eggs each.
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> It has been suggested that the Indians be deprived of their right to fish above commercial fishing boundaries, and in lieu thereof be aided to do all their fishing within commercial limits. Possibly the Indians in the delta of the Fraser and those resident south and west of Yale might operate to advantage and fairly economically. The suggestion is wholly impracticable so far as the great majority of the Indians are concerned. Very few of the Indians from the Chilcotin or north of Bridge river have ever engaged in fishing within commercial waters. For them to journey, with women, who do all of the work of dressing and smoking the fish, from their homes to tidal waters and then back again with their bales of dried fish would cost the Government many times more than to purchase and transport a far greater supply of other foods for the use of the Indians at home.
>
> The Indians of the Fraser are reasonable beings. There are many clear-headed men in their councils. If this matter be taken up with them in a deliberate, clear and painstaking manner, it is advanced that they would soon see the benefits to be derived by disposing of their fishing rights. Their right at the present time is of little value to the most of them, and is steadily lessening in value. Many of them realize this to be true. The Government should act in this matter without further delay; the expense to be covered from the collection made for fishing licenses.

That is an expression of opinion from an official of the Provincial Government who has had some considerable experience of fishing conditions on the Fraser river and the rivers tributary to it. Honourable gentlemen will notice that he refers to the spawning grounds, which, of course, are a long way back in the country, and the fact that it is hardly likely that the Indians who have been brought up in that part of the country, and who probably have never been down to the coast at all, would care to transfer themselves from a point like Shuswap lake, which is perhaps 280 or 290 miles from Vancouver, down to Vancouver or the mouth of the Fraser river in order to catch fish and take them all the way back to Shuswap lake to the reserve there for the purpose of having a store of smoked fish for the winter supply, in accordance with the system which they have followed in regard to the fish which they use for food in the winter. The Indians seem to fear the portion of the Act which says:

> and for giving effect to the report of the said Royal Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the province.

They seem to fear that this will cut them out of a settlement of their fishing and other rights to which they think they are entitled. Then in the past certain arrangements have been made touching Indian reserves which have not been conducted along altogether satisfactory lines; and the question of the value of the reserves and the amount of money that has been paid for them has also stirred up a certain amount of feeling amongst the Indians that they have not been properly dealt with.

I have been so long in dealing with this matter that I do not want to take up time at present to go into any particular question of that kind; but I think it is a matter that should be taken up and gone into if we have a Committee to deal with this Bill.

As stated in the petition which I read to the House, the question of Indian title was brought to the notice of Sir Wilfrid Laurier, I think at the time of his visit to Prince Rupert; and I understand that he took the view that the best way of dealing with the question was to have it referred to the Privy Council. I think it is correct to say that the attitude of the Dominion Government from the time that British Columbia came into Confederation up to within two or three years ago was that there was something to be considered in regard to the question of Indian title. The provincial Government took a different view, and in consequence the question could not be dealt with. But in view of the condition of unrest throughout the country, I think it is important that the Government should con-

sider this question, and that the Indians should feel that they are being fairly treated and that proper consideration is being given to what they deem to be a fair claim on their part. I trust my honourable friend will agree to allow this Bill to go to a special Committee so that these questions may be gone into and so that honourable members of this House may understand the matter more clearly than I have been able to put it before them this afternoon from the documents which I have read to the House.

I feel that I should apologize to the House for having taken so much time this afternoon in dealing with this matter; but I think it is a very important matter and that the House should very carefully consider the whole bearing of the question and the effect it may have if we come to a conclusion hurriedly and without proper consideration.

Hon. Mr. PROUDFOOT: May I ask the honourable gentleman a question? If this Bill is passed, what effect will it have on the treaties already in existence between the Government and the Indians, or will it have any effect at all?

Hon. Mr. BOSTOCK: There was no treaty made with the Indians of British Columbia except in the case of the one I referred to, which was made by the Dominion Government in 1899.

Hon. Mr. PROUDFOOT: Will the passage of this Bill affect that treaty?

Hon. Mr. BOSTOCK: No, I do not think it will have any effect on that treaty at all. The point is, if this Bill goes through as a final settlement of the whole question between the provincial Government and the Dominion Government, whether, if the question should be brought up in any way again and the conclusion arrived at that the Indians had certain rights, the Dominion Government, representing the Indians, would be in a position to get any consideration from the provincial Government. This being a final settlement between the Dominion Government and the provincial Government, the provincial Government would say: "We have washed our hands of the whole thing; we have made a final settlement, and the question rests in the hands of the Dominion Government;" and the Dominion Government has no lands outside of the railway belt in British Columbia at all.

Hon. GEO. McHUGH: Honourable gentlemen, when this Bill first came up I was very much pleased to hear the leader of the Government say that he was going to hold it over for consideration with Bill 14. I felt that in that he was acting very generously toward the Indians, and that their rights might be considered; and I thought that it was in his mind to grant a special Committee of the House to consider the two Bills together, as there is an interweaving of the interests of the Indians of British Columbia, as dealt with in Bill 13, and those of the other Indians of the Dominion of Canada, as dealt with in Bill 14. I am sorry that the honourable gentleman has found it necessary to change his mind in that respect. I do not know whether he has done so because Bill 14 has not yet been reached or because he perhaps thinks that it will not be reached in time to consider the two Bills together in the way I have mentioned.

However, I think it is a very important matter. There are not many Indians in my part of the country; but from what I have known of them for a long time I have always had a kindly feeling towards them. I have felt that Canada is big enough and the people of this country ought to feel generous enough to deal with them not only justly but generously.

There is one thing in this Bill that I view with some alarm, that is, the overriding of clause 49 of the Indian Act of 1906. The Government is taking from the Indians the right to be consulted regarding the reduction or cut-off of any reserve. By clause 49 of the Indian Act of 1906 male Indians over 21 years of age, in a band, on a reserve, had to consent by vote to any reduction or cut-off being made in their reserve. This Bill takes away from them that right, and, I think, places it within the power of the Government to make any reduction that they may see fit. Some person, perhaps a covetous rancher or lumberman, may see in the reserve a good place for a ranch, or a good timber limit, that i not used by the Indians, and he may appeal to the Government that this portion of the reserve ought to be sold; and, without consulting the Indians at all, or giving them any right to say whether it should be taken from them or not, it may be cut off.

There are clauses in Bill 14 which overlap provisions in this Bill regarding the reduction of reserves and which could be dealt with better if the two Bills were before us. I would very much regret to see the reserves reduced, because they are mere patches of the former holdings of the Indians. They have been shoved back on

their reserves, and now, if they want those reserves kept intact and not broken up, by sale or otherwise, I think they have a right to have their wishes respected. Before any of the reserves are broken up the Indians ought to be consulted. If you take away from them their homes you are going to see in this country, I think, what you never saw before, that is, tramp Indians. To my mind the Indians' right in the reserve should be respected just as much the title that any individual may have to a piece of land that he has bought from the Crown.

I know that there are many Indians quite capable of placing their views on this question before Parliament, and I do not think that this House or any other body can obtain too much information when dealing with an important question of this kind, relating to the settlement of affairs between the white people and the Indians The Indians should be given an opportunity of being heard, and I do hope that the honourable the Minister will see his way clear to grant a Committee in this case, and, if he does, I would prefer to see the two Bills dealt with by that Committee at the same time. I would like to see the honourable leader of the House take the stand that the rights of the Indians should be protected in that way. Mind you, it is an overriding of the Indian Act of 1906 to undertake to make cut-offs or reductions in a reserve without obtaining the consent of the majority of the male Indians on that reserve. It is a serious matter and ought to be seriously considered.

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

Hon. Sir JAMES LOUGHEED moved that the Bill be referred to the Committee of the whole House on Tuesday next.

Hon. Mr. BOSTOCK: I understand my honourable friend will not refer it to a special Committee.

Hon. Sir JAMES LOUGHEED: Oh, no. The whole Senate can deal with it better than a special Committee.

The motion was agreed to.

IMMIGRATION (DEPORTATION) BILL.

DEBATE ON MOTION FOR SECOND READING FURTHER ADJOURNED.

On the Order: Resuming the further adjourned debate on the motion of Hon. Mr. Robertson for the second reading Bill X2, an Act to amend the Immigration Act (Deportation of Undesirable Persons), and the motion in amendment thereto, by the Hon. Mr. Lynch-Staunton, that the said Bill be not now read the second time but that it be read this day six months.

Hon. Mr. CROSBY: Honourable gentlemen, before proceeding to discuss the matter that is now before us, I would ask the permission of this honourable House to make a suggestion. This is a very important question. Perhaps no question of greater importance has come before this House since Confederation. Indeed, it is part and parcel of the constitution of this country. I would therefore suggest to the honourable the Minister of Labour to permit me to move the adjournment of this debate until Tuesday, because, as you all see, we have a very small House, little more than a quorum, and it would be unfair to take a vote on the question in this House to-day.

Hon. Mr. ROBERTSON: Honourable gentlemen, I desire that every member of this House should have an opportunity to express his views and sentiments, both by speaking upon the question and by voting upon it. I have therefore no objection if my honourable friend desires that the Bill stand until Tuesday.

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

DIRECTOR OF COAL OPERATIONS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. Robertson, the Senate went into Committee on Bill O3, an Act respecting the Director of Coal Operations. Hon. Mr. Gordon in the Chair.

On section 1—ratification of Orders in Council respecting Director of coal operations:

Hon. Mr. BOSTOCK: I understood the honourable the Minister of Labour was going to give us the report of the Minister of Justice on this question. I think he promised yesterday to bring that down for my honourable friend from Ottawa (Hon. Mr. Belcourt).

Hon. Mr. ROBERTSON: If I remember correctly, I assured my honourable friend from Ottawa that the Bill had been before the Governor in Council and had been referred to the Justice Department and approved by that department—both by the minister personally and by the deputy minister, who had reviewed it. The honourable member from Ottawa did not see fit to accept my word that that was the case; he is

not here to-day; and I am sorry if the House is of the view that I understood was held by my honourable friend from Ottawa. The Bill was referred to and approved by the Department of Justice and is now before this House for consideration.

Hon. Mr. BOSTOCK: I think, if I may say so, there is a little difference between the honourable the Minister of Labour and my honourable friend from Ottawa. I was myself under the impression—and I think the honourable member from Ottawa was also—that the minister had a written opinion from the Department of Justice. From what he says now I gather that there was no written opinion; that the Bill was simply referred to the Minister of Justice and discussed by him, as to whether it was ultra vires of this Parliament or not. Is it correct to infer that there was really no written opinion given on the matter?

Hon. Mr. ROBERTSON: I made no statement to the effect that the Minister of Justice or the Department of Justice had expressed a definite opinion upon the constitutionality of the Bill. I simply stated that the Bill had been referred to the Department of Justice after it had been approved by the Governor in Council, to see that it was in proper legal form for presentation. The Justice Department returned the proposed Bill to me. The Minister of Justice personally handed me a memorandum to the effect that the department saw no objection to the Bill and regarded it as proper to be proceeded with. I did not give any intimation that the Justice Department had expressed any particular opinion, in writing, as to the constitutionality of the Bill. I do, however, express to the Committee the view that there can be no question on that point, because district 18, over which the Coal Director's authority extends, is in two provinces; because the coal that is produced from those mines is exported to three different provinces as well as to the United States; and because almost all of the coal lands which are affected are owned by the Federal Government. It is not a provincial matter; it is absolutely interprovincial. The people of the provinces of Saskatchewan and Alberta are absolutely dependent upon this coal to keep themselves alive during the long winter months. This Bill is in keeping with the authority of the Federal Government under the British North America Act, section 91. It is in the interest of peace, order, and good government to exercise this control, which during the past two years has prevented hardship and catastrophe that otherwise, I am sure, would have occurred, and that the people of the West agree would have occurred. It is proposed to continue that control and prevent any unfortunate occurrence happening to the people in the provinces of Saskatchewan and Manitoba particularly, who are dependent on this coal which is not within their own boundaries. I feel, honourable gentlemen, that there can be absolutely no question as to the right of this Parliament to deal with this question. The Bill simply continues the machinery which has been in operation for three years, which has worked satisfactorily, and which all parties interested ask to have continued until the end of the next Session of Parliament.

Hon. Mr. BOSTOCK: I have no doubt that what my honourable friend says is perfectly correct, that this arrangement should be carried on; but the difference in the position as I see it is this, that those Orders in Council dealing with this matter were passed by the Government under the War Measures Act, which applied when conditions were very different from what they are to-day; and now the Minister is asking us to do by legislation what was done by Order in Council under that Act. The difficulty in the situation as I understand it is that this proposed legislation is an interference with civil rights, which, under the British North America Act, are entirely in the hands of the Provincial Governments. The Bill, I understand, deals very largely with questions regarding the hours of labour, the price of the coal, and similar matters, which come under that clause of the British North America Act respecting property and civil rights. I do not claim to be in a position to discuss this question as legal gentlemen in this House could do; but I think that before passing legislation of this kind we ought to understand thoroughly what we are doing, and we ought to do it with our eyes open. There is a danger that this Bill may not be constitutional.

Hon. Mr. ROBERTSON: I presume my honourable friend is viewing this matter from the standpoint of sub-clause 13 of section 92 of the British North America Act, which does assign to provincial legislatures full jurisdiction respecting property and civil rights within the province. Sub-clause 2 of section 91 of the British North America Act, however, delegates to the Federal Parliament the absolute right to regulate trade

and commerce. The production and the distribution of this coal are not provincial matters. The coal is produced in two different provinces and is transported to two other provinces as well as to foreign countries. This is therefore purely a matter of trade and commerce, solely within the jurisdiction of the Federal Government.

Hon. Sir JAMES LOUGHEED: We will risk the constitutionality of it.

Section 1 was agreed to.

Section 2 and the schedule were agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

EXCHEQUER COURT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 108, an Act to amend the Exchequer Court Act. Hon. Mr. McMeans in the Chair.

Sections 1 and 2 were agreed to.

On section 3—registrar, appointment and salary:

Hon. Mr. BOSTOCK: This is not appointing a new registrar?

Hon. Sir JAMES LOUGHEED: No; it simply enlarges the power of the registrar. The Governor in Council may delegate to him increased powers in the event of there being congestion of the work of the court.

Hon. Mr. BOSTOCK: Subsection 3 of new section 13 reads:

> There may from time to time be appointed such other officers, clerks, stenographers and servants as may be required, all of whom shall hold office during pleasure.

Under the old Act they used to be part of the Department of Justice, if I remember rightly. These would not be appointed as part of the Department of Justice?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: So they would not come under the Civil Service Act?

Hon. Sir JAMES LOUGHEED: I think they would. There is no intention, so far as I know, to appoint any. This is simply the power of appointment for those particular offices.

Hon. Mr. ROBERTSON.

Hon. Mr. BOSTOCK: They would come under the Civil Service Commission?

Hon. Sir JAMES LOUGHEED: I would think so. Before we give the third reading to this Bill, I will make inquiries on that point. My impression is that the Civil Service Act extends to judicial officers of Dominion courts of that class.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

HONEY BILL.

CONSIDERATION OF COMMONS AMENDMENTS.

Hon. Sir JAMES LOUGHEED moved concurrence in the amendments made by the House of Commons to the amendments made by the Senate to Bill 29, an Act respecting Honey.

Hon. Mr. POWER: Explain.

Hon. Sir JAMES LOUGHEED: Apparently we passed the Bill without making proper provision for the imposition of a penalty, and the Commons simply inserts words to make it read in this way:

> Every one who is guilty of wilful adulteration of honey under section 2 or who violates any provision of section 3 of this Act is guilty of an offence, and liable upon summary conviction to the penalties provided by section 16 of the Food and Drugs Act, 1920.

I submitted this to the Law Clerk of the Senate, and he concurs in the amendment made in the Commons. It is necessary to embody this clause in the Bill; in fact, I cannot account for its absence.

The motion was agreed to.

The Senate adourned until Tuesday next at 3 p.m.

THE SENATE.

Tuesday, June 1, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill 14, an Act for the relief of George Emerson Fox.—Hon. Mr. Todd.

Bill J4, an Act for the relief of Edith Ellen Holmes Austin.—Hon. Mr. McMeans.

Bill L4, an Act for the relief of Ethelbert Gilmour Harris.—Hon. Mr. Bradbury.

Bill M4, an Act for the relief of Albert Ernest Wice.—Hon. Mr. Bennett.

Bill N4, an Act for the relief of Peter Sutherland Cowie—Hon. Mr. Nicholls.

Bill O4, an Act for the relief of Roy Bradley.—Hon. Mr. Nicholls.

Bill P4, an Act for the relief of Joan Doran.—Hon. Mr. Nicholls.

Bill Q4, an Act for the relief of Alexander Ross, Jr.—Hon. Mr. Nicholls

Bill R4, an Act for the relief of Jean Mary Sandford.—Hon. Mr. Nicholls.

PRIVATE BILL.

FIRST READING.

Bill K4, an Act respecting Dominion Trust Company.—Hon. Mr. Planta.

KAMLOOPS GOVERNMENT BUILDING SITE.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

1. Does the Government own a building site at the southeast corner of Seymour street and 3rd avenue in the town of Kamloops?
2. Is this site the same as Lots 1 and 2 in Block 29 on which a church and frame house are located?
3. Is this site within the fire limits of the town?
4. How much has been paid for this site?
5. From whom was it purchased and for what purpose?
6. Who made the selection on behalf of the Government?

Hon. Sir JAMES LOUGHEED:

1. Yes.
2. Yes.
3. No.
4. $15,000.00.
5. From James Roper Hull, as a site for a public building.
6. William Henderson, resident architect, Victoria, who examined a number of sites and recommended this one.

STARKEY DIVORCE PETITION.

MOTION.

Hon. Mr. POWER moved:

That Exhibits Nos. 2 to 11, both inclusive, filed during the Session of 1918, at the hearing and inquiry into the petition of Walter Starkey, of the village of Star City, Saskatchewan, for a Bill of Divorce form Mary Elizabeth Starkey, of the said village, be returned to Counsel for the Respondent.

Hon. Sir JAMES LOUGHEED: May I say to my honourable friend that I am informed that the exhibits in question are being held for production in proceedings in the Manitoba courts. I have no further information upon the subject than a memorandum which has been placed upon my desk to that effect. Whether the Committee has been informed of the fact, or whether proceedings have been taken to have them held, I cannot say.

Hon. Mr. POWER: I do not think there is any serious objection to allowing these records to go from the Senate, but if there is, I have no objection to moving that the question be referred to our Committee on Divorce, and that they report back to the Senate. It seems to me that probably is the most regular way.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER: With the permission of the House I move that the motion be referred to the Committee on Divorce and that they report back to the Senate.

The motion as amended was agreed to.

DIRECTOR OF COAL OPERATIONS BILL.

THIRD READING.

Bill O3, an Act respecting the Director of Coal Operations.—Hon. Mr. Robertson.

EXCHEQUER COURT BILL.

THIRD READING.

Bill 108, an Act to amend the Exchequer Court Act.—Hon. Sir James Lougheed.

DIVORCE BILLS.

THIRD READINGS.

Bill A4, an Act for the Relief of Albert Ernest Bulley.—Hon. Mr. Taylor.

Bill B4, an Act for the Relief of Beatrice Booth Gendron.—Hon. Mr. Proudfoot.

SECOND READINGS.

Bill C4, an Act for the relief of Mary Oakley.—Hon. Mr. Gordon.

Bill D4, an Act for the relief of Margaret Elizabeth Cooper.—Hon. Mr. Proudfoot.

Bill E4, an Act for the relief of Catherine Burfoot.—Hon. Mr. Proudfoot.

Bill F4, an Act for the relief of Margaret Henrietta Pettit.—Hon. Mr. Ratz.

Bill G4, an Act for the relief of Thomas Lindsay Thacker.—Hon. Mr. Ratz.

Bill H4, an Act for the relief of John Durose.—Hon. Mr. Ratz.

SUPREME COURT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill

100, an Act to amend the Supreme Court Act. Hon. Mr. Blain in the Chair.

Hon. Sir JAMES LOUGHEED: I ask the permission of the Committee to bring within the Bar Mr. Cameron, the Registrar of the Court.

On section 1—final judgment:

Hon. Mr. BOSTOCK: Can my honourable friend tell us just what is the meaning of the alteration in this section?

Hon. Sir JAMES LOUGHEED: I understand that in the province of Quebec a different interpretation is placed upon the term "final judgment" to what is placed upon it in the other provinces. It is very largely of a technical character. A judgment may be final in the province of Quebec that would not be regarded as final in the other provinces. It is proposed therefore that finality should be reached on all judgments, entirely irrespective of any technical meaning that may be attached to the term, and to bring into uniformity all the provinces of Canada.

Hon. Mr. POWER: I do not think that the meaning of this paragraph is altogther free of doubt. It says:

> "Final judgment" means any judgment, rule, order or decision which determines in whole or in part any substantive right of any of the parties in controversy in any judicial proceeding.

If you leave out the words "or in part," then we know what it means; but any judgment is liable to decide in part a question before the court. I think there should be a little more light upon that.

Hon. Sir JAMES LOUGHEED: For instance, there may be two branches to any particular question, and the court may be able clearly to decide finally as to one of them. That finality may not extend to the other questions which may arise, but the court pronounces a final judgment upon that particular question. That is to say, a series of questions, or a series of legal propositions, may be in controversy. So long as there is finality given to it, and it cannot again arise in that court, the judgment is final.

Hon Mr. PROUDFOOT: To what extent is that intended to affect the existing law?

Hon Sir JAMES LOUGHEED: As I pointed out, there is a distinction between the province of Quebec and the other provinces; there is an absence of uniformity as to that particular term. The consequence is that if a question arose in Ontario, similar to one which might be brought before the Supreme Court from the province of Quebec, it would not be appealable because it was not the final judgment.

Hon. Mr. PROUDFOOT: Under this new section, would a party to litigation, where a portion of any substantive right was determined, have a right to appeal without the final determination of the question having taken place?

Hon. Sir JAMES LOUGHEED: No, there would have to be a final adjudication of the entire issue between the parties before there could be an appeal.

Hon. Mr. PROUDFOOT: That is not my understanding of the wording of this subsection.

Hon. Sir JAMES LOUGHEED: Well, it might have relation only to part of a substantive right. That is to say, the whole question might not be in issue.

Hon. Mr. LYNCH STAUNTON: The clause is not in any way extending the meaning is it? It is just explaining it, is it not?

Hon. Sir JAMES LOUGHEED: On the 6th of June, 1913, the former clause in the Act was amended. I will read from the Act as it is now:

> Save as regards appeals from the province of Quebec, final judgment means any judgment, rule, order or decision which determines in whole or in part any substantive right of the parties in controversy.

The difference between the law as it stands now and as it stood then is that the province of Quebec is taken out of the exception, and is included with the other provinces of Canada.

Hon. Mr. PROUDFOOT: Then there will be no exception at all after this.

Hon. Sir JAMES LOUGHEED: No.

Section 1 was agreed to.

Section 2 was agreed to.

On new section 35—jurisdiction throughout Canada:

Hon. Mr. LYNCH-STAUNTON: What is the amendment in this?

Hon. Sir JAMES LOUGHEED: I might say that a number of these sections are repealed on account of their representing amendments to the Supreme Court Act passed over a series of years. Some seven or eight sections deal with subjects which under the proposed amendments will be consolidated or rendered more compact in

the new sections which are proposed. This section is as it stood before. It is precisely the same as in the present Act.

New section 35 was agreed to.

On new section 36—appeals from court of last resort:

Hon. Mr. LYNCH STAUNTON: Is this the same?

Hon. Sir JAMES LOUGHEED: No, there is a change. Section 36 in the Act as it stands to-day reads as follows:

> Except as hereinafter otherwise provided, an appeal shall lie to the Supreme Court from any final judgment of the highest court of final resort now or hereafter established in any province of Canada, whether such court is a court of appeal or of original jurisdiction, in cases in which the court of original jurisdiction is a superior court: Provided that:
> (a) there shall be no appeal from a judgment in any case of proceedings for or upon a writ of habeas corpus, certiorari or prohibition arising out of a criminal charge or in any case of proceedings for or upon a writ of habeas corpus, arising out of any claim for extradition made under any treaty; and
> (b) there shall be no appeal in a criminal case except as provided in the Criminal Code. Revised Statutes, etc.

The only material changes being made in the section which we are now considering are in relation to the transfer of the word "final" to subclause a, and the elimination of the words, "in cases in which the court of original jurisdiction is a superior court." Other changes are purely verbal or formal. The restrictions in regard to the origin of appealable proceedings is removed, in order to bring in cases now covered by section 37.

Hon. Mr. PROUDFOOT: There is no intention apparently under section 36 to extend the jurisdiction of the Supreme Court in capital cases.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. PROUDFOOT: I think the jurisdiction should be extended. At the present time a man may be convicted of murder or some other very serious offence whereby he may be deprived of his life, yet he has no appeal to the Supreme Court. I think he should have an appeal. According to the law as it stands at present, if $1,001 is involved, in the province of Ontario, an appeal may be taken to the Supreme Court. Under the present Bill the minimum is increased to $2,000. Yet, while his life may be at stake—and some people consider life of more importance to a man than the question of one thousand or two thousand dollars—he has no appeal. I think there should be appeal in other cases, but I certainly am of opinion that there should be, to commence with, an appeal to the Supreme Court in capital cases, and I will move that the clause be amended to that effect.

Hon. Sir JAMES LOUGHEED: That is so large a question as to involve a question of policy, which could not be very well dealt with in the Bill now before us: it would have to be taken up by itself. Of course, there could be an enlarged jurisdiction given to the Supreme Court, beyond that which is provided for in the Criminal Code, by which a case might be reserved and sent to the court of appeal or to the full court in the province, and from there to the Supreme Court. I understand the present practice to be that if the accused have one judge with him, an appeal will lie to the Supreme Court.

Hon. Mr. PROUDFOOT: That is, if there is a dissenting judge.

Hon. Sir JAMES LOUGHEED: Yes. If we are going to deal with the subject of enlarging that jurisdiction and making the Supreme Court an appellate court of criminal jurisdiction, I think it should be taken up separately. My honourable friend might very well have discussed it in connection with the Bill which was introduced a short time ago by my honourable friend from Manitoba (Hon. Mr. McMeans) dealing with the review of criminal cases and the reduction or extension of sentences by the full court of the province. It would have been very germane to the discussion on that Bill. My honourable friend will be at liberty to take up the question at any other time, but it cannot be appropriately taken up at present.

Hon. Mr. PROUDFOOT: It struck me that, when dealing with the jurisdiction of the Supreme Court, this would be a very good time to make the change. Then we would not be tinkering with the Act. The subject of an appeal in criminal cases is not a new one. It has been discussed to a considerable extent by lawyers throughout the province of Ontario and, I think, in other portions of the Dominion; and, while it may not be satisfactory to amend an Act brought down, as this one has been, by the Minister of Justice, yet it seems to me that it is very worthy of consideration and that this is the proper time to make the amendment.

New section 36 was agreed to.

On section 37—appeals from other than court of last resort:

Hon. Sir JAMES LOUGHEED: Section 37 deals with appeals from other than the highest court of last resort in the province, and makes provisions as to the conditions in which appeals shall lie.

Hon. Mr. PROUDFOOT: Before the adoption of section 37 I would like to understand what change that makes in the Act as it stands at present. You will observe that it provides "that an appeal shall lie directly to the Supreme Court from any final judgment of a provincial court, whether of appellate or original jurisdiction, other than the highest court of final resort in the province." What I do not understand in that language is this. May an appeal be taken direct from the trial judge to the Supreme Court without going to the Court of Appeal, for instance, in the province of Ontario?

Hon. Sir JAMES LOUGHEED: This makes provision whereby you may go from the trial court to the Supreme Court without appealing to the highest court of final resort. Section 37, as it is now, deals with an entirely different class of case. It is not perhaps so much an amendment to the existing section as a following in rotation of the new procedure or the new jurisdiction which is being laid down by this Bill.

Hon. Mr. PROUDFOOT: It strikes me that it is not a very wise procedure to enlarge the jurisdiction so that an appeal may be taken direct from the trial judge. I think it is very much better that the appeal should take the ordinary course going to the Court of Appeal before being sent to the Supreme Court. You will find that the Supreme Court will be burdened with a great many appeals which otherwise would never reach it, and many of which now go to the Court of Appeal in the province. I am speaking more particularly of the province of Ontario. This amendment is, I think, not a step in the right direction.

Hon. Mr. WILLOUGHBY: An appeal from a trial judge will often bring only the same result as in the original court. Rightly or wrongly you may consider the decision erroneous, and, by permission of the Appellate Court, or the highest court of the province, you may go directly to the Supreme Court of Canada. Every practising barrister who has had to do appellate work knows that if he goes to the highest court in his own province it is almost impossible to change the decision already rendered; yet the parties to that previous decision do not see fit to carry it to the highest court of Canada. The appellate court, or the highest court in the province, renders its decision, and the litigant says: "I am not satisfied with that decision: I want to go straight to the Supreme Court." I think that by sending it direct to the Supreme Court there will be a saving of considerable expense to the litigent.

Hon. Mr. BOSTOCK: Do I understand from what my honourable friend has said that at the present time there is no such power as is given by this clause? Is it a fact that at the present time it is necessary to go from the trial judge to the appeal court of the province before going to the Supreme Court? Is that the position?

Hon. Mr. WILLOUGHBY: Yes, practically.

Hon. Sir JAMES LOUGHEED: There was power before.

Hon. Mr. WILLOUGHBY: There was a certain power before.

Hon. Mr. BOSTOCK: So the clause practically makes no change.

New section 37 was agreed to.

New sections 38, 39 and 40 were agreed to.

On new section 41—leave of provincial court of last resort:

Hon. Mr. LYNCH-STAUNTON: If one party says there is $2,000 in dispute, can the other side not dispute that? It can be proven by affidavit, but has the opponent the right to file an affidavit to dispute the claim?

Hon. Mr. PROUDFOOT: I would ask the Committee to go back for a moment to paragraph b of section 37, which deals with the amount involved.

On paragraph b of new section 37—where over $2,000 involved:

Hon. Mr. PROUDFOOT: That section provides:

> "Where the amount or value of the matter in controversey in the appeal exceeds the sum of two thousand dollars without leave but by consent in writing of the parties or their solicitors verified by affidavit. . .

I think the statute as it stands at present fixes the amount of $1,000 so far as the province of Ontario is concerned.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. PROUDFOOT: And this is going to have the effect of doing away with prob-

ably one-third or one-half of the appeals that come from that province.

Hon. Sir JAMES LOUGHEED: But I might point out that under section 41 the leave of the court may be secured. An appeal to the Supreme Court will lie if the highest court of final resort gives leave to appeal, but not by right.

Hon. Mr. PROUDFOOT: That is quite true. I understand that is the effect of the other section. But the point is this, and this is why I complain of the change. It is almost as expensive to apply to the Supreme Court for leave to appeal—

Hon. Sir JAMES LOUGHEED: Not to the Supreme Court; the court of appeal.

Hon. Mr. PROUDFOOT: It is not as expensive to apply to the court of appeal for leave, but it involves a considerable amount of expense; it involves argument—

Hon. Mr. LYNCH-STAUNTON: A chamber motion before a single judge.

Hon. Mr. PROUDFOOT: It involves argument on the appeal. I think it is rather absurd that a judge in chambers should have the right to say whether or not a party may go to the Supreme Court with an action of this kind. I think there was no call for the change, so far as the bar in Ontario is concerned. I have not heard a word of complaint from that bar. I think the law should remain as it is. Why should a man be obliged to apply for leave if he has a case in which he thinks he should appeal? He cannot appeal that case unless he gets the leave of some judge. I think it is unfair. I know that in many cases the question of jurisdiction has been brought before the registrar of the Supreme Court when an even $1,000 was involved, and it has been held by the Supreme Court that while a person might appeal for $1,000.01, he cannot without leave take an appeal when an even $1,000 is involved, and leave in such cases has frequently been refused. Without some request on the part of the bar of the province of Ontario, I do not think the Parliament of Canada should make a change of this nature, cutting down greatly, as it will, the number of appeals. One could very readily understand why a change of this nature would be made if the bar or the legislature of the province asked for it.

Hon. Sir JAMES LOUGHEED: But they will never do that. The bar will not ask for a limitation of appeals.

Hon. Mr. PROUDFOOT: Oh, yes. Well, possibly not the bar; but the people were not saying anything. The bar is guided to a great extent by the opinion of the people who are interested in litigation.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. PROUDFOOT: Undoubtedly.

Hon Sir JAMES LOUGHEED: You have great confidence in the bar.

Hon. Mr. PROUDFOOT: Probably the honourable gentleman is speaking from the western point of view, which may be somewhat more enlightened than that of the province of Ontario. The Ontario bar probably takes a view of these things different from what is taken farther west. I think we should not make that change, and I move that the clause providing that the amount in controversy shall exceed $2,000 be struck out, and that the amount, so far as the province of Ontario is concerned, be the same as it was, namely, $1,000.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I think that my honourable friend should remember that it is a very expensive matter to go to the Supreme Court. It costs a great deal to have the proceedings printed, and it has always seemed to me very improper that a case involving so small an amount as $1,000 should be carried from the Court of Appeal to the Supreme Court, where the cost will certainly double the amount in issue. The Court of Appeal in the province of Ontario is composed of four or five able judges, men of large experience. The judges will always be men of large experience, and surely when the amount in controversy is only $1,000 they can be trusted to decide the rights of the parties. The last court is only the last guess anyway. I have known many cases go to the Supreme Court where the party who had the most judgments lost the case in the end. I think that by the time a person has had his case pass through the criticism of five judges he ought to be pretty well satisfied. I do not agree with my honourable friend that there is no feeling in Ontario that there should be a limit to appeals. In most civil cases, when the amount in issue is small, one appeal ought to be sufficient, especially for the man who wins. He does not want to take another chance at a loss. Then, these cases that go from the trial judge will always be cases which would not reach the Supreme Court anyway, because the Court of Appeal will not grant leave unless it is of opinion that when the case is disposed of in that court it will go on; but the parties will not consent unless they

both are agreed that, no matter what the judgment of the Court of Appeal is, they will go on. I do think that the limitation of appeals from the provincial courts is a very wholesale amendment to the law.

Hon. Sir JAMES LOUGHEED: My honourable friend from Huron — or was it my honourable friend from Hamilton?— referred to an appeal to the Supreme Court as being a luxury. As honourable gentlemen know, we are trying to suppress luxuries at the present time, and I think that it is very desirable that this should be done. In the province of Ontario a thousand dollars is at issue. My honourable friend (Hon. Mr. Proudfoot) would have many thousands of dollars contracted in the way of costs to both parties for the purpose of deciding this question of $1,000. In the first place, the trial judge gives judgment. Then the case may go to the full court, and from the full court it may go to the Court of Appeal in the province. It may run the gamut of three courts in the province of Ontario.

Hon. Mr. PROUDFOOT: Excuse me.

Hon. Sir JAMES LOUGHEED: If the three courts in the province of Ontario are unequal to deciding regarding the $1,000, I doubt very much if the Supreme Court could settle the case more satisfactorily to the litigants. In the meantime many thousands of dollars would be spent in costs. As a matter of public policy, as a matter of public interest, as a matter of safety to the public, those appeals should not be countenanced by Parliament. As my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) has said, the judgment of the Appellate Court in Ontario is just as likely to be correct as the judgment of the Supreme Court of Canada; and why multiply the expenditure of money and of effort, and why add to proceedings? That cannot be in the interest of the litigants.

Hon. Mr. PROUDFOOT: The leader of the Government has just said that you appeal from the trial court to the Divisional Court and then to the Court of Appeal. Some years ago in the province of Ontario we did away with the Divisional Court, and there is only the one appeal to the Court of Appeal direct, and from there to the Supreme Court. I did not refer to an appeal as a luxury; that must have been my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), if the reference was made. I was looking upon an appeal more as a matter of right. Why deprive a man who can only afford the loss of one thousand dollars of the right of appeal and allow a man who can afford the luxury of a case of over two thousand dollars to go to appeal? A change that should be made in the interest of economy, if my honourable friend desires economy, is to cut down the costs of the Supreme Court. In going to the Supreme Court you have to print all the evidence, the pleadings, and everything pertaining to the action, in what is called an appeal book. In addition to that, each side has to prepare and have printed a factum. This printing costs considerable money. If it is economy we want, why should not the Supreme Court do as the Court of Appeal in the province of Ontario does—accept typewritten copies of the evidence? That would cut down the expense more than half. The honourable gentleman from Hamilton knows that the expense in connection with the printing of appeal books and the factum is a deterrent from going to the Supreme Court. I think it is unfair to litigants that the Supreme Court should be able to make rules involving very great expense. If we are going to amend the law, I think we ought to amend it in the way of economy, and not in the way of cutting down appeals.

Hon. Mr. LYNCH-STAUNTON: It is in the interest of the country that we should have as few appeals as possible, and for that reason, as a matter of public policy, we should make them as expensive as possible. In the United States—in Chicago, for instance—there are no costs recoverable. That means that the courts are absolutely overwhelmed with business, and it means a denial of justice. Men will bring actions over nothing. You cannot get an ordinary promissory note case tried in Chicago in less than three years, because there is no responsibility imposed upon a litigant. It only costs him $30 if he loses and in going into the litigation, he makes a bargain with his lawyer. A few years ago there were $30,000,000 of damage actions pending in the courts of Chicago.

Hon. Mr. DOMVILLE: That is rather a reflection on your profession.

Hon. Mr. LYNCH-STAUNTON: In this country a man who goes to law has to count the cost, and he feels that if he loses his action, it will cost him $1,000.

Hon. Mr. PROUDFOOT: Why not let him appeal if he wants to?

Hon. Mr. LYNCH-STAUNTON: Because he is dragging his opponent on. If a man

counts the cost he will settle with his neighbour in nine cases out of ten, and the more expensive litigation is the better, for it stops fighting.

The amendment of Hon. Mr. Proudfoot was negatived, and paragraph e of new section 41 was agreed to.

Paragraph f of new section 41 was agreed to.

New sections 42 and 43 were agreed to.

Section 3 was agreed to.

On section 4—date of commencement of Act:

Hon. Mr. BOSTOCK: I was going to draw the attention of the leader of the Government to the Act which we put through the other day in reference to the Exchequer Court. In that Act I understand we raised the salary of the registrar. I see that section 14 of the Supreme Court Act says:

> The registrar shall have the rank of a deputy head of a department, and shall be paid a salary beginning on his appointment at three thousand five hundred dollars per annum, with an annual increase of one hundred dollars, until a maximum salary is reached of four thousand dollars.

I understand that the deputies of all departments have had their salaries increased to $6,000. I quite understand that the Senate is not in a position to deal with any question of that kind; but inasmuch as the salary of the Registrar of the Exchequer Court was increased in the Bill which was before us the other day, I want to know whether the Government has raised the question of whether or not the registrar of the Supreme Court should be placed in the same position.

Hon. Sir JAMES LOUGHEED: I regret very much that I cannot give my honourable friend the information he asks. I was not in Council when the matter was taken up, and even if I had been I could not very well state on the floor of this House what took place. I am not aware whether any consideration has been given to that question. Furthermore, inasmuch as it would constitute a money clause, of course it could not originate in this Chamber. We are therefore helpless to meet the views expressed by my honourable friend.

Section 4 was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

BRITISH COLUMBIA INDIAN LANDS BILL.

CONSIDERATION IN COMMITTEE POSTPONED.

On the Order:

> Committee of the Whole House on Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.—(Hon. Sir James Lougheed.)

Hon. Mr. POWER: Perhaps the honourable leader of the House would not object to letting this stand over for another day. I understand that back of the matter that is directly involved in the Bill there is the question of the Indian rights in lands in the province of British Columbia. That question has never been settled, and now that it has come up, I think it is desirable that an effort should be made to secure a final and satisfactory judgment. I should not have risen now but for the fact that it was only to-day that I received a pamphlet containing the case of the Indians with respect to lands in British Columbia; and, while I have no prejudice in favour of the Indians, still I should like very much to see what their case is before I take it upon me to put them out of court.

Hon. Mr. FOSTER: I would ask the leader of the House to be kind enough to let this matter stand until to-morrow. This Bill was dealt with only in the last hour of Friday's sitting, and I would ask the leader of the Government to let it stand until to-morrow.

The Order was postponed until to-morrow.

IMMIGRATION (DEPORTATION) BILL.

SECOND READING.

The Senate resumed, from May 27, the adjourned debate on the motion of Hon. Mr. Robertson for the second reading of Bill X2, an Act to amend the Immigration Act (Deportation of Undesirable Persons), and the motion in amendment thereto by Hon. Mr. Lynch-Staunton, that the said Bill be not now read the second time, but that it be read this day six months.

Hon. A. B. CROSBY: Honourable gentlemen, when this matter was last before the House I asked that the debate be adjourned until to-day. I might have said the few words that I have to say in regard to this matter on that occasion, but the honourable the mover of the amendment was not here, and, as I understood he would be

here to-day—and I am glad to see that he is in his place—I mived the adjournment of the debate.

I think there has been an attempt on the part of some honourable gentlemen, not intentionally, to intimate that some of us in connection with this question are belittling the labour men of this country. Some of us are lauding labour men. I do not think the workingmen are interested in this Bill in any way, shape, or form. If I may be permitted to make a personal remark, I would say that I feel as close to the workingman as anyone can, either in this House or out of it. I am truly and sincerely of the working classes, and in the part of the Dominion from which I come I am sure there is not a workingman who would not have the greatest confidence in my taking the part that I conscientiously thought best in any matter coming before this Parliament.

The honourable gentleman from Simcoe (Hon. Mr. Bennett), when discussing this matter the other day, made a statement which I am sure he could not have intended to make. It does not look well in Hansard, and I am sure that when he read it himself —if he has read it—he must have come to the conclusion that it would have been better not to have made it. He intimated that some of the members of this House who were supporting the amendment moved by the honourable gentleman from Hamilton did so because they had come to the conclusion that the workingmen of Canada were seething, and wanted to murder everyone, and burn down houses, and destroy everything. I will read his words, so that I shall not be misunderstood. Here is what the honourable gentleman said:

> One would imagine from the remarks of some honourable gentlemen that there was not a decent labouring man in Canada.

No honourable gentleman whom I heard speak in this House said anything upon which anyone could found an opinion of that kind. The honourable gentleman said:

> —that from one end of Canada to the other there was a seething mass of men who were out to murder, and burn down houses, and commit all sorts of crimes.

Surely there is nothing to warrant any such statement as that. It often happens that honourable gentlemen in endeavouring to put their views before the House rather try to put the views of other honourable gentlemen in such a way as to show that they are wrong.

Now, honourable gentlemen, what is the reason for this Act? How did it come to be placed on the statute book? It did not originate here. We did not say it was necessary, but we had a request. Where did that request come from? It came from the Government of the city of Winnipeg and the local Government of the province of Manitoba. The Government and the Opposition unanimously called for this legislation, and, as has been said before, this Act was passed in a very short time. How was that brought about? The leaders on both sides of this House, and the leaders on both sides of the other House, must have understood one another pretty well, and must have come to the conclusion that this was an important matter and that the Act must be put through at very short notice, in order to get control of affairs in Winnipeg at that time. The Act was put through in that way, and it was considered necessary, for we could not have got along without it. God knows what would have happened if it had not gone through. It was put through, and was a credit to the Parliament that put it through. When my honourable friend refers to the character of the men that this Act interferes with, and tries to make out that they are to be found among our working classes, he is wrong. The men who played leading parts in Winnipeg, and who were responsible for the introduction of this Act, were not workingmen of this country. They were agitators who came to this country upon the invitation of no one but themselves. They came here for a purpose, and they are the men whom we want to look after. As I say, the Bill was put through unanimously; one dissenting voice in either branch of Parliament would have prevented its passage. The representatives of the people of Canada in the other House and the representatives of the people of Canada in this branch unanimously decided to put the Act through.

Having gone so far why should we alter that Act? The honourable member from Simcoe read a despatch that appeared in the papers regarding some nominations which had been made in Winnipeg. What has happened in Winnipeg? The provincial government and the municipal government and the Committee of One Thousand were unanimous and united in their efforts to protect the civil rights of the people of that city. What happened after Mayor Gray was asked by the agitators to resign his position and hand it over to somebody else whom they would name? The agitators demanded also that Premier Norris leave his position, and they said they would name a

man to take his place. There were intimations of assassination and all that sort of thing. My honourable friend from Simcoe reads to us a paragraph about the nominations that have been made in Winnipeg; but what do we find? The agitation took place in June, but in December of the same year Mayor Gray, who had played a noble part in this matter, appealed to the citizens of Winnipeg for election, and was returned by an overwhelming majority; by whom? By the working people of Winnipeg.

Hon. Mr. BENNETT: Will the honourable gentleman allow me to interrupt him? The nominations referred to in the newspaper item which I read were not nominations for the municipal elections at all, but were in connection with the elections, which are to take place in a month, for the legislative assembly.

Hon. Mr. CROSBY: I followed the honourable gentleman very closely, and I know that that is what he read. He used that as an argument to indicate that a change had taken place in that community, and to show that these men were supported. I am telling the honourable gentleman now that nominations do not amount to anythinf, because when Mayor Gray, who played a prominent and laudable part, went to the people and contested the election in the city of Winnipeg he won by an overwhelming majority, as I have already said, and the majority was given him by the working classes of the city. It could not have been given by any other class. This is a country of workingmen. My honourable friend is an old politician, or at least he has had a little experience in matters of that, kind, and he knows very well that nominations do not mean very much. In fact, there never was an election in which at least one of the nominees did not amount to much. So I do not think that my honourable friend's argument regarding the nominations was a good one. I think I may speak for the working people of this country. I have as much right to assume to do that as any other honourable gentleman here. I am sure that the workingmen of this country have no sympathy for what took place in Winnipeg on the occasion which we are discussing. That being so, what harm can be done by leaving the Act as it is?

The honourable member from Ottawa (Hon. Mr. Belcourt) took a good deal of trouble to find excuses for voting against the amendment. It took him a lnog time to find those excuses. I think he must have repented, for I do not see him in the House, and he evidently does not want to be here for the vote. I would like to read some of the honourable gentleman's reasons that prevented him from voting for the amendment. This is what the honourable gentleman said, after declaring that he had come to the conclusion not to vote for the amendment:

> First of all, my dislike, my fear, of the foreign agitator, especially the man who who has been called the international agitator—the man who carries on the nefarious business of agitating, sometimes in Canada, sometimes in the United States, and sometimes in Europe.

This is the man who is giving the honourable gentleman a great deal of worry. You will see by what the honourable gentleman says that he is worried.

> I hesitate also because of the tendency, which it seems to me is too much in evidence nowadays in Canada, that of pandering to, and endeavouring to meet the wishes of, the labour men in this country.

I think the honourable gentleman is wrong in that. If he had said the agitators of this country rather than the labour men, it would have been better. But he made that little mistake, and we shall have to forgive him for it. I suppose he will take that back as soon as he has an opportunity.

> Another reason which causes me to hesitate is my hatred—

Mark the word—

> —my hatred for most of the war legislation, especially the war Orders in Council, such as are by this Act continued indefinitely.

My honourable friend is such an eminent lawyer, a man of such high standing at the Bar in his own city and province, one would suppose he would have known that this had no connection whatever with the War Measures Act; that this was an Act that was put into force only last year, after the War Measures Act had gone out of existence—after the Orders in Council in connection with the War Measures Act had ceased. Yet the honourable gentleman gives as a reason for voting against the amendment, that this Bill is going to continue the War Measures Act. I say that the honourable gentleman's arguments are all distinctly in favour of the amendment moved by the honourable gentleman from Hamilton and against the repeal of the legislation which we passed a year ago.

Honourable gentlemen, if for a single moment I believed that the working classes of this country were in sympathy with what took place in Winnipeg last year, I would be proud to declare myself against the working classes. I consider myself as much a

workingman as any other person in Canada, and as coming purely and simply from the working classes, and I feel confident that I voice their sentiments when I say that they had no sympathy with the disturbances in Winnipeg. Where did we find Mr. Moore, the head of the labour organizations of this country? Did you find him or any of his colleagues sympathizing with the agitators in any way whatever? No; you did not find them doing so, and they are not doing so to-day.

The Parliament that passed the legislation showed itself capable of dealing with emergencies as they arose; and let me say to you, honourable gentlemen, that there may not be again such a Parliament as this. You will have elections some time. There is no doubt. Some people say the election will be this year, some people say next year, and some say it would be better not to have any more elections. But whenever the elections come I doubt that you will have in this country a Parliament of the character of the men who passed the legislation of last Session because it was necessary for the proper government of this country. The honourable members of this House should consider carefully before repealing that Act. It is on the statute books because we were compelled to place it there. Therefore I say it ought to be allowed to remain there. It does not infringe upon the liberties of any man. I therefore declare myself in favour of the amendment moved by the honourable member for Hamilton. Had this not been so important a question I might not have said a word; but I consider this to be one of the most important matters that has come before this Parliament since Confederation. Never has such an Act been passed by the Parliament of Canada, with such concurrence or with a greater desire to safeguard the peace and welfare of this country. That was what the legislation was intended to do, and I am confident it has had that effect.

Hon. W. H. SHARPE: Honourable gentlemen, I too do not wish to give a silent vote on this question. I think it is one of the very important questions that have come before this House this Session. I would like to repeat the question which I asked the other day, and to which I did not receive a clear answer: Who is demanding this legislation? who is agitating for it? I am sure it is not the honest labourer or the good citizen of Canada; because under the law as it stands to-day, the honest labourer or the good citizen has nothing whatever to fear, in my opinion; but the men who are afraid of this, I take it, are the men who would be afraid they might be deported under the law. Now, let us look for a moment to see who may be deported. Men who advocate assassination; men who advocate the unlawful destruction of property; men who assume the authority of government; blackmailers, etc. Surely this young country of Canada can do without that class of people; and if they do happen to come within our borders, we are justified in enforcing a law whereby we may deport them, and deport them quickly. There is not a man belonging to the House of Commons or to this Chamber who wants to keep that class of people in Canada.

I must say that I was very much surprised at the Minister of Labour the other day stating that the honourable members of this House who had spoken against this Bill were making a charge against the labour people in Canada. There has been nothing of the kind.

Hon. Mr. ROBERTSON: Will my honourable friend quote the statement from Hansard?

Hr. Mr. SHARPE: I shall be delighted. My honourable friend from Huron (Hon. Mr. Proudfoot) was speaking, and he said:

> I do not think it is wise to bring it forward at the present time.

Hon. Mr. ROBERTSON: Pardon me. Read all the rest of what the honourable gentleman from Huron said.

Hon. Mr. SHARPE: I will read what is necessary:

> I think it is brought forward, not in the interest of the people of Canada as a whole, but in the interest of certain agitators who have made it their business—

And then he was interrupted by the Minister of Labour, who said:

> I want further to point out that different honourable gentlemen this afternoon have classed labour men generally with the men who have been guilty of sedition in this country. It is most unfortunate and most unfair, and such a suggestion will be repudiated by all honest labour men throughout the country.

There is nothing in the whole discussion of this question, from start to finish, that can justify those remarks of the Minister of Labour.

Then we heard the quotation, just referred to by my honourable friend from Halifax (Hon. Mr. Crosby), read by another honourable member—if I may use that term. There has been nothing under heaven which could justify the words of

either of those honourable gentlemen in connection with this discussion. They have been trying to say that every man who has spoken against this Bill was attacking the entire labour class in Canada. That is absolutely devoid of truth. No person has attacked labour at all. It is the agitators who have been attacked, and, I think, justifiably.

What was our experience in Winnipeg during the great strike of last year? We were refused a supply of milk for women and children—not by labour; the labour man was willing that we should be supplied; but the agitators, the leaders, they were the persons who would not allow the workingmen to supply those things. We were refused a water supply for the hospitals. Transportation for the people was refused. As I said a moment ago, the men wanted to supply these things, but they were kept from doing so by the agitators and by the leaders. The leaders wanted to turn the new parliament building in Winnipeg into a labour temple and establish a Soviet government there. These are the kind of men some honourable gentlemen in this House would like to keep in Canada. Remember, honourable gentlemen, that it is not only in Western Canada that we have these agitators to-day. Go to the great city of Toronto, and what do you find? You can find the Red doctrines preached on a good many corners in that city. Go to all the large centres of Canada and what is the condition of affairs? I may tell you that any person who is in close touch with the situation at all must consider that there is a very serious state of affairs.

During the discussion the other day, I asked my honourable friend—I think he would be classed as the junior member from Ottawa (Hon. Mr. Belcourt)—what was the method used to deport Reds or undesirables from the United States. I asked that question in all humility, hoping to get an opinion from one of the leading lawyers in this House. But he answered that he did not get his inspiration from the United States. I could not help thinking that it was only a short time ago that he was looking to the United States for inspiration. How quickly some people change. The United States to-day is a great democratic country, and how do they handle the Reds or undesirables in that country? Do they give them trials? Do they spend millions of dollars trying to find out whether people are desirable citizens or not? Indeed, no; they deport them, not by dozens or by hundreds, but by thousands and by shiploads. That is the way they handle these fellows. Take for instance, the case of Emma Goldman, and the rest of them. In my humble opinion, the Government of Canada to-day could well afford to take a leaf out of the book of the United States, and send these undesirable people out of the country as soon as possible.

Some say, "Give them a fair trial." I want to say, honourable gentlemen, that I believe every Canadian citizen who is law-abiding and is truly a Canadian citizen should get his trial; but when we have among us those who want to establish Soviet government, who want to turn Parliament buildings into a labour temple, and that kind of thing, I think the quicker we get rid of them the better. As the law stands, if those men who are to-day in jail in Manitoba continue preaching their Soviet doctrines in Canada when they get out, they can be deported; but if this Bill which has been introduced by the Minister of Labour goes through, it will be impossible to deport those men without the expenditure of millions of dollars of your and my money to give them another trial. If the law was good last year, it is good enough for me this year.

The other day, when we were discussing the deportation of undesirables another question was brought in, which, from my point of view, and from the point of view of any layman, could not very well be connected with the deportation of undesirables. It was brought forward by the honourable gentleman from Midland (Hon. Mr. Bennett), who used these words:

> —and the honourable gentlemen kissed the tips of their fingers to those labour men and bade them good-bye, and hoped they would come back safe.

As I was saying, I do not understand how this could be connected with the deportation of undesirables, unless it was perhaps through his pent-up feeling that he had himself done nothing during the late war, while others in this House had tried to do a little of something.

Hon. Mr. BENNETT: I rise to a point of order. The honourable gentleman has just stated that any remarks I made were due to the fact that I was giving vent to my pent-up feelings because I had done nothing during the war. I shall not say what I gave in subscriptions to the Patriotic Fund; I would cheerfully compare it with the gifts of the warriors; but I would ask, Mr. Speaker, in view of the fact that the honourable gentleman knows nothing of what I

may have done, that he be asked to withdraw the statement that I did nothing during the war toward the public good.

Hon. Mr. SHARPE: Mr. Speaker,—

Hon. Mr. BENNETT: I ask your ruling, Mr. Speaker.

Hon. Mr. SHARPE: I use these words, then, Mr. Speaker: he did nothing that I know of.

Hon. Mr. BENNETT: Once again I ask the honourable gentleman to withdraw his statement. The honourable gentleman has made the insulting remark that I did nothing that anyone else knows of. I ask that there be a ruling, and that he either prove the truth of his statement or withdraw the remark.

The Hon. the SPEAKER: I was conversing with the honourable member from Hamilton when the honourable gentleman from Manitoba made his remarks. But as he has said that the honourable gentleman from Simcoe (Hon. Mr. Bennett) had done nothing to his knowledge, I do not believe there is much harm in that.

Hon. Mr. SHARPE: I hope the honourable gentleman is satisfied. I said that he had done nothing that I knew of. If he did do anything, God knows it would be safe betting it was not very much. Not satisfied with throwing that slur at men in this House, he went out into the corridors of this place, where he met other honourable gentleman belonging to this House, and he said in that boastful way of his, "Look at Hansard and see what I did to those political colonels." He does not deny that, you see.

Hon. Mr. BENNETT: I absolutely deny that I made such a statement outside, and I will repeat all that I did say about it outside. I apologized to the honourable gentleman from Winnipeg (Hon. Mr. McMeans). I said that I regretted that I had named him with the other colonels; and, owing to the fact that he had lost his son in the war, I apologized to him, and like a gentleman he accepted the apology. As for the other two gentlemen, when they get an apology they will know it.

Hon. Mr. BRADBURY: We do not want to accept an apology from you.

The Hon. the SPEAKER: If the honourable gentleman from Simcoe (Hon. Mr. Bennett) says that he did not say what has been stated, his statement must be accepted.

Hon. Mr. SHARPE: Certainly. Just the same, I do not think that any honourable gentleman would believe what he said.

Hon. Mr. BENNETT: Mr. Speaker, I ask your ruling that no member of this House can make the statement in the House that he does not believe the word of an honourable member, or that no person else will. If that is parliamentary, very well, let it be parliamentary.

Hon. Mr. CLORAN: That is right.

Hon. Mr. BENNETT: Let us have a ruling.

The Hon. the SPEAKER: I hold that the honourable gentleman must use expressions which are not insulting, and which can be accepted by the whole House.

Hon. Mr. SHARPE: Mr. Speaker, I can assure you that there is no man in this House who wants to observe the rules of the House, and your rulings particularly, more than I do. I wish to stand right by your ruling every time, and you can be sure that no matter what that ruling may be I will submit to it. But not satisfied with meeting senators outside and telling them to look up what he had done, the honourable gentleman went to his brother-in-law's paper, or to the editor or the reporter, and got him; and then I have been told he went to others—

Hon. Mr. BENNETT: Mr. Speaker, I rise to a point of order. I make the statement now, that since this occurred last Thursday I have absolutely never seen Mr. Southam, my brother-in-law, until this morning; so the statement is absolutely outside the fact. As to the statement that I saw any reporter of the Citizen newspaper or ever opened my mouth to him about it, it is absolutely false.

The Hon. the SPEAKER: Once for all, we have to accept the statement made by the honourable gentleman from Simcoe. I believe it would be just as well for honourable gentlemen to speak of other things now.

Hon. Mr. SHARPE: Mr. Speaker, I did not say he had seen Mr. Southam. I said that I was told that he saw the reporters. But I was talking to an honourable gentleman who sat in the House of Commons with the honourable gentleman from Midland (Hon. Mr. Bennett) for over twenty years, and he said to me: "Do not bother with him; he was always like that; he would always use the serpent's tongue to bite any person who was trying to do anything."

Now, so far as my career as a political colonel is concerned—and I suppose I come under that term, because I was a politician, and I was also a colonel—I never asked for any credit or any thanks for anything that I did. In 1916 I saw the need of men, because they were calling from France, "More men!" I answered the call. I volunteered, and Sir Sam Hughes gave me a commission to raise a battalion. I did so. I raised my battalion and took it to England; and, if it is of any advantage to my honourable friend to know it, my battalion was broken up before I landed in Liverpool. I saw the orders breaking it up before I landed at all, although I did not hand the battalion over for some days after that. But I want to tell you, honourable gentlemen, that every battalion that went to England in the summer of 1916, with the exception of that of my brother Sam, was broken up and sent to France as reinforcements. My brother was the only colonel who went over during the summer of 1916 who went to France with his battalion. While I was only a political colonel, I must say that I was very fortunate in getting some good officers, and that 90 per cent of those men were sent to France without any further training in England, so we must have had them in fairly good shape, even for a political colonel. But I want to say this, and I want to say it with all the emphasis of which I am capable, that there was not a man that I know of who took a battalion to England during 1916, or any other year during the war, who would not gladly have gone to France with his men and stayed with them all the way through.

Now, honourable gentlemen, what did my honourable friend do during the war? He has held us up to ridicule for helping when we saw that help was needed, and were ready to volunteer and go to help our King and Empire. Did he give a helping hand in any way? Did he give one dollar to the Red Cross or the Patriotic Association in Canada? I am not saying whether he did or not.

Hon. Mr. BENNETT: Does the honourable gentleman ask my reply to that?

Hon. Mr. SHARPE: I am not asking: I have the floor. A little later I will give you a chance. But I would be willing to leave it to the judgment of this House and to the judgment of the members of the House of Commons, who have known him for the past twenty years around these corridors, how much he gave to the Patriotic or Red Cross associations of Canada, and whether he sat around, as I believe he did, with a sarcastic smile and a bite on his serpent's tongue for every man who tried to do anything during the late war. You have all read Kipling's poem, "The Woman with the Serpent's Tongue." It has been said that there was only one woman in the whole of England to whom that poem could be applied. I want to say that if Kipling wrote another poem and called it, "The Man with the Serpent's Tongue," there is only one man that I know of in the British Empire to whom it could be applied, and that is my honourable friend from Midland (Hon. Mr. Bennett). In my humble opinion, honourable gentlemen, the man who used the words, "Kissed the tips of their fingers to their battalions, and bade them farewell, and hoped they would return safely," is simply a contemptible cur.

Hon. Mr. BENNETT: Mr. Speaker, is it the rule of this Chamber, where gentlemen are supposed to be, that one honourable member can call another honourable member a contemptible cur?

The Hon. the SPEAKER: I hope the honourable gentleman who has just resumed his seat (Hon. Mr. Sharpe) will withdraw the expression.

Hon. Mr. SHARPE: I assure you, Mr. Speaker, as I said a moment ago, I bow willingly to all your rulings. In using that term I thought I was going a little further than I should; but I wanted you and the other honourable members of this House to know my opinion of that gentleman. It is only true—

The Hon. the SPEAKER: Do you withdraw it?

Hon. Mr. SHARPE: Why certainly, certainly; but, Mr. Speaker, it is not only my opinion; it is the opinion of all those in the House of Commons who have sat there for twenty years. I want to say, Mr. Speaker and honourable gentlemen, that my intentions are—

Hon. Mr. BENNETT: Mr. Speaker, I rise to a point of order. No honourable member of this Chamber can come into the House and say that the opinion held outside, by members of the House of Commons, is that a member of this House is a miserable cur. I think that was the gentlemanly phrase that emanated—

Hon. Mr. SHARPE: That is it.

The Hon. the SPEAKER: I asked the honourable gentleman to withdraw the ex-

pression, and I understood that he withdrew it.

Hon. Mr. SHARPE: I did, Mr. Speaker. I wish to say this—

Hon. Mr. ROBERTSON: I raise a point of order, Mr. Speaker, if I may be pardoned. I rise only with reluctance and because of the fact that I happen to be the introducer of the Bill which has provoked this discussion. I respecfully suggest that it is not in order to debate subjects entirely apart from that of the subject-matter of the Bill, we ought to refrain from so doing. I would respecfully suggest that the debate be confined to the Bill before us.

Hon. Mr. SHARPE: I am sure, Mr. Speaker, I feel very sorry, and I certainly apologize to the House for having had to take up this question in the way that I did. We did our duty as we saw it, and a man in this House—an honourable gentleman, I should say, in this House—deliberately insults and slurs every man who tried to raise a battalion and who did his duty as he saw it.

Hon. Mr. BENNETT: Mr. Speaker, I rise to a point of order. I can quote Hansard to prove that I made no reference to other honourable gentlemen, but only to three members of this House. I did not refer to every honorary colonel, or colonel, who organized a regiment. Hansard will bear me out in this; and to one of those honourable gentlemen I did apologize.

The Hon. the SPEAKER: Honourable gentlemen, I do not like to interrupt members who are speaking, but, my attention having been called by the honourable the Minister of Labour to the fact that the discussion is going too far, I hope that honourable members will confine their remarks to the question before the House.

Hon. Mr. SHARPE: It comes in good time, Mr. Speaker. I had just finished. I have said all I intented to say.

In conclusion, to come back again to the Bill, I maintain that the legislation which was necessary last year is just as necessary now, and I will certainly support the amendment moved by my honourable friend from Hamilton.

Hon. G. G. FOSTER: There is, I infer from the discussion that has taken place in this Chamber and from what I hear outside, considerable misunderstanding as to what was meant by the Bill submitted by the honourable the Minister of Labour, which is now before us for consideration. Some people are under the impression that the amendment to the Act of last year, which the honourable the Minister of Labour is introducing, is an unfair method of obtaining some unreasonable advantage for labour organization. On the other hand, there are persons throughout the country who are under the impression that the passing of the Act of last year was an unfair and unreasonable attack upon the rights of every British-Canadian subject. Perhaps I may be accused of repeating what others have said in this House, but I would ask the indulgence of the Senate for a few moments while I state the reasons why I intend to support the Minister of Labour in the Bill which he has brought down.

In order that there may be no misunderstanding as to the circumstances under which the legislation was passed, I would once more remind the honourable members of this Chamber, and the people of this country, of the events that accurred in the year 1919. No man knowing the state of mind of the peoples engaged in the world war can question the statement that we were in an abnormal condition. Every nation which had been engaged in the war was in that condition. At that time, when we were endeavouring to restore the happy situation which had previously prevailed in Canada, there was thrust out of that great western country and that great city of Winnipeg the red hand of rebellion anarchy and revolt. The situation was not that a few railroad men had united for the purpose of securing higher wages; it was not that a few street car conductors had united to obtain shorter hours, or that the city employees of Winnipeg, like the employees in other cities, had united for the purpose of securing some advantage for themselves; but it was that the red hand of rebellion and revolt appeared at that time. Any man who knows Canada could not but be astounded when he heard that throughout this country other centres of industry, including Vancouver and Calgary and Toronto and Montreal, were being poisoned by the same hand, and similar conditions threatened us in these cities. The Government of this country came before Parliament, and this is what they said: "We find that it is necessary, in order to deal with particular men and particular phases of this trouble in Winnipeg, that we should have the right to deport without trial men who have committed offences, or are threatening to do so, although they are British subjects and cannot otherwise be deported." The

Bill, as has been stated here, passed the lower House in ten minutes and passed the Senate in five minutes, because we all realized that the condition existing in Winnipeg and throughout the country threatened the very existence of our political and national institutions.

I do not know whether or not that law served any useful purpose in connection with the disturbance, but I always felt it must have been a strong weapon in the hands of those charged with the administration of the law. However, there arose in that great city of Winnipeg the splendid body of men and women known as the Committee of One Thousand, who united to protect their city and their country, and who in so doing wrote their names on the pages of Canada's history just as surely as did the men who fell on the fields of France and Flanders, and no one should ever forget the service they rendered not only to Winnipeg, but to Canada. When their work was done and order was restored, and when the wheels of justice had begun to move for the punishment of those who were deserving of punishment, the whole labour question in Canada, for the time being, was settled.

Now the honourable the Minister of Labour comes before this Chamber and says that the condition which existed at that time has passed, and that the great labour body of this country and a large number of British Canadians in Canada ask that the law enacted last session be repealed. I do not always agree with the honourable the Minister of Labour. I doubt if there is in this Chamber any man who has differed oftener with him than I have. On the other hand, although we may have disagreed, I have always respected him, and I do to-day respect him, as the greatest representative of labour in the Dominion of Canada. I believe and know him to be a great, brave Canadian who, however much he may sympathize with labour, is as interested as any other man in this Chamber in the development of everything that is Canadian and in the building up of a great Canada; and I believe that the department which he represents, no matter whether he occupies that seat or not, will for all time play an important part in the affairs of our country. He and I have disagreed on other important matters, or on matters which to me seemed important; but, removing all the electricity, both inside and outside of this room, and throwing aside all the frills that have apparently been used for the purpose of surrounding this debate with some mystery, he appeals to me and he appeals to the Senate, and this is the plain, simple proposition that he puts to us: You, the Parliament of Canada, have placed British-born Canadian citizens in a position different from that of other citizens of Canada. In other words, the Italian, the Greek, the Russian or the Frenchman, who have become Canadian citizens, cannot be deported if they have lived in this country for five years and have complied with all the formalities necessary in order to become Canadian citizens; but, on the other hand, under the law as it stands to-day, a British-born Canadian citizen can be taken by the back of the neck and pitched out of this country without that trial to which every man with a drop of British blood in his body has for hundreds of years been entitled. That seems to me the only consideration which we should examine at this moment. Have we treated, and do we treat, British-born citizens differently from others? I understand the honourable the Minister of Labour to say that we do. I understand that under the amendment made to the law we are in a position to treat British-born citizens differently from any others. My view of the future is different from that of some honourable gentlemen. I want to see a quiet, steady, serious condition in Canada, which I regret to say has not existed during the last few months or the last few years. I want to see a tendency among the citizens of Canada to talk less about their provincial and narrow-minded politics than politicians in Canada, in every province, have done in the past year or two. I do not say that such talk was not natural under the conditions which prevailed, but I look forward to the time when the people of Canada will unite in the desire to secure for Canada that influx of people which is necessary for the development of the resources of this country. Some prefer one nationality, others prefer another; some people do not care whether the future citizens of Canada come from the north pole or the south, or from the east or the west, or where they come from. I have a preference. I do not want to see this country built up with thousands or millions of people who are unable to understand the political, national, religious and other feelings that permeate the best Canadian citizenship. I want to see the Dominion of Canada filled with British-born citizens who have come here to help develop this country as men of their race have done in the past. I do not want to see immigration retarded. I do not want to see any handicap put upon Irishmen, Scotchmen and Englishmen coming here, by

treating them differently in any respect from others. I want to see the hand of friendship and fellowship extended to them, in order that they may come here with proper ideals in their heart and may assist in developing that Canada which our fathers dreamed of, and which it is our proud hope to see realized. I say, honourable gentlemen, that having in mind my duty to the people I represent, and holding the belief that under the amended law no critical condition can occur in this country which cannot be dealt with; without one word of regret that the law was passed last year; without a word of apology to any labour organization, because at that time of stress we were bound to take some extraordinary action, but believing that the measure has served the purpose for which it was passed, I feel we should revert to the normal condition, treating all who desire to come to this country on the same plane. I shall therefore vote against the amendment of the honourable Senator from Hamilton, and I shall vote for the Bill as introduced by the Minister of Labour.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman answer a question? To which amendment of the Criminal Code does he refer?

Hon. Mr. FOSTER: The amendment of last year.

Hon. Mr. LYNCH-STAUNTON: What section?

Hon. Mr. FOSTER: I have not the section before me, but I will give it to the honourable gentleman.

Hon. Mr. LYNCH-STAUNTON: The Minister of Labour was asked the same question. So far nobody has been able to turn it up.

Hon. Mr. SCHAFFNER: I have very few words to say. My principal reason for rising is to ask a question of the honourable the Minister of Labour. I have had the honour of being a member of this Parliament for a number of years, and I must say that I have found it more difficult to-day than ever before to make up my mind how to vote. I want to ask the Minister of Labour for a little explanation of his remarks on page 460 of Hansard:

> Hon. Mr. Robertson: My reason, honourable gentlemen, for expressing the view that the same conditions could not arise again is that the Criminal Code itself has been so amended since this legislation was passed as to meet all necessary requirements and all emergencies.

I was not present the other day when the discussion took place, but I would like to know all that the Minister of Labour means by that declaration.

Hon. Mr. ROBERTSON: I am not in a position, honourable gentlemen, to quote the section of the Bill, but I think honourable gentlemen will remember that it was found that the Criminal Code did not sufficiently define the term "sedition," or was not clear as to what were the rights of the individual at the time. There was no doubt it was because of the fact that the code was in doubt that these amendments to the Immigration Act were brought down on the 7th June, 1919, when in the opinion of the Government and of Parliament it was necessary that prompt and adequate action to meet any emergency should be taken. This legislation was therefore passed. I think the Solicitor General did bring in an amendment to the Criminal Code at the fall session. I do not recall the details of that.

Hon. Mr. BRADBURY: Does not the honourable gentleman mean the amendment to the Naturalization Act?

Hon. Mr. ROBERTSON: I stand corrected. It may be the Naturalization Act. At any rate, the necessary steps were taken to amend our statutes, so that the necessity which existed on the 7th of June, 1919, for the passing of the amendment which we did pass, to the Immigration Act, existed no longer.

I do not desire to take up time, Mr. Speaker, except to answer the question, but while I am on my feet may I inquire of the honourable the Speaker on a point of information? I understood you, Sir, the other day to state that it would not be my privilege to speak again upon the Bill. I would point out to the House that as the introducer of the Bill I should be, either by right or by consent, permitted to say a few words in closing, because some of the observations made concerning the Bill deserve reference on my part before the debate is closed.

The Hon. the SPEAKER: What I said the other day was that you had no right to speak a second time on the amendment, but that after the amendment had been voted on you had the right to close the debate on the second reading of the Bill.

Hon. Mr. CURRY: Honourable gentlemen, it has been said that the reason and the necessity for this legislation a year ago does not exist to-day. I wish I could believe that; but I am sorry to say I cannot. Canada is not normal, and I doubt if it will be

normal inside of three or four years. During that period I do not see what harm can result from leaving this Act on the statute book. It will not affect persons in Canada who are obeying the laws; it will affect only such persons as will not obey the law. The honourable gentleman from Montreal (Hon. Mr. Dandurand) has said that this Act discriminates, as it applies only to British-born Canadian citizens. I would be very glad to see the Act amended to include all citizens regardless of where they were born, and allowed to stand in that way until conditions become normal. I think that in this country, and in nearly every country in the world, we are quite liable to see greater agitation and greater trouble from the Bolsheviki and other people who are trying to upset Governments everywhere than we have ever seen in the past. It seems to me that the Act as it stands is much the same as the storing of guns, rifles, and ammunition by the Government and I think it would be quite in order if the law were to say to the people whom it affects that their guns, rifles and ammunition should be taken out and dumped in the Atlantic, because they are going to be good citizens thereafter and will not use them. If they are good citizens, the law will not affect them. Therefore I shall vote for the amendment.

The proposed amendment of Hon. Mr. Lynch-Staunton was negatived on the following division:

CONTENTS.

Honourable Messieurs

Blain,	Proudfoot,
Bostock,	Ross (Middleton),
Bradbury,	Schaffner,
Crosby,	Sharpe,
Curry,	Tanner,
Daniel,	Thorne,
Girroir,	Todd,
Lynch-Staunton,	Watson,
McMeans,	Webster (Brockville),
Milne,	Yeo.—21.
Mulholland,	

NON-CONTENTS.

Honourable Messieurs

Beith,	Michener,
Bennett,	Mitchell,
Cloran,	Planta,
De Veber,	Power,
Farrell,	Ratz,
Fisher,	Robertson,
Foster,	Smith,
Godbout,	Taylor,
Gordon,	White (Pembroke),
Lavergne,	Willoughby.—21.
McSweeney,	

The motion for the second reading of the Bill was agreed to on the following division:

CONTENTS.

Honourable Messieurs

Beith,	McSweeney,
Bennett,	Michener,
Cloran,	Mitchell,
De Veber,	Planta,
Farrell,	Power,
Fisher,	Ratz,
Foster,	Robertson,
Godbout,	Smith,
Gordon,	Taylor,
Harmer,	White (Pembroke),
Lavergne,	Willoughby.—22

NON-CONTENTS.

Honourable Messieurs

Blain,	Proudfoot,
Bostock,	Ross (Middleton),
Bradbury,	Schaffner,
Crosby,	Sharpe,
Curry,	Tanner,
Daniel,	Thorne,
Girroir,	Todd,
Lynch-Staunton,	Watson,
McMeans,	Webster (Brockville),
Milne,	Yeo.—21.
Mulholland,	

Hon. Mr. SHARPE: Honourable gentlemen, I should like to direct your attention to the fact that the honourable member from Alberta (Hon. Mr. Harmer) did not vote the first time because he was paired with the honourable gentleman from Assiniboia (Hon. Mr. Turriff); but that he broke his pair, as I would think, and voted the second time. I do not think his vote should be allowed to count.

Hon. Mr. HARMER: I was paired with the honourable gentleman from Assiniboia for one day. He wanted to leave for a meeting. I thought that possibly I should not have voted in the first instance; but my understanding with him was that if the amendment was lost I was free to vote. That is my understanding.

The Bill was then read the second time.

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

THE SENATE.

Ottawa, Wednesday, June 2, 1920.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST AND SECOND READINGS.

Bill S4, an Act to incorporate the Bank of Saskatchewan.—Hon. James H. Ross.

ADJOURNMENT OF THE SENATE.

On the Orders of the Day:

Hon. Mr. BOSTOCK: Can my honourable friend tell us what he proposes to do about the adjournment? Are we going to sit to-morrow, it being the King's birthday, and is it the intention to sit on Friday?

Hon. Sir JAMES LOUGHEED: I have been waiting to ascertain what action the House of Commons would take as to sitting to-morrow. Notice of motion was given there, but whether it will be adopted by the House I cannot say. My own judgment is that we should adjourn from to-night until Tuesday next. There is very little on the Order Paper, and I am under the impression that public business would not suffer.

Hon. Mr. CASGRAIN: By leave of the House, I would move that when the Senate adjourns to-day it do stand adjourned until Tuesday next, at 3 p.m.

Some Hon. SENATORS: Eight.

Some Hon. SENATORS: Three.

Hon. Mr. LAVERGNE: I move in amendment that the Senate adjourn until Wednesday next, at 3 o'clock in the afternoon.

The Hon. the SPEAKER: The House must be unanimous.

Hon. Mr. CASGRAIN: If it is not unanimous, we will sit to-morrow.

Hon. Mr. LAVERGNE: The other day, when the leader of the Senate moved to adjourn until Tuesday, a Senator from Prince Edward Island moved that the House should adjourn until Wednesday, and we agreed to it. Now, I hope the same measure of courtesy will be extended to me.

Hon. Sir JAMES LOUGHEED: If the House is disposed to deal with the matter now, and agrees, I have no objection; but it is very desirable and even necessary that we should do it unanimously. I leave it to the House.

Hon. Mr. LAVERGNE: If you do not make it Wednesday I will object.

Hon. Mr. BRADBURY: In view of the attitude of the honourable gentleman, I believe the House should not be coerced into doing what it wishes.

Hon. Mr. CASGRAIN: With the leave of the House I will withdraw the motion, and we will keep on sitting.

Hon. Sir JAMES LOUGHEED: I am perfectly willing to take the judgment of the House as to either Tuesday or Wednesday.

Hon. Mr. POWER: The Government are responsible for the transaction of the business of the House, and in the past, under former administrations, the leader of the Government did not delegate the power to set the time of adjournment to any back-bench member who chose to press it. I think we had better stick to the old rule. Further, I believe there is some hope that we may expect prorogation before the end of this month, and I do not think that we would be justified in adjourning beyond next Tuesday at any rate.

Hon. Mr. DANDURAND: The memory of my honourable friend does not serve him aright, because I remember some combinations of the present leader of the Government and myself when we defeated the then leader of the Government quite often.

Hon. Mr. RATZ: I think the leader of the House should have the right to say when we should meet again. I have no favours to ask, but I should prefer that we should adjourn until the evening, whether it be on Tuesday or Wednesday. Otherwise some of us have to sacrifice a day. I think that we should get through the business in the evening as well as in the afternoon.

Hon. Sir JAMES LOUGHEED: Well, I will take the responsibility of saying Wednesday at 3 o'clock, and will move:

That when the House adjourns to-day it do stand adjoured until Wednesday next at 3 o'clock.

The motion of Hon. Sir James Lougheed was agreed to.

DIVORCE BILLS.

THIRD READINGS.

C4, an Act for the relief of Mary Oakley.—Hon. Mr. Gordon.

D4, an Act for the relief of Margaret Elizabeth Cooper.—Hon. Mr. Proudfoot.

Bill E4, an Act for the relief of Catherine Burfoot.—Hon. Mr. Proudfoot.

Bill F4, an Act for the relief of Margaret Henrietta Pettit.—Hon. Mr. Ratz.

Bill G4, an Act for the relief of Thomas Lindsay Thacker.—Hon. Mr. Ratz

Bill H4, an Act for the relief of John Durose.—Hon. Mr. Ratz.

SUPREME COURT BILL.

THIRD READING.

Bill 109, an Act to amend the Supreme Court Act.—Hon. Sir James Lougheed.

BRITISH COLUMBIA INDIAN LANDS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

Hon. Sir JAMES LOUGHEED moved that the Senate go into Committee on Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

Hon. L. G. POWER: Before the House goes into Committee I should like to say a word or two with respect to this matter. Honourable gentlemen may perhaps remember that I asked yesterday that the consideration of the Bill might be postponed until to-day. I find there is a statement submitted on behalf of the Indian tribes of Briish Columbia, and after reading it over with a reasonable amount of care, I think the Indians have made out a decidedly strong case to the effect that they have not been dealt with fairly in connection with these lands in British Columbia; and, inasmuch as the honourable leader of the House does not expect to have anything to do in the way of parliamentary business other than this during the next week, perhaps it would be a good idea for him to take a few days to look into the claims of the Indians so that when we meet again he would be in a position to submit a reasonable and fair Bill.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, when I submitted this Bill for second reading I took occasion to say that in the judgment of the Government it would not be desirable to refer this to a special committee in order to hear those who are self-appointed state what they regard as the claims of British Columbia.

Hon. Mr. BOSTOCK: My honourable friend says "self-appointed."

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: But the Indian chiefs are appointed by the Indian tribes and are representative.

Hon. Sir JAMES LOUGHEED: This may possibly involve my making a statement of a sort which I usually endeavour not to make, casting reflections upon individuals. If there be any dissatisfaction—and one would judge from the circulars which have been issued that that is the condition of the Indian tribes in British Columbia—it is largely, if not wholly, due to one individual, who is a self-appointed missioner, so to speak, of the Indians of that province. Since 1908, I think it would be, this matter has been stirred up amongst the Indians of British Columbia, and the Government of Sir Wilfrid Laurier was confronted with the same problems that are being thrust upon us to-day. In the Crown colony days not only of Vancouver island but of the mainland, and afterwards of both when they became the province of British Columbia, and since British Columbia joined the union, the same policy has been pursued in regard to the Indians of that province as we are following to-day. The Imperial authorities in the Crown colony days allotted certain lands for the occupation and use of the Indians. When the two Crown colonies came together that same policy was pursued by the united colony of British Columbia, and when British Columbia joined the Union provision was made that the Indians should be similarly treated by the Government of Canada, and that has been consistently done. Not only has it been consistently done, but if there has been any departure from that policy it has been along the lines of greater generosity being extended to the Indians than at any previous time.

There appeared upon the scene some years ago a certain gentleman, who apparently made it his mission in life to promote dissatisfaction amongst the Indians of that province and to induce them to make what I might term the preposterous claim of having an interest in the land title of the whole of British Columbia. They asserted their claim not only to the aboriginal title of their reserves, but to the whole of the province.

The Government of Sir Wilfrid Laurier and this Government also, I understand, consented, in view of the agitation which had been stirred up by the means to which I have alluded, to submit to the Privy Council, through the proper channels, the question of the aboriginal titles and to pay the Indians compensation therefor. But this is not considered sufficient; the whole title of lands in British Columbia must necessarily become disturbed to satsify the claims of those who are responsible for this movement. Moreover, this same gentleman assumed the responsibility, on two or three occasions, of petitioning the Privy Council of his own motion to disturb the status quo, so to speak, of the Indians in British Columbia, and to deal with this important question entirely irrespective of the intervention of the Dominion of Canada. The

Privy Council of course rejected the claim, it could not do otherwise. It could not give consideration to so important a problem unless the Government of Canada set the case in motion, and this the Government of Canada refused to do.

For a number of years there have been certain differences between the province of British Columbia and the Government of Canada touching the Indian reserves. For the information of honourable gentlemen who were not present when I moved the second reading of this Bill, I might say that about three-quarters of a million acres of land have been set aside by the Government of British Columbia for Indian reserves in that province. There are about 20,000 Indians in British Columbia, and the reserves which have been allotted to them for their occupation and use have not been entirely used or occupied. My honourable friend (Hon. Mr. Bostock) read an Order in Council, passed as long ago as the time when the Mackenzie Government was in office, in which it was stated that a commission representing both Governments should be appointed to adjust those differences. Apparently nothing definite was done upon the subject until 1912. In that year both Governments took up the subject. An Order in Council was passed by the Dominion Government making provision, in pursuance of the agreement that had been entered into between the two Governments, for the appointment of a joint Royal Commission to inquire into all those differences with a view to adjusting them and to reaching a common understanding regarding the future treatment of the Indians of British Columbia. The British Columbia Government appointed a certain number of gentlemen to that Commission, and a like number were appointed by the Dominion Government. They proceeded in the beginning of 1913 to investigate the differences which were submitted to them for adjustment, and in 1916 they made a report. The main question that was dealt with in that report was the reduction of certain Indian reserves. The Commission considered it very desirable that that should be done. Accordingly, those reserves were reduced by some 47,000 acres, and the Government of British Columbia transferred, or agreed to transfer, to the Indians, in lieu of the 47,000 acres of cut-off, some 80,000 acres. There were certain Indians in British Columbia who, I understand, had not been furnished with reserves, and provision was accordingly made for the occupation of certain lands, which were delimited by the Royal Commission for the use of those particular Indians.

The main question to be decided between the two Governments is this—and it is one of great importance to the Indians; and what is of importance to the Indians is, of course, important to the public of British Columbia—in fact, to the public of Canada; because it is not desirable that there should be any dissatisfaction in the minds of the Indians in regard to the treatment accorded to them by this Government or the Provincial Government. The province of British Columbia, since its entry into the Union, claimed that it had a reversionary interest in all the Indian lands. It had conveyed, as I have already said, about three-quarters of a million acres to the Indians for reserves, for their occupation and use; but it claimed that at all times it had a reversionary interest in those lands. That is to say, by way of illustration, if, as provided for by the Indian Act, the Indians agree to the surrender of any portion of their reserves, that reversionary interest had to be satisfied before a transfer of those lands could be made. The consequence was that if a surrender of certain lands should be made to A, then either A or the Indians had to pay to the province of British Columbia whatever consideration might be fixed for the transfer or surrender of its reversionary interest.

Honourable gentlemen can readily see that a situation of that kind would be provocative of more or less trouble, and it was very undesirable that friction should be caused by this constant assertion of the right which British Columbia apparently had. In the other provinces of the Dominion the reversion of the title to Indian land passes to the province in the event of the Indian tribe occupying any particular land becoming extinct; and it was therefore very desirable that the land tenure in British Columbia, so far as the reserves are concerned, should be on the same basis as in the other provinces of Canada. This was one of the subjects, in addition to either the reduction or the extension of the reserves, dealt with by the Commission. It has been dealt with satisfactorily, so that hereafter the province of British Columbia will be in the same position as the other provinces of Canada so far as the reversionary interest is concerned.

There were a number of minor matters also dealt with. It therefore became necessary that effect should be given to the findings of the Royal Commission. The only departure that this legislation makes

in regard to the agreement which had been entered into and the report which had been determined upon is with reference to the surrender of the cut-offs which had been taken from certain reserves. I do not know that the matter was seriously considered, but it was anticipated that the Indians would probably surrender the cut-offs under the provisions of the Indian Act. But, in the adjustment of matters of that kind, more or less dissatisfaction is, of course, bound to arise. The consequence is that both Govenments have assumed the responsibility of saying to their respective legislatures that it is desirable that power should be vested in both Governments to dispense with the surrender by the Indians of those particular cut-offs. We are not invading the Indian Act. When this matter was up for consideration the other day the opinion seemed to prevail that we were entirely overriding the Indian Act as to the Indians deliberately or willingly surrendering their land. We are simply confining the exercise of the power to these 47,000 acres by which we are reducing the reserves, and we are in turn conveying to the Indians almost double that quantity of land.

Honourable gentlemen have been urging —and the demand has been, I understand, circularized amongst the members of the Senate—that this Bill should be referred to a special committee for the purpose of hearing certain of the Indians, and, more particularly, for the purpose of hearing the gentleman to whom I have referred, and who seems to have assumed the responsibility of being the spokesman for the Indians of British Columbia. When this matter was before the House of Commons, the Bill which we are now considering was disposed of, and it was followed by what is known as Bill 14, dealing with the franchise of Indians. Representations were made to the committee that the Indians should be heard. They were heard, ostensibly, in the first place upon Bill 14; but all parties who appeared before the Committee of the Commons insisted upon obtruding upon the Commons their representations concerning this Bill, and, notwithstanding the protests of the Committee, it was finally determined to hear the whole matter. It was heard by the Commons Committee, and I may say no weight was given to the representations. It has been pointed out to me by the Government, and likewise by members of the Commons from British Columbia, that it is not desirable that this matter should be further stirred up amongst the Indians. I say unhesitatingly that the man who assumes the responsibility of stirring up the Indians assumes a very grave responsibility and should not be encouraged in that by Parliament. That is the attitude which the Government takes, and which I hope this Senate will take, upon this particular subject.

Some Hon. SENATORS: Hear, hear.

Hon. Sir JAMES LOUGHEED: The province of British Columbia has, with a parental attention, I might say, looked after those Indians since Confederation. The Government of Canada has done likewise. The treatment of the Indians by the Government of Canada has been proverbial for sympathy, for generosity, and for all that parental solicitude could do for any section of the population. I say unhesitatingly, honourable gentlemen, that no greater attention or sympathy has been given to any subject with which the Government of Canada is charged than to the Indian question. The treatment by Canada of the Indians has always been pointed to by the United States as one of the greatest tributes that can be paid to the Dominion. In the treatment of the native tribes Canada has proverbially stood above every other country. Now, I ask, is it desirable at this particular time that consideration, weight, and seriousness should be given to any one individual who may choose to travel from tribe to tribe throughout the province and create dissatisfaction and stir up trouble among the Indians? I say no, honourable gentlemen. We feel that the responsibility rests upon us not to be party to that. The Government of British Columbia and the Government of Canada have come together. The Royal Commission, representing both Governments, and extending over some three years of continuous labour, paid the closest attention to the different questions submitted by the Indians, with the result that they have arrived at the report already submitted to Parliament to which I have referred, and to which it is poposed to give effect by the legislation before us. The province of British Columbia passed almost precisely similar legislation to that which we have before us. This is an enabling Act to permit both Governments to come together, and to give effect to the findings contained in the report. I might say further, honourable gentlemen, that we do not propose to exclude the claims of the Indians. It will be manifest to every honourable gentleman that if the Indians have claims anterior to Confederation, or anterior to the creation of the two Crown colonies in the province of British Columbia, they could

be adjusted or settled by the Imperial authorities. Those claims are still valid. If the claim be a valid one which is being advanced by this gentleman and those associated with him as to the Indian tribes of British Columbia being entitled to the whole of the lands in British Columbia, this Government cannot disturb that claim. That claim can still be asserted in the future. But whatever differences exist between this Government and the Government of British Columbia, it is very desirable that they should be settled, and that both Governments should unite in a mutual and co-operative plan for the purpose of doing what is in the best interests of the Indians in that province.

Under these circumstances, I do not think it is in the interest of the Indians themselves, it is not in the interest of the two Governments involved, and it is not in the interest of the public, that this matter should be further stirred up. And let me point out this: that the same problems which are now being thrashed out in this agitation would be thrashed out in every province of Canada. They affect the Indians of every province and would be common to all the Indians of every province; and, if carried to their logical conclusion, would instil unrest in the minds of all the Indians of every province, and would disturb the land tenure of the Dominion. I therefore think that a Committee of the Whole House would be better adapted than a small Committee which we might select to deal with the subject. I invite the closest attention of every honourable gentleman to the matter, and ask him to give his best and most intelligent consideration to the questions involved in the Bill.

Hon. HEWITT BOSTOCK: There are certain differences between my honourable friend and myself in regard to this question. He would lead one to suppost that the attitude of the Government with regard to it had not changed at all of late years. He referred to the fact that the question was brought up in the time of the Government of the late Sir Wilfrid Laurier. Sir Wilfrid Laurier, when in the West, had this question placed before him, not only at Prince Rupert, but at Kamloops, and on one occasion made this statement:

> The situation arising from the refusal of British Columbia to consent to a reference of the question of Indian title to the Judicial Committee of the Privy Council was brought by the "Friends of the Indians" and the Moral and Social Reform Council of Canada before the then Government of Canada, when Sir Wilfrid Laurier, in the course of the answer given to the delegation, said:
>
> "The British Columbia Government contends that the Indians have no claim. If the case could be referred to the Supreme Court and the Privy Council, it would bring the matter to an issue at once. Unfortunately, Mr. McBride would not agree to that submission. He only agreed to leave out of the question the very thing he wants to have a decision upon. We do not know if we can force a Government into court. If we can find a way I may say we shall surely do so, because everybody will agree it is a matter of good government to have no one resting under a grievance. The Indians will continue to believe they have a grievance until it has been settled by the court that they have a claim or that they have no claim."

Now, I have understood that it was the attitude of the Dominion Government, practically up to the time this Bill was brought into Parliament, that there was a claim on the part of the Indians that ought to be settled; and, if I understand the position at the present time, they feel that they should still have the right to test that claim out, and they fear that the legislation which is now before the House would prevent them dealing with that matter and putting their case forward in the way in which they desire. My honourable friend has said that they tried to have their case put before the Judicial Committee of the Privy Council. That is perfectly true. They tried to do that, and on previous occasions the Dominion Government recognized, I think, that there was some justice in the claim on the part of the Indians that they should be heard in this matter. Away back in 1875 the Minister of Justice had to deal with this question, and on the 2nd of November, 1875, the then Minister of the Interior addressed a letter to the Government of British Columbia in which he said:

> On 2nd November, 1874, the then Minister of the Interior, in a letter addressed to the Government of British Columbia, said:
>
> "A cursory glance at these documents is enough to show that the present state of the Indian land question in our territory west of the Rocky Mountains is most unsatisfactory—and that it is the occasion, not only of great discontent among the aboriginal tribes, but also of serious alarm to the white settlers.
>
> "The guaranteeing the aborigines of British Columbia the continuance of a policy as liberal as was pursued by the local government seems little short of a mockery of their claims. If there has not been an Indian war it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united.
>
> "In laying the foundation of an Indian policy in that province on the same permanent and satisfactory basis as in the other portions of the Dominion—the Government of the Dominion feel that they would not be justified in limiting their efforts to what under the strict letter of the terms of union, they were called upon to do. They feel that a great national question like this—a question involving possibly in the near future an Indian war, with all its

horrors, should be approached in a very difficult spirit, and dealt with upon other and higher grounds.

"The policy foreshadowed in the provisions of the 13th clause of British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians. To satisfy these demands, and to secure the good will of the natives, the Dominion and local Governments must look beyond the terms of that agreement—and be governed in their conduct toward the aborigines by the justice of their claims, and by the necessities of the case."

Hon. Mr. BLAIN: Mr. Speaker, in order that we may intelligently consider the question, may I ask the honourable gentleman what he is reading?

Hon. Mr. BOSTOCK: This is a memorial got out in reference to this matter. It contains a quotation from a letter of the Minister of the Interior to the British Columbia Government on the 2nd November, 1874.

Hon. Mr. BLAIN: Whom is the memorial presented to?

Hon. Mr. BOSTOCK: It is a memorial of the Conference of Friends of the Indians of British Columbia, and this document is addressed to His Royal Highness the Governor General of Canada in Council.

Hon. Mr. BLAIN: At what date?

Hon. Mr. BOSTOCK: The 4th of November, 1912. It sets forth their claims in regard to this matter.

Hon. Sir JAMES LOUGHEED: Can the honourable gentleman tell us why the question was not settled in 1874, inasmuch as it seems to have been a very live one?

Hon. Mr. BOSTOCK: My understanding of the whole situation is that the question has never been settled because British Columbia would not agree to joining issue on the matter.

Hon. Sir JAMES LOUGHEED: Nor the Dominion Government.

Hon. Mr. BOSTOCK: The attitude of the Dominion Government all along has been that there was a claim, if I understand the position.

Hon. Sir JAMES LOUGHEED: Not to the whole of the Indian title of British Columbia.

Hon. Mr. BOSTOCK: That the Indians had a certain claim, and that there was a question to be settled between the Indians and the Government of British Columbia. After British Columbia came into Confederation, of course the Indian administration was placed in the hands of the Dominion Government, and, as I stated on the second reading of this Bill, the Dominion Government made an arrangement as to certain lands in British Columbia in the year 1899, when they settled with regard to land in what is known as the Peace River district, and also in the northern territory. That, I say, is one reason why the Indians think that the whole question should be dealt with in the same way, and that the Indians in the northern part of British Columbia should not be placed in a different position.

Hon. Mr. TANNER: Is there any doubt about their having agreed to it?

Hon. Mr. BOSTOCK: I have not discussed the matter with the present provincial Government at all, but I have here an Act passed by the British Columbia Legislature which I might read to the House. This Act was assented to on the 29th of March, 1919. There are two clauses in it. The first is entitled: "Power to give effect to report of Commission and settle all differences." The other reads as follows:

Without limiting the general powers by this Act conferred, the Lieutenant Governor in Council may, for the purpose of adjusting, readjusting, or confirming the reductions, cut-offs, and additions in respect of Indian Reserves proposed in the said report of the Commission, carry on such further negotiations and enter into such further agreements, whether with the Dominion Government or with the Indians, as may be found necessary for a full and final adjustment of the differences between the said Governments.

As far as I know, that represents the position of the provincial Government to-day. I understand that some question with regard to this clause of the Bill has come up in Ottawa, and that the Justice Department takes the view that the province of Britsh Columbia has no authority to negotiate with the Indians directly, but that the negotiations must be carried on between the two Governments, the Dominion Government representing the Indians.

Hon. Mr. TANNER: Does that Act, in the judgment of the honourable gentleman, enable the present Government of British Columbia to carry out the intention of the Bill which is now before this House, as far as they have the power?

Hon. Mr. BOSTOCK: I understand that the British Columbia Act has been drawn up in consultation with certain officials of the Indian Department.

Hon. Mr. TANNER: I am asking my honourable friend's opinion of that statute. Does he think it is sufficient to enable the British Columbia Government to carry into effect the arrangement proposed under the Bill before the House?

Hon. Mr. BOSTOCK: Oh, yes. I think this Act passed by the provincial Government will certainly enable them to do all that is necessary; but the point is that it is a full and final adjustment of all differences between the two Governments.

Hon. Mr. TANNER: The British Columbia Government are concurring in proposed arrangements?

Hon. Mr. BOSTOCK: Yes, so far as I know they are concurring, but they have no responsibility to the Indians. The British Columbia Government have all along taken the stand that there was no question of title to be settled with the Indians. That was very clearly brought out in the report made by J. A. J. McKenna, which had to do in the first instance with the appointment of this Commission. In that report Mr. McKenna said:

> The position taken by the province was that the title of Indians to lands reserved for them was a mere right of use and occupancy; that under said article no beneficial interest in such lands was to be taken by the Dominion as guardian of the Indians; and that whenever the Indian right to any such lands or to any portion thereof became extinguished through surrender or cessation of use or occupation or diminishment of numbers, the land reverted, unburdened, to the province. The Indians, as they advanced in knowledge of affairs, became aware that they were not regarded as having the same right in reserved lands as Indians in other parts of Canada were recognized as having in lands set apart for them.

My honourable friend has spoken of persons going about agitating amongst the Indians regarding this question; but this is not due to the work of any individual agitator, so far as I know, although the gentleman to whom he refers has of course busied himself in presenting these questions to the Government and to Parliament. I doubt that the Indians will be quieted simply by the over-riding of anything that is said by this gentleman. The Indians themselves know the situation, and there is danger that they may feel that they have not been fairly treated and are not being given a fair hearing in this matter, and that they will therefore have a grievance against the Dominion Government. My reason for raising this question in the House as I have done is that I think it most desirable at the present time that we should do all we can to satisfy those people and let them understand that we wish to treat them as fairly and give them as fair a hearing as we possibly can.

The purpose of the Bill before us is to confirm the arrangement made by the Commission, which was the outcome of that report of Mr. McKenna. The fact that this Bill provides for the final settlement of the question of cut-offs, and that under clause 3 it does away with the necessity for the surrender by the Indians of those reserves, will likely lead the Indians to think that they are not being properly dealt with by the department. The Indians appeared before the Commission, I understand, but of course they did not know what the Commission's findings were. The department have agents throughout the province, and I presume they know what are the feelings of the Indians with regard to these reserves.

Hon. Mr. GIRROIR: I should like to get a little information. We from the East do not understand this question very well. Cannot these Indians bring an action in the courts to determine the validity of their title?

Hon. Mr. BOSTOCK: I think the best answer I can make to my honourable friend is this. I read to the House a short time ago Sir Wilfrid Laurier's statement that he was unable to bring the matter into the courts because the Provincial Government of that day would not agree to any question being submitted to the courts.

Hon. Mr. CROSBY: That was fifty years ago.

Hon. Mr. BOSTOCK: That was in 1909 or 1910.

Hon. Mr. CROSBY: I thought you were reading the document you said was prepared about 1874.

Hon. Mr. BOSTOCK: I did afterwards.

Hon. Mr. CROSBY: I am trying to follow the honourable gentleman, but he is getting things mixed.

Hon. Mr. BOSTOCK: It is a very difficult question, I know, and it is rather difficult to keep it clear, but that statement of Sir Wilfrid Laurier—

Hon. Mr. CROSBY: I would like to ask my honourable friend a question. As my honourable friend on the left (Hon. Mr. Girroir) says, we are not familiar with these matters, but if I understand the situation the British Columbia Legislature have passed an enabling Act.

Hon. Mr. BOSTOCK: Yes.

Hon. Mr. CROSBY: And if I understand this Bill aright, it also is an enabling Bill to provide for the two Governments getting together and giving proper and special consideration to the settlement of this whole question. Am I right in that?

Hon. Mr. BOSTOCK: Yes, but it goes further than that.

Hon. Mr. CROSBY: If it goes further, then so much the better for the Indians. I do not want to make a speech, but it seems to me that the two Governments which are having these enabling measures passed may well be trusted, by means of a commission or in some other manner, to settle this question satisfactorily to the Indians. If that be so, I can se no harm in our passing the Bill which is before use.

Hon. Mr. BOSTOCK: I would point out to the honourable gentleman that the Bill now before the House purports to deal with this question as a full and final adjustment of all differences. That puts the Government in the position that if later on there is any question decided with regard to the claims which the Indians themselves make, the Government cannot go back to the Provincial Government and say, "Now, we want you to give us more land," or, "we want you to do this, or to do that," because the Provincial Government can refer them to their own Bill, which says that this is to be a full and final adjustment.

Hon. Mr. McMEANS: Would the honourable gentleman tell us what really is the Indians' claim?

Hon. Mr. CLORAN: That is just what we would like to know. I do not know.

Hon. Mr. BOSTOCK: It is a rather difficult question to answer exactly. My honourable friend knows that all kinds of rash statements or extreme claims may be made on this account. But, as I understand, the claim of the Indians is that their aboriginal title, whatever that amounts to, has never been settled for.

Hon. Mr. McMEANS: The title to the whole province?

Hon. Mr. BOSTOCK: To the whole province of British Columbia.

Hon. Mr. LYNCH-STAUNTON: Has not the Privy Council passed upon the question of aboriginal title in other provinces many times?

Hon. Mr. BOSTOCK: I think it has.

Hon. Mr. LYNCH-STAUNTON: Has not the Privy Council passed upon the aboriginal claims in Ontario more than once?

Hon. Mr. BOSTOCK: I am not in a position to speak definitely about that. I think there have been questions referred to the Privy Council, but not in regard to British Columbia.

Hon. Mr. LYNCH-STAUNTON: The Indians have always understood that they had no fee simple in the lands at all; that they were only wards of the Crown, as it were, and had no real title except what the Crown gave them. The Privy Council has decided that.

Hon. Mr. BOSTOCK: If the Privy Council has decided that in one case, then why not allow this question to be decided?

Hon. Mr. LYNCH-STAUNTON: The judgment is of universal application in the Dominion of Canada, I think.

Hon. Sir JAMES LOUGHEED: This Bill will not prevent the Indians from having the question settled.

Hon. Mr. McMEANS: Are there any half-breeds among the Indians?

Hon. Mr. BOSTOCK: Not that I know of. I have not seen any half-breeds.

Hon. Mr. McMEANS: The reason I ask is that I know that the question of the title of the half-breed in the Northwest was settled by the Government issuing script. I thought there might be some half-breeds in British Columbia.

Hon. Mr. BOSTOCK: There are of course a number of half-breeds in British Columbia. I suppose some of them might be interested in this matter. It all depends—

Hon. Mr. GIRROIR: I did not get an answer to my question. Cannot the Indians bring action in the courts for a declaration of their title?

Hon. Mr. BOSTOCK: As I understand the situation, the Indians themselves cannot sue in court. The Indians would have to depend on the Dominion Government.

Hon. Mr. WATSON: They are wards of the Government.

Hon. Mr. BOSTOCK: They would have to depend on the Government taking action. The Government is the trustee.

Hon. Sir JAMES LOUGHEED: Will my honourable friend permit me to intervene? I may perhaps throw a little light upon this question. In 1914 an Order in Council was

passed to facilitate the submission of this matter to the Privy Council along certain lines recommended by the Superintendent General of Indian Affairs, and up to the present time advantage has not been taken of it. I will read the Order in Council; the House will perhaps be interested in it:

The Committee of the Privy Council have had before them a report from the Superintendent General of Indian Affairs, dated 11th March, 1914, submitting the accompanying memorandum from the Deputy Superintendent General of Indian Affairs upon the Indian claim to the lands of the province of British Columbia, in which he concurs.

The Commiittee, on the recommendation of the Superintendent General of Indian Affairs, advise that the claim be referred to the Exchequer Court of Canada with the right of appeal to the Privy Council under the following conditions:—

1. The Indians of British Columbia shall, by their Chiefs or representatives, in a binding way, agree, if the court, or, on appeal, the Privy Council, decides that they have a title to lands of the province, to surrender such title, receiving from the Dominion benefits to be granted for extinguishment of title in accordance with past usage of the Crown in satisfying the Indian claim to unsurrendered territories, and to accept the finding of the Royal Commission on Indian Affairs in British Columbia as approved by the Governments of the Dominion and the Province as a full allotment of Reserve lands to be administered for their benefit as part of the compensation.

2. That the Province of British Columbia by granting the said reserves as approved shall be held to have satisfied all claims of the Indians against the Province.

That the remaining considerations shall be provided and the cost thereof borne by the Government of the Dominion of Canada.

3. That the Government of British Columbia shall be represented by counsel, that the Indians shall be represented by counsel nominated and paid by the Dominion.

4. That, in the event of the Court or the Privy Council deciding that the Indians have no title in the lands of the Province of British Columbia, the policy of the Dominion towards the Indians shall be governed by consideration of their interests and future development.

All of which is respectfully submitted for approval.

The memorandum is attached. It sets out what should be submitted, etc. But up to the present time the Indians, at the instance of those who are advising them, have refused to accept the proposal which has been made by the Dominion Government. This Order in Council stands today, and the Government is prepared to start a case in the Exchequer Court and to refer it through the proper channels to the Privy Council and have the whole question decided. But it is utterly impossible to get the Indians to accept that proposition.

Hon. Sir JAMES LOUGHEED

Hon. Mr. BOSTOCK: Because, if I understand the situation, this Order in Council to which my honourable friend has referred insists that:.

The Indians of British Columbia shall, by their Chiefs or representatives, in a binding way, agree, if the Court, or, on appeal, the Privy Council decides that they have a title to lands of the Province, to surrender such title, receiving from the Dominion benefits to be granted for extinguishment of title in accordance with past usage of the Crown.

The Indians at the present time, if I understand their attitude, think they are being asked to give up any claim that they have before they go into court, and the question is whether that impression of theirs can be dispelled.

Hon. Sir JAMES LOUGHEED: Now, may I ask a frank question of my honourable friend? Would he be willing that the whole of the land tenure of British Columbia should be placed in the balance, as in this case, without proper safeguards?

Hon. Mr. BOSTOCK: My idea is that the claim does not go as far as that.

Hon. Sir JAMES LOUGHEED: It does. The Indians claim to be entitled to all the lands in British Columbia. We are satisfied to test the aboriginal title. Furthermore, at the hearing of the Royal Commission the subject did not come up at all.

Hon. Mr. BOSTOCK: No.

Hon. Sir JAMES LOUGHEED: The Commission has not dealt with this subject, nor will this matter, in my judgment, be dealt with by the two Governments.

Hon. Mr. BOSTOCK: The reason it did not come before the Royal Commission was, I understand, that the Indians appeared before the Commission and asked them whether they were in a position to deal with the question, and the Commission said that the terms of reference did not give them any power to deal with it at all.

Hon. Sir JAMES LOUGHEED: And we do not assume to deal with it.

Hon. Mr. BOSTOCK: The Royal Commission was appointed for the purpose of dealing with the question of reserves, and this whole question has come up because the Indians have felt that here is a danger that this legislation may put them in such a position that they will be debarred from raising the question at a future date. That is as shortly as I can state the situation.

Hon. Sir JAMES LOUGHEED: Then who is to decide what the question to be submit-

ted shall be? Somebody has to decide what the stated case to the Privy Council shall be.

Hon. Mr. BOSTOCK: The feeling of the Indians, as represented, is that the Dominion Government have somewhat changed their position and are not prepared to place the Indians in a position as favourable for dealing with this matter as they would have been placed in by the proposal made by the late Government, if the Provincial Government could have been brought in and the cases taken into court.

Hon. Sir JAMES LOUGHEED: This proposal is still open. We absolve British Columbia: we assume the responsibility for the British Columbia Government, as far as compensation is concerned. We release them of all responsibility.

Hon. Mr. BOSTOCK: But if there should be a decision that the Indians are entitled to more land than they have so far received, the British Columbia Government would not be in a position to give that land to the Dominion Government for the purpose.

Hon. Sir JAMES LOUGHEED: That is not the question at issue. My honourable friend will not say that the question at issue is as to whether the present Indian reserves are sufficient or insufficient. The question, as my honourable friend knows, involves the Indian title to the whole province of British Columbia.

Hon. Mr. LYNCH-STAUNTON: Would the honourable gentleman tell us if the Indians succeeded in this case what would they expect to get?

Hon. Mr. CLORAN: That is what I would like to know.

Hon. Mr. LYNCH-STAUNTON: Suppose the litigation takes place and they succeed, what do they expect to get that they are not now getting?

Hon. Mr. BOSTOCK: The whole matter is so complicated that it is very difficult to give the honourable gentleman a direct answer. As I think I stated before, the Indians may have very great expectations in this matter.

Hon. M. LYNCH-STAUNTON: What is their smallest expectation?

Hon. Mr. TANNER: What is the least they would take?

Hon. Mr. BOSTOCK: I really cannot give my honourable friend a definite answer.

Hon. Mr. GORDON: What do they want?

Hon. Mr. BOSTOCK: We can take the assurance of the honourable leader of the Government that if this Bill passes the Indians will still be in the same position. When this question is settled, which they claim ought to be settled, I think their objection to the Bill would be done away with; but their feeling is that this Bill in its present form is going to debar them from having that question settled.

Hon. Mr. LYNCH-STAUNTON: What material benefit would they expect to lose if this Bill goes through?

Hon. Mr. TANNER: All they want is a grievance.

Hon. Mr. BOSTOCK: No, I do not think that the Indians want a grievance. The point is that this Bill deals with two things. First of all, there is the statement in clause 2 of the Bill that this is a final and full adjustment of all their claims, and they feel that they are being placed in a position in which they may not be able to get this question of title settled.

Hon. Mr. LYNCH-STAUNTON: As the honourable gentleman knows, they have been agitating for many years, and surely they have come to some conclusion as to what they want.

Hon. Mr. BOSTOCK: I have never heard any definite conclusion stated. Clause 3 of the Bill says, regarding the question of the reserves that have been dealt with by the Commission, and from which cut-offs or reductions have been made, as referred to by my honourable friend, that notwithstanding any provision of the Indian Act to the contrary, the Governor in Council—

> May carry on such further negotiations and enter into such further agreements with the Government of the province of British Columbia as may be found necessary.

That is another point altogether, and the Indians of those reserves are not altogether satisfied with the findings of the Commission. They want to be heard; they are not satisfied to have this question settled in this way by the Government. The Department here may be desirous of doing all they can for the Indians, but they have to act through their agents in the various parts of the province. Honourable gentlemen may have heard of the Kitsilano reserve. The province undertook to deal with that question and made a settlement with certain Indians, which was overthrown by the courts; and there are some seventy Indians who claim that their interest in that particular reseve was never settled at

all. They wanted to get some statement from the Department with regard to that particular reserve, but I understand that up to the present time they have never been able to get any statement as to how the matter stands. They object to this Bill going through and the whole question being settled without the consent of the Indians being considered at all. I think that is an important matter. It means, unless there is some settlement of that particular phase, that the Indians will feel that they have not been fairly treated.

The other day the Government of the Dominion and the Government at Washington came to an agreement relating to fishing for sockeye salmon on the Fraser river. For a great number of years that question has been a troublesome one. I want to draw the attention of the House to the situation in that regard as I see it. Honourable gentlemen will see that on page 444 of the report of the Royal Commission which we have before us, there is a map of the reserves in what is known as the Lytton agency. The map shows the old reserves, the new reserves that have been set apart, and the cut-offs. Honourable gentlemen will see that the reserves are on both sides of the Fraser river; they will see also that a number of the reserves are small. Any honourable gentlemen who have been down the Fraser river will know what the country is like down to the coast, and that from Lytton down to Yale the reserves are only places where the Indians can go every year and pitch their tents and fish for the salmon and smoke them, to carry them away back to the places where they live for use in the winter. Now, under this fishery agreement, which I understand has been completed, section 5 of the International Regulations for the protection and preservation of the sockeye salmon fisheries of the Fraser river system reads as follows:

> No net fishing or fishing of any kind, other than with hook and line, except for hatchery purposes or scientific purposes, shall be permissible in the Fraser river above the down-river side of Mission Bridge.

As my honourable friend from Westminster (Hon. Mr. Taylor) probably knows very well, the down-river side of Mission Bridge means the lower part of the Fraser river. I do not know whether I am right in saying that it is practically the limit of tidal water. My honourable friend apparently agrees with me. Then from the limit of tidal waters there is to be no fishing other than with hook and line except for hatchery or scientific purposes. The Indians on those reserves in the Lytton agency and the other agencies are excluded from fishing there for sockeye salmon.

The other day I read to the House from a report of Mr. Babcock, who is the Fishery Commissioner for the province of British Columbia. What I read was for the purpose of showing what in his opinion the Indians would have to do. He also said in that report:

> The Indians resident in the Fraser river basin have always fished for salmon. Before the advent of the white men they depended almost wholly upon salmon for their winter food. They take them as near their homes as possible, and cure them by smoking. An approximate estimate of the number of sockeye salmon taken by Indians above the commercial fishing limits on the Fraser river in the years of the big runs previous to 1913, place the number at 200,000. It probably largely exceeded that number. The number taken in former years of the big runs by the Indians resident in the Chilcotin river section is placed at from 40,000 to 50,000.

The Chilcotin river is of course a good deal farther north than this part to which I have referred, and the question is whether under these regulations the Chilcotin, which is a tributary of the Fraser river, would be included. The treaty itself refers to the Fraser river and the Chilcotin river, but honourable gentlemen will notice that in the section which I just read only the Fraser river is mentioned. That, no doubt, is a question for legal gentlemen to decide. The report goes on to say:

> Those taken by Indians from the Fraser basin above the mouth of the Chilcotin is given at 20,000, and between the mouth of the Chilcotin and Bridge rivers at 40,000 odd; while those along the banks of the Thompson and Shuswap and Adams lakes at 30,000; in the canyon of the Fraser and Yale, at 15,000; and in the Harrison-Lillooet lakes section, at 40,000. The figures here given include only sockeye that were taken, dressed and cured. They do not include the other species of salmon taken or the sockeye consumed in a fresh state. The catches made by Indians in the years of the big runs previous to 1913 were not a serious drain on the run of those years. The numbers taken during the lean years, though considerably less than in the big years, was a serious drain on the spawning beds. During the last decade, none of the tribes above the canyon at Yale have been able to get any considerable number in any lean year, and their catches in both 1913 and 1917 did not exceed those of early lean years. The drain on the runs was nevertheless serious.

That will show the position on the Fraser river.

Hon. Sir JAMES LOUGHEED: Is my honourable friend aware that the Government has always been ready to furnish supplies for the Indians in lieu of the salmon? In the interest of the fisheries it is not de-

sirable that this fishing should be carried on.

Hon. Mr. BOSTOCK: At the same time, last year an Indian was caught fishing in the Fraser river, and he was hauled up and fined $500. That sort of thing is going to rankle very much in their minds.

Hon. Mr. LYNCH-STAUNTON: Is not that a matter that should have been brought up when the treaty was settled? It cannot come up now.

Hon. Mr. BOSTOCK: It may be a matter that the Canadian Government should have brought up.

Hon. Mr. LYNCH-STAUNTON: Does not the treaty govern it now?

Hon. Mr. BOSTOCK: I think it does. But this shows that the Department of Indian Affairs was not watching the interests of the Indians when dealing with the treaty; it shows the House that the Indians have not been getting the consideration which they deserve from the Department; and it shows that, if there is a feeling of unrest, as my honourable friend has stated, there is some ground for the Indians feeling that they are not being properly treated.

I have tried to explain the situation to honourable gentlemen so that they may understand it. I do not want honourable gentlemen to think that I have brought this matter up with any intention of stirring up trouble in the country; on the contrary, I want to allay as much as possible any trouble. It would be very serious if anything were done which would lead the Indians to believe that the Government is not treating them fairly and as they deserve. I am sorry to say that some of the Indian agents in British Columbia are not what I think they should be. I think it is only right that the Department should go very carefully into the matter and make some changes in their agents in British Columbia. Those men represent the Department, and if they are not doing the right thing by the Indians, the Indians get the idea that the Department is not looking after their interests, and they have not the confidence in the Department that they should have. That is a very serious matter, and I want to impress upon the Government the desirability of giving it careful consideration.

Before I leave the question of the fisheries I want to refer the House to what the Commission itself said about this matter. On pages 542 and 543 of the report I find the following:

Fishing Rights of Indians in B.C. Minute and Resolution of the 6th June, 1916:

Whereas former Indian Reserves Commissioners, acting joint Governmental agreements, allotted defined fishery rights to certain tribes or bands of Indians in British Columbia;

Whereas this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights—

Apparently that is an admission on the part of the Fishery Commissioners that fishery rights were allotted to the Indians on previous occasions—

And Whereas this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

Be it resolved: That, to the extent to which the allotting Commissioners had authority to allot such fishery rights, this Commission, insofar as the power may lie in it so to do, confirms the said allotted fishery rights, as set forth in the schedule hereto appended.

Then the report deals with the various tribes in the Lytton agency, to which I have already referred:

Anderson Lake Tribe. Minute of Decision of September 5, 1881, constituting Anderson Lake Reserve No. 1: The exclusive right of salmon fishing on Mosquito river through the entire length of reserve No. 1, a distance of 1 mile.

Bridge River Tribe. Minute of Decision of September 1, 1881, constituting Bridge River Reserve No. 2: The exclusive right of salmon fishing on both banks of the Fraser river from half a mile south of Bridge river upstream to Fountain Indian fishery.

I would ask honourable gentlemen to consider the impression which it would make on the Indian mind to have the Commissioners appointed by this Government go there and make this finding, giving them the exclusive right of salmon fishing on both sides of the Fraser river, and then a day or two afterwards to have a man come along and arrest them and fine them $500 for fishing on the Fraser river. That is the position things are in to-day. These findings deal with all the different agencies of British Columbia. As honourable gentlemen know, the Fraser is a large river, and with its tributaries covers the greater part of the interior of the province, and is the spawning-ground of the sockeye salmon. I think we ought to be exceedingly careful in our dealings with the Indians, showing them every consideration; in fact, in dealing with any matter in dispute, we ought to give them more consideration than we would give to a white man. We should try to show them that we are looking after their interests, and are trying to treat them fairly and as they have a right to be treated.

Hon. J. D. TAYLOR: Honourable gentlemen, may I be permitted to attempt to take this matter out of the clouds and bring it down to the region of practical business? As I see it, the Bill before the House has no connection whatever with what is known as the Indian title in British Columbia, but by its terms expressly refers to the settlement of all differences between the Government of British Columbia and the Government of Canada. The interest that the people of British Columbia have in the settlement of these differences is this. The Indian reserves, as established in British Columbia about 60 years ago, when white Government first came into practical existence there, have become surrounded by the cities of Victoria and Vancouver and New Westminster and other white settlements throughout the province, until conditions have arisen when the welfare of Indians and whites alike is menaced by the location of the reserves. At the time of the Union there was an agreement between British Columbia and Canada that land required for the Indians from time to time should be provided by the province of British Columbia out of the Crown lands of that province; and, on the other hand, that lands surrendered by the Dominion of Canada, when no longer required for the use of the Indians, should become the property of the province of British Columbia. As I see it, that agreement is very plain in its terms; but the legal department of the Dominion Government, like the legal department of any other Government, may always be trusted to find a way of avoiding any agreement which appears not to be to the financial interest of that Government. So it came about that British Columbia, when from time to time the province wished to have its reserves removed from the vicinity of the cities, came to a deadlock with the Government of the Dominion, because that Government said, in effect: "If we do as you desire, and cause the Indians to abandon those reserves, you will immediately become the owner of the reserves, and will sell them and pocket the proceeds." So we have been deadlocked for more than a generation, to the prejudice alike of the Indians and the white settlers of British Columbia. Finally this agreement was made, not affecting in any way the claims of the Indians to title in British Columbia or any of their rights. But, the two Governments getting together on a common-sense basis, the Dominion Government has said, in effect: "We will not accept your full claim that you have a complete reversionary interest in these reserves, but realizing that certain reserves now held by the Indians should be terminated, we will agree to the appointment of a Joint Commission to determine which of the reserves shall be terminated or reduced, and which shall be increased in compensation; and, as to the land cut off, we will agree that that land shall be publicly sold and the proceeds divided, half to go to you, who up to the present have claimed the whole interest, and the other half to go to us for the benefit of the Indians as a whole." Honourable gentlemen, that is what is being carried out, in accordance with the report of the Commissioners, a report that engaged the best attention of five able gentlemen for three years, during which time they personally visited every one of the 330 or 350 reserves in British Columbia.

As to British Columbia itself, that province is entitled, I suppose, to have its sentiments in this matter expressed. I am free to say, from an intimate knowledge of the province, that there is nothing but satisfaction in British Columbia with the report made by the Commissioners. As to dissatisfaction on the part of the Indians, I agree with the honourable leader of this House that it is wholly artificial and manufactured; that it has no natural cause; that if the agitators were removed, or ceased their efforts, we should hear nothing further whatever from the Indians as to any grievances they have in connection with this report.

Hon. Mr. PROUDFOOT: Why not deport them?

Hon. Mr. TAYLOR: The question has been asked in this House, what is the Indians' claim as to their so-called title? It is, in effect, that they have a title to the whole province of British Columbia as the aboriginal inhabitants, and that we, the white people of British Columbia, are there only on sufferance, and should make terms with the Indians, whom we found there, for the privilege of continuing to reside in that province. It is true that in the several documents submitted the spokesmen for the Indians state that they will not insist upon the whole of their terms, but that if we will take their case into court they will be satisfied with something less than what they have demanded.

I observe from some of the correspondence which has been distributed that they set up the claim that the report is unsatisfactory to them, on the ground that it does not allot sufficient land to be added to the

reserves that are to be increased. As to that point, I will say this: that at no time have the Indians of British Columbia occupied, or attempted to occupy or make any use of, more than a small proportion of the land already alloted to them; that throughout the province they have selections of the very best, most available, and most desirable lands, in the best agricultural districts, and that not only do the Indian reserves become nuisances to the cities, as I have said, but they are plague spots in the agricultural communities, because their agricultural lands are not cultivated or kept free from noxious weeds, the seed of which spread over all the districts surrounding the reserves. The reserves are made the homes of dogs that kill the settlers' sheep and worry the settlers' cattle; they are the harbourage for undesirables and for nuisances of every description. The present condition of the lands held by the Indians is in itself a sufficient answer to the claim, put forward on their behalf, that in the adjustment a very much larger area of land should be set apart for them.

These Indians claim, in addition, that as part of the settlement, the title remaining in the reserves should not be a title held by the Dominion Government in trust for the Indians as a whole, but rather that it should be the title of the Indian tribes or bands, and that the individual members of those tribes or bands should be the beneficiaries whenever those Indian reserves come to be surrendered. They claim that not all the Indians of British Columbia, as at present, but the few individuals who survive in a particular band, should be the beneficiaries. So it comes about that there is an obstacle to obtaining from the Indians the surrender provided for in the agreement between the two Governments; and by the Bill now before the House it is proposed that, in this respect only, the agreement be set aside. It naturally follows that the fewer the Indians remaining in any band, the greater the financial interest which each one of those Indians has in lands to be surrendered, as being no longer used by his tribe. Therefore it happens, as to the lands the surrender of which is most imperative, because they are not used, that the individual claims of the few survivors are the strongest; and so long as there is any person to hold up to these Indians the prospect that they may obtain fabulous sums by refusing their assent to any settlement made by the Governments, so long will it be difficult for the two Governments concerned to make an agreement. It seems to me, therefore, that that is a strong argument in favour of making provision that where the Indians prove recalcitrant, and where in the opinion of the Department of Indian Affairs the resistance of the Indian survivors interested in any surrender is carried beyond a reasonable point, the Department, as guardian of the Indians, shall have power to overrule their opposition and proceed to make an agreement with the province of British Columbia.

Hon. Mr. TURRIFF: When land is taken from the Indians without their consent, who fixes the price at which the land so taken is to be sold? I mean, if this Bill passes and cut-offs may be taken without the consent of the Indians, who will fix the price?

Hon. Sir JAMES LOUGHEED: That will be determined by the two Governments.

Hon. Mr. TAYLOR: According to the agreement, I understand, land is to be sold by public competition, and the price so obtained is to be divided, half being given to the Provincial Government and half to the Dominion Government for the benefit of all the Indians, not for the benefit of the few Indians who claim to be more particularly concerned.

Hon. Mr. TURRIFF: That is all right.

Hon. Mr. PROUDFOOT: Just another question. I understood the honourable leader to say that in place of the land taken, probably double that area had been allotted to the Indians.

Hon. Mr. TAYLOR: Speaking from my memory of the report, I think it is proposed to cut off about 47,000 acres, and to add in other localities 87,000 acres, or double the area.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. TAYLOR: And, speaking subject to correction, I think that the agreement between the two Governments is that wherever further land is found to be necessary for the purposes of the Indians, the province is bound to supply it. I think that agreement will continue even after this settlement. I say that subject to correction, because I am not sure of it; but the general agreement is that the province of British Columbia shall at all times provide what extra land may be required.

Hon. Sir JAMES LOUGHEED: For the information of my honourable friend, may I

refer to the 13th clause of the Act of Union, which provides:

The charge of the Indians and the trusteeship and management of the land reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government, and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

Hon. Mr. TAYLOR: That is not terminated by this new agreement?

Hon. Sir JAMES LOUGHEED: No. This remains as one of the conditions of the union, and notwithstanding any agreement between the two Governments this must necessarily prevail.

Hon. Mr. TAYLOR: So, as I said, honourable gentlemen, not only do we give them 87,000 acres in exchange for 47,000, but the agreement continues, that if at any time more land is found to be required for the Indians that land shall be provided by the Provincial Government.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Would the honourable gentleman allow me a question? The Provincial Government, of course, are disposing of their land to the white men, right along. How are they going to fulfil that agreement.

Hon. Sir JAMES LOUGHEED: Oh, we will not bid the devil good morning until we meet him.

Hon. Mr. TAYLOR: The answer is that the agreement distinctly provides that these lands shall be taken out of the unalienated Crown lands, and when the Crown lands have all been alienated, then the Provincial Government will have no more land to give the Indians, and the agreement will be at an end. That is not affected in any way by the agreement just made. However, British Columbia is no small province, and there are many millions of acres of Crown lands not yet alienated. When the time arrives that the Crown lands have all been alienated, the responsibility of providing for the Indians will be on other shoulders than ours.

In conclusion, honourable gentlemen, I would say that, if we can secure, through the action of this Parliament, together with the Act already passed by the Provincial Legislature, the acceptance of the report of the Indian Commissioners, we shall be doing a great deal to remove dissatisfaction, unrest, and menace to the white people of British Columbia, immeasurably greater than even the fancied grievances of the Indians of that province; and when we are doing that, I think we may very well leave the Indians to the generosity of the white people of British Columbia and of Canada, who have always looked after them well, and who, so far as our Indians in British Columbia are concerned, have kept them satisfied, law-abiding and loyal, easy to get along with, easily susceptible to good arguments as well as evil arguments, and in such a mood that if, for instance, my honourable friend the leader of the other side (Hon. Mr. Bostock) would use his eloquence to persuade the Indians of the Lytton district as he has used it this afternoon to persuade this honourable House, I feel quite satisfied they would come to the conclusion that they had nothing at all to fear from any action of Parliament with respect to their claims.

The motion was agreed to, and the Senate went into Committee on the Bill. Hon. Mr. Blair in the Chair.

Section 1 was agreed to.

On section 2—power given to Governor in Council to settle differences between Canada and British Columbia with respect to Indian matters:

Hon. Mr. BOSTOCK: I do not want to take up the time of the House any longer, but I propose that the words "full and final" in lines 17 and 18, be struck out. The clause would then read:

Either in whole or in part, and for the adjustment and settlement of all differences between the said Government respecting Indian lands and Indian affairs in the province.

I think that from what I have said honourable gentlemen will realize that one of the objections to this Bill, as viewed by the Indians, is that those words prevent them from proceeding as they think they are entitled to proceed. For the purpose of bringing the question before the House I move that those words be struck out.

Hon. Sir JAMES LOUGHEED: This section is practically the same as was passed by the province of British Columbia. The British Columbia Act reads:

2. To the full extent to which the Lieutenant-Governor in Council may consider it reasonable and expedient the Lieutenant Governor in Council may do, execute, and fulfil every act, deed, matter, or thing necessary for the carrying out of the said agreement between the Governments of the Dominion and the Province according to its true intent, and for giving effect to the report of the said Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Government respecting Indian lands and Indian affairs in the Province.

That corresponds almost word for word with section 2 of this Bill, which is practically a reproduction of the statute passed by the Legislature of British Columbia. I am sorry that I cannot, in deference to my hon. friend's feelings in the matter, waive any of the language which we have imported into the Bill.

The amendment of Hon. Mr. Bostock was negatived.

Section 2 was agreed to.

On section 3—power to order reductions or cut-offs from reserves without surrender by Indians:

Hon. Mr. McHUGH: Did I understand the honourable leader of the House to say that this was to legalize the cut-off of some 45,000 acres?

Hon. Sir JAMES LOUGHEED: Forty-seven thousand acres.

Hon. Mr. McHUGH: And that it was not giving power to the Government to override the Indian Act of 1906?

Hon. Sir JAMES LOUGHEED: No, it does not affect anything outside of the specific reductions which appear in the schedule attached to the report. It does not affect the other Indian lands at all.

Hon. Mr. McHUGH: It does not interfere with chapter 49, the Indian Act?

Hon. Sir JAMES LOUGHEED: No, not in the slightest. It does not affect land outside of these cut-offs.

Hon. Mr. McHUGH: There is another matter I would like to be clear on. I thought it a very pertinent question, that asked by the hon. gentleman from Assiniboia (Hon. Mr. Turriff), as to the settlement of the price of those Indian lands cut off. The honourable gentleman from New Westminster (Hon. Mr. Taylor) said that the Indians were given 80,000 or 85,000 acres for about 45,000. Now, I do not think that is an answer. What I would like to know is, who values the lands that are being taken as cut-offs, and who puts a value upon the lands given back to the Indians? If the value of the reductions and the value of the additions balance, well and good; but if the 45,000 acres are of greater value than the 85,000 acres, then I think a portion ought to be set aside for the Indians.

Hon. Sir JAMES LOUGHEED: The Indians will profit by that. They sell 47,000 acres and they receive 50 per cent of the proceeds. Under the present scheme British Columbia claims to be entitled to the entire reversion; but, in pursuance of the arrangement entered into, British Columbia concedes to the Indians 50 per cent of the proceeds of the land, which will probably be sold by public auction, or subject to public tender, and they receive 80,000 acres.

Hon. Mr. BOSTOCK: In regard to the cut-offs and the surrenders, I think my honourable friend might give us some information as to whether any inquiry has been made on behalf of the Government, or whether they have any information, as to how the Indians themselves view this question. The Government is not going to deal with this matter without getting the consent or surrender of the Indians, and I presume the department has some information as to how the Indians view the matter.

Hon. Sir JAMES LOUGHEED: The Government has sought an opinion as to this adjustment from the Indian agents of British Columbia. With the exception of two or three isolated cases, there has been general satisfaction on the part of the Indians on the various reserves at what has been done. When you take into consideration that there are, I think, 300 or 400 reserves—

Hon. Mr. BOSTOCK: Twelve hundred.

Hon. Sir JAMES LOUGHEED:—one cannot expect absolute harmony on a subject of this kind. Furthermore, the Chamber will remember that this Commission, representing both Governments, visited in person all these reserves, took the matter up with the Indians, and left nothing undone for the purpose of ascertaining what the judgment and the wishes of the Indians might be.

Hon. Mr. BOSTOCK: A short time ago I raised the question of the Kitsilano reserve. The position of that reserve is peculiar. I understand that certain Indians have had some settlement made with them, but that there are some seventy Indians who

still claim that they have a right to be heard in regard to this matter. They will naturally look upon the settlement that is being made here as an unsatisfactory one. I think there is special reference to that in the report of the Commission that we have before us. On page 112, volume 1, the report says:

> The Commission, pursuant to section 8 of the agreement referred to in the Commission, has had under consideration the application of the Vancouver Harbour Commissioners to acquire the Kitsolano Indian reserve No. 6, which reserve is one of those allotted for the use and benefit of Squamish tribe or band of Indians, of the New Westminster agency;
>
> The Commission having duly considered the said application and examined the plans submitted in respect thereto, and it appearing that the said reserve is necessary for the purposes of the works of the said Vancouver Harbour Commissioners,
>
> The Commission recommends that, subject to compliance with the requirements of the law and to due compensation being made (1) to the Indians of the said Squamish tribe or band; (2) to the Government of the province of British Columbia in respect of the reversionary interest of the said Government therein; and (3) in respect to any interest or interests therein other than the interests aforesaid, which may be found to be affected, permission be granted to the said Vancouver Harbour Commissioners to enter forthwith upon the said Kitsilano Indian reserve Number 6, and to acquire the same for the purposes set forth in the application hereinbefore referred to in accordance with the plans filed in respect thereto, a copy of which plans is attached hereto.

I would point out to honourable gentlemen that the Commission recognize, first, that due compensation should be made to the Indians of the said Squamish tribe or band. I understand that the seventy Indians to whom I have referred claim to be members of that band, and that they have been unable to get any information from the Department.

Hon. Sir JAMES LOUGHEED: As I understand it, the Harbour Commissioners at Vancouver have expropriated this property with the concurrence of both Governments, pending effect being given to this report or to an adjustment of the differences between the two Governments. This is one of the matters which will be settled when this legislation is completed. Whatever the claims of the Indians are, due recognition will be given to them. That is a very good illustration of the necessity of this legislation.

Hon. Mr. BOSTOCK: I have here certain correspondence in regard to this matter, but I do not want to take up the time of the House reading it. In this correspondence there is a letter addressed to the present Minister of Indian Affairs, on the 10th of June, 1918, the reply to which was that the Indians could get no information except by applying to the agents. A further letter was written on the 17th of March, 1919, and a similar reply was apparently sent by the Department. Then a further letter was written to Mr. Burn, the agent at Westminster, and I understand that so far no reply has been received to it. That seems to be a rather curious way of dealing with the matter.

Hon. Sir JAMES LOUGHEED: What information could be had? Here is a dispute between the two Governments. The Government of British Columbia claims to be entitled to a reversionary interest in the Indian lands in that province. This Government is attempting to get an adjustment of the matter. My honourable friend is opposing this. In what way can we get a settlement unless both parties come together and settle their differences?

Hon. Mr. BOSTOCK: I think the Department could have written and given the answer which my honourable friend has given just now.

Hon. Sir JAMES LOUGHEED: That might have given offence to the province of British Columbia.

Hon. Mr. DANDURAND: Perhaps we should suggest to the Prime Minister that he should appoint my honourable friend the Minister of Indian Affairs.

Hon. Sir JAMES LOUGHEED: All right. Section 3 was agreet to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

The Senate adjourned until Wednesday, June 9, at 3 p.m.

THE SENATE.

Wednesday, June 9, 1920.

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

Prayers and routine proceedings.

BRITISH COLUMBIA INDIAN LANDS BILL.

PETITION OF INDIANS FOR A HEARING.

Hon. GEO. W. FOWLER: Honourable gentlemen, I wish to present the petition of the Nichga Indians—in fact, of the allied tribes of Indians of British Columbia—

praying that a special committee of this House be appointed for the purpose of hearing the representatives of the Indians in connection with Bill 13 from the House of Commons. This Bill is now standing for its third reading. Indian delegates have come here all the way from British Columbia for the purpose of placing their case before a special Committee of this House. They feel that a great injustice will be done them by the passing of this Bill, and they desire to be permitted to avail themselves of the right of petition. Therefore they have asked me to introduce this petition in the hope that this House will see fit to grant the prayer of the petition and permit them to be heard and present their case before a select Committee of the House.

STARKEY DIVORCE PETITION.

RETURN OF DOCUMENTS.

Hon. Mr. TANNER presented the Ninety-third Report of the Standing Committee on Divorce.

He said: Perhaps the House will permit this report to be adopted now. It deals with a matter that was referred by the House to the Committee a few days ago relating to a petition that was filed by one Walter Starkey, but was not proceeded with. I understand that it was withdrawn. The respondent is now asking to have some of the documents which were filed with the committee returned, inasmuch as proceedings have been taken in a western province for a divorce; and the Committee think it would be very proper to return these documents to the respondent, and have so recommended. I understand it is desired to have them as soon as possible, and if the House has no objection to the Committee's Report might be adopted now.

The report was concurred in.

HUDSON BAY AND STRAIT.

REPORT OF SPECIAL COMMITTEE.

Hon. Mr. FOWLER presented the Second Report of the Special Committee on the Navigability and Fishery Resources of Hudson Bay and Strait.

He said: This report is accompanied by a précis of the evidence taken, and also by all the evidence. I move that the report be taken into consideration to-morrow.

Hon. Mr. POWER: Honourable gentlemen, as I understand, there is a good deal of evidence, and I understand further that the evidence has already been printed. I do not think that the Senate should be called upon to dispose of this report until the members of this House have had an opportunity to look over the evidence. I think that is a position that will appeal to every member, and I hope the honourable gentleman will move for the consideration of the report a little later than to-morrow.

Hon. Mr. FOWLER: I have no desire to hasten the matter. Make it Friday or Wednesday or Tuesday or any other day that will suit.

Hon. Mr. POWER: Tuesday.

The report was placed on the Order Paper for consideration on Tuesday next.

PRIVATE BILLS.

REMISSION OF FEES.

Hon. Mr. LYNCH-STAUNTON moved:

That, inasmuch as the Bill L2, "An Act respecting the Hamilton Provident and Loan Society, and to change its name to 'The Hamilton Provident and Loan Corporation'," was not passed by the House of Commons, the Clerk of The Senate be authorized to refund the fees paid on the said Bill, after deducting the cost of printing and translation.

The motion was agreed to.

THIRD READINGS.

Bill 71, an Act respecting The Bell Telephone Company of Canada.—Hon. Mr. Todd.

Bill 40, an Act respecting The Canadian Pacific Railway Company.—Hon. Mr. DeVeber.

Bill 23, an Act to incorporate Aberdeen Fire Insurance Company.—Hon. Mr. Schaffner.

BRITISH COLUMBIA INDIAN LANDS BILL.

MOTION FOR THIRD READING POSTPONED.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

Hon. Mr. BOSTOCK: I was going to ask the honourable leader of the Government if he could see his way clear to letting this Bill stand for a day or two. I understand that the Indians interested in this matter have arrived in Ottawa. The honourable gentleman from Kings and Albert (Hon. Mr. Fowler) has presented a petition this afternoon in regard to the matter, about which the House of course knows nothing; and I think my honourable friend might let

the Bill stand, in view of all the circumstances.

Hon. Sir JAMES LOUGHEED: I might say to my honourable friend, and to the House also, that, out of courtesy to my honourable friend from Kings and Albert, I should have been very glad to have given every opportunity for the House to consider the petition which has been presented; but during his absence last week this matter was fully discussed. I think we spent practically a whole sitting of the Senate in discussing the subject, and we had the subject-matter of this petition before us. There is nothing new in the petition—nothing which was not then before the House and which was not fully considered. Furthermore, I might point out that the consideration of this subject by a special committee would not alter the object sought by the Government, inasmuch as any rights which the Indians may have will not be precluded by reason of what has already been done, or what will be done by the legislation embodied in the Bill. No good purpose will be served by continuing this matter; by allowing it to remain in suspense; by permitting further agitation to be carried on amongst the Indians in British Columbia by those who have some object in view which I cannot very well fathom; and I consider that it is not only in the interest of the Indians, particularly the Indians of British Columbia, but in the interest of the public, that this matter should be determined at once without any further delay.

Hon. Mr. FOWLER: I may say, honourable gentlemen, that the position taken by my honoured and revered leader is not well taken in this instance. I regret very much to have to say this about the honourable leader of the Government, who generally takes a very proper position. The right to be heard is a right that was fought for and obtained by the British people many years ago, and to deny that right is, in a certain sense, a denial of justice. Why should not these people be heard? They feel that they have a grievance, and in order that that grievance may be remedied, or at any rate may be considered, it will be necessary to have a special Committee or a Committee of the Whole House before whom they can appear and have a chance to state what their grievances are.

My honourable friend has said that a full opportunity for discussion has been given. This appears to these people to be a matter of such grave import, affecting their entire status, that a discussion of an hour or an hour and a half, if it did last that long, would not be sufficient to lay before the House all the matter connected with their petition. They say, in the first place, that a great deal of misinformation is shown by the remarks made by the leader of the House; that matters had not been presented to him in such a way as to make him fully seized of the importance or all the particulars of their grievances and complaints; and they think it is necessary in their interest and in the interest of justice that they should have an opportunity of explaining matters before a select Committee of this House. A select Committee of the lower House was asked for, but it was denied them. Because it was denied them in that House is no reason why this House, which stands peculiarly for justice and fair play, should deny it. I trust the leader of the Government will change his view in that regard. Nothing can be lost so far as the Bill itself is concerned. Much can be gained if you succeed in allaying the suspicion in the minds of these people that this legislation is being railroaded through Parliament by reason of the majority which the Government can command. It is not well that a suspicion of this kind should exist. It is proper that it should be allayed, and it should be shown to these people that, though they are not of the same complexion as ourselves, we are willing to accord to them the justice which we ourselves demand.

There are a great many matters in this connection that have not been settled. It has been stated that the British Columbia Government is in accord with this Government in this legislation. That statement is denied by the petitioners. They say, and they claim that they are able to prove, that differences do exist between the two Governments in that regard. They claim to be able to prove that they have had distinct promises from responsible men connected with this Government that certain things would be done which have not been done. All these things tend to create in their minds a suspicion; and because they are weak and small in number is no reason why justice should not be done them; no reason why their petition should not be heard; no reason why they themselves should not be heard by Parliament, having travelled 3,000 miles for the purpose. Shall we lock the doors against them, and say that they shall not be heard? That is not in accord with the way that the British people

have usually treated the natives of the countries they have taken. It has been the proud boast of the people of British origin that in all cases the native peoples have been well used and treated, and have been placed in a better position than that which they occupied before the conquest of their country. We in Canada, who have succeeded to the position of Britain in this regard, have hitherto treated our native peoples well. Shall we refuse, not only justice, but to hear them and to permit them to lay before Parliament whatever grievances they think they have? If these grievances are not well founded, that fact can be pointed out to them, and a decision arrived at accordingly. If, on the other hand, they are well founded, it behooves Parliament to do justice to these people and to make things right for them which are not now right. I do not wish to go into the merits of the case now, but I wish to reserve the right to speak on this matter at greater length if the right to be heard is denied to these people.

Hon. Mr. CASGRAIN: Honourable gentlemen, it seems to me that it would be a good thing if the members of this House were acquainted with the facts. A good many of us do not know very much about this question. We have a number of standing committees, and if these Indians have a case I do not see why they should not be allowed to present it. I have always been against the practice of referring any public Bill to a private committee, but this seems to be a special case concerning the rights of the Indians generally, not only those of Victoria and Vancouver. It concerns their lands and their fishing rights and reserves, and I do not see what harm could come of it if the Government consented to have this matter brought up say before the Committee on Banking and Commerce, which is a very efficient committee. It could hear the evidence, and these people could then go back home and say, "We have had a hearing." Perhaps there would not be any amendment made to the Bill, but it would give satisfaction to these people. Parliament is the court of last resort, and it is the undeniable right of every subject to be heard. I see some of these people in this House now; they have travelled a long way. Why should not the Senate give them a chance to be heard? We do not necessarily have to grant their petition. I have been here for twenty-four years, and this is the first time such a petition has been refused. Surely it is not because these people were the first inhabitants of the soil. They are the wards of our Government. Why should we not give them a hearing to-morrow morning before the Banking and Commerce Committee? I am sure the House would be willing to have that done, and if I had a seconder I would move that this matter be referred to that committee, and also, with the leave of the House, that any rule which might prevent it be waived. I have no doubt that there is enough of a spirit of justice in this House to give these people a hearing. The honourable gentleman from Moosejaw (Hon. J. H. Ross) seconds my motion.

Hon. Mr. POPE: I was simply rising to second the motion which has been seconded by the honourable gentleman from Moosejaw, and to say that my views are absolutely in accord with those expressed by the honourable gentleman from New Brunswick (Hon Mr. Fowler). As guardians of minorities' interests, and of people who are entrusted to the care of Canada, I think it would be entirely out of place not to give these delegates an opportunity of being heard. If there is any branch of the legislature of Canada where they should receive the kindest consideration and sympathy, it is the Senate of Canada. We are specially placed within the constitution of this country for that purpose, and I am sure that under the circumstances the majority of this House will approve of hearing the delegation who have come so far in order to be heard in regard to matters of special interest to them.

Hon. Mr. BOYER: Honourable gentlemen, within ten miles of Montreal there is an Indian reserve called the Caughnawaga reserve. Some fifteen years ago some gentleman got into that reserve and created a fuss similar to this, stating that the Caughnawaga Indians were being deprived of their property, of their lands, and of their fishing and shooting rights. This gentleman got a new survey made of the reserve, and got by-laws passed, so that no white man could set his foot in the reserve. One day the Indians woke up to find themselves isolated from the neighbourhood and from the white people amongst whom they had lived and from whom they were making a living. The gentleman who brought about this condition died, and since then we have never heard anything more about it. The Indians came back and said: "We thought he was a friend of ours. He painted a very glowing picture of the future of the reserve if we did this and that and the other thing,

but we have found that the only result of what he did was that he lived at our expense for ten years; and to-day we are, as we were before, perfectly satisfied."

Hon. Mr. PLANTA: In supporting the motion to refer this matter to a special committee, I may say one of the chief grievances which I think the Indians have is that they claim the Government have not kept faith with them, inasmuch as one of the terms of the agreement entered into by the Government of British Columbia, the Federal Government and the Royal Commission was that all cut-offs proposed by the Commission should be submitted to the Indians, and that their consent should be obtained before the cut-offs were taken. That has not been done, and that, I think, is one of the chief grievances which the Indians have. There seems to be a good deal of feeling, and perhaps not without foundation, that the Indians have been stirred up in this matter by those who have no particular interest in the matter. I may say that there are members of the Indian tribes present in this Chamber who have come 3,000 miles, who are quite capable, without the assistance of any interpreter or spokesman, to present their case to the Committee in a most intelligent manner, and I am sure that the members of the Committee, if the matter is submitted to them, will be surprised that they can place the matter before the Committee in such a way. I hope this House will support the motion of the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain), because I think it would be a great pity to have the Indians return to British Columbia saying that they had not an opportunity of being heard.

Hon. Mr. BRADBURY: I rise for the purpose of supporting the motion of the honourable gentleman from De Lanaudière. I do so for the reason that I believe that there is a feeling among the Indian tribes throughout Canada that they have not been treated fairly by the Government. Whether that feeling is justified or not I am not at this moment in a position to say. But I have a strong feeling against any Government taking away from the Indians their reserves or their lands without their consent. During the regime of the late administration there was a notorious case of this kind, in which a great reserve was taken away from the Indians without their proper consent having been secured. At that time I took strong ground on behalf of the Indians, because I thought that they had been unfairly dealt with, and that the law had not been observed. The Indian Act is very distinct and definite on that question; but I understand that some amendments have been made by which the Government has the power to take away or make any settlement in regard to reserves adjacent to a city or a town, without the consent of the Indians. I hold that the Indian's title to his land is just as sacred as the title of any other man; consequently these people should be dealt with not only fairly but generously. I do not say the Government is not dealing with them in that way, but I do say that when they petition to be heard in regard to their own affairs, it would be unwise for this branch of Parliament to refuse to hear them. I do think, though, that instead of referring this matter to the Committee on Banking and Commerce, there ought to be a special Committee of this House appointed to investigate it. I do not think there would be any great harm done if we spent two or three hours in Committee of the Whole hearing the Indians.

Hon. Mr. BEIQUE: Honourable gentlemen, I heard the other day the remarks which were made by the honourable the leader of the Government when he moved the second reading of this Bill, and I must say I was strongly impressed with the reasons which he gave in support of it; but I would be disappointed if the honourable gentleman, on further consideration, did not consent to allow this Bill to be referred to either the Banking and Commerce Committee or a special Committee. I think that parties who express a desire to be heard should be heard. It has been the practice of this honourable House—and the practice has been appreciated by the country at large—to give a free hearing to all parties who insisted upon being heard, and not to grant the petition in this case would be an exception which I, for my part, would very much regret. I think, moreover, that the best way to prevent agitation is to give the parties who think they have a grievance an opportunity to ventilate their grievance and to be heard. I think that it will have a beneficial effect, and that the measure will be more acceptable to all parties concerned if the matter is referred to a Committee.

Hon. Mr. McMEANS: Mr. Speaker, I do not quite understand the situation. This Bill was referred to a Committee of the Whole House and the Committee passed it, and it now stands for the third reading.

The motion of the honourable gentleman (Hon. Mr. Casgrain) is to refer the Bill to the Banking and Commerce Committee. I do not think that is the proper procedure. Perhaps the honourable gentleman may be right, but if he is I am surprised. However, I rose for the purpose of making the suggestion that the third reading of this Bill be allowed to stand, and the honourable gentleman might move that the petitioners be heard in the meantime.

Hon. Mr. CASGRAIN: It is before the Chair. The Chair can decide whether I am right or not.

Hon. Mr. McMEANS: I move in amendment that the third reading of the Bill be not now proceeded with, but that it be deferred until to-morrow.

Hon. Mr. CASGRAIN: That is not an amendment.

Hon. Mr. POPE: Defer it until Tuesday.

Hon. Mr. BELCOURT: I think it is quite in order for an honourable member, on the motion for the third reading, to move that the Bill be referred back to the Committee of the Whole or to another Committee. I think the motion moved by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) is quite wrong, and I doubt very much that the amendment now proposed would be in order.

Hon. Mr. CASGRAIN: It is not germane to the case at all.

Hon. Mr. MURPHY: I do not rise to discuss the merits of the point of order, but I have a suggestion to make. This matter of hearing the delegates, I presume, has been sprung on the honourable the leader of the House on short notice, but it would seem a great hardship to return those people, after they had come 3,000 miles, without giving them a hearing. I would suggest that all these motions be allowed to stand, and that the honourable the leader of the House be given until to-morrow to decide whether he will allow the question of the third reading to go to a vote, or whether he will accept the motion that has been made. I move the adjournment of the debate.

Hon. Mr. CROSBY: Before the debate is adjourned, I desire to ask a question, which I think is important. I have heard this matter discussed very fully by the honourable leader of the House and by the honourable leader of the Opposition and other honourable members, and if I understand the situation aright, Bill 13, which is now before the House for the third reading, would not in any manner interfere with the rights of the Indians. I understand it to be an enabling Bill, to permit the Dominion Government to take up the matter with the provincial government, to be decided between them. The passage of this Bill does not in any way prevent the Indians bringing any claim before any tribunal. When the honourable leader of the House is giving his information, I shall be glad if he will deal with this point.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, by a strange coincidence, my three honourable friends who have been most urgent that this matter should be referred to a special Committee were not present when the matter was discussed on the last occasion, and, if I mistake not, on the second reading. My honourable friend from De Lanaudière (Hon. Mr. Casgrain), my honourable friend from Bedford (Hon. Mr. Pope), and my honourable friend from Kings and Albert (Hon. Mr. Fowler), were all absent on that occasion. Had they been present, I would have been hopeful that they would have viewed the situation in the same way that the House viewed it. The matter was fully discussed at that time, and had there been a division of opinion in the House as to the propriety of sending it to a special Committee, instead of dealing with it in Committee of the Whole, I have no doubt that the House would have supported a resolution along those lines. But, after a very full discussion of the whole subject, the House seemed to be unanimously of the opinion that we should proceed with the Bill in Committee of the Whole.

Now, there are two or three statements which have been made, unwittingly, I have no doubt, but which I think are entirely incorrect. One is that the British Columbia Government is not in accord with this Government upon this subject. I may say that the two Governments are entirely in accord as to the desirability of getting this matter settled. There can be no two opinions upon that feature of the question. The British Columbia Government, in anticipation of this legislation, has already passed legislation precisely along the lines which we today are discussing.

Hon. Mr. FOWLER: With a very important difference.

Hon. Sir JAMES LOUGHEED: Would my honourable friend point out the difference, while I sit down.

Hon. Mr. FOWLER: No, while you go on I will point out just what the difference is.

Hon. Sir JAMES LOUGHEED: Last year the British Columbia government passed an enabling Act, precisely similar to this Bill, of which I now ask the third reading. The object of the two Bills is to permit the two Governments to come together and not only to give effect or approval to the agreement which had been entered into by the Joint Royal Commission, but to deal with other matters as well. The Governments are not tied down by the report or the agreement, but have an amplitude of authority to deal with the question either along the lines of the report or along other lines. Consequently it would seem to me that the proper, the most appropriate, place for the Indians to appear and state their grievance would be before the representatives of the two Governments. It will appeal to every reasonable mind within hearing that a Commission of that kind, representing the two Governments, met together under an amplitude of powers granted by the two Acts, would be a very much more appropriate and effective Committee to hear the grievances of the Indians; and to refer the matter to them would be much better than the rather cumbersome method of referring it to a special Committeee which would have to report back to this House. If any change were made in the Bill, it would then have to go back to the House of Commons.

Hon. Mr. BELCOURT: Were the Indians heard?

Hon. Sir JAMES LOUGHEED: I am coming to that question in a moment.

My honourable friend from Kings and Albert (Hon. Mr. Fowler) stated—and I have no doubt he based his statement upon information communicated to him—that the Indians had not had an opportunity of being heard upon this subject. The Indians had a full hearing before the House of Commons. Upon Bill 14, a measure dealing with the franchise, coming before that House, they asked for a hearing, having been disappointed in not being heard on Bill 13, concerning which the Commons had refused to give the Indians a hearing. The House of Commons finally consented to permit a full hearing of the Indians upon all their alleged grievances before a committee. Consequently those Indians and the gentleman who represents them stated their case which occupied, I understand, two mornings, before the House of Commons Committee, and the House of Commons did not see their way to give effect to the representations which were then made, but dismissed the matter.

So much for those two statements. Now, with regard to the real grievance, the grievance which is of the most essential character, entertained by the Indians, and which has been pressed very strongly for the last generation, or at least since 1908, particularly by the gentleman who seems to have taken upon his shoulders the responsibilities of an office to which he is self-appointed, namely, that of presenting the claims of the Indians and keeping them stirred up and in a state of agitation and ferment. The whole question comes down to this. The Indians of British Columbia claim title to all the lands in that province. If honourable gentlemen in this House deem it important that a claim of that kind should be entertained, and that the title, not of the reserves of British Columbia, but of all the lands of that province, should be placed in suspense, and should be the subject of agitation and the cause of a state of ferment which would disturb the title to every foot of land in that important province, then I for one do not appreciate the wisdom of entertaining any such claim, and particularly of discussing it in Parliament.

Hon. Mr. BELCOURT: Would my honourable friend allow me to ask him, what induced the Commons to give them a hearing?

Hon. Sir JAMES LOUGHEED: It was given by reason of their importunity. It reminds one of the woman in Scripture who was heard by the unjust judge. I do not know whether or not the unjust judge granted her request by reason of her importunity—

Hon. Mr. ROCHE: I think he did.

Hon. Sir JAMES LOUGHEED: My honourable friend from Halifax is a biblical scholar of very much better standing than I am, and if he says the unjust judge did I shall not controvert that. But upon this occasion, I fancy, that will not be taken as a precedent.

Hon. Mr. BOSTOCK: My honourable friend, of course, understands that Bill 13 was not referred to a committee of the House of Commons at all. Certain references were made by those people to it, but the Bill was not properly before the Committee; only Bill 14 was referred to it.

Hon. Sir JAMES LOUGHEED: Yes, but I am informed that that Committee gave a full hearing to the Indians on Bill 13, because in the discussion on Bill 14

the Indians who were present insisted upon obtruding the subject-matter of Bill 13 on the committee, and the House of Commons eventually said that the shortest way to dispose of it would be to permit them to discuss the whole subject, and that was discussed.

So far as concerns the last subject to which I alluded, namely, the disturbance of title to the whole province of British Columbia—

Hon. Mr. CLORAN: That is the essential point.

Hon. Sir JAMES LOUGHEED: —if the Indians are permitted to raise this question—and they have attempted to do it, through their representatives going to the Privy Council on two or three occasions, and raising the question until the Privy Council absolutely refused to entertain any such application—that same question will extend to the Indian lands of every province of the Dominion.

Hon. Mr. POWER: But would not the decision of the Privy Council extend to the lands in the other provinces too?

Hon. Sir JAMES LOUGHEED: Yes, precisely; but the provinces of Canada do not propose, nor does the Parliament of Canada propose, to permit a question of that kind to be submitted to the Privy Council. Does my honourable friend think for one moment that any government will assume the responsibility of deliberately permitting a question of that kind to be submitted to the Privy Council, so that the people of this Dominion occupying its different provinces will remain in a state of uncertainty as to the tenure of the lands which they hold? Not for a moment.

Hon. Mr. POWER: Will the honourable gentleman pardon me? He misapprehended my meaning. I meant that if the Judicial Committee of the Privy Council had decided in the case of British Columbia, the same decision would apply to the other provinces, and there is no danger of trouble in the other provinces.

Hon. Sir JAMES LOUGHEED: My honourable friend will readily appreciate this fact, that if that subject were submitted to the Privy Council so far as the Indians of British Columbia are concerned, and there were an adverse judgment given by the Privy Council, the Indians of the various provinces of Canada would at once say: "We are in the same position; this judgment applies to the lands of the province which we occupy, and consequently we assert our rights thereto."

Hon. Mr. POWER: I thought the Privy Council had decided?

Hon. Sir JAMES LOUGHEED: No. This matter has not been before the Privy Council, but the Government has agreed upon a case that they are willing to submit to the Privy Council, regarding the aboriginal title of the Indians and the granting of compensation therefor, and the indemnifying of the Government of British Columbia as to any amount which has to be paid by reason of the judgment.

Hon. Mr. FOWLER: That opens up the question of title, then?

Hon. Sir JAMES LOUGHEED: No; as to the aboriginal title.

Hon. Mr. FOWLER: That is the only title they claim.

Hon. Sir JAMES LOUGHEED: But these gentlemen come and assert this claim, that even to-day they are entitled of the value of all the lands in British Columbia.

Hon. Mr. FOWLER: Oh, no: you are misinformed.

Hon. Sir JAMES LOUGHEED: Well, I am being advised by the law officers of the Crown as to what the claim means.

Hon. Mr. BELCOURT: Could my honourable friend tell us whether the reference of which he has just now spoken is with regard to the lands at large, or with regard to the lands occupied by the Indians on the reserves created for him?

Hon. Sir JAMES LOUGHEED: The lands at large. As I have stated on two former occasions, when the province of British Columbia comprised two Crown colonies, those Crown colonies made provision for land for the use and occupation of the Indians. The obligation to make such provision was imposed upon the colonies by the Imperial authorities. When British Columbia came into the Union, in 1874, that obligation was likewise imposed upon the new province, which had to carry out the provisions which the Crown colonies had carried out. Accordingly three-quarters of a million acres of Crown lands were placed in the possession of the Indians for their use and occupation. But the claim of the Indians is not limited to that three-quarters of a million; it extends to the lands of the whole province.

Hon. Mr. BELCOURT: Does my honourable friend by his present attitude wish

to manifest a fear that the Privy Council is going to allow that claim to the lands at large?

Hon. Sir JAMES LOUGHEED: No. The Government of Canada quite recognize that there would be no probability, even though the question were submitted, of having an adverse judgment; but where there is no valid claim it would be very unwise for the Government of Canada to lead the Indians to believe that they had a claim sufficiently serious to submit to the Privy Council. That is where the mischief lies. The Governments of Canada from the time of Sir Wilfrid Laurier down to the present time—the last three Governments—have been busily engaged in trying to impress this upon the minds of the Indians, but the gentleman who represents them is not so impressionable as to be affected by the insistent expression of disapproval which we make.

My honourable friend from Selkirk (Hon. Mr. Bradbury) has stated that he understands that the Government has not kept faith with the Indians, and that is one of their chief claims, and he illustrates that in dealing with the question of cut-offs. I took occasion to mention to the House the other day—in fact, on both occasions—that the cut-offs represent 47,000 acres, and that the British Columbia Government has placed at the disposal of the Government in lieu thereof 87,000 acres.

Hon. Mr. POWER: Of inferior land.

Hon. Sir JAMES LOUGHEED: Of less valuable land. But they have this advantage: that those cut-offs will be sold by public auction, and 50 per cent of the proceeds will be carried to the credit of the Indians and 50 per cent to the credit of British Columbia.

Now, the fact needs only to be mentioned to be appreciated, that it would be impossible to have the Indians surrender the cut-offs in view of the agitation which has been going on for some time. If we left those to the surrender of the Indians of their own motion, the mischievous element which has been stirring up this question would at once become active again, and the Indians of course would not willingly submit to the surrender of those cut-offs, although it would manifestly be to their advantage. The Royal Commission spent from 1913 to 1916 personally inspecting the 1,200 reserves in British Columbia and consulting with the Indians, and I am advised that there is a very large acreage of land attached to those reserves that has never been occupied by the Indians at all, and that it is desirable that those cut-offs should be at once removed from the reserves, because many of them adjoin the cities, where the Indiens have not profited by their contiguity to the urban population. We know very well that the morals of the Indians are not improved by a too close contact with whites; consequently, it is desirable that the cut-offs should be removed, and authority is to be given to the two Governments to alienate, if necessary, those cut-offs. But that does not extend to the other Indian lands.

Hon. Mr. BELCOURT: Is provision made for a hearing before that?

Hon. Sir JAMES LOUGHEED: If my honourable friend will look at the Bill now before us, he will see that it gives very ample authority to the two Governments to adjust all differences. It is not limited by any means to the agreement which was originally entered into in 1912, nor to the report which was made by the Joint Royal Commission in 1916. It permits the two Governments to settle all these differences —to come together to adjust them; and it seems to me, as I have already stated, that that would be the time for the Indians to appear before the representatives of the two Governments. My honourable friend from Kings and Albert (Hon. Mr. Fowler) shakes his head in a very sceptical way, as if the Senate were very much more susceptible to the appeal made by the Indians than the representatives of the two Governments would be. But where will you find any individual or group of individuals so interested in the Indians of British Columbia as the two Governments charged with looking after their affairs? Surely it cannot be contended that the gentleman who has assumed the responsibility of asserting the claims of the Indians can deal with the matter as satisfactorily as the Government of British Columbia and the Government of Canada, both of which are charged with this particular duty and are more familiar with it, and in view of the public interests are concerned in seeing this matter satisfactorily settled.

Hon. Mr. BEIQUE: I hope the honourable gentleman will extend to this House the confidence which he expresses in both Governments.

Hon. Sir JAMES LOUGHEED: My honourable friend from De Salaberry entirely

misjudges the attitude which I take. It is not that I have not confidence in this House; but I appeal to this House and ask if it is in the public interest to permit the Indians to think for one moment that they can appear before Parliament and urge a claim which all the previous Governments of Canada have not seriously entertained.

Hon. Mr. FOWLER: Why not?

Hon. Sir JAMES LOUGHEED: My honourable friend knows that the more a subject of this kind is stirred up the more the agitator believes he has a right, until it becomes a mania to such an extent that he finally enters upon a sort of holy war.

Possibly the better way, inasmuch as I have no intimation from the Government upon the subject, would be to allow the third reading to stand until to-morrow.

Hon. Mr. BELCOURT: My honourable friend told us that he would indicate in what way provision is made for the Indians being heard when this matter is taken up by the two Governments. I cannot find anything in the Bill which would assure a hearing to the Indians.

Hon. Sir JAMES LOUGHEED: My honourable friend will see that both Governments may exercise a reasonable discretion in adjusting the differences between them. That would carry with it, impliedly, the right to hear the Indians.

Hon. Mr. BELCOURT: This provision, I take it, would afford both Governments a reasonable means of adjusting; but it is not provided in any way that the Indians will be heard.

Hon. Sir JAMES LOUGHEED: Not specifically.

Hon. Mr. BELCOURT: If I were sure the Indians would be heard, I would quite willingly waive their right in this House.

Hon. Sir JAMES LOUGHEED: Let me direct my honourable friend's attention to the language of the preamble. It says:

> For the purpose of settling all differences between the said Governments respecting Indian lands and Indian affairs generally in the province of British Columbia, and for the final adjustment of all matters relating thereto by the appointment of a Royal Commission for the purpose set out in the agreement—

and so on.

Hon. Mr. BOSTOCK: That refers to the Royal Commission that has already been appointed.

Hon. Sir JAMES LOUGHEED: Oh, no: that refers to the powers of this Government.

Hon. Mr. FOWLER: I wish to answer the question asked by my honourable friend the leader of the Government. I would refer him to the statutes of British Columbia of 1919. Chapter 32, section 3, says:

> Without limiting the general powers by this Act, conferred, the Lieutenant-Governor in Council may, for the purpose of adjusting, readjusting or confirming the reductions, cut-offs, and additions in respect of Indian reserves proposed in the said report of the Commission, carry on such further negotiations and enter into such further agreements, whether with the Dominion Government or with the Indians.

My statement was that the Act of British Columbia showed that the British Columbia Government was not entirely in accord with the course of conduct of this Government in refusing to listen to the Indians. In the British Columbia Act the Indians are recognized as parties; while in this Act they are not recognized at all. That is one of their grievances. The further fact that there is such a difference of opinion between my honourable friend and myself and others who are supporting the cause of the Indians here as to what is the actual claim of the Indians, is a strong reason why a Committee of this House should hear the Indians. The fact that, although they claim they were not heard with regard to Bill 13 when they appeared before the lower House, even if they were heard incidentally with regard to it while the Committee was dealing with another Bill, is a further consideration. Supposing it were true that Bill 13 was discussed with them, does that imply that this House, which is an independent body, shall not have the right to listen to these Indians and hear their story first-hand from themselves? If it is the desire of this Government and of the Indian Department of this Government to settle the differences which admittedly exist between themselves and the Indians of British Columbia, they could take no stronger step than to allow these men to come before a committee of this House to express their grievance. Even though the Government of Canada and the Government of British Columbia assume that they can do better than we can, nevertheless we are the masters of the Government of Canada at least; and, after all, they are only a committee of the two legislatures, and surely whatever powers appertain to them appertain to us. Surely the intelligence of this body is sufficient to listen to the Indians, and, if they have

a just claim, to adjust it, and, if not, to tell them to depart in peace that we can do nothing for them. The time of the House would be saved and justice would be done. Real justice cannot be done unless these men, who have a grievance, and who have petitioned to be heard, are heard.

The proposed amendment of Hon. Mr. Bradbury was withdrawn.

Hon. Sir JAMES LOUGHEED: I suggest that the third reading stand until to-morrow. In the meanwhile, I will take up the matter with the Government.

Hon. Mr. CASGRAIN: Under the circumstances, with the permission of my seconder, I shall be very glad to withdraw my amendment.

The proposed amendment of Hon. Mr. Casgrain was withdrawn.

The Order for the third reading of the Bill was discharged, to be placed on the Order Paper for to-morrow.

PRIVATE BILL.

SECOND READING.

Bill K4, an Act respecting the Dominion Trust Company.—Hon. Mr. Planta.

DIVORCE BILLS.

SECOND READINGS.

Bill I4, and Act for the relief of George Emerson Fox.—Hon. Mr. Todd.

Bill J4, an Act for the relief of Edith Ellen Holmes Austin.—Hon. Mr. McMeans.

Bill L4, an Act for the relief of Ethelbert Gilmour Harris.—Hon. Mr. Bradbury.

Bill M4, an Act for the relief of Albert Ernest Wice.—Hon. Mr. Bennett.

Bill N4, an Act for the relief of Peter Sutherland Cowie.—Hon. Mr. Nicholls.

Bill O4, an Act for the relief of Roy Bradley.—Hon. Mr. Blain.

Bill P4, an Act for the relief of Joan Doran.—Hon. Mr. Blain.

Bill Q4, an Act for the relief of Alexander Ross, Jr.—Hon. Mr. Blain.

Bill R4, an Act for the relief of Jean Mary Sandford.—Hon. Mr. Blain.

IMMIGRATION (DEPORTATION) BILL.

REJECTED IN COMMITTEE.

Hon. Mr. ROBERTSON moved that the Senate go into Committee on Bill X2, an Act to amend the Immigration Act (Deportation of Undesirable Persons).

Hon. GEO. BRADBURY: Honourable gentlemen, in rising to oppose the reference of this measure to Committee, I do so for the purpose of referring to a debate that took place a short time ago on the second reading of the Bill. During that debate, the honourable the minister in charge of the Bill, and at least one other honourable member, made it appear that honourable gentlemen who were opposing this measure had defamed the labour men of Canada. I submit that any language which excites among the labour interests of Canada a feeling that they have been unfairly dealt with under the Immigration Act, or unfairly represented by members of this House, is not calculated to do any good in this country.

Hon. Mr. ROBERTSON: May I ask the honourable member from Selkirk if it is his purpose or desire to discuss further the principle of this Bill at present? If so, I would ask the ruling of the Chair as to the propriety of his doing so. I think he is quite out of order.

Hon. Mr. BRADBURY: I do not think it is out of order. I can discuss it on the third reading.

Hon. Mr. ROBERTSON: We are going into Committee.

Hon. Mr. BRADBURY: I have a perfect right to discuss it on the motion to go into Committee.

The Hon. the SPEAKER: There is nothing to prevent the discussion of the principle of the Bill on the motion to go into Committee of the Whole. However, the principle of a Bill is generally discussed at the second reading.

Hon. Mr. BRADBURY: I do not intend, honourable gentlemen, to take up any great length of time; but there has been serious misrepresentation regarding this whole matter, and I desire to clear it up, not only for the sake of honourable members of this House, but also for the sake of the people in the country. I refer to the language that was used by the honourable gentleman and by one other honourable member, because I feel that it is not fair that those who have differed with the honourable minister with respect to this Bill should be held up to the labour men of Canada as unfair or unsympathetic to their interests. The honourable the Minister said:

> I want further to point out that different honourable gentlemen this afternoon have classed labour men generally with the men who have been guilty of sedition in this country. It is most unfortunate and most unfair, and such a suggestion will be repudiated by all honest labour men throughout the country.

I submit, honourable gentlemen, that there was not one word said by myself in discussing this Bill, and not one word said by any other honourable gentleman who took the same position as I did, in refusing to support the measure, that would justify any such language by the honourable the Minister of Labour. In fact, I myself went out of my way to pay to the labour interests of Canada the compliment which I believe they well deserve. I believe there is no labour class in the world better conducted or possessing more ability and intelligence than the Canadian-born labour men.

My honourable friend from Simcoe (Hon. Mr. Bennett), who is not in his seat at present, went one better than the Minister and said:

> One would imagine from the remarks of some honourable gentlemen that there was not a decent labouring man in Canada; that from one end of Canada to the other there was a seething mass of men who were out to murder and burn down houses and commit all sorts of crimes.

I submit, honourable gentlemen, that language such as this coming from any man who has the honour of a seat in this honourable House is calculated to inflame the minds and the passions of the working people of this country, and make them feel that there are in this House men who are not ready to do justice to the labour interests.

I want to say, in conclusion on this phase of the question, that it is absolutely unfair for the Minister in charge of this Bill, and the other honourable gentleman who took the same view as he did regarding it, to use language which is so utterly out of accord with anything that was said by those who differed with them. The language used by either of those honourable gentlemen was not in any way justified.

Enough of that. The Bill has been so misrepresented that I feel that, in justice to myself and in order to correct the impression that has been created throughout the country, something ought to be said to set at rest the minds of the people. Innocently, I hope, but whether innocently or not, the honourable the Minister succeeded in completely beclouding this question by language that fails entirely to explain frankly the relative position of the British-born who come to Canada and the aliens who have become naturalized in this country, including of course the Austrian, the German, and the Italian.

Great stress has been laid on the apparent fact that while the British-born has obtained citizenship after five years residence in Canada he can be deported under the Immigration Act, yet aliens who have become naturalized in Canada can commit all the offences set out in clause 41 of the Immigration Act and be immune from deportation. That is the contention of honourable gentlemen who support this bill, and that has been published in the press of Canada and has gone broadcast over the country. If that contention were correct then I say it would be a serious state of affairs, and the legislation that is on the statute book at the present time would be justified only by an extreme emergency. Perhaps that emergency did exist when the legislation was placed there; but I submit, honourable gentlemen, that this contention, which has been made by honourable gentlemen in this House, is absolutely incorrect and entirely foreign to the facts. The ordinary layman might well be excused for making such a serious mistake; but it is difficult to understand how two very eminent legal gentlemen in this House could have fallen in to the error. I refer to the honourable member from DeLorimier (Hon. Mr. Dandurand), who, I regret, is not in his seat, and my honourable friend the Senator from Alma (Hon. Mr. Foster). Both honourable gentlemen took the same position—that a British subject could be deported from this country without trial.

Hon. Mr. BELCOURT: My honourable friend is mistaken. He misunderstood me. I did not say that.

Hon. Mr. BRADBURY: I was not referring to the honourable gentleman from Ottawa; I was referring to the honourable Senator from Alma (Hon. Mr. Foster).

Hon. Mr. BELCOURT: I thought you said the member from Ottawa.

Hon. Mr. BRADBURY: No.

Hon. Mr. BELCOURT: I beg your pardon.

Hon. Mr. BRADBURY: I confess frankly that I was much surprised at the speeches made by these two honourable gentlemen, because, as everybody knows, they are two very eminent lawyers, and the members of this House listened to them with a great deal of interest. Their speeches always carry great weight in this House. So much is this so that if those two honourable gentlemen had not addresssed the House when the Bill was before us on the last occasion

it would not have passed the second reading. I believe that they convinced several honourable gentlemen that their contentions were correct, and that the Bill ought to pass.

A little knowledge is sometimes a dangerous thing. I think that if the honourable gentlemen had taken just a little more pains and looked a little more closely at what was behind the Bill, they would never have made those speeches. I am satisfied that they had no intention of misrepresenting the Bill or in any way causing a misunderstanding. They evidently overlooked entirely the important amendment made to the Naturalization Act of 1919, chapter 38, clause 7, which provides for the denaturalization of any citizen whose conduct would bring him within the meaning of clause 41 of the Immigration Act. In other words, honourable gentlemen, if an alien, from Germany, from the United States—no matter where he is from—if he has lived in this country and secured naturalization, and if he commits any of the offences mentioned in clause 41 of the Immigration Act, he can be proceeded against under the Naturalization Act; he can be denaturalized; and as soon as he is denaturalized he becomes an undesirable and can be taken by the immigration officers before a board that is provided for the purpose, and if found guilty can be deported just the same as the British subject. There is absolutely no difference between the British-born who comes into Canada and commits acts that bring him within the meaning of clause 41 of the Immigration Act, and the alien who has secured naturalization and commits acts which bring him within that clause. They both occupy exactly the same position and can be deported.

Hon. Mr. McMEANS: Is this a case in which they do not get a trial?

Hon. Mr. BRADBURY: They do get a trial. If you will permit me, I will read the clause in a moment. It is very clear and distinct. The amendment made last year to the Naturalization Act is chapter 38, clause 7 of which reads as follows:

> 7. (1) Where the Secretary of State of Canada is satisfied that a certificate of naturalization granted by him under this Act, or granted under any Naturalization Act heretofore in force in Canada, has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State of Canada may recommend that the certificate be revoked and the Governor in Council may by order revoke the same accordingly.

Honourable gentlemen will realize that just as soon as the naturalized citizen is proceeded against under clause 41 of the Immigration Act, and the Secretary of State recommends the revocation of his naturalization, he can be denaturalized by Order in Council. When this is done he immediately becomes an undesirable, and can be taken before the Commission provided for under the Act, and investigated and examined, and, if found guilty, he can be deported. In other words, the department can deport the citizen who has been denaturalized, for just the same reason as as it can deport the British-born whose misconduct brings him within the meaning of clause 41 of the Act. You will see that there is absolutely no discrimination against any class in Canada. All classes are treated alike as regards deportation. The only real difference is that the naturalized citizen is denaturalized before his deportation, and the British-born, as every honourable gentleman knows, cannot be denaturalized, but can be proceeded against under the Immigration Act, which makes it possible to deport him for offences under clause 41. In a nutshell, the British-born is deported under the Immigration Act; the deportation of the alien who has secured citizenship by naturalization is provided for under the Naturalization Act and the Immigration Act combined. The methods differ, but both classes are treated exactly the same. As every one can understand, the Britisher could not be deported under the Naturalization Act, because he is a British subject.

To my mind, that disposes of the alleged discrimination against the British-born with regard to deportation. There is not a tittle of evidence to warrant the statement which has been made by honourable gentlemen, and which has gone broadcast over the country, that there is discrimination against the British subject.

Now, honourable gentlemen, there is another phase of this question which is very important, in view of the unrest which has been occasioned throughout the country. I refer to the statement made by the honourable Minister, who claimed that men have been and can be deported under the present Act without a trial. If that were true, I do not wonder that some honourable gentlemen were stampeded into believing that the Act was un-British; but that statement is absolutely foreign to the facts. Before I leave this subject I will prove to the House that the Government not only

provided a trial but a special court by which these men could be tried.

Hon. Mr. ROBERTSON: It might save time if I were to point out that I did not make the statement which the honourable gentleman attributes to me. I said, "without a trial by a jury of his peers." I made no reference to a trial by a special tribunal which might be appointed by the Department.

Hon. Mr. BRADBURY: The honourable gentleman is reported in Hansard as having used certain language, and when I read it the House will realize why this matter should be combated. The minister said:

The legislation does not serve any good purpose, but is simply an aggravation; and I assure honourable gentlemen that it is not the desire of this House, or any other constituted authority in Canada, courts or otherwise, to impose a system of this sort, whereby a British subject, resident in this country for five years or more, would be summoned and deported without being given a trial.

Then, later on he said:

Notwithstanding the fact that after five years residence in this country, under the Naturalization Act, a British-born subject becomes a Canadian citizen, he is, by the Immigration Act as it now stands, deprived of the right of a trial.

This is pretty plain English, honourable gentlemen.

Hon. Mr. ROBERTSON: Absolutely true.

Hon. Mr. BRADBURY: I think I will demonstrate that it is not so. (Reading):

Hon. Mr. Bennett: Then the man complained against was not even present.
Hon. Mr. Robertson: No.

Honourable gentlemen, I ask the opinion of this House as to what effect a statement like that, going out to the country, that a man is tried, and deported, and is not even present when he is being tried, is going to have.

Hon. Mr. POWER: He is as bad as an Indian.

Hon. Mr. BRADBURY: Yes, worse. I would not place so much stress on this matter if it were not for the press of the country. They, believing the honourable gentleman's statement was correct, have to some extent taken up the cudgels on behalf of my honourable friend. I have here a clipping from an editorial in the Journal of yesterday, which pays some very nice compliments to this Chamber, and, as we get so few compliments, I think I had better read it to the House. It says:

While the Commons has been debating the Budget the Upper House has been having a stormy discussion about a clause in the Immigration Act which gives the Minister of Immigration power to seize British-born Reds or agitators and summarily deport them without trial. The Senate is supposed to be a place where a number of octogenarian gentlemen while away an hour or so each day in thoughtless meditation upon legislation sent it by the Commons. In reality it is nothing of the kind. It is a much more aggressive, more experienced, and more intellectual body than the Commons. Its speeches are more lucid, logical and compact than those of the Lower House; its members combine a higher average of legislative capacity; and above all, it has more independence.

It is something to have an independent House.

Hon. Mr. McMEANS: That refers to the members on this side of the House.

Hon. Mr. BRADBURY: The article goes on to say:

Thus, this week when the Government through Senator Robertson, Minister of Labor, proposed to repeal the deportation clauses mentioned, it encountered a storm of non-partisan criticism. Senator Lynch-Staunton, a Tory of the old school, whose reactionary tendencies would have won him an Earldom in the days of George the Third,—

Some Hon. SENATORS: Hear, hear.

Hon. Mr. BRADBURY (reading):

—promptly moved the six months' hoist, and a procession of other good old-time Conservatives, to whom Radicalism is heresy, passionately rallied to his support. The result was a debate of singular bitterness—

Unfortunately that is true.

—and a division in which the Government found itself in the position of having to depend upon the Opposition to save its proposal from defeat.

Hon. Mr. CLORAN: Oh, no.

Hon. Mr. BRADBURY: I hope the day will come when we will have no Opposition in this House.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. LYNCH-STAUNTON: Explain.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. BRADBURY: I suppose, honourable gentlemen, being an Irishman, I have a right to explain. What I mean is this: that I look upon this Chamber as a great legislative body appointed for the purpose of considering all measures on their merits, and I believe we have too much Opposition and too much Government in this House; I believe that all measures ought to be treated on their merits, and that we should not be dependent upon one side of the House or the other to support them. Here is where the sting comes

in the Journal's article, and this is why I refer to it. The Journal is absolutely fair, but it has been misled into believing that British-born citizens can be deported from this country without a trial. It says:

Senator Robertson, of course was right. Any legislation that deports a British citizen without affording him an opportunity of meeting his accusers in a fair trial, is anti-British in its very essence, and while it may have been necessary as emergency legislation at the time of the Winnipeg strike the sooner it is effaced from the statute books of the country, the better.

Now, honourable gentlemen, you can see at once what this debate has done, when, on the second reading, my honourable friend and some other honourable gentlemen took the position that a man could be deported without a trial. I want to say that it is a very serious position. Just what good purpose is to be served by it I do not know. I do not like to accuse any honourable gentleman of wilfully misrepresenting the facts. I do not believe that has ever been the intention. But I do say without hesitation that, if I am a judge of the English language, the gentlemen who have taken that position have misrepresented the facts as they stand on the statute book of the country to-day, and by doing so have caused a very unsettled feeling. The honourable gentleman from Simcoe (Hon. Mr. Bennett) is not in his seat. He went one better than the minister, which shows the effect that the debate must have had upon that honourable gentleman. He used this language:

In proceedings of that nature the man accused may not even know who is making the accusation. There may be a charge preferred against him, and the next night he may be hurried out of the country. Some persons contend that lawyers do not know anything at all about law.

I think it would be well for some of them to look up the law before they speak. (Reading):

Well, some lawyers may and some other lawyers may not.

The honourable gentleman is very candid about that. (Reading):

Well, some lawyers may and some other lawyers may not. I know one thing, however, that there have been many miscarriages of justice; there is no question about that. Let me give you an instance. There may be fire-eaters outside this Chamber too. Let us assume that a foreigner has a choice location of land in the Canadian Northwest, and a charge is preferred against him by someone who wants him to be driven out of the country, while the time has not lapsed in which he can prove up on the property. What is the result? The result is simply this. The charge may be preferred against him behind his back, and he never has the opportunity of meeting his accuser face to face. He is dispossessed of his land and is hurried out of the country.

I submit, honourable gentlemen, that these are serious statements to go to the country; statements that I do not feel justified in allowing to go on Hansard without any rebuttal; and I ask this House, in all seriousness, is such language, which entirely misrepresents the facts, in the interest of law and order in Canada? I submit that it is not. Utterances of this kind from members of this House are well calculated to inflame the minds and passions of certain classes in this country, whom this legislation has been placed on the statute book to control.

Now, honourable gentlemen, let us for a moment examine the facts in connection with this question, as to whether a man can be deported, run out of the country, without facing his accuser or without any trial. What does the present law provide, in all cases where deportation proceedings are taken? If the honourable gentleman had looked at chapter 27, clauses 13, 15 and 19, of the Immigration Act of 1919, he would have seen that ample protection is given for a fair and searching investigation before deportation takes place. Chapter 25, of 1919, an Act to amend the Immigration Act, puts a new clause in the Immigration Act making provision for the investigation to which I have referred. It reads as follows:

The minister may nominate at any port of entry any number of officers, not exceeding 5, any three of whom may act as a Board of Inquiry for the summary determination of all cases of immigrants, passengers, or other persons, seeking to enter or land in Canada, or detained for any cause under this Act.

Every great city in Canada and hundreds of towns are ports of entry; so if a man is arrested and proceeded against by the Immigration Board, he would be taken in charge and brought before this board. What happens then? This amendment of course refers to the Immigration Act. You go back to the Immigration Act, chapter 27, of 1910, and here are the powers taken by the Government under that Act to try cases of persons who are subject to deportation. Clause 15 of that Act reads as follows:

The hearing of all cases brought before such Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person concerned, whenever practicable.

That clause says clearly that the accused has got to be present.

And such immigrant, passenger, or other person shall have the right to be represented by

counsel whenever any evidence or testimony touching the case is received by the Board, and a summary record of proceedings and of evidence and testimony taken shall be kept by the Board.

That does not look as if a man could be arrested and run out of the country without a trial. Here the Government creates a special court, and the man goes before that court and meets his accusers and the evidence, and he has a right to have counsel, and further than that, he has the right to appeal. Clause 2 of the same Act reads:

The Board, and any member thereof, may, at discretion, administer oaths and take evidence under oath or by affirmation in any form which they deem binding upon the person being examined.

Now I am going to turn to clause 19 of the same Act just for a moment. I shall read only a part of the clause, because that is all we are interested in. It says:

In all cases other than provided for in the next preceding section an appeal may be taken to the minister against the decision of any such Board of Inquiry or officer in charge, by the immigrant, passenger, or other person concerned in the case.

All this shows, honourable gentlemen, that the Government has made ample provision under which men charged with offences shall be tried. They shall be brought before this special court; they shall have the right to employ counsel to plead their case; the evidence given shall be taken down; then, if the court rules against them and orders their deportation, they have a right to appeal to the Minister.

In the face of all these facts, was I not justified in saying that the honourable gentleman who took the position that these men received no trial and could be practically run out of the country in the night, as the honourable gentleman from Simcoe said, without meeting their accusers, took an absolutely unjustifiable position? In the interests of the people of Canada, whom this legislation may affect, or who might be led to think it would affect them, I am anxious that this matter should be placed in such a position before this House and before the country that there will be no misunderstanding, and that no class of people in Canada will feel that the Government has discriminated against them in the matter of deportation proceedings. I agree with what some honourable gentleman said —I think it was the honourable gentleman from Alma (Hon. Mr. Foster)—when he took the position that it would he horrible to deport a British subject without trial while an alien enemy who had become naturalized could not be deported at all. I confess frankly that after the two legal honourable gentlemen had spoken my confidence was shaken in the position which I had taken on the second reading of the Bill; but I had in my mind the provision that is made in the regulations, and, while I did not know the facts, I knew that I could find them, and consequently I voted against the second reading of the Bill.

Now, gentlemen, there is just one other matter that I would like to refer to for a moment. What class of people is it that the Immigration Act, that legislation that was so wisely placed in the Statutes of Canada, was intended to operate against? Does any honourable gentleman say that it is a desirable class, or a class that we should be very much interested in protecting in this country? Those people have been the curse of the honest labour men of this country. They have gone into their midst, and agitated, and, because some of the men they met were weak men, they induced them to commit acts that they would not otherwise have committed. As I say, it is wise that the law should remain just as it is.

The honourable minister of Labour said that this legislation was no good—that it was simply an aggravation. Why, honourable gentlemen, my honourable friends might just as well argue that the Criminal Code of Canada, which provides punishment for a man who commits a theft or a burglary or some other crime, is of no use, but is simply an aggravation.

Hon. Mr. FOWLER: How about prohibition?

Hon. Mr. BRADBURY: I think perhaps that might be an aggravation too.

Honourable gentleman, in conclusion, I want to say that in the best interest of the country and in the interest of law and order, the legislation that is on the statute book at the present time ought to be let alone, and this Bill ought not to proceed further. It would be to my mind a serious mistake for this Senate to adopt the suggestion made by the Minister of Immigration, who is, I believe, responsible for sending the Bill to this House. The Act of last year was passed because it was felt to be absolutely necessary then. The conditions in Canada have not changed sufficiently, in my opinion, to warrant the amending of that measure or the limiting of its effect. Therefore I hope that when the opportunity comes honourable gentlemen will see to it that this Bill is killed.

The motion was agreed to, and the Senate went into Committee on the Bill. Hon. Mr. Thompson in the Chair.

On section 1—deportation of undesirables:

Hon. Mr. LYNCH-STAUNTON: Mr. Chairman, I move that the Committee do now rise.

Hon. Mr. ROBERTSON: Honourable gentlemen—

The Hon. the CHAIRMAN: I understand that a motion of this kind is not debatable.

Hon. Mr. ROBERTSON: May I ask the consent of the Committee, if that is necessary—I do not pretend to be an authority on rules of procedure—that when the Speaker resumes the Chair I may have the privilege of asking for his ruling on that point?

Some Hon. SENATORS: No, no.

The Hon. the CHAIRMAN: I have to put the motion as I have it. Those in favour of the motion that the Committee rise—

Hon. Mr. ROBERTSON: Mr. Chairman, I do not want to make any extended remarks, but I suggest—

The Hon. the CHAIRMAN: I understand the question is not debatable.

Hon. Mr. ROBERTSON: Quite right. I am not going to debate the question. On several occasions this Bill has been before this House. No honourable gentleman can truthfully say that I have not played the game fairly, or that on any occasion I have not given the widest opportunity to everybody to express his views on any phase of question. And now to spring a motion of this sort to shut off debate in Committee, or consideration in Committee, I respectfully submit, is absolutely unjustifiable, and indeed ungentlemanly, conduct on the part—

Some Hon. SENATORS: Order.

Hon. Mr. ROBERTSON:—of those who have done so. It is not fair.

Some Hon. SENATORS: Order, order.

Hon. Mr. ROBERTSON: I appeal to the Chairman and to honourable gentlemen present, if the Chairman feels that he must put the motion, that we should not pass any motion that will restrict debate on this important question. I refrained from answering the honourable gentleman from Selkirk (Hon. Mr. Bradbury) because I did not wish to take up the time of the House. I can absolutely refute the arguments that he advanced, and would be glad to do so if the House gives opportunity; but I do not desire to project my views—

The Hon. the CHAIRMAN: The question before the House is that the Committee rise.

Hon. Mr. LYNCH-STAUNTON: I am quite willing that the honourable the Minister should be heard if that is possible. So far as the point of order is concerned, I do not want to have my motion put in order to cut off debate.

The Hon. the CHAIRMAN: I understand the motion is not debatable. I have consented to the honourable the Minister speaking so far, but it is for the Committee to determine whether or not the Minister shall have an opportunity to speak. My ruling is that the motion is not debatable. The question before the House is that the Committee rise.

Hon. Mr. ROBERTSON: Those in favour of cutting off debate will rise.

Hon. Mr. MURPHY: Cannot some proper means be found to allow the Minister to give expression to his views on this subject?

Hon. Mr. SHARPE: Let him do it by consent, then. I want to hear him.

Hon. Mr. BLAIN: Mr. Chairman, I think there is some misunderstanding in the House on this point. I do not think that any member in the House would desire that the Minister should not have an opportunity of making a statement. For my part, I wish to say that, although I voted against the measure, I am fully in accord with allowing the Minister to make his statement.

The Hon. the CHAIRMAN: I am allowing the House very great liberty. I understand from the Clerk that the motion as put to the House is not at all debatable.

Hon. Mr. BOSTOCK: I think that with the leave of the House the honourable member from Hamilton (Hon. Mr. Lynch-Staunton) might withdraw his motion. That would solve the difficulty.

Hon. Mr. LYNCH-STAUNTON: Do you rule, Mr. Chairman, that I may withdraw my motion for the present?

The Hon. the CHAIRMAN: I understand it cannot be repeated.

Hon. Mr. LYNCH-STAUNTON: Then I do not want to withdraw it—if I cannot repeat it.

Hon. Mr. ROBERTSON: May I make a suggestion in the hope that it will help

towards a solution of this little misunderstanding or tangle? The Committee stage of this Bill does not appear to me to be important. There are only two short clauses. If my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) desires to move a further motion on the third reading, that will permit of further debate, I have no objection; but I do not think we should shut off the discussion summarily at the Committee stage without giving honourable gentlemen an opportunity to say anything they may desire to say on the subject.

The Hon. the CHAIRMAN: I understand that the House gives permission to the Minister to make some remarks. But other members will be debarred from speaking.

Hon. Mr. POWER: Question, question.

The Hon. the CHAIRMAN: The question before the Chair is that the Committee rise. Those in favour of that motion—

Some Hon. SENATORS: No, no.

Hon. Mr. LYNCH-STAUNTON: Allow the Minister to speak on it.

The Hon. the CHAIRMAN: Yes, if that is the wish of honourable members.

Hon. Mr. ROBERTSON: I do not urge, honourable gentlemen, that I be given the privilege of speaking before the Committee if it is not in order, but I do crave an opportunity to speak at the proper time. If the House is agreeable now, I will proceed.

Some Hon. SENATORS: Yes, yes.

Hon. Mr. ROBERTSON: I thank you for your courtesy.

Hon. Mr. POWER: Honourable gentlemen, I think that is a rather irregular way of proceeding. The motion is that the Committee rise. As I understand, there cannot be a discussion on that; and if the Committee desire to rise, that is the end of the Bill. I am in favour of the Bill, but I think that we should follow the regular parliamentary practice. You have already put the question, Mr. Chairman, and I do not think there can be any legitimate debate after the question has been put.

The Hon. the CHAIRMAN: I understand that it is entirely irregular; but at the request of honourable members of the House who thought that we ought to afford the Minister an opportunity to make some remarks, I personally consented.

Hon. Mr. ROBERTSON: Understanding that it is with the consent of honourable gentlemen—which consent I appreciate—I would like to make a few observations respecting this Bill, and by way of reply to some of the remarks of my honourable friend from Selkirk (Hon. Mr. Bradbury). I was indeed pleased, during the debate on another subject this afternoon, to observe my honourable friend from Selkirk to be so heartily in accord with granting the humblest resident in the country an opportunity to be heard. He was desirous that the Indians should have every liberty accorded to citizens of the country, although he had previously taken the opposite view so far as certain classes of British subjects were concerned. The honourable gentleman expressed his opinion with reference to the Indians so strongly that I thought that he must have changed his opinion upon this question. However, I find that I was mistaken, and that the honourable gentleman still adheres to his former view.

I feel that it is necessary and important that we should approach this subject calmly and dispassionately. I do submit that the honourable member from Selkirk was in error in stating that the minds and passions of the people of this country had been inflamed because of utterances of mine made in this House upon this subject. The honourable member from Selkirk quoted from Hansard a remark of mine, in which I took exception to statements which had been made on this subject and said they would be repudiated by labour men throughout the country, or would at least be very unsatisfactory to them. I made those remarks with a clear understanding of what I said, and meaning what I said, and they were made in reply to the statement by the honourable member from Huron (Hon. Mr. Proudfoot), who in the course of the debate said with reference to this Bill:

> I think it is brought forward, not in the interest of the people of Canada as a whole, but in the interest of certain agitators who have made it their business—

And there I interjected and took exception to the honourable gentleman's remarks as coupled with those of other honourable gentlemen who had used the term labour, I fancy, intending it to apply to the agitators connected with the Winnipeg strike who were under discussion. Those agitators were referred to by the term labour, as generally applied to all labouring men in

Canada, and to that I took exception. The honourable member from Selkirk, I think, has clearly pointed out that that interpretation was not in his mind at all, and doubtless it was not in the minds of other honourable gentlemen. It was probably wise for the honourable gentleman to mention that to-day, in order to clear up the point. But I submit, honourable gentlemen, that I was not acting unfairly in making the remarks I did at that time.

The honourable member was pleased to state that in his opinion the Minister of Labour had beclouded, if not misrepresented, the facts—he hoped innocently. I shall take occasion in a few minutes to vindicate absolutely every remark that I made and prove that they were all quite in order and true. With reference to deportation without trial, I think it will be found, if my remarks in Hansard are read, that throughout the debate I mentioned several times specifically "trial by jury," or "trial by a jury of his peers," and if on one or two occasions I made use of the word "trial" without the additional words it is in my opinion misleading to interpret my words as meaning a trial other than by a jury.

There has been, and, I think, there still exists, a good deal of misapprehension in the minds of honourable gentlemen as to just what the effect of these proposed amendments would be. I have taken occasion during the last two or three days to attempt to get the facts clearly and concisely before me, so that I might present them to the House, because I was informed casually that my Bill was to be buried and that the tombstone had already been ordered, the inscription carved, etc.—which of course was said in fun and received as an amusing comment. However, I stated the other day the purpose of this Bill, and I desire now to refer to that statement in order that my present remarks may be connected and understood. I said, as reported at page 458 of Hansard:

> Had the amendments which were made to the Criminal Code at the subsequent Session, and which are in effect to-day, been in force, it would not have been necessary to pass such special legislation.

Hon. Mr. BEIQUE: What it the amendment?

Hon. Mr. ROBERTSON: I will answer my honourable friend in a moment. My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), and I think the honourable gentleman from Boissevain (Hon. Mr. Schaffner) both questioned my statement that there had been an amendment to the Criminal Code that would in any way bear upon section 41 of the Immigration Act, and I frankly confessed that I had made the statement on the strength of the statement which the Minister of Immigration and Colonization made when he suggested that the Bill be introduced in this House, because we were not overworked while the Commons was busy. Therefore I did not take a definite position until I had looked into the matter, because I am not in the habit of making statements that I do not mean or do not believe. I have had the matter looked up somewhat carefully, and find that on July 7, 1919, one month, to a day, after the amendment to the Immigration Act was passed, sections 97A and 97B of the Criminal Code were enacted. They are contained in chapter 46 of the statutes, which was assented to on July 7, 1919.

Before referring in detail to the provisions of those amendments to the Code, honourable gentlemen, I would like to point out to you why there existed a necessity to make this amendment to the Immigration Act on June 7, 1919. It was because the Criminal Code did not make provision for all offences that it was necessary to deal with at that time; and I think I so stated clearly when discussing this Bill in the second reading. The Criminal Code as it existed prior to June, 1919, provided penalties for various offences for example, for treason, for which the penalty is death; for treasonable offences, for which the punishment is imprisonment for life; for conspiracy to intimidate a legislature, for which the penalty is fourteen years' imprisonment; for unlawful assembly; for riot; for riotous destruction of property; for common law misdemeanour of rout; for administering or being present at and consenting to the administration of an oath or engagement purporting to bind the person taking same to commit crime; etc. I need not give all the details. But there were two specific things which were not referred to or provided for in the Criminal Code, and which were at that time menaces to the safety of the state and people of this country. Those two things were: unlawful organizations that were in existence or were being formulated at that time, for the purpose of promoting revolutionary activities: and the publication and distribution of revolutionary literature.

Hon. Mr. BELCOURT: Would not that come within the definition of treason?

Hon. Mr. ROBERTSON: The Department of Justice at that time thought that those things were not such as came within that category; therefore the amendment to the Immigration Act was brought in and hurriedly passed, as honourable gentlemen recall. Within thirty days—in fact, within I think, about ten days—of the time that the amendment to the Immigration Act was passed, there was introduced in the House of Commons a Bill known as Bill 160. To be accurate, it was introduced on June 27. It provided for two things; and for the information of the House and in order to make clear just what the provisions of those enactments were, I will simply read it:

Sections 97a and 97b of the Criminal Code, as enacted by chapter 46, Statutes of Canada, 1919, contain elaborate provisions for the suppression of any association, organization, society, or corporation whose professed purpose, or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by the use of force, violence or physical injury to person or property, or by threats of such injury or which teaches, advocates, advises or defends the use of force, terrorism or physical injury to person or property, or threats of such injury in order to accomplish such change or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose; and any person who is a member of such an association, or who prints, publishes, edits, or issues, circulates, sells or offers for sale or distribution any publication or document of any kind in which the principles or purposes aforementioned are taught, advocated, advised or defended, is rendered guilty of an offence, and liable to imprisonment for not more than twenty years.

That, honourable gentlemen, is the amendment to the Criminal Code which was introduced on June 27, 1919, and assented to on July 7, and to which I referred when I stated that had the Criminal Code on June 7, 1919, been as it is now the amendment to the Immigration Act passed upon that date would not have been necessary or thought of.

Hon. Mr. LYNCH-STAUNTON: Does the honourable gentleman think they could be deported under the Criminal Code?

Hon. Mr. ROBERTSON: No. I shall come to that later.

Hon. Mr. BEIQUE: Why did they not repeal this Act entirely?

Hon. Mr. ROBERTSON: We propose to repeal certain clauses.

Hon. Mr. BEIQUE: I understand the honourable gentleman to say that had the Criminal Code been in the position in which it is now on the statute book, this Act would never have been passed.

Hon. Mr. ROBERTSON: This amendment made on July 7 to the Immigration Act would not have been necessary, as it was necessary at that time.

Hon. Mr. BEIQUE: Then, why not entirely repeal this amendment.

Hon. Mr. ROBERTSON: I am quite willing that that should be done. But I point out, honourable gentlemen, that two particular features, namely, the advocacy of obtaining governmental, industrial or economic change within Canada, by the use of force, and the publication and distribution of literature of the nature referred to, were not specifically provided for.

Hon. Mr. BELCOURT: By the amendment of 1919?

Hon. Mr. ROBERTSON: Were not provided for in the Criminal Code prior to June 7, 1919. Therefore, instead of our attempting to amend the Criminal Code, this amendment was made to the Immigration Act in order that the immigration authorities might deal with cases which it was important should be dealt with under those conditions. I point to the fact, honourable gentlemen, that within a period of about two weeks after that legislation was passed, it happened that certain men were arrested in the city of Winnipeg and charged with certain offences; and it was commonly understood, and the press announced on the morning they were arrested, that they were to be deported without trial.

Hon. Mr. BRADBURY: Could they have been deported?

Hon. Mr. ROBERTSON: I have shown my honourable friend that under the Immigration Act they could have been.

Hon. Mr. CLORAN: That is what we want to know.

Hon. Mr. ROBERTSON: That is the meat of the whole thing. Those men were taken into custody, and certain gentlemen in the city of Winnipeg—I happened to be there—came to me to discuss this point, and, I said, "Most assuredly no British subject will be deported without trial"—and they were not; but they might have been Furthermore, let me remind my honourable friend from Selkirk (Hon. Mr. Bradbury) of the fact that he himself proposed in this House the other day that these men, who have been convicted of an offence after a trial, and who are now in jail, when they have paid the penalty for the offence which they committed, should be deported. Therefore he himself must have believed that they

were liable to be deported either with or without a trial.

Hon. Mr. BRADBURY: Will the honourable gentleman permit me? In the first place, I should like to ask under what authority they could be deported without a trial? My position is this. These men have been tried and punished for an offence which they committed. They cannot be tried a second time, but just as soon as they come out of jail, under the Immigration Act they can be declared undesirable and deported.

Hon. Mr. ROBERTSON: I think that is a very clear demonstration of the fact that my honourable friend desires to deport from the country men who have been here for twenty-five or thirty years, who have committed an offence under the law, have been tried, found guilty, convicted, and sentenced, and who, having served the penalty, would come out free men if they were Canadian citizens, but who, if they happened to be British subjects instead of Canadian-born, would be subject to a further penalty. I submit that this is un-British, as I said the other day, and contrary to constitutional liberty.

Hon. Mr. BELCOURT: But would it be unlawful?

Hon. Mr. ROBERTSON: Yes, I think it is.

Hon. Mr. LYNCH-STAUNTON: Would my honourable friend point out the law under which a man could be deported from this country without a trial?

Hon. Mr. ROBERTSON: I will come to that in a few minutes? I wish to keep my remarks as connected as I can.

I have quoted from the amendment to the Criminal Code as passed by both Houses in July, 1919, which provides penalties for offences which were not provided for under the Code, or which the Department of Justice thought were not provided for under the Code on June 7, 1919, when the amendment to the Immigration Act were brought in. Now I go one step further and point out that the amendment to the Naturalization Act, which also was assented to on July 7, 1919, gives still further protection. Therefore there have been amendments not only to the Criminal Code but to the Naturalization Act since June 7, 1919, when the amendments to the Immigration Act were passed, and which we now propose to repeal in part. Therefore I think the statement which I made the other day is manifestly true, that if the Criminal Code and the Naturalization Act had then stood as they stand to-day, Parliament would not have found it necessary or desirable to pass that drastic section of the Immigration Bill.

Now, coming to the question of deportation without trial. My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) is a most capable and experienced lawyer; I therefore fully appreciate my very great disability in attempting to argue with him concerning a point of law. But I submit that the opinion of the Department of Justice of Canada ought to go for something, and I believe it is held in high regard by all honourable gentlemen in this House. The Department of Justice have pointed out that, notwithstanding the fact that in the time of Queen Elizabeth many people were deported, or transported, as it was then termed—sent to Australia and other parts—because they were undesirable at home, that has long since ceased to be the practice. After enumerating the items of legislation to which I referred, which have been passed since the amendment to the Immigration Act in 1919, the Justice Department point out:

> That it will be observed at once from the foregoing that very prompt and comprehensive provisions have been made for the punishment, otherwise than by deportation, of persons who, by the provisions of said section 41 of the Immigration Act, are brought within the prohibited or undesirable classes and rendered liable to deportation in the manner provided by that Act.

The Department of Justice point out that adequate and comprehensive provisions have been made for the punishment, other than by deportation, of people guilty of the offences named in the Bill. I think that makes clear the point raised by my honourable friend from Manitou (Hon. Mr. Sharpe) on the second reading, as to whether or not the men now paying the penalty for their offences can be deported after they have served their sentences.

Hon. Mr. SHARPE: The lawyer who prosecuted these men is under the impression that they should be deported as soon as they are let out of jail.

Hon. Mr. ROBERTSON: We are getting down to the meat of the whole matter. We are getting very close to the core of it.

Hon. Mr. LYNCH-STAUNTON: You have not yet answered my question.

Hon. Mr. ROBERTSON: We are coming to the point where it is to be decided whether a British subject of more than five

years residence in this country—perhaps thirty years, as in one or two of the cases referred to—and having gained the right of citizenship, after having been charged with a crime, tried, found guilty by a jury, convicted, and sentenced by a judge, and having paid the penalty prescribed by the law and set by the court, is to be a free man, entitled to the rights of citizenship, as you or I, if we were to pay the penalty for an offence and were released; or whether, after having borne the ignomy and paid the price, he is liable to be regarded as a convict and to be deported to some other part of the world?

Hon. Mr. LYNCH-STAUNTON: Does the honourable gentleman really believe that is the question? Does he give his word that he believes that is the question?

Hon. Mr. ROBERTSON: I do, sir.

Hon. Mr. LYNCH-STAUNTON: I am very much surprised.

Hon. Mr. ROBERTSON: The Department of Justice in dealing with the case goes on to say:

> It is of course a question of policy whether a British subject who is guilty of any of the acts mentioned in subsection 1 of said section 41 of the Immigration Act should be rendered liable to the penalty of deportation; but I may observe for your information that a somewhat cognate form of punishment, namely that of transportation, which was devised as a statutory punishment in the time of Elizabeth, and in the 18th century became a statutory punishment for many felonies, has long since been abolished, penal servitude having been definitely substituted for transportation in 1857.

The amendments under this Immigration Bill proposed two things: first, that a British subject who has become a Canadian citizen, after he has been here for five years, cannot be deported from Canada for any offence without having a trial by jury; and, second, that the legislation shall not any longer be retroactive in its effect. The last part of section 41 of the Act permits the authorities to go out to-day and lay a charge against a man for an offence committed at any time since 1910, to give him a Star Chamber trial, and to send him out of the country. Possibly that was wise at the time the legislation was passed, but it is not wise now; and if the law is not amended as proposed by this Bill, the effect will be, notwithstanding the fact that a British subject has come to Canada, and by residence has earned citizenship and naturalization here, and has acquired property and all the rest of it, that he will be liable to be deported from this country without a trial by a jury of his peers, and he may be charged with an offence that he may have committed at any time since 1910. I am sure this House has gone on record on many occasions as being absolutely opposed to retroactive legislation; and I am sure the House must deal with that feature of the Bill even if it is not fully in accord with the other section.

Hon. Mr. BELCOURT: I am with my honourable friend on the principle, but I do not see why he argues that after trial these men are not liable to deportation. I do not think that is necessary at all in his argument.

Hon. Mr. ROBERTSON: I may have a peculiar method of facing any problem. Frankly, I realize that that statement might be taken advantage of by honourable gentlemen opposing the Bill; but it is my firm conviction that, after a man is tried by a court in conformity with the law of the land, found guilty, and sent to prison for any term the court may set, having paid the price, so to speak, he is then, and ought to be, a free man, and ought not to be thrown out of the country for the same offence.

Hon. Mr. BELCOURT: Does my honourable friend argue that he cannot be deported?

Hon. Mr. ROBERTSON: I would judge from the representations of the Department of Justice that that is what they infer. I am no authority on the law.

Hon. Mr. BELCOURT: I do not think the statement means that at all.

Hon. Mr. ROBERTSON: I may say that it is my opinion that he ought not to be deported unless he commits some further offence.

Hon. Mr. SCHAFFNER: You mean that he should not be deported for the same offence for which he has already been punished?

Hon. Mr. ROBERTSON: I think I made it clear that he should not be deported for an offence for which he has paid the penalty.

Hon. Mr. BELCOURT: My honourable friend argues that he could not be deported, and I think that is the cause of his trouble.

Hon. Mr. ROBERTSON: I confess quite frankly that I may not be able to interpret a legal document.

Hon. Mr. BELCOURT: That is not a matter in issue on this Bill.

Hon. Mr. ROBERTSON: But do not honourable gentlemen agree that it is not desirable that we should continue to have on our statute book any unnecessary legislation which causes friction and promotes unrest among our common people? With the amendments to the Criminal Code which I have enumerated, and with the amendment to the Naturalization Act which has been referred to, I think every possible emergency has been adequately provided for. There are in Canada to-day thousands of men, Canadian-born citizens if you will, who have no direct personal interest in this subject, but who regard the present law as arbitrary and high-handed legislation, and who, so long as it remains, will continue to oppose it

I will not delay the House longer. I had intended to make some reference to the opinions upon this question expressed by certain of the newspapers, to which exception was taken the other day, when I moved the second reading. However, I will not burden the House with it. But I do hope, honourable gentlemen, that when deciding finally upon this question you will have in mind first and always the fact that retroactive legislation is undesirable, and will feel that a British subject who is a Canadian citizen should not and must not be deported from Canada without having an opportunity of being tried before a jury and a court as established in this country.

Hon. Mr. BEIQUE: Honourable gentlemen—

Some hon. SENATORS: Order, order. Question, Question.

The Hon. the CHAIRMAN: I would like to say to the honourable gentleman that the honourable the Minister spoke by consent of the House.

Hon. Mr. BEIQUE: I rose to ask consent to say—

Some Hon. SENATORS: No, no.

Hon. Mr. POWER: Mr. Chairman, it is now twenty minutes to six. We have devoted a very considerable portion of time to this measure, and I do not think there should be any further discussion. The Minister was—

Some Hon. SENATORS: Question, question.

Hon. Mr. POWER: I am speaking to the question of order.

Some Hon. SENATORS: Order, order.

Hon. Mr. POWER: The Minister was permitted by the unanimous consent of the House to make some desirable explanations. Now the matter is closed. The question before the Committee now is that the Committee rise.

Hon. Mr. FOWLER: Order, order.

Hon. Mr. POWER: I think we had better stick to the rule.

Some Hon. SENATORS: Question, question.

The motion of Hon. Mr. Lynch-Staunton, that the Committee rise, was agreed to: yeas, 30; nays, 17.

MAPLE PRODUCTS BILL.

CONSIDERATION OF COMMONS DISAGREEMENT TO SENATE AMENDMENTS.

The Senate proceeded to consider a message from the House of Commons disagreeing to the amendments made by the Senate to Bill 28, an Act respecting Maple Products.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I beg to move:

That the Senate doth not insist upon its amendments if the House of Commons agrees to the following amendment to the Bill as passed by that House:

Page 2, line 8, insert the following as clause 5:

(5) Section seventeen of the Food and Drugs Act, 1920, shall apply to any prosecution under subsection one of section two of this Act.

The object of this amendment is to give some protection to those who may bona fide handle maple products. The Commons will in all probability accept this, because it is but reasonable. Section 17 of the Food and Drugs Act deals with want of knowledge and would be applicable in this way. Assuming for the moment that a merchant is handling maple sugar products and is unaware of any adulteration, he should have the right to show that he had no knowledge of the adulteration of the product; because it is a very difficult thing to determine whether the product is adulterated or not. From appearance, and even from taste, one cannot determine it. A very close chemical examination may be required. Therefore I think it is in the public interest and in the interest of those who handle products of this kind commercially that some protection should be afforded.

Hon. Mr. BOSTOCK: We have not had much time to consider this motion, but I suppose my honourable friend has some understanding that the Commons will accept the present amendment. They did not accept our former amendment. Is there a chance of their receiving this better?

Hon. Sir JAMES LOUGHEED: The former amendment was ill-considered: it was not properly drawn. I looked into it afterwards and found that it had been hurriedly prepared and did not take into consideration the different classes of offence. We limited it to one particular section, and other sections had been overlooked. But it seems to me that this amendment should be accepted by the Commons.

The motion was agreed to.

CIVIL SERVICE AMENDMENT BILL.

FIRST READING.

Bill 53, an Act to amend the Civil Service Act, 1918, and the Civil Service Amendment Act, 1919.—Hon. Sir James Lougheed.

INSPECTION AND SALE BILL.

FIRST READING.

Bill 104, an Act to amend the Inspection and Sale Act.—Hon. Sir James Lougheed.

SICK AND DISTRESSED MARINERS BILL.

FIRST READING.

Bill 127, an Act to amend the Canada Shipping Act (Sick and Distressed Mariners).—Hon. Sir James Lougheed.

ADMIRALTY BILL.

FIRST READING.

Bill 139, an Act to amend the Admiralty Act.—Hon. Sir James Lougheed.

NORTHWEST GAME BILL.

FIRST READING.

Bill 151, an Act to amend the Northwest Game Act.—Hon. Sir James Lougheed.

YUKON PLACER MINING BILL

FIRST READING.

Bill 152, an Act to amend the Yukon Placer Mining Act.—Hon. Sir James Lougheed.

CUSTOMS TARIFF BILL.

FIRST READING.

Bill 156, an Act to amend the Customs Tariff, 1907.—Hon. Sir James Lougheed.

BUSINESS PROFITS WAR TAX BILL.

FIRST READING.

Bill 157, an Act to amend the Business Profits War Tax Act, 1916.—Hon. Sir James Lougheed.

APPROPRIATION BILL No. 3.

FIRST READING.

Bill 166, an Act for granting to His Majesty Certain Sums of Money for the Public Service of the Financial Years ending respectively the 31st of March, 1920, and the 31st of March, 1921.—Hon. Sir James Lougheed.

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

THE SENATE.

Thursday, June 10, 1920.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill T4, an Act for the Relief of Graziano Bertini.—Hon. W. B. Ross.

Bill Q4, and Act for the Relief of William Henry Caswell.—Hon. Mr. Ratz.

Bill V4, an Act for the Relief of John Covert.—Hon. Mr. Ratz.

Bill W4, an Act for the Relief of Mary Ireland.—Hon. Mr. Proudfoot.

Bill X4, an Act for the Relief of John Daniel Mills.—Hon. Mr. Proudfoot.

Bill Y4, an Act for the Relief of Joseph Aime Wilfrid David.—Hon. Mr. Bradbury.

BRITISH COLUMBIA INDIAN LANDS BILL.

PROPOSED HEARING OF INDIANS BEFORE COMMITTEE ON BANKING AND COMMERCE.

The Senate resumed from yesterday the adjourned debate on the motion for the third reading of Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, in view of the expression of opinion of yesterday as to the desirability of hearing the Indians upon the Bill

before us for consideration, it is thought advisable to comply with the request which has been made; so I purpose asking the Chairman of the Banking and Commerce Committee to call a meeting of that Committee, say for Wednesday morning next, and to permit the session of that Committee, which will occupy I suppose two hours, or two hours and a half, to be devoted to hearing the Indians upon the subject; the Committee then to report what may be their views to the House. I hope this will be satisfactory to the House.

Hon. Mr. FOWLER: Is it the intention to confine the hearing to any set time, either two hours or two hours and a half? Because the subject-matter would extend over a long period of years, from the early settlement of the country down to the present time. It might take more than two hours and a half to hear the views of the Indians on the matter. If you are going to do anything, do it rightly, do it well, and with a whole heart.

Hon. Mr. BELCOURT: Once for all.

Hon. Mr. FOWLER: Once for all. Let us have a proper hearing. To say that you will give a certain set time, an hour and a half or two hours and a half to a subject that extends at least from 1763, the date of the royal proclamation down to the present time is to my mind not sufficient; that is the time may not be sufficient. But if the Government is willing to grant the request, let it do it whole-heartedly, and say, "You shall have whatever time is reasonable and necessary to present your case to the Senate Committee," and then the Committee can make its report.

Hon. Sir JAMES LOUGHEED: It is desirable to put this legislation through at the present session, and we expect to do so. Of course, if we are going to review the relations of Canada with the Indians for 200 years and there is to be, say, an elaboration upon that very important subject, historically and otherwise, I can very well conceive our not getting this Bill through during the present session. However, that is a matter that will be left entirely to the good judgment of the Committee.

Some Hon. SENATORS: Hear, hear.

Hon. Sir JAMES LOUGHEED: The Committee may possibly be so entranced with the relation of the Indian claims and the history of British Columbia that they may see their way to prolong the sessions of the Committee.

Hon. Mr. FOWLER: I am satisfied.

Hon. Sir JAMES LOUGHEED: But I leave it entirely to the Committee.

Hon. Mr. BELCOURT: Can my honourable friend tell us if the claims in this case have been put in writing? Has any brief been prepared, or is there any way, or any place, in which we can find how the case of the Indians has been put?

Hon. Sir JAMES LOUGHEED: I should say the best place to find out will be in the Committee room next Wednesday.

Hon. Mr. BELCOURT: Some of us might read it and perhaps save time for the Committee.

Hon. Sir JAMES LOUGHEED: I understand that several circulars have been sent out; in fact, I thought all the members of the Senate had received the literature which had been published upon the subject. If my honourable friend will apply to the honourable gentleman from Kings and Albert (Hon. Mr. Fowler), he will be furnished with full information.

Hon. Mr. FOWLER: I shall be very glad to supply it. By to-morrow or Saturday there will be certain literature with reference to this matter distributed among the members of the Senate. My honourable friend (Hon. Sir James Lougheed) has made a somewhat sarcastic or jocose reference to me as being an authority on this matter.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. FOWLER: I am always glad to appear on behalf of the lowly and oppressed.

Some Hon. SENATORS: Oh, oh.

The Hon. the SPEAKER: It is moved that the consideration of this Bill be postponed until Wednesday next, and that at the same time the Bill be referred to the Standing Committee on Banking and Commerce.

Hon. Sir JAMES LOUGHEED: No. The Committee will just hear the petition. They will report to the House upon the representations made by the Indians.

Hon. Mr. MURPHY: The Bill stands.

Hon. Sir JAMES LOUGHEED: Yes, the Bill stands. There will be a session of the Committee for the purpose of giving a hear-

ing to the Indians. Then the House will decide the matter.

Hon. Mr. POWER: As I understand, the motion now is that the Bill stand for a third reading?

The Hon. the SPEAKER: The consideration of the Bill is postponed until Wednesday next.

Hon. Mr. POWER: That is a rather irregular way of doing things. It seems to me that the proper course is to refer the Bill to the Committee, and then the Committee will report and the House will deal with their report. I do not see how we can have the Bill in two places—have it here on the Table for a third reading, and have it before the Committee for consideration.

Hon. Sir JAMES LOUGHEED: As I understand, the Indians desire to be heard before a Committee of the Senate in respect of this Bill. The Committee on Banking and Commerce will be authorized to hear whatever representations are to be made. That Committee will then report to the House as to what those representations are, and what merit they may possess. But the Bill stands on the order paper for a third reading until after that Committee makes its report.

DIVORCE BILLS.

THIRD READINGS.

Bill I 4, an Act for the relief of George Emerson Fox.—Hon. Mr. Todd.

Bill J 4, an Act for the relief of Edith Ellen Holmes Austin.—Hon. Mr. McMeans.

Bill L 4, an Act for the relief of Ethelbert Gilmour Harris.—Hon. Mr. Bradbury.

Bill M 4, an Act for the relief of Albert Ernest Wice.—Hon. Mr. Bennett.

Bill N 4, an Act for the relief of Peter Sutherland Cowie.—Hon. Mr. Nicholls.

Bill O 4, an Act for the relief of Roy Bradley.—Hon. Mr. Blain.

Bill P 4, an Act for the relief of Joan Doran.—Hon. Mr. Blain.

Bill Q 4, an Act for the relief of Alexander Ross, Jr.—Hon. Mr. Blain.

Bill R 4, an Act for the relief of Jean Mary Sandford.—Hon. Mr. Blain.

BANKRUPTCY BILL.

FIRST READING.

Bill 126, an Act to amend The Bankruptcy Act.—Hon. Sir James Lougheed.

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

THE SENATE.

Friday, June 11, 1920.

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

Prayers and routine proceedings.

DIVORCE BILL.

FIRST READING.

Bill Z4, an Act for the relief of Richard Simpson.—Hon. Mr. Fisher.

CIVIL SERVICE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 53, an Act to amend The Civil Service Act, 1918, and The Civil Service Amendment Act, 1919.

He said: Honourable gentlemen, this Bill consists of a series of amendments to the Civil Service Act of 1918 and the amending Act of 1919. Provision is to be made for the temporary employment of persons outside of Canada. At present it is not permissible to secure such employees without making application to the Civil Service Commission, or to employ them for more than thirty days. It is proposed to enlarge the powers so that temporary employees may be appointed outside of Canada for a period of ninety days.

Another very desirable provision, which was omitted from the two previous Acts, is that a person who resigned his position in the Civil Service for the purpose of engaging in the war, and who has returned from overseas, may secure a status that would give him a preference over persons who have not served and who may have qualified for entrance into the public service. It is only right that recognition should be given to that class of man. It does not follow that he gets his position back, but he is regarded as having qualified for the class of position from which he resigned.

Provision is also made for semi-annual increases, inasmuch as the present legislation simply provides for increases being granted annually.

Probably the most essential provision that is made in the Bill before us has to do with the retroactive effect of the classification, which has been completed, I believe, during the present year. It is proposed that the new classification shall be deemed to have come into effect in April, 1919; that is to say, a year ago last April. Comment may possibly be made as to retroactive legislation involv-

ing so large a sum as will be applied in this respect.

Hon. Mr. BOSTOCK: Would my honourable friend state the amount that is involved?

Hon. Sir JAMES LOUGHEED: My recollection is that something like $4,000,000 is being placed in the Estimates to meet the requirements. It does not necessarily follow that that amount will be exhausted. I understand that when the question of classification was first taken up, assurance was given by either the Government or members of the Government that it would come into operation on the 1st of April, 1919. The matter came before Parliament at the last Session, and my recollection is that when it was before the Senate the undesirabllity of making the classification retroactive was pointed out, upon representations which had been made by the minister in charge of the Bill in the Lower House. But, whatever took place at that time, it is said that the assurance which I have mentioned was overlooked. It will be for the Senate to determine what action to take in that regard.

These are the main provisions in the Bill now before us. Of course, they will be elaborated upon when we go into Committee, and such further particulars will be given as may be required.

Hon. HEWITT BOSTOCK: Honourable gentlemen, my honourable friend, in discussing this Bill, has not dealt very fully with the question of the Civil Service; not as far as some of us would have liked to see him go. There has been so much discussion throughout the country over the action of the Civil Service Commission that I for one thought the honourable leader of the Government might take this opportunity to make a rather full statement of what had been done in the classification made by the Commission. I do not know whether, by this Bill, we are asked to ratify the classification which was submitted to us last year, or a further classification.

If I understand aright, there are two matters in respect to this Bill that necessitate a considerable increase of expenditure on the part of the Government. My honourable friend has not expressed himself as being very strongly in favour of the provision which is being made under this Bill, that the reclassification shall be effective as from the 1st of April, 1919. I think the words he used were that it was for the Senate itself to consider whether that was an advisable course to pursue. I understand that in the Supplementary Estimates brought down this year there is an item of $12,500,000, reading:

> Provisional bonus allowance for the Inside and Outside services of the Civil Service, to be paid to such persons and classes of persons in such amounts and at such times as the Governor in Council may determine.

That has apparently something to do with the legislation that is now before us. My honourable friend has already stated to the House that there is also involved an amount of $4,000,000, which I presume is to be provided because of increases that have in some cases been made to salaries under the classification that we dealt with last year. I have not been able to obtain as clear information as I would like to have; therefore I raise this question in order that my honourable friend may explain the matter to us when we go into Committee.

I think that on this occasion it would be advisable to impress further upon the Government the disadvantage that the country is suffering because of the way the Civil Service is now being carried on, and because of the serious loss that has occurred through a number of technical officers having left the service owing to the conditions which confronted them. That is in my opinion an exceedingly serious matter at the present time, when we are anxious that everything possible should be done to increase the production of the country and to help in the development of its mining and other resources. I had hoped that we might have some statement from the Government that the condition of things which exists at the present time would be remedied in the very near future.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, I desire to make only two or three observations in reference to the Bill which has been introduced by the leader of the Government. It will be remembered that last year a Committee of the Senate was appointed for the purpose of dealing with the Reclassification Bill. I had the honour of being the Chairman of that Committee. The Committee made a report, in substance concurring in the Bill as sent up from the Commons, and taking the position that it was not advisable to alter a money Bill; consequently, as some honourable gentlemen will remember, another report was made recommending to the Government the propriety of making the classification retroactive to the 1st of April of last year. That is all the Committee felt warranted in doing under good parliamentary practice.

That report was adopted, and I am glad to see that the Government has acted upon it. The Departments were numerously represented before the Committee, and evidence was adduced to the effect that certain representations had been made to organizations of the Civil Service by at least one member of the Government that the classification, when it became effective, would be retroactive to the 1st of April last year.

Just a word in connection with one matter raised by the leader of the Opposition. Representatives of the major Departments of the Government, particularly those employing technical help, appeared at the various meetings of the Committee; and I am free to say that I think a majority of them were emphatically of the opinion that the mode of selection of expert help was not working out very satisfactorily under the Civil Service Commission. However, I think the majority of the Committee were of the opinion that the Act was a new departure; that it provided a new scheme or arrangement for civil service reform; and that perhaps it would be as well to let it run its course, and see if the legislation which is now upon the statute book would work out satisfactorily. Perhaps because I sat on that Committee, many representations have been made to me since that time that the departments requiring technical help have been retarded in the performance of their duties by reason of the slowness of the Civil Service Commission in making appointments. I have no word of adverse comment to make on the work of the Civil Service Commission; but it is very much overloaded; and it is within the knowledge of anyone who has taken the trouble to make inquiries that the Government is losing the services of a large number of technical men, particularly in the departments employing chemists and scientists. I think it might prove advantageous if we were to do what has been done in the Department of Soldiers' Civil Re-establishment and take these appointments out of the hands of the Civil Service Commission for a period of time, and let the Department of Scientific Research, or some other body, have an opportunity for at least one or two or three years of dealing with the expert help that is required in the scientific departments of the Government.

Hon. G. W. FOWLER: Honourable gentlemen, the Committee on Oil Shales has had before it some very clever young men, experts from the Department of Mines, who have given evidence to the effect that men occupying important positions and doing important and valuable work for the country have, greatly against their will, resigned from that Department because of the insufficiency of the pay owing to the low classification in which they are placed by the so-called efficiency experts who were imported from the United States for the purpose of telling the people of Canada where they get off. Invariably these witnesses have said that those men, who have spent a considerable number of years of their life and a very considerable amount of money in preparing themselves for the work, would remain in the service, even at a very much lower rate of remuneration than they would receive outside, but that the disparity between the pay which they receive and that which they could get in private employment is so great that in justice to their families they have been obliged to leave the Service.

I think this is an unfortunate state of affairs, and I think it is due to a lack of knowledge on the part of those efficiency experts, who do not know enough to distinguish between the ordinary work of a clerk and the work of a technical expert who, as I say, has spent a considerable amount of time and money preparing himself for the position which he occupies. It seems to me that this business of importing experts from Chicago—I think that is their favourite stamping ground—is all wrong. Amongst our own men we could surely find some who would be quite as competent to do the work as these so-called experts. These gentlemen gave their evidence before the Committee, of which I was a member, and for my part I was not, nor do I think any other member of the Committee was, impressed by the superhuman ability displayed by them on that occasion. I understand that one department of the Government has had a Canadian efficiency expert, and that his work has been most satisfactory in reorganizing the department on efficient lines. I do not think it is necessary for us to go abroad, particularly when the rate of exchange is so much against us as at present, and import these efficiency experts from the United States.

That, however, is not the only fault I have to find with this Bill. I purpose when the House goes into Committee of the Whole —and I so notify the House now—to move an amendment to the Bill which will have the effect of taking the appointment of the permanent employees and officers of this branch of the legislature from within the

operation of the Civil Service Act, and I trust that amendment will receive the support of this House.

Hon. J. G. TURRIFF: Honourable gentlemen, I saw it reported the other day that part of the staff of this American firm which [illegible] the reorganization—I suppose I might call it making a reorganization—was going to be retained at a cost of about $10,000 a month for the purpose of reorganizing the different departments. I do not know whether that is the case or not; but, before this Bill is put through, I would be very glad to have the leader of the Government give us definite information on that point.

As to making the salaries retroactive to the 1st of April of last year, while I do not like that kind of legislation, I do not see very well how we can do anything else at the present time. If that was promised to the civil servants by the Government, it seems to me that the promise will have to be carried out, whatever terms were made.

Another bit of information I should like to have as to this Bill, is the total amount of the Civil Service remuneration at the present time, showing the division between the inside staff at Ottawa and the outside staff. This year we are voting, as I understand, about $16,500,000; but that is altogether outside of the salaries of the civil servants. That $16,500,000 is to pay the bonus that is being paid over and above salaries, and also, as the leader of the House has said, to provide for the retroactive feature of this Bill. Last year we voted $12,500,000 for bonuses. That is practically all paid. We are voting this year, as I understand, $12,500,000 for bonuses and $4,000,000 to pay the increases in salaries that may be granted, and which will be retroactive to the 1st of April, 1919 .

Now, I want to say just one word in reference to the Civil Service Commission. There has been a great deal of criticism of that Commission, some in this House, some in the other House, and a great deal in the country, especially in the city of Ottawa. I hold no brief for the Civil Service Commission. I think it was a great mistake. In my opinion the whole matter of the civil service administration should have been placed under a Minister and dealt with by a Minister. But that is neither here nor there at the present time. I have heard of a great deal of criticism of the Civil Service Commission which should be levelled at the House of Commons and the Senate. We made the Act under which they are working, and many of the things for which they are criticised are not their fault, because they are simply carrying out the provisions of the Act which Parliament gave them. We ought to be a little careful in criticising the commission, and we should make sure that the fault is not ours, and that the Act should not be amended. I will give you one instance of the difficulties at the present time. A surveyor goes out with a party; he cannot hire a labourer or a cook or any one else except through the Civil Service Commission. That is pure nonsense—and there are many other instances along the same line. We should not criticise the Civil Service Commission for that; we should amend the law.

Just one word more and I am through. I wish to refer to the remarks made by the honourable gentleman from Kings (Hon. Mr. Fowler) in reference to men leaving the service. I have said before, and I say it again, that I do not think there is any possible way to avoid that sort of thing. I think it is a good thing. And where members of the Civil Service have come to me about this or that or the other position, I have said, "For goodness sake, get out of the Service if you are not satisfied with it." That remedy is always at hand. In scores of cases men and women have come to me to get my assistance in obtaining a position; in a number of cases I have succeeded in getting them positions. But that is only the beginning of their troubles. Within six months they are after you harder than ever asking for an increase in salary, although probably the salary they started at is twice what they are worth, and in many cases more than they could earn outside. But they are not satisfied with that: they are after you for something else. If a Civil Servant is getting $2,000 and someone comes along and offers him $4,000 to work outside, the Government is precluded from giving him $4,000 simply because there are hundreds of others in similar positions drawing the same salary. If you raise one man's salary a couple of thousand dollars to retain him, either the others are very much dissatisfied or they are pounding at the doors of the Government to have their salaries increased to equal to that of So-and-so. That is one of the things they must expect, however, and I think it will always be so. I know it works a hardship in some cases. We lose some of the technical men, and that is a loss to the country. But that is one of the things that I do not think it is possible to avoid. That is about all the criticism I wish to make, and the reason

I speak at all is so that my honourable friend the leader of the Government may give us the information I have asked for before this debate is over.

Hon. Mr. TODD: Honourable gentlemen, I would like to correct a mistake which I think the honourable gentleman from Assiniboia made in speaking of a surveyor not being able to employ help. I think there is a clause in the Civil Service Act which, in cases of that kind, enables him to employ help for thirty days. After that period the appointment has to be confirmed.

Hon. Mr. TURRIFF: I accept the correction.

Hon. GIDEON ROBERTSON: Honourable gentlemen, I presume to make a few remarks on this Bill only because of the fact that I happened to be a member of the sub-committee of the Cabinet that had something to do with the adjustment of Civil Service matters a year ago, which has had a bearing on the retroactive feature of this Bill. In March, 1919, the civil servants in the Post Office Department came to the Government with a number of grievances which they desired to have adjusted. This was in addition to the general readjustment of wages which the whole Civil Service was seeking at that time. The honourable the President of the Privy Council, my honourable friend the Postmaster General, and myself happened to deal with this question. We met the committee representing the employees in the Post Office Department, and by negotiation successfully adjusted something like twenty or thirty different grievances which they had. But as to the question of salaries, upon which they were very insistent, the committee was forced to tell them that they could give them no promise as to what the new rates or the new classification would be, because that was a matter not yet determined. It had been recommended by the Civil Service Commission that the classification should be effective as from the beginning of the fiscal year, which was April 1, 1919. With that understanding they accepted generally the adjustment of the difficulties and awaited the outcome of the new classification. The new classification was brought down before the end of the session, but, as honourable gentlemen will remember, there were in it a great many points that it was deemed necessary to revise or to consider further, and it was not finally approved. The rates under the new classification did not go into effect in 1919. Bonuses were first paid to civil servants in addition to their salaries in 1918. The Civil Service Commission in 1919 recommended a cost of living bonus based upon the salaries which the Commission expected would be received under the new classification as from April 1, 1919, and that bonus was paid. Consequently, the civil servants have ever since anticipated that when the new classification came into effect it would date as from April 1, 1919. The bonus this year has not been increased, and this fact is, I think, an additional reason which we should take into consideration in dealing with the retroactive feature of this Bill, because it is well known that the cost of living did increase somewhat during the fiscal year ending March 31, 1920, and it might be contended that a larger bonus should have been paid this year.

With reference to the reorganization referred to by my honourable froend from Assiniboia (Hon. Mr. Turriff), that is a matter quite separate and distinct from the reclassification referred to in this Bill. After the investigation held by the Arthur Young Company in connection with the reclassification, they were instructed by reason of incidents with which this House is familiar, to investigate the Printing Bureau and recommend a basis of reorganization. That work has been accomplished successfully, with the result that between 300 and 400 employees have been found unnecessary, a great deal of machinery and old equipment has been done away with, and efficiency has been increased. The saving to the country is estimated, I think, at between $500,000 and $700,000 per year, and it has cost about $45,000 to bring that about, if my memory is correct. As a consequence of the satisfactory results obtained by that experiment it has been deemed advisable to carry the inquiry into other departments of the Government. Honourable gentlemen may have noticed during the last few days some press comments—which are, I presume, based on authoritative information, and which are substantially correct—to the effect that it is proposed to conduct a similar investigation into the working of some of the other departments with a view to increasing their efficiency and placing them on a more business-like basis. In order to remove any confusion which may exist in the minds of honourable gentlemen, I point out this distinction between the term reorganization, as applied to the departments which have not yet been investigated, and the reclassification which is part of the subject-matter of this Bill.

Hon. A. B. CROSBY: Honourable gentlemen, I believe that there has existed some misunderstanding between the Government and the civil servants, particularly the employees of the Post Office Department, that whatever bonus or increase in salary was granted them would date from the 1st of April, 1919. It appears that this date, from which it should have been paid had passed. I understand that the civil servants were given a strong assurance to that effect. If that be so, there is no reason why it should not be carried out.

While on my feet, I desire to make some reference to the Civil Service Act as it now stands upon the statute book. I concur in what has been said by the honourable Senator from Assiniboia (Hon. Mr Turriff). I do not believe that when that Act was passed by Parliament either House took the interest in it that should have been taken. There is much to be done in order to make the law what it should be, and what it was intended to be.

To give some idea of the situation, I would point out the case of a skipper—as we would call him—or the captain of a small boat engaged, as many are in the province of Nova Scotia, in going around the coast inspecting the setting of trawls and lobster traps at particular seasons of the year. You understand that there is a season of perhaps three months when in some parts of Nova Scotia the fishermen are allowed to fish for lobsters. In other parts of the province the season is at another time of the year. One of the skippers on those little boats resigns his position. He is a man who gets $75 a month and pays his own expenses. He has to do his own cooking. I suppose the Civil Service Commission would have to see that the man appointed was a good cook, lest his cooking might bring about indigestion, and in case of death, the Civil Service Commission, being responsible for his appointment, might be held responsible also for the loss of life. How can the Civil Service Commission or any other combination here in Ottawa select a man for that particular position, which is purely local? The representative of the constituency, whoever he may be, is in a much better position to make the selection—to recommend a man who is fully qualified and whom he knows to be satisfactory to the people interested. How can the Civil Service Commission get their information? They must appeal to somebody and ask his opinion, because they do not themselves know. I mention that as just one illustration.

I have had a small part to play in politics, and I want to say that in that experience I have been much interested as to what is the best way for people to be represented, and I know of no better or more democratic method of representation than by the person whom the people themselves select by ballot at the polls. If the man selected in that way to represent the people in Parliament makes a mistake or does wrong, the people who have sent him to Parliament have the remedy in their own hands, because he must go back to them in four years, or five years at the most, to ask again for their endorsement, and if they are not satisfied with him, if he has not conducted the affairs of the constituency as they expected and hoped he would, they will not return him. But if the representative of some constituency does something wrong or is not able to conduct the affairs of the constituency as he should, is that a reason for doing away altogether with democracy? What kind of government are you going to have if the public affairs of this great country are going to be handed over to one commission after another?

I did not intend to say so much, but I do want to point out with regard to the men who have inaugurated the classification of the Civil Service that they have been hired over in the United States and have been brought here at an expenditure of hundreds of thousands of dollars. No man could be hired in Canada under contract to go to the United States to earn ten cents; it is against their law; he would be deported the next day. Yet we send over to the United States for experts and spend our money on them. Why do we not go over there to look for a premier? Why do we not go over to the United States to engage the heads of our different departments? My honourable friends on the other side of the House may say that the Government went over to the United States to look for reciprocity. Yes, and the peole of Canada rejected it. And I say that we should reject those men to whom we are paying hundreds of thousands of dollars. We have in Canada men who are competent to deal with our affairs, and if ever a time arrives when we have not such men in this country, then we ought to let some other people come in and administer its affairs.

I have nothing to say against the Civil Service Commission. I know two of its

members very well. One of the commissioners is a gentleman from Nova Scotia and is looked upon by the people of our province as a very competent man—and the people of our province are good judges. I know also the chairman of the Commission, Dr. Roche, with whom I had the honour of sitting in Parliament, and who is a very capable man. But are those men any more capable than the men who have been sent to the House of Commons to represent the people? Should not Canada be governed by the people of this country? I say that you cannot entrust the affairs of Canada to better hands than those of the men whom the people have selected and who have to return to the people within five years for re-election. To my mind, they are the men who should be held responsible.

I could cite many illustrations to show how unfair the Civil Service Act is, and how unreasonable it is to expect the Civil Service Commission to deal with the details of all appointments. The Civil Service Commission may have its place. It may be the proper authority to deal with the high officials in Ottawa, and it may be competent to set examinations for the Service, but it should not be called upon to make appointments in cases where it has to look to this person or to that for information. Some honourable members pointed out during a discussion the other day that a man who had been appointed as translator of the Senate proved to be absolutely unfit for the position, according to the statements of those who had investigated and were in a position to know. Personally I am opposed to the handing over of the affairs of this Dominion to any combination of men, whether it is the Civil Service Commission or any other commission. I think the men who have been elected by the people of Canada to do the people's work in Parliament ought to deal with these matters.

Hon. GEORGE H. BRADBURY: I desire to say just a few words. The Civil Service question is a very important one and for many years has caused a great deal of trouble in this country. When the Government decided to take the service out of politics and hand it over to the Civil Service Commission, in my opinion they did something that did not commend the Government to the people of this country. I agree with what the honourable member from Halifax (Hon. Mr. Crosby) has said regarding the position that a public man ought to occupy. When a man is elected to Parliament, he ought in my opinion to be consulted regarding anything and everything that relates to his constituency. That is why he is elected. In many of our large constituencies there are four or five hundred postmasters. When one of those men dies or moves from the district and a new postmaster is needed, who should be asked to make a recommendation for the position? Under the present system, it is at times difficult to get a man to accept such a position. The remuneration is so small that it is very difficult to persuade a man that it is in his interest to assume the extra duty of handling all the mail for the district. In some districts which I know of, the man who becomes postmaster has to make his home practically an open house. People come from all over the district inquiring for mail, and they sometimes arrive just at meal time; consequently the postmaster has sometimes four or five persons as his guests. Under the present system, the man who has been elected by the people and is supposed to know every person in the county, and to know who would be the most suitable and most acceptable for appointment as postmaster, has nothing to do with the appointment. The Inspector is appealed to and he makes the nomination. I claim, honourable gentlemen, that that is not the proper method. It would have been better to leave recommendations for all appointments to the Outside Service in the hands of the elected representatives of the people.

Hon. Mr. DANIEL: What about the constituencies in which the Government candidates have been defeated?

Hon. Mr. BRADBURY: Under the old system, the patronage of such constituencies was in the hands of the defeated candidates, and I have yet to learn that there was any great hardship even then.

The Civil Service Commission has been freely criticized for a great many things for which I believe it is not responsible. In the first place the Civil Service Commission has been overloaded with work. It has been given a great deal more work than it could hope to do thoroughly. In my opinion, if the Government was determined to take appointments to the service out of the hands of the members of Parliament, the proper men to deal with them, then they ought to have started with the Inside Service and to have put that Service on a proper basis first. Any man who has sat in Parliament during the last eight or ten years knows that there is not a department in Ottawa that is not from twenty to forty per cent overmanned to-day. That is a notorious fact, and everybody admits it

That has been the situation for years. Still no move has been made to weed out the departments. That is, to my mind, the first move that ought to be made. The Civil Service Commission or those who are responsible ought to see that the departments are not overmanned. There should not be two persons doing the work of one. The criticism you will hear to-day, on the streets and everywhere, is that if you go into a room in one of the departments you will see ten, fifteen, or twenty clerks, half of them sitting down chatting, or reading the papers, and perhaps three or four clerks trying to work. If the Service were properly reorganized the efficient men and women in the service would be paid a fair remuneration for their work, and yet the service would not be such a burden on the country as it is at present.

With regard to this wonderful classification which has been made by an American syndicate, I do not know of anything which is to my mind more deserving of severe criticism than this volume. They have adopted the very worst features of trades unionism, and it has some bad ones. They have robbed the Service of any incentive to be efficient. How have they done that, you may ask. Under this classification the men and women doing the work receive no consideration; they are simply machines. It is the job that is classified, not the individual. You go into a room where there are twenty or thirty clerks, all doing about the same kind of work. This classification says that a certain position calls for a certain salary, say, $1,200 a year, with certain annual increases. Now, it does not matter how efficient or how inefficient any of those clerks may be, they all get the same salary. In that room you may have five or six very industrious, painstaking officials who are trying to render good honest service to the country; the others may be indifferent, slothful, lazy. I say that in view of that the Service has been robbed of any incentive to efficiency by the classification adopted. I have been told by different chiefs of departments, and it is no secret, that the efficiency of the Service has gone down from 20 to 30 per cent during teh last three years. This is a serious state of affairs. The Civil Service of Canada is a very important institution; there is a large amount of money spent on it; and, in view oof that fact, I think the first duty of the Government is to secure efficiency. I have read in the newspapers that there is some scheme on foot to reorganize the different departments. That rumour has been set adrift in the press time after time during the last two years, and nothing has been done; but I hold that if any reorganization is undertaken the work ought to be done by Canadians. In the Service to-day there are men who are a hundred per cent better qualified to do the work than the so-called experts from Chicago, and yet these men are overlooked.

When this classification was first printed there were some most amusing things in it. Some of the definitions have been altered since, and the classification is in a little better shape than it was. And how were the alterations made? With the assistance and advice of officials in our Service. The mistakes were made by the so-called experts. There is one classification made by these experts that I am sure will amuse the House. The Clerk of the Privy Council was classified in the first classification as an ordinary clerk, and he was supposed to take down the minutes of the Council; but, as honourable gentlemen all know, he never sees the inside of the Chamber during Council meetings. There is another classification which I find affects the Senate. It may be a very small thing, but it should be rectified. According to the classification, the Sergeant-at-Arms of the House of Commons has complete control of every inch of this building, including the Senate, and is to be responsible for the furniture, the grounds, and everything else. Here is the way it reads:

> Serjeant-at-Arms, House of Commons: To act as Chief Executive Officer of the House of Commons; to preserve order in the galleries, corridors, and other parts of the parliamentary buildings and grounds; to exercise responsibility for the care and maintenance of the furniture, fittings, and other property of the Houses, and prepare estimates of the expenses incurred in this connection; to have the direction of and maintain discipline among the employees of Parliament; to be responsible for the serving of processes, and the arrest and safe custody of persons committed by order of the House; to attend the Speaker in the assembling or prorogation of Parliament—

—And some other little things. That is only one of the dozens of anomalies in the classification. I would very strongly urge, if there is to be a reorganization, and I hope there is, that the work shall be done with absolute fairness and by Canadian citizens. Have it done, if you like, by officials of the departments, or other men who know the situation. We should not bring back these American so-called experts. The gentlemen who made this classification cost this country, I am told, from $30 to

$45 a day each, so you can understand their willingness to come back.

I do not intend to take up much more of the time of the House, but in view of these facts I think something should be done to limit the scope of the authority of the Civil Service Commission. Under the Civil Service Commission, the outside service at the present moment is—I was going to say, little better than a joke; but it is worse than that: it is a crime. In my own county we have four or five dredges. In the old days, before the dredges started work, word would come from the Chief Engineer or the Deputy to prepare for the work, and the superintendent of the yard would look around and would employ men to run the dredge. Honourable gentlemen may be surprised to know that to-day he cannot employ one man. Every one of those men must be advertised for, and by reason of that an inefficient staff is got together; the good men have been lost. The Purchasing Commission is just about as bad. If anything goes wrong and a keg of nails is needed, nothing can be done until authority is received to purchase a keg of nails. Under the old system the man in the yard would go to the store or would wire to the resident engineer, and he would get the nails immediately; whereas at present they sometimes have to wait for days to make small repairs. I say that in view of these circumstances the Government might well consider whether it is not in the best interests of the country to make some provision for the outside service. If they want a Commission I have no objection; but the Commission should hav time and ample scope afforded them to do the work submitted to them.

Hon. P. C. MURPHY: Honourable gentlemen, as a member of the Special Committee in regard to this classification last year, I took strong ground, along, with my honourable friend from Kings (Hon. Mr. Fowler), that we should not handicap the Civil Service Commission in any way; that we should give them no excuse by adding any tails to the Bill which would enable them to say, "You handicapped us in this way, and tied us down in that way." We accepted the Bill as it came from the House of Commons, and gave the Commission a free hand, although in our own minds we did not feel that the Bill was a wise one. I, in common with some others, believed from the beginning that the Act of last year was going too far, and that it would not be feasible to carry it out to the satisfaction of the country. Time has verified the correctness of that opinion. I think the honourable gentleman from Kings and Albert was one of those who most strenuously opposed the Bill on its second reading; but, because the Bill had been sent to us unanimously by the House of Commons, we felt that there should be no alterations in it, and that it should be given a trial. As a result of that, you see the inaccuracies that have crept into the Classification, such as those just read by the honourable gentleman from Selkirk (Hon. Mr. Bradbury). You see officials of this House under the sway of officials of the other House, and you will also observe that, if it is necessary to keep the members of this House in order, the Sergeant-at-Arms of the other House has to come here to do so. Honourable gentlemen will admit that that is a state of affairs that should not be long tolerated, and that there should be a demand from this House to have that condition remedied.

I am somewhat confused by the Act and by the amendments which have been introduced to-day. It is true that while we did not interfere with the Bill as it came before us, in the interests of the Service, we made a recommendation that certain provisions should be retroactive and should date back to April of 1919. But when we did that, honourable gentlemen, we did not suppose that bonuses were going to be paid in the year 1919. There was $12,500,000 voted for bonuses in 1918 and $12,500,000 in 1919; and this year there is more. In the face of that, we are asked under this Bill to vote, as the leader of the Government says, probably $4,000,000 to bonus the bonussed. I do not think that was the understanding when we made the recommendation. The recommendation was made on the understanding that the bonuses of the previous years were to be in place of the increases in salaries provided for in the Bill as it was to take effect in 1920.

There is another manifest injustice that I should like to point out. The postmasters of this country, some 13,000 in number, have received no bonus and no addition to their salaries, or, if they have, it has been a very small one. The Postmaster General will admit that, while the pay of every other civil servant has been increased by bonus or otherwise, the remuneration of the servants under his department is practically the same as it was in 1912. That is a state of affairs that should not exist. I know of cases in my own province of men working in the same building in which the customs offcer, doing six or seven hours work a day,

is receiving as much remuneration as the postmaster, who has to employ an assistant, and who has to work twelve or fourteen hours a day. In addition to that, the customs officer is also receiving a bonus of $400 a year while the man in the post office receives not one cent, but is obliged to struggle along on the same pittance that he got in 1912. I think it will be admitted by all that that is a state of affairs that should not exist. The Postmaster General will tell you that last year he had a deficit of some $3,000,000 or $4,000,000. On the Canadian National railways there was a deficit of some $40,000,000, but at the same time we were informed, and nobody seemed ashamed to tell us about it, that department paid out to the employees of the railway 78 per cent of the gross receipts.

I submit that the shortcomings of the Civil Service Act are not the fault of the Commission, but the fault of the House of Commons and the Senate. The Commission have an Act put into their hands, and they have to administer it; they cannot do anything but go by the statute. I had an evidence of the difficulties under it the other day. In my own constituency there had been a Receiver of Wrecks. He died. While possibly there would not be a wreck on that north coast once in ten years, on the other hand there might be a wreck at any time, and there would be no person to take charge of it. I went to the Deputy Minister of Marine and Fisheries, and said, "You had better appoint some one as Receiver of Wrecks. It is true that a wreck may not occur for a long time, but then again it may occur any time." He said, "I have no authority to appoint a Receiver." I said, "Oh, how is that?" He said, "That has got to go to the Civil Service Commission." The position has to be advertised, and the Civil Service Commission has to appoint a Receiver of Wrecks who may be employed once in ten years. As practical men, we must admit that this is an absurdity. If a ton or two of coal is needed, authority must be had from this, that or the other person, and eventually you get back to the Civil Service Commission. The Act should be remodelled and recodified and made practical.

I want to draw the special attention of my honourable friend the Postmaster General to anomalies that exist in his Department, and to the manifest injustice and absurdity of having officials drawing the same pay to-day that they drew in 1912.

Hon. Mr. BLONDIN: For the information of my honourable friend, I might say that the question of the pay of the postmasters stood in abeyance for the reason that the postmasters throughout Canada were apparently satisfied with the salaries they were receiving. I remember well the time when the Civil Service Commission was not in existence; then if a postmastership, even in the remotest and poorest hamlet in the country, became vacant, it always meant a hard time for the Postmaster General, because of the number of applicants for the position, all of whom would have been very glad to take charge of the post office for the salary that was provided.

Hon. Mr. MURPHY: That was in the old days.

Hon. Mr. BLONDIN: I admit that in the course of the last year I have been in receipt of complaints on the part of postmasters. Those complaints have not come from those who are the lowest paid, but from those who apparently are in charge of the more important post offices. Since the creation of the Civil Service Commission the matter of the salaries of rural postmasters, as well as their appointment, does not come under the authority or purview of my Department. Such matters are left to the Civil Service Commission to deal with. Only lately I met a deputation of the postmasters of Canada. I listened to their claims, and referred them to the Civil Service Commission and to the Board of Hearing; and, I may add, the Department made very favourable recommendations to the Civil Service Commission.

Hon. Mr. MURPHY: I would ask the Postmaster General if he would support an amendment to this Bill recommending that any increase given to the postmasters should be retroactive, and that those men who have received no bonus—

Hon. Mr. BLONDIN: I have tried to go as far as the postmasters themselves have asked. They would be content, I suppose, if they were granted their request.

Hon. Mr. WATSON: By what authority under the Civil Service Act could the honourable gentleman make representations to the Commission?

Hon. Mr. BLONDIN: The Minister or the Deputy Minister is always welcome to give his opinion on any matter affecting the Department.

Hon. Mr. MURPHY: Any one can make a recommendation.

Hon. L. G. POWER: Honourable gentlemen, I know it is a cold-blooded thing to get up after this long discussion to add anything to what has been said. I think the honourable members of the Government did not calculate upon the discussion which has taken place upon the second reading of this comparatively limited Bill. The course which the discussion has taken reminds me of a practice we had long ago in the local legislature of Nova Scotia: on a certain day some honourable member who had previously given notice would move that the House resolve itself into Committee of the Whole on the general state of the province, and when the House got into Committee of the Whole every member of the House was at liberty to talk upon any subject he chose. I feel in some ways that on the whole it would be more convenient if our members did not follow the example of the Committee of the Whole of the Nova Scotia legislature.

I do not propose to discuss the manner in which the Civil Service Commission have discharged their duties; but I would like to make just this one point, that we should have a certain feeling of sympathy and a good deal of consideration for the members of that Commission. These gentlemen have had handed over to them a system of classification, or an alleged system of classification, which it would puzzle the proverbial Philadelphia lawyer to make head or tail of. It is now some three years, at any rate, since they appointed this American Commission, which has cost us a good deal of money and the results of which have not been satisfactory. We are now trying to tinker up the work of that Chicago concern. There was no doubt that the Civil Service needed more or less reorganization. Shortly after the general election of 1911 the number of civil servants, which before that election had been larger than necessary, was increased—nearly doubled in some instances. No doubt it was desirable that the unnecessary officers should be weeded out, and that the merits of the different officers should be considered by some competent authority. Now, what would have been a competent authority? My humble opinion is that the ministers, instead of going to Chicago for a board of gentlemen who were not familiar with our system at all, should have taken one of their own number, and added some deputy ministers and prominent members of the Civil Service, with perhaps two or three business men from outside, and had them examine the whole system and report to Parliament. Within six months, I think, a body of that kind could have produced a report which would have been infinitely more satisfactory than the one we are trying to blunder through now.

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

INSPECTION AND SALE BILL

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 104, an Act to amend the Inspection and Sale Act.

He said: Honourable gentlemen, probably few subjects command the attention of the Senate more frequently than the Inspection and Sale Act. That is probably owing to the progressive character of the gentlemen interested in its application. We have in Canada the Fruit Growers' Association, one of our most progressive bodies, who necessarily, owing to the character of their business, are somewhat experimental. We have passed legislation at the instance of the Fruit Growers' Association, and have gladly done so. At a late conference of that organization it has been concluded that, owing to the progressive character of the business —I think I may appeal to my honourable friend from Wentworth (Hon. Mr. Smith) as to that being the reason—it is necessary to amend the legislation so as to have it conform to what might be termed the new requirements of the fruit growing industry; for it has become a very important industry in Canada. The legislation at present on our statute books is very largely a reflection of the views of the fruit growers. Notwithstanding that, it is now proposed that owing to changing conditions, which of course are indicative of progress, the law should be modified or substantially changed. It is proposed that new standards shall be adopted for apple barrels and containers of various kinds; furthermore, for the sake of elasticity, that certain powers, by way of regulation, shall be vested in the Governor in Council and in the Minister of Agriculture. It does seem almost an anomaly that those engaged in an industry such as fruit growing should have to come to Parliament from time to time to ask for the adoption of regulations regarding such manifest requirements in their business as containers and similar equipment. It will be a much more flexible method to have matters of this kind dealt with by the Minister of Agriculture, who has to do with this particular industry.

or by the Governor in Council. But some arbitrary provisions are embodied in the Bill, as honourable gentlemen will see in the rather lengthy section 1. There are in the House, I am glad to say, certain honourable gentlemen who are very prominent in the fruit growing industry. Therefore, when the House goes into Committee, we shall be able to give more particulars.

Hon. HEWITT BOSTOCK: Honourable gentleman, this Bill has apparently had a rather erratic career in another Chamber. I find on looking up its history that it was introduced to the House in another form, was then referred to Committee of the Whole and then to a special Committee, and apparently it comes to us in a form quite different from that in which it was introduced in another place. From the remarks of my honourable friend I understand that the fruit growers are satisfied with what is proposed, and I hope now that the arrangement which has been reached will be more or less permanent, so that in future we may know what are the regulations with regard to apple boxes and that sort of thing.

Hon Sir JAMES LOUGHEED: It will carry us over until next session, I can assure my honourable friend of that.

Hon. Mr. BOSTOCK: My honourable friend apparently does not think that this is a final arrangement.

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

SICK AND DISTRESSED MARINERS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 127, an Act to amend the Canada Shipping Act (Sick and Distressed Mariners).

He said: Honourable gentlemen, we have on the statute book provisions for the establishment and maintenance of hospitals for sick and distressed mariners. Those hospitals have been carried on for some time past at a loss to the Dominion.

Hon. Mr. POWER: Is the honourable gentleman sure? I see it was alleged in another place that there was no deficit.

Hon. Sir JAMES LOUGHEED: There will be a deficit during the present year of about $15,000. I understand that the revenue already derivable from the statutory sources, namely, one cent and a half per ton upon shipping reaching ocean ports, will realize, it is estimated, about $75,000, whereas the estimated expenditure to be made during the current year will be $90,000. It is therefore proposed to increase the tonnage rate by one-half a cent—to return practically—

Hon. Mr. CROSBY: It used to be two cents.

Hon. Sir JAMES LOUGHEED:—to the rate which prevailed in the early nineties, I think, namely, two cents a ton.

Hon. Mr. FOWLER: Is it proposed to make any exemptions? There is a letter which I have received, I think, in common with other members, with regard to some part of the shipping. The persons writing do not think they should be included in this.

Hon. SIR JAMES LOUGHEED: This applies only to shipping that comes into ocean ports; it is not intended to extend to shipping on inland waters. Furthermore, the imposition of the duty on vessels coming into ocean ports is limited, I think, to three trips a year. Formerly the Department of Marine and Fisheries maintained about ten hospitals for the care of sick and distressed mariners. The number has been reduced to four, owing, I fancy, to a reorganization of the service and to the use of civic hospitals. It has been found much more advantageous to use the general hospitals in municipalities for this purpose than to maintain separate institutions. At the present time there are four hospitals under the administration of the department. This service is to be transferred to the new Department of Health. It will probably be more appropriate to have it administered by that department than by the Department of Marine and Fisheries.

Hon. Mr. MURPHY: I suppose the honourable leader of the Government does not know, but if I remember correctly, there has been in the past a considerable surplus in the fund. The revenue was greater than the amount expended for the treatment of sick mariners. In fact, I understand there was a surplus nearly every year.

Hon. Sir JAMES LOUGHEED: Since Confederation there have been certain years in which there was a surplus in the fund. I stand subject to correction, but I make the statement with reasonable confidence that capital charges assumed by the Government were not debited to the fund; that the account simply dealt with the ordinary expenditure involved in the interior administration of the hospitals.

Hon. Mr. CROSBY: And nothing at all was charged to capital account.

Hon. Sir JAMES LOUGHEED: I am told there is a substantial deficit to be charged up against overhead and capital. When we go into Committee I shall be able to furnish any particulars desired on this phase of the subject.

Hon. Mr. MURPHY: A good deal of money was paid outside to physicians who attended the men.

Hon. WM. ROCHE: Honourable gentlemen, I presume that the change in the tax levied upon shipping is not for the purpose of augmenting the general revenue, but for the purpose of supporting the hospitals. It is quite true, as has been observed, that a number of years ago a tax of two cents per registered ton was placed upon all shipping entered at certain ports. In consequence of the very great increase in the tonnage of vessels the rate of two cents wes reduced to one and a half cents. You will see the application of it at once. Formerly a vessel of 3,500 tons was supposed to be a large vessel and the tax upon a vessel of that size was not excessive, although the owners of ships objected on the ground that they were paying a heavy tax to hospitals when they did not use them for seamen. But now that vessels have increased from a tonnage of that size to 5,000, 10,000 and 20,000 tons, you will observe that the tax of two cents a ton would be an enormous one, especially if no seamen were put in the hospital at all. On a vessel of 5,000 tons the tax would be $100; on a vessel of 10,000 tons it would be $200. When the owner of a ship has to pay a sum like that and places no seamen in the hospital, it seems to him an exaction, and in the very moderate bills that agents have to present to the owners that item is generally picked out as something which is exorbitant and ought not to be paid, and the agent is requested to remonstrate with the Government regarding the payment.

I take the port of Halifax, for instance, because it has a special significance to the people of Canada, inasmuch as it is largely a port of call for ships from all parts of the world. A vessel may put in for say 100 tons of coal to take on her voyage, or because of some trivial accident to the machinery, or even for orders. To tax such a vessel $100 or $200 seems to be an exaction on the part of the Government. Moreover, these vessels frequently have not time to wait to put a seaman or an officer, who has some disease or has met with an accident, in the hospital. He cannot wait for the detention which takes place in the hospital, and a shore doctor has to be employed and paid for. The owners say: "We have paid the doctors' bills for attendance to our officers or seamen; now we are taxed by the Government $200 or $100 in addition, when no service whatever has been rendered."

There are other vessels which may come in three or four or half-a-dozen times; for instance, passenger ships which come in to land a few passengers. It is quite true they are charged only three times. Still a sum quite sufficient for the maintenance of the hospital would be secured if the one cent and a half already charged should be exacted. Vessels of large tonnage—mail line steamers, for instance—will make five or six trips or more in a year. The amount taken from them is limited to three trips. Perhaps if the charge extended over the number of trips made it would not be a very large sum. But certainly the objection is that the amount imposed on vessels of very large tonnage is too great in proportion to the service rendered.

I might call the attention of the minister also to the fact that at Halifax the Government has no hospital, but the hospital is maintained by the provincial government, the Dominion Government having the right to nominate, on the recommendation of certain physicians, seamen from ships to be treated. Only a proportion of the expenditure is demanded from the Dominion Government through the Marine and Fisheries Department.

I am not going to discuss how this tax would apply to places like Montreal, or St. John, N.B., or Sydney. Sydney is certainly in the same category with Halifax, because steamers frequently call there for coal, or for orders when they are bound up the St. Lawrence, or because of accidents to machinery. In those cases, where the stay is very short and where the tax is altogether disproportionate to the service rendered, I think the former rate of a cent and a half would be ample to cover all the expenditure that the Government would be called upon to make in this connection.

Hon. J. W. DANIEL: I suppose that no one wishes to place any increased cost on the operation of our shipping, and any costs that are imposed are put on because they cannot be avoided. Sick and distressed seamen are really the wards of the country, or the Government, and it is the duty of the Government to see that when they arrive at any of our ports they are properly attended to. It was supposed that the fund for

sick and distressed seamen had a surplus to its credit; but, as the honourable leader of the Government has stated to-day, that surplus was due to the fact that many charges that ought to have been made against it were not made—that buildings and repairs, for instance, which were done by the Public Works Department, were charged to that department and not to the Sick Mariners' Fund. The same thing occurred with regard to overhead charges and matters of that kind. I think, in fact I am quite sure, that this extra cost is absolutely required. It is required because the hospitals—and most of the sailors are now treated in the ordinary general public hospitals in the ports where they arrive—are all charging a larger per diem allowance for looking after these men. The consequence is that the cost of maintaining the sick sailors has increased very materially, and so the funds must also be increased very materially.

There is another reason for the increased cost. I think it was the honourable gentleman from Halifax (Hon. Mr. Roche) who spoke of the medical charges being one of the great causes of expense. As a matter of fact, in the large cities, at all events in Halifax, St. John, Montreal, and Quebec, the medical attendants have never been paid anything at all, and they are beginning to think it is about time they were paid. I do not see any reason why the wards of the Government should be treated as paupers and be put on the charity of the medical men. There is really no reason in the world, when you think of the matter, why the doctors of the country should be expected to treat these men for nothing. The Government, by means of the tax on shipping, is perfectly well able to pay for that service. It may be that in small rural communities where there are no hospitals at all, and which are remote from hospitals, the local physician or surgeon has been called upon to treat these men, and has treated them in private houses or wherever arrangements could be made for their treatment; but in the larger ports the hospitals are now charging fully double what they did a few years ago, on account of the increased cost of living; and that, with the attendance fee for the physician, will mean quite an addition to the expense. In view of these circumstances, I think the tax is a proper one to be placed on the shipping of the country.

Hon. Mr. ROCHE: I should like to explain to my honourable friend, who misapprehended me, that I did not say the owners of the ships objected to paying for seamen if they went into the hospitals; it was only that when seamen did not go into a hospital, and the owners had to pay outside physicians to visit and treat them, they thought they should not be charged hospital expenses in addition to the medical bills.

Hon. A. B. CROSBY: Honourable gentlemen, this is a very important Bill. Of course, there is no doubt about the wisdom of the principle of the Bill. There is a great deal of truth in what the honourable gentleman from St. John (Hon. Mr. Daniel) and the honourable gentleman from Halifax (Hon. Mr. Roche) have said with regard to the situation. A ship of 5,000 or 10,000 tons, with a crew of from 250 to 400 men, comes into a port like Halifax, and it is found that four or five of the seamen are sick. The sick mariner's fee can be paid, and the men handed over to the authorities, and the Government is bound to find them a hospital. It is true that the Dominion Government has no hospital; but in Halifax we have a provincial hospital, and the Dominion Government is charged for every seaman put into that hospital. Whether the doctor receives anything or not I do not know, but I think my honourable friend from St. John is quite right as to that. At any rate, the provincial hospitals get paid, and the Dominion Government is bound to find a hospital for the men. I would suggest that when we go into Committee on this Bill a great deal of improvement might be made in it. The honourable gentleman from Halifax (Hon. Mr. Roche) knows as well as I do that if a ship comes into Halifax with one or two or three sick men on board, the captain has to send them to the hospital. I think that the proper method of handling this problem would be for the Dominion Government to appoint a competent doctor, who would be paid out of the Mariners' Fund, to go aboard ships and see whether the men really were sick or not; because, in order to get out of the ship, men frequently pretend they are sick when they are not, and in that way difficulty is caused and ships are delayed. As the honourable gentleman from Halifax has said, a ship coming in for orders or to land a few passengers, and wanting to get away quickly, is sometimes delayed by reason of the fact that the captain has to send men to the hospital and has to wait until the doctors are pleased to see them

and make a report. If that is not done, the captain has to go without the men, and has to leave money there, perhaps three months' pay, so that when the men come out of the hospital they get their money and are taken care of. This causes great inconvenience in shipping circles.

Suppose we were to say that we would not pass this Bill, and that the ships should not pay two cents a ton to take care of these men. It would be an outrageous situation. When a ship came in, the men, if they were sick, would be carried off to the hospital without a single cent being paid by that ship. It seems to me that it would be rather better to increase the rate and to increase the accommodation by having a doctor paid out of the fund, who could go to the ship to examine the men, and see whether they really were sick. Now that we have wireless telegraphy the shipping agent could be informed if the men were sick.

Hon. Mr. BOSTOCK: Would not the quarantine officers do what my honourable friend suggests?

Hon. Mr. CROSBY: No. The quarantine officers have nothing to do with that. There is a port officer who looks at the crew to see if they have any contagious disease. The quarantine officer sees that the passengers have no contagious disease. If the captain says to the agent, "I have one, or two, or three, or a dozen men sick, and want to send them to the hospital," the agent goes to the custom house and gets a certificate and hands it to the captain, and the men are landed in the hospital and the hospital has to take care of them. As I said before, these men may be shamming sick. A ship may come into port for only a few hours, and if any of the men on board are sick it may not be possible to get a doctor to look after them for twenty-four hours; and as the captains cannot go without making provision for the men, great inconvenience is caused. I think it would be better to increase the fee than to decrease it, and at the same time to increase the facilities that we have to-day. I think we have had a Sick Mariners' fee since Confederation. I know there has been such a fee for the last thirty years, and it has been of the greatest possible advantage to ships from all parts of the world to know that the minute the two cents a ton fee was paid the members of the crew would be looked after and taken care of until the ship returned again. No one would be more disappointed than the shipping interests if we contemplated wiping this provision off the slate altogether. I am sure that my honourable friend from Halifax, who has had great experience in these matters, will see that an advantage is to be gained by increasing the fee. Men may come in with broken arms, or they may break them in port. I think the principle of the Bill is a good one. To-day every little ship that goes to a United States port has to get a bill of health. A ship going from Canada to a United States port, no matter whether she is 50, 100, 200, or 300 tons, has to pay $5 for a bill of health, even if there is no indication at all of sickness on board. We do not make American ships bring a certificate to our ports, but every ship that goes from the Canadian Atlantic ports has to have a certificate from the American consul in order to be able to land at an American port. The principle of this Bill is good both for the ship-owner and for the seamen, and I am sure that they would not want to see it wiped out of existence. If we can amend it so as to make it of greater advantage to the shipping interests I think we should do so.

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

ADMIRALTY BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 139, an Act to amend the Admiralty Act.

He said: Honourable gentlemen, under the law as it is at the present time the power of appointing a deputy judge to a local judge in admiralty rests entirely with the local judge; and there has been no way of interfering with those appointments. Let us assume that a local judge becomes so ill as to lose his mental grasp or power to deal with the situation; he makes an appointment, and his act cannot be undone. The solution of the difficulty is found in giving power to the Governor in Council either to express approval or disapproval of the appointment, or to revoke the appointment. It is desirable to have this legislation because of a certain case which has arisen in one of the Maritime provinces.

Hon. Mr. BOSTOCK: Honourable gentlemen, I would draw the attention of the leader of the Government to the fact that there is considerable difference between the

wording of this Bill and the wording which we adopted in the Exchequer Court Bill which we put through the other day. However, this is a matter that can be very much better discussed in Committee, and I intend to bring it up again when we reach that stage.

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

NORTHWEST GAME BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 151, an Act to amend the Northwest Game Act.

He said: For climatic reasons, honourable gentlemen, it is desirable to extend the area of the present Act. It is proposed, as honourable gentlemen will see in clause one, to extend the area a distance farther north. A further provision is made for the creation of sanctuaries for the protection of game. Another object in view is to bring the Dominion law into conformity with certain provincial legislation. It is of course desirable that the authority of Dominion and provincial Governments should be so exercised as not to conflict.

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

APPROPRIATION BILL No. 2.

SECOND AND THIRD READINGS.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 166, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1920, and the 31st March, 1921.

He said: Honourable gentlemen, this is a Bill to provide for the voting of one-sixth of the supply. We have already passed a similar Bill this session. It will be necessary to pass the present Bill before the end of the month. The amount provided under clause 2, as honourable gentlemen will see in the margin, is $62,900,000. Under clause 3 and under clause 4 specific sums are voted. What I said on the presentation of the similar Bill less than two months ago is equally applicable to the present Bill.

Hon. Mr. BOSTOCK: Does my honourable friend mean the end of this month or the end of last month?

Hon. Sir JAMES LOUGHEED: I understand that the money is required by the 15th of this month.

Hon. Mr. BOSTOCK: Honourable gentlemen, this is the second Appropriation Bill we have had this session. I hope that in future we shall not have to pass Appropriation Bills in this way. It is, I think, very desirable that the Government should call Parliament early enough to permit of voting the money needed for carrying on the business of the country before the beginning of the fiscal year, so that we shall not have to pass interim appropriations of this kind to enable the Government to carry on. I think it is in the interest of the whole country that Parliament should be called together earlier in the year, and that its business should be done at a time more convenient to the members, especially those who have to come from the West. They ought to be allowed to leave at an earlier date, in order that they may enjoy the salubrious climate of the West, which they so much appreciate, and may help in the production of the crops which are so necessary at the present time.

There is another matter to which I should like to draw the attention of the House. In passing these Appropriation Bills I presume we do not commit ourselves to the different items that will be included in the Supply Bill—such items, for instance, as the loan to the Canadian Northern Railway. I have raised this question before in the House, and I raise it again to-day in order that honourable gentlemen may consider it and express an opinion upon it when the final Supply Bill is presented. I think it is a most objectionable procedure on the part of the Government to ask this House to pass items of this kind in a Supply Bill. It does not seem to me that such an item as a loan to a railway company for the purpose of making up a deficit of the year before, and carrying on its business and obtaining the necessary equipment, etc., should be included in a Bill to provide appropriations for carrying on the administration of the country.

In the present Supply Bill there are two or three items that have no right to be there. One is a loan of $25,000,000 to the provincial governments for the purpose of enabling them to deal with the housing problem.

I do not want to take up the time of the House at present in discussing this matter more fully, but I do think that honourable members should consider these questions, and that we ought to find some method of urging upon the Government that in future such items should not be put into the Supply Bill, as they have been for the last two or three years.

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

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

PRIVATE BILLS.

THIRD READINGS.

Bill 72, an Act to incorporate The North-West Route, Limited.—Hon. Mr. Blain.

Bill K4, an Act respecting the Dominion Trust Company.—Hon. Mr. Foster.

Bill X3, an Act respecting The Colonial Investment and Loan Company.—Hon. Mr. Foster.

Bill S4, an Act to incorporate The Bank of Saskatchewan.—Hon. Mr. Foster.

PENITENTIARY BILL.

FIRST READING.

Bill 138, an Act to amend the Penitentiary Act.—Hon. Sir James Lougheed.

CANADIAN NATIONAL RAILWAYS BILL.

FIRST READING.

Bill 141, an Act respecting Canadian National Railways.—Hon. Sir James Lougheed.

FEEDING STUFFS BILL.

FIRST READING.

Bill 165, an Act to regulate Sale and Inspection of Commercial Feeding Stuffs, Bran, Shorts, Middlings and Chop Feeds.—Hon. Sir James Lougheed.

The Senate adjourned until Tuesday, June 15, at 3 p.m.

THE SENATE.

Tuesday, June 15, 1920.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST AND SECOND READINGS.

Bill A5, an Act to incorporate the Reliance Insurance Company of Canada.—Hon. Mr. Michener.

DIVORCE BILL.

FIRST READING.

Bill B5, an Act for the relief of Nora Dowle.—Hon. Mr. Ratz.

RAILWAY LINE FROM VICTORIAVILLE TO ARTHABASKA.

INQUIRY.

Hon. Mr. LAVERGNE rose in accordance with the following notice:

That he will call the attention of the Government to the necessity of building a branch line on the Grand Trunk, from Victoriaville to Arthabaska, a distance of 3 miles, so that the railway may reach the chief town of the district of Arthabaska, and inquired whether it is the intention of the Government to build such a branch line

He said: Honourable gentlemen, in putting this inquiry before the House I would ask the privilege of saying a few words in support of my position. As perhaps not many honourable gentlemen know the place well, I may say that the town of Arthabaska is situated three miles from the town of Victoriaville, which is on the main line of the Grand Trunk, and that there is no railway connection between the two towns. The result is that in going to Arthabaska one must drive from Victoriaville. Arthabaska is the chief town of the district of Arthabaska, which comprises the three large counties of Megantic, Arthabaska, and Drummond, which have a population of over 100,000 souls, including 22,000 electors. The court house is in Arthabaska, and when the Courts of the King's Bench for criminal business, the Superior Court, the Surrogate Court, or the Magistrate's Court sit, the majority of the jurymen, witnesses, and parties to the litigation are obliged to drive from Victoriaville to Arthabaska. The Crown Lands Agency is also situated in Arthabaska, as are the offices of the Collector of Provincial Revenue, Sheriff's office and the Registry office, so that this branch line is very much needed.

Another reason for the building of this road is that the Government would benefit. More trade would be directed to the railway at Arthabaska than now goes to it at Victoriaville. If these 3 miles of branch line were built the people of St. Adrien and the township of Ham would send their freight by the Grand Trunk railway, which is now a Government road, instead of by the Quebec Central Railway. Some honourable gentlemen may say: "Why did not the Grand Trunk build this line?" Well, they always said they had no money to build it—and now I believe that. In addition to all this, there are splendid gravel pits between Victoriaville and Arthabaska which would supply gravel for ballast, which would save money to the Government. To build this

small branch line would only be doing justice to Arthabaska and doing what has been done for some places on the National railways in the West. There is a large furniture factory in Arthabaska which makes high-grade furniture. That concern is obliged to send its furniture to the station at Victoriaville by teams, which makes it difficult for them to carry on business successfully even though the goods they manufacture are first-class. This line would be of great benefit to that factory, as well as to the hospital, the college, and the convent which are situated there. Arthabaska is an historic place, as the late Sir Wilfrid Laurier lived there from 1865 until 1896. After that time he went there every year to the place where his residence still stands. I may tell you, honourable gentlemen, that it is one of the finest towns in the province of Quebec, being built on the slope of a mountain. The air is very healthy; and in proof of that I would say that many people have been cured of consumption by going there. For example, Sir Wilfrid Laurier, who came there in 1865 threatened with consumption, had his health restored by living in that place, and, as you all know, lived for many years afterwards. I would ask the leader of the Government in this House to explain these things to his colleagues. He has the talent to explain them well and put them in a good light; and if he wishes to take a trip I invite him to come to Arthabaska, where I am sure he will be well received by all.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I am sure the House has listened with great pleasure to the remarks which have been made by my honourable friend from Kennebec (Hon. Mr. Lavergne). Furthermore, I am confident that the public of that particular district will feel sure that he has fully done his duty in pointing out the attractions and the importance of the town of arthabaskaville. I may say, however, that the remarks of my honourable friend are rather premature, inasmuch as the Grand Trunk railway has not yet come absolutely under the control of the Government. As my honourable friend knows, that railway is being administered practically by a commission. or by representatives of the Grand Trunk Company and of the Government. But I have no doubt that in due course, notwithstanding the attitude which my honourable friend took upon the question of acquiring the Grand Trunk, every consideration will be given to the remarks which he has made to-day.

THE ROYAL ASSENT.

The Hon. the SPEAKER informed the Senate that he had received a communication informing him that the Deputy Governor General would attend in the Senate Chamber on Wednesday, June 16, at 4 p m., for the purpose of giving the Royal Assent to certain Bills.

PRIVATE BILL.

THIRD READING.

Bill 52, an Act to incorporate The Western Canadian Union Corporation of Seventh-day Adventists.—Hon. G. V. White.

BANKRUPTCY BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 126, an Act to amend The Bankruptcy Act.

He said: Honourable gentlemen, it will be recalled by the Chamber that last year we passed what is known as the Bankruptcy Act. A provision was made therein by which it was to be brought into operation by Order in Council. An Order in Council was accordingly passed, declaring that the Act should come into force on the ensuing 1st of July. The chief purpose in giving sufficient time between the Royal Assent to the Bill and its coming into operation was to ascertain from chambers of commerce, boards of trade, the legal profession, the judiciary, and others who would be interested in the administration of bankrupt estates, their views as to the practicability of the Bill in its various features. The Government has since received from authoritative bodies and individuals, such as I have mentioned, a number of communications pointing out wherein it would be desirable to make certain changes, particularly in the matter of procedure; not necessarily involving a change in policy or in principle. The Bill before us has been prepared along the lines suggested. There are in the Bill some 21 sections which deal mainly with matters of procedure and are largely, if not altogether, the outcome of the recommendations made by those bodies and individuals I have mentioned. It is not necessary for me to deal with the clauses of the Bill seriatim, as that would involve explanations which would have to be made again in Committee. I therefore move the

second reading of the Bill, with the understanding that when we go into Committee all the sections will be discussed fully.

Hon. HEWITT BOSTOCK: Honourable gentlemen, it seems rather curious that a Bill should require amendment before it has gone into operation. The various amendments made by this Bill do not seem to effect any great change. I think their purpose is to make some of the sections a little clearer and to provide for one or two alterations that were overlooked when the Bill of last session was drawn. It seems to me that the most important amendment that is being made is that which deals with the question of fees, not only of solicitors and witnesses, but also with regard to inspectors. When we go into Committee the members of the House should look into that matter very carefully, because I believe, as a layman—and I suppose it is the opinion of others—that the expenses of winding up an estate should not be allowed to mount higher than is absolutely necessary for proper administration.

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

HUDSON BAY ROUTE.

REPORT OF SPECIAL COMMITTEE.

Hon. GEORGE W. FOWLER moved the adoption of the second report of the Special Committee appointed to inquire into the navigability and fishery resources of the Hudson bay and strait.

He said: Honourable gentlemen, early in the first session of 1919 a committee consisting of twelve members of this House was appointed for the purpose of taking evidence with regard to the navigability of Hudson bay and strait and the natural resources of the Hudson bay district. This Committee was continued during the short session of 1919, and again this session, and has now presented its report. The evidence taken is somewhat voluminous. The members of the Committee were imbued with the idea that the subject-matter of their inquiry was a very important one. For many years there has been projected a railway to the Hudson bay and a route through Hudson bay and strait to the Atlantic and thence to Europe. There has been a great deal of discussion throughout the country with regard to this project for the last thirty-five or forty years, some people being in favour of the route and others bitterly opposing it. Some years ago a Bill was passed by this House authorizing the construction of the Hudson Bay railway. About 1912, I think, the railway was begun, and it has been continued until steel is laid to about 100 miles from the bay and the grading, I believe, is all done to the bay. The work, however, was allowed to stop during the latter years of the war, because the energies of this country were entirely devoted to winning the war. In 1919, the conflict being over, it was felt by members of the Senate that sufficient knowledge had not yet been obtained, officially at least, with regard to this work, and with regard to the probability of the successful navigation of Hudson bay and the strait leading into the Atlantic, and also the resources of the Hudson bay region. This Committee was therefore appointed. The Committee held many sessions and examined many witnesses, and the result of its inquiry is now before you. I shall take the liberty of reading the report. It is familiar to all the members of the Committee. I may say it is almost unanimous. Only one member present was opposed to the findings of the Committee, and one member who was not present has—

Hon. Mr. DANIEL: How many members were present altogether at the time this report was adopted?

Hon. Mr. FOWLER: There was at least a quorum.

Hon. Mr. DANIEL: Yes, just a bare quorum.

Hon. Mr. FOWLER: A quorum is sufficient to transact business, and a quorum did transact it, and it is for the House to say whether they approve of the findings of this Committee or not. One member of the Committee who was not present has expressed himself to me as being opposed to the report. All the other members of the Committee have expressed themselves as being favourable (reading):

> The Senate,
> Committee Room No. 534,
> Friday, June 4, 1920.
>
> The Special Committee of the Senate appointed to take evidence and report at this session upon the navigability and fishery resources of Hudson bay and strait, and of the character of the ports of said Hudson bay with regard to their fitness as railway terminals, beg leave to make their Second Report, as follows:—

This is, I may say parenthetically, the second report made this session, but several reports were made in previous sessions.

> We have held some fifteen meetings and called and examined twenty-one witnesses

drawn from all parts of the country. The Committee had in view acquiring information on the following points:—

(1) The length of the season during which the bay and strait were reasonably navigable having in view the presence of ice, the occurrence and persistence of snow storms, the advantages to be gained by aids to navigation such as wireless telegraphy, light houses, fog signals and hydroplanes.

(2) The style and size of vessels to be used for the carrying trade.

(3) The relative merits of the two ports, Nelson and Churchill, and the relative cost of the development of each port.

(4) The fishing resources of the bay and strait and of the rivers emptying into the bay.

(5) The mineral resources of the country tributary to the bay.

(6) The utilization of the country for the production of meat and furs to be obtained from the Reindeer and Musk Ox, which would subsist upon the extremely nutritious grasses grown there.

A large number of witnesses were called with respect to the length of the season during which the bay and strait can be safely navigated. There was some variation among the several witnesses regarding the length of the season of navigation but all agreed that the minimum would under ordinary circumstances be at least four months while the maximum would not likely exceed five months. Voyages have been made through the strait as early as the 5th day of June, and as late as the first part of November with the ordinary type of vessel without meeting any difficulty, but these were admittedly rather exceptional cases. All were agreed, however, that modern navigating appliances, such as light houses, wireless stations, hydroplanes and fog signals would greatly facilitate navigation in these waters and in a large measure overcome the natural difficulties from ice and snow. In order that the route would be able to compete with the more southerly channels of communication between this country and Europe, it would be necessary to have a type of freighter capable of carrying from 5,000 to 10,000 tons of dead weight, and in the opinion of this Committee from the evidence adduced before us, there would be no difficulty in handling so large a vessel on the route, provided it was properly strengthened and protected in the forward part. Of course, heretofore only vessels of smaller size have been used because ships of larger capacity have not been required.

The concensus of opinion is that Hudson bay remains open all the year through and that the ice does not extend beyond thirty or forty miles from the shore. The strait is also open for the greater part of the year and would probably be open all the time except for the ice which comes down late in the autumn from Fox channel and obstructs navigation in the strait.

That is, the ice is not formed in the strait itself; it is extraneous ice which comes into the strait through Fox channel.

It was generally conceded by the eight witnesses who gave evidence on this point that the aids to navigation which might be installed along the strait would greatly facilitate the passage and considerably extend the season of navigability.

Your Committee took a large amount of evidence regarding the relative merits of the two western ports, Churchill and Nelson, and there was a considerable divergence of opinion among the different witnesses as to which of the two should have been selected, having in view the shorter railway haul in the one case and the cheaper construction of the port itself in the other. Churchill was shown to be an absolutely land locked harbour entirely protected from every wind no matter from which quarter it should blow, where a few ships could at all times ride at anchor in perfect security. Nelson on the other hand has no natural protection from the sea except such as it receives by reason of its remoteness from the body of the sea, there being a twenty mile stretch of shallows between it and deep water. A narrow channel bordered by wide shallows connects the proposed harbour of Nelson with the open bay. A very large amount of money has already been expended upon the harbour improvements of Nelson, but a much larger sum is still required before the present plans can be carried out. There seems to be considerable doubt whether or not, even when the proposed plans are completed, the harbour at Nelson will be an entirely safe one against an easterly gale. To utilize Churchill it would be necessary to build about eighty miles of road across a country which has been described by one witness as very difficult, it having a stretch of thirty miles of morass almost impossible to cross owing to the difficulty of getting a firm foundation for the roadbed. This is, however, denied by the testimony of two witnesses, of each of whom the Committee was greatly impressed. Both J. B. and J. W: Tyrrell testified that there was a perfectly good and comparatively short route from the present route deflecting at a point some fifty-six miles from Nelson and going north and east to Churchill. The present harbour of Churchill is rather small, but, according to the evidence of the Messrs. Tyrrell, uncontradicted, could easily be enlarged enough to accommodate all the trade likely to offer for many years to come. Beyond the present deep water harbour there is a large basin of shallow water, the bottom of which is composed of hard clay mixed with boulders, which could be easily dredged and the resultant harbour would be of its size one of the finest in the continent. The Tyrrell brothers are very familar with the country around Hudson bay, having spent several years each in research and in examination of these regions. Mr. J. W. Tyrrell spent one winter at a station in Hudson strait taking observations for the Canadian Government and also looked over the country from the Pas to Churchill on behalf of a company who had some intention of building a railway in that part of the country —a scheme which was afterward abandoned. He had no hesitation in saying that no difficulty whatever would be found in extending the railway to Churchill. It is the opinion of this Committee that the Government would be well advised if before expending any more money on the harbour works at Nelson they were to appoint a committee of expert engineers and railway builders to examine the route to Churchill and ascertain whether or not it is really possible, as the Messrs. Tyrrell say, and what would be the cost and advantage of making Churchill the port and terminus of the Hudson Bay road rather than Nelson.

In the meantime, laying of the rails could be completed to Nelson, and that part could be used for the present in its present state.

In other words, we do not propose that the prosecution of this enterprise should be

interrupted while an examination of Churchill was being made.

While no one was able to speak with certainly as to whether the codfish were plentiful in the bay or not, there is no doubt as to the strait. All the rivers flowing into the bay team with fish, and walrus and seal are also found in large numbers in the strait. No doubt as soon as the Hudson Bay route is established, a very large and lucrative fishing industry will be established there. Recent discoveries have shown that the country surrounding Hudson bay is strongly and richly mineralized, particularly in gold and copper.

Mr. Stefansson, the distinguished polar explorer, gave evidence before your Committee. He is a devout believer in the possibility of utilizing what have always been known as the Barren Lands of the North, and the islands within the Arctic Circle, in the cultivation of the reindeer, cariboo and musk ox for the production of meat. He gave evidence as to the splendid quality of the flesh of these animals as food for the people, and as to the cheapness with which it might be produced. He said that the wild lands of the north which have always been looked upon as worthless could carry at least fifty million head of reindeer and ten million head of musk ox, and that the cost of handing these huge numbers would be trifling in comparison with the profit to be made. The effect of this upon the world's food supply would be tremendous, and your Committee would strongly recommend that the matter be energetically taken up by the Government.

I see in the meantime that the Government have passed an Order in Council making a certain grant of territory to Mr. Stefansson for thirty years, fifteen of which are to be without remuneration, and the last fifteen years with considerable remuneration.

Your Committee makes the following findings upon the evidence adduced before them—

(1) That the Hudson Bay route is feasible and will probably in time be profitable.

That may sound strange in some ears, but we know that there always were doubting Thomases.

(2) That the season of navigation under present conditions is at least four months in length and may by reason of improvements in aids to navigation be considerably increased.

The increase is not so much in the length of the navigable season as in the improvement of navigability itself by those aids, making it much safer than at present.

(3) That in the opinion of this Committee sufficient care was not taken in the selection of Nelson as the terminus of the railway, and that the Government should not make further important expenditures upon this port without first making a new and thorough examination into the relative merits of Churchill and Nelson as a terminus for the railroad.

(4) That the waters of the strait and rivers tributary to the bay teem with fish and valuable marine animals, and we believe that the bay is equally well stocked; but there has not yet been sufficient data collected as to the extent of the fisheries of the bay to enable an authoritative statement to be made as to their value.

(5) That the mines already discovered in the Hudson bay district are of sufficient number and richness to indicate the existence of great potential mineral wealth.

(6) Your Committee feel that they cannot too strongly endorse the valuable suggestion of Mr. Stefansson as to the cultivation of the reindeer and musk ox, and would urge upon the Government that the Department of the Interior be empowered to take hold of this matter, earnestly taking advantage of what has been done in this regard by the United States Government.

That, I am thankful to say, has already been done by the Government.

(7) Your Committee, although it is somewhat outside the scope of their mandate, cannot close this report without making some reference to the national value of the explorations of Vihljalmur Stefansson. He has completely revolutionized our ideas of the region within the Polar Circle. He has demonstrated that it is possible for white men to live and thrive in that northern region though drawing from no other resources than those afforded by the country itself, and he has proven that those lands which were looked upon as barren and utterly worthless will eventually be a valuable asset to Canada. The Committee ventures the hope that the Canadian Government will not be unmindful of the great services performed by Mr. Stefansson, whose reward so far has not been commensurate with the national importance of the work he has accomplished.

(8) Your Committee expresses its thanks to the gentlemen who have voluntarily come forward and given valuable evidence upon the important matters under consideration.

(9) Your Committee submit herewith an extract in narrative form of the evidence given before the Committee, and beg to recommend that 1,000 copies of this report and the extract of the evidence be printed in pamphlet form for general distribution.

All which is respectfully submitted.

Geo. W. Fowler,
Chairman.

This, gentlemen, is the report of the Committee, and connected therewith is a precis of the evidence taken, thrown into narrative form, eliminating all matter that did not touch upon the questions at issue, and thus made more readable and attractive. I submit that every one of the findings of the Committee is supported by the evidence. The desire in preparing the report was that it should be absolutely supported in every instance by the evidence which accompanies it. While in some instances there was evidence both pro and con, including evidence that the season of navigability was shorter than we have found here, yet there is evidence to support the finding of the Committee as to the season of navigability. We will always find differences of opinion between witnesses, but after careful consideration of

all the evidence placed before them the Committee came to its findings. There was a question in the minds of some gentlemen about the voyage in the strait being as early as the 5th of June, but Mr. J. W. Tyrrell spent a winter there, making observations on behalf of the Government, and I will read, for the benefit of one member of the Committee, who challenged the statement—

Hon. Mr. POWER: What year, please?

Hon. Mr. FOWLER: On the 5th of June, 1886. This is what Mr. Tyrrell said:

I was still occupying my shack at Ash Point (in the Hudson strait) and a whaling steamer came into the strait and anchored right in front of our station without knowing we were there. The ice in the harbour was still firm, but there was no ice to be seen in the strait. The captain told me that he had not seen a pan of ice in the Hudson strait up to that time, and he passed on next day to the west. The ship was a Dundee whaler, I think she was wood. He got through all right, and returned in the autumn.

So I say in every case you will notice that our findings are supported by evidence. Speaking for myself—and I say this knowing that my words will be taken down, but I am prepared to stand by them—I have the utmost faith in the feasibility of the Hudson bay route, and also in its future success. We have people who lack faith in the resources of this country, and even in the country itself. When the Canadian Pacific railway was built, the masses of the people lacked faith in the enterprise, but against the doubts of the majority of the people, some of whom were representatives in the House of Commons and in the Senate, a few strong men, nation-builders, by the force of their personality were able to carry the project through. The reports sent out by the Hudson bay people with regard to the country that is to-day the granary of Canada, and to some extent the granary of the world, were to the effect that wheat and such grains would not grow in that country at all. We were told that everything would be frozen up and nothing would grow. Well, the refutation of such statements is found in the fact of the mighty West we have to-day, on which will largely turn the future of this country. What was true at that time of the West will be true, in my opinion, of this northern country in the future. Geographically, there is every reason to have faith in it. It is much farther south than many parts of Europe which are supporting a large population and adding materially to the wealth of the world; and those regions and those waters, which are looked upon by some of our Eastern friends as frost-bound during a great portion of the year, and therefore unfit to be navigated with commercial success, are not so frost-bound as many parts of the territorial waters of northern Europe, which are navigated commercially, to the great advantage of a very large and increasing population.

Hon. Mr. LYNCH-STAUNTON: Would you mind giving us a resumé of the arguments on both sides of this most interesting subject—not only your conclusions, but the evidence that was given before the committee?

Hon. Mr. FOWLER: It would be almost impossible, I can assure you.

Hon. Mr. LYNCH-STAUNTON: I mean the argument on both sides.

Hon. Mr. FOWLER: There was not much argument. You will hear the argument from our friend the genial and handsome member from De Lanaudière (Hon. Mr. Casgrain), who was one of the opponents, and also from one of the genial members from St. John, who was also an opponent. They will give you the dark side of the shield; I am showing only the silver side. You may be sure, when the honourable gentleman from De Lanaudière gives his views, it will be exhaustively done. I understand I will have an opportunity to reply at the close of the debate, although I am not so sure it will be necessary, because I believe the arguments that can be brought forward against this measure will not be sufficiently cogent or important to call for an answer from me, their basis being so flimsy that I do not see how an intelligent argument can be founded upon them. I would therefore move that this report be adopted, and that rule 100 be suspended in so far as it relates to the printing mentioned in paragraph 9.

Hon. Mr. ROCHE: The honourable gentleman has very much impressed me with the agreeable and convincing way in which he has expressed what was brought before him; but I should like to ask what was the character of the witnesses who said that the strait was not navigable for four months. Were they amateurs or visitors, or were they vessel-masters, and experienced people of that kind? That would have a great influence on the findings of the Committee as to the period of navigability.

Hon. Mr. FOWLER: In reply to my honourable friend I might say there were a few men who said they did not think the strait was navigable for so long a time as four months. Like their confreres who held to the contrary, they were shipmasters. There were others who held the opposite view, and we chose to believe the others, according to the weight of evidence.

Hon. Mr. CASGRAIN: I have spoken here so often on this subject that I am almost ashamed to trouble the House once more; but I must say that, although there are some parts of the report with which I agree, there are others from which I differ. For instance, I do not agree with the conclusions of the report; but I agree with the Committee when they say that Port Nelson is no place to make a harbour, and will never be a good harbour; that it will always be exposed to an easterly gale —or, as I would rather say, a northerly gale—that renders that port absolutely dangerous. I have the authority of Captain Max, who has been sailing a ship for the last nine years in Hudson bay, that he once went to Port Nelson with a Hudson bay ship drawing about 18 feet of water, and that he would not expose his ship again for any consideration. The Chairman of the Committee has said, quite truthfully, that for some 20 miles from the shore there is a narrow channel leading to deep water. According to the figures of the Government, when you are out 16 miles from the shore there is a depth of 17 feet of water; but you have a sweep from the north of over 1,200 miles, making a very short, choppy, wicked sea, and when that sea is rolling over those flat places, even in the channel, a rolling ship would touch bottom even if it drew much less than 16 feet. The report of the Committee says that Fort Churchill is a better port. For the last 15 years I have been quite tenacious in bringing this matter before this House, which perhaps I wearied, for I remember on one such occasion the leader of the Government, having the courtesy to answer my remarks, said, "We have heard the annual wail from the prophet Jeremiah." But he comes from the Northwest, and I understand that any man in the three prairie provinces who does not advocate the construction of the Hudson bay railway might just as well go out of politics. The people there are living thousands of miles from the water, not knowing anything about the difficulties of navigation, and they simply say: "We must have the Hudson bay route; we don't care if no ship comes." It is 35 years since Mr. Hugh Sutherland used to come down here with the project of the Hudson bay route, but it was not taken seriously. There is no political capital in this question. The party to which I belonged before I came to this House were just as active as the other; they started the survey, they began the work, they even erected a bridge at Le Pas; but both parties were simply catering to the voters of the prairie provinces, by offering them something, when most men who look at this question seriously know there is no possibility of that Hudson bay route ever being worked commercially. If the Committee had desired, it would have been easy for them to have called any one of the managers of the various steamship companies in the country, and get them to speak. I spoke to one of them, who has some fifty ships, and he said, "I would not think for a moment of sending a ship up in that direction unless I were paid the price of the ship."

Hon. Mr. FOWLER: Will the honourable gentleman permit me? You were a member of the Committee, were you not?

Hon. Mr. CASGRAIN: Certainly.

Hon. Mr. FOWLER: Did you ever suggest calling anyone who was not called?

Hon. Mr. CASGRAIN: I do not know whether it is in order, Mr. Speaker, to say what took place in the Committee; but I said that the only way of finding out in regard to this question was to get shipping men, not land surveyors or engineers —they are not navigators—to tell you if they will take shipping there, and if so at what price. After all, it is a ques-question of money. If a farmer is going to get his wheat sent more cheaply by the southern route, he will send it that way. The grain men will follow the line of least resistance. If they find that the Great Lakes and St. Lawrence route is the cheaper route, they will go by that route; therefore if the Hudson bay route is to be used it will have to be as cheap or cheaper than the other.

Hon. Mr. TESSIER: The northern route is shorter.

Hon. Mr. CASGRAIN: Certainly it is shorter, but of what good is that? If you are travelling in an automobile, you may have a very short road that is next to impassible and you will take the longer way

round if it is a good road. That is self-evident. It would have been an easy matter for the Committee to inquire as to what would be the cost of carrying one bushel of wheat; it would have been easy for the Committee to inquire how much per ton it cost the Government to send in the materials they had sent up there.

Hon. Mr. WATSON: Why did you not suggest it to the Committee?

Hon. Mr. CASGRAIN: I was not the majority of the Committee by far.

Hon Mr. WATSON: Why did you not suggest it to the Committee?

Hon. Mr. CASGRAIN: I have asked several times.

Hon. Mr. WATSON: The honourable gentleman was never refused any request that he made.

Hon. Mr. CASGRAIN: It would have been easy to find out how much a ton it cost to bring cargoes, not from Europe, but from Halifax. Oh, no; I will say that the Chairman of the Committee was very impartial all through the sitting, and I think he had an open mind; but we have people in the West, very able men, who are bound to have this route.

I am sorry to say that there were many meetings of the Committee which I could not attend. If I could have been there oftener I would have been; and I regret very much that I was not able to be there. However, I was present at several meetings. I was there, for instance, when we heard Mr. Stefansson; and when he came to Montreal to lecture, I paid to hear him. I never lost $5 easier. If I had not been able to doze off a bit, I would have lost the evening too. I say to this House that I have no faith whatever in Mr. Stefansson when he comes along with his 30,000,000 reindeer and 10,000,000 musk ox down here.

I would point out that for nearly four hundred years past people have been going up north, and when their provisions gave out it meant starvation. Why should one man go up there and find it an eldorado, and find that he could live there as well as if he were at the Chateau Laurier? Stefansson said that they got all they wanted; in fact, they got fat, and were better off there than here. Picture a man who was asked about navigation and ice conditions—and I defy the Chairman to contradict this—saying, well, that there was ice, but that he thought they might use submarines and go under the ice, and could have wheels underneath the submarine.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. CASGRAIN: I can turn that up and show it to you. That is Mr. Stefansson. From that day I marked him down, and I am glad to denounce him in the Senate to-day. There is no sense in a man coming before a Committee of serious men and talking of having wheels on a submarine so that it could go underneath the ice. I think there must have been wheels in his head.

Hon. Mr. GORDON: Is that part of the evidence?

Hon. Mr. CASGRAIN: That is what he said. I would take that with a grain of salt and I would put the musk oxen and the reindeer in the submarine under the ice in the strait. But, speaking seriously, the question of the navigation of Hudson bay is old, old, old; but I will make the prediction now that as soon as the rails reach the shore of Hudson bay there will be no more Hudson Bay Company boats coming in to bring supplies: they will come by rail. Hudson bay boats have been going into Hudson bay for the last three hundred years, and very few have been lost—why? Because they have been small sailing vessels, made saucer-shaped. The Neptune was made saucer-shaped, and when the ice formed and the pressure came she was simply lifted bodily out of the water and stayed there until it pleased Divine Providence to loosen the ice and change the current. You will find by the report of Commander Wakeham—and I have had many cruises with him, although not in the Hudson bay—that he went up there in a ship called the Adventurer, which had an oak rudder 14 inches thick. That rudder was snapped off like the stem of a clay pipe. His ship was lifted clean out of the water, and remained there for three days. She was an iron ship, but she was built saucer-shaped, and the ice crowding underneath her lifted her up; but she was bent so badly that you could see daylight through the decks, and the rigging hung like ribbons from a maypole. Strange to say, when the ship went back into the water she resumed her shape and everything became taut again. That happened at the end of July. Fortunately for them, they had their provisions with them. That, honourable gentlemen, is nothing new. In 1697 D'Iberville fitted out an expedition to

sail from Newfoundland. He was on board the Pelican, and his two other ships were crushed by the ice within his very sight. I have often related this incident in the House, and I only repeat it for the benefit of those who may not have been here then. That happened in the latter part of August. Captain Bernier, who has navigated a great deal of that part of the world in a sailing ship, with an auxiliary, says that the immense volume of water that pours not only out of the Fox channel but out of the Hudson bay when the tide lowers, comes down at the rate of nine knots an hour—that is at the rate of 10 miles an hour; as fast as a good horse will trot along the road—and that the ice which is running at that rate at the surface does not change its course as it does at the bottom. There are what they call growlers, huge icebergs drawing 500 or 600 feet of water. Fancy the pressure of water at such a depth. These growlers are carried with the out-going tide for an hour or two hours after the tide on the surface has set in the opposite direction. The tide on the surface changes first, and these growlers, coming at the rate of 4 or 5 miles an hour through the surface ice, can be heard for miles. If a ship is caught in the surface ice, and comes in contact with one of those growlers, she is absolutely wrecked. The only thing to do is to get into soft ice, that is, ice that is supposed to have been formed the same year. Old ice, that has been in the North for years, is as hard as rock, and no ship can resist it; but if she waits in the soft ice until the growlers go by, and until a lead is opened up, she is all right. Captain Wakeham told me that one time when he was going into Hudson bay he was carrying an officer of the Royal Northwest Mounted Police. He told this police officer that there was no use in insisting upon going into the strait just at that time, because he would gain nothing by it. The other man was in charge, however, and he said, "You are here to take me into Hudson bay, and I order you to go in," and they went in. That was at the beginning of July. They got caught in the ice; and it was somewhere about the 20th of July when they got out of the ice again. Commander Wakeham says that if they had waited until perhaps the 6th or 7th of July they would not have got into this ice.

Now, the Northwest passage and the navigation of Hudson bay is a very old problem. Honourable gentleman may have asked themselves why it was that in times gone by the different nations were looking for a passage to Cathay or India through the North. That is a thing that has puzzled many people. The reason the Dutch, the English, and the French too, were trying to get through there was because at that time Spain reigned supreme, and if the other nations attempted to send vessels by the southern route they fell a prey to the Spanish navy.

Hon. Mr. FOWLER: Would the honourable gentleman indicate about the time that Spain ceased to be supreme on the southern seas; and whether or not there were expeditions searching for the northwest passage centuries after Spain ceased to be a maritime power?

Hon. Mr. CASGRAIN: I am very glad that the honourable gentleman has put me on the track. The first explorer we know of was called Corte-Real; that was in 1500; but he did nothing. In 1776, not so long after Spain lost command of the sea, Frobisher discovered Frobisher's bay. I will give you some of the details. I think I have studied this question probably as much as any other honourable member of this House. Frobisher had two ships of 20 tons and one of 10 tons. Those ships were about 35 feet long and about 12 feet wide. One of our canal boats to-day is 150 times as big as one of those ships. Those ships were so shallow in draught that the ice would lift them. An ordinary modern 10,000 ton cargo boat with iron sides would draw at least 26 or 27 feet of water, and she would not rise on the ice when it came crushing around her. Here is the ice coming at the rate of 9 miles an hour; that ship would be crushed like an egg-shell. Honourable gentlemen know that the thickness of the skin of an ocean steamer is only three-eights of an inch. Why does the honourable gentleman think the Hudson Bay Company built the sides of their ships an inch-and-a-half thick and all the other parts in proportion? Why did they build them so that with a crew of forty men on board they could carry only 45 tons of cargo? They had to be made strong to resist the ice. Instead of three-eighths of an inch you have an inch-and-a-half of thickness, and every other part of the ship is reinforced accordingly. This report of the Committee says that the forward part of the ship could be strengthened; but what is to prevent the ice coming at her in other ways in the eddies? The Chairman of the Committee (Hon. Mr. Fowler), born by the sea, is now some distance from

the ocean, or he would know that. If you are going to build an ice-breaker you have to make her an ice-breaker all round.

Hon. Mr. FOWLER: I would suggest to my honourable friend that he look at the evidence of his idol, Captain Bernier, and he will see that that is the only part of the ship that needs to be strengthened.

Hon. Mr. CASGRAIN: Captain Bernier bought a boat from the Government—the Arctic. We have all heard of her. I think my honourable friend remembers the Arctic and the afternoon teas with the Esquimaux ladies. I saw the Arctic, and what was her construction? She was a wooden ship, if I remember rightly, and she was a very poor freight carrier. She was braced with great big timbers running from one side to the other, and perpendicularly, so that she would not be crushed in the ice; and she was such a poor freight carrier that when she left Quebec there was no space in the hold, and the cargo, which consisted of food for the crew and coal, had to be piled on the deck. It was a providence that it was the middle of the summer, and that they had nice, calm weather. While speaking of coal, I want to say that I believe they did find coal in the North, and got enough to fill their bunkers and bring some back.

I do not want to continue this long story; but, honourable gentlemen, this is a commercial proposition. Where are you going to get insurance for ships sailing into Hudson bay? Of course, you can insure anything; but if the insurance is going to cost as much as the value of the wheat, this route will have no advantage over the ordinary route. I have asked some insurance people, Lloyds among others, whether they would take such insurance. They say that no one ever thought of sending a ship up there. I have asked shipping men, and they say they would not consider it. The first thing I think the Committee should have done was to have got some solvent, reliable company to say that they would carry wheat up there, even if it cost a dollar a bushel. I am told that when a cargo of wheat is shipped a draft is attached to the bill of lading and that it is honoured by the bank and the money paid over to the shipper of the wheat. Well, before the bank would advance the money to pay the draft they would want to know if the wheat had been insured. Otherwise, if the bank advanced the money and the wheat or other cargo were lost, who would repay the bank? Certainly not the person to whom the cargo was consigned.

Hon. Mr. CROSBY: The bank would not take the draft unless the insurance policy was pinned on.

Hon. Mr. CASGRAIN: That is exactly what I have been told. Even this morning a shipping man said to me, "There must be an insurance policy pinned on." It would have been easy for the Committee to call some insurance men and to ascertain from them at what rate they would insure; and if the rate had been prohibitive that evidence would have been enough. I must say that the Committee gave very careful attention to the work. The members were very assiduous in their attendance at the meetings, and the chairman was very industrious. He asked a great many questions of the witnesses. But that was the kernel of the thing. When I saw the drift of the Committee I must say I lost confidence in it, because it was so easy to have begun at the beginning by finding out first if there was any company that would volunteer to send a ship to take out a cargo; and I defy anybody to find such a company anywhere throughout the length and breadth of this country. I said, "There is really no use in proceeding further with this inquiry if we have not started at the beginning by finding out first whether we can get ships to go there or not." I have inquired of shipping companies and they would not send a ship there unless they were guaranteed the price of the ship. That settled that point. The next thing would have been the insurance.

But there is in the report one good thing with which I thoroughly agree. The report recommends that no more money be spent on Port Nelson. I concur absolutely in that recommendation. That is a very good thing. In any case the Government had decided not to spend any more money on the Hudson bay route for this year at least. The expenditure had been absolutely stopped, and I do not think there is any chance of it being resumed this year.

With regard to the interests of the people of the Northwest, I could cite figures to show that the crop of the year could not be shipped out, but would be there for eleven months. It would cost at least 5½ or 6 cents for storage, with wheat at the normal price of $1; and it would be much more to-day. That would have to be added to the freight charges. On the other hand, as everybody knows, wheat has been moved in normal times from the head of the lakes, Port Arthur and Fort William, to Liverpool for 12 cents a bushel.

As to the relative merits of Port Nelson and Fort Churchill, the report states that

at a point 56 miles from Port Nelson the railway line might be switched off to the north and east towards Fort Churchill. But some say there is a swamp many miles in extent which could not be bridged over. I do not think the swamp will cause very much trouble. The swamp never thaws out; so there would be a good foundation on the ice. Underneath the moss there is solid ice, on which the sleepers could be built, and they would last a long time, being kept in a fine frozen condition. There would be no trouble in that respect. But in Fort Churchill there is a harbour, they say, big enough to accommodate all the steamers that would be used commercially there. I say amen to that. I say that Churchill harbour is big enough to accommodate all the steamers that will ever go there. I agree absolutely. So there are things in the report with which I do agree: first the condemnation of Port Nelson; then, the statement that Churchill is big enough for all the steamers that will ever go there.

However, to be practical, I do not see how it can ever be of any possible advantage for the Government to spend any more money on that enterprise. There is absolutely no chance whatever of its ever being of commercial use. I would commend to the members of this House the reading of the evidence taken by the Committee. The Senate should certainly weigh the evidence well before adopting this report and committing the Senate to the feasibility of the scheme. After all, the opinion of this House should be worth something, and should be so considered by the country. It is not wise for us to jump to conclusions, after the evidence of some of the witnesses. One of the star witnesses was Mr. Stefansson. After such evidence as has been presented, it would be only right for this House to allow the report to remain on the Table some time for consideration. We want to be taken seriously. Men engaged in the shipping business, not only on the Great Lakes but on the Atlantic coast and on the Pacific, will tell you—and they know—that the route is not practicable. There is a book in the Parliamentary Library called "The Arctic Pilot," and in that book you will find what I have told you. Commercial navigation is not possible in Hudson bay and strait. I think the Senate would be wise to leave the report on the Table until such times as the members have taken cognizance of it. Having taken cognizance of it, I do not think that the Senate in its wisdom would decide in favour of the scheme, against what is the almost unanimous opinion. Senators might themselves consult some of the shipping men and ask what they think of the navigation there. I do not think there is one shipping man who would say that he would like to navigate those waters.

Hon. J. G. TURRIFF: Honourable gentlemen, I was hoping that as the years went round my honourable friend who has just taken his seat would lose a little of that pessimism that he always expresses so volubly when this subject is brought up. My honourable friend says that the shipping in Hudson bay is altogether impracticable—impossible. Perhaps the season is not as long there as in other places, but if everybody followed the policy that my honourable friend advocates the country would never make any progress. I myself have seen a dozen ships at one time frozen in the ice in the St. Lawrence river in the fall of the year—in the month of November. Does that mean that we should not try to navigate the St. Lawrence during the months of November and December? It has never been claimed that you can navigate Hudson bay and strait during a long season of the year. But if they can be navigated for four months in the year, is not that an advantage? Does our western produce go out by the St. Lawrence? How much of our wheat goes out by the St. Lawrence? It goes by the United States. If we can send more of it out through Canadian ports, will it not be an advantage to do so? And my honourable friend must not forget that for between two hundred and three hundred years the Hudson's Bay Company navigated Hudson strait and Hudson bay and lost only two vessels. That is not a bad record. I agree that they were not 5,000 or 10,000-ton vessels. But you can build vessels that will in all probability stand the conditions of navigation there, and there are men in this House who will live to see a big trade done on that route. There are in the Hudson bay district resources that will naturally employ shipping, and many ships will go out through Hudson bay and strait for about four months of the year.

I do not say, honourable gentlemen, that I am greatly impressed with the value of the Hudson bay route for the shipping of wheat. Some wheat, I think, will go that way. In the early days, when we were advocating that route, there was a great shipment of cattle from the West to the Old Country. That trade has fallen off—has practically ceased. Few of our cattle now go to the Old Country. The cattle that we

export go to Buffalo and Chicago, chiefly to Chicago. But the day will come again, no doubt, when we shall be exporting tens of thousands of head of cattle from the western plains to the markets in the Old Country. When that day comes we shall have in the Hudson bay line the best possible route for shipping cattle. Anybody who has had any experience knows that one of the difficulties in shipping cattle across the Atlantic is the long railroad haul, which is particularly hard on the cattle when the weather is warm. The Hudson bay route will be a good cattle route, because it is the shortest and the coldest.

But I want to point out that even if there were never a bushel of wheat exported from Canada by the Hudson bay railroad and out through the strait, the railroad would still be worth building. That road will open up the country and develop trade as a colonization line. I can remember very well, honourable gentlemen, the time when people living out in the West, or many of them, had little or no faith in that country west of the province of Manitoba. They claimed that wheat could not be grown in any part of what is now the province of Saskatchewan, or in Alberta. Over forty years ago I settled in Manitoba. I was there for four years and then moved out farther west to what is now Saskatchewan. I was never on the trains going back and forth but there were dozens of persons who would say to me: "Why did you make such a mistake as to go out into that country? You can never grow wheat out there. It is too dry. The season is too short. Your grain would be frozen even if it did grow." And the people believed that. I had to defend that western country every time I came back to Manitoba. Well, we all know to-day that Saskatchewan is the great wheat-producing province of the West, and Alberta is a great wheat-producing province. Large parts of Saskatchewan and Alberta are not wheat-producing, but are mixed farming districts. And the farmers engaged in mixed farming in any part of the northern country, where wheat is not made a staple product, are far better off after five or ten years than the farmers in the best parts of the wheat-growing plains of southern Manitoba, southern Saskatchewan or southern Alberta.

Furthermore, in my judgment, after a long life spent out West, there is no part of that country which could not of itself develop a traffic and in which a railway could not be operated successfully after a little time, if common horse sense and ordinary good judgment were used in the building of the road. A great mistake was made in our railway construction, and for that mistake we are all more or less to blame. One party cannot put the entire blame on the other As I heard a man express it the other day, we built too many railroads in the wrong place and too few in the right place. The system that was adopted, of paralleling lines for hundreds of miles, was a rotten system, bound to bring bankruptcy to the railroads. In my old constituency, where the Canadian Northern railway located a line, the Canadian Pacific railway had the right to build without applying to Parliament for a charter, and they deliberately paralleled the Canadian Northern railway for fifty or sixty miles. The Canadian Pacific railway said: "We may as well teach them a lesson once and for all," and they proceeded with the construction of their own line. The result is that in my old constituency the two roads are so close together that you could stand on one and throw a stone across to the other. That situation is absurd and should never have been allowed; yet it was permitted by the Government that was in power at the time and that I supported, although I raised as much row as I could with the Railway Department about it. We are suffering the effects to-day. We now recognize and acknowledge our mistake, and we know that one side is as much to blame as the other. I only hope that the present Government will have the courage to take a strong stand, and will, if necessary, pull up hundreds of miles of duplicate track, using the rails and the ties—the rails especially—where they will be of some advantage in opening up and developing the country.

I do not profess to know anything more about this question than what I have been able to pick up; and I think that most persons who talk about the Hudson bay and strait not being navigable are in a somewhat similar position and do not know whether those waters are navigable or not. However, I feel pretty certain from what I have been able to learn that a good traffic would be developed along the Hudson bay route after a time. My honourable friend (Hon. Mr. Casgrain) says that there are two kinds of ice that interfere with navigation; that when the ice becomes a few years old it is as hard as a rock and is all the greater danger to

navigation. Let me tell you that if you encounter heavy ice that is one month old you have about as much trouble as if that ice were ten yers old. When ice is once frozen it does not get much harder; it cannot freeze any more. Ice may get a little thicker, but it will not get any harder, and my honourable friend would find that out if he attempted to navigate those straits.

My honourable friend (Hon. Mr. Casgrain) made much of the attitude of the insurance men and their unwillingness to insure. You cannot do anything at all in the way of insurance until you have something to insure. You cannot be altogether certain of what it is going to cost until the business has opened up. But I will venture the assertion, honourable gentlemen, that when freight offers at Port Nelson or Fort Churchill, you will find vessels to take it and insurance companies willing to insure it, and after a little while—I will not say right at first, but after a little while—you will find that the rates will not be so very different from those on the St. Lawrence. If insurance rates could stop business, we would not be shipping anything by the St. Lawrence. The insurance companies charge a great deal more for insurance in the river and the gulf of St. Lawrence than they do from American ports —why? Because the risk is greater. The risk may be greater in the Hudson straits, and if that is the case the companies will charge a little more for their insurance.

My honourable friend tells us what should have been done by the Committee that is now reporting; but I want to point out to him that it was his duty as a member of that Committee to have called witnesses to prove his contention. It was not necessary to leave everything to the chairman. My honourable friend, I think, does not represent any of the big financial interests in the East who are opposed to this scheme, but he is advocating their views. If he thought that navigation of the bay and straits was impossible, that there would be no shipping at Port Nelson or Fort Churchill, and that the whole scheme was absolutely useless, as he claims, he ought to have brought witnesses to prove that his views were correct. All he had to do was to suggest their names to my honourable friend the chairman (Hon. Mr. Fowler), and we would now have their evidence, which might have changed somewhat the recommendations of the report. But I think my honourable friend is too shrewd for anything like that, and would not take the risk of calling men to try to prove the statements that he has made today, because I think he would be rather a failure in that line.

As a western man I have faith in that route being a success even if there should never be any wheat exported by that route. The road will open up the country. It should be remembered that the day of homesteading on open prairie land in the three prairie provinces is over; we have no more of that class of land, and must now put people on land that is partly wood, partly lake and scrub. There is a great deal of land between Le Pas and Fort Churchill or Port Nelson that will carry a very considerable population.

That road will also develop the mineral interests in the northern country, just as did the Ontario and Temiskaming railroad that was built by the province of Ontario. A great many people condemned that project, saying Northern Ontario was an absolutely good-for-nothing country, and the railway would have nothing to do there, just as many people were against the Canadian Pacific railway and said it would not be a success. But see what that Ontario and Temiskaming railway has developed. The Cobalt country has produced $500,000,000 worth of silver and other minerals. That road has also opened up and developed the Porcupine country in which the Hollinger mine is situated, the biggest in the world, I am told, that has paid millions of dollars in dividends every year. These facts show that when we use common sense in putting in a railroad, it will repay the country the cost of building it. So I believe the Hudson bay railroad will pay the investment of the Dominion of Canada, even outside of any export of wheat at all.

I have not given this subject sufficient consideration to judge whether Fort Churchill or Port Nelson would be the best terminus; but what little consideration I have been able to give leads me to believe that Port Nelson is not the proper place. Although Fort Churchill is 80 miles farther by rail, I think it would be a much better harbour, because at Port Nelson a long narrow channel must be dredged out for miles, and in my judgment it would be better to build 18 miles more of the railway.

I hope the Senate will not do as my honourable friend (Hon. Mr. Casgrain) suggests, leave the report on the table, but that they will give it thoroughly good con-

sideration. I say this, although I do not want to advocate the expenditure of money at present, and think we ought to economize, for I believe we are spending far more money than we should—three times as much as we did before the war. I would also say that millions and millions, that would finish that road over and over again, are being put into works that are not one-half as good, and will not be one-half as necessary to the future prosperity of the country.

Hon. JOHN W. DANIEL: Whatever importance may be accorded to this report, or whatever opinion we may hold as to its fairness, so far as it is supposed to show the trend of the evidence which was taken before the Committee, we must admit that the project itself is very important, not alone to the people in the Northwest who are specially advocating it, but to the whole of the people of Canada who will have to pay for building the railway and providing the port, afterwards making up any deficit that may accrue from the carrying out of the project. I have always taken a very great interest in ships and navigation, and everything that pertains thereto. It has been my fortune to make several trips across the Atlantic, three of which I made in sailing vessels, one of them occupying six weeks, and the last one in a large full-rigged ship, heavily laden with railroad iron, which took no less than nine weeks to go from London to New York. I have seen the Atlantic in all its moods, have enjoyed the pleasure and comfort of running before a fair breeze and with a free-flowing sail, and the seas following after. I have also experienced the discomforts and dangers attached to weather that compelled the lying-to of that ship for no less than three days at a time in a storm as severe as ever came on the North Atlantic. So far, as being somewhat familiar personally with matters of that kind, I have at least that experience to guide me. In all those trips, I had only one experience of fog and ice combined: that was on the last trip I made in the old Virginian, the most comfortable ship I was ever on. After a pleasant voyage until we came near the shores on this side, and began to approach the Straits of Belle Isle, we suddenly ran into a dense black fog, just such a fog or mist as has been described by those navigators several of whom appeared before the Committee. I thought it very strange when the captain of that ship not only slowed the vessel down, but brought her to a dead stop; but the matter of ice never occurred to me at that time. We were delayed by the fog for quite a long time, and finally a breeze sprang up and blew away the mist, and we emerged into sunshine. On doing so we found ourselves absolutely surrounded by icebergs of strong, clear, hard, Arctic ice. That ship could not have gone on in that fog, either at slow speed or at any other speed, without crashing into ice. Therefore, when I hear civil engineers, or engineers in charge of terminal works, and all that, giving advice that tramp steamers, which are nothing but floating tanks, can go through fog with safety at slow speed, when ice conditions are prevalent, I feel that they are entirely ignorant of the conditions on which they are giving their advice.

Hon. Mr. FOWLER: I would like to know what part of the water the honourable gentleman was in when he was surrounded by those icebergs.

Hon. Mr. DANIEL: Coming towards the Straits of Belle Isle. As I say, in those matters I rely entirely upon the advice and knowledge of the navigators, the captains, the men who are responsible for the safety of their ships and of their cargoes, and the crews that manage the ships, rather than on mere landsmen who, in order to push forward an operation, would send tramp steamers into Hudson strait and advise them to go through fog and snowstorm, even at slow speed, when they are liable to meet with ice. One of the witnesses before the Committee told us that he had, right in this city, photographs showing ice in the Hudson straits for every week in the year and for a series of years. And yet gentlemen come and say: "Oh, there is never any ice in Hudson strait; you can navigate it in the winter time," and all that sort of thing. It seems utterly absurd that people should make such statements without smiling to themselves, for everybody should know that they were speaking at random.

It gave me a great deal of pleasure to be present at meetings of the Committee. With the experience that I had had on the water I was able to take in the evidence of those navigators. Take, for instance, Captain Freakley, a man who has been in the employ of the Hudson Bay Company, travelling and commanding ships in that region for twenty years. It was a great pleasure to hear those men

who had been there and knew what they were talking about. Those are the men on whom will depend the navigation of those straits; not men who remain on shore and tell them they can do this, that, and the other thing. The evidence showed that the whole scheme is dominated by the conditions of the straits. If honourable gentlemen will compare the evidence we have before us to-day with that taken years ago by Committees of this Senate with regard to this very subject, they will find no difference whatever in the conditions in Hudson straits from that time to this.

The merits or demerits of this scheme as a whole do not depend in the slightest degree on any report of this House or the other House, or any other body, that is fancifully optimistic and unwarranted; nor can the project be injured by a report of an opposite character. The merits or demerits of this scheme depend entirely, and always will depend, on the inherent possibilities of the route itself, and cannot be make to depend on anything else. If the conditions are such that only a certain period of time can be counted on, and to utilize this period only certain kinds of ships will be safe, then all the speeches we may make, all the reports we may adopt, will never make the slightest difference. Any remarks that I have made or will make are not intended in the slightest degree to criticize the undertaking. I realize that the Government of this country—both Governments—have determined to put this project through and to test it; there is no doubt as to that, and, to use a vulgar term, I am not making any kick about it, for it is the policy of the country, and I have nothing to say about it now. My remarks are not in criticism of the undertaking, but they are in criticism of this report, because I do not consider that it is based upon the evidence which was taken before the Committee. We know that the influences which operate on the success or non-success of this route are the length of the season, the safety of the route, the size and capacity of the ships, etc. Now, what does the report say on that matter? The first clause to which I call your attention is this:

> There was some variation among the several witnesses regarding the length of the season of navigation.

But the particular words I wish to quote are these:

> But all agreed that the minimum would under ordinary circumstances be at least four months, while the maximum would not likely exceed five months.

Now, there is a statement that I hold is entirely contrary to the evidence taken by the Committee. It is, on the whole, contrary to the evidence of which this compilation of evidence is full from one end to the other. That is one reason why I say that this House should not be called upon to pass a report without having an opportunity of reading the evidence for themselves, and I do not see how they can intelligently take any other course. The matter is of importance, and if this report does not coincide with the evidence that was taken, why should honourable members of this House be asked to pass on it without having an opportunity of informing themselves? The report winds up with the request that this Senate order 1,000 copies—of what? Of this report? No; of the emasculated report which accompanies the written report of the Committee—the partial report which the Chairman, and I might say the majority of the Committee, picked out of the evidence. They apparently do not feel satisfied that the members of this chamber should be afforded an opportunity of looking over and perusing the whole evidence for themselves. Apparently they want it cut out, and that is what I object to. Before this report is acted upon in any way I think the members of the Senate should have an opportunity of reading the evidence for themselves, and thus being able to give an intelligent vote on the matter.

Now, the report goes on again:

> Voyages have been made through the strait as early as the 5th day of June—

I want to call attention to the wording of that statement:

> Voyages have been made through the strait—

That means through the eastern end and through the western end—

> —as early as the 5th day of June, and as late as the 1st part of November, with the ordinary type of vessel without meeting any difficulty.

I think it would be very difficult to make a sentence of that number of words contain as many inaccuracies as are contained in that short sentence; and I think I can prove to you the truth of my remark. First of all, I will give you another sentence. It says:

> All agreed that the minimum would under ordinary circumstances be at least four months.

I will call as the first witness Mr. O'Hara. Some honourable gentleman may very well ask: "What does Mr. O'Hara know about this matter, he being the Deputy Minister of Trade and Commerce?" I will allow Mr. O'Hara to answer that question for

himself, and will read exactly what he says. He appeared before the Committee, and the Chairman said to him:

All you know about would be the elevator, Mr. O'Hara—A. No, sir, I have further information than that. Early in 1914 when Sir George Foster, when the Government contemplated erecting an elevator at Fort Nelson, asked me to prepare all the information I could as to the feasibility of the Hudson Bay route, I delved into everything I could find, principally reports of ships' captains and navigators, log books, etc., and I divided the whole subject into arbitrary phases, as, for example: aids to navigation; arrival and departure of ships, 1913; channel; construction and style of vessels; currents; extracts from logs of Government steamers, 1912; general difficulties of navigation; general navigation of Hudson Bay route; insurance; periods of navigation; routes suggested; situation and difficulties at Nelson; terminal facilities; tides; tonnage available; and wrecks.

That is the scope of investigation that Mr. O'Hara made for the Department of Trade and Commerce, and I might say that to my mind his report is a model one. It is one which might very well have been taken as a model by the Committee whose report is now before us. Mr. O'Hara's report is not in what is called narrative form, but it makes statements and suggestions, and gives authorities. The third paragraph of that report says:

The minimum period of navigation, according to all the various authorities quoted in the attached, appears to be from the 1st of August to the 15th of October—two-and-a-half months.

Then we have this report saying that all the witnesses said that the minimum season of navigation would be four months. Two and a half months was Mr. O'Hara's statement. In order to substantiate that statement I am going to quote a little more from the authorities, some of whom gave their evidence before our Committee. The captains referred to in O'Hara's report are principally Newfoundland captains, men who have been engaged in that business for many years. Captain Webb says:

From the last week of July until the 15th of October, navigation should be fairly safe for ordinary trading vessels, provided ordinary precautions are taken and there is a competent master in charge.

Another witness, Mr. Harling, of Montreal, a shipping broker, says:

For the three midsummer months any ordinary vessel could navigate the Hudson straits and the Hudson bay with comparative safety.

Then there is Herbert B. Saunders, who says:

In my opinion the season, under ordinary conditions, should open about August 1, and vessels can remain in safety at Port Nelson until the 27th of October, which practically gives a working season of three calendar months.

Captain Kean says:

In my opinion navigation of the Hudson bay would be safe during August, September and October. In July ice would frequently be met with, and in many cases very hard and heavy.

Captain Kean again:

Have seen a heavy jam of ice as late as the 18th of August, but this is the exception rather than the rule. Most years the coast is clear in July.

Captain Couch, another Newfoundland captain says:

In my opinion, navigation on the Hudson bay by steamers of the type of the Stephano, Florizel, Beothic—

I think they were specially built for Hudson bay traffic—

—and Adventure would be comparatively safe from the 15th of July to the 5th or 6th of October.

There you have a short season, even for specially built vessels.

This would not apply every year, as conditions vary each year. On one occasion we encountered three tides in the strait, and our steamer, the Bellaventure, was jammed in the ice four days from the 15th of July.

Then there is Captain Wakeham, who says:

Winter in Hudson strait sets in early in September. We had our first regular snowstorm off Cape Digges, on the 7th of September (1897). From that date on snow continued to fall regularly.

These conditions, together with the fact of the short days, the difficulty in distinguishing the land, or judging accurately the distance when you do get a glimpse of it, and always covered with snow, and the gales of wind shifting constantly from one quarter to the other, the navigation of the Hudson straits during the month of October, extremely difficult and hazardous.

In September, 1885, and also in 1886, heavy gales followed each other in quick succession.

Then, among our own witnesses we had Mr. Bowden, who is Chief Engineer of the Railway and Canals Department, and I think honourable gentlemen of the Committee will bear me out when I say that in his testimony he gave more aid and comfort to those who were taking the optimistic view of this undertaking than any other witness we heard. He makes this remark with regard to the navigation of the strait:

It is a strange thing that although Commander Wakeham was able to make two voyages through the strait during the early part of July, we have had great difficulty getting through with a sealer; in fact, some years our sealers have not been able to get through in

July at all—it has been August—so that the opening date of July 10, suggested by Captain Gordon, and to some extent confirmed by Commander Wakeham, appears to us to be altogether too early.

Captain Gordon spent three years at Fort Nelson.

Hon. Mr. FOWLER: What page is that?

Hon. Mr. DANIEL: Page 241. He continues:

For commercial studies of the question, I think August 1 would be a better date to consider as the opening of navigation. For the closing of navigation we have information enough now to say that it is not earlier than November 1st.

That is, navigation is open for August, September, and October; three months again. And yet the report says that every witness coincided in the opinion that four months was the shortest period.

Now, with regard to matters like ice in the strait, which is all part of this question, if the honourable gentleman wishes to look it up, I might say that on page 22 Captain Anderson says:

On account of the presence of ice in Hudson strait at any time of the year vessels trading there ought to have their own bows specially strengthened to resist the ice.

Also at page 25:

A sharp lookout must be kept at all times, because not only icebergs and fields of ice, but isolated masses of hard ice, called growlers, may be met with, and as they float little above the surface there are very difficult to see, especially at night, and a vessel coming in contact with one might receive serious damage.

There is more of that; but I want to call attention to one witness that I am now going to bring before you. He is a gentleman whom you all know; I think the honourable gentleman from De Lanaudiere (Hon. Mr. Casgrain) said that he was in the Chamber this afternoon; I refer to Colonel W. P. Anderson. We all know him and have perfect confidence in his opinion, because we know he would not express an opinion for which he had not good grounds. At page 156 of this book, Colonel Anderson is asked this question:

From your study of the reports and from the general knowledge that you have acquired from various sources, what is your opinion with regard to the navigability of the bay and strait?—A. The concensus of the testimony that has been given is that the bay and the strait are navigable for a minimum of three months, and a maximum of four months in the year.

Still this report of the Committee says that every witness agreed in the expression of opinion that the minimum was four months. Later on Hon. Mr. Sharpe asks Colonel Anderson:

Q. With proper aids to navigation could not that time be extended greatly?—A. No.

Q. What makes you say that?—A. Simply what I know of ice conditions in the Gulf of St. Lawrence, in the River St. Lawrence and on the Great Lakes.

Colonel Anderson afterwards said that while all these aids might facilitate the passage of a ship here and there they could not extend the period of navigation, because they would not have any effect on the climatic and physical conditions. His reasoning in that respect, of course, was absolutely correct. He was asked by Mr. Campbell:

What would be the period of navigation of the strait? From when to when? You gave the time, but you did not say from when to when?—A. From the 1st of August to the 1st of November is the normal period. You might get in a few days before the 1st of August, and you might get out a few days after the 1st of November.

Q. The original navigators went in there in June in sailing vessels?—A. Well, I know that a few years ago Captain Anderson tried to get in at the end of July with a powerful steamer and did not get through the strait until the middle of August.

Then the Chairman says:

I suppose if it is late in starting, it is late in finishing?—A. Not necessarily, I think. I don't think so.

Q. If you could not get through until the middle of August, the season would hardly be three months?—A. It was the middle of August the year I sent up a man with aids to navigation—with automatic lights, unwatched lights, to be put up at salient points in the strait and bay, and he was so much delayed in getting the work begun that he could not finish it that year. That is how I happen to be so sure about it.

This book is so full of that sort of thing that I do not like to weary the House by reading any more remarks; but I want to emphasize the importance of the suggestion I make, that members should be provided with a copy of the evidence so that they can read it themselves. Colonel Anderson speaks again about the aids suggested by Mr. Campbell:

Q. It has been suggested that an aeroplane station be established on Mansell Island, and wireless aids to investigate thoroughly the ice conditions in the strait?—A. That won't abolish the ice, though, will it?

Q. No, but what do you think of that idea?—A. I think it ought to be a valuable aid, but only during the navigable season. I mean to say it would not in any way increase the navigable season.

There is the opinion of a man whose opinion we all respect and treat with the greatest confidence. I spoke of Captain Freakley as being a witness in whom I placed a great deal of confidence. He also refers to this matter. At page 133 he was asked by myself:

Would it be possible for an ordinary tramp steamer such as we know to trade to Nelson and back just as she is, without any strengthening on her?—A. Ordinary tramp steamers have been employed by the Department of Railways and Canals to run between Halifax and Port Nelson, for instance, the ss. Alcazar, ss. Sinbad, ss. Sheba, ss. Sharon, ss. Durley Chine, ss. Cearense, ss. Allette. Of these the Cearense was wrecked at the month of the Nelson river on September 13, 1913, and the Allette, leaving Port Nelson on September 14, 1913, encountered ice and damaged her bows.

Now, with regard to the Allette. She was a tramp steamer, and her bones are still bleaching on the shores of Port Nelson. Inquiries were made in the Committee whether there had been any investigation into the cause of her loss, and it developed that there had been none. The reason is very obvious. I think when I tell you what happened to her that you will readily understand why it was quite unnecessary. It would be quite unnecessary to hold an inquest into the cause of death of a man who tumbled out of a tenth-storey window and was killed by falling on a pavement.

The Sheba made the latest departure from Port Nelson. She was a tramp steamer. She left on October 22nd, with two sealers to convoy her; when they got to Mansell Island they met a belt of ice 12 miles wide, and if it had not been for the two sealers she could not have got through. Captain Freakley says:

The only ice encountered by these ships was a belt 12 miles wide, encountered by Mansell Island. The sealers assisted the Sheba in making a passage through it.

Then he goes on to speak of the Allette. He says:

During that same season the tramp steamer Allette which left Port Nelson on the 7th of October encountered ice near the Mansell Island, and received a hole in her bow.

Is it any wonder the captain turned around and beached her, in the middle of October? What else could he do? I presume he came into Port Nelson with his pumps working to their fullest capacity to keep her afloat. There was no accommodation ready for her in the way of docks, and all he could do was to run her ashore. That is what he did.

I feel diffident in detaining honourable gentlemen, but this book is absolutely full of such evidence. The report says that every witness agreed to the same thing, whereas what they agreed to was entirely different from the statement in the report. Our old friend Captain Bernier, I think, refers to this matter too. He says that the average season might be four months. Captain Bernier is the only one that I have read so far who spoke at all of four months; the rest of the witnesses mentioned three months.

There is a special point to which I desire to call your attention. The report makes this statement, which is, I think, not warranted by the facts:

Voyages have been made through the strait as early as the 5th of June.

That statement is made, as I understand it, on the strength of some testimony that is not contained in the book at all; it is the testimony which was given by one of the Tyrrell brothers. This Mr. Tyrrell had wintered at a place called Ashe Inlet, which is on Big Island, on the north coast of the Hudson strait. I believe it is about one-third of the way through. The testimony of Mr. Tyrrell is that he saw a Dundee whaler that had anchored in front of his place. He states that his harbour at the time was frozen absolutely solid, but in front of that the strait was clear, and this Dundee whaler entered there on the 5th day of June. He says that she left there the next day and went west. That is what he said—"went west"—and that is all he knew about her until she came back again in the autumn. Nobody knows what time she got into Hudson bay. Nobody knows—at all events, nobody has given testimony that she ever went into the bay at all. She was a whaler seeking whales.

Then there is another reference, on page 230, not to that vessel specially, but to what I call the June bugs. Mr. Bowden is describing the construction of a ship called the Diana. He says she was a sealer of extremely heavy construction:

He arrived off the eastern end of the straits on June 22—

That was in the month of June, but it was the 22nd—

—and had no difficulty in entering and passing the first third of this distance through the straits—

In other words, he got to exactly the same place on Big Island—Ashe Inlet—

—when he encountered ice with which he battled until July 10, most of the time being in mid-straits about the region of Big Island; after which he got free from the ice and got through to Mansell island on the 13th of July.

Commander Wakeham was sent in there to make as early a passage through as he possibly could—to see how early he could get through and how late in the fall he could come out. I have no doubt he got into this favourable stretch on the northern part of the strait, probably with a northern wind blowing the ice away. He got in

so far, but no farther. That is how former vessels, whalers and others, often got that far in the early part of June. But that is entirely different from getting through the strait into the Hudson bay. So I say that the statement made in this report, that a vessel got through—mind you, that Dundee whaler must have got into Hudson bay on the 5th day of June to make this statement correct—is utterly absurd. But the statement is put in such a way as to be misleading in the extreme, and I for one object to having a statement like that put into a report as being taken from the evidence presented before our Committee. It is not so. No vessel ever got through at that date. There is no evidence in this report, nor, I believe, in any other report, to show that any vessel went through the strait, that is, into the bay, on the 5th June, or on any other day in June.

I think we may conclude, as I have already stated, that three months is about as long as you can depend upon navigation in that strait, and through the strait and to a Hudson bay port. The season will extend from August to perhaps the end of October. Very many clever suggestions were made with regard to ships getting through the strait with the aid of aeroplanes, hydroplanes, wireless, and all those things. The evidence given was that they would facilitate the passage of an individual ship here and there, but they could not possibly, in their nature, extend the time of navigation.

So much for that. Here is one sentence in the report with which I agree:

> The strait is also open for the greater part of the year and would probably be open all the time except for the ice which comes down late in the autumn from Fox channel.

That is as much as to say that if it had not been for the ice in the strait there would not be any there. That, I think, is correct.

Hon. Mr. FOWLER: That is very clever.

Hon. Mr. BOYER: Gospel truth.

Hon. Mr. DANIEL: Then the report expresses the opinion of the Committee that the Government would be well advised before spending any more money on the harbour works at Port Nelson to appoint a committee of engineers, builders, etc., to examine the route to Churchill. The majority of the Committee suggest that the work at Nelson be stopped, and at the same time that the railway be carried into Nelson, and that business be done with what is there now. As a matter of fact, you could not do any business with what is there now. Any business to be done would be the handling of grain, and it is utterly impossible to handle grain without an elevator. There is no elevator at Port Nelson. Still this Committee in cold blood suggests that the railway should be completed to Nelson but that no more work should be done there; that business should be done with what is there at present. The thing is utterly absurd to my mind—utterly absurd.

As to this Churchill-Nelson controversy, I must say I do not take very much interest in it. All the evidence given by the navigators—and they are, I suppose, really the best persons to judge—was to the effect that Churchill is more accessible in every way, and inside is a safer and better harbour, than Nelson. I think everybody will agree with that. But there must be some reason why the Government engineers chose Port Nelson in preference. Without delaying, as I could do, and intended to do, to give the statements of these engineers as to the reason why Port Nelson was chosen, I shall leave it to honourable members to read the evidence for themselves, and if they will vote for the amendment which I propose to make—

Hon. Mr. THOMPSON: You might move the adjournment of the debate, if you want to enter into that question.

Hon. Mr. DANIEL: With your permission, honourable gentlemen, I will move the adjournment of the debate.

The Hon. the SPEAKER: Until when?

Hon. Mr. CASGRAIN: Next week.

Hon. Mr. DANIEL: Well, next Tuesday.

Hon. Mr. FOWLER: No, that is too long a delay.

Hon. Mr. WATSON: This is a matter that ought to be disposed of this session. This is not a new subject at all, and the House is not taken by surprise; it is a matter that has been discussed in this House and in the House of Commons for the past forty years, to my knowledge.

Hon. Mr. DANIEL: I am ready to proceed at any time. I am only seeking the convenience of the members.

Hon. Mr. WATSON: To-morrow.

Hon. Mr. CASGRAIN: Thursday.

Hon. Mr. DANIEL: We will say Thursday.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, may I ask what good purpose will be served by adjourning this debate? It will only prolong the discussion. It seems to me that if we take a respite, we shall start in again with renewed vigor.

Hon. Mr. THOMPSON: We have just to get all the ice out of the strait.

Hon. Sir JAMES LOUGHEED: It seems to me it would be better to dispose of this question at once. If we are to go to Churchill let us go.

Hon. Mr. THOMPSON: In submarines.

Hon. Sir JAMES LOUGHEED: But there is a very large amount of business before us. We have probably the most important business of the session now before us, and it would be very much better to clean everything off the Order Paper as we proceed, instead of dividing it up into sections to be dealt with on some other day, and giving renewed life to it. Personally I should like my honourable friend (Hon. Mr. Daniel) to complete his remarks to-day.

Hon. Mr. FOWLER: Make it to-morrow, if we are not going on to-night.

Hon. Mr. DANIEL: Well, honourable gentlemen, if you want more of it, I shall have to give it to you.

Hon. Sir JAMES LOUGHEED: I leave it to the House, but that is my opinion.

The motion for the adjournment of the debate was withdrawn.

Hon. Mr. DANIEL: I was commencing to say something about the controversy as between Churchill and Nelson. Personally I have no special interest in that matter at all. I stated that the engineers gave the reasons why the Government chose Nelson in preference to Churchill. For my part, I think the reasons given were very good, and they were deserving of the attention which they did receive at the hands of the Government.

Hon. Mr. THOMPSON: Would the honourable gentleman be kind enough to state some of the reasons?

Hon. Mr. DANIEL: I am going to read them to you.

Hon. Mr. THOMPSON: I should like to know what they were.

Hon. Mr. DANIEL: Here is one extract from the evidence of Mr. Bowden, the Chief Engineer of the Department of Railways and Canals. He is speaking about the tenders for the building of the railway. Describing "tundra," he says:

I would apply the term to that character of country in which the moss is practically submerged in water—a small skin of moss overlaying a foot of semi-liquid peat which in turn rests upon perpetually frozen material that is chiefly water.

Q. To what depth?—A. A depth unknown. Mr. McLachlan made some investigations by digging pits to a depth of nine feet and never found the bottom. I do not know how far it goes.

By the Chairman:

Q. You were telling us to what extent you would have to build over this tundra?—A. There was another obvious factor determined that the construction to Churchill meant a longer line. So unless Churchill offered positive advantages there were good grounds for a preference for Nelson. Nelson had the obvious and positive advantage of being a shorter line.

By Mr. Campbell, M.P.:

Q. Would this be a good point at which to ask you how much shorter or how much longer?—A. It varied at different times, different surveys being pieced together from about a minimum of 67 to a maximum of 82 miles difference between the two.

By Hon. Mr. Daniel:

Q. From where would that be measured? Le Pas?—A. Yes. That is the difference between the length of the two lines. The same line would be used to a certain point on the route from which the branches would turn either to Nelson or to Churchill. At the time that report was published there was still some surveying to be done and the work was continued for several years later. The actual final determination as between Nelson and Churchill did not take place until the contract for section 3 of the Hudson Bay railway was let.

Now we come down to the final determination as to the port:

The call for tenders was made on alternative routes. The drawings exhibited showed a line to Churchill and showed a line to Nelson. The contractor was called upon to bid for each and it was not until the tenders for this work were received that the definite and positive decision was reached. Previous to that though there had been naturally a good deal of questioning as to what the Government's intentions were, and, in general, I think, pretty definite preference for Nelson had been shown before the contract was let, although the decision had not been at all final.

The call for tenders was issued in August.

Hon. Mr. CROSBY: What year?

Hon. Mr. DANIEL: 1912. Only a month was given for the preparation of estimates, and I expressed the opinion that that was a pretty short time. He said:

I don't think so. There were no features other than transportation to consider, and the contracts had been let for previous sections. Any contractors who purposed competing for the work would have had their representatives out looking over the character of the country long before they were called upon for tenders.

Now here is the point:

Our estimates showed the Nelson line to be about $3,000,000 cheaper than the Churchill line. The contractors' tenders made a still greater difference. The contractor's tender, extended, amounted to $3,668,000 and some hundreds for the line to Nelson, and $7,798,000 for the line to Churchill. At the same time, it was felt that although a very small development—such a very small one as would not justify the construction of the Hudson Bay railway—might be made at Churchill at a less cost than at Nelson, an adequate development would probably cost less at Nelson than at Churchill.

There, in a nutshell, I think, you have the reason why Nelson was chosen—that for a small business it would not be necessary to spend much money on Churchill, and it would be cheaper to go there, but for an adequate development, for a large business, it would cost more to provide facilities at Churchill even after you had the railway there, than to provide them at Nelson. There was also to be considered the additional length of railway, which would increase the cost of maintenance, because every additional mile of railway means additional expense. Now, I think that is the principle. He goes on to say:

In view of the difference in the tender costs there was a strong preference for Nelson. However it is on the economic side that Port Nelson has the chief advantage over Churchill; we were not building a harbour, we were building a port. The expenditure on the Hudson Bay system is not for the purpose of furnishing protection for vessels, but to get the grain overseas as cheaply as possible; and the extra length of line to Churchill, and the extra cost of maintenance, which is unquestionable, would offset a very considerable capital expenditure at Nelson. I am not at all sure that for 10,000,000 bushels development Churchill would not be cheaper than Nelson; but a large enough development, looking forward to the future, one that might take care of twenty-five or thirty million bushels, Port Nelson harbour terminals will cost less than terminals at Churchill. The railway, as shown by the tenders, has an advantage of $4,100,000; and the operating preference is all in favour of Nelson.

I think I have said sufficient with regard to that to show the reasons why Nelson was chosen and why Nelson should be retained. The cost of the undertaking thus far was given to us last year, up to the 31st of March, 1919, as $20,851,816. Of this, $14,526,560 is for the Hudson bay railway, and $6,125,256 is for the terminal at Port Nelson. The railway, as you know, is not completed. I think it requires about 90 miles to get into Nelson. The terminals at Nelson are not completed; I understand they could not be completed under about four years, supposing they had been gone on with. Under present conditions of scarcity and cost of labour, and everything in connection with the work, it is almost impossible to form anything like a near estimate of the expenditure that must be undertaken in the future even to get this port into a position to test it as to its commercial ability. I would not think it advisable, even in the interest of the undertaking itself and of those who are anxious to see it carried through, to have a break in it that would stop the business for an indefinite length of time, until engineers and railway men could go all over that country and locate a line and tell us how much it was going to cost. If I were a member from the Northwest, and anxious to see this railway put through, and the whole undertaking in operation, I would not vote for a clause like that. However, that is for those honourable gentlemen to decide for themselves; that is my own view.

Mr. McLachlan was another engineer who had charge; he was out there three years, and he is the one who undertook to examine the barren lands part, and he said in his evidence that in going over this line if you want to go to Churchill you have to go over thirty miles of this barren land. He describes the peat and moss in an interesting way. He says:

Mr. McLachlan: Here is a plan showing the country south of Churchill. There are many other plans, and better plans than this one. Just about 15 miles north of Port Nelson you run into what they call the barren lands. The barren lands are simply peat bogs; the only difference between them and peat bogs is—

The CHAIRMAN: There is no peat?

Mr. McLachlan: The only difference is that they are frozen, that is, they are frozen from a depth of about 20 inches from the surface down as far as you like to go.

By the Chairman:

Q. They never thaw out?—A. They never thaw out, and we do not know how deep that peat is, because we never dug a hole more than nine or ten feet deep. But we did dig a number of holes of that depth and brought out samples; we weighed them, thawed them out and weighed them again, and we found it consisted of ninety-five per cent water and five per cent peat.

Just listen to this:

It stinks even in a frozen condition. When I examined those barren lands, which I did in two places—once fifteen miles north of Nelson, once about thirty miles south of Churchill—I found a mat of moss on the top about eight inches thick. I think that fully two-thirds of it would be dead. Then underneath that mat of about eight inches of moss there would be a mixture of water and fibre for a depth of a foot. I think it would be nearly all water, but there would be just enough fibre to make it appear something like the stuff you see in the beater of a pulp mill. Underneath that the material below would feel like ice, but when you dug into it you would find it would be frozen peat.

And so he goes on to describe this, and he was there and examined personally, and knows exactly what he is speaking about. He goes on to say:

> The area that is covered by the barren lands extends practically all the way from fifteen miles north of Nelson clear up to within, I suppose, ten miles of Churchill.

That is one of the reasons probably, though of course I do not know, why the railway was sent to Nelson instead of Churchill. He says:

> Building a railway line to Churchill, I think, on the original location that was chosen by the people that ran it in 1908, you would cross about thirty miles—

—that is, of this stinking peat.

I might say that in opposition to all this there is the testimony of Mr. Tyrrell. Now, Mr. Tyrrell is not a civil engineer at all, but a mining engineer, and he made his trips through that country in the winter time, when everything was frozen solid and the country was covered with snow; yet on the strength of those trips then made he said, in contradiction of the remarks made by Mr. Bowden and Mr. McLachlan, which I have read, that there were some twenty inches of good moss growing in the gravelly soil in that country, and no trouble at all about building the railroad — statements that I can hardly understand. In fact, Mr. Bowden or Mr. McLachlan, in referring to this testimony, stated that there were a great many people up in that country in past years who made statements about the country on which he could not place the slightest reliance, and he characterized Mr. Tyrrell's evidence as of that kind. I could not see very well how he could go to that extreme, because we know that professional men are rather careful about statements they make about other professional men; but McLachlan had examined the stuff himself, while Tyrrell had only snow-shoed over it, I suppose, in the winter time, when everything was frozen, and he could not see anything under the snow. There is the difference in the evidence of the two men.

I think I already mentioned the futility of building this line to Nelson if the completion of the facilities is not proceeded with, because business could not be done there. On the other hand, if this learned Commission of engineers and railway men, after two years study, should bring in a report that it would be better to go to Churchill after all, then all that expenditure would be useless, and the 90 miles of railway to Nelson might be lost by having to be pulled up afterwards. So far as that suggestion is concerned, therefore, I must say I do not approve of it.

The Committee wind up with the recommendation that they—

> Submit herewith an extract in narrative form of the evidence given before the Committee, and beg to recommend that 1,000 copies of this report and the extract of the evidence be printed in pamphlet for for general distribution.

They ask that this report, and not the evidence that was taken, but their edition of the evidence, be printed. I object to that, and, as it is so near six o'clock, I will close by moving:

> That this report be not now adopted, but lie on the Table until such time as the members of the Senate are provided with a copy of the evidence as taken by the Committee on the Hudson bay railway.

Hon. Mr. CASGRAIN: I will second that.

Hon. Mr. WATSON: I beg to move the adjournment of the debate until to-morrow.

The debate was accordingly adjourned.

PICTOU HARBOUR BILL.

FIRST READING.

Bill 21, An Act respecting the Harbour of Pictou, Nova Scotia.—Hon. Sir James Lougheed.

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Bill 137, an Act to amend the Criminal Code.—Hon. Sir James Lougheed.

SITTINGS OF THE SENATE.

Hon. Sir JAMES LOUGHEED: May I suggest that we should meet at 2 o'clock hereafter, the same as the House of Commons, with a view of disposing of the business before us? I think it will be more desirable that we should meet at 2 o'clock rather than sit at night. Therefore, I would move, with the consent of the House, that when the Senate adjourns this afternoon it do stand adjourned until to-morrow at 2 o'clock, and meet each day at 2 o'clock until further ordered.

Hon. Mr. BOSTOCK: Are we to understand from this that the leader of the Government thinks the end of the Session is near?

Hon. Sir JAMES LOUGHEED: Yes, I may say to my honourable friend that it is within distance.

The motion was agreed to.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Wednesday, June 16, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS.

SECOND READINGS.

Bill T4, an Act for the relief of Graziano Bertini.—Hon. Mr. Edwards.

Bill U4, an Act for the relief of William Henry Caswell.—Hon. Mr. Ratz.

Bill V4, an Act for the relief of John Covert.—Hon. Mr. Ratz.

Bill W4, an Act for the relief of Mary Ireland.—Hon. Mr. Proudfoot.

Bill X4, an Act for the relief of John Daniel Mills.—Hon. Mr. Blain.

Bill Y4, an Act for the relief of Joseph Aimé Wilfrid David.—Hon. Mr. Bradbury.

Bill Z4, an Act for the relief of Richard Simpson.—Hon. Mr. Fisher.

CIVIL SERVICE BILL.

CONSIDERED IN COMMITTEE.

Hon. Sir JAMES LOUGHEED moved that the Senate go into Committee on Bill 53, an Act to amend The Civil Service Act, 1918, and the Civil Service Amendment Act, 1919.

Hon. G. H. BRADBURY: Honourable gentlemen, I desire to make a few remarks, which might or might not be in order when we went into Committee, regarding the outside service. If I am in order I would prefer to address myself to the House rather than to the Committee.

Hon. Sir JAMES LOUGHEED: If my honourable friend desires to make any remarks, I would prefer that he make them in Committee. I understood from a ruling given by the honourable the Speaker the other day that a member was not precluded from speaking on the principle of a Bill, even after the second reading. Of course, it is generally understood that under our rules the principle is discussed on the second reading, but my honourable friend from Selkirk (Hon. Mr. Bradbury) might be permitted to raise the question in Committee.

The Hon. the SPEAKER: Of course it must be by consent of the House. My ruling the other day was that there might be a discussion regarding the principle of the Bill on the motion to go into Committee.

Hon. Mr. POWER: This Bill does not touch the principle of the Civil Service Act at all; it is simply a Bill to make modifications in certain clauses of the Act, and does not affect the principle, on which, I think, the honourable gentleman from Selkirk purposes addressing the House. As I look at it, there is nothing in this Bill which deals with the appointment of civil servants or their promotion, and, as I understand, these are the subjects which the honourable gentleman from Selkirk intends to discuss. My view is that they do not come within the rule which His Honour laid down the other day, because this Bill does not affect the principle of the Act at all.

Hon. Mr. BRADBURY: May I be permitted to explain? The honourable gentleman from Halifax has anticipated, or thinks he has anticipated, what I was going to say. My desire is to refer to a matter that affects the county that I once had the honour of representing, and this is, I presume, the only opportunity I shall have of referring to it. I wish to call the attention of the Government to the manner in which appointments are made in connection with some of the works in that constituency, and as this is the only Bill which will give me any right to address the House on the question, perhaps the honourable leader of the House will agree to my discussing it now.

Some Hon. SENATORS: Go on.

Hon. Mr. BRADBURY: Honourable gentlemen, the Bill that is before the House, providing for certain amendments to the Civil Service Act, gives us an opportunity of expressing our opinion on different phases of that Act. I desire to take up just a few moments in calling the attention of the House to the scheme outlined for the reorganization of the Civil Service of Canada. The Civil Service question has been mooted for years. Every honourable gentleman who knows anything about the organization of the service, especially here in Ottawa, has felt that it was overmanned. It is remarkable that, in face of that indisputable fact, thousands of appointments have been made to the service during the last two or three years. Notwithstanding the object lesson that we have before us in the classi-

fication made by the American experts, so-called, the Government now proposes, I am told, to bring back practically the same men under a different name. That would be a joke if it were not worse. I contend, honourable gentlemen, that the day has arrived when a thorough reorganization of the service should take place; but I submit that it is within the knowledge of every honourable gentlemen in this House that we have men in Canada competent to do the work. We have the great Canadian Pacific railway with its wonderful organization and its efficiency men who come from that service—men who have made that service one of the finest official services in the world. If the Government decided not to employ men in the Departments to make the reorganization, why could not they ask the Canadian Pacific railway to loan them two or three of their efficiency experts. Would it be asking too much to ask the Bank of Montreal or the Bank of Commerce, those great financial institutions which have to keep their staffs at the highest point of efficiency, to lend the Government one or two experts to accomplish this much desired work? I believe that in that way we could secure a Board that could accomplish the organization in a manner much more satisfactory to the country for one-tenth the sum that we would have to pay to these American so-called experts. Before leaving that point I would like to emphasize this fact. While there is a great deal of stress laid upon the inefficiency of our present service, I have never heard any man get up and try to place the responsibility where it belonged. If you want efficiency, you must have efficiency at the head; and if you have deputy ministers in the Service who are incompetent to control and regulate their departments, how in the world are you going to get an efficient service? I submit, honourable gentlemen, that when this reorganization takes place it should start among the deputies. We should see that we have in each department a thoroughly competent and efficient deputy minister, and we should make him responsible for the efficiency of his department, and the officials of his department should be amenable to him. You cannot have efficiency in a great department if you rob the deputy of authority. If he cannot retard or advance a man in his promotion, what is the result? The result is that the staff has no respect for or fear of the deputy. I trust that when this reorganization is undertaken it will be handled by a competent Canadian Board that will be well qualified to carry out the work. I am satisfied that we could go into some of the departments and with chiefs from different branches accomplish an organization that would be a credit not only to them but to the Government. If the Government fears that there would be favouritism if that were done, let them get Canadian experts from outside the Service to carry out this work, and not bring in these American experts to bedevil the Service as they have bedevilled the classification.

In this connection, I desire to call the attention of the House to an editorial published in the Winnipeg Telegram on May 5th. It will give the House some idea of how our outside service is handled under the present system. This editorial is headed, "Dominion Sweat Machine." It says:

> The Dominion government has advised the secretary of the Imperial Veterans in this city that it has two positions as lockmen at St. Andrew's Lock and Dam to offer returned soldiers, and the terms of labor and rate of pay are stated by the district engineer of the Dominion department of Public Works.
>
> The wages, set by the Dominion Civil Service Commission for each of these positions is sixty dollars per month.
>
> The men are required to work alternate weeks by day and night, the length of the working day being twelve hours.
>
> The duties outlined are: Opening and closing lock gates; handling lines of vessels going through the locks; maintaining and lighting navigation lights; cleaning grounds and locks; standing watch for approaching vessels; opening and closing sluices controlling the height of water in the upper canal.
>
> The qualifications required of each holder of these positions are: Primary school education; some knowledge of machinery; some knowledge of navigation regulations in regard to canal traffic; in some cases ability to speak both English and French; good sight and hearing.
>
> Sixty dollars a month is offered as pay by the Dominion Government to the returned soldier possessing these qualifications to perform these duties for twelve hours a day or night.

It is not offered by the Dominion Government: it is offered by the Commission.

> In these times under the present stress of living and the high cost of everything, this offer is nothing less than a public scandal. It is the methods of the sweat shop which people thought went out of existence a decade ago. The Civil Service commission should be made explain how it dare demand such work from men so qualified at a wage so inordinately out of all proportion to the ordinary living requirements of the day.
>
> It is hoped that, if only in the interests of the returned soldiers the Winnipeg members of Parliament will regard it as their bounden duty to bring this scandal to the attention of the Minister of Public Works. Either his department or the Civil Service commission needs very

immediate and very great enlightenment upon that common justice which is the due of the Dominion's laborers, whether they be returned soldiers or any others.

No man with a family can live in decency on a wage of sixty dollars a month and give twelve hours work in daily return.

I desire to emphasize that article, if it needs emphasizing. This work happens to be in my own old county, and I understand every phase of it. The pre-war wage for that work was $75 a month, and in the face of the increased cost of living they offer these men $60 a month, when they should receive at least $90 a month. To my mind it is absolutely absurd, and I cannot understand why the Civil Service Commission should undertake to endeavour to secure men to perform this very important duty at such wages.

Now, honourable gentlemen, let me tell you in just a few words what this work is. St. Andrew's dam and lock is a work that cost this country close to $2,000,000. It was undertaken by the late Government and was almost completed by them before they went out of office. It is one of the finest pieces of engineering on this continent; in fact, I understand that there is only one other work like it on the continent. The machinery in connection with the work is very intricate. The gates are lowered and raised by means of electricity. The men employed there must be competent, sober, industrious and trustworthy. One careless move could easily destroy thousands of dollars worth of public property. In view of that fact you will realize the importance of securing efficient help; and to offer men $60 a month to work twelve hours a day in performing this important work is, as the editorial says, little short of a public scandal.

Hon. Mr. DANDURAND: Is that wage based on the new Classification?

Hon. Mr. BRADBURY: I presume so. The advertisement of the Civil Service Commission appeared only on May 5th, under the new Classification. Those who have given any study to the Classification will realize the absolute absurdity of it. The men who came here to classify this great service were absolutely at sea in regard to many positions. There are many men in this House who have had much to do with managing work of different kinds and taking charge of men; and they must realize that if the man charged with the conduct of any work has not something to say about the men placed under him, he cannot be expected to successfully conduct that work. The only man who could with any degree of success select these men for the locks and control this work is the superintendent of the works. I represented that county, and I would not have taken the responsibility of putting a man on that work without the consent of the superintendent, because I realized the very great importance of the position and the fact that a man so appointed might be the cause of serious damage and loss to the country. Ever since that lock and dam were built, even during the days when patronage was supposed to belong to members of Parliament, the superintendent has chosen his own men; and up to the present time he has made a great success of the position which he has occupied.

In this connection I want to draw the attention of the Government to the fact—I do not know whether it is worth while drawing the attention of the Commission to it—that the Superintendent of that great work, before the Classification was made, was receiving a salary of $1,800 a year and a free house. When the gentlemen entrusted with the Classification came on the scene, without ever seeing the work, or without knowing anything at all about it, they fixed his maximum salary at $1,800, or exactly what he has been getting for some years. I submit, honourable gentlemen, that the maximum salary of the superintendent of that work ought to be not less than $2,500, and the salary of his assistant ought to be not less than $2,100, or $2,200. These two men control this very valuable work, and they should be placed in a position to render good service to the country without serious sacrifice to themselves. My main complaint is this, however, that no group of men situated in Ottawa is competent to choose the men to be employed on works of this kind. They cannot know the facts. That is absolutely impossible. The idea of advertising for labouring men is absurd. If a man left that lock to-morrow the superintendent would have to send word to the resident engineer at Winnipeg, and would have to wait until he got instructions to employ a man. What I have said, honourable gentlemen, applies to public works all through the western provinces, and I suppose to works in all parts of the Dominion. The town of Selkirk is the headquarters of four or five dredges. They require from 100 to 150 men every spring. Since this Classification came into effect the superintendent there has had no authority to engage one man. They are all obtained by means of advertising and those employing them do not know whom they are picking out. The

consequence is that the crews on many of those dredges must be away below the mark; the dredges cannot perform the work that they used to perform; they are endangered by the incompetency of some of these men, and the whole efficiency of the public service is very much impaired.

In view of these facts, I submit that something ought to be done, and done at once, to take the outside service from under the authority of the present Civil Service Commission. I have not one word to say against that Commission. I believe the Commissioners have more work than they can possibly perform. If they were given only the Ottawa situation to deal with and to reorganize, they would still have their hands full; but to load on top of that all the work in connection with the outside service of Canada is to my mind absolutely absurd, and under such conditions we cannot expect them to discharge their work in a manner that will result in anything like efficient service. Now, honourable gentlemen, this is a serious question. It is not a question of removing patronage. They talk of taking patronage away from the members. At one time we had 230 members from all over the Dominion, and patronage was largely in their hands, but an agitation arose to take the patronage away, as it was said that patronage was a great crime; and what did they do with it? They placed it in the hands of three or four men. They have not done away with patronage; they have simply transferred it from the members who were legitimately authorized to deal with it, who were elected as representatives; but under the present system those men are brushed aside, and are practically told: "You don't know anything about your county; these four or five men sitting in Ottawa will pick out those men for you." I say the thing is absurd, and absolutely impracticable in the best interest of the country; and I have no hesitation in adding that under the present system it will cost the country hundreds of thousands of dollars more to carry on the outside service than it would under the old system. In view of these facts I say that something ought to be done to rectify the situation. I know it is not a very popular thing for a man to air his opinions as I am doing, but I do so in the best interests of the country. I believe I know the facts that I am stating, and their absolute truth; and I am sure I am not the only one, for the members of the House of Commons and Ministers of the Government must know that the present system is absolutely impracticable and not in the best interests of the country. I would like to emphasize the fact that if there is going to be any efficiency there must be responsibility by chiefs who are placed in charge of this great outside organization. Those men must be trusted officials, and must be given absolute control over their men. I am told that such a situation has developed in Manitoba that employees, realizing that the superintendent has nothing to do with their employment and cannot dismiss them without first getting authority to do so, pay no respect to their superiors because they fail to exercise the control that they should have over their men. It is impossible that they should do that unless the Government places them in a position to employ every man who goes on their work. The only practicable method is for the superintendents of those great works to be made responsible for the help that they require.

Hon. Mr. POWER: While I think that the course of the honourable gentleman who has brought up this important matter should have been to give notice of an independent motion, because there is nothing in the Bill before us which deals with the question he has so vigorously put before the House, on the whole I am greatly in accord with the honourable gentleman in what he has said with respect to the works he has mentioned. Already on more than one occasion I have expressed my disapproval of the action of the Government in putting the reconstruction or reorganization of our Civil Service into the hands of a Chicago commercial concern. My view has always been that a Minister, three or four deputy ministers, and perhaps some other members of the Civil Service, with a couple of clear-headed business men from outside, would have brought about, at an almost infinitesimal cost, much more satisfactory results, and more promptly, than those accomplished. After putting in two or three years, I do not remember which, in allowing the Chicago gentlemen to deal with the question, we are now asked to hand over the further development of this reorganization to an American concern headed by a gentleman with a very German name. I think that is an unfortunate thing. I am satisfied that if the matter were handed over to our own officers they would in a very short time produce a much more satisfactory result at a much less expenditure than will arise in connection with the employment of this German concern.

Hon. Mr. BOSTOCK: The honourable gentleman from Selkirk has dealt with a certain phase of this situation, and I do not propose to follow up exactly what he said, but I congratulate him on bringing the matter to the attention of the House. The honourable gentleman has criticized the action of the Civil Service Commission and the working out of the Act of 1919. Of course, that Act, even to-day, is still somewhat on its trial. But I want to draw the attention of the House to the position at the present time as I see it. On Monday last the Montreal Gazette had a leading article on this whole question of the present action with regard to the organization of the Civil Service and the employment of this firm from Chicago. In that leading article reference was made to an order-in-council passed by the present Government, under which, as I understand, that reorganization is to be entered upon. I find that that Order in Council was published in the Ottawa Journal on the 9th of June, and for the benefit of the House I desire to read it. The honourable Minister of Labour is, I think, one of the members of the Government who is mentioned in the Order in Council, and if this copy from the Ottawa Journal is not absolutely correct he will be able to tell the House any way in which it is incorrect. The Order in Council, as reprinted in the Journal, reads:

The committee of the Privy Council have had before them a report, dated 28th May, 1920, from the Minister of Trade and Commerce, submitting as follows:

The contract made with Arthur Young and Company by the Civil Service Commission is about to expire, and the work therein contracted for has been very nearly completed. This work included the production of a system of classification of the Civil Service, and the reorganization of the Department of Public Printing and Stationery. The question now arises as to whether or not the work of organizing other departments of the public service shall be proceeded with.

The matter has been discussed by a small committee consisting of Sir George Foster, the Hon. J. A. Calder, the Hon. N. W. Rowell, the Right Hon. A. L. Sifton, and the Hon. M. Burrell, which has given careful consideration to the work already done, and more especially as regards the reorganization made in the Department of Public Printing and Stationery. Arthur Young and Company have transferred to Griffenhagen and Associates, Limited, that branch of their work which especially has to do with the reorgnization of municipal and governmental civil service and the organization of business corporations in respect to staff organization, and plan work of the Arthur Young Company upon the same plans and with the same efficiency as the original company, and is prepared to continue the reorganization of the Public departments of the Government along the lines pursued in the Department of Public Printing and Stationery. The committee referred to has no hesitation in commending in the strongest possible way the work of Arthur Young and Company in connection with the reorganization of the Department of Public Printing.

As a result a total saving in labor alone of $500,000 per year has been made, which during the next year will be increased by an additional $200,000, making a total saving of $700,000 a year in that establishment alone, with the result that a larger output and a more efficient product per man and per machine has been attained under the reduction effected. The company itself, basing its statement upon its previous experience, and the work actually accomplished in the Department of Public Printing, is of the opinion that many millions of dollars can be saved in the operation of the Government departments by an application of up-to-date and scientific principles of organization and operation.

The committee, after careful consideration, is of the opinion that a very substantial saving, together with much more efficient and orderly work, would result from the reorganization of Government departments on the lines pursued by that company. They are of opinion that the services of Griffenhagen and Associates, Limited, should be retained, and that the reorganization of the departments at Ottawa should be proceeded with, taking up for commencement the two Departments of Post Office and Customs, the former of which has some 24,000 employees and the latter some 4,000 odd.

The company is of the opinion, and the committee sees no reason for disagreeing therewith, that commencing the reorganization of these two departments, savings will begin to be realized gradually after two or three months of work, which in the end, in respect to the Post Office Department, may well reach many hundreds of thousands of dollars per year, with proportionate saving in the Customs Department, and the committee believes that based upon the results already obtained, and the expenditure already made in respect to the classification of the whole Civil Service, and the reorganization of the one branch which has now been nearly completed, it is wise, if not imperative, that the work shall be carried on and the benefits extended gradually to the other departments. They therefore recommend that the services of the above named Company be retained, and that they proceed to reorganize the two departments mentioned above, and that, whilst engaged in that work, they also make their observations and examinations with a view to preparing a general plan for the reorganization of the departments as a whole, which may, at the option of the Government, be undertaken and carried out.

It is thought also, that under the circumstances, the company's operations should be carried out under the supervision of and in connection with a committee of the Cabinet in order that quicker despatch may be had than would be attainable if they worked under the supervision and direction of the Civil Service Commission. Besides the work already pressing upon the Civil Service Commission in carrying out the classification of the service is quite as much as they are able to handle with efficiency and despatch.

The staff that would be necessary in order to carry out the above programme would consist of seven principal experts and four associates

of the company. These would work on the general organization referred to above, with one principal and one associate on the plan of accounting and financial control, which would be applicable to all the departments, with one principal and one associate; which would also be applicable to all departments; two principals and one associate for the organization and system of the Post Office Department; and two principals for the organization and system of the Department of Customs and Inland Revenue; these making up the total above referred to.

Associated with and under the supervision of these experts the departments would be asked to furnish some members of its staff who have a knowledge of the constitution and technique of the department, who would work in conjunction with the experts and in the course of the work would not only give clerical assistance to the experts, but would themselves acquire a knowledges of the methods and plans which would enable them afterwards to undertake a large part of the organization work of the future and render it unnecessary to have a large amount of expert work for future operations.

The company would be prepared to organize and commence their work on June 1, and they have submitted to the committee a statement of the expenses which would be incurred in respect to the work above mentioned. The committee are strongly of the opinion that the work outlined above should be undertaken at once and carried to completion, leaving the matter of further reorganization for future consideration and action.

As to the costs of the above work carried on with the staff indicated therein, the charges would be $10,000 per month, including all fees and charges, except actual travelling expenses, based on the assumption that the work would cover at least a period of not less than twelve months, that the Government would furnish office facilities and supplies and clerical help, and that the company would be reimbursed for the actual out-of-pocket and subsistence travelling expenses incurred by members of the staff in travelling to and from Ottawa and from point to point outside of Ottawa as rendered necessary in connection with their work on the Post Office and Customs Departments. The above estimate as compared with the unit charges, for the Printing Bureau work, is from ten to fifteen per cent, lower.

The minister therefore recommends that a contract be entered into with Griffenhagen and Associates, Limited, for the above mentioned work and on the terms as indicated therein, and that a committee of ministers consisting of the Minister of Trade and Commerce, the President of the Privy Council, the Minister of Labor and the Minister of Immigration and Colonization, be appointed to oversee and direct the preparation of the contract and the execution of the work herein provided for.

What I want to point out to the House is that when we passed the Act establishing the Civil Service Commission, and gave them the powers of classification and reorganization of the departments, we assumed that the work was going to be handed over to that Commission. This Order in Council, however, would lead me to think that the Government have come to the conclusion that the Civil Service Commission is either not doing its duty or is not able to perfom all its work, and therefore the Government have appointed this Committee of the Privy Council, outside of the Civil Service Commission, to deal with the question of the reorganization of the departments. What was held out to the country was that the Civil Service Commission was to be a body absolutely independent of all party patronage, and that the members of the Commission were to be in the same position as judges, removable only by Parliament. Whether or not the work that the Civil Service Commission has been doing has been unsatisfactory to the Government I am not in a position to say; probably the honourable Minister of Labour can give us the information; but is seems that now the Government have practically superseded the Civil Service Commission with respect to this question of reorganization and are taking the work entirely out of their hands. I would judge, from this Order in Council, that the Civil Service Commission is not in any way responsible for the employment of Griffenhagen and Associates, Limited, and that the reorganization of the departments is to be carried on absolutely independently of that Commission. I thought it was right to bring this to the attention of the House in order that the present position of the matter might be understood. I noticed the other day that the honourable Minister of Labour, when speaking on the second reading of this Bill, drew a distinction between this question of reorganization and that of classification. The Civil Service Commission apparently have carried out a classification, but the reorganization is to be handled by this Committee independently of the Commission.

Hon. Mr. TURRIFF: Did I understand from the Order in Council that was read by my honourable friend that those experts had effected a saving of $500,000 a year, and would possibly save a further $200,000?

Hon. Mr. BOSTOCK: The Order in Council says:

As a result a total saving in labor alone of $500,000 per year has been made, which during the next year will be increased by an additional $200,000, making a total saving of $700,000 a year in that establishment alone.

That refers to the Department of Public Printing. That apparently was done by the reorganization made by the Arthur Young Company under the direction of the Civil Service Commission.

Hon. J. G. TURRIFF: As I understand the matter, honourable gentlemen, that was

not done by the Arthur Young Company at all. A commission was appointed a couple of years ago to investigate the Printing Bureau and make a report. That commission, composed of two or three Canadians, made a thorough investigation and showed in its report where great saving could be effected. It is the carrying out of that commission's recommendations that has effected the saving; and that commission has cost the Government very little. My understanding is that the work was not done by the Arthur Young Company at all, or that if they did any work they were just going over the same ground that had been covered by the first commission.

Hon. Mr. FOWLER: Was not that a commission appointed on motion of the honourable gentleman from Halifax (Hon. Mr. Dennis)?

Hon. Mr. TURRIFF: No; it was, I understand, a commission of master printers. I brought up the matter in the Senate about two sessions ago. It is the carrying out of the recommendations made by that commission that is saving the country $500,00, which is likely to be increased by $200,000 additional, and has resulted in the dismissal of about 400 persons who were not needed at the Bureau, and in many other changes. So, to my mind, credit for this cannot be given to the Arthur Young Company.

Hon. R. DANDURAND: Up to this moment I have been under the impression that a committee of printers and journalists —I know there was one journalist on it— had made the inquiry into the Printing Bureau; but we are now informed officially by a report from Council that this is not so, but that it is the American company that has done the work. Between the official statement of the Government of the country and the impression which I have gathered from reading the newspapers I am somewhat at sea. Until I receive further light I can hardly contradict a statement made in an official document.

But I do not rise to discuss that point in particular. My purpose is to answer my honourable friend from Selkirk (Hon. Mr. Bradbury), who suggests that we retrace our steps and withdraw the outside service from the control of the Civil Service Commission. He makes that suggestion because he believes that the members of Parliament, who have heretofore had control of the patronage in their respective constituencies, could perform that function with advantage to the country better than the present Civil Service Commission. I am not inclined to agree with my honourable friend's argument or to accept his conclusions. We have been clamoring for a number of years for an independent administration of the Civil Service of this country in order that it might have properly qualified employees and staffs. Its administration has been made independent. It may be that in the working out of the new system it will be found necessary to make amendments whereby the heads of departments shall have a say and shall play a part. That may be; but I am not disposed to think that the present system, which is only in its beginnings, should be abandoned, and that we should revert to the old system. If we did revert to the old system my honourable friend would recognize, I think, that the heads of departments had no more control over their staff under that system than they have now. Appointments were made on the recommendation of the members supporting the Government of the day, and the persons so appointed felt that the political influence behind them made them somewhat independent of their chiefs.

I want to draw the attention of my honourable friends to a situation which existed in the large towns and cities and which created considerable of an abuse. There are in Montreal, Toronto, Hamilton and Winnipeg large offices manned by a large staff. In Montreal, for instance, there are the Customs, the Post Office, and the Excise office. The members of Parliament for such districts were hounded from morning till night by people who wanted situations for friends who could not earn their own living. The persons who obtained the appointments were those who could command the greatest political influence in the ward or constituency. Occasionally there was appointed a man who rendered efficient service, but at other times men were appointed who were absolutely incompetent. This took place chiefly in cities of large population, and I can testify that the representatives of those districts were unable to discharge effectively their duties as members of Parliament, because their time was taken up mainly in meeting the hundreds of persons who wanted appointments or in meeting the relatives and friends of disappointed office seekers. The result was that great efforts were constantly being made to increase the staff.

When an administration which had been for some time in office was replaced by another, the gates were forced open and hundreds of new appointments were made. I will not refer to 1896. There may have

been at that time an opening of the gates. I cannot say. It is for my friends on the other side to look into the record of that time, and if they find that the gates were thrown open as wide as in 1911, that will simply strengthen my argument. I do not believe that the gates were opened as wide in 1896 as in 1911. In 1912 hundreds of new appointments were made in the Montreal post office. Perhaps the same thing happened in Toronto. I know that numbers of appointments were made in the Customs—

Hon. Mr. BRADBURY: Does my honourable friend not know that since the reclassification under the new Civil Service Act the gates have been thrown wide open?

Hon. Mr. DANDURAND: If that were the case it would simply prove that greater safeguards must be employed and we should direct all our attention and efforts to increasing the safeguards. But I remember the old system. When I speak from the point of view of Montreal I may be answered, "That is only one place," but it must be remembered, honourable gentlemen, that there are between 700,000 and 1,000,000 people in that district, and if you add a similar number in the district of Toronto and the population in the other large cities, you quickly reach a figure equal to one-third of the population of the country. The state of things became deplorable. One-third of the members of Parliament when they were at home were hounded from morning till night, and when they were in Ottawa they had no time to read Bills, but had to run from one department to another, or from one minister to another, in order that they might bring back on the following Saturday answers which would be agreeable to a few of the applicants.

We felt that in order to have an efficient Civil Service it must be removed from political influence. A change has taken place. Should we now declare, before trying the new system and endeavouring to improve it if possible, that we must revert to the old system? I am not in favour of a return to the old system until we see if the present one is not to be in the best interests of Canada.

Hon. GEORGE W. FOWLER: The honourable member from De Lorimier (Hon. Mr. Dandurand) labours under the disadvantage of never having been a direct representative of the people; consequently his view of the responsibilities of a man in that position, and the manner in which such a man carries out those responsibilities, is somewhat distorted. I have had many years' experience as a representative of the people, and to my mind there is nothing which so militates against a member in his constituency as to recommend to office a person unfitted for the position.

Hon. Mr. DANDURAND: But my honourable friend represented a rural constituency, which has far less patronage than a city.

Hon. Mr. FOWLER: But the same thing is true in proportion. The eyes of the whole constituency are on the member as to the course he shall pursue and the judgment he shall exercise in the selection of the persons for recommendation to those positions that may become vacant from time to time. As any honourable gentleman who has had experience knows, it is not so much the line of conduct which he has pursued in Parliament that governs his fate in the next election as the recommendations he has made for appointments to office in his constituency. That may be all right; that may be all wrong.

Hon. Mr. ROCHE: What about those he has not recommended?

Hon. Mr. FOWLER: How do you mean?

Hon. Mr. ROCHE: Suppose there are half a dozen applicants who have not been appointed

Hon. Mr. FOWLER: I am speaking, not of the disappointed candidate for office, but of the mass of the voters, who know whether the man whom the member has chosen and recommended is the best man or not. I disregard altogether the disappointed office-seeker, who, after having been turned down, may or may not be in accord with the member. I am speaking of the mass of the voters, who judge of a man's fitness as their representative by his ability to choose the right men for positions that have to be filled. It is impossible for anybody sitting in a chair in Ottawa, without making some inquiry, to select a person suitable for a position in the outside service in any county in Canada. Therefore the Civil Service Commission, not knowing the people, must depend upon somebody for their information. From whom do they get their information? Who is so well qualified to give that information as the man who represents the constituency in Parliament, and who, at least if he is on his job, knows almost everybody in the constituency? It seems to me there can be no possible question with regard to that. I say it is an insult to the repre-

sentatives of the people in Parliament to take away from them the right of patronage. And I say that there have never been as many scandals—if they may be called scandals—in connection with appointments or promotions when patronage has been in the hands of the representatives of the people as when it has not been; and the character of the men appointed to office under the former system will compare very favourably with the character of the men appointed at the present time.

Another thing. Patronage being in the hands of the representatives of the people, it made men who were ambitious to attain public position take an active part in the political affairs of the county in which they happened to live. Is not that a healthy thing for the public? Is it not a good thing that the young and rising generation shall take an interest, a strong personal interest, in the choice of their representatives in Parliament and in the affairs of the country? I say no man is worthy of citizenship in this country who does not take an active interest in politics. In order to incite this interest, the reward of office, of a position of some kind in the public service, if a man had a leaning that way, was open to him. That is a horrible thing, it seems, with regard to political matters, but that is all right with regard to every other matter. In education we offer prizes and medals of all sorts. In the war there were prizes and medals for the men to win. Yet in politics prizes or rewards are a crime, a scandal, a shame, according to certain persons. How shall I describe them? I scarcely know a suitable word in the English language—and I have some familiarity with it—to express my contempt for that class of reformer who would so reform politics as to take away the responsibility of members of Parliament. They would place that responsibility in the hands of a Commission, who certainly have not received any divine inspiration making them more capable of controlling these matters, or selecting persons suitable for appointment, than the men who are familiar with all the circumstances of the case.

I am opposed to this whole thing, root and branch. I am opposed to the Civil Service Commission, and, as the honourable member for Selkirk (Hon. Mr. Bradbury) has said, I would be glad to see a return to the old system. I believe my honourable friend from De Lorimier (Hon. Mr. Dandurand) is honest about this matter and wishes to see the best thing done with regard to it; but he is mistaken. I wish that before he entered this sacred Chamber he had had a baptism, as we might call it, in the other House. Then he would have understood better the whole matter, and I am satisfied that with his ability in this respect he would have taken an altogether different view. I can understand that in a city constituency there would be a considerable amount of work thrown upon the representative; that, particularly in hard times, when other work was scarce and considerable Government work was going on, there would be pressure put upon the member by persons in his constituency desiring to get jobs upon that Government work. But, after all, most of the Government work is done by contract, and that, it seems to me, would relieve the member considerably. Regarding other positions there would be some strain, but the honour of representing a great city, or part of a great city, like Montreal, the leading commercial city in Canada, ought to be sufficient to compensate anyone for a considerable amount of labour expended in looking after the interests of the voters. The strain upon members of Parliament did not, in my opinion, warrant the changing of the system as has been done in this case. I do not like to criticise the Government of the day, for it is a much better Government than anything we might expect to get from the other side—and that is a sad thing to have to say.

Hon. Mr. WATSON: What side?

Hon. Mr. FOWLER: Any side.

Hon. Mr. WATSON: What is the other side?

Hon. Mr. FOWLER: Any side. It is the best thing in sight. But it seems to have its ear to the ground more for a certain type of moral and social reformer than for the common-sense business men of the country; and I regret that that is the case. Honourable gentlemen, I do not wish to take up more time; I shall only say that I should like to see a reversion to the old system of patronage in the hands of the members of the House of Commons, not in the hands of the members of the Senate, because we are not supposed to have patronage; and I am very glad it is so, because it is not a very pleasant thing to administer.

Hon. N. A. BELCOURT: Honourable gentlemen, whilst I thoroughly agree with my honourable friend from Halifax (Hon. Mr. Power) that this is hardly a subject for discussion under this Bill, as it does

not seem to me to be germane to it, nevertheless, as the discussion has gone on, and as it is quite possible that honourable gentlemen may not again have an opportunity of putting themselves on record in regard to the subjects discussed, I think I owe it to myself to rise and voice my protest against the action of the Government. My proposition is that the reorganization and classification was the work of the Government or of the Civil Service Commission. Above all, it should not have been handed over to people who are not citizens of this country and who have no responsibility to the people of this country. Although they are probably thoroughly honest men, they are foreigners. To-day the very ugly and frightening hint is being thrown out—I do not know what is in it—that some of those foreigners are Germans. Are we to-day faced with the fact that Germans are going to reorganize the whole civil administration of this country? Are we going to run the risk of putting it in their hands to work all sorts of mischief in this country for an almost indefinite period? Frankly, I may say that I am appalled at the situation which is hinted at.

When it comes to discussing patronage I must confess that I fear that I cannot do so with very great moderation or even patience. During the twelve best years of my life I had such a taste of it in the city of Ottawa that I fear I am prejudiced.

I rose to utter my strong protest against what the Government have done, and particularly against what they now propose doing. In the past I have not criticized the asking of advice from these foreigners; but when I see the organization of the whole Civil Service about to be placed in their hands, not only for a moment or a day, but probably indefinitely, I am amazed. These gentlemen from the republic to the south of us have been consulted for two or three years past, and in future if anything goes wrong they will have to be called in to see whether their recommendations are being carried out, and if not where the trouble is—whether it caused by some defect in the system recommended or because the system is not properly administered. We are therefore faced with the possibility of having our Civil Service indefinitely in the hands of foreigners, and possibly Germans at that.

There is another thing which worries me terribly, and that is the confession by the Government—especially after the example of efficiency and courage and determination and willingness to face great dangers and grave responsibilities during the war—that there is nobody in this country that can put our Civil Service on a proper basis, and that we must therefore call in gentlemen living in the republic next to us to do the work for us. That is a confession of incompetency and weakness, or a shirking of duty, of which I am pleased to say Canada has given very few examples. I am ashamed to think of what the Yankees will say. They are saying to-day that we had to call them in to put our house in order. It is amazing to think that this has been done, not by Liberal rebels and traitors, as we were charged with being when we proposed the Reciprocity Treaty in 1911; but by the very men who, from one end of the country to the other, were shouting: "No truck nor trade with the Yankees." This Government since coming into power has rushed to Washington at every opportunity without the slightest provocation; and I say that this example of incompetency and weakness—I almost said imbecility—on the part of the gentlemen who a few years ago were shouting that cry in calling these men to their assistance, is marvellous. I do not know which is the most to be wondered at—the audacity of the Government in doing it, or the inconsistency of the people supporting that Government. I am very much disturbed over the future of this country, when measures of this kind can pass through both Houses of Parliament and receive so little attention from the people of Canada. But, after all, when we had the Canadian Northern and the Grand Trunk railway deals palmed off on us, I do not suppose we should marvel at anything. Any Government that could put those deals through can put through this reorganization of the Civil Service. It seems to me that there is an indifference or a want of interest in public affairs in Canada which is a very bad omen for the future of the country. If the people of Canada will not rise in their might and tell the Government that the time has come when they must stop doing these foolish things, I do not know what will happen. As I said in opening, I rose to voice my protest; and I cannot make it any too solemn.

With regard to patronage, I can hardly speak with moderation. For twelve of the best years of my life I was a member of Parliament for this city. During that period, every day, from the time I got up in the morning until I got into bed at night, I had no rest. I have frequently left my office a few minutes before 3 o'clock to walk up to Parliament, which

occupies five minutes or so, and on many occasions I did not arrive at the building until the House was about to adjourn at 6 o'clock. I could tell you something, honourable gentlemen, of what it means to be a member for this city, and yet I did no good to anybody. I spent twelve years of my life scrubbing the floor and washing the dishes, politically speaking, and did no good to anybody. I had no opportunity of attending the sittings of the House or the meetings of Committees of which I was a member, for I was seldom allowed to sit in my seat or attend a Committee. That, honourable gentlemen, will give you some idea of my views on patronage. I am one of those who welcomed the establishment of the Civil Service Commission, and to-day I am sorry to see this Commission shorn of its powers and the means of doing the service it is called upon to render, a service which I have no doubt it could render if it were left alone and not worried and bothered by foreigners who know nothing of the situation. What position is the Civil Service Commission going to be in hereafter? Without any responsibility at all, they are going to be called upon to put into effect a Classification and to carry it on. They are going to be called upon to execute plans formulated by someone else; but they are to have no direction or control.

Hon. Mr. FOWLER: What the honourable gentleman has said is not true of the Classification. The Civil Service Commission appointed the men to make the Classification. This is simply a reorganization. It is just as bad from the standpoint of nationality.

Hon. Mr. BELCOURT: The two things are so intimately related that you cannot separate them. The Classification has everything to do with the Civil Service. It must be made upon a scientific basis; there must be some scientific principle at the bottom of it. The Commission will be bound by the principles laid down in the Classification, and I leave it to you, honourable gentlemen, to say with what interest, with what willingness, they will put into effect a Classification with which they have had nothing to do. The whole thing is absolutely wrong, and I am amazed that the Government should have done this thing. It seems to me almost incredible. I sometimes have to ask myself if it is really so that any Government could put through a measure of that kind and stick to it. I think the Government owes it to the country to drop these foreigners. Their work is not going to satisfy anybody, and it is going to destroy the efficiency of the Civil Service. If the Government will listen to what is being said, not only in Parliament but on the streets throughout the cities of this country, it will drop these gentlemen from the other side as quickly as possible.

Hon. GIDEON ROBERTSON: Honourable gentlemen, the remarks and inquiries made by the honourable leader of the Opposition (Hon. Mr. Bostock) merit a reply, and the observations of the honourable gentleman from Ottawa (Hon. Mr. Belcourt) also call for an answer. While I agree that the subject discussed by the two honourable gentlemen mentioned does not properly come into the discussion of this Bill, probably the House will permit me to occupy a few minutes in attempting to straighten out what appears to be a serious misapprehension in the minds of some honourable gentlemen as to what is contemplated in this proposed reorganization of the Civil Service.

May I repeat what I said the other day respecting the distinct cleavage between the terms "Classification" and "Reorganization." The honourable gentleman from Ottawa a moment ago properly referred to the necessity of a classification of civil servants being based upon some principle. For many years, perhaps ever since Confederation that principle has been length of service: the longer a man was in the Service the more annual increases he received in salary, and in consequence his salary increased with length of service, regardless of his qualifications and abilities. The result was that aged and infirm and crippled and incompetent civil servants were receiving the highest salaries, whereas the young, virile, competent men, the men who were doing the work, were receiving perhaps half what others received for doing nothing. That evidently was not a proper or just principle upon which to base the classification of civil servants; therefore an investigation was ordered, and an experienced firm of accountants, Arthur Young & Company, were employed. Notwithstanding the fact that their headquarters happen to be established in the city of Chicago, both Arthur Young and his partner were born in Glasgow. Arthur Young & Company were engaged for the reason that they had been carrying on this sort of efficiency work in the United States. They had established themselves there because of the fact that Canada until very recently had not offered a large enough field for a firm of the size

of Arthur Young & Company to engage in that kind of work.

Hon. Mr. BELCOURT: Was any attempt made to have that work done by anyone in Canada?

Hon. Mr. ROBERTSON: I cannot speak with definite assurance on that point, and do not propose to make a statement on which I am not sure.

Hon. Mr. DANDURAND: Most of the actuaries are Scotchmen.

Hon. Mr. ROBERTSON: Yes. I might also say that a considerable proportion of the employees of the firm of Young and Company, and also of Griffenhagen and Associates, incorporated, who are now under consideration, are Canadians who qualified themselves for the practice of efficiency engineering, but who could not obtain employment in Canada because of the fact that opportunities did not offer.

Hon. Mr. BELCOURT: Surely Griffenhagen is not a Canadian.

Hon. Mr. ROBERTSON: Many of our Canadian boys have gone to the United States and have obtained certificates from the efficiency institutes, particularly the Boston institute, and are now employed by such firms as Young & Company, and are frequently sent to Canada. It might be interesting if I were to state that of the eleven men referred to in that Order in Council, at least four are Canadian citizens; another is of French birth and has been residing in Canada for more than four years, and will soon be eligible for naturalization if he desires it; and the rest, I believe, are all American-born citizens. I make that statement to point out to honourable gentlemen that this is a business proposition, and that in obtaining the services of these people we were merely obtaining services which were not obtainable in Canada. This firm have been for some time past, and are at the present time, carrying on similar work for the Bank of Montreal; and I might mention that other business concerns in this country are also utilizing their services. Because there happens to be a joining up of an Irish name, and perhaps a Scotch one, is no reason for saying the name is German.

Hon. Mr. POPE: What is the name of the firm?

Hon. Mr. ROBERTSON: The name of the firm is the Griffenhagen Association. It is an association of accountants and efficiency engineers who, in partnership, carry on this work. It happens that the name Griffenhagen is associated with it. Mr. Griffenhagen is an American citizen, and, I am informed, an American born. Judging from his name, I should say that probably his ancestors came from Denmark, but I do not know anything about that.

Hon. Mr. LYNCH-STAUNTON: Do you think he is or is not a German?

Hon. Mr. ROBERTSON: I do not know. He is an American born.

Reference has been made to the reclassification work and the reorganization of the Printing Bureau by Arthur Young & Company, to whom, as my honourable friend was pleased to interpret this Order in Council, credit was given for the reorganization plan and work. I think if the whole facts were laid bare they would be about like this. When the present Minister of Customs became Secretary of State he discovered a most deplorable state in the Printing Bureau. Arising out of that discovery a committee of Canadians whose names I forget—I think the late Mr. Slack of Montreal was one of them—made an investigation, as directed by the Government, and made a report. The Civil Service Commission in turn were authorized and instructed by the Government to endeavour to bring about a reorganization. Arthur Young & Company were in the city engaged in the classification work. The classification was something entirely different from the reorganization; but they being experts in that line their advice was obtained, certainly with marked success and the saving of a great deal of money.

Hon. Mr. BELCOURT: Would my honourable friend tell us what the Commission appointed by the Government did and what Arthur Young & Company did?

Hon. Mr. ROBERTSON: I am sure my honourable friend is just as familiar with the facts as I am.

Hon. Mr. BELCOURT: No, I am not; and I am sure many other honourable gentlemen are not.

Hon. Mr. ROBERTSON: The Commission of three gentlemen made a report as to the necessity in their opinion of a reorganization and in a general way outlined the saving which they thought could be effected by it. Acting upon their report Arthur Young & Company were authorized to make an investigation and to recommend what in their opinion should be done. They made their recommendations to the Civil

Service Commission, who in turn reported the findings to the Government, and very largely the reorganization proposed has been carried out in some details, perhaps not entirely.

Hon. Mr. BELCOURT: Are those gentlemen to be credited entirely with that?

Hon. Mr. ROBERTSON: It was all the result of the fact that there was a Minister on the job, and he caused the rotten situation that existed to be cleaned up.

Hon. Mr. BELCOURT: Why did not that apply to the rest of the Civil Service?

Hon. Mr. ROBERTSON: It does, and I am coming to that.

Hon. Mr. FOWLER: Would the honourable gentleman permit a question? Was not the Immigration Department organized or reorganized by a Canadian efficiency man?

Hon. Mr. ROBERTSON: That situation was not entirely similar. I think when the Immigration Department was reorganized there was some reorganization under the Minister himself, but to what extent I do not know, and never inquired.

Hon. Mr. FOWLER: Would it not have been a fair policy to have inquired how far succcessful this Canadian was in doing this reorganization work, so that it might not have been necessary to engage those foreigners?

Hon. Mr. ROBERTSON: I assume that that must have been done, because the Minister of Immigration, who conducted that reorganization of his own department, was a member of the sub-committee of the Cabinet which had to do with the employment of the Arthur Young Company on the Printing Bureau. I happened to be associated with him; therefore I assume that from his experience in his own department he deemed it desirable that this other plan should be adopted.

It has been suggested by one or two honourable members who have spoken this afternoon upon this subject that in engaging the services of a firm such as Griffenhagen or Arthur Young and Company, the Government and the Civil Service Commission are surrendering to those people absolute control, and are under their authority, and compelled to carry into execution their decisions and recommendations. I desire to dispel any such view, if held seriously by honourable gentlemen, because those people are only engaged to make investigations and propose such plans as their experience and ability, because of their training, may enable them intelligently to make. The Committee of the Cabinet as named, in co-operation with the Civil Service Commission, may act upon such recommendations and suggest them to this House. In regard to the engaging of these experts, I will not use the term my honourable friend used, because I do not think it is even decent or courteous to the gentlemen who have been engaged on this work, a considerable number of whom are Canadians, to suggest that the Government is in any way exiling itself from actual control. Whatever action is finally taken as to reorganization of any of the Departments will be the action of the Government, and not of any committee of experts that have been engaged.

Hon. Mr. BOSTOCK: Would my honourable friend allow me to ask a question? He mentioned that the Committee of the Cabinet was working with the co-operation of the Civil Service Commission. What I tried to make out was that, so far as that Order in Council went, the Committee of Council would practically supersede the Civil Service Commission and work altogether without them.

Hon. Mr. ROBERTSON: I assume that my honourable friend overlooks the fact that there are certain provisions in the Civil Service Act which no Order in Council could supersede, and therefore the interpretation of the Order in Council must necessarily be subject to the provisions of the Civil Service Act itself so far as they may bear upon it. I may assure my honourable friend that the Civil Service Commission are in complete accord with what is being done, and to some extent at least it is done upon their advice.

Hon. Mr. FOWLER: Is it or is it not the case that some members of the Civil Service Commission have objected very strongly to the engaging of those foreigners in the matter of reorganization?

Hon. Mr. ROBERTSON: If they have, I have no knowledge of it. I can say that frankly, because I have never heard that there was any disagreement as between the members of the Commission on the point.

Hon. Mr. FOWLER: Was it at the instance of the Commission that the Government acted, or without consulting the Commission?

Hon. Mr. ROBERTSON: It was not done without consulting, I am quite satisfied. I do not wish to weary the House unduly on this matter, but I do say in all sincerity that there is no doubt whatever, from the information that has already come to hand, as far as the investigations have gone, that there is ample room for very considerable improvement in the organization and the cost of conducting the public service of this country. The investigations in other departments may not show the same results as they did in the Printing Bureau, but, if they should, surely no citizen of Canada, let alone any honourable member of this or the other House, would take exception to saving the millions of dollars that necessarily would be saved under that increased efficiency.

There is one other point to which I wish to call the attention of the House: that for a very considerable number of years, when the patronage system was in vogue, there was great anxiety on the part of the people throughout the whole country to get into the Civil Service, which became overloaded; and, when members of the Civil Service came to the Government asking for rates of compensation necessary for them to exist decently, what did they find? They found themselves encumbered with a large number of incompetent men in the Service who are and have been receiving all that they are worth; and therefore, if an honest and capable Civil Servant is to receive reasonable compensation for fair and honest work, the Service must be rid of all this surplus useless part of it, otherwise the country is going to be loaded up by paying for incompetent service the current wages due to good men.

Hon. Mr. POWER: Would the Minister allow me a question just there? I quite agree with what he has said in reference to the number of persons in the Civil Service who are past their labor, as the saying is; but what I want to know is why the Government, in order to get rid of those incompetent and expensive men, did not introduce a respectable system of superannuation? That is the way to get rid of them.

Hon. Mr. ROBERTSON: In answer to that question, I would point out that in the case of the Printing Bureau such provision was made, and I assume that similar provision, or such as may be proper, will be made in the case of other departments. In the Printing Bureau every employee over 65 years of age was dispensed with, and will receive during the rest of his natural life one-half of his average salary for the past three years. He is thus reasonably provided for, and at the same time the country is saving very much money, instead of those old employees going to the end of life drawing full salary, sometimes the highest salaries in the Department, while young men were being discouraged from year to year because of having to do the work of those old employees, and getting perhaps half the compensation for it.

I am sure that all honourable gentlemen will agree that a general reorganization of the Service is desirable and necessary, and because of the existing emergency with reference to the high cost of living, and the necessity of greatly increased compensation to Civil Servants, it is more than ever important, indeed it is imperative, that the old and infirm Civil Servants should be properly and adequately taken care of and retired from Government service, that all unnecessary and incompetent employees in the Civil Service should be weeded out, and that those who are necessary should be competent, active, qualified and ambitious. Such conditions cannot prevail under the present system. Those old servants should be and will be paid adequate compensation for services rendered. Under the present system, however, an unnecessary number are retained in some departments, and their wages, if maintained at the point they have now reached, would mean a tremendous loss and unnecessary burden to the country, and a demoralizing of the Service itself; because just so long as men, incompetent and aged, whose years of usefulness have passed, are drawing $2,000 or $3,000 a year, while younger men are doing their work for about half that salary, we cannot expect either satisfaction or loyal service. Therefore I hope that honourable gentlemen will realize, as the Government does, first, the necessity of a general reorganization in the Civil Service; second, that it must be done on some modern scientific principle; third, that to accomplish this competent and experienced men must be obtained to do the work; and fourth, that those men have not heretofore been available in this country. We might find individuals, but not firms—a firm consisting of probably fifteen or twenty men, all expert in some particular line, just as a law firm is made up of different gentlemen, one of whom may be prominent in criminal law, another in some other branch, and so on. The very fact that large commercial concerns in this

country have gone outside of Canada to secure competent and qualified men to do such work must surely demonstrate the truth that the necessary men were not available here. As I have shown, this bugaboo about foreigners coming into Canada to take control of our Civil Service, as one gentleman put it, is absolutely unfounded and misleading to the people generally. With reference to the Bill itself, I may be pardoned for making one observation in conection with it.

Hon. Mr. BELCOURT: Before my honourable friend goes on with that I would ask if the contract has been made with those gentlemen under the Order in Council?

Hon. Mr. ROBERTSON: There has been no contract signed so far as I am aware, and I think if there had been I would be aware of it, because I am a member of the Committee.

Hon. Mr. BELCOURT: Is it proposed that there shall be a contract signed without any legislation being submitted to Parliament with regard to it? In other words, is this going to be purely and exclusively a Government matter, or is it to be submitted to Parliament for approval?

Hon. Mr. ROBERTSON: I would suggest that the information on that point should probably come from the other House of Parliament, or from some other member of the Government rather than myself. I am not Chairman of the Committee, and I do not feel justified in making a statement of which I am not sure or without the knowledge of the Committee. I think my honourable friend's question will have to remain unanswered in the meantime. My own view is that a signed contract is not necessary between the Government and a firm of this sort. There was no contract signed, so far as I know, between the Government and the Arthur Young Company.

Hon. Mr. BELCOURT: That was not exactly the purport of my question, which was to ascertain whether any definite agreement is made—I do not care whether it is signed or not—and whether the matter will come up in Parliament for discussion, or whether this is the last we shall hear of it. Is there going to be any legislation submitted with regard to the contemplated agreement?

Hon. Mr. ROBERTSON: I may say that I do not prepare or propose the legislation for the Government, and therefore I cannot answer the question as to what the Government will do in the matter.

Hon. Mr. DANDURAND: I suppose the Government will ask us for the money?

The Senate adjourned during pleasure.

THE ROYAL ASSENT.

The Honourable Mr. Justice Anglin, of the Supreme Court of Canada, Deputy Governor General, having come, and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bills:

An Act to amend the Canada Shipping Act (Pilotage).
An Act to amend the Oleomargarine Act, 1919.
An Act to amend the Industrial Disputes Investigation Act, 1907.
An Act respecting Food and Drugs.
An Act for the relief of William George Mackness.
An Act for the relief of Charles Elias Vardon.
An Act for the relief of John Hamilton Harvey.
An Act for the relief of James Goddard.
An Act for the relief of Frederick Stephen Hartmann.
An Act for relief of William George McBride.
An Act for the relief of George Stinson.
An Act for the relief of John James Davis.
An Act of the relief of Arthur Jones.
An Act for the relief of Eva Mary Moss.
An Act for the relief of Nellie Adeline Wallace.
An Act for the relief of Marion Olive Booth.
An Act for the relief of William Edward Vinall.
An Act for the relief of James Lewis Price.
An Act for the relief of Frederick Tristram Clarke.
An Act for the relief of Jessie Elizabeth Hudgin.
An Act for the relief of Caroline Ewing Gudewill.
An Act for the relief of Charles Lindsay Keys.
An Act for the relief of Irene Martin Chapman.
An Act to incorporate United Canada Fire Insurance Company.
An Act respecting Honey.
An Act for the relief of Francis Charles Dean.
An Act for the relief of John James Garrison.
An Act for the relief of Dora Lumsden McLaurin.
An Act for the relief of Edith Sarah Bell.
An Act for the relief of Albert Graham Elson.
An Act respecting the Army and Navy Veterans in Canada.
An Act to amend the Exchequer Court Act.
An Act to amend The Opium and Narcotic Drug Act.
An Act to amend the Supreme Court Act.
An Act respecting The Bell Telephone Company of Canada.
An Act respecting The Canadian Pacific Railway Company.
An Act to incorporate Aberdeen Fire Insurance Company.
An Act to amend the Employment Offices Coordination Act.
An Act for the relief of Jennie Wright.

An Act for the relief of Alfred Charles Edwin Westley.

An Act for the relief of George Orville Scott.

An Act for the relief of Harry Davis.

An Act for the relief of Elizabeth Conway Murray.

An Act for the relief Lockhart Pierce Sutton.

An Act for the relief of Frank Fulsom.

An Act for the relief of James Proudfoot.

An Act for the relief of James Lyon Lincoln Cobbin.

An Act for the relief of Albert Ernest Bulley.

An Act for the relief of Beatrice Booth Gendron.

An Act to amend the Criminal Code (French Version).

An Act to incorporate The Western Canadian Union Corporation of Seventh-day Adventists.

An Act for granting to His Majesty certain sums of money for public service of the financial years ending respectively the 31st March, 1920, and the 31st March, 1921.

The Honourable the Deputy Governor was pleased to retire.

The House of Commons withdrew.

The sitting having been resumed:

Hon. Mr. ROBERTSON (resuming): Honourable gentlemen, in concluding the remarks I was making in reply to the honourable gentleman from Kamloops (Hon. Mr. Bostock), I desire to observe that the subject of the reorganization of the Civil Service is not referred to in any way in this Bill, or concerned in it in any way. The amendments contained in the Bill now before the House are amendments to the Civil Service Act, which are necessary to keep faith with the Civil Servants, and to carry out the pledges given to them more than a year ago; and I sincerely trust that they will be promptly concurred in.

Honourable gentlemen must have noticed in the press reports of the unrest that exists because of the delay already incurred in the passing of this legislation. It was anticipated that the new Classification would have been passed at the session of Parliament last year, and that it would have been effective as from the 1st of April, 1919. The bonuses which Civil Servants received last year, and which they have been receiving up to the present time, were based upon the new Classification. The Civil Servants have not yet received the increase in salary that the Classification grants to them as from that date. Many of them have represented, and probably properly so, that they have gone into debt in anticipation of receiving this compensation which was assured to them, and which they needed in order to live. To refrain now from implementing the promises made and the pledges given would in my opinion result in very serious consequences so far as the Service is concerned.

Hon. Mr. DANDURAND.

Hon. WILLIAM ROCHE: Honourable gentlemen, I listened with great interest to the explanation made by the Minister who has just vacated his seat (Hon. Mr. Robertson). With regard to the system of nomination to Civil Service employment that has been spoken about by my honourable friend from Sussex (Hon. Mr. Fowler) and others, to contrast that with the system in vogue may be of interest. Those who were nominated formerly, when the members for the counties had the patronage, were to some extent known, and their qualifications were known, to the nominators before they recommended the appointments to the Government. I understand that now the candidates who are proposed for office have to pass certain examinations; and I believe that those who have the duty of selecting the successful candidates have based their selection mainly upon the university qualifications of the candidates; so that if a man has a college degree, or has passed through a college, that fact is a desideratum which in any chance of selection places him far above and beyond persons who may not have enjoyed similar advantages. Now, a man having a college education may be able to criticise the enumeration of a strophe of Sophocles, or he may be able to operate a differential or integral calculus, or calculate the parallax of one of the new stars, but he may be totally unqualified for the practical work of a Department, which may consist of the adding up of a column of figures, estimating materials or the amount of work that can be done in a day, or very many other matters; and his efficient practical knowledge is discounted, and the ornamental or exterior knowledge that is not useful in a department is the qualificatoin which entitles a candidate for office to receive it. That there is thorough unrest in the departments and thorough dissatisfaction with conditions and the rates of pay that individuals receive is quite patent to everybody in this House, for it is well known. The men who do the work of the Departments are left in the background, and frequently have no substantial addition to their salaries. The ornamental men, or men who have the favour and patronage of some person, receive preferment and advancement, and, it may be, are transferred to some more lucrative employment, while the drudge goes on year after year and the other man gets the credit for his work. Now, when these experts make their report, what do they report? Do they know the man who is going to be appointed to the office? He may have elegant manners, he may have an

elegant exterior, he may be a person who will take well with the examiners; but can they examine his character, his efficiency, his industry, his adhesion to his work day after day? That is what is wanting in the departments.

Some honourable gentleman has said that the departments are greatly overmanned; and I may voice the opinion that they are also greatly over-womaned, and that if a good many of the women were to leave the departments and others were to be put in their places more might be done. I have no fault to find with the women; they are affable and obliging; but I think that if there is going to be a diminution of the number of clerks, and a consequent saving of money, a great deal more work would be done if men were substituted for a number of the women in all the departments.

How has the expert commission reported? Not upon men; they know nothing about them; they have not examined their qualifications in the office; they have not gone into their work or anything of that kind. They have affixed a certain salary and grade to a certain kind of work, irrespective of the individual who does the work. While that system is in vogue, you will have all the difficulties of the Civil Service system perpetuated, because these men merely deal with an abstract question, not with a concrete one of the individual and the work that he does. They deal with what he is supposed to do, or how his work would compare with that in another department or another grade. They do not individualize at all. I have some men in my employ who are worth five other men—and the other men present an elegant exterior an dare very agreeable, and they do the routine work, or part of it. What is wanted is men who will laboriously work in the departments and earn the pay which they get, irrespective of outside qualifications, outside influence, or exterior qualities; depending only on the actual work which they perform in the Department making them useful to the Department and to the community. Until we get that condition and enter into it and find the qualifications of the different men in the offices, all systems will pass away, and the inefficiency of those appointed will be manifest to anyone who deals with the Department.

The motion was agreed to, and the Senate went into Committee on the Bill, Hon. Mr. Blain in the Chair.

Section 1 was agreed to.

On section 2—temporary employment outside of Canada:

Hon. Mr. TURRIFF: Mr. Chairman, when this matter came up the other day I asked the leader of the Government if he could give me some information as to the total cost of the Civil Service at the present time, giving the salaries apart from the bonuses, and showing, if possible, the division between the outside service and the inside service.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that the information would have to be secured from the different departments of the Government, and that up to the present time I have not been able to secure it. I may be able to ascertain from the Secretary of the Civil Service Commission what the approximate amount would be.

Hon. Mr. TURRIFF: That is all I want.

Hon. Sir JAMES LOUGHEED: During the consideration of the Bill in Committee I will make that inquiry.

Section 2 was agreed to.

Hon. Mr. FOWLER: When this Bill was up for second reading I gave notice of an amendment. I move, seconded by the honourable gentleman from Regina (Hon. Mr. Laird):

That the following clause be inserted in the Bill immediately after clause 2:

2a. The provisions of the Civil Service Act of 1918, and the amendments thereto relating to appointment, promotion, and classification, shall not hereafter apply to permanent officers, clerks, and employees of the Senate.

I think the Senate should have control of its own officials, so that authority might be exercised by the Senate or by a Committee of the Senate over those officials. At the present time that is not the case. The messengers, as I understand it, and all the permanent officials of the Senate come under Civil Service rule, and we have absolutely no control over them. I do not think that is in the best interests of this House, and I do not think it is in the best interests of the Service. The question of patronage does not enter very largely into it; but in my opinion the question of control is a very important one. In the Classification as performed by this Arthur Young Company we have certain positions classified. For instance, there is the Sergeant-at-Arms of the Senate and there is the Sergeant-at-Arms of the House of Commons. We have no control of our Sergeant-at-Arms, who, being a modest person, has not

asserted himself in that aggressive way that the Sergeant-at-Arms of the House of Commons has done, and as a result his classification varies very much, and is not nearly so important as that of the Sergeant-at-Arms of the House of Commons. As I understand, this classification was made by some official of this company going to the officer whose position was to be classified and asking him what his duties were. If he was a very modest person he did not make those duties very extensive. If, on the other hand, he reached out for everything in sight, he took upon himself duties and responsibilities which perhaps did not always pertain to his own office, but in a certain degree encroached upon the office of others. I will just read, for the information of the Senate, the definition of the duties of the Sergeant-at-Arms in the House of Commons:

To act as chief executive officer of the House of Commons.

That is all right.

To preserve order in the galleries, corridors, and other parts of the Parliamentary buildings.

That includes, as I take it, not only the House of Commons, but the Senate as well, because the Senate occupies a part of the Parliament buildings. Therefore all the messengers and all our permanent officers connected with the building here would be under the control of the Sergeant-at-Arms of the House of Commons, and not under the control of the Sergeant-at-Arms of the Senate.

To exercise responsibility for the care and maintenance of the furniture, fittings, and other property of the Houses.

Not of the House of Commons, but of the Houses, which includes the Senate as well as the House of Commons. So we have the Sergeant-at-Arms assuming to have authority over every stick of furniture in the Senate.

And prepare estimates of the expenses incurred in this connection.

If we want anything in connection with the furniture of our rooms or the furniture of our Chamber we have to go to the Sergeant-at-Arms of the House of Commons, and on bended knee and with bated breath request that the high functionary of Parliament shall grant our most humble request.

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me, so that he may be aware of what has been done since that Classification was made? There is authority vested in the Civil Service Commission to amend the Classification from time to time, and upon its being pointed out that the extraordinary powers mentioned by my honourable friend were given to the Sergeant-at-Arms of the House of Commons, that was overcome by an amendment which has been made thereto. The letter of the Secretary of the Civil Service Commission, which was sent to the Clerk of the Senate, reads:

Dear Mr. Blount:

In view of your representations that the definition of class for the Sergeant-at-Arms of the House of Commons, as shown in September edition of classification, gives that officer jurisdiction over certain matters in the Senate, the definition is being recast in form as shown on the attached sheet. The Commissioners are of opinion that the definition of class for both Sergeant-at-Arms of the House of Commons and Sergeant-at-Arms of Senate should be along the same lines, and I am to ask if you have any comment to offer on this suggestion or on the proposed draft of definition.

Hon. Mr. WATSON: What date is that, please?

Hon. Sir JAMES LOUGHEED: April 16, 1920.

Hon. Mr. WATSON: Pardon me. About three days ago I was proceeding, as a member of the Building Committee, around the front entrance to the Senate Chamber, and at the corner was held up by the gatekeeper at one of the gates and informed that I could not proceed around the building. I was politely allowed to go around the building the day before, because I told him who I was. In this latter case, when the gatekeeper stopped me, I asked him by what authority he did so, and he replied, "The Minister of Public Works." I suggested that he telephone to the Deputy Minister of Public Works, but he replied that that official had nothing to do with him; and when I asked him who was his authority he said he took his instructions from the Sergeant-at-Arms of the House of Commons. I replied that with all deference to his request I was going, and I went.

Hon. Mr. FOWLER: That is what we might expect. Our very worthy representative of the Senate has looked after the interests of this House, and I trust that the matter will be remedied along those lines.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend from Portage la Prairie whether that was an employee of the House of Commons?

Hon. Mr. WATSON: No, he is a man in charge of the gates at the entrance to the House. I think he must be employed by Lyall and Company, surely.

Hon Sir JAMES LOUGHEED: If my honourable friend is able to indicate who he is I shall be very glad to make inquiry and see that there is no repetition of that conduct.

Hon. Mr. WATSON: He was a lame man. He said, "You would not want to make me force you when I am a lame man?" I said, "What would you suggest? If you were not lame, something would happen." I do not blame the man at all.

Hon. Mr. BELCOURT: I had the same experience the other day. I am sometimes late in getting out from the Senate, and tried to make a short cut, and was told I could not go through the gate, and that the authority was in the House of Commons.

Hon. Mr. WATSON: In justice to the man, I think he was only doing his duty in carrying out his instructions, and I do not find fault with him. At the same time, he should not have had that information, and in the face of the regulations just quoted by the honourable gentleman, I think we ought to have some control of this building.

Hon. Mr. FOWLER: I think we should assert ourselves in this House, and not allow the House of Commons to dominate this House.

Hon. Mr. LYNCH-STAUNTON: They might exclude us from the House after a while, as they did from their own Chamber.

Hon. Mr. FOWLER: Yes. The attitude of the House of Commons towards this Chamber is of a character that does not meet entirely with my approval.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. FOWLER: I think that this amendment which I now offer will to a certain extent remedy the evil that now exists. The present Speaker of the House of Commons has issued instructions that no member of the Senate can come within the precincts of their honourable House. I have no desire to go within the precincts of their honourable House, although I was in that House for many years as a member of it. In any legislature outside of this, a former member of the legislature has the privileges not only of the ante-chamber but also of the floor of the House. In the province of New Brunswick, from which I come, any former member of the House has the right to come within the House and take a seat upon the floor, and there are places provided for ex-members to sit; but this sacred chamber of the House of Commons, under the superintendence of the present Speaker, is too sacred a place altogether for even former members to come to, let alone members of the Senate. In the Legislative Assembly of New Brunswick any member of the Federal House of Commons may take a seat upon the floor, not by special invitation, but by actual right; and so with a member of the Senate of Canada. These are courtesies that I think should be extended. But I do not plead for this sort of thing: I am not anxious, and do not care if I never see the inside of the chamber of the House of Commons. I am content with my position as a member of the Senate of Canada; I find it to be the greatest position in Canada. I trust that honourable gentlemen will pass without opposition this very proper amendment which I have offered.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, may I be permitted to point out to my honourable friend from Kings and Albert (Hon. Mr. Fowler) a difficulty which possibly he may not have foreseen in moving the amendment which is now before us? The passage of this amendment would place the Senate in a most anomalous position. We would be, like Mahomet's coffin, suspended between heaven and earth in what I might call a state of suspended animation. We have repealed the rights which we possessed under the British North America Act and under the Revised Statutes of Canada whereby we had control over our own staff, etc. Having passed the Civil Service Act of 1918 and the Civil Service Amendment Act of 1919, we have handed over to the Civil Service Commission the rights which we enjoyed by statute, which were given to both Houses by the British North America Act, and afterwards elaborated upon in the Revised Statutes of Canada, chapter 10, 1906. Now, it is quite manifest that if we pass this provision it does not revive the rights which we have already sacrificed or lost by the passage of the former legislation, and we are therefore facing that peculiar difficulty. I might point out to my honourable friend that the control previously exercised by the Senate was under section 18 of the British North America Act, which reads as follows:

> The privileges, immunities, and powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the Members

thereof respectively shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this 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.

That section was repealed in 1875 by the following section:

Section 18 of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed.

The substituted section reads as follows:

The privileges, immunities and powers to be enjoyed and exercised by the Senate and by the House of Commons, and by 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.

Then, by section 4 of the Revised Statutes of Canada, chapter 10, we legislated as follows under the heading of "Privileges and Immunities of Members and Officers":

4. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise,—

(a) such and the like privileges, immunities and powers as, at the time of the passing of the British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and,

(b) such privileges, immunities and powers as are from time to time defined by Act of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively.

My honourable friend will observe that if we passed this amendment we would have no authority.

Hon. Mr. BELCOURT: Perhaps my honourable friend would read the provisions in the Act of 1919 to which he referred?

Hon. Sir JAMES LOUGHEED: I have not that legislation before me, but we handed over everything to the Civil Service Commission, and of course it is manifest that the acceptance of the amendment moved by my honourable friend would not revive the legislation already repealed. Consequently, if the principle of this amendment is to be embodied in the Act, it will have to go very much further: it will have to make provision for the appointment of employees, officers, etc. I fact, we will have to restore the legislation under which we were previous to the passage of the Civil Service Act of 1918. I simply point that out so that we may not hastily adopt an amendment to the Act which would place us in a very embarrassing position, and thus render us helpless in the matter of our staff. There has been put in my hands the Civil Service Act of 1918, section 34 of which reads as follows:

So much of this Act as relates to appointment, transfer and promotion, and to salaries, increases and classification and the provisions of sections thirty and thirty-two, shall apply to the permanent officers, clerks, and employees of both Houses of Parliament and of the Library of Parliament, and wherever any action is authorized or directed to be taken by the Governor in Council or by order in council, such action, with respect to the officers, clerks and employees of the Senate or the House of Commons, shall be taken by the Senate or the House of Commons, as the case may be, by resolution; and with respect to the officers, clerks and employees of the Library of Parliament, and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament, shall be taken by both Houses of Parliament by resolution, or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by the Senate, House of Commons or both Houses, as the case may be, at the next ensuing session.

Then, in section 2 of the Civil Service Act, under the head of definitions, reference is made to the various branches that are under the Commission.

Hon. Mr. LYNCH-STAUNTON: Does the Commission appoint Senators?

Hon. Sir JAMES LOUGHEED: The Government of Canada did not forego its privilege in that regard.

Hon. Mr. BELCOURT: Honourable gentlemen, I am entirely in accord with my honourable friend from Kings and Albert (Hon. Mr. Fowler). I think the difficulty to which our attention has been called by the honourable leader of the Government might be overcome by an amendment of this sort, which I want my honourable friend from Kings and Albert to consider:

1. Those provisions of the Civil Service Act, 1918, as amended by the Civil Service Amendment Act, 1919, and by the foregoing sections of this Act, which apply to the Senate, to the Speaker of the Senate or to the officer, clerks and employees of the Senate, shall cease so to apply on and after the passing of this Act.

2. All such privileges, immunities and powers of the Senate with regard to its officers, clerks and employees as existed before the passing of the Civil Service Act, 1908, Chapter 15 of the Statutes of 1908, shall be deemed to exist un-

impaired as if that Act and the Civil Service Act, 1918, and the amendments of these Acts, respectively, had not been passed.

Hon. Mr. LYNCH-STAUNTON: Can you not make it shorter by just restoring the powers?

Hon. Mr. BELCOURT: I do not know. If my honourable friend can suggest an improvement, he may do so. I commend this to the consideration of my honourable friend from Kings and Albert.

Hon. Mr. DANDURAND: I would like very much to find the principle upon which the amendment of my honourable friend (Hon. Mr. Fowler) is based. We discussed session after session the desirability of establishing the Civil Service Commission and entrusting to it the appointment, classification and promotion of the Federal Government employees. The House of Commons passed the Civil Service Bill and we accepted it. We transferred to that Commission the rights which the Senate and the House of Commons possessed regarding appointments to their respective staffs, thereby affirming our preference for that system. We felt that it was in the interest of the country that all of the departments should be administered, and we were willing that the House of Commons and the Senate should likewise be administered, under that general Civil Service law. Are we now deciding that we were wrong in establishing that general principle for the various departments of the Federal Government? If we are, let us say so. But will it not seem strange that, after adopting the principle of that new system, and before it has been put into full operation, we should declare that what is good for all the other departments of the Government is not good for the Senate, and that we will withdraw? What principle are we laying down if we decide that the Civil Service Act should apply to all the departments, but not to the Senate or the House of Commons? I would like to know why it ought not to apply to us when we still cling to the principle that it is good for the other departments of the Government.

Hon. Mr. TURRIFF: I am not in accord with the amendment of my honourable friend (Hon. Mr. Fowler) or the amendment proposed by the honourable Senator from Ottawa (Hon. Mr. Belcourt).

Hon. Mr. BELCOURT: I did not propose it; I merely made a suggestion. I would not like to propose it.

Hon. Mr. TURRIFF: Or with the suggestion made by the honourable member from Ottawa. I agree with my honourable friend who has just taken his seat (Hon. Mr. Dandurand). If it is not right that the Civil Service Commission should look after appointments in connection with the Senate, then we ought either to amend the Civil Service Act or get rid of it. I do not think it would be good policy to withdraw the Senate from the operation of that Act. That would be practically saying that it is good enough for others, but not good enough for us. The Act should be given a further trial before we take any such drastic step.

But, as the question has been brought up here, I desire to say that I feel very hostile to the action of the Commons in refusing to allow Senators, members of the Parliament of Canada, to enter the lobby of the House of Commons. I have heard it said—perhaps it was my honourable friend the leader (Hon. Sir James Lougheed) who said it: "Wait until we get into our own permanent quarters, then we will take similar action." I do not think that would be good policy. I think it would be rather beneath the dignity of the Senate to retaliate in so small a matter as that. I think the Commons have acted in a very small way. If the members of the House of Commons generally had understood what it meant, I do not believe for a moment they would have agreed to it. I understand it was practically the work of one or two officials of the House of Commons who agitated for that and got it passed. My principal object is to ask the honourable leader of the Government, or the honourable the Speaker of the Senate, if he would not again take up the matter. The Commons have now had a trial of the arrangement, and I am sure it is not very satisfactory to them. I agree with my honourable friend from Kings and Albert (Hon. Mr. Fowler) that they would not be very much concerned about the matter. Surely members of the Senate of Canada should have a right to enter the lobby of the House of Commons if they so desired. To my mind it would be much better to take the matter up and have it properly arranged, if possible, than to think of any retaliation when we enter our own permanent quarters.

Hon. Mr. POWER: There is just one point with respect to the amendment suggested by the honourable gentleman from Ottawa (Hon. Mr. Belcourt), which I think the Committee should consider. As I heard his proposed amendment, it was to the effect that we should go back to the condition of things that existed before the

Civil Service Act of 1918. The honourable gentleman probably lost sight of the fact that the complete control which this House had of its officers was given away in 1908, and if the amendment that he has suggested were passed we should not again control those officers; we should be back under the rule that prevailed under the Act of 1908. My feeling about this matter is that it is better not to be in a hurry; it is better to stop and think a bit. I understand that the members of the House of Commons are not satisfied with the existing conditions as regards their own staff. If we passed this amendment to the Bill—which amendment, by the way, is not germane to the Bill—if we passed this amendment, saying that appointments to the Senate staff and the control of the Senate employees should not be in the hands of the Civil Service Commission, we could not expect the amendment to be concurred in by the Commons. They would naturally say, "We have a right to control our staff too," and the probabilities are that nothing would be done. I sympathize very much with the sentiments of honourable members who have felt that we would be better if we were back under the condition of things existing before 1908, but I think the businesslike and practical way is to come to an understanding with the House of Commons and have a measure introduced after due consideration and fair notice; not to have an amendment sprung on either House as this is being sprung. Then next session, after the two Houses could agree, we could get back to our old position of—self-determination, I think, is the proper word.

Hon. Sir JAMES LOUGHEED: Of small bodies.

Hon. Mr. BOSTOCK: I would point out to the honourable member for Halifax that by the present Civil Service Act the Act of 1908 is repealed.

Hon. Mr. POWER: The amendment proposed says that we should go back to the condition of things which existed before the passing of the Act of 1918. At that time, before the passing of the Act of 1918, the Act of 1908 was in operation.

Hon. Mr. BOSTOCK: But if the Act of 1908 is repealed I do not quite see how the amendment would restore it.

Hon. Mr. POWER: Any Act that has been repealed can be revived by another Act.

Hon. Mr. BOSTOCK: I think we ought to do something in this matter if we can. I am afraid that the amendment proposed by my honourable friend from Kings and Albert (Hon. Mr. Fowler) will hardly meet the situation. But we have been in difficulties ever since the passage of the Civil Service Act in 1908, when the Senate and the House of Commons were brought under it. I think that was an afterthought. When the Bill was first introduced in Parliament the Senate and the House of Commons were not included in it, but they were brought in later. At that time, as honourable gentlemen will remember, the powers of the Commission were not nearly so great as they have been since, and we did not lose nearly as much of our authority regarding appointments to the staff, or control of the staff, as we have since delegated to the Commission. The Civil Service Commission may be satisfactory so far as the Government departments are concerned. That is a matter for the Government themselves to determine. They may think that administration by a Civil Service Commission is the best method of dealing with appointments to the various departments, and with departmental organization. But I do think that the Senate and the House of Commons should keep in their own hands the control of their own staffs. The Houses of Parliament ought to be capable of managing their own employees. A distinction should be drawn between the employees in the Government departments and employees of Parliament. That distinction should be made as clear as possible, and I would like to see some amendment made that would meet the situation. But I am afraid that my honourable friend's amendment does not do so.

Hon. GEORGE W. FOWLER: Honourable gentlemen, with regard to the amendment, I suppose I have been in a certain sense to blame for not having familiarized myself with the former legislation before accepting the amendment and moving it. The amendment was not of my making. It was made, as I understand from the person who handed it to me, by the Parliamentary Counsel. As I say, I did not take time to familiarize myself with the legislation, but supposed that the amendment, coming from the Parliamentary Counsel, would be all right. However, I am satisfied now that it is not all right. But I do think that the change proposed by the honourable mem-

ber for Ottawa (Hon. Mr. Belcourt) would answer the purpose. At any rate, I am still convinced that it is a bad thing, from every standpoint, for us not to have the control of the permanent officers of this House. I think it would be a very good plan to have a conference with the House of Commons. I have no objection to that. I have no objection to any means being taken that will bring about the desired result. I am not the real father of that amendment; therefore I do not intend to defend it when I do not think it is defensible. I might make an effort to defend it if I had really drawn it—even though it were not defensible; but under the circumstances I do not intend to make the effort.

Hon. Mr. BELCOURT: For the accuracy of our records, I do not want to be put down as proposing the amendment which I read. I read it merely for the purpose of drawing my honourable friend's attention to it as perhaps a better means of reaching the end he had in view than the amendment he proposed. I have not made up my mind exactly what I would do if that amendment were really put. But I certainly do not desire to have it placed on record at this stage, as honourable gentlemen have repeated several times, that I am proposing the amendment. While on my feet may I add that I hope the staff of the Senate will be saved from the reclassification or reorganization to be made by this Grieffenhagen firm.

Hon. Mr. FOWLER: The honourable gentleman need not be afraid of having to assume the responsibility. I am prepared to assume the responsibility and run the risk of whatever criticism may result, because there is absolutely no question in my mind as to my attitude in this matter, and I am not afraid to state my attitude when I have once taken it.

Hon. W. B. ROSS: Honourable gentlemen, I am in favour of the amendment proposed by the honourable member for Kings and Albert (Hon. Mr. Fowler), provided that he adds to it something which will revive the powers of the Senate that were destroyed by past legislation. I think the honourable leader of the Opposition (Hon. Mr. Bostock) has given the answer to the honourable Senator from De Lorimier (Hon. Mr. Dandurand) with regard to the reason why we should have one rule for the Senate and another for the departments. The distinction as between the two, as has been pointed out by the honourable leader of the Opposition, is that this is a legislative body; it is not a department of the Government at all. A Government department has new ministers from time to time. Of course, we have new Speakers from time to time, but this is a more permanent body. To my mind there is a very clear distinction between a legislative body and what is, after all, a department of the executive.

My main reason for rising, however, is to say this in answer to the honourable gentleman from Halifax (Hon. Mr. Power), who suggests delay, and a conference with the House of Commons, and perhaps a separate Bill. In my humble opinion, if you want this amendment, you had better insert it in this Bill; otherwise you may never get it at all. What is going on now in the House of Commons? After Bills have been passed in this House and are sent down there, they are smothered. We passed a Bill introduced by the honourable gentleman from Winnipeg (Hon. Mr. McMeans) with regard to criminal appeals. It went down there: nothing is heard of it. There is another Bill, with which I had, I think, a good deal to do, with regard to the judges. It went down to the other House: it is never heard of again. There were two divorce Bills passed by a very large majority in this House at the present session, and nothing has been heard of them. I do not know how the House of Commons would like it if we were to treat their Bills as they are treating ours. One of these days we may have to do something of the kind—refer a Bill that comes up from the House of Commons to a special committee and let it lie there until they come up and ask us what has become of it. Then we can ask them what has become of some of the Bills that we sent down. I am not saying they ought to pass a Bill because we passed it. What I do say is this. The Minister of Justice has a Bill which is coming up here, regarding criminal law. If he expects that to be treated with courtesy by this House, then the Bill relating to criminal appeals ought to be taken up by him and submitted by him to the House of Commons, and either voted or voted down. And the same with regard to the divorce Bills. I do not say that the House of Commons ought to swallow them because we approved of them, but I do say that it is about time for them to take them up and to do either of two things with them—either reject them or pass them into law. We have in the present Bill a provision, section 5, that you will find is imperative. I think the honourable the Minister of Labour (Hon. Mr. Robertson)

pointed out that it is of great importance that this Bill should pass. Now, if you want this amendment, put it into this Bill, and I will venture to say that you will have it passed; whereas if you put it into a separate Bill and send it down to the House of Commons, that will be the last you will hear of it.

Hon. Mr. LYNCH-STAUNTON: Draw an amendment.

Hon. Mr. ROSS: The present amendment moved by the honourable member for Kings and Albert (Hon. Mr. Fowler) is all right; all he has to add to that is a provision to the effect that the powers and privileges of the Senate with regard to their staff should be as existing in and prior to the year 1908.

Hon. Mr. FOWLER: I am willing to accept anything that will give us control. Whatever may be the concensus of opinion as to the phraseology necessary to bring about the desired result will be acceptable to me.

Hon. Mr. WATSON: I entirely agree with with the opinion expressed by the honourable gentleman from Middleton (Hon. W. B. Ross) that it is now or never. I think that what we desire can be accomplished now more easily than next year. The longer we wait the greater will be the difficulty. Having been a member of the Internal Economy Committee for about twenty years, and having had some little experience in the Senate, I believe I am safe in saying that the administration of the staff of the Senate by the Internal Economy Committee was fairly satisfactory to the members of the House and to the members of the staff as well. I think that if we had retained our control of the staff the service would to-day be much more satisfactory than it is. If possible, I think that we should take the staff out of the control of the Civil Service Commission. We have plenty of time to look after such matters. Only this session His Honour the Speaker made a request for a translator. A translator was secured through the Civil Service Commission, and, as honourable gentlemen will remember, that translator turned out to be of no use. The Civil Service Commission were wrong in that case; the man could not do his work. I dare say that if the Internal Economy Committee had had control a satisfactory man would have been secured.

Hon. Mr. DANDURAND: Who established the rule that 25 per cent should be given to returned soldiers?

Hon. Mr. WATSON: I do not know. Apparently that is a rule of the Civil Service Commission, or a rule made by the Chicago people. From the expressions of opinion to-day I am inclined to think that most of the members of this House are strongly in favour of the control of our staff remaining with ourselves, and I think that if representations were made to some authority in the House of Commons we would encounter no difficulty in getting this amendment passed. I think the House of Commons is in somewhat the same position as we occupy, and would like to have the control of its staff. I believe an understanding could be arrived at, and if an amendment were inserted in this Bill the chances are that the House of Commons would accept it.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, inasmuch as I have charge of this Bill it is but natural that I should defend it. It has occurred to me since the discussion has taken place, and since my honourable friend from Kings and Albert (Hon. Mr. Fowler) moved his amendment, that there is really no evidence before us to justify us in making the very radical departure which is now proposed. We not only passed the Act of 1918, but we passed the Amendment Act of 1919, and we approved of the principle of the Civil Service legislation when we were charged with its consideration. The only evidence before us that would seem to make a change advisable is the fact that there was an unfortunate appointment made in the case of a translator. The same thing might very easily have occurred if the appointment had been in the hands of one of our committees. It happens that an Order in Council was passed by the Government of the day giving recognition by way of preference to returned soldiers in all appointments, and this particular translator, being a returned soldier, was selected by the Civil Service Commission on account of the regulations passed by the Governor in Council. The Civil Service Commission were compelled, so to speak, under the peculiar conditions which invested the case, to appoint a returned soldier. Outside of that particular case I have heard of no dissatisfaction.

Hon. Mr. FOWLER: Would that account for the delay in the translation? As I understand it, there was a delay of some six or seven months.

Hon. Sir JAMES LOUGHEED: There may have been a delay. I understand that

the position of translator has been satisfactorily filled by a temporary appointee, and that consequently there is no pressing necessity for immediate action.

Hon. Mr. FOWLER: We should have direct action.

Hon. Sir JAMES LOUGHEED: I agree with the position taken by my honourable friend from De Lorimier (Hon. Mr. Dandurand), who very properly points out that the Senate has approved of the principle of this Bill. We have passed the Act removing the patronage not only of members of Parliament but of the ministerial heads of departments, and likewise we have taken out of the hands of Deputy Ministers the power which they exercised over their staffs. We have committed ourselves unalterably to the principle of this Bill.

Hon. Mr. FOWLER: Not unalterably.

Hon. Sir JAMES LOUGHEED: Until the present time we have. Now we deliberately say to the ministerial heads of departments, to members of Parliament, and to all others whose patronage has been removed: "Notwithstanding the fact that we imposed upon you the duty and obligation of sacrificing the patronage which you formerly exercised, we, one of the branches of Parliament, are prepared to revert to the exercise of patronage, but at the same time we expect you to submit to the provisions of the Act." This, it seems to me, would place the Senate in a most anomalous position. We should be prepared to say that what is good enough for others is good enough for us, or that, if the principles of the Civil Service Act are not good enough for the Senate, we should repeal the whole Act. I think if the honourable gentleman from Kings and Albert had moved a resolution along those lines it would have been perfectly consistent. I suppose that most legislation is more or less inconsistent, and that occasionally members of Parliament find themselves occupying an inconsistent position; at the same time, I am bound to say, being in charge of this Bill, that consistency is a jewel and a principle to be observed in this case.

Hon. M. DANDURAND: Could the honourable gentleman, for the enjoyment of the new Senators in this Chamber, relate the little comedy of the Internal Economy Committee as to the appointment of a barber of the Senate?

Hon. Sir JAMES LOUGHEED: I do not entirely recall that incident. Such things will occur. Think of the position in which we would be placed, having regard to the encomiums which have been passed upon this Bill in this very House. Honourable gentlemen in this House have been clamouring for years for the removal of patronage. They have been condemning in the strongest language the exercise of patronage by Ministers, members of Parliament, and others. They have been clamouring for the removal of all those evils and have extolled the principles of the Civil Service Act to the seventh heaven. Notwithstanding the position which we have taken on the subject, are we to-day prepared to revert to the old principle of "to the victor belongs the spoil"—the principle of the dominant party exercising the patronage?

It seems to me, honourable gentlemen, that we are confronted with another difficulty. This will involve legislation. We cannot by a motion revive and place upon the statute book the legislation under which we previously acted. This motion is equivalent to a new Bill. It will have to be sent to the House of Commons to receive their concurrence before it becomes law. I ask honourable gentlemen to consider that phase of the question.

Hon. Mr. BOSTOCK: They might join us.

Hon. Mr. WATSON: I think they would join us.

Hon. Sir JAMES LOUGHEED: The House of Commons cannot amend their own Bill. Having sent that Bill to the Senate, it is too late for them to amend it and join with the Senate in the action which is proposed.

Hon. Mr. WATSON: We had better include the House of Commons in the amendment.

Hon. Sir JAMES LOUGHEED: I commend to my honourable friend the further problem of getting the co-operation of the House of Commons.

Hon. Mr. BELCOURT: Does my honourable friend claim that we cannot amend the Bill?

Hon. Sir JAMES LOUGHEED: My argument is that the amendment would have to pass the House of Commons, and that the House of Commons could not take themselves from under the provisions of the Bill, and do what we propose doing, because they have already parted with the Bill and sent it up to this House.

There is a further problem to be considered, and that is the question of the House of Commons voting to the Senate the neces-

sary supplies for the maintenance of our staff, and so on. Unless the House of Commons will adopt legislation similar to what we are proposing we will be facing a very peculiar situation, particularly in having our supplies voted. I simply point out these difficulties.

I feel particularly sympathetic to what my honourable friend from Middleton (Hon. W. B. Ross) has pointed out. I think probably a good purpose is served by directing attention to this matter. I think it is very unfortunate that Bills sent by the Senate to the House of Commons should meet a premature death in that House—

Hon. Mr. BELCOURT: That is not altogether new.

Hon. Sir JAMES LOUGHEED: —without having even a chance of life. At the same time, wrongs of that kind do not justify us in adopting such a radical step as the one now proposed, unless that step is defensible on other grounds.

Hon. Mr. FOWLER: The leader of the Government has made a very fair argument; but he has not succeeded in convincing me, and I am sure he has not convinced himself, that his attitude on this occasion is the right one. I am satisfied—not from the remarks that have fallen from his lips, because I know he is generally a very sensible man—that his heart is in sympathy with the proposed amendment—and no sensible man, I think, could possibly entertain any other view. I have consulted with some of the gentlemen who are well versed in the law, and as a result, with the leave of the Committee, I will add the following words to the proposed amendment:

And the powers and privileges of the Senate relating to the appointment, promotion, control, and classification of its permanent officers and employees shall be such as existed in and prior to the year 1908.

Hon. Mr. DANIEL: I should like to ask the honourable gentleman how an official of this Chamber appointed by the Governor in Council would be affected. There has been a good deal said this afternoon in reference to the Sergeant at Arms. I may be mistaken, but I had the idea that the Sergeant-at-Arms—and there may be others—was appointed by the Governor in Council, not by the Civil Service Commission. I am not very well versed in matters of that kind.

Hon. Mr. FOWLER: They would not be affected by this amendment. This is only a restoring clause. Officials who were appointed by the Governor in Council would not be affected.

Hon. Mr. LYNCH-STAUNTON: All officials except Deputy Ministers are now appointed under the Civil Service Commission.

Hon. W. B. ROSS: We are getting back to the good old days when we had control of this House ourselves. The fact is that the whole Civil Service is becoming demoralized under the existing law. In the old days a Deputy Minister had control of his staff. I suppose under the existing law, if I ask a boy to bring me a book and he declines to do so, that instead of appealing to the Speaker I would have to appeal to the Civil Service Commission. We are only getting back to what has got to come in the House of Commons and in the Departments as well as here—the principle that the man at the head of a Department must have control.

Hon. Mr. LYNCH-STAUNTON: As the leader of the Government has pointed out, we may be embarrassing the House of Commons in sending this amendment to them, inasmuch as they have no power to amend their own Act. But they certainly have power to amend our amendment, and by including the House of Commons in the amendment we can accomplish what we desire.

Hon. Mr. BELCOURT: My honourable friend from Sussex (Hon. Mr. Fowler) has used the word "permanent" in his amendment. That may be misleading.

Hon. W. B. ROSS: I agree with my honourable friend from Ottawa. I think the word "permanent" might come out.

Hon. Mr. LYNCH-STAUNTON: Strike it out.

Hon. Mr. BRADBURY: That would not matter. I understand that at the present time we have control of all temporary employees.

Hon. Mr. BOSTOCK: I was going to suggest that possibly it would be better to let this matter stand until to-morrow so that we could have a proper amendment drawn up. I must say that I do not exactly understand the position at the present time. I think we have first of all to repeal the legislation that has gone before, and then we have to revive the privileges of the Senate under the British North America Act, as read by the leader of the Government. I would like to point out to my honourable friend that he moved an amendment to the Maple Syrup Bill. That Bill

went to the House of Commons, which did not agree to our amendment, but made another amendment, which we accepted. I think that is exactly what my honourable friend suggested they could not do.

Hon. Mr. BOURQUE: Mr. Chairman, just a word before the amendment is put. Reference has been made to a translator who, unfortunately, was not found to be properly qualified. I happen to have had the pleasure of meeting this gentleman once incidentally when he first came here, and since then I made it a point to acquaint myself with the circumstances in connection with his dismissal, and I must say that it is very unfortunate for Mr. Stehelin that he was not properly employed by the Senate, because his services were most remarkable as far as the war was concerned. I am not blaming any officials of the Senate whatever, but I want to say that when he first came here as a stranger he was certainly given more work by the superior translator than any translator could possibly do. I understand that it was brought out that he was given five pages of translation to be done in one day, which I am told it was impossible for him to do. I am not surprised that the translation was not found proper or good, because no translator could possibly do five pages of translating in a day. Later on, I am told, two and a half pages were given, and his translation was found to be good.

Hon. Mr. LYNCH-STAUNTON: Do you mean to say he could not do five pages of translating in a day?

Hon. Mr. BOURQUE: That is what I am informed. We want to give this returned soldier justice, but under the circumstances, with the chance that he had from the superior translator who was above him, I am not surprised that the officials of the House and His Honour the Speaker, according to the records, found him unqualified.

Hon. Mr. BELCOURT: Before the amendment is put, I think the attention of the House should be drawn to what seems to be a very serious matter. Honourable gentlemen must realize that in voting for the amendment they are going to reject all that has been done in the last two years by the Civil Service Commission with regard to three things which will be of very great importance to our officers here. These are: the statutory increase, the increase which will result in the salary of quite a number of our employees from the reclassification that is being made, and the reclassification and reorganization to be made during the year. An increase of salary has been granted to a number of our employees by reclassification, in one case by $500, and in the same way the bonus that has been voted and the statutory increase granted by the Civil Service Commission will be affected.

Hon. Mr. BRADBURY: How is that?

Hon. Mr. BELCOURT: Because we cannot rely further on the Civil Service Commission for increases. I am not opposing the amendment, but I am putting it to the Senate that if we carry it we impliedly pledge ourselves to put through and carry out the increases granted by the Commission, and when we are in the Committee on Contingency Accounts we ought to have this in mind, if we adopt this amendment.

The Hon. the SPEAKER: Referring to the remarks of the honourable member for Richibucto (Hon. Mr. Bourque), he certainly must have been misinformed when he was told that Mr. Stehelin was obliged to translate five pages a day. He was employed in the Senate only three months, and in all those three months he translated twenty-five pages, which was about a third of a page every day. I have stated the reasons why I was disposed to replace Mr. Stehelin. Sympathy is asked for Mr. Stehelin as a great warrior who spent part of his time in the trenches; but I understand that is entirely incorrect, as he was never less than a few hundred miles from the trenches, having been employed in a lumber camp, where I believe he did his duties well; but the fact that he was a good lumberman would not imply that he was a good translator.

Hon. Mr. CURRY: This House is composed of men of wide experience and sound judgment, men who are disposed to think before they act. We have passed this Civil Service Act, and it has only been in operation for a short time. To change it now would seem to me to be rather inconsistent, and we would be acting in a fickle way. I do not think we have given the Act a fair trial; I do not think it would be fair to the Act to adopt this amendment at this time. If it is thought best at another session to do so, a Committee might be appointed from this House to meet a Committee from the other House and look into the whole matter; but I think that this body will stand in a very bad light before the people of this country if we tamper with this legislation at this time.

Hon. W. B. ROSS: On the contrary, I believe we will receive more eclat if we deal with it now. From one end of the country to the other there is nothing but a rip and roar about the Civil Service Act.

Hon. Mr. CURRY: We should give it a fair trial.

Hon. W. B. ROSS: I do not see why it should have a trial at all, or why we should waste time over it.

Hon. Mr. FOWLER: The point made by my honourable friend from Ottawa with regard to the bonuses and additions to salaries of the different clerks is well taken. These have become vested rights, and cannot be taken away by this legislation. I have had this amendment recast and redrawn and put in better shape than it was before, and I now submit the result:

Those provisions of the Civil Service Act, 1918, as amended by the Civil Service Amendment Act, 1919, and by the foregoing sections of this Act, which apply to the Senate, to the Speaker of the Senate, or to the officers, clerks, and employees of the Senate, shall cease so to apply on and after the passing of this Act.

2. All such privileges, immunities and powers of the Senate with regard to its officers, clerks and employees, as existed before the passing of the Civil Service Act, 1908, chapter 15 of the Statutes of 1908, shall be deemed to exist unimpaired and as if that Act and the Civil Service Act, 1918, and the amendments of these Acts respectively, had not been passed.

Hon. Mr. WILLOUGHBY: I do not find myself inclined to support the amendment. If it were adopted this House would be the first to withdraw from the jurisdiction of the Civil Service Commission. It does not matter whether or not we approved of that Commission in its inception. It may have been passed with misgivings on the part of some of us; still it has only been a short time in operation, and I believe it has done its work well. I have kept a little in touch with the Commission, and I know it is greatly overloaded in the duties and responsibilities it has to perform. In addition to the classification, which should not have been loaded on it, we have put the outside service on the Commission, and now the reorganization of the departments is proposed. There has been no specific grievance as far as this House is concerned, except that we have not had the control of our own officers. I do not want the statement to go through the country that the Senate of Canada, which approved of the Civil Service Act, is the first body to withdraw from the operation of that Act. If we are prepared to go that far, I would be prepared to go a great deal further and repeal the Act altogether as to the outside service. If that be the attitude of honourable gentlemen, let us not go at it piecemeal, but tackle the whole problem. I am willing to deal with the principle; but I think we would be taking a retrograde step to adopt this amendment.

Hon. Mr. DANDURAND: I doubt very much that we shall receive very considerable encomiums throughout the country for withdrawing from the operation of the Civil Service Act. There will be a question as to why the Senate is acting thus, and it will weaken the confidence of the people of the country in the solemn action of the Parliament of Canada in establishing the Civil Service Commission and allowing the Departments to be manned by that Commission for a number of years. I want to tell my honourable friend from Middleton that this Senate will get some eclat and encomiums if it will only give as much time to frowning down the large expenditures that will come before us for revision before the end of this session as we are spending on this question of withdrawing the Senate from the Civil Service Commission.

Hon. Sir JAMES LOUGHEED: I am sure the Senate does not desire to act hastily in this matter, whatever justification there may be, and as it is within a couple of minutes of six o'clock I would take the liberty of moving that the Committee rise and report progress and ask leave to sit again. Mature consideration between now and to-morrow will certainly help us to deal properly with so important a subject.

Progress was reported.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Thursday, June 17, 1920.

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

Prayers and routine proceedings.

FRANKLING DIVORCE PETITION.

REPORT OF COMMITTEE.

Hon. Mr. TANNER presented the 101st report of the Standing Committee on Divorce, as follows:

In the matter of the petition of Arthur John Frankling, otherwise known as John A. Holmes, of the city of Toronto in the Province of Ontario, Electrician; praying for the passing of an Act to dissolve his marriage with Ellen Elizabeth Frankling, of Norwich, England, and for such further and other relief as to the Senate may seem meet.

1. The Committee have, in obedience to the Rules of the Senate, examined the notice of application to Parliament, the petition, the evidence of publication of the notice, and all other papers referred with the petition.

2. The Committee find that the requirements of the Rules of the Senate have been complied with in all material respects, except personal service upon the Respondent of a copy of the Notice of intention to apply to Parliament for a Bill of Divorce as required by Rule 137.

3. Inasmuch as personal service has been made upon the Respondent of a copy of the petition and information, and in view of notice received by the Committee from the Respondent, indicating that she is fully aware of the proceedings, the Committee recommend that what has been done be deemed and taken as sufficient service, and that the Committee be authorized to near and inquire into the matters set forth in the petition.

He said: Honourable gentlemen, there may be no objection to adopting this report now. The Respondent, who resides in England, was served with the Petition; but under the rules of the Senate it is also necessary to serve upon the Respondent a copy of the notice published in the Canada Gazette. This is merely a formal notice. By the service of the Petition the Respondent really has had all the information conveyed to her that any Respondent could desire, and the Committee came to the conclusion that no injustice would be done if that service was accepted as being sufficient. Under the rules, however, it is necessary that the decision of the Committee should be concurred in by the Senate, and if there is no objection I would move that the rule be suspended and that the report be now concurred in.

Hon. Mr. POWER: I should not object to the suspension of the rule to read a Bill; but I think that the members of the House should have an opportunity of seeing the report of the Committee.

Hon. Mr. TANNER: This does not dispose of the Petition for divorce. It only enables the Committee to go on and hear the evidence without requiring the Petitioner to send over specially and serve a copy of the notice which has been published in the Canada Gazette. The Respondent has already received a copy of the Petition, and, as a matter of fact, a letter which is in the custody of the Clerk acknowledges the receipt of it.

The Hon. the SPEAKER: If there is any objection, the rule cannot be suspended.

It was ordered that the report be placed on the Orders of the Day for consideration on Monday next.

COAL SHORTAGE AT MONTREAL.
INQUIRY.

Hon. R. S. WHITE inquired:

1. Is the Government aware that no Nova Scotia coal has been brought to the Port of Montreal this season?

2. Is the Government aware that practically the whole output of the Nova Scotia mines is being exported?

3. Is the Government aware that the annual requirements of bituminous coal for the district of Montreal is between four and five million tons?

4. Is the Government aware that Nova Scotia has in the past supplied these requirements to the extent of two million tons and that this source of supply does not presently exist?

5. Is the Government aware that there is a shortage in production of American bituminous coal and there is difficulty in obtaining nominal supplies from this source?

6. Is it the intention of the Government to introduce legislation to relieve this situation which may become acute if immediate action is not taken?

He said: Honourable gentlemen, with the permission of the House I wish to qualify this inquiry and point out that it is not in any sense a criticism of the mine owners. This time last year I was in Sydney, and I fully appreciate that for some years past mine owners have not been able to carry on the trade they might otherwise have carried on had it not been for the lack of shipping. On account of the shipping facilities being commandeered by the British Government they had large supplies of coal piled on the dump, and this coal was in danger of fire. This inquiry largely concerns the question of whether transportation might be afforded to the mine owners outside of what they are able to secure for themselves. Montreal has not had a very large supply of coal from Nova Scotia for the last three or four years, but during the war the American mines were deprived of some part of their regular trade and were able to give Canada a much larger supply than they would do under ordinary conditions. Normal conditions are now returning and the transportation by the American railroads is not as good as it might be; consequently we are not able to get in Montreal the same supply of bituminous coal as we did have during the last two or three years. The supply of Nova Scotia coal has been cut off from us almost entirely. I understand that the Nova Scotia coal is being bunkered in ships. It is exported, or, what is practically the same, it is leaving the country, and the owners are getting a very good price for it.

It seems to me the Minister of Marine, by means of Canadian Government boats, might relieve this situation; or the Under-Secretary of State for the Colonies, who is still in Canada and available for negotiations of this character, might be approached by the Government for the purpose of obtaining at least 100,000 tons of British Shipping, which I understand is available. If, as Colonel Amery claims, the British Government wish to show their good will towards Canada, why should not the Canadian Government apply to them for a certain tonnage to bring the Nova Scotia coal to Montreal and other Canadian ports? The object of my inquiry is not to find any fault with the mine owners, who are exporting their coal at a good price, and who are perhaps only compensating themselves for losses they may have sustained under war conditions. My purpose is to urge upon the Government the need of taking some action, which possibly private companies cannot take, to secure proper transportation facilities, so that the Nova Scotia coal may be available for Canadian consumption.

Hon. P. C. MURPHY: Honourable gentlemen, I think that this is a timely inquiry on the part of my honourable friend from Inkerman. He speaks about the conditions in Montreal, and there is nobody in a better position than he to explain the situation just as it exists. Down in my own province, which is almost within a stone's throw of the mines at Sydney, importers wired the other day for five cars of coal, and they were informed: "Absolutely impossible to supply you." This coal is required for the running of our lobster canneries, lobster canning being one of the chief industries of the Maritime Provinces. I overheard my honourable friend from Inkerman the other evening discussing the matter, and I was amazed to learn that the situation was such that it might at any time become acute, and that the industrial establishments of Montreal might even have to shut down for want of bituminous coal. This is a situation with which the Government should grapple. The conditions are serious in the Maritime Provinces when we cannot get even five cars of coal, but what about the 4,000,000 or 5,000,000 tons required to run the industrial establishments of Montreal? I have risen only to speak in commendation of the action of my honourable friend from Inkerman in bringing this question to the attention of the honourable leader of the Government, who I believe will bring it before his colleagues.

Hon. R. S. WHITE.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, the inquiry made by my honourable friend from Inkerman is very pertinent to the situation which we unfortunately are facing, not only at the port of Montreal, but also at other points. The Government is doubtless aware of the different conditions mentioned in the inquiry. Unfortunately they are known only too well, through the experience which the public have had within the last couple of years.

As a remedy for the situation, the Prime Minister has introduced in the House of Commons, within the last day or so, legislation which would permit of the Government dealing with conditions such as have been outlined by the honourable gentleman from Inkerman. That legislation will doubtless pass the House of Commons; at least I hope it will. It will be in the public interest that such power should be vested in the Government as would permit of the situation being regulated or controlled by governmental action. I have no doubt that when the measure comes up to this House it will receive the support of the Senate.

DIVORCE BILLS.

THIRD READINGS.

Bill T4, an Act for the relief of Graziano Bertini.—Hon. Mr. Edwards.

Bill U4, an Act for the relief of William Henry Caswell.—Hon. Mr. Ratz.

Bill V4, an Act for the relief of John Covert.—Hon. Mr. Ratz.

Bill W4, an Act for the relief of Mary Ireland.—Hon. Mr. Proudfoot.

Bill X4, an Act for the relief of John Daniel Mills.—Hon. Mr. Blain.

Bill Y4, an Act for the relief of Joseph Aimé Wilfred David.—Hon. Mr. Bradbury.

Bill Z4, an Act or the relief of Richard Simpson.—Hon. Mr. Fisher.

CIVIL SERVICE BILL.

FURTHER CONSIDERATION IN COMMITTEE.

The Senate again went into committee on Bill 53, an Act to amend The Civil Service Act, 1918, and The Civil Service Amendment Act, 1919.—Hon. Sir James Lougheed. Hon. Mr. Blain in the Chair.

Hon. Mr. FOWLER: Honourable gentlemen, when we were discussing the amendment that I had proposed, the honourable member for Ottawa (Hon. Mr. Belcourt) raised the point that bonuses or additions to salary had been recommended by the Civil Service Commission for certain officers and employees of this House. I stated

that in my opinion the amendment would not interfere with them; but I have since thought it would perhaps be as well to crystallize that opinion in the form of an addition to the amendment. I would propose this:

Provided, however, that any benefit enjoyed by the officers, clerks, or employees of the Senate under the provisions of the said Acts, and the amendments of those Acts, with respect to status, salaries or increase of salary, bonus, superannuation or retirement, Civil Service insurance, gratuity to an employee's widow, and like benefits, shall continue to apply with respect to the staff of the Senate.

Some question was raised as to whether the amendment proposing to take the control of our officers and employees out of the hands of the Civil Service Commission would affect the present status. I propose this addition—

Hon. Mr. CLORAN: That is all right.

Hon. Mr. FOWLER: —in order that there may be no mistake in regard to it.

Hon. Mr. MURPHY: If I understand my honourable friend, he means that the positions in which the staff have been placed under the Civil Service Act, after all this inquiry, shall remain as they are, and that this amendment shall not interfere with them; that any of the advantages which employees derive from that reclassification shall take effect.

Hon. Mr. FOWLER: Exactly.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I hesitate to express myself further upon this subject, owing to the expression of opinion which I gave yesterday, but I feel that I cannot allow this amendment to be submitted without again pointing out to the Senate what in my judgment are the disadvantages under which we would place ourselves as a legislative body. I asked yesterday, by way of interrogatory, so to speak: what is the basis for the very radical position which it is proposed to take in legislating ourselves out of the Civil Service Act? And since the discussion arose yesterday there has been mentioned in support of it only one particular case, which was not a glaring case, and which, one can readily understand, might arise under any appointive system. Outside of that particular case there has not been one example or fact cited upon which we could base such action as that which is proposed.

On the other hand, what have we enjoyed from the operation of the Civil Service Act since it has been in force? It seems to me that we have had all the advantages which must necessarily arise from legislation of that character, by which we delegated to a Commission the appointment of officers of this Chamber, and relieved ourselves of any responsibility in that respect.

Honourable gentlemen who have been in this House for some years can readily recall, if they send their memories back far enough, the very unpleasant duties that we had to exercise under the old system. The Senate, under the old system, was entrenched by all the evils of the patronage system, without the members of the Senate deriving from it any advantage. There was not a day when members of the Senate were not importuned by messengers, by subordinate officers of the House, and others, for an improvement in their positions, for appointments to vacancies, for increases of salary, or for the ventilation of abuses and grievances which they thought they laboured under. Our lives were harassed. I say that advisedly. On many occasions we had to discuss seriously the advisability of making it one of the rules of the House that any officer or servant of the House approaching a Senator with reference to an improvement of his position should stand discharged. That was discussed repeatedly. Notwithstanding that, honourable gentlemen, are we going back to a similar state of affairs? Are we going to submit ourselves to the importunities to which we were then subject? What are the advantages of doing so? I fail to see why that should be done. Let us assume that the Civil Service Commission is all that its critics and censors claim it to be; and from that I differ very much. But suppose that to be the case. How is our position to be improved? Are honourable gentlemen here yearning to appoint messengers and inferior officers of the House? Do they wish to be urged or importuned by the man in the street who wants a position in the Senate? Instead of seriously occupying their time in the transaction of public business, do they wish to have it constantly taken up, as it used to be, in listening to complaints and in dealing with small, uninteresting, and humiliating matters which may be presented to them from time to time?

Hon. Mr. DANDURAND: And wrangles.

Hon. Sir JAMES LOUGHEED: I venture to say, honourable gentlemen, that we spent more of our time years ago, before the introduction of the Civil Service Act, in dealing

with matters of that kind than in dealing with the more important subjects which came before us for our consideration as a legislative body.

Hon. Mr. FOWLER: Oh, surely not.

Hon. Sir JAMES LOUGHEED: My honourable friend from Kings and Albert was not here at the time. I venture to say that if he had had the experience through which most of us went some years ago he would be less ardent in suggesting this very radical change which is the subject of his motion to-day. I am not one to take exception for a moment to the improvement of legislation or to a departure from say well-established routine or practice, but I naturally do ask myself what good reason is there for the proposed amendment, and I do protest against our making a very substantial change unless there be some good reasons for it.

I have already pointed out that we are taking a very inconsistent position. I do not mean to say that we are precluded from retracing the steps which we have taken in former years in regard to this legislation; for the progressive mind must necessarily recede frequently from positions already taken. But we have consistently supported this Act from the time of its introduction in this House down to the present. The Senate has been a greater champion of the Civil Service Act than the House of Commons or any other body. I recall that last year, when the classification was referred to a Special Committee, a very representative Committee of the Senate, that Committee took the deepest interest in the measure, and my honourable friend from Kings and Albert, if my recollection is correct, was one of the greatest supporters of the Bill when it was before the Senate on that occasion.

Hon. Mr. FOWLER: No, no.

Hon. Mr. MURPHY: In Committee—yes.

Hon. Sir JAMES LOUGHEED: In Committee; that is my recollection. However, my honourable friend has a right to change his mind. But I remember very well suggesting, when the Classification Bill was before the Committee, that there should be more flexibility about it than there was. That was the outcome of suggestions made by one or two ministers from practical experience with reference to the application of the Act. But the Committee were inflexible, and decided that the Bill should be made as rigid as possible so as not to admit of any elasticity whatever. I remember that distinctly. I had no desire to intrude my opinions at that time upon the Committee, but I did take the liberty of suggesting to some few members that in my judgment the Bill was too rigid, and would suffer from that rigidity if some flexibility were not imported into it by allowing ministers and others charged with the administration of the departments to exercise their discretion to some extent, but not without the intervention of the Civil Service Commission. However, I remember, as the Journals of the House and Hansard will show, that when the Bill was brought from the Committee to the House it had many champions, and my recollection is that not a word of dissent was uttered against the Bill on that occasion. Therefore it seems to me that from the origin of this Bill in this chamber down to the present time, with the different amendments which have been made to it, the Senate has been the champion of the policy of the Civil Service being vested in the Commission; and up to the present time, with the exception of the one case referred to, the appointment of a translator, no abuse has been shown respecting this Act.

I cannot take my seat without saying a word as to the manner in which the Act has been administered by the Commission. When we take into consideration that this was an experiment of a most radical character, that it involved the whole patronage system being attacked and practically wiped out, one can very well understand and appreciate the overwhelming task which faced the Civil Service Commission. They had to deal with something like 60,000 appointees, I understand; my recollection is that that is approximately the number of Civil Servants in Canada. They had naturally to face the opposition not only of members of Parliament, who had been accustomed to exercise patronage on a lavish scale, but also of organized political parties and other bodies throughout the country. They had to face an army of critics to which I believe no other public measure could possibly have been subjected, not only during its discussion, but even since the Act was put into operation. Yet I venture to assert that no public duty could have been more satisfactorily discharged by any public commission than has been the case with the Civil Service Commission, although there are isolated instances where perhaps proper

discrimination was not shown. I speak with personal knowledge of the gentlemen who constitute the Commission; and, while I have not seen eye to eye with them in respect to my own appointments, yet I know that those gentlemen have loyally and capably applied themselves to administering this Act; and I for one, who did not view with very sanguine expectation the successful administration of the Act, have had to express my surprise at the success it has met with throughout the entire country. I venture to say that the entire press of the Dominion is to-day in support of the policy embodied in the Civil Service Act, and that the Senate, in moving to take itself out of the Act, will be placing itself in a position of defiance against public opinion, against public policy, and against everything that makes for the building up of a desirable public service in the government of the country.

I therefore regret very much that I cannot view this matter in the same way as my honourable friend who has moved this amendment and those who have expressed their support of it. The very fact of my honourable friend amending his amendment, as he has already done this afternoon, demonstrates how completely successful the Civil Service Act has been in dealing with all the ramifications of the public service, because it has extended to the Civil Servants benefits and advantages to which exception cannot be taken, but which my honourable friend is importing into his amendment.

Now, if the Senate wishes practically to say that the Civil Service Act shall not apply to itself, so far as its public servants are concerned, what remains to justify us in taking the step we are now considering? Is it that the Senate may be simply charged with the responsibility of appointing and controlling a small body of messengers and inferior officers?—because the superior officers of the Senate are practically appointed by the Governor in Council. I ask myself the question, honourable gentlemen, and I ask you the question, if it is worth while, if that be the object which we have in view? Is it worthy of the Senate of Canada, and are we justified in placing ourselves in opposition to a public policy so desirable as that involved in the Civil Service Act?

Hon. Mr. FOWLER: I wish to set myself right in the eyes of the leader of the Government in this matter. He stated that I was in favor of this measure in its inception. I was not. As I remember it now—and I remember the discussion—I was one of the very few members who spoke against the Bill; but after it became law, having being appointed on the Committee, I was anxious to do everything I could.

Hon. Sir JAMES LOUGHEED: That is the stage to which I referred; I know my honourable friend did take that position.

Hon. Mr. FOWLER: Because I believe in the rule of the majority, and the majority having decided that the Civil Service Commission should have charge of all these matters, I, as a good subject of the realm, in duty bound, bowed to the wishes of the majority and said no more in opposition. In the Committee I tried to give the Commission as strong a Bill, that is, as much power, as was possible, so that they might not have their hands weakened by anything in the Bill which would prevent them from carrying out the desired legislation that had been passed.

I cannot quite believe that the picture of former years in the Senate is quite as black as has been painted by the leader of the Government. In a sense it is a very strong arraignment of the character of the men who compose the officials and employees of the Senate. To listen to the honourable leader one would think that the chief thing those officials did was to lie in wait for the innocent and unwary Senators as they passed through the corridors of the building, get them into a corner, and importune them for increases of salary or promotions. Surely the business of the country was not neglected during that time. I was not a member of the Senate then, but as a member of the other House since 1900 I kept in somewhat close touch with the doings of the senior branch of the legislature, and I felt that some good work was being done all the time in the Senate—some good legislation was being passed and other good legislation was being initiated. Therefore I do not think the honourable leader of the Government should have made such a sweeping charge as he did in saying that the Senate was unable to transact the necessary business of the country that came before it by reason of the time of its members being taken up by importunities of officials. It is very easy to get rid of that sort of thing. I have never been importuned by any official for an increase of pay, or a promotion, or anything of that sort, and if we revert to the old order I do not think such evils will follow as the honourable gentleman has stated.

I think we have now had enough discussion about this, and for my part I do not propose to carry it any further. I only wish to set myself right, and to say that I am not actuated by any feeling against the Commission. I think the gentlemen who compose that Commission have done wonderfully well, considering the magnitude of the task before them. I know two of them well, and those two had considerable parliamentary experience which fitted them well for the task they had before them. Knowing those gentlemen, I know they are actuated solely by a desire to do what is best for the Service and for the country, and I know they have the ability. I wish to pay that tribute to those gentlemen.

Hon. Mr. BOSTOCK: Now that my honourable friend has taken up this matter, it might be well to refer to the experience we had in this House in the passing of the Bill in 1908. I do not think the members of the Senate realized what was done under that Act until it was put in force. I think the older members of the Senate can remember that after the Act of 1908 came into force we had a considerable number of discussions in the House over the question as to who really exercised authority under that Act, and whether the Internal Economy Committee of the Senate had anything to do with the staff of the Senate. Those discussions took up considerable time and sometimes were not altogether pleasant.

Then, honourable gentlemen will remember that when the Bill of last session was before the House, we arranged that the question of the promotion of the officials of the Senate should be left in the hands of the Senate. I think that also applied to the House of Commons, which I understand is in a different position from the Departments in regard to this matter. There was some objection taken by the honourable gentlemen in this chamber to the clauses of the Bill, and also to the classification, and when the Bill was before the Committee of the whole Senate an attempt was made to give Ministers and Deputy Ministers more power in the matter of appointments in the Departments, and I rather think that my honourable friend the leader of the Government was in favour of that.

The Senate, therefore, has shown considerable dissent from the Bill as it stands at present. I think there were a large number of members of the Senate who would have liked to change some of the clauses of the Bill from what they are in the present Act I think I am right in stating that the Department over which my honourable friend the leader of the Government presides is not at present controlled by the Civil Service Commission in the same way as some other Departments. After what my honourable friend has said in favour of the Civil Service Act to-day, and the commendatory way in which he has spoken of the Civil Service Commission, I presume he will be quite ready to rectify that omission at once and put the matter straight.

Hon. Sir JAMES LOUGHEED: Oh, no; because those are all temporary employees in the Department to which I belong. They are being demobilized at the present time —at least not all, but they will be shortly. It was because they were not permanent appointees that they were not put under the Act.

Hon. Mr. BOSTOCK: With regard to what has been said about the work of the Civil Service Commission, I think everybody agrees that the members of that Commission have had very heavy work placed on their shoulders, they have had a tremendous number of difficulties to overcome, and they have shown themselves capable of handling the situation to a very great extent; but I think that the Senate is justified in desiring to keep the control of its own staff in its own hands. As I pointed out yesterday, we want to make a distinction between the employees of Parliament and the employees of the Government. That is one reason why I favour the amendment moved by my honourable friend. Further, the Order in Council which I read to the House yesterday shows, I think, that the Government consider that the Civil Service Commission have too much work at present, and are therefore taking the task of reorganizing the departments out of their hands and assuming charge of it themselves, under a committee of the Privy Council. To my mind, all those different points are arguments in favor of the Senate taking the action proposed under this amendment.

Hon. Mr. CLORAN: I would like to know from the leader of the Government if the men engaged in this House are to go under the Sergeant-at-Arms of the House of Commons?

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. DANDURAND: I expressed my views yesterday, and to-day I feel stronger than I did then as to the conclusion I drew. I feel that we are placing ourselves in a very inconsistent position before the country when, after passing an Act covering the whole Civil Service, we now declare that it is unsatisfactory in its operation for the Senate of Canada. Having reached this conclusion, I must stand by the position which the honourable leader of the Government takes, and vote against the amendment.

Hon. Mr. DANIEL: I would be very glad to support this amendment were it not for the views and opinions expressed by the honourable member who has just taken his seat, with which I agree.

Having only two years ago adopted this whole Civil Service measure after due consideration, I think it would be a reflection on our judgment, either at that time or at this time, to make a change after so short a period of experience. While I think it would be a great deal better for the efficient carrying out of the work of the Senate for us to have control of our employees and officials, under the circumstances I do not think it would be advisable for the Senate to adopt an amendment which would make the Senate the sole exception to the policy of the Government.

I do not want to go into the question of patronage and that sort of thing. That has already been discussed. While we may have different views on that question we all understand it. But I wish to make my position plain. If some understanding or arrangement were made to the effect that the proposed amendment should be adopted by both Houses—and I think it might very well be—I should be very glad; but I think it would not be advisable for this House to endeavour to act by itself.

The amendment of Hon. Mr. Fowler was agreed to: yeas, 22; nays, 21.

Hon. Mr. DANIEL: Under the circumstances may I ask what is the duty of the Chairman? Has he the power to give a casting vote?

The Hon. the CHAIRMAN: It is not a tie; the amendment has been carried by a majority of one.

Hon. Mr. DANIEL: On the other hand, if the Chairman voted it would be a tie.

Some Hon. SENATORS: Order.

Hon. Mr. MURPHY: Mr. Chairman, I draw attention to the fact that His Honour the Speaker did not vote.

Section 2 as amended was agreed to.

On section 3—appointments of Civil Servants who resigned and went on active war service overseas:

Hon. Mr. BOSTOCK: Can my honourable friend say whether there are many civil servants who come under this clause?

Hon. Sir JAMES LOUGHEED: I understand that there are comparatively few; but there are some cases in which civil servants resigned their positions and went to the war, and who upon their return could not be reinstated.

Hon. Mr. BOSTOCK: Will this provide for such cases?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. G. V. WHITE: Before this clause is carried, may I mention a case which I have in mind of an employee in the Service who went overseas. This young man was employed in the School Lands Division of the Dominion Lands Branch. His position was that of a clerk bookkeeper. The Classification took place subsequent to his enlistment. While he was overseas certain appointments were made, and when he came back he found that under the Classification he was junior to some of the employees who had been taken into the Service during his absence and rated as Senior Account Clerks. This gentleman's chief took up the matter, and if I may be permitted to do so I should like to read from a memorandum submitted by his chief to the Deputy Minister, as follows:

> I am forwarding you herewith "Duties of Office" card prepared by Mr. H. J. Davidson of this office—

Mr. Davidson is the young man to whom I refer.

> —and would request that you be good enough to forward this on to the Organization Branch in order that they may have same before them when dealing with his case.
>
> As you will remember, at our Conference with the Commission a few days ago, I requested Dr. Roche to give the case of Mr. Davidson favourable consideration.
>
> I might state on his behalf that, before he went overseas, his duties were not so important as they are at present. Upon his return to work, however, I placed him on the ledgers doing the same work as others who are classed as Senior Account Clerks, and I find Mr. Davidson fully as competent as any of the other clerks employed on this work, and more efficient.

Had he not been called for Active Service, he no doubt would have received in the Reclassification the position of Senior Account Clerk, as the work he is performing entitles him to this Classification, and I strongly recommend that he be granted the classification of Senior Account Clerk instead of Clerk Bookkeeper as he is now classified.

(Signed) W. T. Rollins.

It appears to me that the fact of this young man having enlisted for overseas service was detrimental to his advancement in the Department, and I think in a case of that kind some special consideration should be given.

Hon. M. CROSBY: The case should be taken up.

Hon. Mr. G. V. WHITE: The case was taken up, but apparently nothing has been done.

Hon. Sir JAMES LOUGHEED: Has the Minister been apprised of it?

Hon. G. V. WHITE: A letter was written to the Deputy Minister, and I myself told the Deputy Minister.

Hon. Sir JAMES LOUGHEED: What has the Deputy Minister done?

Hon. G. V. WHITE: I understand from him that he has taken the case up with the Civil Service Commission. I got in touch with Mr. Davidson this morning and asked him if anything had come of it, and he said that up to the present time, as far as he knew, nothing had been done.

Hon. Sir JAMES LOUGHEED: If you will put the facts on Hansard I will direct the attention of the Minister to them.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—classification deemed to have come into force on 1st April, 1919:

Hon. Mr. BOSTOCK: Can my honourable friend give us definite information as to why this change is made? What representations were made to the Government to bring it about?

Hon. Sir JAMES LOUGHEED: When the Civil Service Commission entered upon the reclassification of the Service, it was anticipated that the work would be completed in the early part of 1919, and the Classification was based upon that assumption. The work proved to be more overwhelming than was anticipated, however, and consequently a greater period of time was consumed, and it was not until the spring of 1920 if my memory serves me right, that the Classification was concluded. In the meantime a large body of public servants who had been anticipating an increase in their salaries, and so on, had ceased to make further demands upon the Government, expecting that the Classification would be retroactive to the 1st of April, 1919. The Bill was so prepared, but when it came into the House of Commons Hon. Mr. Maclean thought it would be better to make it operative from the 1st of April, 1920. But apparently many Ministers had committed themselves to its coming into operation on the date which I have mentioned, and an Order in Council was passed on December 3rd, 1919, to that effect. It seems to me that Hon. Mr. Maclean, who had charge of the Bill in the House of Commons, and who gave instructions that it was to be amended and to be made applicable only after the 1st of April, 1920, must have overlooked the Order in Council. The Order in Council reads as follows:

The Committee of the Privy Council have had before them a memorandum, dated 21st November, 1919, from the Minister of Justice, reporting upon reference to him of certain memorandum, prepared in the Post Office Department in regard to the application of the new Classification schedules to the Civil Service, that in his view the effect of section 13 of the Civil Service Amendment Act, 1919, as amended in the Senate and adopted by the House of Commons, is that the classification thereby ratified and confirmed, will not become effective with regard to persons in the Civil Service at the time of the coming into force of the Act, until the 1st day of April next, except such persons as may have been or are appointed or promoted to any position in the Civil Service after the 1st day of April last, and that the class of persons included in this exception are entitled to be classified and paid in accordance with the provisions of the said classification from the date of their appointment or promotion.

The minister observes that the effect is, therefore, that persons appointed or promoted after the 1st of April last, are given preferential treatment over those appointed or promoted on or previous to that date.

The minister is unable to perceive any sound basis for this distinction as it appears to him that if the Classification is to relate back to the date of appointment or promotion in the case of persons appointed or promoted on or after the 2nd April last it should contain not less favourable provision with regard to persons who were in the Service previous to that date.

Moreover, it seems to him that in view of certain assurances which were given in the House of Commons and in correspondence passing between the Civil Service Commission and the several departments of Government there was some justification for the assumption which appears to have existed in the Civil Service that the classification schedules when ratified would become operative as of the 1st of April, 1919, and further it is to be observed that the Honourable Mr. MacLean at the special session of Parliament recently prorogued, made

the statement that this matter would in the recess receive due consideration by the Government.

In view of this situation the Minister entertains the view that the Government should take such action as lies within its power to provide a remedy.

The minister, therefore, recommends that the Government do undertake to submit such legislation and to ask for such appropriations at the session of Parliament as will provide for the application of said classification schedules to the Civil Service generally as of the 1st April, 1919.

The Committee concur in the foregoing recommendation and submit the same for approval.

This Order in Council will make clear the reasons which have led the Government to commit itself to the Classification coming into force on the 1st of April, 1919. Of course, the amounts receivable by the different employees of the Government will be as shown by the Classification; that is to say, the Classification will determine what each man will receive. If he has been classified for a higher salary than he has been receiving, that salary will date back to the 1st of April, 1919. Under the circumstances it seems to me not unreasonable that this should be done.

Hon. Mr. BOSTOCK: There is another question that I should like to ask. Last year we confirmed the Classification that was drawn up by the experts of the Civil Service Commission. Are there any amendments to that Classification to be confirmed this year?

Hon. Sir JAMES LOUGHEED: No. The Classification is in the hands of the Civil Service Commission. They can vary it as circumstances may warrant them in doing. It is under the power vested in the Civil Service Commission that the duties of the Sergeant-at-Arms of the House of Commons will be modified and the officers of this House placed upon a parity with the officers of the House of Commons.

Section 5 was agreed to.

Hon. Mr. FOWLER: Section 33 of the Act reads as follows:

The Commission shall by regulation prescribe working hours for each portion of the Civil Service, and there shall be kept and used in each branch of the Civil Service a book, system or device approved by the Commission for preserving a record of the attendance of the employees.

I move to add, as clause 6 of the Bill the following:

The Civil Service Act of 1918 is hereby amended by inserting therein, immediately after section 33, the following section;

33a. The following days and none other shall be the holidays to be observed in and by the Civil Service: 1. Sundays; 2. New Year's Day; 3. Good Friday; 4. Easter Monday; 5. Victoria Day; 6. The birthday of the reigning Sovereign or the day fixed by proclamation of the Governor in Council for the celebration thereof; 7. Dominion Day; 8. Labour Day; 9. Christmas Day; 10. Any day appointed by proclamation of the Governor in Council to be observed as a general fast or thanksgiving, or as a holiday.

At the present time many holidays are being observed to the great financial loss of the country. It is thought that if there are nine holidays, in addition to the ordinary holidays granted each summer, the Civil Servants will fare quite as well as people in ordinary occupations in the outside world, and there will not be the great loss to which the country is now put by reason of so many holidays being observed. The honourable member from Assiniboia (Hon. Mr. Turriff) seconds this motion.

Hon. Mr. CROSBY: Before the honourable gentleman sits down I should like to ask him how many days this cuts off?

Hon. Mr. FOWLER: I have not estimated. Quite a few.

Hon. Mr. CROSBY: Would it cut off nine?

Hon. Mr. FOWLER: I do not know just how many?

Hon. Mr. DANDURAND: Should we not have a list of those holidays, so that we may know what we are doing?

Hon. Mr. CROSBY: Certainly.

Hon. Mr. FOWLER: Do honourable gentlemen not think there are quite enough, when there are nine holidays outside of Sundays? There are 52 Sundays and nine other holidays; that is 61 days. There are also three weeks of statutory holidays. That would be 18 more days, or a total of 27 days besides Sundays.

Hon. Mr. McMEANS: And Saturday afternoons.

Hon. Sir JAMES LOUGHEED: Will my honourable friend (Hon. Mr. Fowler) pardon me for intervening? I may say to the House that my honourable friend who has just moved the amendment spoke to me about it, and I have taken it up with the Civil Service Commission. I understand it is their opinion that this should be done.

Hon. Mr. DANDURAND: My honourable friend (Hon. Mr. Fowler) asked me a question. I have not decided in my own mind how many holidays should be observed, but I wanted to know what days we have been observing, so that we might know exactly what we are cutting off.

Hon. Sir JAMES LOUGHEED: It takes off four or five days.

Hon. Mr. DANDURAND: In the case of a day observed by the Commons and the Senate as a holiday, and observed throughout the country as a banking holiday, it would be quite natural to allow it to the Civil Service. Not having the list before me, I simply wanted to know what we are cutting off, so that we may be au fait.

Hon. Mr. POWER: I think the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) makes a perfectly reasonable request. If we are called upon to cut off some of the holidays which are now statutory, we should know what we are cutting off.

Hon. Mr. FOWLER: You know that there are nine days observed as holidays that are not cut off, and there are eighteen granted as vacation. That is a total of twenty-seven, besides Sundays. If you subtract that total from the number of days that are now observed, the residue will be the information you require.

Hon. Mr. WATSON: Would that amendment interfere with sick leave being granted?

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. DANDURAND: I observe that some religious holidays that used to be observed are to be cut off. I have not the list of those. I know the Senate sat twice on Ascension Day—last year and the year before—while the Commons did not sit. This year we decided not to sit. I would like to know before this amendment is adopted what holidays used to be observed as Government holidays and bank holidays, so that we may know whether they are observed generally throughout the country or not.

Hon. Mr. FOWLER: They are not all generally observed throughout the country.

Hon. Mr. DANDURAND: If they are observed throughout the country I do not see why the Civil Service employees should not have the advantage of them.

Hon. Sir JAMES LOUGHEED: I made inquiry as to this when I received notice of the amendment, and I find that the other holidays are: the Epiphany, Ash Wednesday, Ascension Day, All Saints' Day and Conception Day. These are holidays under the Bills of Exchange Act in the province of Quebec, but they are not Civil Service holidays. There is no statutory enactment of which I know giving specific holidays to the Civil Service. The Commission has been under the difficulty of determining what holidays the Civil Service should take. Apparently, in accordance with custom, the public offices from the Atlantic to the Pacific have been closed on certain of those holidays, the public being thus subjected to great inconvenience and the country to very substantial loss. To close up public offices on any holiday of this kind costs this country in the vicinity of $400,000 a day, in addition to the inconvenience suffered by the public in being obliged to wait for the offices to open. For instance, I recall a recent holiday when a large delegation had to wait at one of the hotels because the public offices were closed. It was Ascension Day, I think, and the public offices should have been open. Commercial and other business was going on just the same as usual. The amendment which has been proposed coincides with the view of the Civil Service Commission.

Hon. Mr. DANDURAND: This amendment is sprung upon the Senate. I can only say this. When the various provinces entered Confederation their customs were to be preserved. Some holidays have been observed in Quebec which have not been observed in other provinces. I cannot support that amendment without ascertaining what effect it will have on the holidays which have been observed in our province in accordance with custom and tradition but not in the other provinces.

Hon. Mr. BOSTOCK: Do I understand that if we pass this amendment there will be no authority to grant a holiday on any day that is not specifically mentioned in it?

Hon. Sir JAMES LOUGHEED: It can be done only by proclamation of Council.

Hon. Mr. BOSTOCK: But it would not be possible, for instance, to grant to Civil Service employees in the province of Quebec a holiday that is generally observed in that province?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANDURAND: That is just the difficulty. As I have often stated, I would be very careful never to attempt to impose on any other province the manners and customs of my own province. In the same way I would not want to see any other province impose its manners and customs upon the people of Quebec. We had in this

Senate a formidable fight over the application of the provisions of the Lord's Day Act, and the stand we took was that each province should be free to exercise control over its own population. We succeeded in having inserted in the Act a clause whereby no proceedings could be started under the Lord's Day Act without the consent of the Attorney General of the province. Likewise in the present instance, if there is any holiday which the province of Quebec observed before Confederation and has observed to this day, and which the Civil Servants in Quebec have enjoyed, I would be slow to accept an amendment that would vary the present conditions.

Hon. Sir JAMES LOUGHEED: My honourable friend will see the difficulty of discriminating amongst the different provinces with regard to such holidays as have been mentioned. What would my honourable friend do with regard to those persons whose homes are in Quebec and who are employed in Ottawa or in other parts of the Dominion? In the province of Quebec they have been accustomed to certain holidays. If my honourable friend's argument is good with regard to civil servants who are performing duties in the province of Quebec, it would be equally applicable to those who formerly resided in that province and now reside in Ottawa. The recognition of such a principle—if it may be called a principle—would dislocate the whole public service. The trouble is that you could not permit persons who had come from the province of Quebec and were residing in Ottawa or elsewhere, and whose duties were interrelated with those of other employees, to enjoy a holiday which others were not granted. I think that in this case the recommendation of the Civil Service Commission might well be accepted. The province of Quebec is represented on that Commission.

The amendment of Hon. Mr. Fowler was agreed to.

Hon. J. G. TURRIFF: Before the Bill is reported I desire to ask the Government what is their policy with reference to salaries of men and women doing the same class of work. My attention has been drawn to the case of a young lady in one of the departments who passed through college with the very highest honours as a mathematician. She has been for several years working in a department and drawing a fairly good salary. Under the classification she is put in a lower grade than all the men in the same branch of the department who are doing the same class of work, and whose qualifications, to put it mildly, are no better than hers. The only reason that can be found why she is put in a lower class is the fact that she is a woman and the others are men. I think myself that that is rather an injustice. A similar case occurred here in Ottawa the other day. Under like circumstances a school teacher resigned her position, and the school authorities of Ottawa were compelled by public opinion to reinstate her and give her the same salary as a man would have received for doing the same class of work. I would like to ask what is the policy of the Government in this connection?

Hon. Sir JAMES LOUGHEED: No distinction or discrimination is made at all in the classification of employees of the Government. I might say it is sexless.

Hon. Mr. TURRIFF: If that is the case, this young lady should get the same salary and be in the same grade as the others in the office who are doing the same class of work.

Hon. Mr. FOWLER: I know of an instance very similar to that mentioned by my honourable friend (Hon. Mr. Turriff), in which promotion has not come to a woman who was much more capable than some in the office who have been promoted.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, a difficulty has arisen with regard to the interpretation to be placed upon the word "ship," and I desire to move the following amendment:

Section 38a of the Civil Service Act, 1918, as enacted by section nine of chapter ten of the statutes of 1919 (second session), is hereby amended by adding thereto the following subsection:—

2. In this section the expression "ship of His Majesty" includes every description of vessel, however propelled, which is used in navigation or in the improvement of navigation, and which is the property of or chartered or employed by His Majesty, or the cost of which, or any portion of the cost of which, has been defrayed out of the Consolidated Revenue Fund of Canada.

This description is taken from the Canada Shipping Act, Revised Statutes, Chapter 113, section 2. This, Mr. Chairman, would be section 7.

Hon. Mr. BOSTOCK: This would result in taking a group of employees out of the control of the Civil Service Commission?

Hon. Sir JAMES LOUGHEED: Yes, those in ships.

Hon. Mr. BOSTOCK: I understand that previously they came under the Civil Service Act.

Hon. Sir JAMES LOUGHEED: Some did and some did not. It depended on the interpretation placed upon the word "ship;" and this amendment is to make it clear.

The amendment of Hon. Sir James Lougheed was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

INSPECTION AND SALE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 104, an Act to amend the Inspection and Sale Act. Hon. Mr. Crosby in the Chair.

On section 1—Sections prescribing sizes of apple barrels, fruit boxes, etc., penalty section, and section authorizing minister to appoint inspectors, etc., repealed:

Hon. Mr. BOYER: You say here:

All apple boxes manufactured in Canada, and all boxes containing apples packed in Canada, for sale in Canada, shall contain as nearly as practicable two thousand one hundred and seventy-four cubic inches:

How are we going to find that out?

Hon. Sir JAMES LOUGHEED: Regulations will provide how that shall be determined. May I read the memorandum prepared by the Department on this particular question, as it is largely technical:

The dimensions and specifications of the various fruit packages contained in these sections were unanimously approved and adopted at a Conference of representatives of the Fruit Growers' Association of the various provinces, held in Ottawa, March 26th, 1918, and were included in Bill 108, passed May 24th, 1918; but it has since been demonstrated that, owing to the highly technical character of these sections, which have to do with the dimensions, capacity and quality of material of some of the containers, manufacturers have found it difficult and, in some cases, impossible to meet all the requirements.

The specifications and dimensions of the standard barrel are practically the same as the standard barrel of the United States. These work out very satisfactorily in Ontario and Quebec and, with a stave of 28½ inches in length and a circumference of 64 inches, give a cubic capacity of 7,056 inches; but in Nova Scotia where soft wood is used both for heads and staves, it is necessary to increase the circumferences and length of staves in order to secure the legal capacity (7,056 cubic inches).

Hon. Mr. BOSTOCK: I presume it is not really contemplated to make any great change in the barrel?

Hon. Sir JAMES LOUGHEED: No, not as to the shape of the barrel, so long as it contains that number of cubic inches.

Hon. Mr. BOSTOCK: It is difficult to see how they are going to arrive at that.

Hon. Sir JAMES LOUGHEED: My honourable friend will see, further on in the Bill, that regulations may be made by the Minister of Agriculture.

Hon. Mr. BOYER: Could not the height and circumference of the barrel be given, so that it could be known whether it contained 7,056 cubic inches?

Hon. Sir JAMES LOUGHEED: The difficulty is that in Nova Scotia, owing to the class of wood which they use in making their barrels, they cannot be made as in the other provinces, though they can make a barrel containing the same number of cubic inches; therefore it cannot be a matter of circumference or height of the barrel. The difficulty to-day is that the dimensions are arbitrary: barrels must be a certain height and certain circumference, and the Nova Scotia wood does not permit of that being done.

Hon. Mr. WATSON: It seems to me the inside measurements of the barrel might be given.

Hon. Sir JAMES LOUGHEED: It is 7,056 cubic inches.

Hon. Mr. WATSON: But the inside capacity of the barrel would not be affected by the nature of the wood; it would only require a difference to be made in the length of the staves and the size of the head.

Sir JAMES LOUGHEED: The swell in the centre is likely where the difference comes in.

Hon. Mr. BOYER: A few years ago there was a similar Bill in which a cylindrical barrel was mentioned.

Hon. Sir JAMES LOUGHEED: That is right.

Hon. Mr. BOYER: It may be right, but what is a cylindrical barrel? We never hear of a square barrel.

Hon. Mr. CASGRAIN: All steel barrels are cylindrical.

Hon. Sir JAMES LOUGHEED: In regard to baskets, I might read from the mem-

orandum handed to me by the Department:

It will be noted in Section 326 that the specifications for the Climax baskets are of a highly technical character, and it has been found practically impossible for manufacturers, who use machinery of a somewhat delicate mechanism in parts, to meet the requirements, especially as regards the radius at corners. The greater portion of these baskets are still being made by hand, but there are several manufacturers operating machines, and unless a change is made in the specifications these manufacturers would be placed at a great disadvantage.

Hon. Mr. LYNCH-STAUNTON: In new section 325, subsection 2, the words "four-fifths of a quart" mean that the consumer is to be done out of one-fifth of his quart of berries.

Hon. Mr. BOSTOCK: No, the sizes are the same in the old Act.

Hon. Sir JAMES LOUGHEED: It gives the cubic inches as nearly as practicable.

Hon. Mr. LYNCH-STAUNTON: It says four-fifths of a quart. I see a good deal of complaint in the newspapers about that.

Hon. Mr. BOYER: Who is going to travel with a quart measure to test the boxes?

Hon. Sir JAMES LOUGHEED: I think the contents are the same. The difference is simply in the shape of the basket.

Hon. Mr. POWER: I am not opposing the Bill, which probably goes in the right direction; but I observe the new clause 330 provides a penalty not exceeding $50 for any violation of new section 325. In the city of Halifax berries are brought down and sold sometimes in the market and sometimes at houses of residents. They are sold very largely by coloured women, and generally by people who are not very well up in the law. Further, the baskets in which they put their blueberries, strawberries, raspberries, or whatever they may be, are made by themselves, and there is no desire on the part of those poor people to cheat anyone; yet under that section, if one of those coloured women happened to make a mistake in the basket, and it was not of the correct dimensions, she would be liable to this heavy fine, and not being able to pay would be liable to imprisonment. I have no amendment to propose, but I draw attention to that particular point. I do not know whether there should be imprisonment or a minimum fine.

Hon. Sir JAMES LOUGHEED: It is not desirable that there should be a minimum, because it is merely a nominal fine. This has been the law for a great many years.

Hon. Mr. FOWLER: Supposing that by some misfortune the box did not contain a full quart, would the vendor be fined just the same?

Hon. Sir JAMES LOUGHEED: I do not think so, in such a case.

Hon. Mr. FOWLER: Is there any good reason why a box that purports to contain a pint should do so, while a basket which is supposed by the public to contain a quart contains only four-fifths of a quart?

Hon. Sir JAMES LOUGHEED: That is the present law.

Hon. Sir LYNCH-STAUNTON: I understand that is a new regulation.

Hon. Mr. FOWLER: The poor consumer suffers, of course.

Hon. Sir JAMES LOUGHEED: I might say that the four-fifths and two-fifths provisions have been in operation for years, and the only thing that is new is the pint. That is put in on account of British Columbia conditions; the pint is the quantity adopted in the United States, consequently British Columbia growers will have to meet competition there by putting their berries or currents up in pints.

Hon. Mr. DANIELS: Does that mean Imperial pints? I do not think that they use Imperial pints in the United States.

Hon. Sir JAMES LOUGHEED: The interpretation clause will govern that.

Hon. Mr. BOYER: Could we not put in a clause that no inspection will be complete unless all the boxes are turned upside down? As a rule all the fine fruit is on the top, the second layer is passable, and the third and fourth do not amount to a row of pins. We ought to instruct our inspectors to turn the boxes completely over, and that no inspection will be complete unless that is done.

Hon. Sir JAMES LOUGHEED: That applies to the human race generally: I think the good ones are usually on top.

Section 1 was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

RAILWAY ACT AMENDMENT BILL, 1919.

FIRST READING.

Bill 135, an Act to amend the Railway Act, 1919,—Hon. Sir James Lougheed.

SICK AND DISTRESSED MARINERS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 127, an Act to amend the Canada Shipping Act (Sick and Distressed Mariners). Hon. Mr. Boyer in the Chair.

Section 1—definition—was agreed to.

On section 1, new section 382—Minister may rent and equip premises for hospitals:

Hon. Mr. BOSTOCK: Can my honourable friend tell us whether the Government have any hospitals in connection with this Act, or whether they use provincial hospitals?

Hon. Sir JAMES LOUGHEED: The Government had ten hospitals in connection with this Act, but four are now being administered by the Department. It was found that the sick mariners can be more advantageously dealt with in the general hospitals of the different Provinces than by maintaining separate institutions at very great expense, as those hospitals have all the advantages of first-class equipment.

Hon. Mr. ROCHE: While I agree perfectly with the general policy of the Bill as to the maintenance of hospitals for sick and distressed seamen, I think the price per ton to be paid for the use of hospitals should not be advanced from one and a half cents to two cents in certain cases. Where ships do not put men in the hospitals the charge might be deemed excessive, on account of the very large tonnage of vessels now, which makes them entirely out of proportion to what formerly existed. Where a vessel does not put men in a hospital they have to employ a physician; then they have to pay the tax to the hospital, and if men be put in the hospital they have to pay for their maintenance there. That would be three charges. In view of the very large tax upon shipping, amounting to $200 in the case of large ships, I think when they do not put men in the hospital the tax should be one and a half cents, and if they do put men in the hospital they should be charged two cents. That could be easily collected when the application is made through the custom house for the admission of seamen, and the one and a half cents exacted on the tonnage would go to the support of the hospital, or the sum that is to be paid to the provincial authorities for the use of the hospital. I think that would be acceptable to vessel owners and those who have to pay the taxes.

Hon. Sir JAMES LOUGHEED: The difficulty of adopting a moving tax of that kind is quite apparent. There would be no fixity about it, and it is impossible to estimate what the expenditure would be under the changed conditions to which my honourable friend refers. I might point out that previous to Confederation these hospitals were maintained by the Imperial authorities, and that the tax was 2 cents a ton. That tax continued down to 1908. In 1908-9; it was reduced to 1½ cents a ton. Since that time a substantial deficit has arisen; consequently we are reverting to the former rate. I need not point out that shipping rates have increased during the period which has been mentioned, and that the cost of maintaining hospitals has increased in many instances 100 per cent. I know the experience of the Department with which I have to do has been that, whereas at the beginning of the war we were paying a certain daily rate for patients in the hospital, to-day we are paying 100 per cent more. That is the difficulty confronting the Government, and, notwithstanding that increase, we are simply reverting to the tax which prevailed from before Confederation down to 1908. For the assurance of my honourable friend I might say that no unreasonable tax will be imposed. If it is ascertained that a larger amount than is really necessary is being collected for the sick mariners, the tax will be reduced. There is no desire on the part of the Government to have any excess in hand by reason of now fixing the tax at 2 cents. Under the present law, $75,000, I think it is, would be collected. The Estimates for the year will be $90,000, and we have to collect the difference. This is largely an experimental measure, and it is estimated that the deficit of $15,000 can be made up.

Hon. Mr. FOWLER: Are there similar taxes in foreign ports?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER: I have no doubt that the leader of the Government feels perfectly certain that what he has stated is accurate, and I think that probably it is accurate in a way; but I notice that during a discussion in another place the Minister who had charge of the Bill admitted that up to 1919 there had been a surplus from this tax, and that it was only during the

current year that there had been a deficit. I think it is a pity that the Government should have undertaken to go back to the old rate of taxation.

Things have changed a good deal since 1908. The practice of shipmasters coming to ports like Sydney and Halifax for bunker coal has grown to a very great extent indeed. If a steamer goes into either of those ports—say a steamer of 10,000 tons—under this Bill she would be obliged to pay a tax of $200, and would be getting practically nothing for it. That is a serious consideration. But when a ship does not enter, but simply puts into port, it does seem to me unreasonable that this tax should be levied. If the ship enters at the port, and therefore her crew come under the operation of the law, it may be well enough. Honourable gentlemen do not seem to think that this is a matter of any consequence, but it is a matter of very considerable consequence. We are trying to build up the trade of the Dominion ports. The effect of this measure, as far as it will have an effect, will be to prevent the building up of that trade. The tendency will be to shut out ships, particularly large ships, from ports like Sydney and Halifax; and, inasmuch as up to 1919 there has always been a surplus, I think the Government had better try to get along for another year or so and see whether they will not again have a surplus. Let me call attention to the fact that there is no such tax as this on lake shipping; it is only on sea-going shipping. I think the tax should be limited to ships which enter ports. If a ship is under stress, or puts in for coal—

Hon. Sir JAMES LOUGHEED: I might say to my honourable friend that by Order in Council ships bunkering coal are exempt.

Hon. Mr. POWER: The Order in Council can do a great deal, no doubt, but it cannot contravene the statute.

Hon. Sir JAMES LOUGHEED: Of just what does my honourable friend complain?

Hon. Mr. POWER: My complaint is this. In the first place, I do not think that a ship putting in for bunker coal or putting in in distress should pay a tax any more than ships on the Great Lakes and the St. Lawrence. My contention is that unless a ship enters the port she should not pay any tax. If she does enter she should pay the cent-and-a-half which she pays now.

Hon. Mr. DANIEL: It appears to me, honourable gentlemen, that the point at issue is just this: shall the ships pay for the care and treatment of their sick seamen or shall the country pay for it? If the ships do not pay for it the country will have to be taxed for it. Which will it be? It has always been the custom for the ships to pay the expenses. It was stated that there was a surplus of, I think, a couple of hundred thousand dollars, or something like that. That surplus was obtained, I understand, by not charging to the fund certain expenses that should have been charged to it, but by charging them to public works or something of that kind; so it was not a real surplus.

The necessity for the increased tax is one with which I am very well acquainted. The increase is necessary because of the increased cost of caring for these distressed seamen. It has been said that a 10,000-ton ship coming in has to pay a very large tax; but she has a very large crew, and she may leave in the port quite a number of the members of that crew who have to be looked after for an indefinite time at a very much greater cost than the amount of money which she has paid. If they were not all taxed some ships, of course, would get off scot free; but if the tax is paid by all of them, all sick seamen will be properly looked after. It might be that some ship on a particular voyage would not reap any special benefit, but that on some other voyage she would reap a benefit very much greater than the whole amount of the tax which she had paid. Either you have to call upon the shipping for it or you have to tax the people generally.

Hon. Mr. ROCHE: I think the honourable gentleman from St. John is in error. Ships now pay this tax computed on the tonnage. If men are left in the hospital, their board and attendance have to be paid for in addition. So my honourable friend's argument does not apply. Then, with regard to the difficulty of collecting the tax, which the minister suggested, ships could be charged 1½ cents, for instance, when they entered a port and paid their dues at the Customs House. If they applied for an order subsequently to admit seamen to the hospital, then the 2 cents could be charged. I will point out another reason why there was a deficiency in the amount received from shipping when contrasted with the amount paid for hospitals. During the war, at Halifax—I do not know about other ports—although there were hundreds of vessels

coming in and seeking shelter, and waiting for a convoy, not a cent of dues of this kind was charged at all; so I suppose expenses were going on but nothing was being paid.

Hon. Sir JAMES LOUGHEED: May I point out to the honourable gentleman from Halifax how this works out? He pointed out the other day that this would bear very heavily on the larger ships. A statement has been placed in my hands showing the loss which the Government incurred in carrying out this work, particularly having regard to some of the larger ships. These figures are for 1919. The Montcalm, a ship of 5,371 tons, and 67 of a crew, paid $186.54, while the Government had to pay out $310.50 for the treatment of its sick mariners. The Empress of Japan, a ship of 3,039 tons, with 247 of a crew, paid a revenue of $136.77, while the Government incurred an expenditure of $254. The Empress of Britain, a ship of 8,023 tons, having 366 of a crew, paid $361.08, while the Government expenditure was $254. The Montfort, with a tonnage of 4,126 tons, and a crew of 67, paid $184.57, while the Government paid out $204.50. The Mottisfont, a ship of 4,228 tons, having a crew of 48 men, paid in revenue $190.26, and we paid out $670. I might go on all along the line, and show that the increase of the tax by half-a-cent is not very material, and it is very doubtful if it will meet the expenditure that the Government has been called upon to make.

As the honourable gentleman from St. John has pointed out, there was an apparent surplus because certain expenditures which were made and which should have been charged to capital account were charged against the Department of Public Works. Had those expenses been charged against this particular account, as they should have been, a very substantial deficit would be shown.

Hon. Mr. ROCHE: The ships named are all passenger ships, and not at all of the class of ships which I have indicated. They were running to the port, and they probably had returned troops on board, Furthermore, possibly the Government had the whole expense and the hospital had not made its claim on the ships for the maintenance of these people in the hospitals. That is a very important difference. I am only speaking of the casual vessels.

[Hon. Mr. ROCHE.]

Hon. Mr. CROSBY: There is no one who knows better than the honourable gentleman from Halifax that if there is an excellent principle upon which to base a tax, it is the principle embodied in this Bill. It is an excellent principle because it provides a guarantee to the shipping people that their men will be taken care of. The leader of the House has read a statement regarding some of the ships. If what the C. P. R. ships, for instance, pay for the treatment of sick seamen were all bulked together, there would possibly be a surplus, and rightfully so. But what is the position? The honourable gentleman from Halifax (Hon. Mr. Roche), who has had a large experience, knows as well as I do that it would be a great disaster to the shipping interests for this tax to be removed altogether. The Montreal men want to have it removed. I cannot understand why. One or two of them spoke to me about it, and I asked them how the removal of the tax was going to be of advantage to them. It is a small tax. As the leader of the Government has said, from Confederation up to 1908 the tax was 2 cents; then it was cut down to a cent-and-a-half. We find now that the country has been keeping up four, or is it eight hospitals? But there is a changed condition, and, as the leader of the Government has said, if there is a surplus this year some adjustment can be made. My own judgment, as a man having some experience in shipping, is that instead of decreasing the rate of the tax, we should rather put it up another half-cent or one cent a ton.

The ships that come into a port nowadays are large and are equipped with wireless telegraphy. A captain coming into Halifax or any other large port with a ship of 5,000, 10,000 or 15,000 tons and with from 200 to 500 men, can send in notice that he has a certain number of sick men on board. My idea is that it would be well to have a doctor appointed at each of the principal ports, so that when this wireless message came in the doctor would go on board the vessel and be able to see how many of the men were really sick; for it frequently happens that men on board a ship pretend to be sick when they are not sick at all. Under the present regulations, the agent goes to the custom house, enters his sick and pays the sick mariners' fees. Then he gets a certificate from the collector of customs to the effect that there are a certain number of men who are sick. During the

whole time the ship is in port, if any man has his leg broken or meets with some other accident, he is taken into hospital and is cared for, and when the ship is leaving, if the man is not ready to go to sea, the ship pays him off and the hospital continues to take care of him. This is a great guarantee to seamen as well as to ship owners. In my judgment there is no tax imposed on a ship for anything that is of greater assistance to the ship and the mariners.

Montreal men have come and spoken to me about this tax. I am sure the honourable member from Halifax (Hon. Mr. Roche) will agree with me that it would certainly be a great disadvantage to abolish it. I do not know how we could do without it, because ships would continue to come into port with sick men on board. The conditions nowadays are not like those prevailing years ago. You must take very great care of your men and see to it that they have proper hospital accommodation and doctor's care. It would be impossible for the captain of the ship to attend to such matters and at the same time to transact the business he has to do. In the old days when sailing ships came into a port they were likely to stay for a month, but the ship that comes in now remains for probably only 10, 12 or 24 hours. A big ship calling at the port of Halifax and bound for New York or some other port may have one or two sick men on board, and these men must be cared for. It is a great relief to be able to go ashore and hand these men over to the hospital. It is also a great satisfaction to a man to know that he is going to an hospital that is properly equipped.

The principle of the Bill is an excellent one. The only point is as to the lowering of the tax. But two cents is a very small tax after all. As I said before, while a vessel may come into port and have to pay the tax although there are no sick men on board, it may happen that on the next trip the whole crew will be down with sickness. A few hundred dollars do not go very far in providing hospital accommodation, medical attention, medicines and other needs. That tax of two cents a ton provides for hospital accommodation, medical attention, and the medicine that is required. All that is covered by the two cents a ton, and the sick mariner who cannot take care of himself is cared for in the provincial hospital in just the same way as a citizen who goes into that hospital, and the accommodation and attention do not cost him a cent. So that, after all, the tax is not a heavy one.

The honourable leader of the Opposition asked me the other day when I was discussing this question why the immigration doctor, or the port doctor, could not do this work. The business of the port doctor is to board the ship and examine the crew as to contagion, but not as to anything else; and if he finds a contagious case on board the ship he orders it quarantined. The immigration doctor does not go on board the vessel until the port doctor has passed the ship; then he examines the passengers. That is his work.

I believe that it would be of great advantage to the shipping interests to provide a doctor at each of the great ports so that quicker and readier relief might be given to the seamen than they get under the present arrangements.

Hon. Mr. ROCHE: I would remind my honourable friend that I have not advocated the abolition of the tax.

Hon. Mr. CROSBY: I know.

Hon. Mr. ROCHE: I have merely advocated the reduction of it in certain cases.

Hon. Mr. CROSBY: I only stated that the honourable gentleman would agree with me that it would not be well to abolish the tax. It is not a very large one. What I mean is that the principle of the tax is good and should be, I think, continued.

New section 382 was agreed to.

On new section 383—duty on ships:

Hon. Sir JAMES LOUGHEED: I move the following as subsection 7 of section 383:

(7) The Governor in Council may, if he see fit, by proclamation published in the Canada Gazette on or before the first day of December, 1920, fix a later date than that hereinbefore mentioned on and after which the said duty shall be levied and collected with regard to all or any class or classes of vessels which he may designate whose registered tonnage exceeds one hundred tons; provided that every vessel, whether subject to the provisions of this subsection or not, shall be liable to pay the same duty as heretofore until the date fixed by this Act or by such proclamation as the case may be on and after which she shall be liable to pay the duty imposed by this Act.

That is to say, it vests in the Governor in Council authority to fix a date later than the 1st day of December, 1920, for vessels over 100 tons. If that Order in Council is made, they shall pay the cent and a half a ton in the meantime, but after that date they shall pay the two cents.

Hon. Mr. BOSTOCK: That amendment, as I understand it, does not meet the situation as I presume honourable gentlemen from Montreal, if they were here, would wish to have it met. If I understand the Montreal position, it is that they want the tax abolished altogether, for the reason that, as they claim, Canadian vessels going into ports in the United States have to pay a tax of six cents a ton, whereas American vessels coming in here pay only two cents.

Hon. Sir JAMES LOUGHEED: They are quite willing that the Government should pay the entire shot. However, honourable gentlemen from Montreal who may wish to point out any alleged abuse of this legislation can do so on the third reading. The third reading will take place on Monday or Tuesday, and they will have an opportunity of doing it then.

Hon. Mr. BOSTOCK: I understand that the lake shipping in Ontario is not subject to this tax at all?

Hon. Sir JAMES LOUGHEED: No; no inland shipping, simply ocean-going vessels.

Hon. Mr. BOSTOCK: As to the figures which my honourable friend read, regarding the money that has been paid out and what the ships themselves have paid in taxes, the situation could be met in another way by requiring each ship to pay its own expenses. I think that is the system that is followed in different ports with English ships. I speak subject to correction, because I have not been able to look into the matter very closely, but I understand that British vessels going into a port and having sailors that need to be cared for turn these sailors over to the consul, and he looks after the men while they are in hospital, and the full expense is charged back to the company owning the ship. In that way a tax of this kind is not necessary.

Hon. Sir JAMES LOUGHEED: Suppose a ship left fifty or sixty sick men at a certain port and did not call back again for some years; and suppose the ship changes hands in the meantime?

Hon. Mr. BOSTOCK: Is there no means of reaching the owners of the ship?

Hon. Sir JAMES LOUGHEED: We do not want an international difficulty to arise over the collection of a hospital bill.

The amendment of Hon. Sir James Lougheed was agreed to, and new section 383, as amended, was agreed to.

New sections 384 to 389, inclusive, were agreed to.

Section 2 of the Bill was agreed to.

The preamble and the title were agreed to and the Bill was reported as amended.

ADMIRALTY BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed the Senate went into committee on Bill 139, an Act to amend the Admiralty Act. Hon. Mr. Planta in the Chair.

On section 1—appointment of deputy judges:

Hon. Mr. BOSTOCK: Honourable gentlemen, this Act, as I understand it, gives power to the Governor in Council to appoint a deputy judge in admiralty. It places the power directly in the hands of the Governor in Council under any conditions. In the Bill that we dealt with a short time ago respecting the Exchequer Court there were certain limitations under which the power might be exercised. I do not quite see why a difference is made between these two Bills. As I understand this Bill, it will give the Governor in Council the absolute power to supersede the judge in admiralty who is at present acting.

Hon. Sir JAMES LOUGHEED: No; there is only one judge in admiralty. But all local judges have this authority. The difficulty is that if a local judge should appoint a deputy judge, and through mental disability or otherwise should be unable to revoke the appointment, the deputy judge so appointed remains. This has happened, and the purpose of the amendment is simply to make provision for an alternative power of appointment and revocation. The local judges will continue to appoint their deputy judges just the same as heretofore, but the Governor in Council may intervene if any difficulty of the kind which has already confronted us should arise.

Hon. Mr. DANIEL: Is there any provision for the appointment of nautical assessors to sit with the judge under certain circumstances?

Hon. Sir JAMES LOUGHEED: I am not familiar enough with the procedure to say.

Hon. Mr. DANIEL: There used to be nautical assessors.

Hon. Mr. LYNCH-STAUNTON: And there are now.

Hon. Sir JAMES LOUGHEED: This legislation is due to a particular case which has arisen, and of which my honourable friend from Halifax is aware. This amendment seems to be the only solution.

Hon. Mr. POWER: The Bill, or something of this kind, is necessary, because the judge is not only incapable of acting, but is, I think, incapable of appointing a deputy. The only thing to which I would like to direct the attention of the honourable leader of the Government is that under this clause the deputy appointed by the Governor in Council is appointed, apparently, without any limitation of time.

Hon. Mr. LYNCH-STAUNTON: The Governor may revoke the appointment, though.

Hon. Mr. POWER: The deputy might be left there for his lifetime.

Hin. Sir JAMES LOUGHEED: It is necessary to have him there. It is simply a very minor appointment.

Hon. Mr. ROCHE: It seems to me that the judge in admiralty should not have the power of appointing a substitute for himself. It is the bench of judges who ought to assign certain work to a certain judge or his substitute.

I may say in reference to a remark by the honourable gentleman from St. John (Hon. Mr. Daniel) that the judge in admiralty generally associates with him on the case some ship master or some authority on the practical part of the ship.

Section 1 was agreed to.

Section 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

NORTHWEST GAME BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 151, an Act to amend The Northwest Game Act. Hon. Mr. Watson in the Chair.

On section 1—making close season for muskrats begin later to north of latitude 64:

Hon. Mr. POWER: This extends the operation.

Hon. Sir JAMES LOUGHEED: Yes, it extends the area farther north.

Hon. Mr. BOSTOCK: The power of the Governor General in Council to change the season applies to a great many other animals, I suppose, than muskrats?

Hon. Sir JAMES LOUGHEED: Yes. The provincial authorities are invariably consulted.

Hon. Mr. BOSTOCK: It is done in conjunction with them?

Hon. Sir JAMES LOUGHEED: So that there will be no conflict.

Hon. Mr. POWER: I thought that this Bill would probably deal with the Migratory Birds Act, but, looking at the title, I see that it does not.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: Does this Bill apply simply to the territory north of the provinces of Manitoba, Saskatchewan and Alberta? It is called the Northwest Game Act. I do not quite understand how far the powers extend.

Hon. Sir JAMES LOUGHEED: Section 3 of chapter 36 of the statutes of 1917 applies only to the Northwest territories, and section 4 goes on to state what particular animals are to be dealt with.

Hon. Mr. BOSTOCK: It does not apply to the Yukon?

Hon. Sir JAMES LOUGHEED: No.

Sections 1 and 2 were agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

YUKON PLACER MINING BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill No. 152, an Act to amend the Yukon Placer Mining Act.

He said: Honourable gentlemen, the object of this Bill is to enlarge the placer mining regulations of the Yukon territory. The principal amendment is in section 2, which is an amendment of section 91. It has as its object the enlarging of the area in which a discoverer may explore. It seems that in the Yukon territory there is a very large area of abandoned claims, and it is proposed that instead of an explorer being entitled to 1,500 by 500 feet, which I understand is the present area he is entitled to take up, he may apply for and secure exploring rights over five miles of

territory. He will then apply to the Gold Commissioner for a license to explore on that particular area, and it will be reserved for the work which he may do thereupon.

Hon. Mr. BOSTOCK: How long will that be for?

Hon. Sir JAMES LOUGHEED: It may be for three years; during each year he will have to expend $1,000 in the work of exploring, or development work, as the case may be. This class of territory has already been abandoned by miners, and it is believed that if this additional encouragement is given them it will result in a more thorough exploration being made on a large section of the placer ground in the Yukon territory. I might say that I have asked my honourable friend from Moosejaw (Hon. J. H. Ross), who was at one time Gold Commissioner and Governor of the Yukon, to give me his view on the Bill, and he has expressed himself favourably to it, and regrets that it does not go even further than it does. He says it is very much needed.

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

CUSTOMS TARIFF BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 156, an Act to amend The Customs Tariff, 1907.

He said: Honourable gentlemen, it seems that at one time books, stereotypes, electrotypes, and products of that kind which were in languages other than English and French were placed upon the free list. It is now proposed—and I think my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) will enthusiastically endorse this legislation—that they shall be put upon the dutiable list the same as like articles in English and French.

Hon. Mr. BOYER: English and French books we pay duty on, but German we do not.

Hon. Sir JAMES LOUGHEED: Books and literature in other languages, and likewise the articles which I mentioned, were on the free list. The object was to promote education in languages other than those we employ in Canada. It is sometimes difficult to analyze the customs mind, so to speak, and we therefore wish to place them on an equality with the others.

Hon. Mr. BOSTOCK: This Bill, I understand, also deals with the question of the remission of the 7½ per cent duty. My honourable friend did not refer to that, but I think section 3 of this Bill deals with remission of that duty on those articles from which the duty was not taken off last year. I remember that at the time the Minister of Finance of that day was making his Budget Speech he referred to this duty, and estimated that he might have a considerable loss of revenue, from the fact that he took the 5 per cent ad valorem duty and the 7½ per cent off certain articles in the customs tariff. But, although the honourable gentleman at that time was apparently very much exercised lest we might suffer a diminution of revenue owing to his taking off this duty, I think the figures show that instead of the revenue decreasing, as he then estimated, it has considerably increased since that time. The figures as given by Sir Thomas White on June 5, 1919, show that the total revenue for the year ending 31st March, 1919, amounted to as much as 310 millions, and the customs duties of that year would amount to 147 millions. The estimated revenue from customs duties for the following year, 1920, he put at 145 millions, estimating that there would be a reduction in the revenue on account of the remission of the preferential tariff of 5 per cent and the partial repeal of the intermediate and general tariff of 7½ per cent under the Customs Tariff Revenue Act, and certain other remissions that he then made in the customs duties. I am glad to find, however, that up to the end of the year, 31st March, 1920, in place of the customs revenue falling down to 145 millions, as was estimated by the Minister of Finance at that time, the figures show that the customs revenue amounted to 168¾ millions. This, I think, is very satisfactory. I think it also shows the way the country is progressing when, instead of a reduction, we have an increase in customs revenue. Honourable gentlemen on the other side of the House are rather afraid of reducing the duties on articles coming into this country, but I think our customs tariff has arrived at a pitch where it would be very much to the benefit of the country generally that reductions in duties should be made, and I think the Government is to be congratulated on taking the duty off in this particular instance. The benefit to the whole country of reducing the tariff in this way will be very considerable, I think, apart from the fact that the figures I have quoted show a very considerable increase in revenue. In fixing a tariff for the purpose of raising a revenue

the object is to arrive at a point where the reduction of duty will bring in the greatest amount of revenue. I think the experience of every country has been that where the tariff is too high you cut off trade in consequence, and instead of increasing you rather decrease the revenue. The figures I have given show the great benefit that can accrue to the country from a reduction of customs duties. Therefore I think I should congratulate the Government on the action they have taken in this particular case.

Hon. Mr. POWER: Hear, hear.

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

BUSINESS PROFITS WAR TAX BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 157, an Act to amend the Business Profits War Tax Act, 1916.

He said: Honourable gentlemen, the object of this Bill is to reduce the business profits war tax of 1916. It involves consideration of the various Bills which we have passed from time to time, and looks to a very substantial reduction therein. Inasmuch as the graduated reduction which we propose making involves comparison with the different Acts, I prefer that we should postpone that until we go into Committee, when I can explain it in greater detail.

Hon. Mr. BOYER: On any business earning ten per cent on its capital no tax is paid. Upon profits exceeding ten per cent, and not exceeding fifteen per cent, do you pay on the first 10 per cent, or are they deducted?

Hon. Sir JAMES LOUGHEED: Formerly it was 7 per cent: when 7 per cent was realized, then the tax was applicable. That is now increased to 10 per cent; the tax does not become applicable until that amount is earned.

Hon. Mr. BOYER: Up to 10 per cent, by this Bill, nothing is paid?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOYER: From 10 per cent up to 15 per cent profits the tax is 20 per cent?

Hon. Sir JAMES LOUGHEED: The tax becomes applicable in a graduated form for the balance of the profits.

Hon. Mr. BOYER: Then do they only start counting profits from 10 per cent up?

Sir JAMES LOUGHEED: It is from 10 per cent up, instead of 7 per cent as formerly.

Hon. Mr. BOSTOCK: I imagine it will be necessary to discuss the principle of the Bill in Committee; I suppose the Government will not object to that.

Hon. Sir JAMES LOUGHEED: I am quite willing that that should be done. It may be said that it is to some extent an involved Bill, and I shall be very glad to have Mr. Breadner here. But the policy is a policy of reduction of taxation, and from what my honourable friend has said I judge that that policy would be rather popular.

Hon. Mr. BOYER: Can you not introduce another Bill to reduce the cost of living?

Hon. Sir JAMES LOUGHEED: We would very gladly do it if my honourable friend could suggest how to do it.

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

PRINTING OF PARLIAMENT.

CONSIDERATION OF REPORT OF JOINT COMMITTEE.

Hon. Mr. CROSBY moved concurrence in the Second Report of the Joint Committee of both Houses on the Printing of Parliament.

Hon. Mr. POWER: I have no doubt that the House will be interested in knowing that the Chairman of the Joint Committee (Hon Mr. Dennis) is not enjoying the robust health that we would all like him to have, but that is no reason why this report should not be adopted. I will call attention to one or two points:

> The Joint Committee takes pleasure in calling attention to the remarkable results which have been achieved in two and a half years by intelligent editorial supervision. For instance, comparing 1915-16, the last year of the old system, with 1918-19, the first complete year in which the Editorial Committee had jurisdiction over printing of departmental reports, it appears that the number of copies of such reports has been reduced from 325,265 to 151,425; the number of printed pages form 210,007,404 to 55,742,120; and the cost from $255,813 to $150,509.
>
> Similarly, with regard to supplementary reports, the number of copies printed in 1915-16 was 222,085, and in 1918-19, 56,080; the total number of printed pages in 1915-16 was 60,799,190; in 1918-19, 11,067,120; the cost in 1915-16 was $87,488; in 1918-19, $38,457. These comparative figures added together are: 1915-16, $255,813 and $87,488, a total of $343,201. 1918-19, $150,509 and $38,457, a total of $188,966.

This represents an annual saving, if the present policy be continued, of $154,335. Through the activities of the Editorial Committee several publications have been dropped, while many others, not coming within the category of departmental reports, have been greatly reduced in bulk. The economies already accomplished will, therefore, easily aggregate $250,000 per annum.

I think the record of that Committee entitles the Committee to a great deal of credit, and is one of which the members of this House may feel to a certain extent proud. I am happy to say that I think the moving spirits in bringing about this reduction have been from the Senate rather than from the more popular House. The report goes on to suggest such a line of action in the future as will make a further reduction in the expenditure for public printing and stationery. I am not very fond of talking on merely formal matters; but I feel that it would not be quite fair to the Joint Committee or to the Editorial Committee to pass this report without any special notice, and I feel that it is a duty to call attention to the good work that has been done.

The motion was agreed to, and the report was concurred in.

PENITENTIARY BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 138, an Act to amend the Penitentiary Act.

He said: Honourable gentlemen, this is a very short Bill, consisting of only three sections. The first section proposes to give authority to the minister to make regulations for the administration, management, discipline, and police of the penitentiaries. The next section proposes that when a warden is appointed he shall not be appointed for a specific penitentiary, but shall be sent to such penitentiary as the minister may appoint from time to time. Section 3 repeals the schedule of salaries. This is done because they now come within the classification of salaries under the Civil Service Act. I therefore move the second reading of the Bill.

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

CANADIAN NATIONAL RAILWAYS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 131, an Act respecting Canadian National Railways.

Hon. Mr. POWER.

He said: Honourable gentlemen, it is proposed to extend certain branches of what was formerly the Canadian Northern railway, and it is necessary to secure the authority of Parliament so to do. Section 2 of the Bill sets out explicitly what the extensions are to be.

Hon. Mr. BOSTOCK: I should like to ask the leader of the Government whether the lines authorized are new lines, independent of the Canadian Northern, or whether this simply extends the time for building certain lines belonging to the Canadian National railway?

Hon. Sir JAMES LOUGHEED: I understand that they are extensions of existing branches.

Hon. Mr. BOSTOCK: But this deals with new lines altogether. Are they extensions of branches which already exist?

Hon. Sir JAMES LOUGHEED: A charter has to be secured covering the extensions. That charter has to be granted by Parliament just the same as if this road were being operated by the Canadian Northern Railway company. Notwithstanding the fact that the stock is controlled by the Government, they have to make application to Parliament just as an outside railway corporation would. These three extensions to present lines of railway in Saskatchewan and Manitoba are required, and there is an item in the Estimates providing for their construction. This Bill is the authority to build over the particular territory specified in the Bill.

Hon. Mr. BOSTOCK: These lines will really be built under the separate charters of the Canadian Northern systems to which they belong?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: As the present line in British Columbia is being built under the Canadian Northern Pacific railway charter?

Hon. Sir JAMES LOUGHEED: Yes.

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

HUDSON BAY ROUTE.

REPORT OF SPECIAL COMMITTEE.

The Senate resumed from yesterday the debate on the motion of Hon. Mr. Fowler for the adoption of the second report of the Special Committee appointed to inquire into the navigability and fishery resources of the

Hudson bay and strait, and the motion of Hon. Mr. Daniel in amendment thereto:

That the said report be not now adopted, but that it do lie upon the table until the members of the Senate have been provided with copies of the evidence as taken before the said committee for consideration.

Hon. ROBERT WATSON: Honourable gentlemen, I moved the adjournment of the debate yesterday because I wished to make a few remarks upon this subject, which is not an entirely new one to this House. I probably occupy a somewhat peculiar position, inasmuch as I have lived some thirty-six years since I first took part in a Committee of the House of Commons in regard to the Hudson Bay railway. I think the criticism which has been directed towards this project is a little late in the day. Two Governments, two respective parties, have already come to the conclusion that a railway should be built, and it seems a little late now to consider whether or not the navigation of the bay and strait is feasible.

The criticism has been levelled against the report that it claims that navigation is open for a longer period than the evidence justifies. As a member of the Committee I want to say that I think the findings of the Committee are very moderate indeed in view of the evidence adduced. I will quote only two or three statements made by gentlemen who have been referred to. A statement was filed by Mr. O'Hara, Deputy Minister of Trade and Commerce, and among others whom he quotes is Captain Anderson. Captain Anderson reports:

The period during which vessels can enter Hudson strait with comparative safety may be taken to extend from July 15 to November 15, with an extension of a week at either end according to the season.

That, honourable gentlemen, is the testimony of Captain Anderson, who has been referred to as being unfavourable to this route. I will only quote what has been said by one more of these gentlemen, namely, Captain Bartlett. He is probably the greatest navigator of the northern waters that the Government ever sent out—one of the greatest of all the navigators of northern waters. He said:

I would consider navigation on the Hudson Bay route safe from the last of July to November; but with ships constructed to contend with the ice and with a good ice pilot on board could navigate the bay from early in July up to late in November.

As I say, in view of the action of the Governments of the past, I think it is now a little late in the day to consider whether or not it is advisable to go on with the scheme.

The question of navigation has been referred to, but I prefer to direct my remarks more particularly to the building of the railway. Two Governments of Canada, one Liberal and one Conservative, approved of the construction of the Hudson Bay railway, and I think properly so. I say that even if not one bushel of wheat is shipped from the Hudson bay the building of that road is justifiable. It has opened up and is developing a very large territory which is capable of maintaining a very large population and producing a great deal of wealth. Some years ago, when the question was raised as to whether or not the Government was justified in building it, the then Minister of the Interior, the Hon. Frank Oliver, devised a scheme whereby funds could be secured for the building of the road. A certain tract of land was set aside which was to be disposed of by the Government to settlers for homesteads and pre-emptions at a certain price per acre. I have the figures as to the quantity of land set aside, the quantity sold, and the amount of money realized. In volume 2 of the House of Commons Hansard of 1909, page 2961, Mr. Lake, the present Lieutenant Governor of Saskatchewan, then a member of the House of Commons, inquired:

It was understood by this House, I think, that the money to be expended on the construction of the Hudson Bay railway was to come from a special fund to be created by the sale of pre-emptions.

To which Mr. Graham replied: "Yes." I will not bother you with the details, but I wish to lay before you the fact that on the 23rd of March this year a memorandum was sent to Mr. Cory by the Chief of the Land Patents Branch, showing that the amount received on account of pre-emptions up to the 31st of December, 1919, was $12,277,699. The approximate amount to be received in the event of sales being completed is $14,000,000. The approximate area covered by the pre-emptions is 7,386.160 acres. Then, as to purchased homesteads, the amount received up to the 31st of December, 1919, was $3,095,171. The approximate amount to be received is $525,000. The approximate area covered by purchased homesteads is 1,131,680 acres. This means that a total of $15,372,870 has been received on account of these lands, and that when the payments are completed the total will be $29,897,870. It was the duty of the Government to build that road, and I think we have just cause to complain of the delay in its completion.

If the delay had been caused by the war there might have been some excuse for it, but at no period during the war was construction stopped.

Hon. Mr. SMITH: Where is this land that was sold? Is it alongside the road?

Hon. Mr. WATSON: No, it is in the northern parts of Alberta and Saskatchewan. The people there will be specially benefited by the road. The delay has occurred since the cessation of the war. As a matter of fact, in the session of 1918 a vote was placed in the Estimates for the purpose of completing the laying of the track. Up to the present time about $14,000,000 has been spent on the construction of the railway, and about $6,000,000 on the harbour. The report of the Committee recommends that before anything further is done in the harbour thorough investigation should be made into the relative merits of Churchill and Nelson. I have no hesitation in subscribing to that proposition, because that is a matter that we do not thoroughly understand and upon which we are not thoroughly settled. According to estimates given before the Committee it will take an immense amount of money to make a safe harbour at Nelson. In Churchill we have a natural harbour that has been used by navigators for 250 years with no loss. The harbour has 60 feet of water, and we were informed by engineers who appeared before the Committee, and whose evidence is given in the Committee's report, that they believed that if the bottom, the hard pan and boulders, were loosened up, the harbour would be greatly extended by the inward and outward flow of the tide, which would take out the silt. However, it is considered that for the present the harbour is sufficiently large for the purpose of testing and demonstrating the navigability of the bay and strait.

The House is not taken by surprise in being asked to deal with this matter. I have looked up the Journals of the House of Commons for 1884. That is going pretty far back. In the year 1884 Mr. Royal, one of the members from Manitoba, asked for a Committee on the Hudson bay, and as a result an investigation was made which was similar to that of the Committe whose report is now before you. The summing up of the evidence secured at that time is as follows:

> If we sum up the evidence collected by the Committee as to the present condition of the navigation in Hudson's Bay and Strait, we find that the great majority of those who have been there, and consequently who know, reckon the duration of navigation in these waters at three and four months. For more than two hundred and fifty years, sailors have counted upon having an uninterrupted navigation of from two months and one-half to three months, and this without marine charts, without an accurate knowledge of these waters, without lighthouses, without a system of telegraphic communication, and without the aid of steam. It is not then an unwarranted belief, that with all the appliances now at the disposal of nautical science, this navigation will be prolonged for some weeks.

Amongst other statements made at that time by witnesses who gave evidence, I might read something which is known to probably a great many men. I am sure it must be known to the honourable member for De Lanaudière (Hon. Mr. Casgrain), who opposes this measure on every occasion. I may just here remark that I feel, and the Committee feel, rather flattered that we have had such strong opposition from that particular source, because we have reason to believe that he belongs to an organization that pretty well controls the shipping from Port Arthur east, and he apparently fears that this is one of the organizations being built by the Government that they cannot get into the merger, and they may have competition.

Hon. Mr. DANIEL: I think I am right in raising a point of order on that statement. The honourable member is imputing a motive, and a sordid motive too, to one of the honourable members of this Senate for the action he has taken. I would ask for your decision on that matter, Mr. Speaker; and if you decide that the point is well taken I think you should ask the honourable member to withdraw his statement.

Hon. Mr. WATSON: I have no desire to impute any motives of that description, Mr. Speaker.

The Hon. the SPEAKER: I am of opinion that the point of order is well taken, and I would ask the honourable gentleman from Portage la Prairie to withdraw his statement.

Hon. Mr. WATSON: I certainly will withdraw it. I wish to refer to the difficulties that presented themselves on the St. Lawrence river. I find in this report by Mr. Royal, Chairman of the House of Commons Committee:

> In 1716, Captain Vautrou wrote that of all known countries, the navigation of the Gulf of St. Lawrence was the most difficult and the most treacherous. From 1684 to 1730, the wrecking of seven large vessels, belonging to the King, in the Gulf was recorded; the loss of these vessels, loaded with merchandise of the most valuable

description ,several times caused the most extreme embarrassment to the colony. Of three expeditions fitted out by England to seize upon New France, and sailing through the Gulf of St. Lawrence, only two were able to cast anchor in the harbour of Quebec. Everybody has heard of the disaster which overtook Walker's fleet in 1711.

I am sure that in any of the reports we have regarding the navigation of Hudson bay and strait there is nothing to compare with the reports made at that time on the navigation of the St. Lawrence. Time and experience and improved methods of navigation, which are referred to in that report, will no doubt assist the mariner in making his course through the Hudson bay and strait. As I said before, I think it is now too late in the day to discuss the navigation of the Hudson bay route. The Government of the country is committed to it, and what I would urge on this House and on the Government is the rapid construction and completion of the railway to Hudson bay. As I have stated, $20,000,000 have been spent on it up to the present time, and there are only about 92 more miles of rail to be laid to the bay.

As to the value of the country, I need only point to the mineral deposits that have been discovered as a result of the construction of that road and the consequent exploration of the country, which, in my opinion, would not otherwise have taken place. Millions of dollars worth of minerals have already been taken out of that area. The total length of the road from Le Pas to the bay is 424 miles. There are 332 miles of steel already laid and 214 miles of railway ready for operation. I am glad to say that, as a result, I think, of the representations made by a large delegation that waited on the Government a few weeks ago, the Government are at the present time putting that 214-mile section of the road in condition for operation. It must be remembered that some of the track was laid six or seven years ago, and unless it is kept in repair it will all go to waste. Ties last only so many years, and some of the ties on that line may have rotted.

I have said that both Governments are committed to the Hudson bay route. I would like to place on record a petition which was presented to the Government in 1919, subscribed to by practically all Senators and members of the House of Commons from the West, urging on the Government the necessity of proceeding with this work. The petition points out that the Government is under obligation to carry it out, and amongst other reasons they refer to the fact that the contract for building the Hudson bay road was let by Hon. Mr. Graham, as Minister of Railways under a Liberal Government. As honourable gentlemen remember, that was prior to the general elections of 1911. It was apparently thought by some people that there might be something wrong with the contract or that the proper route had not been selected. The incoming Government therefore stopped Mr. McArthur, the contractor, for a few months. Mr. McArthur had got in some supplies, but I do not think that the construction had actually begun, although the first sod had been turned by Hon. Mr. Graham at Le Pas. It was suggested that there should be an examination into the contract and into the route before the incoming Government allowed the construction to proceed. That was done, and after a thorough inspection of the road, and after Mr. Cochrane, Minister of Railways, had gone there himself and inspected it, it was concluded that the route had been properly selected and that the contract was fair, and Mr. McArthur was directed to proceed.

Moreover, the incoming Government had pledged themselves on certain matters affecting that northwest country. In the platform on which Sir Robert Borden appealed to the country in 1911 he stated:

> The Conservative party has been committed to the construction of the Hudson's bay railway since 1896. The road will be built by the next Conservative administration without one day's unnecessary delay. It will be operated by an independent commission on behalf and in the interests of the people with full control of rates.

That was Sir Robert Borden's announcement to the people of the West. So both Liberals and Conservatives are committed to that scheme.

Again, I find that the Grain Growers' Guide, referring to Mr. Cochrane's visit to the Hudson bay district, said:

> Mr. Cochrane is taking hold of the road to the bay in a businesslike manner. He has investigated the needs of the West this summer and realizes that the western farmers were right in their demand for a Government-owned and operated road to the bay. It will probably take three years at the lowest estimate to open the road for traffic, and by that time every outlet from the west will be taxed to the utmost. Mr. Cochrane will have western sympathy in bending every effort to a speedy construction of the road to the bay.

Hon. Mr. McMEANS: You have the Conservatives, the Liberals, and the Agrarian party.

Hon. Mr. WATSON: Yes, we have them all. (Reading):

Hon. Frank Cochrane, who travelled by land to Port Nelson and crossed both the bay and the straits as the above lines were written, on his return to the capital, to the dismay of the "Monetary Times" and such-like spoke enthusiastically of the project. I have every faith in the scheme, and I will push the Hudson Bay Road for all it is worth. We intend to make this a good road. We have four-tenths grade. We are using eighty-pound rails. I believe that the Hudson Bay route will mean much to the west in the way of lower freight rates. It will be a leveller, east and west. Just consider how much cheaper iron, steel and coal, for instance from Sydney, could be shipped to the prairies. It will be of the greatest advantage to the east, and I believe eastern opposition is dying out. We found the bay free from ice. In fact, the only ice we saw to amount to anything was the bergs near Belle Isle, where all the Atlantic steamers encounter them. The straits are very wide, and with the aid of wireless I believe can be kept open for a long period. Wireless stations and other aids to navigation will be established as soon as needed. . . If the route was only open two months after the wheat of the west started to move, it would be worth while.

That was the view of Hon. Frank Cochrane. Mr. Cochrane was a man credited with having a good deal of common sense. He had travelled over and had thoroughly examined the land route to Port Nelson, and from there had taken ship and come out through the bay and strait, and that was his view of the situation.

Some reflections have been cast on Mr. Stefansson and his scheme for the raising of reindeer and muskox. I want to say as a western man that I feel proud of Mr. Stefansson, and I only wish there were more persons who had his broad views, his wide horizon. If there were we would hear less of carping criticism about the expenditure of money in this connection. I believe that western country is worth opening up for settlement, and I believe it is worth while to open up the Hudson bay route for the transportation not only of wheat but also of cattle and dairy products. If you look at the map, honourable gentlemen, you will see that cattle could be shipped from the ranches in the West, even from as far as Lethbridge, to the bay in three days; whereas it takes ten or twelve days to bring them to Montreal. Any person who understands the shipping of cattle knows that in two or three days there is very little shrinkage, but after that the shrinkage is very rapid. In the hot season, when cattle are shipped all the way from Lethbridge to Montreal for the English market, they lose a great deal of weight. Even if the Hudson bay route were open for only a month or two months of the wheat season, and even if it did not carry large quantities of wheat, it would be a leveller of rates. Mr. Stefansson spoke of the development of the reindeer and muskox industry. Any person ought to know that any country that will maintain reindeer and muskoxen will maintain domestic animals as well if they are given a little care. There is no question about that at all. All you have to do is to look at the kind of grasses growing there to know the kind of animals that can live there. If there is cereal grass growing on the prairie, you know that is a pretty good place for the growing of cereals—wheat, oats and barley. Mr. Stefansson on viewing that northern country came to the conclusion that by means of reindeer and muskoxen it would furnish large supplies of meat. Now, I say that where you can raise such animals as those you can raise domestic cattle. Let us remember that in the northern portions of Alberta and Saskatchewan, apart altogether from the ranch lands in Alberta, we have a country that will maintain immense herds. Miles and miles of the best grass that grows on the face of God's earth are going to waste there every year. It ought to be used for cattle raising.

I wish to refer now to the Manitoba Government. My honourable friend on the opposite side (Hon. Mr. McMeans) will agree with me that Manitoba suffered a great loss in the recent death of Mr. Val. Winkler, Minister of Agriculture of Manitoba, who inaugurated a scheme for the encouragement of stock-raising. It was known as the cow scheme. The Government of Manitoba bought the cattle and turned them over to people who were willing to take care of them. This scheme has been in force now for three or four years, and hundreds of thousands of cattle have been distributed amongst the settlers in a large tract of country similar to the district north of Lake Manitoba and Lake Winnipeg. What has been done there can be done in the region to the north of Manitoba. Large areas of that country are just as suitable for the raising of stock. And I want to say that in my opinion it would be much better for returned soldiers to get a few head of cattle and go into a country of that kind than to take chances in wheat-raising on the open prairie.

Another matter, which I referred to before, is the change in climatic conditions. People laugh when you suggest that con-

ditions do not remain always the same. It is supposed that if severe conditions prevail this year those conditions will still prevail a hundred years from now. I think that is not correct. I have lived in the Northwest for 46 years and I remember that during the first ten years I was in Portage la Prairie there was not a year in which we did not have more or less frozen wheat. Practically every year we had frozen wheat, and it was nearly all frozen. If you were to suggest to a man in Manitoba at any time during the past twenty years, "It looks like frost," he would laugh at you. The conditions, so far as frost is concerned, have entirely changed; why? Because of settlement and cultivation. There is no question about it. I have seen frost taken out of the ground on Portage plains at nine feet eight inches from the surface. I measured the depth. I venture to say that at no place on Portage plains can you to-day find frost at a depth of six feet in the ground in any season of the year. What is the reason for this difference? It is because prairie fires used to burn the grass in the fall and the snow did not lie on the ground and prevent the frost from penetrating. When the spring came the grass grew up again; and grass is a non-conductor of heat. The only thing to keep off the frost is the radiation of heat from the surface of the soil. But, whatever the cause, the frost does not exist at the present time as it did over 30 years ago practically every month in the year. Now, in that great northern country we have an area capable of producing immense wealth and of maintaining many settlers.

Another point in favour of the construction of the Hudson bay road is that it will attract settlers to that country. The grain farmer on the prairies must have labour to help him. We find that the best possible labour that the farms on the plains can have is the foreigner who is prepared to go into that country. It is called a Galician country. A country is sometimes known by the nationality of the people who live in it. In the Galician country you find hay, wood and water, and the women and the children look after the stock; and I want to say that there is no stock better cared for anywhere than the stock that is cared for by those Galician people. They will keep the mosquitoes off in summer time; they will wash their cattle off and take good care of them; the women will cut the hay, and carry it out sometimes and stack it up, and furnish feed for the stock when the men are working. In that country, where we must have labour at seeding time, harvest, and threshing, it is most valuable to have those people living where they are needed. The question of labour is now so serious that farmers do not feel safe in putting in large crops of wheat, because they are not sure about getting labour.

All these considerations warrant the Government in pushing that road to completion. Both political parties are under obligation to push it; the Saskatchewan, Alberta and Manitoba Governments are all in favour of the Dominion Government constructing it at an early date. As a western man I want to thank the Chairman of this Committee for his great assistance in this matter. He is an eastern man who has a large enough vision to see that the eastern and western parts of Canada are mutually interested, and that the prosperity of the one means the prosperity of the other. I trust that the report of the Committee will be unanimously adopted, and that the report and evidence will be valuable to the Government in determining what they shall do. So far as the operation of the road at the other end is concerned, I think from evidence received that we have properly advised the Government to go ahead without further evidence in the matter. There is no question that Churchill, though not very large, is a first-class harbour, with no impediment to navigation. In the other case, from evidence received, vessels can only get within twenty miles of where they attempt to make a wharf and harbour, and the difficulties in buoying a channel to it are very great. I understand that Professor McLennan has an invention whereby a great many of the difficulties would be avoided; instead of lighthouses he has a cable that can be laid in the channel, by which the mariner simply follows lights in the channel right up to his terminal. If that can be done, all these things will be helped. Cochrane and other witnesses say that the strait is never badly blocked with ice. One of the aids to navigation is wireless telegraphy, and right across the strait it would be possible to notify a ship what course to take to get through without striking ice at all. With all those improved aids, and in view of the importance of the work, we do hope that the Government will proceed with the construction at an early date.

They will have to do it in order to save the property they have at present. The road is all graded to Nelson, and even if Nelson is not maintained as a terminal, if the other port is preferable by building about 80 miles more of railroad, I believe that those two ports, about 80 miles apart, could be profitably maintained because of the resources that we know are within the bay, on the banks, and in the minerals around the shores, so that the Government would be warranted in keeping both those ports open for local and coasting trade. If the Government find our suggestions worthy of consideration; I think they would be justified in making a thorough examination, and even if they place the terminal at Churchill, it would be profitable to build and maintain both ports as open ports for the purpose of occupying that territory.

Hon. Mr. POPE: I think it is hardly worth the time of this House to discuss whether we are going to build this railway or not, because it has been sanctioned by all the Governments of Canada, and has been constructed, so far as grading is concerned, up to the harbours that are under discussion. I would not venture my opinion upon the harbours or the navigation of those northern waters, for I have discovered since this debate began that the only gentlemen who seem to be authorized to express an opinion on those matters are men who have lived close to the Atlantic or the St. Lawrence waters. As I was born on the highlands of the eastern part of Quebec, my opinion would not be graciously received by those gentlemen who have lived close to running water; therefore I will not venture to express an opinion on that. I can only say that I have met many men who have navigated those northern waters, and personally I am absolutely satisfied that there is a practical course for steamers or boats to go from either of those ports through to England. We must never forget that we are a northern country, and a northern country only; that our future development is all north, not south; and therefore we should be very careful not to make any statement or adopt any resolution in this House that will reflect upon the feasibility and advantage of the development of the northern part of this continent. I am sure no one feels that more keenly than honourable members of this House, whether they agree or not with this report. I met Mr. Stefansson for the first time, and being a rancher, having been interested in cattle all my life, I was delighted with my conversation with him. I was not a member of the Committee, and had not the opportunity of hearing him when he appeared before the Committee to give evidence, but certainly he gave me very inspiring hopes of the development of that northern country. I read yesterday the report of Sir Auckland Geddes' address at Princeton University, in which he took occasion to point out that for probably fifty years past the tragedy that has taken place during the last five years in Europe had been postponed by food supplies that the United States, through their development, had been able to send to Central Europe; but that when the United States began to find its own population increasing to 50, 75, and 100 millions and requiring those supplies, the pressure of social conditions that had been created in Central Europe began to affect the condition of those nations, and this, in his opinion, had as much to do in contributing towards this war as any other single thing. Looking forward to the future condition of Central Europe and Asia, I see in the development we may make in the northern part of this continent not only its importance to Canada, and to the individuals who are going to live in this country, but also one of the important contributions towards maintaining the peace of the world; because you cannot have peace and starvation going hand in hand, whether in Canada, Central Europe or Asia. If there is to be improvement in the northern half of that western country, every future development in the production of grain and other food supplies will be of advantage to Canada, and a favourable report on that part of the world, irrespective of ports or railways, will benefit this Dominion. I am satisfied that cattle will live where buffalo live, because I have been breeding cattle where buffalo did live. Mr. Stefansson told me that the northern country there can maintain those large herds of wild animals —moose, deer, and all the rest of them. If those grasses are fit for that purpose, they are also fit for domestic animals, and when you can grow first-class grass you can grow other natural products. This Dominion is composed of various sections called provinces, and in this House we are in the habit of accepting the opinions of honourable members and residents of those various provinces, and we vote immense sums of money for Quebec, for Ontario, for New Brunswick, for Nova Scotia, because those various representatives come here and tell us that these things are essential for the

development, peace, happiness, and prosperity of those provinces. When honourable gentlemen from our western provinces—Manitoba, Saskatchewan and Alberta—come here in practically united force and say to us that the development of that section of the country—the construction of this road and the opening up of that navigation—is essential to the prosperity and happiness of those three great western provinces, I for one am prepared to accept their word in the matter and give them every possible encouragement in the development of that vast northern country.

Hon. Mr. WILLOUGHBY: As a Westerner I had the honour of being on that Committee, and I think I did not miss a single meeting. I concur in the findings of the Committee, which is greatly indebted to its Chairman for the close attention he gave to it, and I want to bear tribute to the work he has done in writing the précis of the evidence, putting it in narrative form from the question and answer which were used before the Committee—a most laborious task, involving elimination. While that work in the précis form has been criticised as not in conformity with the text as given before the Committee, I thought it was a wonderfully fair presentation of the whole thing. It was necessarily condensed for the sake of brevity and to make it more readable to the public, and I think it would be an advantage to the people of all Canada if we had this evidence printed and published in the way suggested by the resolution. It is only to voice my concurrence in the findings of the Committee, and my appreciation of the services of the Chairman of the Committee, that I rise at all.

Hon. Mr. FOWLER: As it is almost six o'clock, and as it is absolutely necessary, in view of the remarks of the honourable member for St. John (Hon. Mr. Daniel), for me as Chairman of the Committee to attempt to make some reply to his strictures upon the Committee's report and other things, it will not be possible to answer a speech which occupied an hour and a half—

Hon. Mr. DANIEL: Oh, no, not more than an hour at the outside.

Hon. Mr. FOWLER: The speech and the extracts together occupied about an hour and a half, and it is not possible for me to answer that, even in the impertinent way that I would have to answer it, in the short space of three minutes, and it may be that some other gentleman would like to speak also. I would therefore move the adjournment of the debate, and if there is no other person to speak I will close the debate tomorrow.

The debate was adjourned.

PRIVATE BILLS.

SECOND READING.

Bill B5, an Act for the relief of Nora Dowle—Hon. Mr. Ratz.

The Senate adjourned until tomorrow at 2 p.m.

THE SENATE.

Friday, June 18, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill C5, an Act for the relief of Muriel Curren Gilmour.—Hon. Mr. Blain.

Bill D5, an Act for the relief of Marie Jeanne Yvonne Albertine St. Amour Lallemand.—Hon. Mr. Fisher.

CIVIL SERVICE BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 53, an Act to amend the Civil Service Act, 1918, and the Civil Service Amendment Act, 1919, as amended.

Hon. Mr. LAVERGNE: Honourable gentlemen, before this Bill is read a third time, I would move that the Bill be not now read a third time, but that it be referred back to the Committee and be amended by inserting Epiphany, Ascension Day, All Saints Day, and the Immaculate Conception, as legal holidays. Those days are observed by people of the Catholic religion, and I hope the House will permit that action.

Hon. Sir JAMES LOUGHEED: My honourable friend has moved, as I understand, that the Bill be not now read a third time, but be recommitted to the Committee. I may say without entering into any discussion that I am opposed to that.

Hon. Mr. BOYER: Would it not meet with my honourable friend's ideas if we

were to say that those days should be observed in the province in which they are holy days?

Hon. Sir JAMES LOUGHEED: My honourable friend will see the difficulty of that. We would then have one province observing certain holidays and the other provinces of the Dominion not doing so. It would entirely dislocate the public service. It seems to me that there is no good reason why those holidays should be observed in one province when they are not observed in the others. My honourable friend will see the difficulty of discriminating in that way.

Hon. Mr. MITCHELL: I understand that this Bill compels Roman Catholics to work on these holidays.

Hon. Mr. BRADBURY: No.

Some Hon. SENATORS: Yes.

Hon. Mr. MITCHELL: I think it does.

Hon. Mr. BRADBURY: They can stay at home. They do not have to work.

Some Hon. SENATORS: Order.

Hon. Mr. MITCHELL: I understand that they are liable to dismissal if they do not work.

Hon. Mr. BELCOURT: Would the leader of the Government tell us what the position would be? There seems to be a misunderstanding. Honourable gentlemen on this side of the House say that Roman Catholics will be obliged to attend to their duties on these days. Is that so?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. CHAPAIS: If they are not legal holidays, they will have to go to their offices and work. They will have to go to their offices on All Saints Day, which is one of the most sacred days. It is like a Sunday, and public servants, for instance the staff of the post office in Quebec, would be obliged to go to the office on All Saints Day if it is not a legal holiday.

Hon. Mr. MITCHELL: There are religious holidays which are not legal holidays.

Hon. Mr. POWER: Honourable gentlemen, I am not going to make any motion. I think that all Christians recognize the fact that Ascension Day is a great feast, and I regret that the honourable gentleman from Kings and Albert (Hon. Mr. Fowler) should have stricken out that day. Some other days, for instance the Immaculate Conception, the 8th of December, are purely Catholic holidays and are not looked upon as great holidays even in the Church to which I belong; but I do think—

Hon. Mr. FOWLER: Would the honourable gentleman permit me a question?

Hon. Mr. POWER: Will you allow me? Then you can go on.

Hon. Mr. FOWLER: Thank you for the courtesy.

Hon. Mr. POWER: I say I regret that the honourable gentleman should have stricken out Ascension Day. As to the others, I have no particular objection. I do not wish to make people go and worship in my church, but I think all Christians are supposed to observe Ascension Day.

Hon. Mr. FOWLER: I was going to ask the honourable gentleman a question when he rather discourteously refused to permit it. I am not very well up in these matters myself, but I understood that Ascension Day was usually celebrated on a Sunday.

Hon. Mr. CHAPAIS: No, no. I beg my honourable friend's pardon.

Hon. Mr. BOYER: The honourable gentleman has just said that he does not know anything about it, and he has proven his statement.

Hon. Mr. FOWLER: I have been so informed by probably as good a member of your Church as yourself.

Hon. Mr. CHAPAIS: He is mistaken.

Hon. Mr. FOWLER: He may be mistaken, and I do not profess to know anything about it. In moving this resolution I was moved by the fact that there are many public holidays observed to the great loss of the public service. That is an unfortunate thing. I was once in a country where they had about a hundred and fifty holidays, and we will pretty nearly approach that condition here if we permit all these holidays. There is no reason why a man who takes his religion seriously—and every man should take his religion seriously—there is no reason why he should not go farther. He would be making a greater sacrifice if he gave up his day's pay, and there would be no difficulty as far as his employer was concerned. The day of all that I would think would be observed is All Saints Day.

Hon. Mr. CHAPAIS: Epiphany also.

Hon. Mr. FOWLER: If you take that, you take practically all, because the only

days cut out are Epiphany, All Saints Day, Conception Day and Ascension Day.

Hon. Mr. CHAPAIS: Five days.

Hon. Mr. FOWLER: Five days loss to the Civil Service of Canada which embraces 60,000 people is a pretty important matter, and I think is not one to be treated lightly.

Hon. Mr. BELCOURT: Might I put it this way? Would my honourable friend consider it a very light matter if he had to disobey the teachings or commands of his Church? Would he take it very lightly if he were placed in the position of having to choose between doing that and possibly losing his position?

Hon. Mr. FOWLER: A man would not lose his position.

Hon. Mr. BELCOURT: I submit that he would. If the Civil Servant does not attend on Ascension Day or Epiphany he is absent without leave, and he may be dismissed if he is not at his desk. I do not consider that a very light matter. He will have to choose between running the risk of losing his position or disobeying the order of his Church.

Hon. Mr. FOWLER: And it is not a light matter for a country that needs to save all the money it can, to make all these days legal holidays in order to meet the religious scruples of this one man. No man would be dismissed from the Service who failed to attend on a day which was a holy day of his Church.

Hon. Mr. LYNCH-STAUNTON: It seems to me that when it is a choice between two holidays and one of them is a holy day to a portion of the community, you should choose to observe the holiday which is of no moment to anybody as a matter of conscience. Easter Monday is still preserved. Easter Monday is nothing at all to anybody.

Hon. Mr. LAIRD: Strike it out.

Hon. Mr. LYNCH-STAUNTON: Easter Monday, which is observed only by Government officials, should be struck out, and Ascension Day, which is observed by most Christians who observe feasts of the Church as a matter of conscience, should be inserted. Let us strike out days which are of no moment to anybody as a matter of conscience.

Hon. Mr. FOWLER: That is agreeable.

Hon. Mr. LYNCH-STAUNTON: I suggest that we strike out Easter Monday, and substitute Ascension Day.

Hon. Mr. BELCOURT: Why not strike out Good Friday and add All Saints Day? Good Friday is not a feast of obligation. My honourable friend proposes the change as a matter of conscience.

Hon. Mr. LYNCH-STAUNTON: Of course, there is no mass on Good Friday, but I would consider that it should be observed in preference to nearly any other day.

Hon. Mr. CROSBY: I wish to explain why I intend to vote for the Bill. I was born and brought up in the Catholic Church, and while I may not be as good a Catholic as some others, I have as strong a desire to follow the teachings of the Catholic Church as any man in this building, and I am as faithful to the teachings of that Church as any man in Canada or anywhere else. The advantage we have in the Catholic Church is that we can go to God at any time. We have the Church there, and we can go early in the morning or in the evening. You will always find some one there, and you are always welcome. The question of work or non-work does not make religion; it is a man's heart and his desire to serve God that counts; and if he wants to he can go to Church on any day during the year. Whether he is compelled to work or not has nothing to do with the question. He can serve his God and go to his Church whenever he wants to. I sometimes think that is one of the misfortunes of the Protestants. They should fall in line in the morning, and go where there is something going on. No Catholic, man or woman, can be prejudiced in any fashion by any legislation passed in this House or any other legislature in this country. There has been a great deal of legislation passed, but it has not interfered with the good people: many of them are in heaven, and I hope they are praying for us.

Hon. Mr. POWER: You need their prayers.

Hon. Mr. CROSBY: I am going to vote for the Bill as it stands because I do not think it interferes in any way, shape or form with a man performing his religious duties.

Hon. Mr. LYNCH-STAUNTON: I move that the words "Ascension Day" be struck out, and that "Easter Monday" be substituted.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. LYNCH-STAUNTON: I always mean exactly what I don't say. I turn it around.

Hon. Mr. MURPHY: Before voting on this, I want to tell this House that Ascension Day is not an obligatory holiday in our Church, and for that reason I cannot see that much is to be gained by striking out Easter Monday. I will vote for the Bill as it stands.

Hon. Mr. LAVERGNE: I think the honourable gentleman who says there is no obligation is mistaken. Ascension Day is a feast of obligation for the Catholics like All Saints Day, Epiphany, and the Immaculate Conception. I stand for my motion.

The amendment of Hon. Mr. Lynch-Staunton was negatived, and the Bill was read the third time and passed.

INSPECTION AND SALE BILL.

THIRD READING.

Bill 104, an Act to amend the Inspection and Sale Act.—Hon. Sir James Lougheed.

ADMIRALTY BILL.

THIRD READING.

Bill 139, an Act to amend the Admiralty Act.—Hon. Sir James Lougheed.

NORTHWEST GAME BILL.

THIRD READING.

Bill 151, an Act to amend The Northwest Game Act.—Hon. Sir James Lougheed.

DIVORCE BILL.

THIRD READING.

Bill B5, an Act for the relief of Nora Dowle.—Hon. Mr. Ratz.

PRIVATE BILL.

THIRD READING.

Bill A5, an Act to incorporate The Reliance Insurance Company of Canada.—Hon. Mr. Michener.

BANKRUPTCY BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate sent into Committee on Bill 126, an Act to amend the Bankruptcy Act. Hon. Mr. Blain in the Chair.

Hon. Sir JAMES LOUGHEED: I would like to bring within the bar Mr. Mulvey, Assistant Secretary of State.

On section 1—short title:

Hon. Mr. POWER: I do not wish to go into the details of this Bill, but I desire to make a few observations at the start. Up to the year 1879 we had an insolvency law. There was such a law first passed, I think, immediately after the union of the provinces; then there was another law passed in 1875, for which I think Hon. Edward Blake was chiefly responsible. Every care was taken in preparing that measure to prevent the waste of money, and to provide satisfactory procedure. That Act continued in operation for about five years, and the country became tired of it, and when it was repealed in 1879 or 1880 there was a general feeling of relief throughout the country. The Dominion Insolvency Act having been got rid of, the various provincial legislatures passed measures which to a very considerable extent took the place of that Dominion law, and those measures, which were naturally a little crude, were improved as time went on, and now they are working satisfactorily. The only reason that I can see for passing this proposed measure, which is sure to involve delay and considerable expenditure, is that a debtor who acts honestly may get a discharge. He cannot get from a local legislature a discharge that will bind in provinces outside of the one in which he happens to be resident. I am not finding fault with the drafting of this Bill, but I think that, instead of this cumbrous and expensive measure, we should pass one which would authorize the Governor in Council or the Secretary of State to give a release to any man who had honestly complied with the requisites of the provincial law. That would not involve any unnecessary expenditure or lost time, and it seems to me that it would be the businesslike and natural way of disposing of this matter. As it is now, when this Bill becomes law and is put into operation there will be a good deal of unnecessary conflict between the provincial and federal spheres. I simply wish to make that little protest before we go into the details of the Bill.

Section 1 was agreed to.

On section 2—"Debtor:"

Hon. Mr. BOSTOCK: What is the change made in that section?

Hon. Sir JAMES LOUGHEED: The change extends only to the addition of the words "except by leave of the Court" in lines 21 and 22.

Section 2 was agreed to.

On section 3—"Locality:"

Hon. Sir JAMES LOUGHEED: This section amends paragraph 10 of section 2 of the Act, merely interpolating the word "either" in line 32 and substituting the words "at any time" for the words "for the longest period" in the second line on page 2; also adding after the word "situate," in line 7, "or where the debtor resides."

Section 3 was agreed to.

On section 4—Affidavit:

Hon. Sir JAMES LOUGHEED: This section is merely changing the procedure. As the Act stands, the affidavit must be made by a creditor or somebody on his behalf; in the amendment the affidavit may be made and served as prescribed by the rules.

Hon. Mr. BOSTOCK: Does not that make it very much wider? Is there any particular object in letting other people than the creditor make the affidavit? The creditor would be the person interested, I should imagine.

Hon. Mr. LYNCH-STAUNTON: The creditor ought to make it, too.

Hon. Mr. BOSTOCK: I do not know what the rules are.

Hon. Sir JAMES LOUGHEED: It seems to me desirable that a matter of procedure of this kind should be regulated by the rules, and whatever the rules call for will be complied with.

Hon. Mr. LYNCH-STAUNTON: There is no necessity for rules in regard to that at all.

Hon. Mr. BOSTOCK: I understand the old clause read, "The petition shall be verified by affidavit of the creditor or of some person on his behalf." So that the object would be covered by the old clause.

Hon. Sir JAMES LOUGHEED: It is simply a matter of verifying the proceedings, and it seems to me that the situation might be met very much better by the adoption of a rule than by a rigid form of statute. We can only gain experience as to what should be done after the Act is put in operation.

Hon. Mr. BOSTOCK: The Act has not been administered at all so far?

Hon. Sir JAMES LOUGHEED: No, it is not to come into operation until the 1st of July, and the general opinion expressed regarding the Act is that it is desirable to have elasticity, so that it can be adjusted to various conditions that may arise, consistent with the stability that should be given to it.

Hon. Mr. BOSTOCK: Whoever was responsible for making this change must have had some reason for changing it from the Act of last session.

Hon. Sir JAMES LOUGHEED: Yes. All these changes are due to the consideration which was given to the Bill of last session by judges, chambers of commerce, boards of trade and those who could speak with authority upon the administration of an Act of this kind. The Bill is the outcome of suggestions which have been given from those various sources as to improvements that might be made in the Act which has been already placed on the statute book.

Hon. Mr. POPE: Could we definitely know who shall have the right of making that affidavit?

Hon. Mr. McMEANS: The office boy.

Hon. Mr. POPE: The man in the street?

Hon. Sir JAMES LOUGHEED: A creditor might make it.

Hon. Mr. WILLOUGHBY: It is an obligatory form in the original Act; this leaves the form under the rules, as to who should make such an affidavit.

Hon. Mr. POPE: Who may?

Hon. Mr. WILLOUGHBY: Anybody provided for in the rules.

Hon. Mr. POPE: Where do we find the rules?

Hon. Mr. WILLOUGHBY: The rules are already printed.

Hon. Sir JAMES LOUGHEED: The rules are worked out by the Governor in Council.

Hon. Mr. POPE: Sometimes I have found them good, and sometimes not. It

seems very strange that we should not know who is going to have the right to make the affidavit. If I could be sure it was the creditor or some representative of the creditor I would be satisfied, but I am not satisfied to leave it to the open street.

Hon. Mr. LYNCH-STAUNTON: Surely this is wide enough. The present clause is:

> The petition shall be verified by affidavit of the creditor or of some person on his behalf having knowledge of the facts, and be served on the debtor in the prescribed manner.

I submit that that is as wide as it should be, and that no man who is not a creditor or who has no knowledge of the facts should have the right to put any person in insolvency.

Hon. Mr. POWER: But, as I understand, no one but a creditor can present a petition, and this provision is that the petition shall be verified by affidavit in the manner prescribed by the rules; and the manner of service has also to be as prescribed by the rules. I can see that that is a more convenient arrangement than that in the original Bill.

Hon. Mr. LYNCH-STAUNTON: What was wrong in the original Bill, will the honourable gentleman say? I am quite willing to concede the point if there is anything that can be wider than that. What is the good of tinkering with the Act unnecessarily?

Hon. Sir JAMES LOUGHEED: Here is the rule with respect to the affidavit:

> 26. Every affidavit shall be drawn up in the first person, and shall state the description and true place of abode of its deponent, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any part of an affidavit containing unnecessary matters or which in the opinion of the taxing officer is unduly prolix.
>
> 27. The Court may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between solicitor and client.

And again:

> 32. Where by this Act or in these rules it is provided that an affidavit or declaration be made by a debtor, authorized trustee or any other person and such debtor, authorized trustee or other person is a corporation such affidavit or declaration may be made by the Manager or by any officer or employee of the corporation who has knowledge of the facts deposed to providing that he states therein that he has such knowledge.

Hon Mr. BELCOURT: What is the honourable gentleman reading?

Hon. Sir JAMES LOUGHEED: The rules passed by Order in Council under the Bankruptcy Act. The clause in the Act under consideration reads as follows:

> The petition shall be verified by affidavit of the creditor or of some person on his behalf having knowledge of the facts, and be served on the debtor in the prescribed manner.

That is not sufficiently comprehensive to include a corporation.

Hon. Mr. LYNCH-STAUNTON: "Person" includes a corporation under the Interpretation Act.

Hon. Sir JAMES LOUGHEED: It seems to me this amendment meets the situation very much better. The regulation would, it seems to me, dispose of all doubt as to whether the existing clause, namely, subsection 2 of section 4, would cover a corporation. This is simply a matter of procedure, and it is not important.

Hon. Mr. BELCOURT: There is no real objection to the clause as it is, in my opinion. It states all that is essential, namely, that the facts should be verified by affidavit. If the facts required under the statute to put a person into bankruptcy are not contained in the affidavit, then the order cannot be made. The words in the amendment proposed cover the ground. I do not think it adds very much to the old section, but it seems to me it is not objectionable in its present form.

Section 4 was agreed to.

On section 5—proceedings taken in wrong court:

Hon. Mr. McMEANS: I do not see why, if a man takes proceedings in the wrong court to put a person into bankruptcy, or if he takes proceedings in several courts, he should not bear the costs himself. If I institute bankruptcy proceedings in a court in Ontario, and the case has to be sent to Manitoba because I have gone into the wrong court, the debtor may be put to considerable expense.

Hon. Mr. BELCOURT: The question of costs would be at the discretion of the court.

Hon. Mr. McMEANS: The clause does not provide for that.

Hon. Mr. BELCOURT: It would not prevent the judge from exercising his discretion.

Hon. Mr. McMEANS: If a man goes to the wrong court why should he not be required to take the case out of that court and bring it to the proper one?

Hon. Mr. BELCOURT: It is just a question of costs, that is all.

Hon. Sir JAMES LOUGHEED: The object of this is to prevent proceedings from being invalidated by reason of having been commenced in the wrong court. The proceedings may be transferred to the proper court if it is found that an error has been made. It seems to me that is common sense.

Hon. Mr. LYNCH-STAUNTON: What does it mean?

Hon. Mr. McMEANS: If a lawyer can go into any court he pleases and if the petition is recognized by this particular clause even when he has made a mistake, he will not care whether he goes to the right court or not.

Hon. Sir JAMES LOUGHEED: I do not think any lawyer would wish to risk his reputation by starting proceedings in the wrong court.

Hon. Mr. LYNCH-STAUNTON: When the bankruptcy law is passed there will be a rush to undertake winding-up proceedings. A man may start proceedings anywhere in Canada. Does this clause refer to the wrong court in a province or the wrong court in the Dominion of Canada? That is what I would like to understand. Suppose a person takes proceedings in the Yukon and lets them lie dormant there, and then some one else takes proceedings in Quebec, where they are properly brought, can this person come up after an order is made and say, "I had my application filed first in the Yukon and I want to have it come up ahead of this?" I would like to know what is the meaning of this section?

Hon. Sir JAMES LOUGHEED: The meaning, I think, is apparent in the language of the amendment.

Hon. Mr. LYNCH-STAUNTON: Surely somebody can explain the reason for putting it there.

Hon. Sir JAMES LOUGHEED: The reason for putting it there is this. Time and again proceedings are instituted in the wrong court. Invariably an application is made for costs of the proceedings, which may be large; and frequently delays are occasioned through a mistake of that kind being made, particularly when there is a multiplicity of courts. This is a new Act, just coming into operation and it is, I must confess, considerably involved. Through the inexperience of those who would be called upon to act either for the parties concerned or for the winding-up of the bankrupt estate, it may happen that proceedings are started in a court which has no jurisdiction. That will not be unusual. This will permit of the proceedings being transferred to the proper court.

Hon. Mr. LYNCH-STAUNTON: Does it refer to proceedings started in the wrong province?

Hon. Sir JAMES LOUGHEED: No; it means in any of the courts in this Dominion. A very nice question may arise as to whether the proceedings should be started in the province of Quebec or in the province of Ontario. Business is now not as insular as it used to be; it is interprovincial; it is practically international. Large businesses extend through all parts of the world. It is a comparatively small business in Canada that is not in operation in almost every province of the Dominion. Consequently there is this convenient arrangement whereby, if a mistake has been made, in applying to a certain court, or if it is inconvenient to hear the case in that court, it may be transferred to the proper court.

Hon. Mr. BELCOURT: It seems to me that the only matter involved is a question of costs. That is the only question that can possibly arise here. Costs are always left to the discretion of the court.

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me for pointing out this? It may not be limited to the question of costs. There may be also a question of delay, or a question of priority.

Hon. Mr. BELCOURT: I agree with my honourable friend, but what I mean is that the only ultimate question would be one of costs.

Hon. Sir JAMES LOUGHEED: No, I would not say that.

Hon. Mr. BELCOURT: I thoroughly agree with my honourable friend. Allow me to put it in another way. I quite agree that there may be a question of delay, perhaps of great importance, and the purpose of this amendment is to prevent the

results which might be occasioned by delay. For instance, if there is a delay in the proceedings, the assets may be dissipated, and in the meantime the estate turn out to be much worse than it otherwise might have been. I can see that one purpose of the amendment is to prevent that, and I am in favour of that provision. I can see that it is necessary in that regard, and perhaps in other respects. I think this clause should not be limited to the courts in one province, because, after all, there can be no harm resulting from enabling a judge in the Yukon, for instance, to refer the matter to a court in Ontario, if proceedings have not been taken in the right court. If they are taken in the wrong court, no advantage can be derived from that, as suggested by the honourable member from Hamilton (Hon. Mr. Lynch-Staunton). The only disadvantage pointed out so far, and the only one that I can see, is that the question of costs will have to be settled; and that question will be left to the discretion of the courts. If, for instance, somebody in the Yukon, merely for the purpose of seeking an advantage which he should not have under the statute, commences proceedings there instead of taking them in Ontario, when the matter comes before the court the question of jurisdiction will be decided. The court will decide whether the case is properly taken in the Yukon or in Ontario. If the judge finds that there is no jurisdiction in the Yukon he will refer it to the Ontario court, and it will be for the judge in the Yukon to determine whether or not the man who brought these proceedings had any sort of justification for doing so. The judge will award costs accordingly.

Hon. Mr. McMEANS: I would like to ask the honourable gentleman one question. Take, for instance, a case started in the Yukon in which a judgment has been given there. It is then transferred to the province of Ontario on an appeal. Where will that appeal be from? The court in the Yukon or in Ontario?

Hon. Mr. BELCOURT: I think my honourable friend is wrong. I do not think this contemplates any transfer after judgment has been rendered.

Hon. Mr. McMEANS: Let me ask my honourable friend another question. Suppose a man has a judgment against some one and that judgment is registered and is a lien on the property. It is registered in Ontario. Suppose proceedings are started in the Yukon. Under the next clause, the moment an order is made it takes precedence over all attachments of debts by way of garnishments, etc. If the case is wrongly taken to the court in the Yukon and an appeal is made to the court in Ontario, you see what a mix-up there will be. I think the applicant ought to select the proper court in the first place.

Hon. Mr. BELCOURT: Yes, he ought to do so, and if he does not he will pay the penalty in having to defray the costs. But this transfer must necessarily be made before a judgment is given. The clause does not contemplate a transfer after the judgment. It cannot contemplate that, because after the judgment is rendered no judge can make any order; the case is out of his court.

Hon. Mr. LYNCH-STAUNTON: The court of appeal can.

Hon. Mr. BELCOURT: No.

Hon. Mr. LYNCH-STAUNTON: Certainly it can. if the court of appeal had original jurisdiction under the statute.

Hon. Mr. BELCOURT: The court of appeal could not have original jurisdiction after a judgment.

Hon. Mr. LYNCH-STAUNTON: It has original jurisdiction where it is entertaining an appeal.

Hon. Mr. BELCOURT: The court of appeal has not original jurisdiction.

Hon. Mr. LYNCH-STAUNTON: I do not care.

Hon. Mr. BELCOURT: The court of appeal has not original jurisdiction when the original jurisdiction has been exercised by some other court in the same province.

Hon. Mr. LYNCH-STAUNTON: This just shows the controversy that can arise in court.

Hon. Mr. BELCOURT: My honourable friend proposes a theory which on second reflection he will see is utterly wrong.

Hon. Mr. LYNCH-STAUNTON: This shows what is provided—

Hon. Mr. BELCOURT: Let me say what I have to say, without constant interruption. My honourable friend states that the court of appeal in the province has original jurisdiction, and that the matter could be transferred—oh, I give up.

Hon. Mr. LYNCH-STAUNTON: I am not going to answer it; so it does not make much difference.

Hon. Mr. McMEANS: I move that section 5 be struck out.

Hon. Mr. LYNCH-STAUNTON: I think this question ought to be left to the legal profession.

Hon. Mr. POPE: What is the good? They cannot decide it. They get into a row.

Hon. Sir JAMES LOUGHEED: I would like my honourable friend from Winnipeg (Hon. Mr. McMeans), and likewise my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), who agrees with him, to indicate what will happen if important proceedings are taken and carried on up to a material stage, under the administration of the Bankruptcy Act, and then it is found that the proceedings have been instituted, say, in the wrong court. If an application is made to discharge all proceedings and invalidate all that has been done, the trustee in bankruptcy and the creditors likewise would be rendered helpless, and the result might be the dissipation of all the property. Very serious results might flow from a mistake of that kind being made.

Hon. Mr. THOMPSON: Would it be possible for a court that had not jurisdiction to take up a matter and deal with it? Would not the judge know whether he had jurisdiction or not?

Hon. Sir JAMES LOUGHEED: Not always. That is the reason why courts of appeal exist. If a judge were accurate in every step he took there would be no necessity for a court of appeal; but it just happens that judges are human, and some of them very human.

Hon. Mr. BELCOURT: The question of non-jurisdiction might not be apparent.

Hon. Sir JAMES LOUGHEED: No, it might not be apparent. It might transpire from a disclosure of evidence, after an important stage had been reached, that the court had no jurisdiction, whereas prima facie it might have seemed that it had jurisdiction. It is not only in the interest of the creditors and of the estate, but also for the protection of the public, that this provision is made.

Hon. Mr. THOMPSON: I have not read the Act, and do not propose to do so, because I do not question the opinions of honourable gentlemen of the legal profession. But does not this Act name some court with jurisdiction?

Hon. Sir JAMES LOUGHEED: Yes. If my honourable friend will look at section 3 of the Act he will see what courts are constituted courts of bankruptcy.

Hon. Mr. THOMPSON: If a case is taken into a court, cannot that court determine whether it has jurisdiction under that section or not?

Hon. Sir JAMES LOUGHEED: Proceedings may be started in one province that should have been started in another. That is one of the difficulties that may arise.

Hon. Mr. McMEANS: As this clause is now drawn, it says that proceedings shall not be invalidated by reason of having been commenced in the wrong court, "but the court may at any time transfer to the proper court the petition, application or proceedings as the case may be." But it does not say anything as to what effect these proceedings shall have in the court to which the case is tranferred. If I were drafting that clause I would add: "and in the court to which the proceedings have been transferred they shall have the same force and effect as if they were originally commenced in that court." That would be the proper way. But, as it is now, it simply provides that if you are in the wrong court you may transfer to another. When in the other court what standing have you? This whole clause is ridiculous and useless.

Hon. Mr. LYNCH-STAUNTON: I think there is a great deal of force in the argument of the honourable leader (Hon. Sir James Lougheed), if I may say so, but it strikes me that the whole procedure under the Act is so simple that there can be no mistake about it. Section 63 specifies the courts in which proceedings may be taken. There can be no mistake made in the province of Ontario, or in any other province, as to the court in that province to which application should be made. The question will arise only if a man begins proceedings in one province which he should have begun in another. I would draw the honourable leader's attention to section 64, which reads:

> The courts having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of their powers hereunder by the order of any other court.

If you insert in a preceding section this proposed amendment, and if I, for instance, live in Nova Scotia and have a claim against a man living in Ontario, I go to my lawyer and he says: "Let us start it right here. If we get into the wrong court it does not make a particle of difference: the Act prescribes that we can transfer the case." It is an invitation to bring the proceedings in the wrong court if it suits the convenience of the applicant. Then you have a fight between two courts. The Ontario man claims the case should have been brought in the Ontario court, the other man claims otherwise, and neither the Ontario court, the Supreme Court, nor the Exchequer Court has any power to compel these proceedings to be taken. My objection is that the Bill encourages people to bring proceedings recklessly in the wrong courts, and that is a very serious matter, which we should prevent if possible. We have a practice in Ontario under which a case improperly brought in the County Court can be transferred to the High Court, and vice versa. That is all right in the province, but where a man can transfer it, battledore and shuttlecock, all over the Dominion of Canada, I think the remedy is worse than the disease. Otherwise, I quite agree with what the leader of the Government has said.

The proposed amendment of Hon. Mr. McMeans was negatived.

Section 5 was agreed to.

On section 6—receiving orders and assignments to take precedence of attachments, etc.:

Hon. Mr. McMEANS: I want to draw attention to the fact that, in the section immediately following this, in the provinces of Nova Scotia and New Brunswick certain judgments that are already liens against the property are excepted. If the province of Manitoba is put in the same position I have no objection, but in Manitoba if you get a judgment you take the certificate and register it, and that is accepted.

Hon. Mr. BELCOURT: That is the case in Quebec.

Hon. Mr. McMEANS: And it seems to me that this is a very extraordinary provision:

Every receiving officer and every authorized assignment made in pursuance of this Act shall take precedence over:

(a) All attachments of debts by way of garnishment, unless the debt involved has been actually paid over to the garnishment creditor or his agent; and,

(b) All other attachments, executions or other process against property, except such thereof as have been completely executed by payment to the execution or other creditor;

but shall be subject to a lien for one only bill of costs, including sheriff's fees, which shall be payable to the garnishing, attaching or execution creditor who has first attached.

Hon. Mr. LYNCH-STAUNTON: That is the practice in Ontario.

Hon. Mr. McMEANS: If two men attach, one gets his costs and the other does not?

Hon. Mr. LYNCH-STAUNTON: They allow one set of costs only.

Hon. Mr. FOWLER: That is the rule in New Brunswick.

Hon. Mr. BOSTOCK: I want to draw to the attention of the House the report of the Committee on Printing which we adopted yesterday. On page 291 of the Minutes we find the following:

The Joint Committee is asked by the Editorial Committee that the provision in the Bankruptcy Act of last session (Chap. 36, section 11, subsection 7) be reconsidered. The subsection reads:

"The King's Printer, upon request of any person who is by the Act required to keep on file for public reference a copy of the Canada Gazette, shall regularly supply to each person, gratis, two copies of every issue of such Gazette."

It is not known how many names the subsection will add to the 'free' list of the Gazette. Every thousand, however, means an additional annual consumption of over 10 tons of 'Parliamentary Report' paper, costing 13½ cents per lb. under the latest contract, as compared with 3.67 cents per lb. in 1915. Besides increasing the work in the press and bindery rooms at the Bureau, the 'free' list will augment the operations of the Distribution Branch of the Department of Public Printing, and of the Post Office Department. It is suggested that a single sheet containing Bankruptcy notices as "from the Canada Gazette" should serve all purposes.

Hon. Sir JAMES LOUGHEED: Mr. Mulvey informs me that there was a mistake or misapprehension on the part of the Editorial Committee and that they have receded from that position. They were under the impression that four or five thousand copies would be requisite, whereas only four or five hundred would be necessary.

Section 6 was agreed to.

Section 7 was agreed to.

On section 8—avoidance of preference in certain cases:

Hon. Mr. FOWLER: It seems to me that three months, the time named in this section, is too long. A great deal could happen in three months. It might be assumed that a man was solvent, but something could easily happen in three months.

Hon. Mr. LYNCH-STAUNTON: The creditor may not learn of this for three months. Maybe no person is able to make the application.

Hon. Mr. FOWLER: Exactly. But here is a transaction that is perfectly proper at the time. Both the grantor and the grantee are of opinion that the man is perfectly solvent; something occurs and he becomes bankrupt.

Hon. Mr. LYNCH-STAUNTON: I see the point.

Hon. Mr. FOWLER: It seems to me that 30 days would be sufficient. It means that a title is liable to be destroyed by reason of proceedings in bankruptcy being taken, and that the title is only good after three months.

Hon. Sir JAMES LOUGHEED: Fraud must be established.

Hon. Mr. LYNCH-STAUNTON: That is prima facie.

Hon. Mr. FOWLER: Why should the innocent man suffer? Why should his title be in jeopardy for three months?

Hon. Sir JAMES LOUGHEED: I see the point.

Hon. Mr. LYNCH-STAUNTON: This is copied from the Ontario statute.

Hon. Mr. FOWLER: That does not put any seal of approval on it. The trouble with these members from Ontario is that if a law passes the Ontario House they seem to think it is divinely inspired.

Hon. Mr. WILLOUGHBY: This is the Act of last year, only the language is transposed.

Hon. Sir JAMES LOUGHEED: We are not amending that provision. This is the Act as it stands.

Hon. Mr. LYNCH-STAUNTON: When this was up before several of us pointed out that this section as originally passed was imperfect and uncertain. Since that time several leading judges, I am told, have been consulted, and they have revamped the section entirely so as to make it according to the settled law. This was done by Mr. Justice Middleton and another judge, who recast the section. It was protested against here by several senators last session.

Hon. Mr. FOWLER: I still think that three months is too long a time. It leaves the title in an unsettled state. One party to the transaction might be perfectly innocent and he might have transferred the property and given a warranty deed to it.

Hon. Mr. McMEANS: Yes, but under subsection 2 it does not mention any time.

Hon. Mr. FOWLER: That would show that the party receiving the conveyance was aware of the bankruptcy and that he was being made a preferred creditor. The party to whom the liability is due might be perfectly innocent of the whole transaction. He takes a transfer of the property to cover his debt, supposing the man who makes the transfer to be perfectly solvent. In the meantime he disposes of the property to another person. We will say that it is real estate and that he gives a warranty deed. The property is taken from the other person—

Hon. Sir JAMES LOUGHEED: The first transfer must be made with a fraudulent intent.

Hon. Mr. FOWLER: The party receiving it should have knowledge of the fraud.

Hon. Sir JAMES LOUGHEED: If my honourable friend will look at line 5 of the amended section, he will see that it says:

> And every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor, with a view of giving such creditor a peference over the other creditors shall—

and so on. The debtor and the creditor must have been parties to the fraudulent transfer.

Hon. Mr. FOWLER: Exactly. But a man who receives a deed say in a transaction in real estate may think the debtor is absolutely solvent at the time.

Hon. Mr. LYNCH-STAUNTON: It means a deed given by the debtor to his creditor, not to a third party.

Hon. Mr. FOWLER: I know that perfectly well. That is elementary. It is stated there in plain language. There are two parties, the debtor and the creditor. The debtor has knowledge that he is going to be insolvent. The creditor has not that knowledge. The debtor from a desire to

protect the creditor gives him a deed to a certain property. The creditor takes it in good faith, thinking the debtor is still solvent. He makes a transfer to some third party, giving a warranty deed, and this party comes on him and soaks him in damages because the transfer is declared fraudulent by this Act.

Hon. Mr. McMEANS: It could not affect property in the hands of an innocent purchaser for the value without notice.

Hon. Mr. FOWLER: If the transaction is fraudulent, then it is no transaction at all.

Hon. Sir JAMES LOUGHEED: My honourable friend's interpretation is different from mine. It deals with the debtor giving such creditor a preference over the other creditors. Now, could a condition arise in which the debtor gave to the creditor a transfer of land with a view to giving him a preference without the creditor being aware of it?

Hon. Mr. FOWLER: Why, yes, easily. Supposing a man had been a great friend of the debtor, and had become his creditor to a large amount. The debtor says to himself, "I am likely to become insolvent, and I want to protect Jones, because he is a good friend of mine." Without telling Jones he is insolvent, he sells him some of his real estate. Jones takes it perfectly innocently, thinking the debtor is perfectly solvent; still the transaction is treated as fraudulent. I say that both parties should have a knowledge of the fraud.

Hon. Sir JAMES LOUGHEED: I should think anyone would learn that.

Hon. Mr. BELCOURT: The provision is there in the law for anybody to read. A man who gets a conveyance of property or money in payment of a debt ought to inquire what the condition of his debtor is in order that he may know that such conveyance or payment is not made against the provision now under discussion. It is his duty to make inquiries and make sure that he is not acquiring a title that is open to objection. I think that 99 creditors out of 100 would realize that when they were getting their debts paid and others were not, there would be a pretty strong assumption that there was a preference.

Hon. Mr. FOWLER: That would mean, then, that every man who took over property or purchased from a person who owed him money would have to inquire whether or not that person was insolvent. He would have to go through that man's books, find out to whom he was in debt, and make inquiries in that regard. To say that because Smith owes Jones $2,000 and Smith comes to Jones and says: "I cannot give you that money now; it will be inconvenient to pay the money; but here is this piece of land; I will sell you that for $2,000"—why, it is absurd. He suggests it, and Jones says: "No, I cannot; I must go first and examine your books; I must get a list of your creditors; I must go to the bank with which you are dealing and find out just how your account stands there." It seems to me you are putting a tremendous burden upon him, and if you wanted to bring about the bankruptcy of a person you could not take a better way of doing it, because the very inquiry that this man would be making to protect himself would make people suspicious, and they would say, "By Jove, Jones must be in a parlous way, and we will refuse him credit."

Hon. Mr. LYNCH-STAUNTON: It seems to me that there is a great deal in what my honourable friend has just said. Any payment made within three months might be deemed fraudulent and void. Suppose a creditor who lives in Quebec receives a cheque for $5,000 from his debtor, who lives in Manitoba. He accepts the money, and an order in bankruptcy is made within three months of that time; he is bound to disgorge that money, no matter how innocent both parties may have been. That is the way I interpret that.

Hon. Mr. FOWLER: Surely: no question about it.

Hon. Mr. LYNCH-STAUNTON: That preference may be on the part of the debtor alone. He may intend to give a preference to a man who has treated him well, and the man, who takes it innocently, and perhaps gives him more credit on account of getting that payment, may be put out. I am very diffident about disturbing this statute, because the law is the result of so many years experience and so many lawsuits that it is a very serious thing to disturb it.

Hon. Mr. BELCOURT: It has been the law of Ontario for a quarter of a century.

Hon. Mr. THOMPSON: Why should a debtor have a right to make a preference because another man has done him a good turn, when the law has adjudged him insolvent?

Hon. Mr. BELCOURT: There is a principle running through French law which states that all the debtor's property is the common pledge of all his creditors. I think if we remembered that principle in framing this law we should be very much helped.

Hon. Mr. FOWLER: If the other party has knowledge that this man is insolvent of course it is a fraud, but fraud should not be presumed.

Hon. Mr. LYNCH-STAUNTON: The trouble is that it is so very hard to prove; the other fellows swear it out.

Hon. Mr. FOWLER: But here fraud is not only presumed, but he cannot clear himself of the fraud even by showing that he is absolutely innocent of the transaction.

Hon. Mr. WILLOUGHBY: I think the answer to the honourable gentleman is quite simple. He takes the case of a purchaser from a preferred creditor, who was liable to attack for thirty days, and he asks what has become of an innocent purchaser from that creditor.

Hon. Mr. FOWLER: No, I did not say that. I said, suppose that was a case of real estate, the innocent purchaser would have an action against the creditor, and merely paying back the amount of money would not clear him. If it did, that would be a different thing.

Hon. Mr. WILLOUGHBY: Take the case of a sale of real estate. The remedy of the purchaser as against a vendor who could not give title would be either specific performance or damages. If he wanted the property he would sue for specific performance, and that is on the equitable side of the court, and surely no judge would compel the vendor to give him land which the vendor had acquired innocently, but against the provisions of the Act. We are presuming that the creditor has acquired it innocently, and the preference has been given at the instance of the debtor. The judge might give damages, and to the extent of such damages surely that creditor who had damages against him for the sale by him of the property he got from the debtor had been preferred.

Hon. Mr. FOWLER: How is he recouped afterwards?

Hon. Sir JAMES LOUGHEED: He simply returns to the estate what he got.

Hon. Mr. FOWLER: He would not be recouped out of the estate; he would lose that personally.

Hon. Mr. BOSTOCK: I think there is a clerical error in section 8, new section 31, line 9: "praying" should be "paying."

Hon. Sir JAMES LOUGHEED: It is quite clear that that is a typographical error; it is "paying" in the Act of 1919.

Hon. Mr. BELCOURT: Might I take this opportunity of asking my honourable friend for that long-promised amelioration of having Bills printed to show the old words in one clause and the new words in another?

Hon. Sir JAMES LOUGHEED: I quite agree. My honourable friend has not suffered as much as myself from the absence of that.

Hon. Mr. BOSTOCK: Would it not be well if my honourable friend would appoint a small committee to go into that question? One of the officers of the House told me that the matter had been considered, but they had found it difficult to arrange it as suggested.

Hon. Sir JAMES LOUGHEED: I will bring that matter up to-morrow.

Section 8 was agreed to.

Sections 9 and 10 were agreed to.

On section 11—remuneration of trustees not to exceed 5 per cent:

Hon. Mr. LYNCH-STAUNTON: I invite the attention of the Senate very seriously to this question. Section 40 is intended to be struck out—all the words as they were before, down to "cash receipts"—and then words added so that the new section will read:

> The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts unless otherwise directed by the creditors or inspectors in any case in which the dividends paid by the trustee under section thirty-seven hereof amount to less than one hundred cents on the dollar, or unless otherwise ordered by the Court in any other case.

This section and section 17 are those to which I take most serious objection. When this Act was before the Senate last year I was asked by the promoters to support it, as I suppose many other gentlemen in this Chamber were asked. I told those people at that time, as the honourable member for Halifax (Hon. Mr. Power) has stated to-day, that a Bankruptcy Act is totally unnecessary in the Dominion of Canada;

that we have for a great number of years settled the winding-up of estates cheaply, expeditiously and satisfactorily to the people of the country; and the only advantage which anybody can imagine to arise from a Bankruptcy Act is to give the honest debtor a discharge. The honourable member for Halifax has pointed out a way for that which is simple, and should be adopted. This Bill was prepared, as I understand, by a solicitor employed by a collecting agency in Winnipeg, and is promoted by a lawyer from Montreal, a member of the House of Commons. Those two gentlemen came to me, and I consulted the best legal authority in Canada on this question, a Chief Justice of the province of Ontario, who has had a wide experience over many years, and we discussed this at very serious length, and with the concurrence of the promoters of this Bill and the concurrence of the Government we amended the Bill in the two sections which are now sought to be put out. I consider that the whole success of this Act depends upon our not passing this section, and for myself I consider my duty done when I point out my objections to it. There is no legislation which comes before this country so important as this Bill. It affects the whole commercial community; it affects debtors and creditors engaged in all trades of every description in Canada. In my humble opinion this section is fatal, yet it went through the House of Commons without a single member opening his mouth on it; it passed without any discussion or any comment; it was put through as a matter of pure form. The honourable member who promoted the Bill said, "Hear, hear;" that was about the only incident when it was put through. He spoke to me about making these amendments. I told him that we protested against them before, and we would protest against them again. He went, as I am informed, with the member for Stadacona, to the Board of Trade in Montreal, and they flatly refused to countenance these amendments. The Board of Trade in Toronto objects to them; the Board of Trade in Hamilton objects to them; and any man in business in Canada who thoroughly understands and appreciates them will object to them. They are made entirely in the interest of the trustees and lawyers, and entirely against the interests of the debtor and the creditors and against the good of this Bill. I wish to read again the letter which I received last year from the Chief Justice of whom I spoke. When I sent to him the two sections which are now asked to be repealed, he wrote this letter:

Hon. Mr. LYNCH-STAUNTON.

Your letter of the 22nd, has just reached me.

I more than approve of your intended addition to the Bankruptcy Bill; if they effect their purpose the Act may be a success; if they fail of their purpose like the Insolvency Act of 1864 the new Act is doomed.

You may not be old enough to remember that the Act of 1864 was turned into one really for the benefit of a few lawyers and a good many assignees at the cost of the creditors; and it fell because the creditors thought the debtors might as well rob them as anyone else.

Eliminate delay and cost or else your Act fails. That is easy to say, it is hard to do; but you most do your best to accomplish it.

It is very hard to cure the evil of too much cost with one blow. The V.C. Blake tried to do so as to partition and administration in Chancery by means of commission in lieu of costs; but it is no news to you that the remedy was occasionally worse than the disease. But you are on the right road; and I am sure "will get there" if I may use the expressive vulgarism.

That letter was read to this House. Those gentlemen who are promoting this Bill said that it was a proper provision. They were insincere, for as soon as the Bill is passed they propose new sections eliminating what I consider to be the only good work in the Bill. Let me give you some idea of what this insolvency law means. As soon as I had intimation of that intended amendment I consulted one of the most experienced actuaries, a gentleman who has been interested in insolvent estates in the province of Ontario, Mr. C. S. Scott, of Hamilton, who has had as wide an experience as Mr. Clarkson in Toronto, and has the confidence of all the western community. He has such a large business as auditor for the great companies in the West that he has had to go out of this business entirely. But he was engaged in it for many years. I asked him whether or not the Ontario Assignment to Creditors Act had given satisfaction to the commercial community, with whom he is very intimately associated. In his opinion this insolvency Act is quite unnecessary and will occasion delay, increase the costs and prove the failure which the other Act proved to be, unless these provisions are retained in the Act. He says that estates are now wound up with very little, if any, litigation. Now we propose to plunge all these unfortunate people's estates into the courts again. We have had experience, and bitter experience, in the past few years of the winding up of estates in the courts. Some banks have been in the hands of liquidators for twenty years, and they are not out yet.

Now, what has been done? Here is a set of rules which have to be learned by

all the lawyers throughout the Dominion of Canada. A new practice is going to be inflicted on the province of Quebec, which does not understand anything about the practice in the province of Ontario. You must remember that the law costs are made up on a tariff. I pledge my word as a lawyer of thirty-five years' experience that in my opinion there is no more extravagant bill of costs anywhere in the Dominion of Canada than the one which has been passed by the Governor in Council and has been attached to this Bill. It shows that the originators and promoters of this tariff have had thoughts, not at all of the interest of the estates, but of the interests of the people who are winding them up. Mr. Justice Middleton in the province of Ontario drew up a splendid bill of costs, on what we call the block system, and if the persons who prepared this had had the interest of the people in view they would have followed that form of bill of costs and not this one. Let me point out to you item 84 of this tariff. You must understand the making up of a bill of costs to appreciate what this is:

84. Counsel fee on settlement or compromise when proceedings have been taken or services rendered by a barrister in or out of court to expedite proceedings, save costs, to compromise or settle actions, proceedings or claims, or in negotiations leading up to a compromise or settlement, a counsel fee or allowance may be made therefor in the discretion of the taxing officer. . .

I say that that clause will be the fruitful mother of enormous costs. No such thing should be permitted. No such thing is permitted now under any other system of costs that I know of. No such wide latitude is given to anybody. The only way to make this bill of costs reasonable is to carry out the system which we adopted last year. Let the parties pay as much costs as they choose within reasonable limits. Section 40 of the Act was passed unanimously by this House after a thorough discussion by all. It was approved by those who were interested in the Bill; it was approved by the Government. An officer of the Government came down here and redrafted it. Yet before the Bill is put into operation the whole thing is to be struck away and a new section put in its place. The section which clause 11 of the Bill proposes to repeal is this:

40. (1) The trustee in bankruptcy or in any other proceedings under this Act shall receive such remuneration as shall be voted to him by the creditors at any general meeting.

(2) Where the remuneration of the trustee has not been fixed under the next preceding subsection before the final dividend, the trustee may insert in the final dividend sheet and retain as his remuneration a sum not exceeding five per cent of the cash receipts, subject to reduction by the court upon application of any creditor or of the debtor.

(3) The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts.

(4) The disbursements of a trustee shall in all cases be taxed by the prescribed authority unless such taxation is waived either by creditors at a general meeting called prior to the declaration of the final dividend, or by the inspectors.

If you allow the trustee to receive more than five per cent what are you doing? You are inducing him to protract the winding-up until he can some before the court with half-a-dozen years of work to be paid for. That was actually done in the case of one of the banks in Toronto, and, if I recall correctly, the trustee was allowed $50,000 for one of his claims in winding up that bank. If the trustee knows that there is only five per cent in it for him he will wind up the estate as expeditiously as possible.

All the leading trust companies of Canada are limited to five per cent. They wind up the most complicated and greatest estates in Canada for five per cent, the limit that is recognized by our courts in all surrogate proceedings, in all trusteeships of estates, as being legitimate and fair to put upon the business. There is nothing in winding up an insolvent estate that requires more than is required to wind up a solvent man's estate. The very reason that the Bill was brought in at all was that we might go back to the conditions which prevailed when the insolvency law was repealed, because the people thought they might as well be robbed by the debtors as by anybody else. I therefore move, honourable gentlemen, that section 11 be struck out.

Hon. Mr. McMEANS: What about the disbursements?

Hon. Mr. LYNCH-STAUNTON: Leave the disbursements as they were. Under the other Act we provided for the disbursements.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, when an amendment of this kind is made to an Act of Parliament it is to be assumed that there is good reason for it. I would invite your attention to the words which have been inserted in this section:

Unless otherwise directed by the creditors or inspectors in any case in which the dividends paid by the trustee under section thirty-seven hereof amount to less than one hundred cents on the dollar, or unless otherwise ordered by the court in any other case.

When an estate has been so successfully wound up as to realize one hundred cents on the dollar, and the question is brought before the creditors, to whom the estate has been practically transferred, is there any good reason why they should not exercise their discretion in making inquiry into the duties involved and in considering the high class of ability which has been brought to bear in the winding up of the estate?

Hon. Mr. POPE: And they pay for it.

Hon. Mr. LYNCH-STAUNTON: They make the poor debtor pay.

Hon. Mr. POPE: Let them inquire and let them show their appreciation by paying.

Hon. Mr. LYNCH-STAUNTON: They will want to take it out of the debtor.

Hon. Sir JAMES LOUGHEED: It seems to me that if you fix an arbitrary commission you are not going to get the best service from those upon whom falls the duty of winding up the estate. The presumption is, according to my honourable friend's argument, that there is a uniformity of work in winding up all estates. That is not the case. There may be an entirely different condition of affairs as between different estates. One estate may be very much involved, another considerably less. Section 40 of the Act places all estates, whether involved or not, upon a parity. In other activities remuneration is paid on the basis of the service rendered; but in this particular matter, at one fell swoop, we wipe out what is apparently a very well-established practice in remunerating for services rendered, and we declare that all services shall be assumed to be of equal value.

Hon. Mr. LYNCH-STAUNTON: No; we fix a limit.

Hon. Sir JAMES LOUGHEED: My honourable friend's answer is that we limit the remuneration, but if the commission for the winding up of estates is fixed at five per cent, I say unhesitatingly that five per cent will be charged in all cases. On the other hand, the maximum may not be sufficient to remunerate for the services rendered. Consequently an estate that would by proper and very close application be made to realize a large amount for the creditors, may not be dealt with so attentively or with such ability that the maximum may be realized upon it if the trustee considers that the remuneration he is to receive will be inadequate to the services he renders. Is it not according to human nature for a man to consider at the very beginning whether he will receive sufficient remuneration to compensate him for carrying out properly and successfully the work which confronts him?

My honourable friend (Hon. Mr. Lynch-Staunton) says there is no difference between an insolvent estate and a solvent estate. Why, there is all the difference in the world. The reason an estate is insolvent, the difference between it and a solvent estate, is that there are complications and problems which the debtor has not been able to meet successfully; it is the mess, so to speak, into which the estate has fallen. The insolvent estate is in an embarrassed condition, but the solvent estate is in such a condition that he who runs may read of its success and of its means to meet its obligations. I am satisfied that if my honourable friend, as a practising lawyer, had the choice of winding up either a solvent estate or an insolvent estate he would not hesitate for one moment as to which he would accept.

This subject, I understand, has been submitted for an opinion to some of our most eminent judges, who have had more experience probably than many others in the winding up of estates. The question is, I confess, a very important one, and we attach importance to it, not because of our solicitude for the trustee, but because of the desirability of realizing as much as possible for the creditors and doing the best than can be done for the debtor, who is quite as much interested. An estate may have been so successfully wound up by the trustee that the debtor profits thereby. That is to say, if the creditors are paid in full, there may be a balance in favour of the debtor. The statement made to the officer representing the Government who has had charge of this Bill is that this provision would work out satisfactorily. A distinction is drawn between the administration of an estate under this Act and the administration of the ordinary estate wound up by a trust company. Here is an Act which provides for the winding up of bankrupt estates by trustees or others who would not naturally have so much experience in this respect as trust companies have in the winding up of solvent estates.

Hon. Mr. LYNCH STAUNTON: But the trust companies wind up solvent and insolvent estates alike. They do not deal only with solvent estates.

Hon. Sir JAMES LOUGHEED: But we must remember this. Here is an Act coming into force under which there will be, I venture to say, very few trust companies winding up estates. They will be, in my judgment, wound up largely by individuals, although provision is made for the winding up of estates by trust companies.

In support of the view which has been expressed it has been contended that under the Surrogate Court Acts and the Trustee Acts of the various provinces the amount of recompense to the trustee was fixed at five per cent. Assuming that to be correct, there would seem to be good reason why a flat rate of five per cent should be fixed under the Bankruptcy Act. But on investigation and inquiry it was found that the statement that five per cent was payable by rule under the Surrogate and Trustee Acts is not correct.

Hon. Mr. LYNCH-STAUNTON: It is fixed, not by rule, but by statute. The statute of Ontario says that the remuneration shall not exceed five per cent.

Hon. Sir JAMES LOUGHEED: I am informed that the allowance is not five per cent—

Hon. Mr. LYNCH-STAUNTON: That is quite wrong. Get the statute.

Hon. Sir JAMES LOUGHEED:—although that is the amount usually awarded. It is within the discretion of the judge to fix compensation in all cases.

Hon. Mr. LYNCH-STAUNTON: No; the statute says that five per cent is the limit.

Hon. Mr. FOWLER: That is the law in my province: the remuneration is not to exceed five per cent, and in the case of some estates, when there has been very little work done, the award by the court is smaller.

Hon. Mr. LYNCH-STAUNTON: It is set out in the Surrogate Court Act.

Hon. Sir JAMES LOUGHEED: My honourable friend is a lawyer of very prominent standing, and when a lawyer takes the very strong ground which my honourable friend does against his profession receiving what I might term adequate fees for services rendered it is very hard to meet the situation.

Hon. Mr. FOWLER: Perhaps the honourable gentleman is not considering this Bill as a lawyer, but as a law-maker.

Hon. Sir JAMES LOUGHEED: I must say that that is the proper view.

Hon. Mr. DANIEL: Does the word "adequate" bear the same interpretation in connection with remuneration that it does in connection with protection?

Hon. Mr. LYNCH-STAUNTON: As much as you can get.

Hon. Sir JAMES LOUGHEED: I am unaware that I can say anything more upon the subject than again to impress upon those within the sound of my voice the principle that adequate compensation for services rendered cannot be fixed by any arbitrary rule but must be left to some competent authority.

Hon. Mr. FOWLER: The trouble is that these authorities differ in different places. Some would think 3 per cent would be adequate, and some would think 10 per cent was adequate. It is well to have it fixed; then everyone knows what the remuneration will be, and in that way an estate can be protected. I am strongly impressed by the learned argument of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), and I shall certainly vote for his amendment.

Hon. Mr. POWER: I think that if the light which has been shed upon the original Act, amendments to which we are now considering, had been shed before the passage of the Act last year, it never would have been passed. I remember I made some inquiry about it, and the impression left in my mind was that commercial men all over the country were looking for an Act of this kind. I am a humble member of the Board of Trade in my own city, and I did not hear there, or in fact anywhere, any expression of a strong desire for an Act of this kind.

Hon. Mr. LYNCH-STAUNTON: There was none.

Hon. Mr. POWER: The statement made by the honourable gentleman from Hamilton goes to show that, instead of this measure being the result of the keen desire of the commercial public, it is just an expression of the wishes of quite selfish men. However, just now we are not concerned with the motive. But, taking the clause which is before the Committee:

The remuneration of the trustee for all services shall not under any circumstances ex-

ceed 5 per cent of the cash receipts unless otherwise directed by the creditors—

That is a comprehensible thing.

Hon. Mr. LYNCH-STAUNTON: That does not apply to estates under $5,000. In such cases it would be 10 per cent.

Hon. Mr. POWER: As I understand it now, the feeling, probably not of the commercial public, but of the gentlemen who have been chiefly instrumental in having the Act passed, is that they would not get enough under the law as it stands. Then we get this, that the remuneration of the trustee shall not exceed 5 per cent of the cash receipts unless otherwise directed by the creditors or inspectors. The rest of the clause I do not quite understand.

Hon. Mr. LYNCH-STAUNTON: That is where the joker comes in.

Hon. Mr. POWER: It says:

—in any case in which the dividends paid by the trustee under section 37 hereof amount to less than 100 cents on the dollar, or unless otherwise ordered by the court in any other case.

If the estate pays one hundred cents on the dollar there might be some reason for being generous with the trustee.

Hon. Mr. LYNCH-STAUNTON: At the expense of the debtor.

Hon. Mr. POWER: But where the estate does not turn out to pay more than 30 cents on the dollar, I do not see why the trustees should get more generous remuneration.

Then there is this point to which I direct the attention of the members of the Committee. I remember when the old Act of 1875 was in operation that after a little while the creditors generally got tired of attending the meetings summoned by the Commissioner—I have forgotten his name—and in the end very frequently you had just the assignee and perhaps the inspector or one or two of that kind present; and they would naturally give directions to have the most liberal sum paid to the official assignee, or, as we call him here, the trustee. I am generally disposed to support a department in its legislation, but I could not vote for this measure as it stands.

Hon. Mr. McMEANS: I should like to ask the leader of the Government what is the meaning of the words "directed by the creditors or inspectors." Does that mean the unanimous voice of the creditors or a majority of the creditors? Does it mean the majority in value, or the majority in number?

Hon. Mr. LYNCH-STAUNTON: Nobody knows.

Hon. Mr. McMEANS: If I were a creditor for, say, two-thirds of the estate, and if there were twenty other creditors they might come in and be willing to vote my money to the trustee. I think when this Act was drawn that should have been made clear.

Hon. Sir JAMES LOUGHEED: Could my honourable friend fix that up?

Hon. Mr. McMEANS: Wait until I get through. I have something else to say. Now, it says here, "or inspectors." Surely the creditors of the estate are the ones vitally interested. Why should they leave it to two inspectors to say, "We are going to increase the remuneration of the trustee." The inspectors surely only represent the creditors. The two inspectors, who are very close to the trustee, may say, "We will fix it up for you"—

Hon. Mr. FOWLER: The inspectors do, in a sense, represent the creditors.

Hon. Mr. McMEANS: Then, why should not this matter of remuneration be left to the creditors? And if it is left to them, is it to be a majority in numbers or in value?

Hon. Mr. FOWLER: It is the value that votes.

Hon. Mr. McMEANS: Not necessarily, according to that.

Hon. Mr. FOWLER: In all estates it is the value that votes.

Hon. Mr. LYNCH-STAUNTON: The whole amendment just makes for injustice against the debtor. He is not considered here at all. He is like the poor bankrupt in Shakespeare. If there are 100 cents on the dollar what is left can be taken and divided among the trustees and the lawyers. The man who drew that section had no idea of justice. If you compel a man to go into insolvency, surely you should not have the right to make him pay for it after he has paid 100 cents on the dollar.

It is very easy to give other people's money away. The Bill says that he can apply to the court. If you pass this section, honourable gentlemen, you simply leave the amount of the costs of these proceedings to the direction of a taxing officer, and you leave the door open to the same abuses that led to the repeal of the other Bankruptcy Acts. They had just the same pro-

visions in them, and they were both rank failures because the creditors would rather be robbed by the debtors than by anyone else. When we have had experience with this kind of legislation; why should we run on the same rock again? The Act is only required for one purpose; and if anyone wants to be an assignee, let him do the work for a reasonable amount of money. I hope this House will not bring back from its grave that old Insolvency Act which was buried twenty-five or thirty years ago—and that is what we will be doing if this provision is allowed to go through.

Hon. Mr. BOSTOCK: The Bankruptcy Act was put through last session, and I believe that up to the present time it has not been put into operation. It was provided in the Act of last year that the remuneration of the trustee was not to exceed 5 per cent of the cash receipts. The leader of the Government seems to think that that would be too small a remuneration, but I do not think his argument showed conclusively that it was going to militate against the winding up of estates in a proper way. I think my honourable friend from Hamilton has made out a strong case in favour of the amendment, and I would much prefer to see the Act put into effect as it stands. If it is afterwards found that there is difficulty in getting trustees to properly conduct the work, then we can amend the Act. But I think we should first of all give it a trial.

The amendment of Hon. Mr. Lynch-Staunton, to strike out section 11, was agreed to.

On section 12—inspectors' fees:

Hon. Mr. FOWLER: Is this a change from the original Act?

Hon. Mr. LYNCH-STAUNTON: Under the original Act we did not allow the inspectors anything.

Hon. Mr. FOWLER: I am inclined to think that they should be paid.

Hon. Mr. BOSTOCK: How were they paid under the old Act?

Hon. Mr. LYNCH-STAUNTON: It was supposed that the inspectors would be creditors, and would look after their own interests.

Hon. Mr. FOWLER: I do not think it is fair at all to say that the inspectors shall not be paid; they are entitled to be paid, and I think the remuneration provided here is fair enough if they do not have too many meetings.

Hon. Mr. LYNCH-STAUNTON: It is all right.

Hon. Mr. POWER: I do not think the charges are unreasonable.

Section 12 was agreed to.

On section 13—proof of debts:

Hon. Mr. POPE: What is the change here?

Hon. Sir JAMES LOUGHEED: Everything after the words "authorized assignment" is new. It is simply a matter of procedure.

Section 13 was agreed to.

Sections 14 and 15 were agreed to.

On section 16—appeal from registrar:

Hon. Mr. POPE: What is that?

Hon. Sir JAMES LOUGHEED: It simply makes provision for an appeal from the registrar of a court to a judge, which is not an unreasonable thing.

Section 16 was agreed to.

On section 17—solicitors' and witness fees:

Hon. Mr. LYNCH-STAUNTON: The same argument which I addressed to section 11 of the Bill applies to this. This is a section which affects the solicitors' costs. The costs were payable according to a tariff, but were not to exceed 5 per cent of the estate, except where the estate was worth less than $5,000. Supporters of this amendment say that unless you take off the bridle and allow all the costs that are provided in the tariff no one will be very zealous in hunting up fraudulent transactions. In my judgment that is one reason why the limitation should stand. Usually there is a sort of co-partnership between the solicitor and the trustee, and the trustee will attack anything if he is not responsible for the costs. He will say, "Well, we ought to look into it." If he wins his case, he will get his costs out of the defendant; but if he goes into reckless litigation and loses the case, his cost should be limited. I do not think a man should be encouraged to plunge into litigation at someone else's expense before looking carefully and seeing whether or not he has a case. There is another thing. In the winding up of estates, these wonderfully expensive and intricate actions are as scarce as hen's teeth. Look at the law reports in Ontario, or in any province, and you will find that there is very little litigation arising out of insolvent estates, because there are very few cases which the

law does not reach without litigation. In olden days, when we were settling the law, the courts were filled with cases of that kind. Now there are hardly any. Ninety-nine cases out of one hundred are wound up without any litigation at all. For the same reason that I expressed before, I submit that we should not depart from the section that we passed last year.

Hon. Mr. WILLOUGHBY: Honourable gentlemen, the honourable gentleman who has just spoken said that he was reiterating arguments with regard to the compensation of trustees which were well known to this House when this Act was put through last year. While I did not press the matter to a vote, I for one spoke against what is commonly known to lawyers as a block system. That is a round sum, no matter what the value of the services may be. That, I believe, is the system in force in the provinces of Ontario and Alberta. It is not in force in the other provinces of Canada, nor under the English Bankruptcy Act, because the subject has not been investigated at all. That question has been up before the bar of Saskatchewan on many occasions, and, as a bencher of some years standing, I may say that it has always been rejected.

Hon. Mr. LYNCH-STAUNTON: That is not the case here. Here is a man paid for his services according to the tariff, but a limit is placed upon his fee under this section.

Hon. Mr. WILLOUGHBY: You have no right to fix the value of a man's services when you do not know what they are. The section before the Committee simply applies to bankruptcy proceedings the same principle which is applicable to all litigation, namely, that the costs are taxed by a proper officer, subject to review.

Hon. Mr. LYNCH-STAUNTON: This is not litigation; this is the winding up of an estate and should not be treated as litigation.

Hon. Mr. WILLOUGHBY: I again demur to the statement that trustees all over Canada are only paid 5 per cent. Take the ordinary cases of executors or administrators—I cannot speak as to the province of Ontario—and I think you will find that the practice in the western provinces and the practice in England is that the fees paid to the executor or administrator, as the case may be, are fixed by the county or district court judge, who passes the accounts. When an executor or administrator goes into court for the purpose of passing his accounts and getting his discharge it is in the discretion of the judge, who passes the accounts according to value and intricacy or lack of intricacy of the services rendered. I have personal knowledge that that is what is done, and the fees paid to the solicitor are taxed on a scale similar to that applied to ordinary litigious proceedings in court, and subject absolutely to the taxation of the ordinary taxation officer, a court official; and the judge fixes the amount of the counsel fee which is allowed to the advocate who acts for the administrator or executor. Now you propose to introduce this block system. I do not deny for a moment that it is a popular proceeding to say to a lawyer, "No matter what the value of your services rendered, you shall not receive more than a certain amount of money;" but I am quite willing to trust the intelligent court officials all over Canada, who are appointed for the purpose of taxing bills of advocates in litigious or other proceedings. We are willing to trust them in Western Canada in a lawsuit, a reference, or the winding up of an estate, and why should we not do it in this matter? While five per cent in the case of estates of $5,000 or more may be adequate compensation in most cases, in a large number of cases it may prove entirely inadequate, and under the proposed section the discretion is left to the trained officials of the court, whose business it is to tax and say what is adequate compensation for work done. The schedule is attached to this Bill.

Hon. Mr. LYNCH-STAUNTON: Did you ever see a more extravagant schedule in your life?

Hon. Mr. WILLOUGHBY: It would be a very mild one compared with the bills of costs which I have seen in connection with the English Bankruptcy Act. I have been told, and presume it is correct, that this tariff of costs has been examined and approved not only by those who promoted the Bill but by Judge Middleton.

Hon. Mr. LYNCH-STAUNTON: No; I would like to read from Judge Middleton's letter on it:

> Frankly I do not like the tariff, but I could not devise a better. Our Ontario block system could not be made to apply to a reference, and the old tariff still answers for proceedings in liquidation.

Hon. Mr. WILLOUGHBY: I cited Mr. Justice Middleton as supporting this tariff. He said, "Frankly, I am not alto-

gether pleased with the tariff, but I cannot devise a better one."

Hon. Mr. LYNCH-STAUNTON: But he says, "I am not pleased with the tariff."

Hon. Mr. WILLOUGHBY: And he says that the block system—which is supported by the honourable gentleman who has moved this amendment—is not suitable. The block system means to put a lump sum—

Hon. Mr. LYNCH-STAUNTON: No, it means putting so much for the writ, so much for the fees—

Hon. Mr. WILLOUGHBY: A lump sum for the various steps in the proceedings. He says that he is unable to suggest or devise a better system, and he has inferentially approved of the tariff set out in this Bill. Whatever else may be said of Judge Middleton, everyone knows that he is most familiar with practice, that he is what is known as a practice judge, and was a practice lawyer before he went on the bench. I am also told that the tariff is approved by Judge McLennan of Montreal, who stood extremely high at the bar of Quebec. You can take any lawyer's bill that is rendered, and make it look absolutely ridiculous, just as you can a doctor's bill—so much for writing a letter, so much for posting, a hundred little items, one after the other, and even so much for making out his bill; it is like so many pin-pricks when the client gets it. The question is, on the whole is the bill too high or too low for the work done? I am willing to trust all the officials throughout Canada to say what is the proper sum for the solicitor for the services he has rendered in connection with the work? I recognize that it would be popular to say: "I don't care whether you cut all these fees, whether they are high or low, is decidedly indifferent to me," but I am not going to stand here and say that a lawyer should not be compensated for the work he does in his proper capacity, as well as any other labourer in Canada.

Hon. Sir JAMES LOUGHEED: May I say a word before the question is submitted to the Senate—because the members of the Senate seem to be so anxious to wipe out compensation for trustees, attorneys, solicitors and counsellors, that one has to be expeditious in expressing his views. The argument of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) as to compensation for trustees may be quite logical, and according to the vote of the Senate there is a good deal to be said in that regard; but when we consider section 67, which is being amended, there is an entirely different problem; not that the legal profession should be treated differently from the vocation of trusteeship, so to speak, but the situation is entirely different. Let me illustrate this by an example. An estate is being wound up; five per cent is the maximum that can be paid for the agrregate services of the professional man, whether he be attorney, solicitor, or counsellor. A piece of litigation is being brought into court, say a claim for $5,000, on the recommendation of the trustees, inspectors and creditors, for the purpose of prosecuting a $5,000 claim, say against a debtor, in the interest of the estate. Now, the most that can be paid for all services in that litigation, even if the case goes from the original court up to the Supreme Court, is $250, although the litigation may be of the most complex character, and may involve counsel attending court for several days. Does any sensible man who has had business experience, more particularly one who had been engaged in or in touch with the profession of law, think that this litigation could be carried on for $250? Why, it is absurd upon the face of it.

Hon. Mr. LYNCH-STAUNTON: That is not what the section says.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. LYNCH-STAUNTON: The statute provides that where he succeeds he may recover his costs from the other side.

Hon. Sir JAMES LOUGHEED: But suppose he does not succeed? Both sides cannot succeed. Then is the estate going to drop the claim? No trustee or creditor or inspector would authorize the prosecution of a claim for a substantial sum of money in view of this clause. I simply cite that as a practical illustration of tying down the remuneration for services rendered in the arbitrary and rigid manner mentioned. All I can say is that in cases of this kind those against whom such litigation might be directed would with impunity refuse to pay the estate, simply saying, "There is no probability of the estate prosecuting us for the recovery of this amount, because the Act limits the compensation to five per cent." For instance, take an estate of $50,000; the utmost that can be paid for attor-

neys, solicitors, counsel, and all the legal work that may be done in realizing on that estate would be $2,500. Of course it may be said that that is ample compensation for realizing that amount of money. That may be so in the great majority of cases; but there will be claims of a litigious character which must be prosecuted, and which the trustee may not feel himself justified in prosecuting if that limit is fixed.

Hon. Mr. POPE: There is nothing in this Bill to prevent the creditors from paying the trustees or the solicitors any amount they like out of their own pockets.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. POPE: Then let them go to it.

Hon. Mr. LYNCH-STAUNTON: If an estate is losing a hundred cents on the dollar the creditors have to pay it. If a trustee has a case which he thinks should be prosecuted, and his lawyer will not go on because there is not enough money in it, the creditors can say, "Well, we will authorize it." That is the custom now. There is a provision of the law which allows creditors to prosecute at their own expense, and then they get the benefit of it.

Hon. Sir JAMES LOUGHEED: They would not under this.

Hon. Mr. LYNCH-STAUNTON: They can do so.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. LYNCH-STAUNTON: If the creditors choose to authorize it they can do so. This does not apply to those rare cases my honourable friend has spoken of; this applies whether there is any litigation or not. The honourable leader did not take any exception to the amendment the last time this matter was up, and there is no reason why it should not stand, because if it stands they will be getting sufficient remuneration. If an estate is under $5,000 there is 10 per cent allowed; if its over $10,000 there is 5 per cent allowed. That is the amendment which was passed last year unanimously by this House.

Hon. Mr. McMEANS: I would like to point out one thing that the Government may not have taken into consideration. If a trustee authorizes a solicitor to start proceedings to set aside a conveyance, and the litigation takes perhaps a week or ten days in court, in Manitoba not more than $300 in costs can be collected from the unsuccessful party in a lawsuit. Even supposing the trustee were successful, and the property were saved after ten days litigation, he could not collect against the opposite party more than $300. Who is to pay the balance?

Hon. Mr. LYNCH-STAUNTON: They never have cases like that.

Hon. Mr. McMEANS: Yes, the woods are full of them. Take a case where the first decision goes against the trustee, and he takes it to the Court of Appeal, and counsel argues there for probably a week, and the trustee succeeds in the appeal, all he can recover is $100. Now, I do not believe he could get the services of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) for $100 for three or four days in the Court of Appeal. Then who is to pay? The fees in the Province of Quebec are very high, but in the western provinces legislation is being passed almost every day to cut down the fees of lawyers.

Hon. Mr. POPE: Still you are all getting rich.

Hon. Mr. McMEANS: On what?

Hon. Mr. POPE: I don't know, but you scrape out somehow.

Hon. Mr. McMEANS: We are getting rich on the sessional indemnity. I do not see how it is possible for a trustee or anybody else to employ a solicitor under these circumstances, because even if he succeeds somebody has to pay.

Hon. Mr. LYNCH-STAUNTON: It just shows where the money is going under this Act. I move that section 17 be struck out.

The amendment of Hon. Mr. Lynch-Staunton was agreed to: yeas, 16; nays, 11.

On section 18—trial of issue, etc.:

Hon. Mr. BOSTOCK: What is the alteration in that section?

Hon. Sir JAMES LOUGHEED: That adds a new subsection to the Act.

Section 18 was agreed to.

On section 19—undischarged bankrupt obtaining credit:

Hon. Sir JAMES LOUGHEED: The only change there is that the words "five hundred dollars," in the twelfth line, are substituted for "fifty dollars."

Hon. Mr. POWER: What do you propose to do as to the five hundred dollars?

Hon. Sir JAMES LOUGHEED: That is the limit of credit?

Hon. Mr. BOSTOCK: It means that the bankrupt is able to obtain credit of five hundred dollars instead of fifty dollars.

Hon. Mr. POPE: What does that mean?

Hon. Sir JAMES LOUGHEED: That has to do with the penalty. The present Act reads as follows:

90. Where an undischarged bankrupt or an undischarged authorized assignor,—

(a) either alone or jointly with any other person obtains credit to the extent of fifty dallars or upwards from any person without informing that person that he is an undischarged bankrupt or an undischargegd authorized assignor. . .

That is to say, he must inform anyone from whom he purchases on credit that he is an undischarged bankrupt if the credit amounts to fifty dollars or more. We are increasing the amount to five hundred dollars. It is humiliating for a man to have to make that statement.

Hon. Mr. McMEANS: Do you not think that a clause of that kind ought to come under the Criminal Code?

Hon. Sir JAMES LOUGHEED: It is better to have this Act contain the whole law on the subject than to have to refer to the Criminal Code to get the information.

Section 19 was agreed to.

On section 20—pretending to be trustee; trustee acting without bond:

Hon. Sir JAMES LOUGHEED: The change in section 96 of the Act consists in the insertion of the words, "with intent to defraud" after the word "trustee" in the first line of paragraph c. The purpose is merely to make a trustee liable if his noncompliance with the Act is with intent to defraud. No person should be found guilty of a criminal act unless it is intentional.

Section 20 was agreed to.

On section 21—repeal of section 97:

Hon. Sir JAMES LOUGHEED: We seek to repeal section 97 because it is somewhat unreasonable. It might l ad to fruitless and unnecessary prosecutions. There is no such provision in the Bankruptcy Act of any other country, and it is felt that we should not have it in Canada.

Hon. Mr. BOSTOCK: Was there not a good deal of discussion about that particular clause when the Bill was going through before?

Hon. Sir JAMES LOUGHEED: I do not recall that.

Section 21 was agreed to.

The preamble and the title were agreed to.

The Bill, as amended, was reported.

HUDSON BAY ROUTE.

REPORT OF SPECIAL COMMITTEE.

The Senate resumed from yesterday the debate on the motion of Hon. Mr. Fowler for the adoption of the second report of the Special Committee appointed to inquire into the navigability and fishery resources of the Hudson bay and strait, and the motion of Hon. Mr. Daniel in amendment thereto:

That the said report be not now adopted, but that it do lie upon the table until the members of the Senate have been provided with copies of the evidence as taken before the said Committee for consideration.

Hon. GEORGE W. FOWLER: Honourable gentlemen, as there are apparently no other speakers I will proceed to close the debate. I would not inflict any remarks upon the House at the present time if it had not been for some statements made by two honourable gentlemen, both members of the Committee, who spoke against the report. One of those gentlemen was not present at the time the report was decided upon by the Committee. The other one was present for a short time and left the room before the items were completed.

A statement was made by the honourable member for St. John (Hon. Mr. Daniel) with regard to the précis of the evidence taken that was prepared under the direction of the Committee. It was felt by the Committee that as the Hudson Bay route is a matter exciting considerable interest, particularly in the western part of Canada, the evidence taken before the Committee should be printed. There was a great deal of evidence and a considerable portion of it, as was natural in an inquiry of that sort, was not altogether germane to the matter at issue. The evidence was in the form of question and answer, and the pages would thus be multiplied. It was felt that a précis containing in narrative form all the evidence that had to do with the case before us, and that could be easily read, should be made; and it was so decided. I was asked to prepare such a précis, and I did. It was a labour of many days, I may say, and I challenge the honourable member for St. John or any other honourable member to find in the evidence that was taken and

printed anything germane to the matter at issue that is not in the précis; and I challenge him to find anything—

Hon. Mr. DANIEL: I can find plenty.

Hon. Mr. FOWLER: Then produce it. I say that everything, whether it made for the view that I held, with the majority of the Committee, or against that view, was put into that précis, and in this I think the gentlemen of the committee outside of my honourable friend hold the same opinion as I do. I know that was my object. In presiding over the deliberations of this Committee I was as impartial as a man possibly could be, I think.

The honourable member from De Lanaudière (Hon. Mr. Casgrain) went out of his way to make an attack on one of the witnesses who was before that committee. That was Mr. Stefansson. He not only refused to accept the general opinion of Mr. Stefansson as being a man who deserves very well of the country, but he denounced him as a fraud, as an impostor; almost in that language. And why did he denounce him? Because, he said, of certain statements which Mr. Stefansson made before the committee with regard to the use of submarines in those northern waters. He did not read the evidence, but I intend to read it, even though it may be of some length. In fairness and in justice to Mr. Stefansson, who has been so traduced by an honourable member of this House, I intend to read what he actually did say with regard to the use of submarines in that section. In the latter part of his evidence, on page 127 of the printed volume, he says:

With regard to the navigation of the straits, I think you have perhaps not considered the possibility of the use of submarines. I do not know whether this committee has taken up the question of submarines or not. That is a matter to which I have given a great deal of thought for the last three or four months. I have interviewed some of the best submarine men. I went to Washington and Secretary Daniels very kindly introduced me to his best submarine man. I have also read books on the subject, and have conferred with Simon Lake, who is one of the best known living submarine inventors in America, and we all agree that the presence of ice is an advantage and not a disadvantage to the submarine; that the submarine can navigate any sea irrespective of the ice. In other words, when Hendrick Hudson discovered this bay he was looking for a short route to China, and he failed, as many others had failed before and after him; but the short route to China that people dreamed about, across the pole, has now been discovered through the submarine, and if Germany had had the same motive for sending the Deutschland to northern Siberia, or Alaska, that she had for sending her to New York, there is no reason, so far as we can see, why should she not have gone across.

That does not sound like the ravings of a lunatic.

I will not take sufficient time now to explain that, but that is my opinion based on investigation, and Simon Lake concurs in it, and Captain Hart, who is the head of the submarine section in Washington has written me a letter in which he says that if I plan to cross the polar sea from the Atlantic to the Pacific and if I have a submarine of approved construction I would have no difficulty in getting volunteers from such men as he has under him.

Those are men in the submarine line.

I mean, they look upon it as a fairly possible thing.

All of these things have to be tried out.

Then I should say it would be a profitable thing perhaps for this committee to consider the possibility of submarines in winter for limited cargoes, such as mail. They are a wonderfully perfect invention when you come to examine them. The submarine is an invention that, you know, was used in the American Revolutionary war, and even for centuries before that, and the submarine has been brought to a much higher degree of perfection than the aeroplane, for instance, although the eyes of all are now centred on the aeroplane. The submarine is a more highly developed invention and is capable of great possibilities. Now, I am not an authority on the subject, but I have been able to give Simon Lake and others some information about ice which together with what they know about the construction of the submarine, makes us all agree that voyages under ice are possible. Simon Lake has himself had a good deal of experience on the north coast of Russia at the time that Russia was under the government of the Czar. He has done a good deal of under-ice work with submarines, in connection with icebound harbours. The Czar's Government was very much alive to that question before the war.

Hon. Mr. Thompson: In a place like that channel up there, the depth under the ice would be very different for the submarines from what it is between Prince Edward Island and the shore, where the ice reaches almost to the bottom.

Mr. Stefansson: Submarines would not be successful, of course, except where there is deep water under the ice. It is a question of the depth of the straits. There are many types of submarines. One of Simon Lake's inventions has wheels on the bottom. Although a submarine carries a cargo, say, of 500 tons, still, by adjusting the buoyancy of it, it will weigh only half a ton on the wheels; that is, only half a ton weight will rest on the wheels. He claims that using wheels over the bottom is very satisfactory.

Mr. Stefansson is not giving his own idea with regard to this; he is simply giving a statement of what was said by Mr. Simon Lake, a well-known inventor in connection with submarine work.

He claims that using wheels over the bottom is very satisfactory If this channel were well sounded, he could get his submarine right on the bottom, if the channel is not too deep, and by watching his depth gauge he could always keep in the channel, because he can always see within two feet how deep he is.

It is on the strength of that statement, made in that way, and just as I have read it, that the honourable member from De Lanaudière denounced Mr. Stefansson. It is not necessary for me to defend Mr. Stefansson. I suppose if this man were like some others, a miracle worker, a modern Moses, who instead of striking living water from the rock strikes volumes of watered stock, then the honourable gentleman would bestir himself and spend sleepless nights and weary days in getting up banquets and other things to do honour to such a man. But because this is a man who spent years in the unknown regions of the north acquiring information, which he has given to us, about our northern empire, he is to be sneered at and traduced and abused. I think the honourable gentleman from De Lanaudière ought to be ashamed.

My honourable friend also made some statements with regard to insurance on ships: you could not possibly get any insurance; nobody would insure. This is a new route. It was very difficult to get insurance on the St. Lawrence when the St. Lawrence was first used in commerce by steamers. Insurance on the St. Lawrence to-day is high. That is quite reasonable and quite right. But the Government itself should insure until this route has been proved to be safe, as I believe it will eventually be proved to be safe. So there will be no question about that. Let the Government take the risk with regard to the insurance.

The honourable gentleman wants to know what will be shipped by this Hudson bay route. As other persons speaking on this matter have already said, if there were never a pound of wheat shipped over that Hudson bay route, yet it would be valuable. It would open up an exceedingly valuable country. The evidence that we received showed that. Other evidence there is in plenty to show its value.

At the risk of being somewhat prolix, I am going to read from a statement made by Sir Wilfrid Laurier with regard to the future, in which he showed himself, in this case at least, to be a statesman of vision, and right vision:

I hope that I shall live to see a city at the terminus of a Hudson's Bay Railway . . . . It is not enough for us to confine our views to Canada that is now settled, we must look ahead, we must push northward as far as colonisation can go. I have great confidence that before many years are past we shall see towns and villages on the shores of Hudson's Bay, as we see on the shores of Norway, where people will be prosperously engaged in the lumbering business, the pulp industry, the fishing industry, the mining industry, and others. This is what I hope Canadians will see ere long.

That is the late Sir Wilfrid Laurier, speaking in the House of Commons on April 3, 1906. Sir Rodmond Roblin says:

The benefits of this route to Europe, when completed, especially to this province—

meaning the province of Manitoba—

—cannot be over-estimated.

Where is this Hudson bay situated? Have we anything to guide us, in the experience of the world with regard to other regions situated no better than this? We have, in northern Europe. Someone will say: "Oh, but the western countries of Europe are affected by the Gulf Stream and for that reason portions of Europe are habitable much farther north than our side of the ocean." But far beyond the region where the Gulf Stream exercises any influence there is a country settled, maintaining a very large population and carrying on very successfully the world's work. The Gulf of Bothnia lies between Sweden and Finland, and is much farther north than the region we are discussing here.

Between Aland Island at its southern extremity and the Tornea at its northern end—

Aland Island is the southern extremity of the Gulf of Bothnia and the Tornea its northern—

—although in those countries very little of the population live in towns, several important cities can be found, such as Gefle, population 32,000 Soderham, 11,000; Sundsvall, 15,000; Hernosand, 6,000; Uleaborg (about 60 degrees), 16,000; Bjorneborg, 13,000. . . The Pas, the southern terminus of the Hudson terminus of the Hudson Bay road is 6 degrees further south; Port Nelson 3 degrees further south, and the most northerly point of Huson strait only one degree further north than Aland Island, at the south extremity of the Gulf of Bothnia; that Tornea the furthest point north on the Gulf, is 5 degrees further north than Hudson strait, 9 degrees further north than Port Nelson, and 12 degrees further north than the Pas.

No one doubts that the Gulf of Bothnia is of very great value to the adjacent countries for the transportation of the crops of their most important products, and Hudson bay has over the Gulf of Bothnia the advantage that it never freezes over. The area of Finland north of the 60th degree is 144,255 square miles, and it has a

population of close to 3,000,000. Twenty years ago their exports amounted to $39,000,000 and their total foreign commerce to $84,000,000.

Take the White Sea. Archangel, which is on the White Sea, is practically the only ocean port that Russia has. Archangel is a great many miles farther north than the entrance to the Hudson bay, or Nelson, or Churchill, and for 6 months in the year the port is closed by ice. Yet it has a population of 40,000 inhabitants, and is the sea outlet for a great portion of Russian products. I commend this book from which I am reading to the attention of gentlemen who have not already come to the conclusion that this route is feasible, and that this north country, instead of being frozen in practically all the year round, is a very habitable country, and a country with great prospects for the future.

Hon. Mr. DANIEL: What is the name of the book?

Hon. Mr. FOWLER: The Hudson Bay Road.

Hon. Mr. DANIEL: By whom is it written?

Hon. Mr. FOWLER: A. H. de Trémaudan.

Now we come to the question of the climate. In 1774 Arthur Dobbs, the historian of La France, said about the Hudson bay:

> There might be comfortable settlements made in most places, and very tolerable even in the worst and coldest parts of that continent, which are the northeast and northwest sides of the bay; but on the southern and western sides of the bay there might be made as comfortable settlements as in Sweden, Livonia, or on the south side of the Baltic; and farther into the country southwest the climate is as good as the southern part of Poland and northern part of Germany and Holland.

In 1752 Joseph Robson, the architect of Fort Prince of Wales, said:

> I have seen a small pea growing without any culture at York Factory. Most kinds of garden stuff, particularly peas and beans, grow here to perfection. I am of opinion that barley would flourish. Gooseberries and red and black currents are found in the woods growing upon such bushes as in England. I should expect by no more labour than would be proper for my health to procure a desirable livelihood, not at all doubting of my being able to raise peas and beans, barley, and probably other kinds of grain on Hayes river. The natural produce of Hudson bay grows very fast, and comes to perfection much sooner than that of England. There is no spring or fall—a leap from winter to summer. The soil is fertile, the climate temperate, fit for the produce of all kinds of grain and for raising flocks of tame cattle. At Churchill horses and cows have been kept in winter, though greatly exposed to the frost and cold. At Moose Factory sown wheat has stood the winter frosts and grown very well the summer following. Black cherries also planted here have grown and born fruit, as would other trees if propagated. The climate is not worse than that of Sweden, Denmark, Russia, Poland, and North Germany.

Now, I will quote a man nearer our own time. Mr. E. Mosher, of Halifax, was at Churchill from September 2nd to January 7th superintending the construction of buildings for the Royal Northwest Mounted Police. He said:

> So far as the weather is concerned, I would as soon have spent the months in Churchill as in Halifax.

He did not find the cold any more severe than in the East. According to his observations, the lowest temperature registered was 39 degrees below zero.

Then we come to Professor Macoun, who says:

> In conclusion, I may say that the climate of the whole north land is a stable one, and as local conditions change it will improve, and where small spots are now called good land whole areas will take that term.

That is the history of the West, as has been pointed out again and again; yet the honourable gentleman from St. John (Hon. Mr. Daniel) and the honourable gentleman from de Lanaudière (Hon. Mr. Casgrain) sneer at this whole proposition.

Hon. Mr. DANIEL: I rise to a point of order. The honourable member from Kings and Albert has made a statement which is absolutely incorrect, and which I challenge him to prove. I ask that that statement be withdrawn. In the speech that I made I distinctly stated that I was in no way criticising the undertaking of the Hudson Bay route, but that my criticism was entirely of the report that was on the Table.

Hon. Mr. FOWLER: Don't make a speech.

Hon. Mr. DANIEL: The honourable gentleman knows that. I rise to a point of order, and I ask your decision, Mr. Speaker.

The Hon. the SPEAKER: If the honourable gentleman from St. John thinks that he has been misrepresented by the remarks made by the honourable gentleman from Kings, he will have an opportunity to explain what he said and to correct the misrepresentation.

Hon. Mr. FOWLER: It would need explanation, because the honourable gentle-

man did not make himself clearly understood, and that is the understanding that I had.

Professor Macoun continues:

The low altitude and the long day are fixed conditions and will always be the same.

"The long day"—what does that mean? It refers to the long period of sunlight when crops will grow, and grow much more rapidly than in our southern country. Other men have borne testimony to the fact that in that country the temperature is the same at 6 o'clock as it is in the middle of the day, which is another advantage in the growing of crops.

The forest will be cleared and the muskegs drained, and as the land becomes drier the frosty conditions will pass away, and a good country will result.

Now I have finished with the shipowner, and I come to consider the remarks made by what we may call the shipmaster or the shipmate. The honourable gentleman from St. John, with the purpose of showing that he was an expert, laid the foundation necessary to give expert testimony. He told us that he himself had gone down to the sea in ships. We who had always been in the habit of thinking of him as a well-dressed, comfortable-looking, dignified senator, skilled in the science of medicine, were somewhat shocked when we were called upon to visualize him in tarry breeks, climbing up into the mizzen shrouds and viewing the waste of waters from the point of vantage of the crowsnest.

Hon. Mr. DANIEL: I went up to the main royal yard.

Hon. Mr. FOWLER: My honourable friend was much more supple then than now. He told us some wonderful stories with regard to this; and when he was relating these episodes in his naval career I was reminded of the tales of Sindbad the Sailor and the adventures of Huckleberry Finn. We heard of the wonderful winds he met with that blew first from this quarter, then from that. First, we had the wind astern, and our ship went merrily bounding over the waves. Suddenly the wind shifted and blew from over the bow, and the ship rolled ignominiously backwards; later it shifted again and blew from the starboard quarter, and her nose fell off towards Newfoundland; then the wind veered to larboard, and the ship sagged off down towards the coast of Florida. I was reminded of those famous lines of the late Dr. Drummond, in The Wreck of the Julie Plante:

> For de win' she blow lak' hurricane;
> Bimeby she blow some more.

This was not the only startling episode in my honourable friend's career as a sailor man. He was coming out once, afterwards, and suddenly he ran into a fog. Well, the honourable gentleman from Halifax (Hon. Mr. Roche) might say, "That is no new condition for the honourable gentleman from St. John, because he comes from the foggiest town in the Maritime provinces;" but the honourable gentleman from Halifax in saying that would probably be actuated by the jealousy which he feels for the more prosperous sister city of St. John.

Hon. Mr. ROCHE: I never ran anyone down.

Hon. Mr. FOWLER: They generally got out of your way, I guess.

The honourable gentleman from St. John went to sleep that night soothed to slumber by the somewhat familiar sound of the foghorn. When he awoke he looked out, and behold, he was surrounded by icebergs. We are reminded of Tennyson's lines:

> Icebergs to right of them,
> Icebergs to left of them,
> Icebergs in front of them,
> Volley'd and thundered.

—or whatever icebergs do under those circumstances. Icebergs—where? Not in Hudson bay; not in Hudson strait; but on the free sea-path that stretches across the Atlantic from this continent to Europe. That is where these icebergs were. The honourable gentleman did not tell us how he got out of that scrape, so we will have to conjecture for ourselves. It may have been that they got out the long boat and towed the ship through between the icebergs; it may have been that they got out the pike-poles and shoved the icebergs out of the way; or it may have been that they followed what would be the easiest way if time was not important, and sat down and waited for the icebergs to melt. We know he got out, however, because he is here to-day. And these are the reasons he gives for being an expert in the navigation of the Hudson bay and straits.

The honourable gentleman has charged that the evidence does not support the findings of the Committee, and he has read to you certain testimony which was given, not by any man who was there, but by Mr. O'Hara, whom he quoted as an authority. Mr. O'Hara was never near the Hudson bay in his life; Colonel Anderson was

not there. None of the people whom he has quoted as authorities was there—

Hon. Mr. DANIEL: What about Captain Anderson?

Hon. Mr. FOWELR:—except Captain Anderson. I think I can give you a quotation from his evidence which certainly will support the findings of the Committee. Mr. O'Hara presented a report which was of very great assistance and value to us, and it was very well gotten up; but it was the result of the findings of other people. As to the period of navigation, Captain Anderson says:

As to safe navigation during the summer season year by year, the question is open to individual opinion.

Navigation in Hudson bay can safely be relied upon from the 15th of July until the 15th of November, though the seasons vary very considerably. Some are excellent and some are very bad.

My honourable friend did not quote this, but if you figure out the time between those dates you will find that it comes to about four months.

Hon. Mr. DANIEL: That is the maximum.

Hon. Mr. FOWLER: That is not the maximum. It says:

—can safely be relied upon from the 15th of July until the 15th of November.

Captain Couch says:

We now leave Montreal about the 10th to the 15th of July, and arrive in the bay about the 25th, returning about the 1st week in October.

Captain Kean says:

In my opinion navigation of the Hudson bay would be safe during August, September and October. In July, ice would frequently be met with, and in many cases very hard and heavy.

The service in most seasons would begign about the end of June and continue until the end of November.

Hon. Mr. DANIEL: Finish that. It can be done with the class of ships to which he made reference.

Hon. Mr. FOWLER: That is what we propose to have—a class of protected ships, as they should be in any place where ice is present. I do not say that the report of the Committee professed that during those four or five months there would be no ice. The Atlantic ocean has been navigated although icebergs in plenty are found there. That great ship the Titanic went down on the sea-path of the Atlantic, with an enormous loss of freight, and a more enormous loss of human life. Accidents will occur. But I say that, with ships properly protected, the consensus of opinion is that from the 10th of July—the whole of July, in fact—the strait is navigable. My honourable friend sneered, because we said if it were not for the ice from Fox Channel the strait would be clear all the time. I am sorry if the mentality of my honourable friend is such that he could not understand what that meant. But I do not think that is the case: I think he did not want to understand it—that he was so put to it to find something to criticize that he criticized that; and no stronger evidence could be given that the report is all right. What was meant by that in the report was that the ice is not formed in the strait but is extraneous ice coming down from Fox Channel at certain periods of the year. That is what was meant, and I think my honourable friend quite understood that. I think that is the only point to be made.

I only say, as I said in the beginning, that I have absolute faith in the future of this route—not only in its feasibility, but of its commercial success. In my opinion some day the greatest part of Canada will be that northern country. Rigorous climates breed the right class of men, and the day will come when the vision of Sir Wilfrid Laurier will be realized and we shall see at the mouth of the Nelson or of the Churchill, whichever is chosen, a strong, large, flourishing city, and all around we shall see towns supplying to the inhabitants of the interior the goods they require for their use.

Hon. W. B. ROSS: Honourable gentlemen, I wish to make a few remarks on this question.

The Hon. the SPEAKER: I would point out to the honourable gentleman that the debate is closed.

Hon. Mr. DANIEL: I only want to ask the honourable gentleman who has made this very interesting speech why he objects to the members of this Senate having a copy of the evidence?

Hon. Mr. FOWLER: I do not object to it at all.

Hon. Mr. ROBERTSON: It is to be observed that the mover of the original motion has signified his willingness that every member should have a copy of the evidence which the honourable member for St. John seeks to obtain through his amendment.

The amendment was negatived: contents, 7; non-contents, 20.

The motion was agreed to.

IRRIGATION BILL.

FIRST READING.

Bill 168, an Act to amend the Irrigation Act.—Hon. Sir James Lougheed.

POST OFFICE BILL.

FIRST READING.

Bill 167, an Act to amend the Post Office Act.—Hon. Sir James Lougheed.

The Senate adjourned until Monday, June 21st, at 2 P.M.

THE SENATE.

Monday, June 21, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

HUDSON BAY ROUTE.

REPORT OF COMMITTEE—SUSPENSION OF RULE.

Hon. Mr. FOWLER: By leave of the Senate, I wish to move that Rule 100 be suspended in so far as it relates to the recommendation for printing contained in the second report of the Special Committee of Inquiry into the Navigability of Hudson Bay and Strait.

The motion was agreed to.

DIVORCE BILL.

FIRST READING.

Bill E5, an Act for the relief of Charles Henry Foster.—Hon. Mr. Bradbury.

GOVERNMENT SAVINGS BANKS.

THE RATE OF INTEREST ON DEPOSITS—MOTION.

Hon. L. G. POWER moved:

That, in the opinion of the Senate, it is the duty of the Government to increase the rate of interest to be paid to depositors in Post Office and other Government Savings Banks to 4 per cent.

He said: Honourable gentlemen, I do not propose to trouble the House very long in dealing with this matter, although it is an important one. This is not the first time that this question has been brought before the Senate. I had the honour of bringing it up in 1912, in 1913, and again, at considerable length, in 1916. However, there are a number of honourable gentlemen here who probably were not here when the question was discussed before, and, at any rate, those who were here have forgotten what was said; so I think it only right to put the position as it stands to-day.

There is an impression, I think, in the minds of some honourable gentlemen that it would require a statute to alter the present rate of 3 per cent paid on deposits in the savings banks. If honourable gentlemen will look at the Act respecting Savings Banks, chapter 30 of the Revised Statutes, they will find, in I think the last section of the statute, that the Governor in Council shall fix a rate not to exceed 4 per cent. Up to the 30th of September, 1889, that rate was paid on deposits in the Post Office savings banks and in the Government savings banks. The rate of interest payable to outside lenders was less than that. On the 30th of September, 1889, the rate payable to the depositors was made 3½ per cent; and on the 1st of July, 1897, the rate payable to outside lenders by the Government having fallen to 3 per cent or thereabouts, the Finance Minister of that time, Hon. Mr. Fielding, reduced the rate to 3 per cent, at which it stands now. When he reduced it, the rate payable to lenders to the Government was, as I say, not in excess of 3 per cent.

Evidently the reasonable thing is that the depositors in the Government savings banks, who are as a rule reputable citizens, people who have contrived to save something, but not very much, should get some of the benefits which accrue to wealthier people, who are now getting 5½ and 6 per cent. The last loan that the Government made was only a short-time loan, and was, I think, at 6 per cent. If the Government pay American capitalists 6 per cent, and their own fellow citizens only 3 per cent, does not that, honourable gentlemen, seem to you to be on the face of it an unreasonable and unjust attitude to take? It does so strike me, and I think it must so strike people generally.

I look at the Canada Gazette and other sources of information and find that at the end of May last there were in what are known as the Post Office savings banks $30,310,000 and in what are known as the Dominion Government savings banks $10,764,000; making altogether $41,075,000. An addition of one per cent on that amount would be $410,000, which would be distributed amongst people who, I think, constitute a very deserving class. Naturally the banks, which all have savings departments, will not pay more than the Government pays; so the attitude of the Government really prevents the bankers from paying a decent rate of interest to their depositors,

and enables the bankers to borrow immense sums at the rate of 3 per cent; and then these bankers turn around and lend money to the Government at 5½ per cent, and they lend to private borrowers at rates running as high as 8 and 10 per cent. The truth is that the Government, by the attitude they assume, give the bankers an enormous protection. I cannot understand why this distinction should be made between the banks and the private depositors. These depositors, as honourable gentlemen know, are as a rule people who are not overloaded with this world's goods.

It is true that on former occasions it was stated that the depositors could get Government bonds. In the first place, honourable gentlemen, the depositors are frequently widows and other persons who are not familiar with business and do not know how to go about obtaining the bonds. Further, not universally, but as a rule, the sums deposited in these savings banks are comparatively small, not large enough to pay for a bond. There is no doubt that during the last two or three years a very large proportion of the money which had been in the savings banks was invested in Victory bonds and other bonds issued by the Government. Notwithstanding the fact that there was a considerable transfer made from the savings banks to the bonds, the remarkable thing is—and it shows that there is a great deal of money in the country—that at the close of last May there was deposited in the savings branches of the different chartered banks no less a sum than $1,209,000,000. That is an enormous sum, honourable gentlemen, and there is this to be considered with respect to it, that, as I said a while ago, this enormous sum, which the banks have, or had, in their vaults, they lend at rates going from 5½ per cent paid by the Government up to 8 or 10 per cent paid by private individuals.

I think, honourable gentlemen, that common justice demands that the people whose money is being treated in that way by the banks should get some benefit from the rise in the value of money. Unfortunately, the law as it stands does not go further than to give the Government power to raise the rate to 4 per cent. Every honourable gentleman must feel that it is only fair and reasonable that the Government should raise the rate so that these people, who are, as I say, generally not capitalists, should benefit from the increased value of money.

From what I have said, I suppose, almost any honourable gentleman who is not personally interested would feel that it was the right thing on the part of the Government to make this change, that it was their duty to do it. On a former occasion, when this matter was considered, the ground was taken by one or two honourable gentlemen that an action of this kind would seriously damage the banks. In fact, one would almost be tempted to think that the banks would be put out of business. Well, the banks were in business when the rate was 4 per cent before, and when the banks could not get anything like the rate of interest that they get outside now. And even if the change were to diminish to a certain extent the profits of the banks, I think they are not greater objects of consideration than the public who put their money into the savings accounts. What is the fact about the banks? As every honourable gentleman of course knows, the banks have for some considerable time been paying dividends of not less than 10 per cent, and some pay as high as 14 per cent. If this change were made it might reduce the rate of dividends somewhat, but not very materially, and it would help out a large number of deserving people all over the country.

I dare say honourable gentlemen have noticed what very large sums of money are expended by the banks on buildings. Their buildings do not look like business offices, but are more suggestive of Grecian temples or something of that sort, and they are scattered all over the country. The banks are now establishing small branches in all the important cities, not with a view to transacting the ordinary business of a bank, but just for the purpose of getting the deposits of the people in the immediate neighbourhood.

There is this further point, to which attention was called by the honourable gentleman from Toronto, whom I do not see in his place just now. If the Government were to raise the rate to 4 per cent, and if the banks found that it did not suit them to pay that rate, then the money would be deposited in the Government savings banks and the Government would have at their disposal a very considerable sum for which they were paying only 4 per cent instead of 6 per cent, as they are paying now. Honourable gentlemen, as I said at the beginning, I think that anyone who has not a personal interest adverse to the public must feel that it is the duty of the Government to raise the rate to what it was previous to 1889.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I think my honourable friend is to be congratulated on his perseverance in this matter. As he has already told us, this is the third or fourth time he has brought up this question and tried to impress on the Government that it is their duty to pay a higher rate of interest to depositors in the Post Office savings banks. My honourable friend pointed out that the rate of interest was reduced in 1897 because the Government found they were able to get money in the ordinary way by lower rate of interest than 4 per cent. This shows that at that time the Government took into consideration the rate at which money could be borrowed in the open market. It seems only logical and reasonable, therefore, that the Government should likewise take into consideration at the present time the rate at which money can be borrowed in the open market and should raise the rate of interest in the Post Office and other Government savings banks to 4 per cent, or even more, inasmuch as the Government, if they go into the open market to borrow money, have to pay a considerably higher interest rate than 3 per cent.

My honourable friend referred to the question of bonds, but he overlooked the savings certificates which the Government are issuing at the present time, and on which, I think, the purchaser gets 5 or 5½ per cent. I am not sure which rate it is. The savings certificates should be of some advantage to the ordinary depositors in the Post Office savings banks because they bear a little higher rate of interest than is being paid on deposits. The savings certificates, I presume, can be turned in at any time, and their cash value allows of 5 or 5½ per cent interest on the money. So there is a certain advantage to the ordinary depositors in the Post Office savings banks in understanding the arrangement with regard to savings certificates.

I think the Government should take this question into serious consideration, and see if they cannot meet the views of my honourable friend from Halifax.

Hon. GEORGE W. FOWLER: I think there is one element that has been left out of consideration so far, and that is the fact that the chartered banks will have to follow suit and pay 4 per cent, or the rate, whatever it is, to which the bank advances interest on savings accounts. That means that the banks will charge a higher rate of discount if they have to pay a higher rate for deposits. Perhaps it is selfish on my part, but that is the only end of the banking system that I am interested in; and I think it would be a misfortune to put so heavy a tax upon business. There are many persons who in their business are obliged to borrow large sums from the chartered banks. These in turn get the money from depositors, who are able to save. If you raise the rate in one case it must be raised in the other. It is to the credit of the banks that they have not advanced the rate. Although the cost of everything else throughout the country has been advanced, the banks have maintained the same rate of discount. Now the depositor, for whom the honourable member for Halifax pleads, has an opportunity to invest his savings at a larger rate of interest than 3 per cent if he wishes. He can invest them in war bonds and war savings certificates. So nobody is hurt, and I do not think there is very much demand for a raise in the rate of discount. I hope that the Government will not raise the rate, and will turn a deaf ear to the pleadings of the honourable senior member for Halifax, and let the rate remain as it is in order that business men will not be hampered with a too hard rate of discount.

Hon. JAMES DOMVILLE: Conditions have changed materially from what they were before the war. I speak subject to correction, but I understand that our patriotic people are buying German marks at 10 cents on the dollar, and they calculate to get a thousand per cent. They do not need to put their money into the savings banks. A gentleman who spoke in another House did not seem to understand where all the coin was. Already paper is getting dear, and therefore the printing of those bank notes is going to cost a lot of money. I agree with my honourable friend from New Brunswick (Honourable Mr. Fowler) that it is not a serious question to-day as to the rate paid in the savings banks, because depositors have other opportunities of getting big interest. They can buy Dominion securities at 5 per cent or 5½ per cent, or provincial bonds at 6 per cent, and take their money from the post office savings banks, but those banks are an advantage to people who have a small amount of money, as it is perfectly safe, and they are happy when they have a deposit to their credit. Those savings banks are for small depositors, not for speculators or traders. Down our way they

have been very successful and give a great deal of satisfaction, and I do not think there need be much kick against the Government in regard to them. We can kick them on something else, but not on that.

Hon. J. G. TURRIFF: I think my honourable friend from Kings and Albert (Hon. Mr. Fowler) has forgotten one phase of the subject. He says the banks are not charging more interest than they formerly did. My experience is rather different from that; and, besides they are not paying any more interest for their money. The banks get the bulk of their money for nothing, or at a very low rate of interest. First of all, they can issue paper money up to the full amount of their capital by paying to a guarantee fund of 5 per cent. All those $5, $10, $20, and $100 bills they get practically for nothing.

Hon. Mr. DOMVILLE: Fiat money.

Hon. Mr. TURRIFF: Then, again, the banks get all the current money accounts, amounting to hundreds of millions, for nothing. I think that is right enough, because they have to keep a large amount of fluid assets in money, in order to meet the cheques; but on the great bulk of the savings, while they are supposed to pay 3 per cent, they pay only an average of 2½ per cent; so I am told by bankers. For instance, a depositor puts $100 into a savings account on the 5th of the month; he gets no interest for that month. If he draws it out on the 25th of any month, no interest is paid for that month. So that the highest rate the banks pay for any of their money is only 2½ per cent, and to-day they are loaning it out at 7, 7½, and 8 per cent. To my mind that is too big a margin. In the United States the banks pay 4 per cent on deposits.

Hon. Mr. FOWLER: The great bulk of the money is loaned at 6 per cent.

Hon. Mr. MURPHY: Very little nowadays.

Hon. Mr. TURRIFF: I do not think the bulk is loaned at 6 per cent now; but, even granting that it is, there is too much margin when we consider that the banks get the amount of their capital for the cost of printing bills and a guarantee of 5 per cent, and the current-account money which they get for nothing. In the United States the banks pay depositors 4 per cent and do not charge any higher interest for discounts.

Hon. Mr. BEIQUE: I would like to know what banks pay 4 per cent?

Hon. Mr. TURRIFF: When I was in business in the West I lived near the boundary line, where the banks paid 4 per cent on all deposit moneys, and I am satisfied that if they paid it there they paid it in other parts of the United States as well.

Hon. Mr. FOWLER: Canada paid 4 per cent then.

Hon. Mr. TURRIFF: No, this was subsequent to the time that Canada was paying 4 per cent on deposits. The banks are in a good position and could easily afford to pay 4 per cent on savings deposits without incommoding borrowers to any degree either; and I am satisfied that if they had to pay 4 per cent the rate to borrowers would not necessarily be raised. About 1897 the interest rate was lowered from 4 per cent to 3 per cent, and rightly enough at that time, because the Government could borrow money in England for 3 or 3½ per cent. If that was a proper action to take then, I leave it to the House to say whether it would not be proper now that the Government should increase the rate, because it is paying or has paid as high as 7 per cent in the United States for money; and if the Dominion Government cannot borrow money under 5½ or 6½ per cent, why not give 4 per cent to the people of Canada who have money on deposit? That seems to me only fair in view of the reverse action we took in 1897. It is a question well worth consideration, and I quite agree with my honourable friend the Senator from Halifax who has brought this matter up that some action ought to be taken. The matter was brought up in the Commons several times when I was there, but the Government never saw their way clear to act; and it seems to me only fair, now that the Government has adopted the policy of borrowing in Canada the money it needs, that the rate should be raised on savings bank deposits when it is paying 5½ per cent on its bonds, or nearly double what it pays on deposits in the savings banks.

Hon. Mr. DOMVILLE: But the deposits in the savings banks amount to a mere bagatelle. Does the honourable gentleman mean that his argument should apply to all the deposits in all the banks?

Hon. Mr. TURRIFF: What I mean is, let the Government pay 4 per cent on their deposits, and then if the public choose to put their money in the banks at the average rate of 2½ per cent, let them do it; but the

banks would have to pay 4 per cent. I think the motion of the honourable Senator from Halifax is very opportune.

Hon. F. L. BEIQUE: I cannot agree with what has been said by the honourable gentleman from Assiniboia (Hon. Mr. Turriff). If he takes the trouble to inquire from different banks he will find that after the banks have administered the money which is deposited in their savings departments it costs them much more than 3 per cent; as a rule, it costs about 3½ per cent. As to the banks in the United States paying 4 per cent, he is altogether mistaken. I defy him to find in New York any bank in good standing that pays 3 per cent, or even 2½ per cent for its money. They will not pay it; they pay a very small rate of interest. In England not a cent of interest is paid for deposits in the banks; in fact, in a number of banks the depositor has to pay something to get them to receive his money on deposit. In France the same is the case. Those are countries of as large experience as this country; and if it were such a misfortune to the Canadian people not to command a higher rate than 3 per cent in the banks, one might wonder why the people in France or England might not command that interest or even a rate of 1 per cent.

The honourable gentleman from Assiniboia and the honourable gentleman from Halifax lose sight of the duties incumbent upon the banks in receiving the savings of the people. They must keep in reserve, of the money which is in their coffers, at least 25 per cent, and even 30 per cent or 40 per cent, to answer all the calls that are made on them.

I have heard the honourable gentleman from Halifax repeatedly make the statement that the banks pay high rates of dividends to their shareholders. Well, they pay high rates of dividends because those dividends are paid not only on the capital but on the reserves which have been accumulated from year to year; but if the honourable gentleman inquired he would find that the dividends do not, as a rule, exceed 6 per cent on the money that has been invested by the shareholders. The stocks of the banks are distributed over the whole country, and it is open to any person living in this country to invest in those stocks; and if they are so attractive or remunerative, people who have money on deposit with the banks can buy them, and the more bank stocks are bought the better for the country, because the industries of the country, not only manufacturing but agricultural and others, depend upon the credits accorded by the banks all over the country.

I think the people of this country are proud of our banking institutions. They have been rendering valuable service to the whole community, because as a rule they have been well conducted and have been established and maintained on the proper principle, and it is that very principle that the honourable gentleman speaks of from year to year. I think it would not be in the interest of the people at large to disturb that position by inducing the Government to pay a high rate of interest. It is open to depositors in Government savings banks or in chartered banks to buy either 5 per cent or 5½ per cent Dominion bonds. Why do they not? Because they are depositing their money under such conditions that they can command it at any time; they put it on deposit and the next day they can draw a cheque upon that deposit and purchase what they desire, whereas they feel that if they were to purchase bonds from the Government or deposit their money with the Government they would not have the same facilities. If the honourable gentlemen who have propounded the view to which I refer were to study more carefully the conditions of our banks, and the financial conditions that are required in the interest of the country at large, they would see that the rate of 3 per cent is a reasonable rate, more especially when depositors have at their command the means of placing their money at 4, 5 or 5½ per cent, with the guarantee of the Government.

It has been stated that the rate of interest for money has been raised. Well, I have had something to do with banks; I think I know what is being done in the chartered banks of this country; and I say without fear of contradiction that the rate for money has not been raised. The money which was obtained all through the war and before the war has been at the same rate that obtains at the present day in the different banks, and I think the banks are not protected more than what is in the general interest of the country or more than the bank themselves are entitled to.

Hon. L. McMEANS: I rise, not to discuss this financial question with the honourable gentleman who has just taken his seat, but merely to suggest that if the Government of this country wants money it will have to pay a little more interest, for this reason, that the provincial governments are

now entering the field and are receiving money on deposit and paying 4 per cent for it. The Manitoba Government is taking deposits at 4 per cent and lending money at 6 per cent. I do not know that I can say whether that is going to be an unqualified success or otherwise. The honourable gentlemen from Assiniboia speaks about a bank rate of 6 per cent or 8 per cent; but it must be borne in mind that that is compounded every 3 months, so that at the end of the year it is a very much larger rate than 6 or 7 per cent, or whatever the rate of discount may be. To my mind the question is, how much the Government of Canada require money. If they want it they will have to increase the interest.

Hon. V. RATZ: Most of the depositors in the Post Office savings banks are not business men or monied men, but generally speaking are poor people—workingmen, widow women, etc.

My honourable friend says they could invest their money in bonds. So they could, but they are not business people; in fact, many of those people do not know how to go about getting the money from those savings banks unless some one tells them. Some of them have not money enough to buy a $50 bond, even if they were right on the spot. As most of those depositors are poor people with small accounts I do not see why the Government should not pay at least 4 per cent on those deposits. That would seem only reasonable and right.

I do not know much about the banks, and do not propose to speak about them, but I know that I never figure on any interest at all from them. If I want to pay a cheque I can get the money quickly from the bank, but if I have money to invest I do not invest it with banks. They are good for accomodation, and we need them, but their reserves are paper money, and they do not lose much by it even if they have to keep considerable amounts in reserve.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I fear that I cannot give my honourable friend from Halifax (Hon. Mr. Power) any further assurance than I have given on former occasions when he rose to favour us with his views on this subject. It may be said that the Dominion Government in no way enters the field as a rival to invite the deposit of money in the Government savings banks, but rather as matter of convenience to those who have funds and who desire to have them conserved, and conserved on a very conservative basis. It is quite manifest that, if the Government increased the rate of interest upon deposits in the Government savings institutions, a like increase on bank deposits would result. The honourable gentlemen from Halifax directed our attention to the fact that there is on deposit in the chartered banks of the Dominion $1,200,000,000. The increase in the rate of interest upon those deposits to 4 per cent would result in the banks having to pay $12,000,000 a year extra to keep peace with the Government. I am not now counting upon the extra interest which the $40,000,000 in the Government institutions would represent; that would be $400,000 a year. But if an added burden of $12,000,000 annually were imposed upon the chartered banks of this Dominion, by their being compelled to pay 4 per cent instead of 3 per cent, there is no doubt that the public would have to pay the banks that extra $12,000,000.

Hon. Mr. DOMVILLE: The banks pay 10 to 12 per cent dividends.

Hon. Sir JAMES LOUGHEED: I venture to say that there is no bank in the Dominion paying dividends at that rate.

Hon. Mr. POWER: The Bank of Nova Scotia does.

Hon. Sir JAMES LOUGHEED: My impression is that the everage dividend of the banks upon the shares would only represent about 5 per cent. I do not think that the Bank of Montreal, that old and well-established institution, is paying more than 5 per cent upon the market value of each share. But, although a bank advertises its dividend at 10 per cent, honourable gentlemen must remember that the purchasers of its shares upon the market only receive a dividend of 5 or 6 per cent. In my judgment it is not desirable that great inducements should be held out to depositors, either by the Government or by the banks, to place their money in what I might term a stagnant fund. Money is made for circulation, and to stimulate and develop the trade of the Dominion; and, if the Government and the banks should enter into rivalry in the investment of funds, this money would be withdrawn from the legitimate channels of business, in which it is of use in the development of our trade and commerce and industries and many of our resources. That, in my judgment, would not be a desirable condition. I may say that the Government of the day has provided a mul-

tiplicity of investments whereby those who wish to deposit their funds and who do not desire to place them in business enterprizes may receive between 5 and 6 per cent. It goes without saying that an investment in government securities is practicaly the same thing as a deposit in a Government savings bank except that the money realizes a higher rate of interest. Under these circumstances it seems to me that the Government has kept fully in view the necessities of the public, so far as paying a fair rate of interest is concerned. If the people choose to put their deposits in the Government savings banks at 3 per cent they are at liberty to do so; on the other hand, the Government says: " Buy Government securities, and we wil pay you a percentage practically equal to bank dividends." Under these circumstances I think the public are well protected.

Hon. Mr. POWER: Honourable gentlemen, I do not propose to detain the House at any length; but I wish to refer to one or two points made by the honourable gentlemen from De Salaberry (Hon. Mr. Beique). He alleges that money costs the banks more than 3½ per cent. Well, the banks would be open to receive deposits, even though they bore 5 per cent interest; and he is probably rather exaggerating the position when he says he thinks that the taking of these deposits would cause a marked increase in the cost of running the banks. The banks are there for business, and whether they are paying 3½ per cent or 4 per cent for deposits really does not make any material difference in the work or in the cost.

The honourable gentleman undertook to say that 4 per cent was not paid in the United States. As to that, we have the authority of the honourable gentleman from Assiniboia (Hon. Mr. Turriff) who lives near the boarder, and who is personally aware of the fact that in the United States 4 per cent is paid in the savings banks; and I know the same fact from another source.

The honourable gentleman drew a picture of the serious things that might happen if the banks were compelled to pay 4 per cent; but the honourable gentleman must realize that it is not compulsory. If the banks do not wish to pay 4 per cent, they need not do so, and then the people who have made deposits in the savings departments of the banks will make their deposits in the Government savings banks, and the Government will be getting a large sum of money at a very low rate of interest, and when the Government next issues bonds it will raise the money without going outside and will get it at 4 per cent instead of at 5½ per cent.

As to the banking system of this country, I am quite aware that it is a good system. It was a good system when 4 per cent was paid, and when 3½ per cent was paid, and it is still a good system, and would continue to be a good system if the rate of interest went back to 4 per cent.

The leader of the Government said something about the fact that people could get bonds. Well, as the honourable gentleman from North Middlesex (Hon. Mr. Ratz) said, a very large proportion of the people who make deposits in the savings banks are people who do not know how to go to work to get bonds; and, further, the money comes to these people in small amounts and they wish to have it put where they can get it again if occasion requires. So practically the bonds are not available to them. Then there is the fact, honourable gentlemen, notwithstanding all these supposed methods of getting rid of their money, that there are $1,200,000,000 of the people's money in the savings departments of the chartered banks. I think that is the best evidence that the honourable gentleman is mistaken.

I must say that I am not just able to see the point that the leader of the House is undertaking to make. He told us that it was desired to have the money conserved. Well, the savings bank is a good place in which to conserve it. Later on he said that if the Government adopted the policy embodied in this resolution, it would interfere with the development of the resources of the country. If the money is going to stay in the banks just to be conserved, I do not see how it can at the same time be developing the resources of the country. The truth is that the banks are now protected, and the people who are not capitalists have no opportunity to deposit their money in a safe place where it will bring in anything like a decent return, and the temptation is to put their money into speculation where it may be lost. I think the case is a perfectly plain, clear one, although some honourable gentlemen have apparently been trying to becloud the issue. I move the resolution, seconded by my honourable friend from Liverpool (Hon. Mr. Farrell).

Hon. Sir JAMES LOUGHEED: I hope my honourable friend, having directed the attention of the Senate to the subject upon

which he has favoured us with his views, will not insist upon placing the Senate in the position of having to divide upon a subject of which we have no particulars before us. I need scarcely point out to him that the financial situation is entirely too important and intricate a one to be dealt with in this light-handed way. I think my honourable friend will not accomplish anything by pressing this matter to a division.

Hon. Mr. POWER: I think it is a question on which the Senate should have an opinion, and should express its opinion.

The motion of Hon. Mr. Power was negatived.

REORGANIZATION OF GOVERNMENT DEPARTMENTS.

MOTION.

Hon. J. G. TURRIFF moved:

That, in the proposed reorganization of the various departments of the Government, it is the opinion of this House that men with expert ability of a high order can be secured in Canada who are capable of doing this work in a thoroughly satisfactory manner.

He said: Honourable gentlemen, I wish to say at the outset that I am quite in favour of the proposal of the Government to reorganize the various departments. I think that if there is any work that the Government should take up and carry to a conclusion it is this very work. There is no doubt in my opinion that a great deal can be accomplished a great deal of money saved by the reorganization of the various departments. The main question is how it can best be done—whether by men in Canada, or whether we have to go to the United states to get a German-American firm to do work that we in this country surely ought to be able to do. I have no doubt, honourable gentlemen, that this firm could do very good work and could effect very great saving; but are there no men in Canada other than these Heaven-born experts who can do this work which is so badly needed? We have had some little experience of these gentlemen. They were employees of the Arthur Young company, who made the reclassification and who have been working for a couple of years and have managed to draw a couple of hundred thousand dollars out of the treasury of Canada. Thinking, I suppose, that they had accomplished about all they could do in that line that would look well, they assigned this work to this German-American branch of theirs, and apparently the Government proposes to fall in line and be their victim, and to allow them to go on and do the work of reorganizing the different departments.

I will give credit to Arthur Young and Company for accomplishing one good thing. Prior to the reclassification, officials doing the same class of work in different departments were paid altogether different salaries. In one department a clerk doing a certain class of work would get $800; in another department another clerk doing exactly the same class of work would get $1,000; in another department another clerk doing the same kind of work would get $1,200; while in still another department another similar clerk would get $1,500. That condition has been done away with, and in that respect I think a great deal of good will result when the reclassification is put into force. But if we are to judge of the work of this firm in classifying the different individuals in the different departments, by the fact that they give $4,000 to one man, and $2,000 or $2,500 to another who is doing far more important work, I think we shall come to the conclusion that they have not done very good work. If this branch of their firm is not going to do any better in the future than the parent company has done in the past then I say, honourable gentlemen, that it would be pretty hard to pick out a committee of three men in the Dominion of Canada who could do any worse. And look at what it is proposed to pay them.

Hon. Mr. DOMVILLE: Who are the men? I have not heard yet.

Hon. Mr. TURRIFF: Griffenhagen and associates. I do not know who Mr. Griffenhagen is, but the name is a very German-sounding one, and I see it has been stated in the other branch of Parliament that this firm is a German-American institution. I think it is rather unfortunate that the Government should advertize to the whole world the fact that we in Canada cannot produce a committee of three men who have brains enough, common sense enough, and courage enough to reorganize a couple of Government departments, and that we have to go to the United States to get them. I think the Government must have a very poor opinion of the ability of our people; in fact, I think it is rather worse than that.

During the past five or six years, as you all know, Canada was engaged in a very serious war. We sent across the water some half a million of men and sixty odd thousand of them sleeping their last long

sleep in France. They helped to save this country and the Empire. It seems to me that if the country cannot produce a committee of men who can reorganize a department without sending to the United States for assistance, it is a question whether the country was worth saving. That is something to think about. Was the country worth saving if we have not got men with brains enough to reorganize our Government departments? I know that we have many such men. The two departments selected for reorganization are the Post Office and the Customs. I know that my honourable friend the Postmaster General has brains enough and common sense enough, and I think that if he were let alone he would have courage enough, to make a reorganization. My honourable friend knows that a reorganization is in order, that it is badly needed, and that hundreds of thousands of dollars can be saved by it. And he has known that, and the Government has known it, for years, and it has not been done. Now they propose to hand over to an American firm the work that they have not done themselves.

My honourable friend the Minister of Labour (Hon. Mr. Robertson), who is on that Committee of Council who are looking after this matter, said that we have nobody in Canada with the necessary experience. In the same breath he stated that there were four Canadians amongst those men whom it is proposed to engage to do the work. Has it come to this, that Canadians have to be sent over to the United States to go through an apprenticeship before they acquire brains enough, sense enough, and ability enough to reorganize a department? I do not think that is necessary at all.

Another thing. In this Order in Council that the Government have passed taking authority to do this work they lay stress on the good work that Arthur Young & Company have done in connection with the Printing Bureau. Does anybody here believe that it is Arthur Young & Company who have done the good work in connection with the Printing Bureau? At least I do not—not for one moment. Some of you may remember that I brought up this question of the Printing Bureau two sessions ago, and there was appointed by the Government a committee of three Canadians to investigate the working of the Bureau. That committee was composed of Mr. Lewis, of Ottawa, Mr. Tarte, of Montreal, and the late Mr. Slack, of Montreal, at that time general manager, I think, of the Montreal Gazette. They were master printers and knew something about printing. They made a report to Parliament. I have that report, and I am going to read a few extracts from it to show you what they recommended to the Government. If the Government had carried out their recommendations there would be no need to have anybody else at work reorganizing the Printing Bureau. They found that the Printing Bureau was in a very sad state. That report was made, I think, over two years ago, and until quite lately nothing had been done. This American firm was sent down to the Printing Bureau after the committee's report was made, or after a great deal of their work had been done. The committee's findings were pointed out to the members of the American firm, and they went down and questioned the men in the Bureau—and there are a lot of good men in the Printing Bureau. They sucked the brains of those men. Then the Government, in this Order in Council, give them full credit for everything that has been done in connection with the Printing Bureau, that is saving $500,000 a year and will go on to save another $200,000, making a total saving of $700,000. No credit whatever, in any shape, form, or manner, is given to the men who did the work. Why should the Canadians not be given credit for what they have done? Why should this German-American firm be given credit for the work that the Canadians did do?

What is the cause of the great unrest in the Civil Service to-day? I think I need not claim to be a special advocate of the Civil Servant, for I am not. I have always gone on the principle that if men, or women either, are not satisfied with their positions in the Civil Service, it is open to them to do as I did when I was not satisfied—to get out.

Hon. Mr. DOMVILLE: And come into the Senate.

Hon. Mr. TURRIFF: But there is much dissatisfaction and unrest throughout the Civil Service to-day, and it has been largely brought about by the employing of foreigners to do this reorganization, which, in my judgment, could have been a great deal better done at home. I am not in favour of appointing a committee of Civil Servants to reorganize the service. I am in favour of appointing outside men of standing and ability, with a fair amount of brains, some common sense, and a considerable degree of courage. If you appoint a committee like that, you will get good

results: you will get big results. But all the credit is given to these Americans who are brought in to do the work.

It is proposed to pay this outfit $10,000 a month, plus all their travelling expenses and all their sustenance expenses when they are outside of Ottawa going from point to point in Canada.

Hon. Mr. DOMVILLE: To Hull.

Hon. Mr. TURRIFF: Well, I think there would be some fairly expensive junketings: it is only human nature. And these men stipulate that for the reorganization of the two departments they must be paid for not less than twelve months; so there would be $120,000 to the principals.

Then, the Government has to provide all the clerks—to supply men from the various departments to give them the necessary information. What sort of reorganization could they make if they did not have the brains of the departments to assist them? In view of these facts is the proposed reorganization by this firm worth while?

The Minister of Labour, who is a member of the committee of the Privy Council, stated the other day that the bargain was not definitely made; and I am bringing these facts to the attention of my honourable friend and the Government in order that they may look into the matter further and see if it is not a mistake to employ these outsiders when we have good men at home.

While this is only a business matter—and I am dealing with it altogether as a business matter—I want to say this to the Government, from the political standpoint. As I said a moment ago, there are 60,000 of our men sleeping in France. They died for this country. There are in Canada 200,000 or 300,000 of their relatives—fathers and mothers and brothers, sisters, wives, and sweethearts. Do you think these relatives will take kindly the action of the Government of the country that their men gave their lives to save from being overlorded by Germany? A great many of these people will not know whether Griffenhagen is a German or not. I do not, but the name sounds very like a German one. I know that some of the men who are working with him are German Americans. Will the relatives of our soldiers who saved the country, or helped to save it, take it kindly that we should go outside and go, as it were, to men of the enemy races and ask them to accomplish this work for us? I cannot understand it.

My honourable friend the Minister of Immigration also is a member of the committee of the Privy Council. When he wanted to reorganize the Department of Immigration he did not do anything of that kind. He did the reorganization himself, or put one man on the job. Of course, it is a small department. The one man did the work well and it did not cost very much. I venture to say that if the Minister of Immigration were at liberty to take hold of this reorganization work he alone could do it far better than any committee of 3, or 11, or 7, or any other number you would get from the other side of the line to come here to do it. I know he can do it. I know his ability and I know his courage. The main thing it needs to do this is that a man shall have the courage to do what he thinks is the right thing, and shall not be influenced either by the Government or by the Civil Servants themselves. If the work were done by somebody here in Canada you would bring about such a reorganization as would be a credit to the Government, and, as this American firm shows, would save to the Government millions of dollars in the years to come.

In order to prove what I say about the work having been done in the Printing Bureau by this Canadian committee, let me read a few extracts from their report, which was printed, and a copy which was sent to every Senator and every member of the House of Commons. It is a report that should be read by every member of this House and every member of the other. It is an illuminating document and is well worth considering, and if the recommendations contained in it had been carried out there would have been an end of the matter. Right at the first they say:

> General conditions in the Printing Bureau.—The conditions found to exist in the Printing Department, viewed from the standpoint of commercial efficiency, may be briefly described as shocking.

When these men point that out, would it have been a very serious matter to remedy? Something has been done along this line. Last year, or this present year, quite a number have been superannuated. Some of the causes the Committee give are:

> First, the publication of matter of little or no value; and, secondly, distribution in quarters where its only usefulness was to fill waste-paper baskets.

In addition to the appointment of these men whose names I have given you, another

committee was appointed by the joint Houses of Parliament—an Editorial Committee; and the carrying out of the recommendations made by the Editorial Committee has saved in the past two or three years hundreds of thousands of dollars, although the recommendations have not been carried out in full. The Cabinet Committee was composed of Sir George Foster, Hon. Arthur Meighen, and Hon. Martin Burrell; and the Editorial Committee was: Fred Cook, Assistant King's Printer, Chairman: F. C. T. O'Hara, Deputy Minister of Trade and Commerce; and F. C. C. Lynch, Superintendent of the Natural Resources Branch, Department of the Interior. That committee made very many recommendations, all in the line of cutting down the expenditure. They showed where printing could be saved. They showed also how the cost of printing had gone up between 1913 and 1917 from $1,274,000 to $2,401,000. They stated that in the printing of the Civil Service List there could be an annual saving of $4,000; in the Adulteration of Foods bulletins, an annual saving of over $1,900; in the Insurance Report changes might be made effecting a saving of over $2,500 a year; in the Trade and Navigation returns, an annual saving of over $2,000; and so on. The committee say:

> The Hydrometric Survey reports should not be published. They are not called for in the public interest. This would give a saving of $30,000 annually. Any person desiring to build a pulp mill on a certain stream and wishing to know the water capacity of that stream could secure the information on application to the department.

There have been recommendations made by that Committee which, if carried out, would mean a great saving. This is altogether separate from the Committee of Master Printers. The Government acted promptly on the report of the Committee of Master Printers. I do not wish to take up too much time and am reading only a few extracts from it:

> The Editorial Committee was appointed by Order in Council under date of October 4, 1917. The assertion of the committee that such a board could save the country thousands of dollars annually has been proven. Your committee has, however, not the slightest hesitation in declaring that the economy thus effected has at the best only been partial.

Speaking of the Proofreading Department, here is what they say:

> The Proofreading Department is largely overmanned, and, what is worse, a very considerable proportion of the staff is not competent. It appears to have been a "catch-all." The staff could be reduced by at least 60 per cent.

In view of that, is it any great work for Griffenhagen to go down there and follow along the path that has been blazed for him? And he gets all the money and all the credit. That seems to be a very strange proceeding.

The committee, discussing the retention of unnecessary employees, go on to say:

> The mere fact that there is no work for the employee to perform has no longer any bearing on his retention.

The conclusion:

> Our conclusions and recommendations will be found in the "technical report." Briefly, they may be summarized: Get rid of the unnecessary employees, and make those remaining render efficient service.

Now, should the Government need anything more than that to bring about a reform? Is it necessary to send a new set of men at $10,000 a month, when this report sets out in black and white exactly what is wanted in order to bring about the proper state of affairs?

Here is an extract taken from the Technical Report:

> In general, our investigation will prove that, while great economy has been made possible through the establishment of the Editorial Board, in the elimination of unessential printing, and by the Distribution Department in the elimination of unnecessary circulation, to a very great extent, owing to the "system" in vogue at the Bureau, the opportunity for economy that might have been effected has been rendered impossible.

Here is what they say could be saved:

Table of Reduction in Staff and Possible Saving.

Department.	Wage Saving Per Annum.
Office staff	$ 70,000 00
Proofreading	40,000 00
Typesetting	125,000 00
Bindery	55,000 00
Chief mechanic	5,000 00
Caretaker's staff	20,000 00
	$315,000 00

Three or four years ago the Government made a change and gave all the men in the Printing Bureau—the labourers, printers, mechanics, etc.,—two weeks' holidays with pay.

The committee say:

> Now the employee is not asked to help the plant out in this way, but on the contrary is given two weeks' holiday with pay. This one item will this year cost the public $28,900, a saving which could be added to the sum mentioned in paragraph 44.

That is the sum mentioned in the table that I have just read, amounting to $315,000.

Now take the question of caretakers and charwomen. For the Printing Bureau building alone there are 64 charwomen, one watchman and 11 caretakers, at a total cost of $31,318, and they say that $20,000 could be saved in that respect.

Referring to the staff at the Bureau, they say they are not much good. Listen to this:

> On the staff we find school-teachers, lawyers, notaries, doctors, a machinist, a musician, a baker, and a dry-goods clerk. It appears to have been used as a dumping-ground for people who could not otherwise be placed.

You would think, honourable gentlemen, that it would be a simple thing for the minister in charge of the department, if he had any backbone, to take that report and just go to work and reorganize the department and save a large amount of money. But, while the work was done by Canadians, the pay and the honour must go to this firm from across the line. They instituted comparisons between the work done here and that done in the Government Printing Bureau at Washington, and they suggested that men be sent down there to see how it can be done so much cheaper. That was the idea of this Committee. But the idea of the Government is not to send men down to find how it is done—although I am sure such information would be very willingly given by the American Printing Bureau. Instead of that, the Government must go down and bring up a firm who want to earn a big salary, and make the work drag out for a long time; and that is what the Government is recommending. I am anxious that they should stop before going any further with this plan, and see if they cannot do the work in a more patriotic and more businesslike manner, and in a much cheaper way, and accomplish better results than by the method they are pursuing.

This whole report would bear reading, but I cannot take the time to read it all. In conclusion, the Committee say:

> We beg to express our regret that the time at our disposal did not permit of our investigating many matters which came to our attention, and in a way it may be said that we have merely followed up the surface leads. We have, however, shown that the Editorial Board and the Distribution Board have inaugurated measures capable of development into great economies in the public printing; that these savings have been largely nullified by the deplorable inefficiency of the Bureau mechanical staff, and we are firmly of the opinion that if our recommendations, arriving at a greatly reduced wage cost through the elimination of unnecessary labour and higher standards of efficiency, are not adopted, the only recourse in the public interests is to close the Bureau.

That report was submitted to Mr. Jamieson, of the Civil Service Commission, and he made a report, from which I will quote two paragraphs. Speaking about the carrying out of the Committee's recommendations, he says:

> They should, I think, be Canadians. None other would be sufficiently familiar with the conditions, purely Canadian, arising from the use of two official languages in Federal publications.

Then he mentioned the names of those men:

> Mr. Adam L. Lewis, of Southam Press, Ltd.
> Mr. Eugene Tarte, of La Patrie Publishing Co.
> Mr. E. F. Slack, of the Gazette Printing Co., Ltd.
> All of these gentlemen have had years of experience in the printing business, and the oversight and management of large and well-equipped plants, and would bring with them experience gained not only in general printing but in government printing as well. The undersigned has been in communication with them and understands they would be willing to serve without pay; a living allowance being made when they are from home and engaged on the work.

This is what Canadians did; it is a little different from $10,000 a month, with living and travelling expenses in addition. So I feel justified in drawing the attention of the Government to this state of affairs, and suggesting how the reorganization could best be done. My only desire is to have it done in the best manner possible; and, from what I hear throughout the city and from people to whom I have spoken, there is no body of opinion in favor of delegating this work to men who do not belong to Canada, and who are not interested in this country further than in drawing down $10,000 a month plus their expenses. If I felt for a moment that we could accomplish the work better by the proposed method I would gladly support it, because I want to see the reorganization. I know that those men whom it is proposed to engage would make great savings, because the opportunity is there. Some of you may remember that I brought this matter up a couple of session ago, and I pointed out that though the revenues from the post offices of Montreal and Winnipeg were practically the same, in the Montreal Post Office we had 1,351 officials, while in Winnipeg we had 556. Now, it does not take any Heavenborn genius to know what is the matter. You have too many officials; they are not working; their work is overlapping; and you want a man of common sense to

go there and straighten out the trouble. We have hundreds of men at home who could do this work, and do it well, without sending to a foreign country and advertising ourselves as a nation stretching from the Atlantic to the Pacific, with eight millions of people, who cannot choose out three men able to reorganize the departments. I would be ashamed of Canada if I believed for one moment that that was the true state of affairs. It is not true, and I say that the duty of the Government is to call a halt on this business, and set about carrying out reorganization in a proper and reasonable manner, and bringing about the necessary results.

This Order in Council is rather a "dandy," if you come to read it and study it a little. It alludes to what is done in the Printing Bureau and gives all the credit to these outside people. Now they are going to start on the Post Office and Customs Departments. There are 24,000 officials in the one and approximately 4,000 in the other. 24,000 is a large number of people to deal with; but the Order in Council does not point out that of these 24,000 there must be many thousands in country post offices between the Atlantic and the Pacific, and that those thousands of country postmasters could be divided into about twenty groups; that is, they are all paid by salary based upon a percentage of the postal revenue in those post offices.

Hon. Mr. BRADBURY: They cannot be reorganized anyway.

Hon. Mr. TURRIFF: In most of those country offices there is only one person working; sometimes there are two; but I do not think any of them would have more than two or three. They could be divided into classes. There would be thousands, for instance, in the class that sell $100 worth of stamps and would get $35 per annum, I suppose; then those that sell $500 worth; those that sell $1,000 worth; and so on. It would not be necessary to go to see one of those men; they could just be figured out in ten, fifteen or twenty grades according to their revenues. The chief work would have relation to cities like Ottawa, Montreal, Quebec, Halifax, St. John, Toronto, London, Winnipeg, Regina, Saskatoon, Calgary, and such places. The reorganizers would have to visit these cities and see what work was being done and how many officials were necessary, and they would have to cut the staffs down to the number that could do the work. I would not expect to overload the Civil Service with work; you could not anyway; but you could fairly cut down the number. That is where the work would be, but it would not require a year to do it but for the fact that there is an allowance of $10,000 a month and expenses in doing it.

My honourable friend the Minister of Labour laid a great deal of stress on the statement that we had not anybody in Canada with the necessary experience for this reorganizing work. When the war broke out we had nobody in Canada with the necessary war experience. In the last fifty years we had two rebellions in the West and we sent a small contingent of men to South Africa; but that was all the experience we had had. Now, what would any man, woman, or child in this country have thought of the Government if, in August, 1914, when we needed our contingent for the war, the Government had begun to say: "Canada has had no experience; we have no men here who have had experience in war; the United States had a war with Cuba not long ago; they are experienced, and they are Heaven-born artists; therefore we will send to the United States and get some German Americans to come over and organize our army, and lead them in France and Flanders"? That would be just as sensible, honourable gentlemen, as what the Government proposes to do today; it is just the same thing. When the United States went into the war in 1917, three years after we had been at war, what did they do? We had had three years experience; did they send over to us for a committee to go over there and raise and lead their armies? No; they sent military experts to Canada to find out from our military people how we had done certain things, and what mistakes we had made; and these military experts came and got the information, and they were thus able to keep from making the mistakes that we had made, although the United States made many mistakes after they got started, as every country had done. But that is what they did.

Now, if this Griffenhagen and Associates are such wonders they must have accomplished great things in the Government offices of the United States. Possibly they put the Printing Bureau there on a good foundation so that it can turn out the work cheaply. If they had done great work in the United States, why did not this Committee of Council send over two or three men from Canada to see what they had done and find out if they had anything new? The United States are a friendly nation and would have been glad to give us any

information in that respect, and those men would come back and put that information into effect here, and we would reorganize our departments and bring about results a great deal better than will be brought about under present conditions. When we started the war we did not have any experience; but did we not make good? Did any nation on earth do any better than we did? When the war started we were not manufacturing anything in the way of munitions of war. Our men started experimenting on steel, and in a short time, though we were making no steel successfully when the war started, the steel company down east and a company of which my honourable friend the Senator from Ottawa (Hon. Mr. Edwards) is president did great work in making steel and munitions to help win the war. If we could do that, can we not reorganize a couple of departments? Not along ago I went with some other members of this House to visit the Angus railway shops in Montreal. They were a revelation to me. Thousands of men were at work under one roof, and the management have the cost of everything figured down to a cent. It would be very little trouble for the men who organized that industry to reorganize our Post Office and Customs departments, and any other departments that we have.

Honourable gentlemen, I feel deeply on this subject. It hurts me as a Canadian to think that our nation is so poor in brains as the Government seems to think. It sounds somewhat offensive that they should have such a low opinion of the people of Canada, when we have men here who, I think, can do anything as well as any other class of men on the face of the earth. I started out with the idea of being extremely moderate in my remarks and I hope I have been so, though it is a little difficult for me sometimes to be just as moderate as I would like; but my whole object is to try to have the Government call a halt in this business, look into it a second time, and see if hindsight will not be a little better than foresight, and if something cannot be done by which this object can be accomplished without going outside of our own country to get men to do it. I say again that there is a great deal of room and need for improvement through reorganization, and I believe our men at home will accomplish more good than men whom we get outside of Canada to carry on this work.

Hon. Mr. TURRIFF.

Hon. GEO. W. FOWLER: In seconding the motion of my honourable friend from Assiniboia, I am moved by the fact that I am a most ardent supporter of what is known as the National Policy. I do not believe in importing from abroad anything that can be manufactured or produced at home. We think, and I believe it has been amply proved by the honourable gentleman who has preceded me, that we have a very large number of people quite capable of performing the task for which the Government has apparently thought it necessary to import people from abroad. I saw the gentlemen who were engaged in the task of classifying the various positions in the department, and I must say that I was not impressed with their personality or with the idea that they were supermen. We heard a great deal about supermen before the war began, and of a certain nation which, according to their foolish newspapers, was composed almost entirely of supermen. But, when brought to the acid test of war, substantiation of these claims of super-humanity was found wanting. The men who came before the Special Committee, of which I was a member, did not impress me as having the wonderful knowledge of things that they professed to have, and I venture to submit, honourable gentlemen, that there could be found in this Senate plenty of men who, without cost to the country,—

Hon. Mr. DOMVILE: Oh, no.

Hon. Mr. FOWLER: Without salary cost to the country, at any rate,—

Hon. Mr. DOMVILE: Oh, no.

Hon. Mr. FOWLER:—would undertake to perform this duty. I notice a supercilious smile on the face of the honourable Minister of Labour when I make that statement. I am surprised, I may say, that the honourable Minister of Labour should think of importing labour from abroad. Surely that is against the principles which he espouses. Surely this work should belong to the labourers of Canada. If there is any one who ought to resist an effort to bring outsiders into the country to perform the work and the labour of the country, it is the honourable gentleman who is the champion of labour, and its avowed advocate. Therefore I say I am surprised that he should treat with superciliousness the statement I make that there can be found within this Senate a commission of men who, in the interest of the country, without any remu-

neration to themselves, would gladly undertake the work of recasting or reorganizing the Civil Service of this country.

That the Civil Service needs to be recast and reorganized no one will deny. Even members of the Civil Service themselves—that is, certain members of it, men in the Civil Service who are devoted to the Civil Service and anxious to do their duty—will say it should be recast and reorganized. Let me tell honourable gentlemen of this House that there are a good many men in the Civil Service who are just as devoted to their duty, just an anxious to perform their services in the best interest of the country, as any man who sits within the walls of this Chamber.

Hon. Mr. DOMVILLE: And women too.

Hon. Mr. FOWLER: Yes, and women too. My always chivalrous friend from Rothesay (Hon. Mr. Domville) never forgets the women. I supposed the men embraced the women: that is why I did not mention them specially. There are in the Civil Service people who are faithful, patriotic, and anxious to do their duty; and in the Service there are drones, just as there are in a busy hive of bees; and it would be the duty of the Commission, or of anyone who was reorganizing the Service, to see that that should happen to the drones in the Service which happens to the drones in the hive.

Hon. Mr. DOMVILLE: They have large families: what more do you want?

Hon. Mr. FOWLER: Put them out of business; get rid of them. I say the country is not bound to support any man who is not wiling to work—and there are men in the Civil Service who are not willing to work. In making that statement I know that I lay myself open to be abused by a certain paper called The Civilian, which is not by any means civil.

Hon. Mr. DOMVILLE: Did I cast any slur on my honourable friend when I spoke of big families? I meant to say they were doing their duty to their country.

Hon. Mr. FOWLER: You did not say the ladies were raising big families. The ladies in the Civil Service are not allowed to raise big families; they have to get out of the Service when they start in the family business. I say I have absolutely no sympathy with the people in the Service who are not doing their duty and are not trying to perform the services for which they are paid; but I have every sympathy for the men who are doing their duty, who are devoted to the Service, and who, in some cases, are not receiving as much remuneration as they should and have the humiliation of seeing other men who are not doing their duty receiving larger remuneration than they.

Now, as I say, all this work of reorganization could be done by a committee of the Senate; but if the Government has not that confidence in the members of the Senate to lead them to pass that duty over to the Senate, I say they can find in this country, without going abroad, men with business ability and business acumen who can reorganize and recast these departments. We talk about Canada for Canadians; we talk about greater production in our industries; but the industry of raising men is as important an industry as we have, and if we raise men they must have employment, and we should protect that employment by not bringing men from abroad when we have at home those who are capable of doing the work.

The other day I quoted from the Classification to show that the Sergeant-at-Arms of the adjoining House was claiming authority over this Chamber, and in fact over the whole of the Parliament buildings. I read the Classification as it appears in the book. I understood that the different officials had been asked for a statement of their duties and what they did, and I supposed that course had been followed in this case. But the Sergeant-at-Arms of the House of Commons assures me that these men never asked him for a statement of what his duties were, nor of what duties he performed, and that this Classification was made up by them without his being consulted or asked about it, and that the first he knew of it was when he saw it in print. In the interest of that gentleman, Colonel Bowie, a gentleman for whom I have the highest respect, and considerable affection and regard, I am very glad to make this explanation. I criticized him and his conduct as I did because I thought he had presumed to take too much power to himself; and, although not long a member of the Senate, I for one am as jealous of the privileges of this House as even the honourable the senior member for Halifax (Hon. Mr. Power). I am just as jealous of any encroachment upon the rights of this body as if I had belonged to it for fifty years; and I simply make this explanation because I would not want the

opnion of honourable gentlemen to be prejudiced with regard to Colonel Bowie when he is not guilty of the offence with which I charged him.

I do not know whether or not it is the intention of the mover to press this motion to a vote. But I hope the Government will take notice of the temper of this body, at least with regard to this matter, and by that will be able to judge of the temper of the people of this country with regard to it; because I am sure it is not in accordance with the best Canadian thought or the best Canadian opinion, that the Government of the country should throw such a slight upon the business ability of the people of Canada as to intimate, by employing men from abroad that this work cannot be done properly and as it should be done by any one in this country.

Hon. JAMES DOMVILLE: I think there is a good deal in what my honourable friend has said. We have been loaded up. But you are not giving credit to the Cabinet. Have they not two leading members from Hartford, Connecticut, sworn in only two years ago and naturalized one in a very important position in England, exhibiting to the world that we are glad to have outside men conduct our affairs? Lots of people in this country could do the work, but it was thought by those who knew best that those two American gentlemen could teach the Cabinet and ourselves something. If you are going to put Americans into the Cabinet, and whitewash them and turn them into loyal British subjects, why cannot they come in another direction? Why limit them? My honourable friend talks about employing the Senate to do this work. I think the Senate is too hard-worked now; we are given too much work to do, and too little money for what we do. All these things come out in the washing; but at this late hour I am not prepared to find fault with anybody. I have too much experience. I am like the unjust steward in scripture. Take care of your position; make terms. However, if any good can come out of this debate, all right; but I do not suppose my honourable friend really intends to press his motion. No one ever reads what the Senate says, so it does not make much difference.

Hon. GIDEON ROBERTSON: Honourable gentlemen, without desiring to go into a detailed analysis of the question involved in the motion, it might be proper to refer briefly to one or two of the phases put before the House by the honourable gentleman from Assiniboia (Hon. Mr. Turriff) and the honourable gentleman from Kings and Albert (Hon. Mr. Fowler). I am sure the House has been pleased to listen to their views upon this important subject, as doubtless the people throughout the country will be to read what they have said. However, I desire to call attention to one or two things. First, the interpretation placed upon the Order in Council by my honourable friend from Assiniboia is quite contrary to the intent of the Order, at least so far as it relates to expenses being paid to the gentlemen engaged, outside of the retaining fee which is specifically mentioned in the Order, $10,000 a month, and certain railway fares when travelling to and from places in Canada in connection with their legitimate work. As I gathered, my honourable friend intimated that over and above that subsistance would be paid.

Hon. Mr. TURRIFF: The Order in Council says subsistence.

Hon. Mr. ROBERTSON: My honourable friend will find that he is mistaken. My honourable friend from Kings and Albert (Hon. Mr. Fowler) was pleased to make reference to a particular kind of smile as having been indulged in by me. I desire to assure him and the House that the smile was prompted by the remark that many would be glad to do the work without compensation, and not because of the reason which he was pleased to give.

With reference to the principle of reorganization in business, it is well known to honourable gentlemen that business concerns, and institutions such as our universities, have for many years gone outside of Canada when they wanted expert men for a purpose and such men were not obtainable in this country. As the honourable gentleman from Assiniboia points out, it would be at least a reflection upon the ability of individual men in this country to say that there was no one in Canada competent to undertake a task of this sort; but he quite overlooked the fact that in the reorganization of the various departments of government no one man is competent to deal with all the branches of the subject, and that an association such as we are negotiating with for this purpose is composed of specialists in many lines. As I pointed out the other day, in law firms you find half-a-dozen different men associated

together, for the purpose of carrying on legal practice. One is a specialist in criminal law; another is a specialist in another branch of law, and so on, and in the firm there is some gentleman who is particularly qualified to take care of any specific task which may be referred to that firm. Si it is when you engage a firm which has experts in every branch, whom they can assign to do a particular thing. The reason why at least eleven men are specifically mentioned in this Order in Council is that ther are at least that many different classes of specialists necessary to make up the organization, and an organization of that sort is not to be found in Canada.

Hon. Mr. BOSTOCK: What is the particular firm the Government is dealing with?

Hon. Mr. ROBERTSON: The Government, as I explained some few days ago, dealt with the Arthur Young Company.

Hon. Mr. BOSTOCK: It dealt with the Arthur Young company before, but now?

Hon. Mr. ROBERTSON: Griffenhagen and Associates, who were associated with Arthur Young and Company, are efficiency engineers, whereas Arthur Young and Company was originally a firm of expert accountants. While they are working in close affiliation, we dealt with Young and Company in regard to the reclassification; but in the other matter the negotiations have been with Griffenhagen and Associates instead of Arthur Young and Company.

Hon. Mr. BOSTOCK: Arthur Young and Company are not in any way responsible now if this arrangement goes through?

Mon. Mr. ROBERTSON: I think they are indirectly interested. The honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), who is not in his seat, urgently requested the other day that information should be obtained as to the nationality of Mr. Griffenhagen. At that time I assured the House that Mr. Griffenhagen was an American citizen, and I endeavoured to get information on that point, but he had left the city. I may say, however, that I am informed by the Civil Service Commission that Mr. Griffenhagen's father was born in the United States and was an American citizen. So it is quite unfair and unbecoming, I think, to endeavour to hitch up any German influences with this firm.

I will not further take up the time of the House in dealing with this matter, because I think, generally speaking, each of the points referred to to-day, and dwelt upon by the honourable gentlemen who discussed them, were dealt with when this matter was under consideration a few days ago, and that it would only be repeating largely what was said at that time. The Government have no desire other than to improve and render as efficient as possible, at as small a cost as possible, the necessary public service for the people of Canada, and it is believed that engaging the services of a firm of expert efficiency engineers who have men competent and skilled and experienced in the various lines of investigation that will have to be taken up, will be useful and beneficial to the Service.

Hon. J. S. McLENNAN: Honourable gentlemen, there are one or two phases of this matter to which I should like to draw the attention of the House. Whatever may be true of the ability of individual Canadians, or a group that might be got together ad hoc, so to speak, to deal with a particular question, there is no doubt that there is not in Canada any organization trained to carry out work of this particular kind. The example which has been given of printing does not apply. I am in entire sympathy with the mover of this motion in his statement that the committee of three expert master printers who investigated the Government Printing Bureau dealt with it adequately and, owing to their knowledge of local conditions, did the work better than it could have been done by any outsiders who might be brought in. But the art of printing in Canada is in a very high state. Canadian printing in all its departments is thoroughly good. The Printing Bureau was an isolated institution, not seriously larger than, possibly not so large as, the various printing establishments with which those three gentlemen were thoroughly familiar. But the Civil Service is an employment requiring special organized facilities and special experience to deal with, and local men have not such facilities and experience.

Objections have been made to the bringing in of persons from the United States to do this work. It is an accident that the United States, to a greater degree than any other country, have carried on the analysis of business methods in a formal, organized way, that can be applied from one industry to another. But the art of auditing and keeping accounts is one in which, notwithstanding the great size of that country, they are away behind England. The consequence is that all the principal firms of

auditors dealing with the great corporations of the United States are English firms, or rather branches of English firms established in the United States. The same is true of Canada. The people of the United States might well say: "Are we, a nation of 110,000,000 not more capable and more able than others? Why should we not have our own auditors?" That might be said, but it is not said. And if we can find in the United States persons who have made it their business to deal with this particular problem and who are dependent for their reputation upon their success in dealing with it, why should we not employ them? I do not see any reason. It is certainly a quicker method. Better results would be arrived at more speedily than if we had three or five Canadians volunteering their services, going to the United States, or to England, or France, and learning about the organization of the customs, the post office, etc., acquiring information which these experts now have at their finger tips. The application by Canadians of the principles followed in other countries might be just as good, but there is a great deal of time saved by employing the experts who now have the information. Whether you save money or not I am not prepared to say; nor am I dealing at all with the question whether or not this firm is the best available to do the work. I saw some of these gentlemen last year in connection with the committee of this House on the machinery of Government, and I am bound to say that in discussing with them various phases of government organization and administration I was very much impressed with the extent of their knowledge, and how they had that knowledge at their fingers' ends. What we in Canada want, I think, is the best we can get, wherever we can obtain it to the best advantage.

Reference has been made to what Canada did in the field. At the time the honourable leader of the House (Hon Sir James Lougheed) was in the Militia Department, we did not wait until some Canadian would invent a machine gun and Canadians would manufacture it. We bought the machine guns which our men needed, wherever we could buy them most quickly, and our troops, armed with them, gave a good account of themselves. When we want to get a compass for our ships we do not wait to get a compass made in Canada, although compasses will finally be made in Canada with skill; we buy the best we can get any place.

I think the impression ought not to go abroad that Canada is hostile to other countries, in hospital to persons brought here, or unwilling to do its share in the community of nations. Canada has contributed a great many men who have helped the United States, to their own advantage and to the advantage of Canada; and if we can get persons from the United States who are better than any others, or who are the most available, we certainly ought to utilize their services.

A great deal has been said about Government departments. I regret that the honourable leader of the House has not left for the moment, as I know that he is a modest man. We have now an absolutely new department of the Government which grew out of the Hospital Commission, with which I was actively connected, and I am perfectly certain that the honourable leader of the House as Minister of Soldiers' Civil Re-Establishment is in a position from day to day, or from week to week, to tell how the business of that department is carried on—its overhead cost, the cost of its medical services, the cost of administration, the number of persons that he has—as promptly as the head of any bank or railway or any industrial institution in Canada or the United States can tell about his business. The system has grown up from very humble beginnings. It grew up through the ability that Sir James brought to it, the way in which his staff was selected, and the loyalty of that staff. But Sir James did not hesitate when there were any question of organization. His department has a perfect system of accounting, a system the sheets of which I took over to England two years ago, when I had the honour to represent the Commission at an international conference. There was no nation represented there that had anything to compare with them. The perfecting of that system was brought about largely through the fact that from time to time, whenever it was necessary, Sir James employed an expert on accounting, on organization, on administration. He found an accountant who was, I think, a Canadian, but had got most of his experience in the larger field of the United States. A great part of the success of the department is due to the intelligence with which Sir James selected the best men for it, instead of trying to have the work done by amateurs.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I do not wish to take up the time of the House much longer, but there are in this question one or two things that should be referred to. My honourable

friend who has just taken his seat has alluded to the one department which has nothing to do with the Civil Service Commission. We all give the honourable leader of the Government in this House (Hon. Sir James Lougheed) great credit for the work he has done for the country, but I do not think my honourable friend's remarks are pertinent to this particular case, for the very reason that the Department of Soldiers' Civil Re-Establishment does not come under the Civil Service Commission.

The honourable Minister of Labour (Hon. Mr. Robertson) has referred to the situation as he sees it, but I do not think he has given to the House a clear understanding of the situation as it exists. First of all, when this question was up before, the Civil Service Commission made an arrangement with the Arthur Young Company, of Chicago, to undertake the work for them.

Hon. Mr. ROBERTSON: My honourable friend will pardon me. I fear that he is confusing the reclassification which the Arthur Young Company were engaged to do with the reorganization which is now being undertaken. He is regarding them as being the same, whereas they are two separate and distinct matters.

Hon. Mr. BOSTOCK: I understood that they made an arrangement with the Arthur Young Company to do the reclassification work for them. The Arthur Young Company, I understand, is a firm of some repute in Chicago. The Civil Service Commission made arrangements with that company, who sent their officials here to carry out the work. I understand that Mr. Griffenhagen was one of their head officials, and made periodical visits here, representing the firm and overhauling the work that was being done. He had power to get rid of men if he thought they were not doing the work properly; or he had power to put men at different work; or he had power to take them away and send them to the States if necessary. I understand that when the Civil Service Commission was negotiating with the Arthur Young Company—the minister can correct me if I am not rightly informed—that company, after considering the matter, said they would be able to do the work in about five months and the cost to the country would be about $12,000. But we now find that the Arthur Young Company took about two years to make the reclassification, and it has cost about $150,000. I do not know what other honourable members of this House may think; but the fact that the officials of the Arthur Young Company were so far astray in their estimate as to the time the work would take, and how much it would cost, does not give me confidence in them. As the minister has stated, the Arthur Young Company are a firm of chartered accountants, and Mr. Griiffenhagen and his associates were the members of that company who looked after the industrial efficiency work; but, as I understand, the present position, if the Government make an arrangement, it is with Griffenhagen and Associates, who are no longer members of the firm of Arthur Young & Company. Therefore I think the minister should tell us what responsibility these men have behind them. Nobody up to the present moment knows anything further about them than that Mr. Griffenhagen has been an official of the Arthur Young Company, and that he has disassociated himself from that company. What if Mr. Griffenhagen and his associates fail to carry out their contract? That is a rather important point, and one on which we should have some information from the Minister.

Furthermore, the Civil Service Commission found it necessary to appoint a committee to deal with the classification that had been made by the Arthur Young Company and was submitted to the House last session. The total number of classifications contained in the volume was about 1,500, and the committee appointed by the commission to deal with them has had to insist that about 300, or one-fifth of the total, should be changed, and there are many more classifications to be considered and altered. It does not look as if the classification work was very satisfactory. So much for the work of the Arthur Young Company.

The other question I want to raise is: under what authority did the Government find that they could take this action at all? When the Civil Service Bill was brought down in 1918 it was held forth to the country that the Civil Service Commission would be independent of the Government and the members; that its members would be removable only by address of both Houses of Parliament; that patronage in that way would be abolished and the Civil Service dealt with on business lines, free from all outside influences, which honourable members, both in this House and in the House of Commons, felt had been a great detriment to the Service in years gone by. It was stated that by putting the whole matter in the hands of a commission

it would be possible to build up a proper Civil Service on business lines and to make it thoroughly efficient. In Part I of the Civil Service Act, clause 3 deals with the appointment of the commission, and clause 4 deals with its duties. Paragraph c of clause 4 says that one of the duties of the Commission shall be:

(c) to report upon the organization or proposed organization of the departments or any portion of any department or of the civil service, and upon any proposed change in such organization.

Then paragraph d says:

(d) to obtain the assistance of competent persons to assist the Commission in the performance of its duties.

I consider that when we passed that Act we put the whole organization and reorganization of the departments in the hands of the Civil Service Commission. I can find in the Act of Parliament nothing that gives the Government power to set aside the Act and the Civil Service Commission or to override them by Order in Council. During the war the Government had on the statute book the War Measures Act, which enabled them to override Acts of Parliament and to do all sorts of things by Order in Council; but the War Measures Act has been repealed and we have now got back, I hope, to the position in which an Act of Parliament represents the law of the land. The Government must abide by Acts of Parliament just the same as any member of this House or any individual in the country. I do not see that there is anything in the Civil Service Act which permits the Government to pass an Order in Council such as that which I read to the House the other day, taking the organization of the service entirely out of the hands of the Civil Service Commission, as it is evidently the intention to do under this Order in Council, and proceeding to reorganize the service without any reference to the Commission. I think that the Government should explain the situation to the House and show where they derive authority to act as they have done.

Hon. J. D. TAYLOR: Honourable gentlemen, I would like to go on record as being in favour of the principle laid down in this resolution, particularly as it appears from all the information obtainable up to the present that the members of the Government as a whole are not posted as to what has been done with this firm who have been brought in to reorganize our service. It seems to me that through too sublime a confidence in advisers they are being led somewhere they ought not to be led. As I see it, the initial mistake was made when the Government permitted the Civil Service Commission to go outside the authority confided to them by Parliament, so far as that authority was expressed, and, as the honourable leader on the other side (Hon. Mr. Bostock) has just said, to transfer to some gentlemen from Chicago the duty which Parliament had entrusted to them. It seems to me that when the Civil Service Commission were given charge of the outside service in Canada it was essential for them, in order that they might intelligently administer that service, to make themselves familiar with the conditions of the Service throughout the country. I know it was the confident expectation of the members of the Service outside the city of Ottawa that they would do so. Instead of that, we find the Civil Service Commissioners taking no steps to post themselves, but entrusting the duty of getting in touch with the Outside Service solely to a body of strangers coming to Canada for a temporary purpose, as represented to us, and, even though strangers, being at no pains to make themselves personally acquainted with the conditions in the Canadian Service.

I speak as a business man with some knowledge of and experience in the management of affairs when I say the result is precisely what any business man might have expected—that these strangers did not make a proper classification of the outside service; hence it became necessary to continue their services in order to correct and apply that classification, and there is no evidence up to the present time that anything like a complete job has been made or that the classification will be of permanent value to the Service in Canada. The other day I read in a newspaper which is held in respect wherever it is known in Canada, that the action of the Civil Service Commissioners and of the Government now in entering upon the transaction referred to in this resolution, is making of the Service "a collection of atrophied automatons." It seemed to me that the description very accurately fitted the case, and that, instead of having entered upon an era of Civil Service reform or improvement, of which we have been talking lately, we are going as far as the legislative authority can go to paralyze the Civil Service and reduce it to a level of absolute inefficiency. I find the opinion expressed in this resolution:

That, in the proposed reorganization, men of expert ability of a high order can be

secured in Canada, who are capable of doing this work in a thoroughly satisfactory manner.

I have no authority to speak for the gentlemen whom I propose to mention, but it is my opinion that if the Government would give similar authority to that conferred upon the firm of Arthur Young & Company in connection with the recent Printing office investigation, to the permanent heads of the two departments now about to be reorganized—the Deputy Postmaster General and the Commissioner of Customs—they would be found to be much more capable than the whole of the eleven experts combined. Those experts are to be put upon this job, if Parliament sanctions the contract, at what seems to me a most improvident bargain. They are to be paid $10,000 per month, or an average of close to $1,000 per month per man for eleven men whom we do not know; whose very names we cannot get, no matter how diligently we apply for them; the details of whose accounts while in the employ of the Civil Service Commission we cannot obtain—because I myself have applied for them here. Knowing that the return made to the Senate did not begin to cover the emoluments received by these strangers for their services in Canada, but only covered one head of it, I placed a motion on the Order Paper which might have been answered in two days, because I am sure the accounts were audited and added up; but last Session passed without any return being made, and this Session has thus far passed without any return. I am satisfied that the firm of Arthur Young & Company ran absolutely out of control while in the employ of the Civil Service Commission; that they had that Commission, and through them the Government, at their mercy; and that if this contract be permitted to be completed—if it is not completed yet, and no one will admit that it is completed—the new firm will run absolutely out of control in this service, and that we will have, as a result, just as little efficiency as we received from the classification, and even a larger bill.

Something has been said about the reorganization of the Printing Bureau. I think it was the Minister of Labour who told us the other day that we would save from $500,000 to $700,000 a year because of that reorganization; and I wondered at the Minister's complacency when he told us that.

Hon. Mr. ROBERTSON: May I correct my honourable friend? I read from the Order in Council; they are not my figures.

Hon. Mr. TAYLOR: I think it is significant, honourable gentlemen, that when figures which, I believe, are in the Order in Council upon which this proposed appointment is based, are quoted in this House, they are repudiated by the responsible Minister, who is one of the sub-committee of the Cabinet.

Hon. Mr. ROBERTSON: I beg my honourable friend's pardon; they are not repudiated; I believe them to be true; but the honourable gentleman stated that they were my figures, and nobody else's, and that is not the case. The figures are correct, I believe, but I did not compile them, and did not announce them on my own responsibility as being a statement of a fact.

Hon. Mr. TAYLOR: The Minister did not compile them, honourable gentlemen, neither does he endorse them.

Hon. Mr. ROBERTSON: I just did endorse them.

Hon. Mr. TAYLOR: The Minister does endorse them now. A few minutes ago he took occasion to stop me to say that they were not his figures. The mystery, it seems to me, deepens. As I am speaking from recollection, it seems to me those figures were presented to the House as the figures of the sub-committee of the Cabinet, of whom the Minister of Labour was one, who advised their colleagues in Council to appoint these gentlemen to reorganize the Civil Service because of what they had done at the Printing Bureau. Now, I was proceeding to say that I wondered at the complacency of a Minister in telling this House that we were to save $500,000 a year, or $700,000 a year, through the reorganization of the Printing Bureau; because as far back as I can remember the condition of the Printing Bureau has been known to every person interested in the subject. Two years ago an expert committee of master printers made a detailed report showing what could be done with the Printing Bureau if the Government applied itself to the task; and though what could be saved is estimated at $500,000 to $700,000, we are given no explanation why two years were allowed to pass before this thing was done. Honourable gentlemen, that means a direct loss to this country, since the Bureau was officially reported on, of from $1,000,000 to $1,400,000—which, even in these days of $800,000,000 budgets, is not a sum of money to be despised. If the answer be that it took any long period of consideration on

the part of these experts to arrive at the knowledge of what to do in the Printing Bureau, I will say, with the authority of one who does know the printing business, that any master printer, if given authority, could have reorganized the Printing Bureau in one week and that it was not necessary to pay any large sum of money to any body of experts to secure what has been secured there. I am informed, on what I think is very good authority, that the results we got at the Bureau did not come from those experts; that their suggestions, when first presented, were very crude indeed, and almost impossible; and that it was only the brains supplied to them by officials administering the Printing Bureau that brought about the measure of reform that we have there now. It seems to me cruel, honourable gentlemen, that a recommendation involving this further huge expenditure should be made, without any inquiry, without even the knowledge of the Minister responsible for reporting to Council, without any precautions whatever to see what we are going to get for our money. The proposed expenditure is $10,000 a month, sure, for salaries, with probably an equal amount for travelling and subsistence allowance—which the Minister of Labour thought did not exist, until the Order in Council was produced—and also a very large amount in salaries of assistant clerks, in rents and other expenses, representing an expenditure of a quarter of a million dollars a year for an indefinite number of years. It seems to me cruel that that should be entered upon in this haphazard way, without any real knowledge on the part of the Government as to where this step is leading us.

Now, in all sincerity I would urge upon the representatives of the Government in this House that this matter should not be allowed to proceed without Parliament having an opportunity of voting upon it. There is no urgency connected with a contract of this kind, which is just about being entered upon by Order in Council, without the matter being formally laid before Parliament for adoption—or rejection, which I think it is not impossible would be the effect of the proposal if laid before Parliament in broad day, and I would suggest to this House, and particularly to the representatives of the Government in this House, the wisdom of considering whether or not really efficient servants, as we know them to be in their Departments, like the Deputy Postmaster General and the Commissioner of Customs, are not capable of reorganizing these services, if given authority to do so, much more capably than any body of strangers who could possibly be engaged.

The motion of Hon. Mr. Turriff was agreed to on the following division:

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Honourable Messieurs

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Bostock,	Pope,
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Cloran,	Ratz,
David,	Roche,
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McLean,	Webster (Brockville).
	—10.

INLAND REVENUE BILL.

FIRST READING.

Bill 178, an Act to amend the Inland Revenue Act.—Hon. Sir James Lougheed.

DIVORCE BILL.

FIRST READING.

Bill F5, an Act for the Relief of Frank Cox.—Hon. Mr. Mitchell.

SICK AND DISTRESSED MARINERS.

THIRD READING.

Bill 127, an Act to amend the Canada Shipping Act. (Sick and Distressed Mariners), as amended.—Hon. Sir James Lougheed.

YUKON PLACER MINING BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 162, an Act to amend the Yukon Placer Mining Act. Hon. Mr. McLennan in the Chair.

Section 1 was agreed to.

On subsection 1 of old section 91—lease to prospects for gold, etc.:

Hon. Sir JAMES LOUGHEED: There is a short amendment that I desire to have made in this section. Strike out the word

"gold" in line 14, and insert the words, "the purposes of placer mining". The section will then read:

The Gold Commissioner may grant a lease to prospect for the purposes of placer mining, as defined in this Act.

Hon. Mr. BOSTOCK: What is the definition in the Act?

Hon. Sir JAMES LOUGHEED: Placer mining is very well known. This was overlooked in the Commons.

Subsection 1 of old section 91, as amended, was agreed to.

Subsection 2 of old section 91 was agreed to.

On subsection 3 of old section 91—application:

Hon. Sir JAMES LOUGHEED: I may say that I went over this with the honourable gentleman from Moosejaw (Hon. J. H. Ross), and he quite approved of the legislation.

Hon. Mr. BOSTOCK: I see that in the original Act there are different kinds of claims—a discovery claim of 1,500 feet, a claim of 1,000 feet, and another kind of claim of 500 feet. In reading this Bill it is not quite clear as to what is intended in regard to these old grants. As my honourable friend will see, an application for a lease of abandoned ground has to be made. Under subsection 6 the rental is $25 per mile; then under section 8 it says that a lessee may take out placer mining claims to the full extent of his lease. Subsection 8 refers to clause 25 of chapter 64 of the Revised Statutes; and on looking at that clause I find that it simply deals with the form of claims, the line between posts to be cut out, the number of post, etc. I was wondering if there had been an oversight in any way.

Hon. Sir JAMES LOUGHEED: He can take the whole of the five miles.

Hon. Mr. BOSTOCK: That is only for the purpose of the lease, for three years.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: When he comes to stake out the claim—

Hon. Sir JAMES LOUGHEED: He can take a prospecting lease. A person acquiring such a lease may before the termination thereof stake and acquire under the provisions of the Act whatever portion he desires of the area of abandoned ground covered by his lease or in a case of virgin ground he may within the same time stake out and acquire a discovery claim comprising a portion of his leasehold; that is, an area equal to three claims of the ordinary size. Under the present Act the largest area of mining rights which may be included in one claim is about 23 acres; that is, a tract of 500 feet by 2,000 feet. A person having recorded such a claim has not the right to record another claim within the valley of the same creek or river within 60 days from the date of locating the said claim. As to the particulars, I really do not know more than I have stated. This has been very carefully drawn by the Mines Branch.

Hon. Mr. BOSTOCK: Of course the advantage that the man has is that he can stake out the whole of the 5 miles if he is on old ground.,

Hon. Sir JAMES LOUGHEED: Yes. The area must be an abandoned area; that is, not a virgin area at all. Apparently he stakes out in the manner prescribed in section 25 of the Act.

Hon. Mr. BOSTOCK: That only prescribes the manner of staking out; it does not prescribe the size of the claim.

Hon. Sir JAMES LOUGHEED: He would be entitled to the largest, I suppose, so long as it did not exceed the 5 miles.

Hon. Mr. BOSTOCK: It does not matter what the size of the claim is.

Subsection 3 was agreed to.

Subsections 4, 5, 6, and 7 were agreed to.

On subsection 8—lessee may stake out placer mining claims:

Hon. Sir JAMES LOUGHEED: In line 44, of this subsection, I wish to insert the words, "form prescribed by," immediately preceding the words "schedule A." The Commons omitted to incorporate into this Bill these schedules.

The amendment of Hon. Sir James Lougheed was agreed to, and subsection 8, as amended, was agreed to.

Subsections 9 to 11, inclusive, were agreed to.

Hon. Sir JAMES LOUGHEED: moved that section 3 be added to the Bill.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED moved that section 4 be added to the Bill.

The amendment of Hon. Sir James Lougheed was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

CUSTOMS TARIFF BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 156, an Act to amend the Customs Tariff, 1907. Hon. Mr. McLennan in the Chair.

On section 2—schedule A amended:

Hon. Sir JAMES LOUGHEED: As I have previously explained, the purpose of this section is to put on the free list books, stereotypes, electrotypes, typewriters, etc., as described in the schedule.

Hon. Mr. BOSTOCK: Apparently item 172 and item 483 were dutiable before?

Hon. Sir JAMES LOUGHEED: Yes; they are now put on the free list.

Section 2 was agreed to.

On section 3—duties reduced:

Hon. Sir JAMES LOUGHEED: Section 3 proposes taking off the 7½ per cent, and the 5 per cent on the preferential tariff.

Section 3 was agreed to.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

BUSINESS PROFITS WAR TAX BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

Hon. Sir JAMES LOUGHEED moved that the Senate go into committee on Bill 157, an Act to amend the Business Profits War Tax, 1916.

Hon. Mr. BOSTOCK: Would my honourable friend let that stand? We have a rather thin House.

Hon. Sir JAMES LOUGHEED: I have Mr. Breadner here, and he is a very busy man just at present. If after we go into committee there is any explanation that is not quite clear to my honourable friend, I am perfectly willing to let the question stand.

The motion was agreed to, and the Senate went into Committee on the Bill. Hon. Mr. Blain in the Chair.

On section 1—amount of tax changed:

Hon. Sir JAMES LOUGHEED: As honourable gentlemen will see this reduces the taxation under the Business Profits War Tax Act. By subsection 2 we are exempting 10 per cent instead of 7 per cent. The tax at present commences at 7 per cent; hereafter it will commence at 10 per cent. In the next paragraph 10 per cent supersedes 7 per cent, and 20 per cent as mentioned there supersedes 25 per cent; that is to say, there shall be paid a tax equal to 20 per cent of the profits, whereas to-day we are imposing a tax of 25 per cent. In the next paragraph:

> **Upon any such profits exceeding 15 per centum per annum and not exceeding 20 per centum per annum upon the capital employed, there shall be paid a tax equal to 30 per centum of such profits.**

Thirty per cent takes the place of 50 per cent. That is to say, we are to-day imposing a tax of 50 per cent, and hereafter it will be only 30. The next paragraph imposes a tax of 50 per cent in place of the 75 per cent charged at present. In the following paragraph 60 per cent is imposed in place of 75 per cent. In the next subsection 20 per cent is substituted for 25. So it will be seen that the policy of the Government is gradually to lessen the tax until we reach a minimum.

Hon. Mr. BOSTOCK: Did my honourable friend refer to subsection 3, dealing with the capital of the business, as well as to subsection 2?

Hon. Sir JAMES LOUGHEED: I was just explaining clause 1.

Hon. Mr. BOSTOCK: The whole of clause 1?

Hon. Sir JAMES LOUGHEED: Yes, the whole of the clause, mentioning the amounts that will supersede the present rates.

Hon. Mr. BOSTOCK: But under subclause 3, referring to any business capital which is not less than $25,000, and not more than $50,000, the only tax is that of 20 per cent on the profits?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: There is no graduated scale in that case, as there is in the other?

Hon. Sir JAMES LOUGHEED: No; but the tax has heretofore been 25 per cent. Then, under the final subsection, subsection 4, we make clear the interpretation to be placed on section 5 of chapter 11 of the statutes of 1916, which is at present somewhat involved. A business engaged in manufacturing or dealing in munitions of war comes under the tax.

Hon. Mr. BOSTOCK: Was it not subject to the tax before?

Hon. Sir JAMES LOUGHEED: Yes. This simply carries out the policy followed before.

Hon. Mr. BOSTOCK: Making the provision rather clearer?

Hon. Sir JAMES LOUGHEED: As my honourable friend will see, the previous legislation is very complicated. There was some doubt as to its meaning. The purpose of this subsection is to clear up the statute on this point. Section 5 of chapter 11 of the statutes of 1916, the clause under which that tax was imposed, reads:

> 5. The businesses to which this Act applies are all trades and businesses (including the business of transportation) of any description carried on, or partly carried on, in Canada whether continuously or not except:—
>
> (a) the business of any person the capital employed in which has been throughout the accounting period less than fifty thousand dollars, other than a business which or twenty per centum or more of which, is or has been the manufacturing or dealing in munitions of war or in materials or supplies of any kind for war purposes...

I read that clause and found it difficult to arrive at its meaning. Subsection 4 of the present Bill makes it much clearer. That is to say:

> —a capital of less than $50,000, if 20 per centum or more of such profits have been derived from the manufacture or dealing in munitions of war or materials or supplies of any kind for war purposes—
>
> —such a capital becomes subject to the tax.

Hon. Mr. BOSTOCK: Under subsection 3 any business with a capital of less than $50,000 is subject to a 20 per cent tax.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Why is this necessary at all? Why should this distinction be made as to the profits?

Hon. Sir JAMES LOUGHEED: Because there was in the former Act an exception as to manufacturing or dealing in munitions of war. It was intended that if on the capital invested there was a profit of 20 per cent derived from the manufacture of or dealing in munitions, the capital should become subject to the tax.

Hon. Mr. BOSTOCK: That was previously?

Hon. Sir JAMES LOUGHEED: Yes, previously, but the provision was expressed in such involved language that there was a serious doubt as to its meaning. This subsection elucidates the meaning. The tax has been imposed on this class of business right along, but there has been a question as to whether the language of the Act warranted the collection of the tax on such business.

Hon. Mr. BOSTOCK: But, as the matter stands now, I am not quite clear as to why this subsection is needed at all. Would not the whole matter be covered under subsection 3?

Hon. Sir JAMES LOUGHEED: No; because there is an exemption of 20 per cent, if less than 20 per cent of the profits were derived from the making or manufacturing of munitions, the business would be exempt. That class of business has always been exempt up to 20 per cent, it was taxable only if the profits exceeded 20 per cent.

Hon. Mr. BOSTOCK: But the capital will not be taxable if the profits are under 20 per cent?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: Well, this is the same as subsection 3 of the Bill, is it not? It seems to me that the same result would have been arrived at if you had repealed the legislation of 1916.

Hon. Sir JAMES LOUGHEED: No; because doubt would still have existed as to what was the meaning regarding the 20 per cent of profits arising out of the manufacture or dealing in munitions of war.

Hon. Mr. BOSTOCK: Have the Government still to collect taxes under this Act of 1916? I suppose that is what it means.

Hon. Sir JAMES LOUGHEED: Yes, any tax still unpaid. There has been a doubt as to whether we were entitled to collect a tax on this class of business or not. Now we want to make the matter perfectly clear so that the boubt cannot continue, particularly in regard to those businesses that have not paid the tax.

Hon. Mr. BOSTOCK: The only remark I have to make to the Government about this clause is that in the interest of the country it is probably wise to be reducing

the taxation, but I think it would have been very much more in the interest of the country to base the tax on the profits made out of a business rather tan to tax the dividends, as this really does. As I understand it, the difference between the way that this tax is collected in England and the way it is fixed in this country is that there they take so much per cent of the profits of a business without any reference to the amount of capital invested in it; but the system under which we have acted is to tax the profits according to the dividends they represent on the capital. Then we have a graduated tax instead of a fixed tax. The result is that a man who has a business with a small amount of capital, but who through his energy and enterprise manages to make considerable profits, is taxed much more highly than a man who is not so energetic and enterprising, and who does not make such large profits in his business.

Hon. Sir JAMES LOUGHEED: But this catches him both ways; that is what we are after. As it is a disappearing tax, there is no need of departing from the policy. I might also point out to my honourable friend that in England they do not seem to have met with any greater satisfaction in the imposition and collection of the tax than we have.

Hon. Mr. BOSTOCK: It is not so much a question of collection of the tax; it is to what extent it interferes and prevents enterprise in business.

Hon. Sir JAMES LOUGHEED: I do not think it has prevented anything in Canada.

Hon. Mr. BOSTOCK: Perhaps that is hardly worth discussing at the present time.

Section 1 and 2 were agreed to.

On section 3—capital in case of merger of companies:

Hon. Sir JAMES LOUGHEED: This is simply to prevent water in stock of any companies that may enter into a merger. It places the merging companies in the same position as they occupied under the previous legislation, and gives them the advantage of any increase of capital which may be employed in connection with the business. It is simply to exclude anything like watered stock.

Hon. Mr. McLENNAN: I take it that it is actual capital?

Hon. Sir JAMES LOUGHEED: Yes, actual capital.

Hon. Mr. McLENNAN: Some one called my attention to the fact that it is made retroactive to 1916.

Hon. Sir JAMES LOUGHEED: Yes, because all those companies are still liable for more or less of the tax which has not yet been collected. It can only apply to a company that has not paid its tax, or a merger or group of companies that have not paid their tax.

Hon. Mr. BOSTOCK: But in making this retroactive is the Government going to tax companies more than they were taxed before?

Hon. Sir JAMES LOUGHEED: No; the law as it is to-day on the statute book will apply to those companies that have not yet paid up. We must necessarily protect ourselves as to those.

Hon. Mr. BOSTOCK: Supposing, in the case of a merger, that two or three companies have been merged, one with a capital of a million, another with two millions, another with three millions, and the one with a capital of a million has a reserve say of another million; if, in making the merger, that reserve is taken in and stock is issued to the members of that company so that it practically brings the amount up to two millions, then they are going to be taxed?

Hon. Sir JAMES LOUGHEED: Yes, that is part of the capital, under the Act.

Hon. Mr. BOSTOCK: But that will work a hardship. The reserve has not been taxed as capital up to the present, I understand.

Hon. Sir JAMES LOUGHEED: Oh, yes.

Hon. Mr. BOSTOCK: The reserve was taxed as capital before, as well?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: So that there will not be any further taxation under this?

Hon. Sir JAMES LOUGHEED: No.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

Hon. Sir JAMES LOUGHEED: With the consent of the House I would like the third reading now.

Hon. Mr. BOSTOCK: Could not my honourable friend let this stand until to-morrow? There are very few members in the House.

Sir JAMES LOUGHEED: Very well.

The order stands.

PENITENTIARY BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 138, an Act to amend the Penitentiary Act. Hon. Mr. Watson in the Chair.

On section 1—Minister to have power to make regulations for administration, etc., of penitentiaries:

Hon. Sir JAMES LOUGHEED: This section has to do with the making of regulations.

Hon. Mr. BOSTOCK: Who is it that has the power?

Hon. Sir JAMES LOUGHEED: The difficulty now is that, owing to the removal, to some extent, of the Ministerial authority over the employees of the penitentiary, certain authority vests in the Civil Service Commission, and it is necessary that there should be some Ministerial administration by way of regulation, etc. That is to say, it will be by the Minister of the Department in charge of the penitentiaries, who at the present time is the Minister of Justice.

Hon. Mr. BOSTOCK: It is simply providing for that condition?

Hon. Sir JAMES LOUGHEED: Yes.

Section 1 was agreed to.

On section 2—wardens and deputy wardens to be appointed not for particular penitentiary:

Hon. Sir JAMES LOUGHEED: The warden is appointed for a particular penitentiary, and it is desirable that the warden and deputy warden should be appointed subject to transfer to any point. That is the object of this section.

Section 2 was agreed to.

On section 3—schedule of salaries repealed:

Hon. Sir JAMES LOUGHEED: This is for the purpose of giving effect to the reclassification.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

CANADIAN NATIONAL RAILWAYS BILL.

CONSIDERED IN COMMITTEE— PROGRESS REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 141, an Act respecting Canadian National Railways. Hon. John Webster in the chair.

On section 1—short title:

Hon. Mr. BOSTOCK: We might congratulate the Government on providing a short title to the Act they passed a year ago.

Hon. Sir JAMES LOUGHEED: It is never too late to receive congratulations.

Section 1 was agreed to.

On section 2—lines of railway authorized:

Hon. Mr. BOSTOCK: Has my honourable friend a map so that he could explain to the members of the Senate where these lines are? We are in the habit of having a map, to see what we are doing.

Hon. Sir JAMES LOUGHEED: These have already been authorized by statute, as I understand.

Hon. Mr. BOSTOCK: I thought we were extending them somewhat.

Hon. Sir JAMES LOUGHEED: No; this is for the purpose of constructing and operating. I think the legislation is already on the statute book.

Hon. Mr. BOSTOCK: Does my honourable friend know the length of these different roads?

Hon. Sir JAMES LOUGHEED: These went to the Railway Committee in the Commons, apparently. No, I know nothing about them. This was referred to the Railway Committee in the ordinary way. Those would be just the same as if the applicant came before Parliament for charters for building the roads.

Hon. Mr. BOSTOCK: He wants to build a new branch? When the Canadian Pacific made application the other day to build a new branch we had a map before the Committee; so we could understand what we were doing. I do not think any honourable gentleman can understand what we are doing at present until a map is put before them.

Hon. Sir JAMES LOUGHEED: I am satisfied to have the Bill go to the Railway Committee.

Hon. Mr. WATSON: I think it would be a good idea, because this is a matter for con-

ference with the Railway Committee of the House of Commons.

Hon. Sir JAMES LOUGHEED: I move that the Committee rise and report progress and ask leave to sit again to-morrow.

Progress was reported.

PICTOU HARBOUR BILL.

SECOND READING.

Hon. Sir JAMES LOUGEED moved the second reading of Bill 121, an Act respecting the Harbour of Pictou in Nova Scotia.

He said: The object of this Bill is to transfer the harbour of Pictou from the Harbour Commissioners of Pictou to the Public Works Department. The property at present is apparently vested in or owned by the Harbour Commissioners of Pictou, and the revenues from the harbour are so inadequate as to make it desirable that the Government should take it over. Consequently the Government is taking it over and putting it in the Public Works Department.

Hon. Mr. BOSTOCK: Will my honourable friend be able, when we go into Committee, to give us a statement of the obligations and liabilities that we are going to assume by taking this over?

Hon. Sir JAMES LOUGHEED: Yes, I shall try to get that to-morrow. I fancy we are already liable for them.

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

The Senate adjourned until to-morrow at 2 p m.

THE SENATE.

Tuesday, June 22, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILL.

FIRST READING.

Bill G5, an Act for the relief of Joseph Dubé.—Hon. R. S. White.

YUKON PLACER MINING BILL.

THIRD READING.

Bill 152, an Act to amend the Yukon Placer Mining Act, as amended.—Hon. Sir James Lougheed.

Hon. Mr. WATSON.

CUSTOMS TARIFF BILL.

THIRD READING.

Bill 156, an Act to amend The Customs Tariff, 1907.—Hon. Sir James Lougheed.

BUSINESS PROFITS WAR TAX BILL.

THIRD READING.

Bill 157, an Act to amend The Business Profits War Tax Act, 1916.—Hon. Sir James Lougheed.

PENITENTIARY BILL.

THIRD READING.

Bill 138, an Act to amend the Penitentiary Act.—Hon. Sir James Lougheed.

DIVORCE BILLS.

SECOND READINGS.

Bill C5, an Act for the relief of Muriel Curren Gilmour.—Hon. Mr. Blain.

Bill D5, an Act for the relief of Marie Jeanne Yvonne Albertine St. Amour Lallemand.—Hon. Mr. Fisher.

THE NEW PARLIAMENT BUILDINGS.

CHIME OF BELLS FOR THE TOWER—REPORT OF SPECIAL COMMITTEE.

Hon. GEORGE H. BRADBURY moved concurrence in the Second Report of the Special Committee appointed to inquire into the cost of the installation in the Tower of the Parliament Buildings of a first-class carillon in connection with a clock.

He said: In moving the adoption of this report I desire to read one clause:

> In the opinion of the Committee it is very desirable that a Carillon, to be called "Memorial Bells," should be installed in the tower of the Parliament Buildings. As to the expenditure to be made in connection therewith, and the selection of the most suitable type of bells, your Committee recommend that these matters be left to the decision of a Committee composed of members of the Senate and House of Commons and the Architect, said Committee to be named by the Government.

I feel that something ought to be added in the way of a brief statement, so that the House may have all the facts that can be given at this time. In the first place, I desire to say that every avenue where reliable information could be had regarding the cost and quality of the carillon has been thoroughly investigated in order that your committee might be able to lay before this honourable House an intelligent and reliable report as to the likely cost of a first-class carillon suitable for the purpose which is contemplated. As the report indicates, we have an estimate from John Taylor & Company, of Loughborough, England. This is

one of the oldest and most reliable firms of bell founders in the world, which has installed many very fine carillons throughout the United Kingdom and in Belguim. That the House may be apprised of the facts in the possession of your committee, I will read two letters and a cablegram which I have received from this company. After the House empowered the committee to proceed in the matter, the committee cabled to John Taylor & Company, Loughborough, England, as follows:

John Taylor & Company, Loughborough.

Committee of Senate appointed to investigate wisdom of installing in new tower Parliament Buildings here first-class carillon. Can you submit suggestion likely cost, space required, any information necessary to an intelligent understanding? Committee sitting daily.

Bradbury, Chairman Committee.

To this I received the following reply, addressed to myself:

Bradbury, Chairman, Committee of Senate, Ottawa, Canada.

Recommend grand carillon four octaves chromatic, forty-nine bells; weight of largest, sixteen thousand pounds; note F perfect tone and tune; total cost, including freight and fixing in tower, at present prices, forty thousand pounds exclusive duty; inside space twenty-five to thirty feet square.

Taylor.

In a letter from John Taylor & Company, confirming their cablegram, they say:

The carillon which we have advised is that which we feel would be in character with the importance of its position.

It will be noted that we state in our cable that the internal size required for the bell-chamber is 25 to 30 feet square. The carillon we propose could be installed, however, in a tower of somewhat less size than 25 feet, but we have always found that the musical effect produced from the bells is the more pleasing the larger the bell-chamber, within reason.

If we may venture to trouble you, we should be very much obliged if you could kindly have a plan and elevation of the tower sent to us.

The carillon for the new City Hall of Rotterdam, which is now nearing completion in our foundry, consists of forty-nine bells, four octaves chromatic, with largest 9,000 lbs., note A flat, and here the quarters will be simple, just a few notes—the intention of the carillon being for artistic bell-music to be played by the clavecinist.

I think that is all it is necessary to read from that letter; but I have from the same firm a subsequent letter, which I think ought to be placed on Hansard in full. This is dated May 19th, and is addressed to myself:

We are very much obliged for your kind letter of the 24th ult.

(This was not delivered here until Sunday, the 16th inst., which appears to us a very long time for delivery.)

We thank you also for the copy of the Hansard enclosed, which we have read with much interest.

We received of course your cablegram first, on the 1st inst., and we hope that you received our reply cable in due course and that our letter of 3 May, confirming this, is delivered by now, or will soon be delivered.

As we have said in that letter, we shall be able to advise so much better as to the most suitable carillon when we have details of the tower, plan, elevation, etc., and we should be glad to be permitted to advise as to the arrangement of the tower as regards the position of the bells in relation to the window openings, &c., &c., in order that the most musical result may be obtained, for this is a point we have studied very considerably and with the advantage of having had much and varied experience.

We note that it may probably be about 300 ft. high, and being of so noble a height it is probable that its internal size will exceed the 30 ft. square mentioned in our letter.

We have no hesitation therefore in advising the carillon as specified in our cable, viz., a scale of 49 bells, being four octaves chromatic, with largest bell of about 7-tons (15,680-lbs.), note F, the total weight of the 49 bells being about 50-tons.

The scale would run chromatically from the deep bass F bell, viz., F, F sharp, G, G sharp, A, B flat, B natural, C, C sharp, &c., through about 50-tons.

This would be a truly majestic carillon, and we feel perfectly justified in claiming that it would rank as the finest in the world—for although the largest bell of the Malines carillon is reputed to be heavier than we are proposing for Ottawa, still there are serious inequalities and blemishes in tune and tone in the Malines scale, which is really not a matter to be surprised at, considering the varying dates of the bells, as see under appendix D of Mr. Gorham Rice's "Carillons of Belgium and Holland", where five different centuries are mentioned.

At Ottawa, however we should ensure that each bell would be perfectly in tune in itself in its own harmonic tones, as well as in tune with the other bells of the carillon, a similar artistic result indeed, but on a grander scale, to that which we have achieved at Queenstown Cathedral in Ireland, and to which The Times was good enough to bear testimony in August last, writing as follows, viz.:—"The Queenstown Carillon is tuned in equal temperament to the accuracy of a single vibration—a very rare achievement. In the Continental carillons, not excepting the most famous ones, particularly when they contain bells of many periods and founders, the tune has never been accurate enough to allow any consideration as to "just" or "equal" temperament. The task of the carilloneur has always been to hide the defects of his instrument and to choose only those keys and harmonies which are most effective. The Queenstown bells offer no such difficulties to the player."

The carillon which we have suggested, viz., with the 7-ton F bell as the foundation, certainly seems to impose itself upon us as the ideal carillon for the stately Parliament House of Ottawa. But we could of course instal a carillon of smaller size, indeed of any size that may be desired.

We may mention that a carillon similar to that we have now in course of founding for the

City Hall of Rotterdam, viz., with largest 4-tons, note A flat, would cost about £24,000, completely installed with clavier, but exclusive of clock or automatic mechanism.

We note, however, that there is a feeling that there should be an automatic chiming apparatus, and no doubt by the time you received this letter you will have had delivery of ours of the 3rd inst., and will have considered upon the suggestion therein set forth as to quarter chimes, viz., whether the elaborate "tambour", playing music in two or three "parts", see page 54 (1st Edition) of "Carillons of Belgium", be preferred, or the simple single note melody, as at Queenstown Cathedral, or the still simpler "Quarters and hour", be it Guildford, or Westminster, or another.

Then if any decision has been arrived at as to which of these automatic chimes would be desired at Ottawa we should be very pleased to submit an approximate estimate for installing this complete and for connecting with the bells.

And here we may comment upon the postscript you kindly add to your letter relative to the apprehension that is entertained by some as to the bells being likely to be an annoyance to the members in session.

We cannot see why there should be any fear of annoyance, for if the "tambour" with its lengthy "quarters" is decided upon and it is found that these quarters are distracting during session, it is a most simple matter to have the chiming machinery disconnected with the clock so that the quarters are silent during session, or indeed at any time that silence is desired. The hour bell only could be left striking if it was found that this was not too disturbing.

The same practice could be followed if the simple quarters are installed, and of course the carilloneur, the artist who would play the bells from the keyboard, would perform and practise only as arranged.

We may comment here upon the word "carillon." This word is used vaguely; sometimes the intention being to describe the bells only, sometimes the bells and the clavier or bell-player's keyboard, sometimes the automatic tune or chime-playing machinery, and sometimes the whole group of these. For our own part we endeavour to employ it solely when referring to the range of the bells. We mention this because we note in the Hansard report, page 180, after mentioning names of cathedrals and town halls the text runs "All these have carillons installed by the firm of Gillett & Johnston." We beg to comment that although this firm may have supplied the automatic machinery they certainly did not supply the bells of Worcester and Dublin cathedrals, nor of Bradford, Rochdale and Manchester town halls, for all these are from our foundry.

We may mention that it is very probable that the great carilloneur of Malines, W. Jef. Denyn, will be giving a recital on our carillon at Queenstown Cathedral towards the end of July and we wondered whether possibly any member of Senate interested in the proposed scheme would be in Great Britain then and would be able to arrange to be at Queenstown on that occasion to hear this great artist's playing upon what we claim to be the most accurately tuned large scale of bells in the world. It would we are sure be helpful and instructive to any such Member, and in any case it could not fail to be a musical delight, and it is for these reasons that we are taking the liberty of mentioning this. We would give further details when Mr. Denyn's visit is definitely arranged

Respectfully awaiting the favour of your further communications,

We beg to remain, Sir,
Your obdient servants,
John Taylor & Co.

I read that letter, honourable gentlemen, so that the House may be thoroughly informed as to what your Committee has been doing in the way of seeking reliable and accurate information on this question. In addition to the offer from John Taylor & Company, your Committee has also received an estimate from Gillett & Johnston, of Croydon, England, a very reliable firm of clock and bell manufacturers. I have from them a letter, and, as it is a very short one, I think I might be permitted to put it on Hansard. It is addressed to myself, and says:

Dear Sir:—Referring to your favour of the 16th ultimo, we now have pleasure in sending you approximate estimate of the cost of a carillon of forty-seven bells for installation in your new Parliament Buildings at Ottawa. We have suggested a tenor of 5 tons.

You will notice, honourable gentlemen, that that is 2 tons less than the one suggested by John Taylor & Company.

—but if your funds permit we could, of course, quote for a carillon based on a tenor of a lower pitch.

We have not quoted for the cost of freight and landing charges on your side nor for fixing, as probably it would be better to get some idea of the actual scheme to be adopted and we could then quote you definitely. With regard to the fixing, we should suggest sending out one of our skilled bell hangers who would be able to supervise the labour, which would have to be found in Ottawa. Here again the cost of fixing would depend upon the weight of the bells decided upon.

We enclose a blueprint showing the suggested hanging of the bells, and this will give you the dimensions which would be necessary for this particular carillon.

Our Mr. Housman is sailing for Canada next week and proposes to call upon you on reaching Ottawa, which will be about the 22nd proximo. He will probably be staying at the Chateau Laurier. He would then be able to discuss the matter fully with you.

Yours faithfully,
for Gillett & Johnston,
Chas. Dean.

The Bells to be clean and sound castings composed of the best pure copper and tin alloy and accurately tuned on the Five Tone Simpson Principle, viz., each bell to be absolutely in tune with itself and also the rest of the carillon. Inclusive of wood washers, special wrot iron staples and clappers and bell bolts, and all the necessary cranks, crank chairs, S-hooks and wires, connected with a piano clavier having 47 hand levers and pedals as necessary. To supply an independent steel frame and assembling and marking same in our

Foundry. Special packing of the bells and material for abroad, and f.o.b. at the London docks. £8,165 sterling.

When I received that estimate I discussed the matter with the members of the Committee, and it was thought advisable to cable this firm giving them an opportunity of submitting an approximate estimate on the cost of a carillon similar to the one quoted on by John Taylor & Company. A cable was sent asking for that estimate, and just a day or two ago I received the following:

Approximate cost forty-nine bells, four octaves, with 7-ton F bell as foundation, fourteen thousand pounds. Would guarantee to surpass all existing carillons.

You will notice, honourable gentlemen, that the estimate of £14,000 is f.o.b. in England, whereas the estimate of Taylor & Company is for the carillons complete and installed in the tower. However, there is a great discrepancy, and we feel that there may be some misunderstanding in regard to the latter quotation. While the question of transportation has to be taken into consideration, the estimate of Gillett & Johnston is just about half of that of Taylor & Company, and the difference suggests the wisdom of caution in further negotiations.

The Chief Architect, Mr. Pearson, who was before the Committee, spoke in glowing terms of the wonderful memorial room which he proposed to finish in the tower. The inside of the room is to be finished with stone or earth taken from the battlefields of France. There will be on the walls tablets which will contain the name and rank of every Canadian who now sleeps in France or other foreign land. In the centre of the room there will be a dais or pedestal with a large Book of Doom resting thereon, containing the name and rank of every soldier who gave up his life in the defence of the principles which the civilized world was contending for.

Mr. Pearson, who was present at the meeting of your Committee, said, while discussing this question:

What more fitting finish could there be to this memorial Chamber than the magnificent carillon proposed.

This, gentlemen, would be the finishing touch to a truly majestic memorial to our honoured dead. 55,000 Canadian boys now sleep in France and other foreign lands, having made the great sacrifice that we who are left might enjoy peace and freedom from the tyranny that the Hun tried to fix upon the civilized world.

In view of the object of this memorial, nothing short of the best that can be secured in the way of a carillon, would satisfy the people of Canada. No doubt some may hesitate on account of the estimated cost, but after all is it not infinitesimal when considered in connection with the cost of this great building, which when completed will have cost over ten millions of money.

It does seem to me that there is no memorial that the Canadian Government could devise that would be more acceptable and more appropriate than the installation of this great carillon in connection with the memorial chamber for which provision has already been made in the tower.

That the Committee may be properly seized of the wonderful possibilities of a carillon, I am going to read to the House a short article on the opening of what is designated as the greatest carillon in the three Kingdoms, installed by John Taylor & Company in the Roman Catholic Cathedral at Queenstown, Ireland.

I shall now read extracts from an article headed, "Queenstown Cathedral," by W. Wooding Starmer, one of the greatest authorities in the world on carillons. It says:

The clock and the carillon machine is by Messrs. Smith of Derby, and the movement is the largest and most powerful in Ireland. The clock face is 7 feet 6 inches in diameter. The quarter chimes (Westminster) are played on four bells, and the hour is struck on the great bell—the first stroke being the exact time. The clock also operates the chime—tune mechanism which requisitions seventeen bells of the carillon and plays twelve tunes: (1) The Minstrel Boy; (2) The Harp that Once; (3) Let Erin Remember; (4) Faith of our Fathers; (5) Erin, the Tear; (6) God of Mercy; (7) Adeste Fideles; (8) Hail; glorious St. Patrick; (9) God bless our Pope; (10) Tantum Ergo; (11) How dear to me; (12) Avenging and Bright.

I read this, honourable gentlemen, for the purpose of showing that anything that can be played on a pipe-organ or a piano can be played on a properly-constructed carillon. The article goes on to say:

The chime-tunes are so arranged that, so far as possible, the bells are used equally, such a method keeping the whole of the mechanism in working order and preventing the undue wear of any particular bells and their connections.

The carillon of forty-two bells with clavier 3½-octaves in compass is the largest and finest in the United Kingdom, and the most perfect set of bells in the world tunes to equal temperament. The founders are Messrs. John and Denison Taylor, of Loughborough. The total weight of the bells is 17 tons 2 cwt.

Remember, honourable gentlemen, that while this is the greatest carillon in the three kingdoms, and while it has the finest

bells in the world it is not half as heavy as the carillon proposed by Taylor & Company for the tower of the Parliament Buildings. There are three programmes given in this article which show the possibilities of a carillon placed in what is going to be one of the finest towers on this continent. They are as follow:

Morning, 11.15 to 11.45.

Sonata.. .. .. G. Van Hœy.
Ave Maria.. .. .. Schubert.
Prelude in C major.. .. .. Bach.
Adagio from "Pathetic"
Sonata.. .. .. Beethoven.
Neapolitan Song.. .. .. .. Casella.
"Rubensmarch".. .. .. .. Benoit.

Afternoon, 3.45 to 4.30

Song of Victory.. .. .. .. Mestdagh.
Pêcheurs de perles.. .. .. . Bizet.
O Star of Eve.. .. .. Wagner.
Gavotte.. .. .. Vanderveli.
Spring Song.. .. .. Mendelssohn.
Seranade.. .. .. Gabriel Marie.
Rubensmarch.. .. .. Benoit.
Berceuse de Jocelyn.. .. .. Godard.

Evening, 7.30 to 8.15.

Fantasia "Les Cloches de Corneville".. .. .. Planquette.
Flemish Songs:
(a) My Mother Tongue.. Benoit.
(b) When the Swallows Homeward Fly.. .. .. De-Broeck.
(c) Antwerp Tower.. .. Verhaeren.
Stances.. .. .. Flegier.
Andante cantabile.. .. .. .. Denyn.
Intermezzo.. .. .. Mascagni.
Fantasia, "Carmen".. .. .. Bizet.

In conclusion, permit me to say what I believe this memorial would mean. It would mean the immortal principle of patriotism; it would mean love of country; it would mean sacrifices for the country we love; it would mean not only love of country but love of liberty. This alone, gentlemen, could have inspired over 500,000 Canadian soldiers to leave home and family and to offer to die, if need be, for their imperilled institutions. Love of country alone could have inspired 55,000 of our Canadians to die for the great cause for which they were contending. Nothing less sacred than love of country could have sustained our gallant men during the years in which they offered their lives as a sacrifice for the perpetuation of great principles that the civilized world was contending for. It is a noble patriotism, and it impels every Canadian to be interested in the erection of this magnificent monument to the honour and memory of those gallant men who now sleep in France and other foreign lands.

That, gentlemen, is what this great carillon would mean. That is the message it would convey to the present and to all future generations. It would mean that the cause in which Canadians died was a righteous one, and it would mean that the cause which triumphed shall be perpetuated for all time. In the erection of this magnificent tower and the finishing it off with the proposed memorial bells, we would be doing that which would strengthen our devotion to free institutions and help to ensure their permanency for the remotest posterity. We would not only be rendering immortal the fame of the men who participated in the war, by this magnificent structure, but we would be making immortal the principles for which they contended and for which they sacrificed their lives.

Honourable gentlemen, I have much pleasure in moving the adoption of the Report.

Hon. EDWARD MICHENER: Honourable gentlemen, I do not know that I can add any information to what has been so fully given by the chairman of this Committee; but, as one of the members of the Committee, I would like to emphasize the desirability of the Government of Canada installing a carillon as a feature to the proposed memorial tower in connection with our great national building.

The report mentions the fact that the United States are considering the erection of a great national peace monument and the installation of a carillon of 54 bells, representing each state of the Union and the other associated possessions. One very distinctive and interesting feature is that, in the construction or manufacture of those 54 bells, German war material captured in the great war is to be used, and Congress is being asked to supply that war material so that those munitions that once poured forth death and destruction will peal forth notes of harmony and peace at the great capital of the United States.

The report also mentions the fact that Great Britain is considering the installation of a great carillon in the Westminster tower, in the centre of the British Empire. Even though there were no other proposals of this nature and no precedents—I am not one of those who care very much about precedents—Canada, as a result of the war, is taking an increasingly foremost place among the nations of the world; and, in leading in this patriotic movement in connection with our memorial tower, I am sure we would be doing ourselves credit. It would be not only a source of pride to

every Canadian citizen to hear notes of harmony and melody pealing forth from our capital building, but it would be such a distinctive feature that distinguished visitors to Canada from all parts of the world would want to come to our national capital to hear the wonderful music played by the carillon.

It may be urged, in consideration of this report, that it is largely a matter of sentiment. Well, honourable gentlemen, I can agree to that; but, after all, was it not to a large extent sentiment that called forth 500,000 of our citizens in defence of our liberties? Is not sentiment a large part of our national life? National sentiment is an accompaniment of national greatness. Material wealth alone does not constitute a nation's greatness. We need only to recall the great empires of the past to know that their fame which has come down in history was not a matter of material wealth, but rather greatness of ideals and sentiments. Music, art, poetry, science, scholarship, statemanship—these are the things which make for the greatness of a nation; and if we are to have a strong national sentiment we must promote these things, which, after all, figure largely in the national patriotic spirit of our people. It is my opinion that the installation in the memorial tower to be erected in connection with our national capital buildings would be a fitting complement of that memorial tower, inasmuch as it would say to every Canadian that there is a true national spirit in the Dominion of Canada. Since the Parliament buildings have cost so many millions of dollars, it seems to me that the small amount which would be required to install a first-class carillon, the best that we could buy, to complete the memorial feature of our tower, should not be a deterrent in comparison with the large cost of the buildng.

Another fact, which I think the chairman of the Committee did not mention to-day, is that the architect informs us that the tower will be of such construction as at present designed that no added expense would be required for the installation of a proper carillon, and that the tower will be ample in size and strength and all other qualifications to admit of such installation.

I therefore believe that the honourable members of this House will at least adopt the report, inasmuch as it simply recommends the desirability of the installation of a carillon, and requests the Government of the Dominion, if they see fit to appoint a Committee, composed of members of the House of Commons and of the Senate of Canada, to take further into their consideration the question of the installation of a carillon. Personally I hope that the desire of the Committee in this respect may be supported by the honourable members of this House.

The motion was agreed to.

POST OFFICE BILL.

SECOND READING.

Hon. P. E. BLONDIN (Postmaster General) moved the second reading of Bill 167, an Act to amend the Post Office Act.

He said: This Bill is brought before this House in order to increase certain charges which for a long time past have been inadequate and out of proportion to the cost to the department of the two items mentioned in the Bill.

The first deals with the rate of registration of letters. In the past it has been five cents. According to the report of the department that Branch has been carried on at a loss of half a million dollars yearly. In the United States and Europe the rate for the registration of letters is ten cents. The Department believes that by increasing our rate from five cents to ten cents the cost of carrying registered letters will be met.

The second section deals with the rate on newspapers. In the first years after Confederation a privilege was granted to the newspapers, which at that time had to face a situation that does not now exist. Daily newspapers were small; they had to be distributed through a sparse and scattered population, and advertisements did not take the place they occupy in modern newspapers in assisting that business. The last report of the Post Office Department states that the carrying of newspapers costs the country from five to six millions, while the total amount of money paid by the newspapers to my Department does not exceed $261,000. We are charging the people of Canada 2 cents an ounce for carrying their letters, which means $32 for 100 lb., and for the carrying of third-class matter $8 for 100 lb. is the price also exacted from the public; but ever since Confederation we have been charging newspapers only 25 cents per 100 lb. In this we have been following rather the American Post Office system than the European or British system. It seems that in Europe the principle is admitted that the main business of the Post Office is to see to it that a letter is brought to the four corners of the country in the speediest and cheapest way; the carrying of newspapers and parcels being incidental. I think that whatever

incidental service the Department chooses to enter into must be made to pay its cost, in order that the service of letters and postcards to the people of the country be not curtailed. If you look at the reports of British or European post offices, you will see that the charge for the carriage of newspapers averages between 7 and 8 cents. They are not sent in bundles, as American and Canadian papers are allowed to be, but require a stamp on each paper; and as a matter of fact the mails are not used in Europe or Great Britain for the purpose of carrying newspapers, it being too costly; so the newspaper owners use the express, and they have to make their own distribution. In Canada the department estimates that 60 per cent of the expenditure of the large post offices and 60 per cent of the carrying of mails on the railways is chargeable to the newspapers. We would require two-thirds less space on any baggage or mail-car if we had not the duty of looking after newspapers.

Hon. Mr. BELCOURT: What would the other third be used for?

Hon. Mr. BLONDIN: For letters, for which we charge the public $32 per 100 lb; while for the newspapers we are charging 25 cents per 100 lb. I presume I need not go further into that question.

I might explain why I have not increased the rate to a larger extent than I have done by this Bill. The first proposal was to follow the example of the United States, who have been forced, in the face of a large deficit, to change their method and increase the postal rates on newspapers. For the last there or four years, starting from a quarter or half a cent, they have reached to-day a rate of 1½ cents; but they have made this distinction, which at first strongly appealed to me, that they have made a special charge on the reading matter of the publication, and another and higher and special charge on the advertisements section of the paper. Besides, they have fixed zones within which those two scales of prices increase with the distance.

Hon. Mr. BELCOURT: How can you distinguish between the advertising and the reading matter?

Hon. Mr. BLONDIN: Very easily. We have now a rule in the Department which obliges newpapers to have at least 40 to 50 per cent of their paper covered by reading matter. It is very easy for the postmaster in Montreal, on one of his employees, by looking at the Star or La Presse, to figure the percentage of the paper which contains advertisements.

Hon. Mr. BELCOURT: Or should contain.

Hon. Mr. BLONDIN: Or should contain. I will admit that there has probably been some laxity in the past in this part of the administration of the Department; but it is my intention to have this rule strictly adhered to in the future. I must point out, however, that the United States, with their large population, can try experiments on new systems. The Postmaster General of the United States is dealing with a population of over 100,000,000, and the mails are carried in territory which is densely populated, the large cities not being separated by great distances. Besides that, his organization is so huge that he can well afford to provide for a special organization to take care of the papers under the different conditions that must be complied with by the papers. In Canada we have to give, as much as possible, the same good Post Office service to a population of 8,000,000 people scattered on about the same area as the population of the 100,000,000 in the United States, so we cannot afford to undertake the experiments that they are trying.

Hon. Mr. BELCOURT: Could my honourable friend tell us the cost, proportionately, more or less, as the service increases? For instance, comparing our service with that of the United States, do we pay in the same relative proportion that our population has to theirs, or is it less?

Hon. Mr. BLONDIN: I do not catch the meaning of my honourable friend's question.

Hon. Mr. BELCOURT: Suppose we had to serve a population of 18,000,000 instead of 9,000,000 would the cost be in the same proportion that it is to-day, or less or more?

Hon. Mr. BLONDIN: The cost of the service is higher and the revenue is much less. For example, take a stretch of 300 miles in the West, or in northern Ontario or in lower Quebec, where the roads are difficult on account of the formation of the land, and where there are very few people. At the same time, we have to bring them their letters, and have to hire labour to do that whether the population

is one or ten thousand, and the expenses reach very high figures.

Hon. Mr. BELCOURT: I am afraid I did not make myself understood. For instance, the telephone service increases in cost in greater proportion as the number of people served increases. If you have a service say of 10,000 telephones it costs so much; if you increase it say to 15,000, the cost will be more than in the proportion of 50 per cent. I am asking my honourable friend if it is the same in the Post Office.

Hon. Mr. BEAUBIEN: My honourable friend does not seem to make the distinction clear between transportation and the telephone. Transportation involves the problem of the short haul versus the long haul; so it is with regard to street cars and railways. But it is quite apparent that when you have a small population scattered over a large country, the cost is going to be much more.

Hon. Mr. BLONDIN: Might I suggest that we could take that question up again when we are in committee? Many representations have been made to the department. It has been represented that there are very few papers which at present circulate beyond a certain limit. We have rather a service of local daily papers. In the whole of Canada there are probably not more than two or three papers which go from one coast to the other and beyond. The zone system would have meant an increased expenditure, whereas we are not expecting any large revenue for the present owing to the small number of large newspapers which exceed a certain limit of business. The first proposal of the Department was to increase newspaper rates from one-quarter of a cent, which is the present charge, to one cent. Representations have been made by those papers that they have been given to understand that ever since Confederation they had been entitled to that privilege; that in undertaking a large business, they had counted on that privilege, and it would be unfair to make such a sudden change, particularly at a time when they have to pay very high prices for their newsprint, and when they have to face increased wages and increases in everything else. We considered it a fair compromise to raise the rate on the newspapers for this year by 200 per cent; that is, to make the rate three-quarters of a cent instead of one-quarter of a cent.

Hon. Mr. DANDURAND: When the department decided on the increase of one cent a pound, did they hope that they would thereby cover the cost of transportation of the newspapers?

Hon. Mr. BLONDIN: Not at all. A rate of one cent, or a rate of two cents, would not for the present meet more than one-fifth or one-quarter of what the carrying of newspapers costs the Department. My honourable friend will readily appreciate the situation when he recalls what I said at the beginning of my remarks, that the present revenue from the carrying of newspapers is $260,000, and the estimated cost is $5,000,000 or $6,000,000. So the Department at present is not so much after the money of the newspaper people for this year or for next year as it is concerned with the principle. I think the important thing in this Bill is not so much the $200,000 or $400,000 of increase that I shall get for next year, as the principle, which is now recognized by Parliament, that newspapers or any other mail matter, whatever it is, that may be carried through His Majesty's mail must pay the cost of transportation and that we must do away with the existing privileges.

Hon. Mr. DANDURAND: But is it not a fact that the charge which the Department is making is one which should be borne necessarily and ultimately by the advertisers rather than by the newspapers? It is upon the advertising matter that you are losing so heavily.

Hon. Mr. BLONDIN: This rate has been reached after many long discussions with all the interested parties—with associations representing the different papers, and they will have to prepare for a considerable change in their existing prices. My impression is that the increase will be borne proportionally by the advertisers and by the regular subscribers.

Hon. Mr. BELCOURT: Could my honourable friend tell us if three-quarters of one cent will pay for that proportion of the newspaper which is given over to advertising? Will that be the cost of it?

Some Hon. SENATORS: Oh, no.

Hon. Mr. BELCOURT: Well, to what extent will it not cover the cost? Can my honourable friend tell us that?

Hon. Mr. BLONDIN: My honourable friend will make his own deductions when I tell him that if the present revenue from the carrying of newspapers, namely, $260,000 is doubled, that would bring us only about half a million dollars for this year.

Hon. Mr. DANDURAND: Against an expenditure of—?

Hon. Mr. BLONDIN: Of five or six millions.

Hon. Mr. BELCOURT: Millions?

Hon. Mr. BLONDIN: As Postmaster General I would be glad if the House of Commons and the Senate would see their way to fix the rate at five or six cents at once; but this would mean that under present circumstances you would put all these papers of Canada out of business immediately. I find, after long discussion and after giving with my officers, the best of my thought to this matter, that there is only one way out of the difficulty: it is to admit the principle that the newspapers must be notified that in future they will have to pay and shall be made to pay what they cost to my department. The only way is to make a gradual annual increase as is proposed by this Bill. This year the increase is to one cent; next year it will be to 1½ cent. I hope that by that time the conditions will have become more nearly normal and that Parliament will be in a better position to determine what is the exact amount that ought to be charged the newspapers, in order that they may pay the cost of transportation.

Hon. Mr. BOSTOCK: Is 1½ cent the maximum that the Postmaster General is able to charge under this Bill?

Hon. Mr. BLONDIN: It is the only amount that is provided for. I have no objection to provision being made for more.

Hon. Mr. BELCOURT: It would be interesting to know how the Post Office Department at certain times—for we have had one or two cases of the sort—was able to declare any surplus?

Hon. Mr. BLONDIN: If the honourable gentleman would just let me deal first with the principle of the Bill, we might more easily discuss the whole matter in committee.

Hon. Mr. EDWARDS: Will my honourable friend allow me to correct him in one particular? I would ask him, when referring to the bad state or the backward condition of the roads, not to use the province of Quebec as an example. Quebec happens to possess more first-class roads than all the other provinces throughout the entire Dominion of Canada put together.

Hon. Mr. BLONDIN: The reference was hardly intentional, but I happened to think of the most beautiful and most interesting part of Quebec when I alluded to the lower St. Lawrence. It is because that part of the province is a very hilly country. My honourable friend would certainly not like to run his best automobile at 60 miles an hour along some of those roads.

Hon. Mr. EDWARDS: I may be pardoned for saying that it was not my honourable friend I was referring to. I just wanted the Senate to know that the benighted province of Quebec stands in such a magnificent position in this respect.

Hon. Mr. CLORAN: Of course it does. Everybody knows that.

Hon. Mr. BLONDIN: The last clause of the Bill deals with the franking privilege extended to legislatures. For the information of the Senate I should say that there was a provision for the purpose of rendering more difficult the use or the abuse of the franking privilege of the members. It is needless to refer to that provision; it has been struck out by the other Chamber. This clause deals with the privileges which in the past have been granted to the different legislatures of the Dominion. The effect has been that the Post Office Department has had to carry all the official matter of the different legislatures. It is, I think, sufficient to mention that fact in order to appeal to honourable gentlemen that such a state of affairs should no longer be tolerated.

With these explanations, I move the second reading of the Bill.

Hon. L. McMEANS: Is there not a very large deficit on the carrying of parcels from the departmental stores by parcel post? Is the revenue from that source sufficient to offset the expenditure? It seems to be very unfair that these departmental stores should get their parcels carried at the expense of the public. Their parcels are sent at a very low rate and are distributed throughout the entire country. Those stores are in competition with the small storekeepers. It seems to me that if there is a deficit the public is paying for the delivery of the parcels from the departmental stores.

Hon. Mr. BLONDIN: The Department considers that the parcel post service is self-sustaining, and I must say that the large deficits in the Department do not come from that source.

Hon. W. PROUDFOOT: I would like to say a word on the question of parcel post,

because I have taken some interest in that, and I would like to know if the Postmaster General has considered the question of increasing the rates of parcel post. We all know that a great injustice is done to the storekeepers throughout the rural municipalities; and I find that, while increases have been made in the salaries of postmasters in cities and towns, no increase whatever has been made in the emoluments of those in charge of the small post offices. As an illustration: Most of them are paid by a commission on the stamps that they sell, and in the course of their business they are obliged to handle all the parcels which come from the various departmental stores. It may be quite satisfactory to compel newspapers to pay an additional rate, but why confine the increase to the newspapers? I think that where departmental stores enter, as they do, into competition with other businesses, they should be required to pay fair carrying charges. My information is that the departmental stores do not pay sufficiently; that is, the Post Office Department carries a large proportion of the parcels at a continual loss. Possibly the Postmaster General can tell me if my information in that regard is correct or not?

Hon. Mr. BLONDIN: I may say in answer to the honourable gentleman that the rates which at present prevail for parcel post are kept down to the point at which they can compete with the rates charged by the express companies. They are lower than the express companies' charges. If we were to increase the rate there would be only one result; people would send their goods by express instead of using the post office organization. I think there is a false impression in the minds of many in regard to the management of the parcel post. It is supposed that the large departmental stores benefit to a large extent from it. In the first place, the stores are not able to distribute their catalogues by parcel post. They use the express in the same degree as they use the mails for distribution in a special zone. It is a question for this House and the people of Canada to decide whether they ought to be debarred from using the services of the rural post office, for the use of which they pay full compensation. On the one hand, the people interested, namely, the farmers of the country, and all who benefit by the lower cost of transportation, are very insistent that the parcel post rate ought to be decreased. On the other hand, representations are made to the Government by the local merchants that the parcel post rate should be increased. I think the principle on which the system was based was the reduction of the cost of articles, and any attempt to increase the present rate would not meet with the approval of the public. I think it would be in order, honourable gentlemen, to defer these questions for a few minutes, in order that they can be more appropriately discussed when we go into Committee.

Hon. Mr. DANDURAND: May I ask the honourable gentleman what was the deficit in his department last year?

Hon. Mr. BLONDIN: The net revenue of the department was $21,000,000 and some thousands, and the expenditure amounted to $19,000,000. This shows a surplus of nearly $3,000,000. But I do not regard that as a surplus, because it is but fair to deduct from that a proportion derived from the war-tax stamps, which I figure amounts to about $6,000,000 of this year's revenue. If the war-tax stamps had not been in existence this year, the Department would show a deficit of nearly $4,000,000.

Hon. Mr. DANDURAND: The honourable gentleman has stated that he would reckon that $6,000,000 of the income of his department should be credited to the war-tax stamps. Does he base that reckoning only upon the sale of the stamps which bear the words "War Tax," or is he simply making a guess or an estimate? Personally I do not affix one of those special stamps to a cheque, nor are they used by the people about me. We use the ordinary stamp. That is why I put the question to my honourable friend. How does he arrive at his estimate of $6,000,000? Does he base that upon the revenue from the sale of the stamps bearing the words "War Tax," or how?

Hon. Mr. BLONDIN: I fancy, honourable gentlemen, that this estimate is based on a much plainer system. Before the war tax existed most of the stamps sold by my department were two-cent stamps. Now the majority are three-cent stamps. My officers attribute one-third of the revenue as being derived from the one-cent stamp. When you buy a three-cent stamp we say there is one cent for the tax and two cents for the postage. This is as close as we can come to the exact figure. We speak of the revenue as $6,000,000, but if the honourable gentleman were to ask me, "Do you think that the $6,000,000 was derived

from the sale of stamps to put on letters?" I would say no. We allow about $2,000,000 for stamps which have been used on cheques, etc.

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

IRRIGATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 168, an Act to amend the Irrigation Act.

He said: Honourable gentlemen, it will be recalled that some years ago we placed upon the statute book a general Act touching irrigation. Irrigation in Canada is something novel, the full development of which must be reached by experience. Since its introduction several large enterprises have been carried out involving the expenditure of a very great deal of money, and it has been found desirable to secure amendments to the Act.

Interpretations which have been placed on many of the sections of the Act have cast certain doubts upon them and have rather embarrassed the Department of the Interior. It is therefore proposed to amend the general Act in order to give more lucidity to the provisions already passed, and under which we have proceeded to administer the Act. In fact, all the amendments are in a sense of a technical character, so far as interpretation is concerned, and would only be appreciated by those having a knowledge of irrigation. Inasmuch as each section deals with a peculiar feature of the practical working out of the Act, I deem it unwise to enter into any lengthy explanation as to the purpose of the Bill, except to say that it is to make the general Act more workable, and to give greater facility to projects of irrigation upon which capital has been expended in the West.

A very controversial point, and one upon which more or less doubt has been thrown, is the extent to which the Crown may appropriate water for the purposes of irrigation. The language used in the original Act was intended to give the Crown authority over all available waters in lands over which the Crown exercises authority. In the Western territories, particularly where irrigation is being carried out on a large scale, the title stands in the Crown through the Dominion Government. Some doubts have been thrown upon the law in relation to certain classes of water—water from creeks, springs, and so on—and one of the objects of this Bill is to clarify, not only the water, but the language used in appropriating the water.

This Bill also deals with the subject of expropriation. As honourable gentlemen can very well understand, expropriation must necessarily be a feature of carrying out any projects of this kind; but, because these projects are all of a public or semi-public character, and involve the absorption of individual rights, there is in the Act a classification of the purposes for which water may be acquired. There are superior purposes and purposes that are subordinate, and it will be clearly appreciated that we must acquire the inferior properties for carrying out any large project that may be for the public service.

Hon. Mr. BOSTOCK: Honourable gentlemen, all of us, especially those of us from the West, understand that the question of irrigation is a very important one, and that it is necessary to have our legislation in such shape that those who have to deal with the question may understand exactly what their position is, and may know whether or not they have a proper title to the waters which they have to use.

My honourable friend has said that the question of irrigation is more or less a new one. In certain parts of Canada irrigation has been carried on almost since the time of Confederation; in fact, I think before British Columbia came into Confederation there was a good deal of irrigation work done in the different parts of that province, although, of course, the work was not done on the same large scale on which we are doing it to-day particularly in Alberta.

I do not want to take up the time of the House unnecessarily, but I want to point out to my honourable friend that there are some very objectionable features in this Bill. One is that—its provisions are retroactive to 1894. I hope my honourable friend will be able to explain to us why it is necessary to adopt legislation of this kind. I think we are all pretty well agreed that is not a desirable kind of legislation, and that it should only be passed in exceptional cases.

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

CANADIAN NATIONAL RAILWAYS BILL.

REFERRED TO COMMITTEE ON RAILWAYS, TELEGRAPHS, AND HARBOURS.

The Senate again went into Committee on Bill 141, an Act respecting Canadian

National Railways.—Hon. Sir James Lougheed. Hon. Mr. Daniel in the Chair.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, inasmuch as we were in Committee on this Bill yesterday, and the Committee rose to report progress, I thought we had better go into Committee again for the purpose of carrying out what I am about to propose. The object of the motion I am about to make is to indicate that the Government, in entering upon the building of branch line railways, particularly in connection with the Canadian National railways or the Grand Trunk railway, when the Government assumes authority over it, should make application to Parliament in just the same way that any railway company would make application, so that the committee of the House may have an opportunity of determining whether or not the branch line is necessary.

The Bill was reported without amendment.

On motion of Hon. Sir James Lougheed, the Bill was referred to the Committee on Railways, Telegraphs, and Harbours.

PICTOU HARBOUR BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 121, an Act respecting the Harbour of Pictou, in Nova Scotia. Hon. Mr. Murphy in the Chair.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, at the resquest of my honourable friend from Kamloops (Hon. Mr. Bostock) yesterday, I said I would obtain certain information in regard to this wharf. It seems that the expenditure involved in maintaining the wharf exceeds the revenue derived from it. The revenue from 1913 to 1919 amounted to $3,388 and the cost of repairs alone amounted to $3,840. It seems that under the legislation by which this wharf is administered the cost of repairs must not exceed the revenue, although apparently it has done so.

It is proposed to make a transfer of this wharf to the Dominion Government. The financial statement of the wharf on December 31, 1919, shows that there was to the credit of the wharf, or to the credit of the Harbour Commissioners, I presume, the sum of $280.25, and four harbour buoys of a value of $300; and that the estimated value of the wharf was about $5,000. There is no recently approved valuation of the wharf, the figures which I have given being approximate. It is therefore not such a public institution as is susceptible of maintaining itself, so to speak; hence the Government finds it necessary to take it over.

Hon. Mr. BOSTOCK: My honourable friend has not told us whether this Government originally built that wharf, or whether it was built by the Harbour Commissioners.

Hon. Sir JAMES LOUGHEED: It was built, I think, by the Dominion Government, and then a Harbour Commission was appointed to administer it, and they have been administering it under the unfortunate conditions that I have mentioned.

Hon. Mr. BOSTOCK: So they would get back the munificent sum of $280?

Hon. Sir JAMES LOUGHEED: That will be carried to the credit of the Government for future maintenance.

Hon. Mr. TANNER: Those wharves were all built by the Commisioners without any aid from the Government, and they have always been maintained without such aid. The Dominion Government is really getting a large asset, and the Harbour Commissioners had no liabilities whatever: in fact they have some moneys coming to them. The principal reason, as I understand, why the Government is taking over the supervision of this Harbour is that a very large expenditure has been made to dredge out East River near New Glasgow. That expenditure was commenced under the Laurier Government. I think nearly a million was expended to make a ship channel. I understand that large interests have developed, and, as the boundary extends to New Glasgow, it was decided that the Department should take over the whole supervision of the harbour, and incidentally they get those wharves, which are valuable assets and have not cost the Government one cent.

Sections 1, 2, 3 4, and 5, the schedule, the title, and the preamble were agreed to.

The Bill was reported without amendment.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 137, an Act to amend the Criminal Code.

He said: Honourable gentlemen, this Bill is a very old friend of the Senate. It has been before us on many occasions, and ap-

parently, with respect to some provisions of the Bill, the Senate has not been able to see eye to eye with the House of Commons; consequently there has been more or less disagreement as to these particular sections, to which I shall afterwards allude. The Bill embodies quite a number of amendments, which affect many features of the Criminal Code, and therefore I cannot deal in a comprehensive way with the policy or principle of the Bill, because of its being very largely a matter of procedure.

The first section deals entirely with definitions of Appeal Court, owing to legislation in the different provinces constituting courts of appeal.

There is a proposed amendment to the provisions of the Code dealing with firearms and unlawful weapons, enlarging very considerably the law in that respect.

There is also a provision dealing restrictively with the making of affidavits, with penalties attached.

Then we come to sections 4 and 5, which have to do with the offences to which I have referred, namely, the seduction of girls between 16 and 18, the seduction of female employees, and the seduction of girls of more tender years. We have dealt with those two sections on many occasions, and I direct the attention of the Senate to their having again come before this Chamber to be considered.

Section 7 of the Bill contains some elaborate provisions as to betting. This section is very largely the outcome of the inquiry which was made recently into the whole subject by Dr. Rutherford, who was appointed a Commissioner for that purpose. This section 7 may be said to lie midway between those who advocate say an open door in regard to betting, and those who are opposed to it entirely. I think a perusal of this section will lead honourable gentlemen to conclude that the public interests affecting morals, etc., will be well protected under this section, more particularly as it is designed to promote the legitimate interests of breeding.

An amendment is made to the provisions dealing with whipping. There is also one as to the unlawful wearing of decorations or uniforms, growing out of the late war. There are other provisions, perhaps of a less important character than those to which I have referred, dealing largely with procedure. When we go into Committee we can enter into the details of all those provisions.

Hon. Mr. BOSTOCK: I do not propose to discuss this Bill on the second reading, because I think we can deal with it better in committee. I have not been able to understand why subsection 2 of section 2 is inserted, calling for the insertion after the word "weapon" of the words "firearm, air gun," because the definition of "weapon" or "offensive weapon" in the Criminal Code includes both of those terms; therefore subsection 2 is merely a duplication of words.

Hon. Sir JAMES LOUGHEED: I shall have that looked into.

Hon. W. B. ROSS: I wish to call the attention of the House and the Minister to section 11. It reads:

> **664A. No warrant or other process shall be issued in any province for the arrest or summoning upon a criminal charge of any person residing in another province without the approval of the Attorney General or a Judge of the Superior Court or of a County Court or of a District Court, of the province where it is sought to issue the process.**

When we go into Committee I would like to have a pretty full explanation why this section is inserted, and just what persons are meant to be covered by it. To me it seems somewhat ambiguous, and I fear a certain construction will be put on it that strikes me as subversive of what has always been a principle of our criminal law—that a man shall be arrested and tried where he commits the offense. If the section means that a man may commit an offence in New Brunswick and be prosecuted in British Columbia, and taken there to be tried, I object to it. I call that to the attention of the House so that honourable gentlemen may consider it.

Hon. Sir JAMES LOUGHEED: Without entering into an explanation of its application, I may say that this section was discussed at length in connection with some liquor legislation that we passed, I think a couple of sessions ago, and my recollection is that the Senate amended that by providing that the process should not be effective without the consent of the Attorney General of the Province in which the accused lived. I think my honourable friend from Middleton (Hon. W. B. Ross) was largely responsible for urging an amendment of that character. I cannot recollect at the moment whether that amendment was made, but I remember it was very lengthily discussed in the Senate at the time.

Hon. W. B. ROSS: I will say this, that when the Liquor Bill was discussed there was a clause which had a resemblance to this, and I endeavoured to have it struck out altogether. The amendment was not

mine; it originated on the other side of the House. When we come to deal with this matter I want to discuss it fully again.

Hon. Mr. McMEANS: If a crime is committed in one province you cannot arrest a man in another without the consent of the Attorney General: is that it?

Hon. Sir JAMES LOUGHEED: No, you cannot prosecute without the consent of the Attorney General of the province into which it is proposed to bring the accused from the other province.

Hon. Mr. BELCOURT: In connection with paragraph a of section 2, I want to know if my honourable friend and the Government have considered the advisability of eliminating the words, "elsewhere than in his own dwelling house, shop, warehouse, counting-house or premises, or is carrying concealed". I would think it should be made a criminal offense for anyone to have one of those weapons, whether in his house or on his person or anywhere else. Why should he be allowed to have a "sheath knife, bowie knife, dagger, stiletto, metal knuckles, skull cracker, etc."?

Hon. Mr. DANDURAND: I think there is a gentleman in Toronto by the name of Rosenthal who very much wished he had such weapons in his possession a few evenings ago.

Hon. Sir JAMES LOUGHEED: The suggestion was made in the House of Commons that it would prohibit a man from having a collection of weapons. There are many collectors who have a great number of antique firearms and knives, and so on.

Hon. Mr. BELCOURT: But those are not dangerous, because they have become wholly unfit for use. I imagine, however, that most of the skull-crackers a fellow would have in his house to-day would be useful, and would be likely to be used. I do not see why anybody should have any such arms in his house, in his cellar, on his person, or anywhere at all. It seems to me the sooner we do away with allowing people to have firearms and weapons of this sort, the sooner we will reduce the criminality of this country. We have many people coming from foreign lands, Italians and others, who are in the habit of carrying stilettos, and who use those and other weapons in this country, with the result that the criminality among those people generally is much larger on account of the fact that they are allowed to carry on in this country as they did in Europe. I would strongly urge that those words be struck out, and that the carrying of any such weapons anywhere be made a criminal offence.

Hon. Mr. BEAUBIEN: Do I understand that my honourable friend would be opposed to a man having in his own home a revolver for self-protection?

Hon. Mr. BELCOURT: I would.

Hon. Mr. BEAUBIEN: Would that not be practically a broadcast advertisement to house-breakers that they can go in with impunity, that they can be stopped by nothing, that practically the owners of houses would be "hands up"; that so long as people were forbidden to have revolvers or any other weapons the housebreakers would be sure to meet with no possible opposition; that the proprietor would have nothing that would bring any danger to them; that he would be an easy prey; that they could go in and steal and make themselves absolutely at home in his residence, ransack everything, go away with everything, and bid good-bye without encountering any danger? It seems to me that the spirit of our legislation is very different from that. A man in his domicile is a king. He has a right to protect himself. The privacy of his house is his own. It seems to me that this is the basis of the criminal law that comes from England, and no man has the right to break in or even go into that domicile if the proprietor does not want him to do so. It is a very different thing when a man is at large in society. Of course, he has then no right to be armed; I understand that thoroughly; but when he is at home he is not to be deprived of those firearms required to protect the sacredness of his home, and his own property and children. It seems to me the distinction is very wide.

Hon. Mr. BELCOURT: My honourable friend assumes that my proposition is that the burglar can obtain and carry firearms that other people cannot get; but my proposition is that the housebreaker or the burglar should not be allowed to have them. My honourable friend argues as if I wanted the housebreaker to have a privilege of which I would deprive others. That is not my object at all. My argument is that nobody should be allowed to have or carry firearms or other weapons.

Hon. Mr. BEAUBIEN: My honourable friend is very candid about it. When a law is passed it must be observed by everybody; therefore, when we solemnly insert this clause in the statute, it will at once

forbid all persons to carry firearms—the person who abides by the law as well as the person who breaks the law. Surely my honourable friend's argument is not offered seriously. My honourable friend knows very well that the persons who would break into a house are those who would have no regard for the law, but that the immense majority of the people of Canada are law-abiding, and have a right to protect their domiciles against law-breakers. The Criminal Code has been made for that very purpose—to protect the good people against the bad. In my opinion the difference between the two classes is, as I said before, absolutely self-evident.

Hon. L. G. POWER: I agree with the honourable gentleman from Montarville (Hon. Mr. Beaubien). I dare say the honourable gentleman from Ottawa (Hon. Mr. Belcourt) also agrees with the honourable gentleman from Montarville as to the correctness of the statement that an Englishman's home is his castle. That is true in a sense; but unfortunately nowadays our people do not live in castles as a rule. There is no chance either to raise the drawbridge or let the portcullis fall. If one could do that, if one could shut the outside world out completely from the privacy of his house, the view of the honourable gentleman from Ottawa might have something in it. But that is not the case. Our houses are not like castles in that respect, and I quite agree that it would be a thing very prejudicial to sound sleep to have to go to bed with the feeling that any burglar or murderer might get in, and that one had no means of defending himself.

Hon. Mr. BELCOURT: My proposition implies that there should be no sale, that it would be impossible for people to get revolvers or other weapons. Possibly I should have stated that, and if I had done so we might have avoided some of the discussion that has taken place. My proposition necessarily implied the impossibility of procuring firearms. When I said that nobody should have these weapons in his possession, I meant that they should not be found on sale in the stores. If you eliminate the manufacture, distribution, and sale of these firearms, where are the people going to get them to do mischief with?

Hon. Mr. McMEANS: What would you do to prevent them from being brought across the border? They are brought across.

Hon. Mr. BEAUBIEN.

Hon. Mr. BELCOURT: There might be a certain provision made to allow persons to get them on a permit. I would not do away with them altogether. It might be left to the discretion of the authorities to allow people to have firearms. But what justification is there for anybody carrying a bowie knife, or sheath knife, or dagger, or stiletto? What reason is there for that? I can see no reason at all.

Hon. Mr. McLENNAN: Would not the purpose be attained by making it obligatory that a permit should be secured by anybody who had in his possession any deadly weapon?

Hon. Sir JAMES LOUGHEED: That is what is proposed.

Hon. Mr. McLENNAN: It seems to me that would enable any person to protect the sanctity of the home and would prevent housebreaking. The law should provide that no person should have any deadly weapon in his possession, either within his own home or outside, without obtaining a permit from the proper authorities.

Hon. Mr. BELCOURT: That is my suggestion.

Hon. Mr. DANIEL: On the second reading we are to adopt the principle of the Bill. What principle is this Bill supposed to have?

Hon. Sir JAMES LOUGHEED: There are so many principles in it that I should prefer not to enumerate them until we get into committee.

Hon. Mr. DANDURAND: There is not supposed to be any special principle in an omnibus Bill.

Hon. Sir JAMES LOUGHEED: The principle of morality, I might say, and self-protection. If there are any amendments, they can be moved in committee.

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

FEEDING STUFFS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 165, an Act to regulate the Sale and Inspection of Commercial Feeding Stuffs, Bran, Shorts, Middlings and Chop Feeds.

He said: Honourable gentlemen, this is an entirely new Bill. The principle or policy of it is to insure what I might call pure food for animals. It corresponds to

some extent with the legislation which has recently been passed regarding pure and unadulterated food for human beings. It is well known amongst breeders of stock that a large number of deleterious feeds are prepared and sold for stock feeding, and the purchaser of a feed cannot tell how injurious may be its effect upon his animals. It is proposed by this Bill that hereafter the sale of feeding stuffs shall be largely under the control of the Minister of Agriculture, who may enforce regulations regarding the analysis and registration of feeds, and the safeguards necessary to insure that what is fed to our live stock shall be of good quality. It surrounds the importation of feeds with a like protection. In a word, it insures, so far as is possible by human ingenuity, that the live stock industry shall be protected. This measure has the strong support of those who are interested in the industry. My honourable friend from Brockville (Hon. John Webster), than whom there is no better authority, I think, in the Dominion, has expressed himself as very strongly endorsing the Bill, and I shall be very glad indeed if he will favour the House with a few observations upon it.

Hon. JOHN WEBSTER: Honourable gentlemen, I must congratulate the Government on the manner in which they have risen to the occasion in introducing Bill 165. This is, in my humble opinion, one of the most important and far-reaching measures which this House has had to deal with during the present session. The ordinary man not engaged in the great industry of live stock production may not realize what a serious effect poisonous feeds have had during the past five years in this country. Legislation was passed at last session for the protection of purchasers of feeds manufactured by the large milling companies of Canada; but the definition placed by the Wheat Board on the product that the millers bought from the elevators as No. 1, gave the millers the opportunity to sell feeding stuffs as being of the same quality. But no person knew exactly to what extent noxious weed seeds were mixed with the bran. The result has been a serious loss to live stock owners in this country. I know of some hog feeders in my own section who have lost one-half of their herds owing to poisonous weed seeds. I brought a sample of a feed that had killed half a herd, and I sent it to the public analyst here, who had it analysed and told me that it contained five distinct traces of poison.

The destruction of live stock affects not only our domestic supply of milk, cream, butter and cheese, but also our export trade. It causes a decrease in the returns to producers of milk products. In my section of the country dairying is the principal industry, and the farmers of that community are deeply interested in this particular Bill, for some of them have suffered severe losses. In the town from which I come there is held a weekly Cheese Board, at which there is sold within a few hours' time at this season of the year $150,000 worth of cheese products. And cheese is only one product of the milk supply. That will enable you to understand the situation and appreciate how deeply these people are interested in this legislation. None of the farmers in that community grow sufficient feed for their herds. They are compelled to patronize the feed stores, in many of which these poisonous feeds are sold as the No. 1 article, but they have found it is far from being No. 1.

I think that on the board which will enforce the provisions of the Bill there should be one practical veterinary who would understand better than the ordinary individual the importance and the method of treating cattle and hogs affected by those poisons. I have myself observed how certain herds of milking cows are affected. First dysentry occurs, then paralysis sets in. The result is that after three days you have a dead cow. The hog is affected somewhat differently; with him it is paralysis from the start—and you all know what that means.

If any members of this honourable House will take the trouble to read the report of the analyses made by the Public Analyst in Ottawa, they will see that more than one-half of the samples have contained poisons. Therefore I think that the Government should endeavour at once to protect those who have succeeded in building up to its present stage the live stock industry, one of the greatest in Canada to-day. The man who is feeding what may be termed grade cattle, or cows that are not milk producers, may not be so much interested in this Bill; but those who are building up the dairy industry and the cattle trade of Canada and are producing cows of the highest standard are deeply concerned. You must remember that a cow giving 100 lb. of milk every 24 hours consumes 3 times or 3½ times the quantity of feed that is consumed by the ordinary cow producing only 30 or 40 lb. of milk a day; and in consuming that large quantity of feed the cow is three times more exposed to poison than

she would be if she were being fed pure grain. So I must congratulate the Government in bringing in this legislation, for it is one of the most important Bills that I have had the pleasure of reading since I have been a member of this honourable body.

Hon. Mr. DANDURAND: Can the honourable gentleman tell us if the product from those animals that eat that poisonous feed is likewise affected?

Hon. Mr. WEBSTER: I think the effect is shown in the infant mortality of the large cities of Canada. I think that is the result.

Some of you honourable gentlemen may be interested to know that within a few miles of the town I come from we have one of the most valuable herds in Canada or in the world to-day; that is, the herd of Mr. A. C. Hardy, of Brockville. He has the honour of owning the champion milch cow of the world. He has had the good fortune to sell a calf of that cow for $106,000 to an American corporation, and in turn last week bought a calf for which he paid $50,000. I had the pleasure of looking at that calf last Sunday.

Hon. Mr. DANIEL: What?

Hon. Mr. WEBSTER: Yes, on Sunday—I will be truthful. That man's cattle are all exposed to those poisonous seeds, because he has to buy largely to feed his cattle. There are 150 cattle in his herd; so you can see how much feed he buys. That is the sort of business that the people in my section of the country are trying to develop.

Hon. Mr. BLAIN: Where is this feed grown?

Hon. Mr. WEBSTER: In the Northwest. These noxious weed-seeds all come from the elevators.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. WEBSTER: You buy them mixed in bran, in middlings, or in shorts.

Hon. Sir JAMES LOUGHEED: Do you not grow any noxious weeds in Ontario?

Hon. Mr. WEBSTER: Not in such large quantities. In Ontario the grain is consumed on the farms on which it is grown. It does not go to the elevators at all. We have not enough for our own requirements.

Hon. Mr. WATSON: I notice that in the discussion on this Bill in another place it was stated that the manufacturers of mill feeds in Ontario—

Hon. Mr. WEBSTER.

Hon. JOHN WEBSTER: The Northwest.

Hon. Mr. WATSON: —that they objected to the elevator men not being penalized for shipping noxious weed seeds in car lots. This Bill does not provide any penalty for the man who ships noxious weed seeds in car lots. It imposes a penalty on those millers in Ontario who buy the noxious weeds from the West and mix them up in concoctions that kill the hogs and the cattle of my honourable friend. It will be observed that the Bill does not penalize an elevator man for selling noxious weed seeds; it simply penalizes the miller who makes up the mixture to sell, perhaps in Ontario. That is a point that we might well consider.

Hon. Sir JAMES LOUGHEED: Is that not provided for in the Seeds Act?

Hon. Mr. WATSON: I think you will find that it was claimed in the other House that the miller could protect himself. But it is a great mistake to permit the indiscriminate shipping of noxious weeds or seeds for any purpose. The Government of Manitoba, realizing that fact, would not permit a bushel of noxious weed seeds to be taken from the elevator, even by the farmer who grew the seeds, unless the seeds were crushed. Anyone who knows anything about noxious weed-seeds knows that it is almost impossible to get a crusher fine enough to crush them. It is a question whether we might not well consider penalizing anyone selling these seeds for any purpose.

Hon. Mr. DANDURAND: How can the separation be made?

Hon. Mr. WATSON: These noxious weed-seeds are small seeds taken out of wheat, oats, and barley in the elevators, and they are bagged and sold by the carload to millers and feed manufacturers who mix them with wheat, oats, and barley. As the honourable gentleman from Brockville has said, many of these seeds are rank poison. That has been demonstrated not only by analyses, but by the fact that stock have died after eating them.

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

RAILWAY ACT AMENDMENT BILL (ELECTRIC RAILWAYS).

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 135, an Act to amend the Railway Act, 1919.

He said: Honourable gentlemen, in dealing with the Railway Act, I think it was last session, Parliament, without appreciating the difficulty which to-day confronts us, legislated so as to bring certain provincial tramways or suburban railways within the authority of the Government of Canada. The situation which at present exists was not discovered until the British Columbia Electric Railway Company made application to the provincial railway commission for permission to increase its rates. It was then found that by the legislation of last year we had included that road within Dominion jurisdiction. This Bill is designed to replace it within provincial jurisdiction.

Hon. Mr. BOSTOCK: The honourable leader of the Government has intimated that this Bill applies simply to the railway in British Columbia.

Hon. Sir JAMES LOUGHEED: I did not intend to put it that way; what I intended to say was that this particular railway was included, among others. At the time the legislation was passed, we had in view the Quebec Central railway. We passed the legislation in general language, and it has since been found to cover the class of railway to which I have referred.

Hon. Mr. BOSTOCK: I am one of those who are inclined to think it might be just as well to have all these railways under the general Railway Act and under the jurisdiction of the Dominion Railway Commission. Possibly, as the extension of these lines goes on, on account of the business that they will be doing with one another, it will become almost necessary that they should be in the same position as the steam railways. But apparently this legislation has been asked for, and, as the Government have seen fit to agree to it, I am not going to raise any objection.

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

NATURALIZATION BILL.

FIRST READING.

Bill 184, an Act to revive and amend the Naturalization Act, 1914.—Hon. Sir James Lougheed.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Wednesday, June 23, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

SUSPENSION OF RULES.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That from and inclusive of to-day and until the end of the Session, Rules 23*f*, 24*a*, *b*, *d*, *e* and *h*, 63, 119, 129, 130 and 131 be suspended in so far as they relate to Public or Private Bills.

Hon. Mr. BOSTOCK: Is my honourable friend in a position to tell us when we are going to get through with the work of the Session?

Hon. Mr. DANDURAND: The honourable gentleman has already asked me.

Hon. Sir JAMES LOUGHEED: Yes, I asked my honourable friend from De Lorimier, and he is hopeful that he will be through at the end of the week.

Hon. Mr. DANDURAND: Of next week.

The motion was agreed to.

DIVORCE BILLS.

THIRD READINGS.

Bill C5, an Act for the relief of Muriel Curren Gilmour.—Hon. Mr. Blain.

Bill D5, an Act for the relief of Marie Jeanne Yvonne Albertine St. Amour Lallemand.—Hon. Mr. Fisher.

SECOND READING.

Bill E5, an Act for the relief of Charles Henry Foster.—Hon. Mr. Bradbury.

SECOND AND THIRD READINGS.

Bill F5, an Act for the relief of Frank Cox.—Hon. Mr. Mitchell.

FIRST, SECOND, AND THIRD READINGS.

Bill H5, an Act for the relief of John Donnelly.—Hon. Mr. Bradbury.

PICTOU HARBOUR BILL.

THIRD READING.

Bill 121, an Act respecting the Harbour of Pictou in Nova Scotia.—Hon. Sir James Lougheed.

INLAND REVENUE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 178, an Act to amend the Inland Revenue Act.

He said: Honourable gentlemen, owing to the dry legislation which has been passed, not only by the Parliament of Canada, but also by many of the provincial legislatures, the long-settled conditions of the Inland Revenue Department have been somewhat disturbed, and it is necessary to make more ample provision than we have on the statute book to deal with the various branches of activity in that department. Additional attention will have to be given to the manufacture of commercial alcohol of different kinds and the regulations which must necessarily attend the manufacture of that class of liquor. It is proposed also to pass further legislation with reference to the regulation of stills and warehouses. This is necessitated by the legislation passed by the various provinces of Canada, which in many instances required the abolition of long-established warehouses and brought about a change in conditions.

It is likewise proposed by the Bill to deal with the subject of tobacco, which is becoming a commercial product of very great value in Canada. The Bill contemplates making certain amendments to the existing Act respecting the importation and the regulation of the trade in raw tobacco. When we go into committee, more ample explanations can be made of the various clauses.

Mon. Mr. BOSTOCK: The honourable the leader of the Government has given us some explanation of this Bill, but I do not think he has dealt with what seems to me the most important part of the measure, that dealing with the manufacture of denatured alcohol.

Hon. Sir JAMES LOUGHEED: I have called that commercial alochol.

Hon. Mr. BOSTOCK: I did not catch that.

Hon. Sir JAMES LOUGHEED: I used that term to express what I meant. That is what I had in mind.

Hon. Mr. BOSTOCK: In the western part of the Dominion notices have been sent, I understand, to all the people handling gasoline and oil to be exceedingly sparing in their sales. It is not at all a question of the Imperial Oil Company or the other companies dealing in oil raising the price of oil, but they are trying to impress on the public that they must conserve the oil to the greatest degree possible. It seems to me it is most important for us in Canada to try to find something that will take the place of oil, and if the manufacturing of alcohol can be done in such a way as to make it commercially feasible to replace oil with alcohol, that would be a most laudable undertaking on the part of the Government, and I hope would be successful.

Hon. Mr. DOMVILLE: I might supplement what my honourable friend says. He has touched very lightly on the question of oil. Why is it necessary to raise such a dust over this question of getting oil when Nova Scotia and New Brunswick are full of oil? Have they had any sympathy? Have they had any assistance? You talk about alcohol: you can get that out of potatoes or cabbage, or wherever you can get starch. I do not want to take up your time more than a few minutes. I am told that in Montreal the dealers will not sell oil now, but are reserving it for the ships. Why not develop what oil we have? Must I plead all the time, like Paul before Festus, to ask the Government to investigate and see what we have. In this respect we give the impression abroad that either our hands are tied by some combination or that there is unwillingness to do anything in the matter. You cannot get any other impression abroad. If we want to develop our resources in oil, why do we not take up the question? There are many things to be considered in this respect; but with these resources right under your eyes I have brought up the question year after year and have spent a great deal of time trying to educate the country and to place before this honourable body the subject in all its bearings; yet there it lies dormant like a dead crow. Nobody even picks the bones. My honourable friend the leader of the Government gave us great encouragement on a previous occasion. I do not know whether he has the necessary influence or not, or what he has to do in order to get the question taken up. What have we to do to get this national question taken up in some practical way? That is the question. I would hate to think that we have not talked about it sufficiently.

Hon. Mr. TESSIER: Honourable gentlemen, in addition to what my honourable friend has said, I would point out that the Imperial Oil Company has from month to month given notice to importing firms in Quebec, where I live, that it would not

furnish them with any more oil. If there is such a scarcity, and if Quebec cannot get any more oil, the gas company will not be able to supply gas to their customers. It will be a disaster to some of the cities if they cannot get any more oil. This shows the importance of the Government trying to encourage our native oils as much as possible.

Hon. Mr. DOMVILLE: Why in your opinion do they not do it?

Hon. Mr. DANDURAND: I may observe that the Government is dealing with the manufacture of alcohol for chemical purposes. This recalls to my mind the fact that when the United States fixed a date after which alcohol could no longer be kept thousands and thousands of gallons were shipped by Canada to the United States. At first there was such a deluge of alcohol in Montreal that the warehouses were overflowing. But the Government were made aware of that situation and required the duty to be paid at the border and not when the alcohol would be taken out of the bonded warehouse. It would be interesting to learn what quantity of alcohol was thus imported into Canada after the United States had prohibited the keeping of alcohol in any shape or form. It would be interesting to learn also whether or not the Government has kept its eyes upon that immense volume of liquor from the United States which was sent to Canada for use in chemical processes. I put the question particularly because of my great concern for the virtue of Ontario and other provinces, which should be protected against the invasion of that alcohol from Montreal. I do not know where it has gone, whether its course has been followed, but I know that carload after carload came to Canada from the United States—to such an extent that cars were requisitioned as far away as the Gulf of Mexico to enable the manufacturers of alcohol in the United States to save their product by warehousing it in Canada.

Hon. Sir JAMES LOUGHEED: I am sorry I cannot give my honourable friend the desired information as to the amount of revenue collected by reason of that unlooked-for condition that arose and to which he refers, except to say that the Government quite recognized the capacity of Montreal to receive alcohol.

Hon. Mr. THOMPSON: They have it yet.

Hon. Sir JAMES LOUGHEED: I understand that it has arrived there in immeasurable quantities, and so far as practicable a reasonable distribution is being made in the other provinces.

Hon. Mr. CLORAN: Oh, oh.

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

POST OFFICE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 167, an Act to amend the Post Office Act. Hon. Mr. Gordon in the Chair.

On section 1—maximum registration fee increased from 5 to 10 cents:

Hon. Mr. BLONDIN: As stated yesterday, this amendment affects the rate of registration of letters.

Hon. Mr. BOSTOCK: And parcels as well?

Hon. Mr. BLONDIN: No; registration of letters only, not parcel post.

Hon. Mr. BOSTOCK: Last year at Christmas time, when a number of parcels were being sent through the Post Office, the advice given—

Hon. Mr. BLONDIN: Might I ask that my Deputy Minister be permitted to come in? This affects all registered mail matter.

Hon. Mr. BOSTOCK: Parcels as well?

Hon. Mr. BLONDIN: Yes.

Section 1 was agreed to.

On section 2—rate on newspapers issued less frequently than monthly increased from 1 to 2 cents per pound:

Hon. Mr. BLONDIN: This provides for an increase of 1 cent per pound.

Hon. Mr. BOSTOCK: I do not quite understand that as it is printed in the Bill. Is it an amendment to section 52 of chapter 66 of the Revised Statutes?

Hon. Mr. BLONDIN: Yes. We are fixing the rate at 2 cents.

Section 2 was agreed to.

On section 3—postage on newspapers and periodicals:

Hon. Wm. PROUDFOOT: Before we agree to increasing the rate on newspapers I would like to bring before the Postmaster General some points in regard to other arti-

cles carried at figures which I think are less than the actual cost. If we find that to be the case, then we should very carefully consider the advisability of increasing the rate on newspapers, which serve a very considerable number of people throughout the country by way of education. While it is true that for years past the department has carried newspapers at a very considerable loss, we must not consider that the money invested in that way is entirely lost. An increased rate means that newspaper readers from one end of Canada to the other will be obliged to pay very considerably more for their papers, because the publishing business is simply a commercial undertaking, and if a newspaper cannot be made to pay the publishers will not supply it at the figures they have been charging. I think almost every honourable gentleman will agree that unless a paper is made to pay it will very soon be discontinued. Why should we charge the newspapers an additional rate while other commercial businesses throughout the country are being supplied with the public service at considerably less than cost? It may be in the interest of the public that there should be an increase in the rate, and that the people who are supplied with papers should pay that increase; but before we reach that point would it not be well to consider if some other source of revenue cannot be secured. I think such a source could be found by increasing the present parcel post rates, which at present are very low. The regulations show that the charge on the parcel post is 5 cents for the first pound, one cent for each additional pound or fraction thereof up to 4 pounds, and 2 cents for each subsequent pound up to 11 pounds, within a radius of 20 miles from the place of mailing, irrespective of provincial boundaries; then, 10 cents for the first pound and 4 cents for each subsequent pound or fraction thereof to all points in the province in which the package is posted, outside of the 20-mile radius; and 10 cents for the first pound and 6 cents for each additional pound or fraction thereof—

Hon. Mr. BOYER: I rise to a point of order. There is no question raised in this Bill on parcel post; it is just newspaper business.

Hon. Mr. PROUDFOOT: Quite true.

Hon. Mr. TURRIFF: Newspapers go by postal rates.

Hon. Mr. PROUDFOOT: It is quite true that there is nothing in the Bill with reference to parcel post, but I am advancing an argument to show why this House should not increase the rate upon newspapers while other commercial enterprises are having their goods carried at much less than cost.

The Hon. the CHAIRMAN: The honourable gentleman should confine himself to the section under discussion.

Hon. Mr. PROUDFOOT: I thought I was doing so, Mr. Chairman. I am advancing these reasons as an argument why we should not increase that rate.

The Hon. the CHAIRMAN: The section only refers to newspapers and periodicals.

Hon. Mr. PROUDFOOT: Quite true, but I am pointing out, as a reason why we should not increase the rate, the position we occupy in reference to parcel post. I think that is quite within the subject under discussion and has to do with this particular section.

Hon. Mr. BOYER: But there is another objection; this is a money Bill; it is a question of raising revenue; we have no right to discuss it or amend it.

Hon. Mr. PROUDFOOT: While we are not in a position to introduce a money Bill, yet when the Commons sends a Bill to the Senate we have a right to consider the money aspect of the Bill. We would have a right, if we saw fit, to reduce or to eliminate entirely the charges which are made in that Bill. The Act only prevents us, as I understand it, from introducing a money bill, but once it gets here we can deal with it in any way we think fit.

Hon. Mr. MURPHY: You cannot amend it.

Hon. Mr. PROUDFOOT: I think we can amend it. Certainly we can amend the Bill that is before us, either by rejecting it or by cutting down the figure. At least, that is my understanding of the situation.

The Hon. the CHAIRMAN: Please confine yourself to the section.

Hon. Mr. PROUDFOOT: Mr. Chairman, if you rule that my remarks so far are not in line with the section under consideration, what I have yet to say will not be any nearer the mark. With all due deference I think I am quite within the subject under discussion, and have a right to discuss it from that standpoint.

The Hon. the CHAIRMAN: Well, go on, only confine yourself to newspapers

Hon. Mr. MURPHY: He has to develop his point.

Hon. Mr. PROUDFOOT: I have now given you the figures showing what the parcel post rate is, and if newspapers could be carried in the same way I would hope that a change would be made in that respect.

I wish also to point out to the Postmaster General that it was never intended that the postal service should include freight or express-carrying service, but that is the position it is now in. We find that the public mail service is interfered with to a great extent by carrying a large amount of parcel post business. A few years ago one mail-car was sufficient for almost any of the lines in this country, but we now find that owing to that increased service, brought about by the low rates, the mail service has become very much hampered and interfered with. As a matter of fact, the letters now, so far as bulk is concerned, occupy only a very small portion of the space required to carry what is looked upon and said to be the mail of the country, while the mail service in carrying the parcel post at a very great loss. According to my information, millions of dolars everey year are placed in the pockets of departmental stores and mail order houses. That is unfair not only to Canadian newspaper publishers, who are interested in having their papers carried from one section of the country to the other, but it is also unfair to another very important class of people—those carrying on business in country stores in the various provinces of Canada.

Certain difficulties arose a couple of years ago in connection with the carrying trade, and as to the rates that were being paid to the railway companies, and in 1918, through the Dominion Railway Board, the railway companies secured an increase in their rates of 43¾ per cent; yet we find that there has been no increase in the parcel post rates. There was an increase of from 2 cents to 3 cents on ordinary letters; but the complaint is not so much in that respect as in the manner in which goods are carried by parce. post. The Railway Board in 1917 were instructed to make an examination, and they did so and made a report. We find that by the parcel post, caps, hats, and other light material are carried from 400 to 1,000 miles at from 16 cents to 22 cents in separate boxes, and the boxes containing those articles occupy a space of two cubic feet. To carry those articles by express would cost at least 50 cents each. Then, catalogues, which weigh from 4 to 5 pounds each, are shipped to distributing points either by express or by freight, and there handed over to the post office authorities and carried by mail for 8 or 9 cents from that distributing point to any point within a radius of 20 miles. If the mail order people were obliged to send those parcels by express they would have to pay at least 50 cents; but instead of that they secure the service, at the expense of this country, for less than half what it would cost them by express. That in itself is a discrimination against our country merchants, and in that respect it is unfair. If the Post Office Department is going to resolve itself into an express company, or a company for carrying freight, well and good; then it should charge the same rates as are charged to country merchants for a similar kind of service; but I say that the present system is an injustice to the country merchants.

I want to refer for a moment to reports made by the Railway Board on the 5th of July, 1919, and the addendum made to it on August 29, 1919. Under the Order in Council whereby the arrangement was made for the carrying of mail the railway companies were paid for a whole postal car at 16 cents a mile and for half a car at 9 cents. The report made on the 5th of July, 1919, shows that a very considerable volume of evidence was taken dealing with this very subject, to ascertain whether or not the railway companies were receiving proper pay for the mail service. I find in that report that the Commission used this expression:

> Giving due consideration to the averages involved and the element of judgment concerned in dealing with the question as to the proper participation of the mail service in general costs, it would appear not unreasonable that the rate accepted by the board for the kindred express service in the general express judgment should be adopted, that is a rate of 34.7 cents for a full mail-car mile. It would appear also not unreasonable that the changes for the other services set out in the Order in Council, as contained in the reference to the Board, should be increased in each case by the same percentage as the 34.7-cent rate represents over the 16-cent rate.

So that on the representation of the railway companies the railway board, on hearing evidence not only on behalf of the railway companies but on behalf of the department, came to the conclusion that the rate being paid to the companies for the railway service was wholly inadequate, and they recommended an increase of more than double what it cost. I do not know what

arrangement was subsequently made by the Post Office Department; but I gather from this report, and from the fact that the railway companies were permitted an incease of 43¼ per cent in the ordinary carrying rates, that they also received a very considerable increase from the Government for postal service. If so, why has the rate not been increased for the parcel post service? If that service was carrying for from 16 to 22 cents parcels taking up a very considerable space, then why has that rate not been increased? It is quite clear that it should be increased. It is only fair to the country that people who are securing goods by parcel post should pay the cost to the country of carrying those commodities.

The Hon. the CHAIRMAN: I am afraid the honourable gentleman is wandering from the section altogether.

Hon. Mr. MURPHY: No, he is not.

Hon. Mr. CROSBY: He has wandered, but he is back again.

Hon. Mr. PROUDFOOT: I do not think, Sir, considering my premises, that I have departed from the proper rule of debate at all. I think I am keeping myself quite within the line of my argument. It all goes to show that if some commodity is not paying a fair rate, then we should not increase the rate against the newspapers.

The Hon. the CHAIRMAN: The honourable gentleman will understand that that is perfectly correct in discussing the principle of the Bill; but we now have before us clause 3.

Hon. Mr. PROUDFOOT: It is clause 3 that I am trying to deal with.

The Hon. the CHAIRMAN: I hope the honourable gentleman will confine himself to that.

Hon. Mr. PROUDFOOT: I am doing the best I can.

Hon. Sir JAMES LOUGHEED: You might occasionally say " as to clause 3."

Hon. Mr. PROUDFOOT: Then, coming back to clause 3, I will call the attention of the Postmaster General to the reason that I have for thinking that he can probably secure a couple of million dollars more of revenue. Parcel post packages certainly should not be carried at less than it costs the country to provide the service. I say, therefore, so far as the Post Office Department, that these parcel post packages should not be carried at all. The object of the post office is the carrying of letters and mail matter. It was never intended that the Post Office Department should develop into an express or freight business such as it is at the present time.

Now, what injustice does the course followed by the Department at the present time do to the country merchant? We all know that it is highly desirable that there should be country stores. Country stores occupy a very peculiar position. They are like the newspapers in that they are educational to the people in their own particular section of the country. People meet there, and as a rule wait for the mail there, and they discuss public questions of the day, and, after they have received their newspapers, they meet there and discuss the various issues presented by the newspapers. The effect of delivering parcels as they are delivered to-day is to cut down the business of these stores to such an extent that in many places throughout the country the storekeepers have been driven out of business. The country storekeeper has not the short hours that a storekeeper has in a town or city. Frequently you will find the country storekeeper running his store 14 or 16 hours a day; but under the present system of the parcel post his business is diminishing, and, as I said before, many have been driven entirely out of business.

Some time ago, when I was a member of another body, which had power to pass a different kind of legislation, I was in favour of imposing a municipal tax on the mail order houses in each municipality where they did business. Unfortunately I was not able to secure legislation of that nature; not because the majority of the members did not believe it would be good legislation, but because of the fact that so many people throughout the country received parcels through the parcel post that the members were afraid that such legislation might affect them in securing votes. In this House we are not influenced at all in that way, and are in a position to bring before the country legislation unaffected and untrammelled and free from any restraint which might affect us, if we were looking for the votes of the people.

Another reason, referring again to clause 3, why we should tax the parcel post business is on account of the fact that the people running these businesses receive cash on their orders as they come in, while the country merchants are frequently obliged to sell on time.

But there is a further reason. I consider that it is not healthy, not good business, to accumulate millions of dollars in certain

centres, drawing that money, as they do, away from various parts of the country, and, in fact, almost bankrupting those sections so far as local business is concerned.

I do not desire, Mr. Chairman, to take up very much more of the time of the House in dealing with clause 3. I want, however, to make it as clear as I can to the Postmaster General that there is a means of securing more revenue. More revenue is what the Government requires at the present time. Knowing as we do the position which the newspapers occupy at present, the hard time they have had in securing supplies, and the tremendous expenses they have been put to, we should not increase their expenses in this way. Knowing, as we do, that they are doing a good public service all the time, much of which they are not paid for, and much of which is for the general benefit of the public, why should we increase the taxation upon them? I know from experience that in many parts of the country newspapers have gone out of business. They have done so simply because they have been forced out of it. The expense of carrying on a newspaper is so great at the present time that many of them, owing to the increased cost of paper and labour, have been unable to carry on their business. Why should we make their condition worse than it is at the present time, when we can readily secure far more revenue from another source and in such a way as to not injure anyone in particular?

Nobody can successfully contend that the mail order business is an educator of the people. It is nothing of the kind; and I believe that the Postmaster General, once he considers the question from the standpoint which I have attempted to place before him, and when he sees that revenue can be secured in the way I have mentioned, will see fit to make the necessary changes.

The other day, when this matter came up, I thought of bringing in an amendment to the Bill; but, after considering the matter and discussing it with the law clerk of the House, I decided, as the amendment which I proposed would be an entirely new subject, that I would not introduce it in this Bill, and that the only way to accomplish what I desired would be to have it introduced in another House. I desired, however, to place the facts before the House so that some relief might be given along the line that I have mentioned.

Just another word or two in conclusion. If the parcel post delivery were placed on a fair basis, and the mail order houses were charged rates in keeping with express and freight rates—the same rates that are charged to houses distributing goods through the established channels of trade—the retail country merchant would more than compete with the mail order houses. But the mail order houses at present have such an advantage over the country merchant that he cannot compete with them. My idea is that the charges for this service should be at any rate equal to the express rates; if they were the country merchants would have no right to complain. But I say that not only the country merchants but also the newspaper people have a right to complain if the expense of a service such as that to which I have referred is charged against another branch of the business.

Hon. Mr. BRADBURY: How does it affect the consumer?

Hon. Mr. PROUDFOOT: I do not know that we have anything specially to do with the consumer at the present time. We all know that the consumer must pay at any rate. The consumer pays every thing, so far as that is concerned. It is only another way of compelling the consumer or the mail order house to pay their proper proportion of the public taxation. My honourable friend says, "How does this affect the consumer?" The consumer who secures a parcel by post at half what it should cost is receiving an unfair advantage, and is getting something that he should not get from the public. If he is receiving a benefit in that way, he certainly should pay for it. The result of the change suggested, in my opinion, would keep the people of the country where their money is, namely, on the farm, and in the villages and small towns; thus these districts would be built up, which would be in the interest of the country at large. I do not say my honourable friend is responsible for the injustice which is being done at the present time. It is possible that it is a result of the system which was handed over to him when he took office. But I think we should remedy that condition, and in the meantime we should express our disapproval of increasing the rates referred to in clause 3 by striking it out.

Hon. Mr. RATZ: Honourable gentlemen, I should like to ask the Postmaster General a question or two. I understood, when the Act in regard to the parcel post system was passed some years ago, that the Post Office Department was called upon to pay some millions extra on account of it. If that is the case what is the probable revenue de-

rived from the parcel post branch? Is there a loss or a gain?

Hon. Mr. BLONDIN: Up to the present time the carrying of parcels has been a paying proposition. The revenue derived from it by the department has been greater than the cost of operating it.

I beg to thank my honourable friend (Hon. Mr. Proudfoot) for the suggestion he has made. I thought that he recognized that it would be impossible for me, even with the best possible intentions, to meet his wishes, because it would mean an increase in taxation, which must be taken up first by the House of Commons. I should like to point out to him, however, that the parcel post is not the main business of the post office. It is absolutely incidental, just as the carrying of newspapers is incidental. As I stated yesterday, the main business of the post office is the carrying of letters in the cheapest and speediest way possible, even to the remotest and poorest hamlets within the four corners of this Dominion. Those who have seen the soldiers in the tranches, and have seen their eagerness to get their letters, often preferring them to their rations, will appreciate what a letter means in many homes in this country. That is why all the energy of the department must be directed first towards that object.

The main object of introducing the parcel post system was to reduce the cost of living, and to permit people to bring certain articles into their homes at the least possible cost of transportation. It was thought that the post office, having a complete organization for the transportation and the distribution of letters and newspapers, could undertake the service in the case of parcels up to a certain limit of weight and dimensions without incurring any loss and possibly at a profit. It is very seldom that a railway mail car is filled to its full capacity with the regular mails. There is always spare room, and in the majority of cases the requirements of the parcel post do not necessitate the obtaining of greater space than we were already using. We are using no additional help, and the distribution is made by our rural mail carriers and our postmasters; without any substantial increase in cost to the department. This can be done so long as we do not lose sight of the fact that there is a limit to the weight and dimensions of parcels beyond which we cannot go. If that limit is exceeded, the Post Office Department will be turned into an express department. I am firmly of the opinion that it would be a great mistake to follow the example of the United States in increasing the weight beyond 11 pounds of parcels to be carried by the parcel post.

As to increasing the rate, I can only repeat that I think the intention of Parliament when the parcel post system was instituted was to decrease the cost of living. To-day we have to meet the claims of the local merchants, who think that they are hampered in their business by the large departmental stores. On the other hand, I think there is a larger proportion of the people of this country who would favour a decrease in the parcel post rates instead of an increase. I would point out to my honourable friend that when the parcel post system was instituted zones were established for the purpose of meeting the fears of the local merchants, and outside those zones there is a considerable advance in the rate. For example, the rate of postage on parcels mailed in the Maritime Provinces to the post offices within 20 miles is 5 cents a pound; to post offices beyond 20 miles, 10 cents a pound; to post offices in Quebec, 10 cents; in Ontario, 12 cents; in Manitoba, 12 cents; and the rate increases with the weight of the parcel up to $1.32. This was a protection for the local merchant. The manner in which this works can be illustrated by this fact, that when those large departmental houses have to send, for example, their catalogues they do not use the parcel post at all. Suppose that the T. Eaton Company has a large bundle of catalogues to send, say to Three Rivers for distribution in that district; they will send that bundle first by express to Three Rivers, and then they will use the local post office; but if they do they will be called upon to pay the rate that everybody pays on articles of the third class, namely, 8 cents a pound. I am at a loss to know how I could refuse to anybody, even to a departmental store, the use of a post office which is available to everybody. I appreciate all that my honourable friend has said; and, though it may be that the present rates of the parcel post may have to be increased in view of the increased railway rates, his suggestions will certainly receive on my part the earnest consideration which they deserve. But if I have to raise the parcel post rates that will not have anything to do with the present proposition, because, mind you, we have to meet a deficit of $6,000,000, and this Bill aims at the principle that the rate on papers must be gradually increased to 3, 4, 5, or 6 cents a pound, which we shall have to charge them some day if we want them to meet the expenditures of the department.

Yesterday I was asked what was the great source of expenditure in the Department, and I stated that the larger expenditure was due to the operation of the rural mail routes. If you refer to the reports of the Department you will see that from 1902 to 1914 there were increasing surpluses in the Post Office Department. They were increased from $5,000 in 1902 to $1,300,000 in 1912. That is the year when the rural mail service was established. It was only a year or two afterwards that the Post Office Department felt the result. If you follow this table you will see that in the next year there was a decrease of $200,000; the next year, $1,000,000; and in 1915 when the rural mail routes were in full operation, there was a deficit of $2,914,000. So I think I am pretty near the truth when I tell this honourable House that the main reason for the present deficit in the Department is the establishment of the rural mail routes.

Hon. Mr. BELCOURT: Is there any hope of improvement in that respect?

Hon. Mr. BLONDIN: Not for the present. I am sure everybody will admit that it would be very hard for me to stop the operation of the rural mail wherever a route has been established. I have felt in duty bound to be very careful not to open any new routes unless the revenues and the necessities at the present time would amply justify any such step. For the present the policy of the department is practically not to create any new routes until better conditions prevail.

The second reason for the increased expenditure in the department is that those very same routes which in 1915 caused a deficit in my department of nearly $3.000,000 cannot be served to-day without our having to pay three, four, five and in some cases six times the prices that we were then paying for the carrying of the mails. What I mean is that in most cases the rural mail contractor would at that time be satisfied to cover the mail route for an annual payment of about $300, whereas you cannot get anyone to do it now for less than $700, $800, or perhaps $1,200. We had to relieve rural mail contractors on account of the changed conditions. The number of those who have applied so far and whose contentions are being upheld by the department is about or over 1,200. The third reason for the increase in the expenditures of my department is that it is the department having the largest number of employees, and consequently the one most affected by the increases in the wages of civil servants.

Hon. Mr. PROUDFOOT: Before leaving that point, might I ask the honourable gentlement a question? You say that the rural mail routes are costing more money I am informed that one cause of complaint by the of mail matter owing to the parcel post. I rural mail men is the increase in the bulk understand that is the principal reason outside of the ordinary increase why they want more money for their services.

Hon. Mr. BLONDIN: I would not like to answer my honourable friend without making fuller inquiry, but my impression is that the argument of the rural mail contractor is not a very good one.

Hon. JOHN WEBSTER: If the honourable minister would permit me, I would be pleased to answer the honourable gentleman from Huron (Hon. Mr. Proudfoot). Five years ago you would have to pay a young man to drive the mails $20 a month. To-day you have to pay him $60. To get a horse shod five years ago you paid 80 cents; to-day you pay $2.50. For that horse's feed you paid 5 years ago 35 cents; to-day you are paying $1.50 a bushel for oats. Five years ago you bought hay at $10 a ton; to-day you are paying $30. So it is all along the line. That accounts for the increase.

Hon. Mr. BLONDIN: Subsection 2 refers to "newspapers and periodicals published not more frequently than once a week in any city, town or village which has a population of not more than 10,000 persons," and having "a circulation of 2,500 copies per issue." After having discussed the whole matter with persons of experience, I found that a good reason for taxing the daily paper a little higher than we are doing; but, as no distinction could easily be made as between the daily papers and the magazines and the weeklies, we had to come to certain terms. The weeklies are not in a position to handle the proposed increase in the same way that the big dailies are. That is why we have agreed to the request of the weeklies and of the representatives of the magazines that any weekly published in a city of not over 10,000 population whose circulation is not over 2,500 shall be entitled to retain the old privileges given to weeklies and that there shall be a free zone of 40 miles. Any other papers, that is, those published in a city of over 10,000 population and having a circulation over 2,500, will have to pay the new rate on the excess above that circulation. The reason for this is that up to 2,500 copies not only may the newspapers have a sufficient revenue but it

does not cost the department anything to carry them, for they are using the ordinary way in the post offices.

Hon. Mr. BELCOURT: Would my honourable friend tell us what the comparison is between the rates on newspapers and magazines from the United States coming into Canada and the rate which my honourable friend proposes by this measure?

Hon. Mr. BLONDIN: There is a great protection to be granted to the Canadian magazines. We treat all the Canadian magazines as newspapers, and we have granted all newspapers, whether magazines or not, and will for the present continue to grant them, the 25 cents per 100 pounds privileged rate; whereas the American magazines have to pay 4 cents to be circulated in Canada.

Hon. Mr. BELCOURT: It is one-quarter of a cent as against 4 cents?

Hon. Mr. BLONDIN: As against 4 cents. But I am sorry to say that that is all that the post office can do. We cannot remove the other obstacle to the development of Canadian magazines, which is that the American magazines come over here by express and are distributed to newsdealers without using the post office at all. I have investigated this question and find that in the post office there is a protection of 3¼ cents in favour of Canadian magazines; and, besides, any American magazine, in using the post office, has to charge for Canada a much higher price than it does for the United States. So far as the Post Office Department is concerned, that is the preferential treatment we give Canadian magazines as against American.

Hon. Mr. BELCOURT: Would the express charge be above the post office rate? I am speaking now of the United States periodicals.

Hon. Mr. BLONDIN: Less.

Hon. Mr. BELCOURT: Assuming that the post office rate is, as my honourable friend says, 4 cents, what would be the express rate? Has that been worked out to see which would be the higher?

Hon. Mr. BLONDIN: There is this fact which might answer the question: the American publishers use the express.

Hon. Mr. BELCOURT: It would be lower than the postal rate, then?

Hon. Mr. BLONDIN: Yes. Subsection 3 reads as follows:

Hon. Mr. BLONDIN.

Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than one a week, and the newspapers and periodicals described in the immediately preceding subsection, upon any copies in excess of the circulation of two thousand five hundred copies—

It is intended by this clause to charge three-quarters of a cent on all papers except those to which I have already referred, and in order to make this clear I desire to propose that the subsection be amended by adding after the words "two thousand five hundred copies," the words, " and all other weeklies and periodicals."

Hon. Mr. BOSTOCK: Does that cover the semi-weeklies?

Hon. Mr. BLONDIN: No.

Hon. Mr. BOSTOCK: There are certain papers published semi-weekly. They do not come under subsection 2?

Hon. Mr. BLONDIN: No; the semi-weeklies are treated on the same footing as the dailies, and the representatives of those semi-weeklies have been so notified.

Hon. J. G. TURRIFF: The honourable minister has told us that the parcel post is self-sustaining. I would like to ask, however, if the departmental store that ships, we will say, a carload of catalogues from Toronto or Montreal to Ottawa and then puts them into the post office here for distribution to individual customers has to pay the parcel post rate?

Hon. Mr. BLONDIN: In both ways. Either the departmental store will use the local post office in Ottawa to reach anybody in the city, and in that case will have to pay the third-class rate, 8 cents per pound—

Hon. Mr. TURRIFF: But you have to deliver by the rural mail.

Hon. Mr. BLONDIN:—or it will use the parcel post in the 20-mile district, and in that case it still has to pay it.

Hon. Mr. TURRIFF: It still pays all right. There is just one other point to which I wish to refer, and that is the rural mail delivery. The Minister has shown us that that is a source of loss at the present time. I can readily understand that from the point that was made by my honourable friend from Brockville (Hon. Mr. Webster). I was glad to hear the Postmaster General say that he was discouraging as much as possible the establishing of rural mail routes, but I want to say that there have been a

great number of rural mail routes established that should not have been established. That was done because of members like myself, when I was in the House of Commons,—

Some Hon. SENATORS: Oh, oh.

Hon. Mr. TURRIFF:—to a certain extent advocating for the benefit of a few settlers the establishment of a mail route—I suppose, with the hope of getting some little kudos or some votes by it. But that was done at a time when the expense of the rural mail delivery was, as the minister has pointed out, only one-third or one-quarter of what it is at the present time. But the point I want to make is this, that rural mail delivery is not as necessary to-day as it was 10 years ago. I have heard numbers of men on free delivery routes say that it was a questionable advantage to them after all. In many cases they lived half-a-mile from the main road. They had to go down and put their letters in the box and get their mail out, and it was especially awkward in connection with registered letters, because they had to be there at the time when the rural mail-carrier passed. This man also pointed out that one man would go into a railway town 10 miles away and on his way back would bring mail for three or four of his neighbors. But since that time there has been a further great change, that is, in the number of automobiles the farmers possess. In my part of the country where rural mail routes are in operation one-half the farmers have automobiles, and they travel into the towns during eight months of the year, and can get their mail at the post office with just about as much convenience as by rural mail delivery. I am merely pointing this out to strengthen my honourable friend, if possible, in his argument for curtailing that part of the expense, because it is a serious matter if rural mail delivery is causing a loss of two or three millions of dollars a year. I believe the time has come when all those sinecures must be done away with. I believe that the people who use the railways for carrying freight should pay such rates as would make those railways self-sustaining, and that the deficit should not be charged on all the people of Canada. If any part of the post office service is not self-sustaining, that condition should be remedied as far as possible, so that the general deficit, which I understood my honourable friend the other day to say would amount to about four million dollars a year outside of the war tax, would be made up. This amount is too much to lose in one department, and it should be reduced by making the people who get the service pay for it.

Hon. Mr. DANDURAND: There is something very illogical in the whole system that has been described to us. Large commercial houses that want to advertise their wares issue catalogues; but, as they do not like to pay 8 cents a pound for sending them through the mail, they ship them by express to a certain point, and from there use the mail for distribution to individuals. But there is a much easier and more economical system than that. Instead of publishing a catalogue singly, they can publish it in a newspaper so-called, and thus reach hundreds of thousands of readers and under this legislation pay only three-quarters of a cent a pound. It seems to me that when this is shown the argument that is used to enlist our sympathy for the newspapers falls to the ground. In Europe, taking simply France and England, a newspaper is a paper giving the news, plus a sheet or two sheets of paper which contain political essays or articles on various questions interesting, informing, and educating the public on general topics and on questions of the day. That is a newpaper as understood in Great Britain and France; it does not comprise 44 pages, but four, six or eight pages. Canada has adopted the American system, and prints advertisements of all commercial institutions, private and public, and forces our Government to carry that advertising at a rate which causes a deficit of six million dollars a year. Now, we are charging 8 cents a pound to a man who wants to distribute his catalogue through the mails; why should we allow him to distribute it through the press at the rate of three-quarters of a cent a pound? We are complaining because of a shortage in the production of newsprint paper; but if we forced the people who carry on that advertising industry in the country to pay a proper charge for carrying newspapers through the mails. I am quite sure we would reduce the use of newsprint paper to such a point that the whole country would be served. We have to-day heard of some newspapers in the West being threatened with closing down for lack of paper. I am quite sure that if we forced the industrial and commercial companies to pay for the service that is being rendered them under the guise of newspaper cir-

culation we would reduce the formidable abuse of the mails by newspapers which run into 20, 40, and 50 pages on Saturdays and Sundays, and wipe out that stupendous deficit which the Postmaster General mentioned.

Hon. Mr. PROUDFOOT: I am surprised to hear the Postmaster General say that the parcel post service pays its way. If so, the 3-cent letters must be a very great source of income, because a parcel which goes by parcel post occupying a space of 2 square feet would take up the space of probably 200 letters. That shows a further discrimination in favor of the parcel post as against letters, because in the case of letters the Department gets a revenue of $6 and in the other case a revenue of 22 cents.

Hon. Mr. CROSBY: They do not occupy the same space in the car.

Hon. Mr. PROUDFOOT: The space in the car is another matter. I think you will find that considerably more space is taken up in the cars now than before, and that we have to pay a good deal more to the railways. I quite understand why the cost of rural mail delivery has greatly increased, and when speaking I had in mind the increase which rural carriers demand because of the parcels which they are required to carry. Formely a man with a single buggy could carry the mail for a number of places, but now he requires considerably more space, which has greatly increased the cost. Again, the postmasters in those small places are paid by mere commission on stamps sold, and get nothing for handling those large parcels which come by parcel post. Therefore, notwithstanding what has been said, the question might very well be considered with a view to placing the parcel post on a reasonable basis, of paying in proportion to the space it requires.

Subsection 2 of section 3 was agreed to.

Subsection 3, as amended, was agreed to.

On section 4—parliamentary papers:

Hon. Mr. BLONDIN: This section deals with the franking privileges, omitting those that have been granted to the legislatures in the past, but not affecting the privileges of the members of either House of Parliament.

Hon. Mr. PROUDFOOT: I would like to know the Postmaster General's reason for introducing this section. As a former member of a legislature, I may say that we found it very convenient to be placed in a position, during the recess, of sending out free of charge to our constituents the printed matter we received from the departments. The withdrawal of that privilege means that none of the matter now sent to the members of the different legislatures will pass from their particular office or home, as it would cost them too much money, and they do not receive sufficient remuneration to admit of their sending it. As the circulation of such papers is for the benefit of the country at large and the education of the people, I think the Post Office Department might very well be burdened with that in the same way as it has been.

Hon. Mr. BLONDIN: I understand very well that it is the duty of the Post Office Department to carry all papers of the different Federal departments as a matter of administration, without charging anything; but I fail to see more reason for carrying free the literature and occasional papers of the legislatures than for carrying free of charge the newspapers of this country. It means a very considerable amount of money, running into hundreds of thousands of dollars, and we may find it go higher than that. I would point out further that my department has received no recognition from the legislature of any province in the whole Dominion for the services rendered, and in spite of representations made to the different legislatures that they should provide service at a fair rate for carrying our letter-carriers on the tramways, which are organized by the province in the cities, or whose charters are given by the provincial government, no action whatever has been taken in that direction. That is another reason for the increase of cost in my department. I am facing an increase of three, four, five, or six hundred per cent in dealing with the different tramway lines of this country.

Hon. Mr. PROUDFOOT: I quite appreciate that there is a great deal of expense in that connection, and I have always felt very kindly towards the department for giving us the franking privilege during recess. I do not know how it was arranged for during the sitting of the House, but during recess, when we received the departmental reports and other matter from the departments, it was of very great importance from the standpoint of enlightening the people throughout the province. Although the Provincial Governments have not seen fit to do something which they might very well have done with their railways, I do not know that that is a reason

why we should now undo something which we have been doing for many years for the benefit of the Dominion at large.

Hon. Mr. DOMVILLE: I do not understand that there are any franking privileges to members of either House except within ten days of the dissolution of Parliament or ten days before. The Act provides that all bluebooks officially published by the Government go free; therefore that is no franking privilege. My honourable friend misunderstood that.

Hon. Mr. POWER: The only criticism I have to make on section 4 is that it enables members of the Senate and members of the House of Commons during the recess of Parliament to send public documents free of charge. We have that right while Parliament is sitting. I do not approve of our doing it during the recess, and I would suggest that instead of the words "during the recess" we should say "during the session."

Hon. Mr. BLONDIN: We repeal the old law, less the part of it relating to the legislatures.

Hon. Mr. POWER: I have listened with a good deal of patience to the discussions which have taken place on this Bill, and I think it only fair to say that it seems to me that the Postmaster General has made his case good in almost every instance. His replies to questions have been clear and satisfactory, and he has shown a reason for everything that has been done. I regret that the reform could not be carried further, but I quite understand the difficulty there would be in raising the rate on newspapers to 1½ cents at once. Evidently the intention is to break it gently.

Section 4 was agreed to.

The preamble and the title were agreed to.

The Bill, as amended, was reported.

THIRD READING.

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

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

IRRIGATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 158, an Act to amend the Irrigation Act. Hon. Mr. Foster in the Chair.

Hon. Sir JAMES LOUGHEED: With the permission of the House I will bring in Mr. Drake, who is the officer in charge of this Bill.

One of the principal features of this Bill, which will be found running through several clauses, is that it is retroactive in effect. As I pointed out yesterday, some doubt has been cast on the interpretation to be placed upon the language first employed when the Act was passed. Consequently it is desirable to make the language, as we propose embodying it in the Bill to-day, relate back to the date mentioned. I am informed by the Department that no intervening interest has been created, that no vested right has arisen, and that consequently no interest will be affected. The language employed is simply to give greater lucidity to the principles which we have embodied in the original Act, and to give simplicity in the interpretation of the different clauses to which this relates.

On section 1—"Spring" included in waters vested in the Crown, etc.:

Hon. Mr. BOSTOCK: I do not quite follow my honourable friend in the statement he has made. This section says:

> Section 6 of the Irrigation Act, chapter 61, of the Revised Statutes, 1906, as amended by section 2 of chapter 38 of the Statutes of 1908, shall be deemed to have come into force and operation on the twenty-third day of July, one thousand eight hundred and ninety-four.

Section 6 of the Irrigation Act deals with "property in and right to use water vested in Crown." Then there is a subsection, "Diversion or use prohibited except in exercise of right." That Act, I presume, went into force at the time it was enacted. Of course, I have the Revised Statutes.

Hon. Sir JAMES LOUGHEED: The first Irrigation Act was passed in 1894. For the purpose of illustrating what I have said, I would point to the statute of 1894, where the following section will be found:

> After the passing of this Act, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake—

and so on. In the Revised Statute that was changed slightly, and in 1908 apparently another amendment was made. This Bill further amends section 2 of chapter 38 of the statutes of 1908. The only change that we make now is to declare that the clause shall be deemed to have come into force and operation on the 23rd day of July, 1894; that is, when the original Act

was passed. That makes it quite clear that the application of the language shall relate back to that period; and if there is no intervening interest no harm can be done.

Hon. Mr. BOSTOCK: I think the wording of this clause is rather different from the wording of the clause of the Act of 1894. I did not gather that the language of the Act of 1894 was as strong as this.

Hon. Sir JAMES LOUGHEED: I read the clause of 1894. When the statutes were revised, in 1906, somewhat different language was employed. A further amendment was made in 1908. So we have practically three clauses dealing with the same principle which it was sought to embody in the law in 1894. Now we say the whole body of that law as laid down in the amending sections shall be in force as of the time the Act was passed in 1894. What objection can there be to that, if there be no intervening interests, no vested rights?

Hon. Mr. POWER: Does not the leader of the House feel that, in order to make it clear that no vested rights are being interfered with, there should be added, either to this clause or at the close of the Bill, something to the effect that nothing in this Act shall prejudicially affect rights existing.

Hon. Sir JAMES LOUGHEED: That is the difficulty. Then someone may come along and say that he places an entirely different interpretation upon this, and may claim to have a vested right in the water, which right has arisen since 1894. No one can realize or appreciate to a greater extent than my honourable friend opposite that the principle should be recognized that all water was vested in the Crown at the time of the passage of the Irrigation Act, and therefore it is for the service of the public, not of the individual; and if there be no evidence whatever that there was an intervening right it seems to me that we should declare it to be the law as of that date.

Hon. Mr. BOSTOCK: Something of this kind was done in the province of British Columbia. The question came up in regard to the granting of water rights, and rights that had been granted a long time before the legislation was passed were very much affected by power that the Government took under the Act. I would like to know whether under this Act there have been rights issued by the Department which might be affected in the same way. For instance, in British Columbia certain rights were granted previously which, under the Act, the Government had really no right to grant. Then they passed legislation which practically gave those rights a standing and put other holders on the creeks in a very bad position. When the Government had taken the property in the water in this way they undertook to say that they would take water out of one watershed and put it into another, with the result that the water was taken and there was not enough left in certain parts for proper irrigation. I think it is a principle which should be recognized that water should not be taken out of one watershed until it is proved that proper provision has been made for all the lands to which that water is accreditable, because in many cases it is impossible to get any other water for the purpose of irrigation. That may be a question that comes up in the administration of the Department, but it is sometimes a very serious one to individuals.

Hon. Sir JAMES LOUGHEED: There is no analogy between the two cases. In the province of British Columbia the water was vested in the Crown through the province. In this case the water in the original Northwest Territory when the Act was passed in 1894 was vested in the Crown through the right of the Dominion Government, and the Act was made applicable only to that territory. The fundamental principle and policy of the Act of 1894 was declared in section 4 of that Act, which is as follows:

> Until the contrary is proved, the right to the use of all water at any time in any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh, or other body of water shall, for the purposes of this Act, in every case be deemed to be vested in the Crown; and, save in the exercise of any legal right existing at the time of such diversion or use, no person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh, or other body of water, otherwise than under the provisions of this Act.

Consequently there have been no rights acquired in that sense, the water being vested in the Crown through the Dominion Government, and being administered by the Department of the Interior, subject to the regulations of the Irrigation Act then passed, and since amended. As I pointed out the other day, irrigation in the sense in which it was introduced at that time was in its infancy in Canada.

My honourable friend referred to irrigation projects in British Columbia since Confederation; but this introduced a system of irrigation on a very much larger scale, and

to-day every foot of water is administered by the Crown through the Department of the Interior. The legislation which we have before us is simply to clear up any doubts which exist, and more expressly to declare what the law is touching this subject.

Hon. Mr. BOSTOCK: This legislation would interfere with the natural rights of water.

Hon. Sir JAMES LOUGHEED: There is no natural right of water. When the Act was passed on 1894 the natural right of water was declared to be in the Crown, and always to have been in the Crown; consequently it is for the Crown through its administrative officers or departments to say what shall be done with the water.

Hon. Mr. POWER: In reply to my suggestion that there should be a saving clause in the Bill to prevent interference with legal rights of other parties, the leader of the House said that might involve litigation. But if a man's rights have been interfered with, either by the Government or by any other person, surely he has a right to go to the courts and find out what his legal rights are. I do not understand why the honourable gentleman should object.

Hon. Sir JAMES LOUGHEED: If the object of this be to clear up any doubt as to the interpretation that could be placed upon the law as it formerly stood, to introduce a proviso of that kind would render futile the object which we have in view, because it would permit anyone to say the law does so-and-so.

Hon. Mr. POWER: That only goes to show that this Bill is intended to affect legal rights.

Hon. Sir JAMES LOUGHEED: I will not say anything more about it.

Section 1 was agreed to.

On section 2—grants of land not to convey water rights:

Hon. Mr. BOSTOCK: What are the changes in this section?

Hon. Sir JAMES LOUGHEED: It enumerates the different courses or supplies of water. The same language is used in section 6 of the original Act, and we are simply bringing this clause into conformity with the section which was passed in 1894.

Hon. Mr. BOSTOCK: I notice in the Revised Statutes that the date is given as the 13th of June, 1898. Was there any particular reason for that change?

Hon. Sir JAMES LOUGHEED: That was a clerical error made by the officers who had charge of the consolidation of the Statutes. They put in 1898 instead of 1894.

Hon. Mr. BOSTOCK: They also put in the 13th of June instead of the 23rd of July?

Hon. Sir JAMES LOUGHEED: It is a mistake—purely a clerical error.

Section 2 was agreed to.

Section 3 was agreed to.

On section 4—applications for water, etc.:

Hon. Mr. BOSTOCK: Would the honourable gentleman explain this section?

Hon. Sir JAMES LOUGHEED: The object of this section is to follow out the principle which was embodied in the Act, by which precedence was given to the rights in the following order: First of all, domestic supplies; second, municipal; third, industrial; fourth, irrigation; then, for other purposes. It is self-evident that the supply of water for domestic consumption by the population is most necessary. Say a municipality desires to secure water for water services. It should have the right, even at the expense of those who may have had a prior right, to absorb those prior rights by compensation. That is to say, suppose some industrial institution had come in before the municipality was established, and controlled practically all the water, or had a superior control of the waters within the boundaries of that municipality, this would permit the municipality to acquire that right by compensation. The second paragraph simply provides the machinery.

Section 4 was agreed to.

On section 5—power to reserve any unappropriated water, etc.:

Hon. Sir JAMES LOUGHEED: That is simply asserting the right of the Crown for the purpose of the Act.

Hon. Mr. BOSTOCK: We get a different case in this section. Can my honourable friend explain that?

Hon. Sir JAMES LOUGHEED: An Order in Council was passed upon that case, and the question is whether we should not give solidity to the Order in Council by statute.

Section 5 was agreeed to.

On section 6—storage of water, etc.:

Hon. Sir JAMES LOUGHEED: This entire clause practically gives the Minister

control over constructive works or works in process of construction, so that the best advantage may be taken of the water supply which those works contemplate using.

Section 6 was agreed to.

Sections 7 and 8 were agreed to.

The title and the preamble were agreed to.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

CRIMINAL CODE AMENDMENT BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 137, an Act to amend the Criminal Code. Hon. Mr. Crosby in the Chair.

On section 1—definitions of Appeal Court amended to meet changes in title of courts:

Hon. Sir JAMES LOUGHEED: I move that paragraph a be amended to read:

A Divisional Court of the Appellate Division of the Supreme Court of Ontario.

The Hon. the CHAIRMAN: As amended, paragraph a will read:

(a) In the province of Ontario, a Divisional Court of the Appellate Division of the Supreme Court of Ontario.

The amendment of Hon. Sir James Lougheed was agreed to, and section 1, as amended, was agreed to.

On section 2—permit required for firearms and certain weapons:

Hon. Mr. DANDURAND: Do the words "permit in Form seventy-six" refer to an authorization or license?

Hon. Sir JAMES LOUGHEED: Yes. There is now in the statutes a form for this purpose.

Hon. Mr. BOSTOCK: Apparently a distinction is made between "gun" and "shotgun" in paragraph aa—perhaps the minister could tell us why? The proviso reads: "Provided that no British subject shall be required to obtain a permit with respect to any shotgun now owned by him." But the beginning of this paragraph reads: "Has in his possession any cannon, machine gun, rifle, gun," etc.

Hon. Sir JAMES LOUGHEED: "No British subject shall be required to obtain a permit with respect to any shotgun owned by him," but in the case of the other firearms and weapons mentioned in this paragraph a permit will be required. That is the difference.

Hon. Mr. WATSON: What about a rifle? Does a person have to get a permit for a rifle?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. McMEANS: Not if he has it in his house.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. WATSON: I think that would be a hardship. There is hardly a settler in the West who has not a rifle in his house for shooting coyotes, wolves, etc.

Hon. Sir JAMES LOUGHEED: He can get a permit.

Hon. Mr. WATSON: It seems to me that shotguns and rifles ought to be in the same class. Amongst British subjects the rifle is just about as common as the shotgun.

Hon. Sir JAMES LOUGHEED: My honourable friend will see that if a rifle could be used without a permit the purpose of the Bill would be defeated. The purpose is to prevent rifles from being imported into the country.

Hon. Mr. WATSON: But I am referring to British subjects.

Hon. Sir JAMES LOUGHEED: I know; but in case of a threatened riot or rising a great number of rifles might be imported, and if every British subject is entitled to have a rifle without a permit the accumulation of those rifles might precipitate a great deal of trouble and difficulty.

Hon. Mr. WATSON: Not in the hands of British subjects.

Hon. Sir JAMES LOUGHEED: I need scarcely repeat what has been stated here before, that British subjects as well as others are human, and under certain conditions their minds are inflamed just the same as those persons of other nationalities. The policy of the Act is that no one shall have a rifle without a permit, no matter who he is.

Hon. Mr. DANDURAND: Even if he already owns one he must have a permit?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: But if he has a shotgun he does not need a permit. Why do you make that exception for the shotgun?

Hon. Sir JAMES LOUGHEED: A shotgun is very much less dangerous. It is not used in times of trouble as the rifle is.

The Hon. the CHAIRMAN: It will reduce the high cost of living.

Hon. Mr. WATSON: I have a shotgun in my house, and have had two rifles for, I think, the last 45 years. I have never been without a shotgun or a rifle to use for sporting. Shall I have to get a permit?

Hon. Sir JAMES LOUGHEED: While two rifles would be safe in the possession of my honourable friend from Portage la Prairie, they might not be safe in the possession of somebody else.

Hon. Mr. McMEANS: Does that mean he cannot shoot straight?

Hon. Mr. THOMPSON: I understand that men who have had guns or rifles in their homes for the past 20 years have either to get a permit or throw them out on the street?

Hon. Sir JAMES LOUGHEED: I would not throw them out on the street. Evidence has been secured from authentic sources, and it is well known, that rifles have been introduced into the country, more particularly by foreigners, with a declared object in view. It is going to be difficult to suppress that kind of thing unless we require all persons to take out a permit, because the trouble is not confined to one nationality, and under certain conditions it may prevail generally.

Hon. Mr. BOSTOCK: My honourable friend stated that it was going to be quite easy to obtain a permit. Is there anything in the permit that will limit the number of weapons? Will the honourable gentleman from Portage la Prairie (Hon. Mr. Watson), who says he has two rifles and a gun, and who has perhaps one or two other weapons in the house, be able to get a permit for all of those? Will there be any difficulty about that?

Hon. Sir JAMES LOUGHEED: There will be no trouble about that.

Hon. Mr. BOSTOCK: I do not see why it is provided that you may have a shotgun in your house without a permit.

Hon. Mr. DANIEL: How are you going to carry out this provision? I suppose there is hardly a house in the whole Dominion of Canada in which there is not a revolver. What are you going to do? Are you going to send search parties around?

Hon. Sir JAMES LOUGHEED: We are not thinking of doing that at the present time, but it is well to have upon the statute book a law such as this, so that at a critical time we may enforce it. There is no present intention on the part of the Government to give general enforcement to this Act, but it is very necessary to have authority to do so.

Hon. Mr. WATSON: While we are considering this paragraph, we might as well have it cleared up. The proviso reads:

Provided that no British subject shall be required to obtain a permit with respect to any shotgun now owned by him; or,

Or what?

Hon. Sir JAMES LOUGHEED: Then it would read:

—or sells, or without lawful excuse gives or lends, any such offensive weapon—

Then we come to paragraph b, which deals with the sale.

Hon. Mr. WATSON: Any British subject in the future will have to get a license to buy or to own a shotgun?

Hon. Sir JAMES LOUGHEED: Yes, hereafter, if he has not a license to-day.

Hon. Mr. BOSTOCK: With regard to subsection 2, I asked my honourable friend a question about the words, "firearm, air gun." My honourable friend has the Code before him. The definitions of "offensive weapon" and "weapon" seem to include firearms and air guns, and I do not quite see the necessity of adding these words in this clause.

Hon. Sir JAMES LOUGHEED: I am informed that the section to which my honourable friend refers is entirely too wide, and this gives it a restrictive force. It is necessary to restrict it in this way in order that the proper interpretation may apply to the new legislation.

I move as an amendment to section 2 that the following subsection be added as subsection 3:

Subsection 2 of the said section is amended by inserting after the word "municipality," in the sixth line thereof, the following words: "or any person authorized under the law of any province to issue a license or permit to carry firearms."

The object of this amendment is to give provincial officers authority to issue permits.

Hon. Mr. MURPHY: Would there be any charge for those licenses?

Hon. Sir JAMES LOUGHEED: No, they are issued gratis.

Hon. Mr. PROUDFOOT: Who issues the license?

Hon. Sir JAMES LOUGHEED: Any provincial officer having authority to issue licenses, and we purpose to appoint our own officers in addition. Licenses can be issued by magistrates, police constables, etc. The power to issue licenses will be very general.

Hon. Mr. PROUDFOOT: I take it that, according to paragraph aa, a returned soldier who has brought back with him some trophies, such as revolvers, will have to take out a license?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. PROUDFOOT: What is the reason for that?

Hon. Sir JAMES LOUGHEED: We cannot draw a distinction, that is the trouble. If we are to carry out the policy which I have mentioned, it is impossible to draw a distinction saying that one man shall be immune and another man shall not.

Hon. Mr. MURPHY: There should be no distinction because some of the returned men are subject to shell-shock and are apt to use those weapons.

Hon. Mr. DANDURAND: This is all the more important for the returned soldier, because he knows how to shoot.

Hon. Mr. BOSTOCK: Is the amendment moved by the honourable leader of the House an absolutely new clause?

Hon. Sir JAMES LOUGHEED: Yes, absolutely new. It is intended to enlarge the class of persons having the right to issue permits.

Hon. Mr. PROUDFOOT: With regard to paragraph aa, it has been suggested that a person may have a revolver, gun, etc., in his own house, and that the prohibition applies only to the carrying of weapons. That is not my understanding of this; I understand that if a man has any firearms, in his house or anywhere else, he has to take out a license.

Hon. Sir JAMES LOUGHEED: Yes, that is right if he has them in his possession.

The amendment of Hon. Sir James Lougheed was agreed to and section 2, as amended, was agreed to.

On section 3 (new section 179A)—signing pretended affidavit or declaration:

Hon. Sir JAMES LOUGHEED: This is to prevent false representations being made as to affidavits, and false use being made of them.

Section 3 was agreed to.

On section 4, new section 211—seduction of girls between 16 and 18 instead of 14 and 16:

Hon. Mr. ROSS: I have a few words to say about this section. Sections 4, 5, and 9 are similar, and I do not know why they were not printed consecutively. These sections were before this House two years ago.

Hon. Mr. POWER: And previously to that.

Hon. Mr. MURPHY: There has been a great deal of time devoted to them since I have been here.

Hon. W. B. ROSS: These three sections are related to section 301 of the Criminal Code, which provides for the punishment of criminal assaults upon girls under 14, that is to say, upon children. That is not really a sexual offence at all; it is an unnatural offence, in which there is possibly only one guilty party, that is, the man. I do not know that there has ever been in Parliament any well-disposed person who would quarrel with that section 301 at all; in fact, it always seemed good legislation. But some advanced legislators, working along the lines of this section 301 which, as I say, deals with children and not women —have adopted practically the same language, and made it apply to girls between 16 and 18 in this section 4, and between 14 and 16 in section 9. Then section 5 deals with cases of seduction of a woman by an employer. Whoever drafted that legislation seemed to be oblivious of the fact that he was concocting legislation that dealt with a child, and was applying it to a different subject, namely, a woman, because the offence against a child, as I say, is not a sexual offence, but an unnatural offence. Where a woman is concerned it is a sexual offence; it is not unnatural, and, while it may be that the man is most often and chiefly to blame, that is not the fact always

and everywhere. I do not think that any person who has lived to 40 years of age would accept any such proposition as that. When these sections were before this House previously I moved the rejection of all three, but that motion did not carry. Later on I moved an amendment, which I intend to move again to-day, that will be applicable to this section 4, and I propose to put it at the end of the Bill as an independent section; I will not put it in as a subsection to sections 4, 5, and 9, as I wish to avoid repeating it three times. It will be as follows:

18. On the trial of any offence against section 4, 5 or 9 of this Act the trial judge shall instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of said offence they may find a verdict of acquittal.

Now, that is about all I want to say regarding section 4. I am not moving now that it be struck out, as I moved before. This House accepted the Bill and put that amendment in it the last time, and I will ask the House to take the same course with regard to this section 4, as well as sections 5 and 9, as they did two years ago.

Hon. Mr. DANDURAND: The Commons did not agree to that amendment of the honourable gentleman?

Hon. W. B. ROSS: No; and when it came back here we adhered to our amendment. That is as far as I am concerned.

Hon. Sir JAMES LOUGHEED: I suppose the proper method would be for me to move the adoption of section 4. I now so move.

Hon. Mr. POWER: I am prepared to support the motion which the honourable gentleman from Middleton (Hon. W. B. Ross) says he proposes to make later. To my mind the better way would have been simply to have thrown out section 4; that is my feeling about this matter. Any one who knows anything about life in cities knows that as one goes along the street, not merely at night, but even in the daytime, he meets numbers of young women who are over 16 years of age—some of them not over 16—but certainly under 18. Now, take the case of a young man going along, perhaps having dined not wisely but too well, and one of those young women of 17 years of age talks to him in a very friendly way. If the natural consequences result, should that man be liable to be sent to penitentiary for years? It does not so strike me, and I have this feeling about it: I do not think that you can make people virtuous by Act of Parliament altogether; and when you pass legislation which enables perhaps an abandoned woman to exercise what we call blackmail towards a man, who is really not seriously guilty, it is a very undesirable kind of legislation. I think that young women over 16 years of age should learn to take care of themselves, and trust to their own virtue, and not trust to the chance of getting damages by levying blackmail on an unfortunate young man whom they have had to do with. I think the law goes quite far enough as it is now. It protects the young woman up to the age of 16, and I think that is protection far enough. I know that those proposed sections reflect the sentiments entertained by a good many moral reform associations, but my experience in dealing with such associations is that in trying to prevent one kind of mischief they often lead to other and more serious kinds. I am sorry that the honourable gentleman has not taken a vote straight on the amendment.

Hon. W. B. ROSS: I entirely agree with the remarks of the honourable member from Halifax: I believe that it is an entirely vicious and bad section. I gave my reasons at length two years ago. If the honourable member will move to strike that section out now I will second his motion.

Hon. Mr. POWER: I am only expressing my regret.

Hon. Mr. ROSS: Will you make the motion to strike it out, and I will second it?

Hon. Mr. POWER: Yes.

Hon. W. B. ROSS: I will second that.

Hon. Mr. DANIEL: I would like to call the attention of the honourable member for Halifax to the fact that this section does not apply to the kind of girls to whom he refers. It refers to having illicit connection with a girl of previously chaste character between those ages—not a prostitute or abandoned girl. I think that should be taken into consideration. But I do not see any reason for the last clause:

Proof that a girl has on previous occasions had illicit connection with the accused shall not be deemed to be evidence that she was not of previously chaste character.

If the girl was not previously chaste the section ought not to apply.

Hon. Mr. MURPHY: But it does.

Hon. Mr. DANIEL: Why? There may be some legal reason with which I am not

acquainted, not being a lawyer, but I cannot see why proof that this girl has had illicit connection on previous occasions should not be brought in at the trial, and relieve the young man of the charge of having had illicit connection with a girl of previously chaste character, because, although she was not of previously chaste character, he is not allowed to prove that.

Hon. Sir JAMES LOUGHEED: Yes; my honourable friend misunderstands it. If she has had relations with the defendant before, she may have been of chaste character before he seduced her, and consequently he cannot be heard to say that because she had relations with him she is not of chaste character.

Hon. Mr. THOMPSON: He would be convicted on the first proposition.

Hon. Sir JAMES LOUGHEED: Yes, she may have been chaste previous to his having had relations with her.

Hon. Mr. DANDURAND: That is, the indictment would fix a date, and in order to shake the evidence as of that date the defendant would prove the same illegal act of six months before against him. He would not escape then.

Hon. Sir JAMES LOUGHEED: No; he could not be heard to say that because he seduced her she was not of chaste character before. However, there is the motion.

Hon. Mr. POWER: And I move in amendment to strike out section 4.

Hon. Sir JAMES LOUGHEED: I might say, for the information of the Senate, that the present law relates to girls between 14 and 16. This new section 211 proposes making the age limit from 16 to 18.

Hon. Mr. MURPHY: Before the amendment is put I would like to make a few remarks. As a physician I am in possession of knowledge that in the West some young women of from 12 to 14 years of age, especially those from eastern countries, are just as old and as fully matured as our women in eastern Canada are at 20 or 25, so you can readily see the injustice that might be done. A girl of 14, 15, 16, or 17—how is a young man going to determine her age? He gets acquainted with her; he knows nothing about her any more than that she is the daughter of So-and-so; he meets her under proper circumstances, perhaps when his intentions are good; and, human nature being frail, he falls with that young girl. Subsequent to that, probably as the result of some untoward circumstances, he meets another woman or young girl, and throws her to one side as unfitted to be his wife. In that case she goes around and blackmails him, telling him: "You have committed so-and-so with me under such circumstances; meeting me after I was 16 years of age, and before I was 17 years of age, you had illicit connection with me, and you are liable to two years in the penitentiary, and unless you marry me or give me $5,000 I will prosecute you." Now, gentlemen, I appeal to you as reasonable and sensible men, men who are fathers of sons, and maybe fathers of daughters, from your knowledge, is that reasonable? Is it the right thing, to put your sons in jeopardy of that kind? For my part I would hesitate before I voted for any such vicious Bill, and be ashamed of myself if I did so on the floor of this Senate of Canada.

Hon. Mr. PROUDFOOT: I did not intend to say anything on this question, as I supposed that the section, having been adopted on a previous occasion—

Hon. Sir JAMES LOUGHEED: No, it was not adopted on a previous occasion.

Hon. Mr. PROUDFOOT: I understood it was.

Hon. Mr. MURPHY: It was defeated three times during my term.

Hon. Mr. PROUDFOOT: There is the more reason, then, why I should say something on the question, because I am in favor of the section as drawn, and I think that this amendment to the statue should be made. One has to consider the situation, and see why an amendment of this kind is desirable. The matter has received a great deal of consideration from social reformers and others who have been engaged in work of that kind. Information was obtained from various centres in Canada, along the following lines:

1. The number of girls under care in the various homes, who were first led astray under 14 years of age.
2. The number who went astray, whether for the first time or not, between 14 and 16.
3. The number between 16 and 18.
4. The number between 18 and 21.

To such inquiries, the following replies were received:

Colonel Robert Hargrave of the Salvation Army reports that for 1918, 482 girls were cared for in the Army's Rescue Homes. Of these 4 were led astray under 14 years of age; 28 between the ages of 14 and 16; 69 between 16 and 18, and 20 under 21 but over 18 years of age were seduced by employers.

Misses Sage and Pettigrew, of the Presbyterian Social Service Home, Calgary, give us these facts; 55 girls under their care were first led astray under 14 years of age; 81 between 14 and 16; 70 between 16 and 18, and 53 between 18 and 21.

Miss Brooking of the Alexandra Industrial School states that of all admissions for 1917, 1918, 75 per cent of the girls committed have been between 14 and 16 years of age, and in nearly every case the charge has been immorality. Looking over her records for a number of years, Miss Brooking finds that an average of 75 per cent of the girls were demoralized between 14 and 16 years of age.

From Miss Askew, of the Edmonton Social Service Home, we learn that 12 of 80 inmates of the Home were led astray under 14 years of age; 50 between 14 and 16; 18 between 16 and 18. (No admissions over 18). Of these, 65 were suffering from venereal desease in such stages as would require from six months to two years for cure.

From Truro, N.S., Miss Strothard of the Maritime Home informs us that 53 of the girls coming under her care were led astray under 14 years of age; 42 demoralized between 14 and 16.

Brigadier Patten of the Salvation Army, Winnipeg, reports that in 1918, 3 under 14 were demoralized, 10 between 14 and 16, 11 between 16 and 18 one of 16 was seduced by employer, and one of 18.

Hon. Mr. MURPHY: I would like to ask the honourable gentleman if he does not think there would be just as many between 18 and 20 seduced by their employers if this were passed.

Hon. Mr. PROUDFOOT: I do not know; I have not had much experience in that respect; and I have not the information here. Now, I want to point out a number of countries in which the age of consent has been fixed at 18. In England, until a year or so ago, the age was 16, but it has now been raised to 18. In that connection I want to read a short item called "The Bishop of London's Criminal Law Amendment Bill." It says:

The Bishop of London secured a ready assent in the House of Lords for the second reading of his Criminal Law Amendment Bill. Its main provision is the raising of the age of consent from sixteen to eighteen, and there are other provisions of the Bill which will greatly strengthen the hands of the authorities in dealing with criminal vice. The Government have a Bill of their own which it is believed is more controversial in its terms, but Lord Sandhurst viewed the Bishop's Bill favourably and, urged that it should be sent to a Select Committee, so that both measures could be considered together, and, if possible, an agreed Bill might result. This course was assented to.

Then take the British Dominions and colonies. In Victoria the age of consent is 18 years; in Queensland, 17 years; in South Australia, 17 years; in West Australia, 17 years; in Tasmania, 17 years. Coming to the United States we find that in California the age of consent is 18 years; in Arizona, 18; Colorado, 18; Delaware, 18; Idaho, 18; Kansas, 18; Louisiana, 18; Minnesota, 18; New York, 18; North Dakota, 18; South Dakota, 18; Utah, 18; Washington, 18; Wisconsin, 18; Wyoming, 18. In a number of the other states the age of consent is 16 years, the same as in this country. You will observe, honourable gentlemen, that in the state of New York, where the social question has been rather fully gone into, the age of consent is now 18 years; and it strikes me as being only fair and reasonable that we should increase it here.

In Edmonton this question was considered quite recently before Mrs. Murphy's court. She was dealing with the case of a girl of 17 years of age, who was sent from Flint, Michigan, to her aunt in Edmonton. When the girl left Flint she was pregnant. After living with her aunt for a time she was taken possession of by certain men who were engaged in a hotel in Edmonton, who kept her for a certain time for immoral purposes. If this girl had been seduced by a Canadian citizen, acording to our law, he could not have been dealt with; but, if the age of consent had been 18 years, and she had been of previously chaste character, he could have been prosecuted. Should not a girl under 18 years of age, provided she has been of previously chaste charecter, be protected as much as a girl of 16?

Hon. Mr. MURPHY: I should like to ask the honourable gentleman why she should be protected against his 18-year-old son, and why the boy should be sent to the penitentiary if he falls?

Hon. Mr. PROUDFOOT: She should be protected because she was previously of chaste character.

Hon. Mr. MURPHY: So might he have been.

Hon. Mr. PROUDFOOT: That would be very doubtful.

Hon. Mr. MURPHY: I am paying a better tribute to your son than that.

Hon. Mr. PROUDFOOT: That is going into an aspect of the case which I am not prepared to discuss with my honourable friend. This question having been considered and dealt with by people who are looking after subjects of this kind in all our cities, they know the situation very much better than I do, and this law, I understand, is asked for by them simply because they are not able to cope with the present state of affairs. I think we may very well pass the

law and in that way give them an opportunity of dealing with the situation.

Hon. Mr. MURPHY: I think that this is vicious legislation. You cannot make people moral by act of Parliament. To my mind sumptuary laws are never effective.

Hon. W. B. ROSS: For the benefit of the honourable gentleman from Toronto (Hon. Mr. Proudfoot), I want to read from the Journal of the Empire's Parliaments of April 20 the opinion of Viscountess Astor. She said:

—that women brought into public and private life a sort of moral courage which the men needed. As to the argument about age, they all knew that women at the age of 18 were far older and wiser in many ways than the man at 25. The people who did not want women in public life were too late; there were certain reforms the women wanted, and they were going to get them.

And here a boy of 18 may be taken in by a girl—

Hon. Mr. MURPHY: Several years older than he is.

Hon. Mr. DANIEL: I think that the objection of my honourable friend to my right (Hon. W. B. Ross) can be overcome. I do not think we should go back on the principle of punishing a young man who seduces a young girl. Why should he not be punished? If we throw out this provision we shall be proclaiming to the country that the Senate thinks that a young man who seduces a girl of between 16 and 18 years of age should not be punished for it. I cannot go as far as that. There is a good deal of truth in the statement that a young girl of 18 is farther advanced in life, so to speak, than a young man of 18; but I think it would be wise to carry this section, and that when my honourable friend from Middleton (Hon. W. B. Ross) introduces his new clause we should adopt it also. By doing that I think we shall overcome the objection that some honourable gentlemen seem to have to passing this clause.

Hon. W. B. ROSS: Just one word. I would be inclined to accept the suggestion of the honourable gentleman from St. John in the case of seduction, but the section before us says:

Every one over the age of eighteen years is guilty of an indictable offence and liable to two years imprisonment who seduces or has illicit connection—

and so on. There are two different offences named there.

Hon. Mr. McLENNAN: Why not take out the words "illicit connection?"

Hon. Mr. PROUDFOOT.

Hon. W. B. ROSS: Yes. I do not think we should lose sight of the fact that this clause applies to a virgin, and not to a woman of doubtful character.

Hon. Mr. DANDURAND: Is it not the same thing.

Hon. Mr. PROUDFOOT: In answer to a statement made by an honourable gentleman a few moments ago, I neglected to point out that the universal experience of those in charge of reclamatory work among girls who have gone astray is that it is not young boys, nor innocent, unsuspecting men who get these girls into trouble, but mature men all the way from 28 to 50, and even 60 years of age.

Hon. Mr. MURPHY: That is in Toronto.

The proposed amendment of Hon. Mr. Power was negatived: yeas, 8; nays, 15.

Hon. W. B. ROSS: I move that section 4 be amended by striking out of line 3, the words, "or has illicit connection with."

Hon. Mr. DANDURAND: Why are the words to be struck out? Is it because they are useless?

Hon. W. B. ROSS: No.

Hon. Mr. DANDURAND: Is the offence the same?

Hon Mr. POWER: You seduce a virtuous girl; you can have illicit connection with a prostitute.

Hon. Mr. PROUDFOOT: If you strike out those words then the last three lines are useless.

Hon. Mr. MURPHY: You are right.

Hon. Mr. PROUDFOOT: I think we should be careful to see how this affects the whole section.

Hon. Mr. DANDURAND: I should like to be enlightened. I take it that it is one and the same offence.

Hon. W. B. ROSS: Not at all. Illicit connection is, I might say, a mere mechanical operation; but seduction is something more: it is the act of inducing a girl to take part in an immoral act. I think the section is bad in that it combines two offences. I do not agree that you need to change any other part. The rest of it is all right.

Hon. Mr. PROUDFOOT: I think that the amendment which my honourable friend (Hon. Mr. Ross) proposed before, and which as read seemed satisfactory, would be very much better than a change in this

particular clause. I understood that he intended to move that the amending section be placed at the end of the Bill or in some other part after we had disposed of the general clauses. That amendment struck me as being rather fair. It would be much better, I think, to let this clause stand as it is. If you strike out those words you are going to nullify to a great extent the value of the whole section.

The amendment of Hon. Mr. Ross was agreed to: yeas, 19; nays, 14.

Section 4 as amended was agreed to.

On section 5—seducing female employees:

Hon. W. B. ROSS: Honourable gentlemen, I have an objection to this clause. At first sight the objection may seem verbal, but if you look into it you will see that it is really of substance. The section that you have just dealt with refers to "a girl." The section we are now considering mentions "woman or girl." Those words are not put in there for nothing, I presume. A girl presumably means a maid, and woman presumably means a married woman. Whatever you can say—and no doubt a great deal can be said—in favour of some legislation for the protection of a girl from her employer, I do not see why you want legislation with regard to a married woman. I move that the word "woman" be struck out wherever it occurs in section 5. After a woman is married and has one or two children it is absolute nonsense to talk of her requiring legislation of this kind.

Hon. Mr. McMEANS: In what particular does this amend the law? Did it apply to domestic servants before, or were they specially excluded?

Hon. Sir JAMES LOUGHEED: This proposes enlarging the scope of the offence, so to speak. At the present time it is limited to—

> any woman or girl previously chaste and under the age of twenty-one years who is in his employment in a factory, mill, workshop, shop or store, or who, being in a common, but not necessarily similar, employment with him in such factory, mill, workshop, shop or store, is, in respect of her employment or work in such factory, mill, workshop, shop, or store, under or in any way subject to his control or direction, or receives her wages or salary directly or indirectly from him. . . .

It is now proposed to extend this provision to all classes of employment and all places of employment.

Hon. Mr. BOSTOCK: And all ages.

Hon. Mr. MURPHY: Not all ages.

Hon. Sir JAMES LOUGHEED: No; the amendment still reads "under the age of twenty-one years."

Hon. L. G. POWER: When a measure similar to this was before this House a couple of years ago, the particular point we are dealing with now was considered. While there never had been any objection to the latter part of the clause—that is, as to parties who in respect of their employment or work are subject to the control or direction of the man and are in a common employment with him—the House on that occasion felt that this clause, as it is worded now, and as it was proposed to be worded at that time, would expose any householder to being blackmailed by a domestic servant. And I remember there was some amusement created in connection with that matter. We all know that domestic servants to-day are not in the position in which they were 40 or 50 years ago. They are perfectly independent; it is the master and mistress who are now dependent. Every honourable gentleman knows that to-day the domestic servants as a rule go out in the evenings, sometimes every evening, sometimes every second evening—

Hon. Mr. MURPHY: They would be better in the house.

Hon. Mr. POWER: —and remain out until 10 o'clock or later; and they are not always engaged in saying prayers when they are out. To hold that the master of the house is to be deemed liable for the mistake that a girl of that kind makes is very unreasonable, and, as I say, it opens the door very wide to blackmail. I think this is really pernicious legislation. It does not apply to quite young people; it applies to women up to twenty-one.

Hon. Mr. DANIEL: I cannot see that there is anything in this section to convey the idea that the word "woman" there refers to a married woman only. I cannot see where my honourable friend from Middleton (Hon. Mr. Ross) gets that idea.

Hon. Mr. BOSTOCK: Well, what is the meaning of it?

Hon. Mr. DANIEL: It simply refers to a woman under the age of 21 years, that is all.

Hon. Mr. BOSTOCK: Call her a girl under 21.

Hon. Mr. DANIEL: The word "woman" is used instead of "girl" because, according to the previous section, when a girl ar-

rives at the age of 18 she becomes a woman. That is the view I take.

Hon. Sir JAMES LOUGHEED: I think the meaning of it is this, that a woman may be of chaste character and have children and yet be under 21, and a woman with children and under 21 would come within the Act. That is the reason the phrase is used. "Woman" and "girl" are not synonymous terms.

Hon. Mr. PROUDFOOT: Do I understand that this clause is now intended to cover all classes of employment?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. PROUDFOOT: I observe also that this particular section we are now dealing with was passed by the Senate last year.

Hon. Sir JAMES LOUGHEED: No, it was thrown out.

Hon. Mr. PROUDFOOT: I understood it was passed. My information was that it was defeated in 1913 and 1918, but last year, 1919, it was carried in the Senate.

Hon. W. B. ROSS: Yes, that is right; it was carried, but there was an amendment made—

Hon. Mr. MURPHY: An amendment about domestic servants.

Hon. Mr. PROUDFOOT: And later the Bill did not get through, because there was not time.

Hon. Sir JAMES LOUGHEED: Yes. Mr. Gisborne tells me it was rejected last session. There was an amendment—

Hon. Mr. MURPHY: There was an amendment about domestic servants.

Hon. Sir JAMES LOUGHEED: But we took that out.

Hon. Mr. PROUDFOOT: I may be mistaken, but my information is that the Senate passed it last year.

Mr. MURPHY: No.

Hon. W. B. ROSS: We passed it in amended form, and the House of Commons refused to concur in the amendment; and the Bill came back here, and we adhered to our amendment.

Hon. Sir JAMES LOUGHEED: The statement given to me is that this was passed in the House of Commons in 1918 and 1919, but was rejected by the Senate.

Hon. Mr. DANIEL: I would like to know exactly what the change is. What was the old paragraph b?

Hon. Sir JAMES LOUGHEED: I have read that. The present provision is more restricted than that contained in this Bill.

Hon. Mr. DAVID: Was the word "woman" in the old Act?

Hon. Sir JAMES LOUGHEED: Yes, "woman or girl."

Hon. Mr. McMEANS: Does it now apply to domestic servants?

Hon. Sir JAMES LOUGHEED: Yes, it will apply to everybody.

Hon. Mr. MURPHY: In any form of employment?

The amendment of Hon. W. B. Ross was negatived, and section 5 was agreed to.

On section 6 (new section 219A)—falsely pretending to be married:

Hon. Sir JAMES LOUGHEED: This was stricken out before, was it not?

Some Hon. SENATORS: Yes.

Hon. Sir JAMES LOUGHEED: This is the boarding house clause?

Hon. W. B. ROSS: It was struck out altogether.

Hon. Mr. McMEANS: This clause was before the Senate last year and received very serious consideration from many honourable gentlemen, some of whom spoke for it and others against it, and it was rejected by a large majority—I think 19 to 6. At that time I took objection to the clause on the ground that it made the offence the registration in a hotel. Evidently this clause is framed for the purpose of preventing or prohibiting illicit intercourse between a man and a woman in a hotel. Now, it does not make that act itself the offence. As I understand the law to-day, it is that there is no offence in a man going into a hotel with a woman who is not his wife and occupying the same room with her. It is no offence in Canada for a man to live with a woman to whom he is not married. It is no offence for a man and a woman who are not married to go into a hotel or boarding or lodging house, or onto a steamboat, or into a sleeping car, but if a person enters a hotel and falsely puts on the register that the woman is his wife, or that the man is her husband, that is an offence and the person convicted of it is liable to a penalty of $500 or 6

months' imprisonment; whereas the man who takes a woman into a hotel for the same purpose and does not register her as his wife goes free. It does seem to me to be ridiculous and unfair. If they want to make it a crime for a man to have intercourse with a woman who is not his wife, why can they not provide in that clause that it shall be an offence against the laws of Canada for a man to take a woman who is not his wife into a hotel for the purpose of having connection with her. I will vote for a clause of that kind, but I certainly do not feel like supporting a clause like this, which camouflages the whole matter. There is nothing to it, for I am told that the difficulty in any hotel is not caused by the unmarried people who come in and register as man and wife; there is no trouble caused by that class of people at all. The trouble is caused by the man who goes into the hotel and gets a room, has the woman come in and get another room, and then goes from his own room into hers. That is where the difficulty is; but that is no offence at all under this section.

I might say further that this clause should not apply to any case where a man and a woman unmarried are living together as man and wife and the woman is the reputed wife and the husband the reputed husband. There are plenty of cases of that kind throughout Canada—cases in which people have been living together as man and wife under circumstances over which they have no control. Perhaps they cannot get married. There may be the question of the legality of a divorce; or the wife may have become a lunatic; or the husband may be in jail, or in the penitentiary. These people living together as man and wife may have children. If they travel, they go into a hotel and register as man and wife, and some one who knows the circumstances may go and lay an information against them, declaring that the man is living at a hotel with a woman who is not his wife. He is immediately brought up, and then the onus of proof is cast on him. I do not see anything to be gained by that. If I can find a seconder I will move, as I did last year, that this clause be struck out. It should not be approved until it is put into proper form.

Hon. W. B. ROSS: Honourable gentlemen, I will second a motion to strike out this clause. I have very little to say about it, because two years ago I said what I had to say. My objections against the Bill were three in number. In the first place, this clause covers the case of a large class of men who served in the army. They are treated to-day, and were treated all during the war, as being the husbands of the women they had been living with prior to enlistment, and their wives were treated as lawful wives, and their children as legitimate children. Besides that, all the associations that took care of the women and children of the soldiers treated these women as if they were married, whereas there never had been a marriage ceremony at all. I made inquiry as to how many cases came from Montreal, and I was told by the Secretary of the Patriotic Association that in Montreal alone there were 180 cases. Then those men went to the war, and they are home again—some of them may have come home wounded, and some with medals—and it strikes me as absurd that a man who has served in the war and has been recognized by the Government as the husband of a wife, and whose wife and children are recognized, if he registers at a boarding house, should be fined $500. I do not believe in that. Then there is the second class that is very much larger. There are literally thousands of people in this country who were married and divorced, but the divorce was obtained on residential qualifications, by living in the United States for so many months or years, and they come to make a home in this country, where that divorce is considered as absolutely waste paper. In England a man getting such a divorce might be arrested and convicted of bigamy, as happened in a noted English case. You will find people answering that description in Ottawa, in the Parliament of Canada, and in the provincial legislatures, everywhere, who are not married, but who come under this section. In those two respects I think the section is all wrong; and, besides that, it is absolutely useless. I asked a hotelkeeper what value this provision would be to him, and he said: "None at all." He said: "Mr. A comes to this hotel and registers as Mr. A and is assigned to a room; Miss B comes and registers as Miss B and is assigned to her room. There is nothing wrong with the registration, but later on Mr. A finds his way to Miss B's room." I say there is no manner of use in drafting that legislation, and I think the section ought to be struck out altogether.

Hon. Mr. PROUDFOOT: I think the honourable member for Middleton (Hon. W. B. Ross) is unduly frightened about what may happen to people going to a

hotel in that way. This legislation would not fit many of the cases he has referred to, and there is no intention that it should. This legislation is desired to a very great extent by hotel keepers who want to prevent their hotels being made houses of assignation. During the last few years some of the leading hotels in Toronto have had a great deal of difficulty with people coming there and registering as man and wife when they were not man and wife. While a man might go to a hotel and register, and a woman might go to the same hotel and register, and afterwards they might occupy the same room, you cannot meet a case of that kind in this Act, and it is not so intended. This Bill is to prevent people from making use of hotels in the way they do now. We know that quite a number of people are in the habit of going to some of those hotels, and the man will register the woman who is with him as his wife It is to prevent that sort of thing that this legislation is desired. During the last few years certain hotels in Toronto took advantage of the card system, and where the parties aroused suspicious they insisted on having the cards delivered, with the result that during that time the hotels succeeded in turning away about a hundred different couples. They are trying to get at people of that kind by this particular section, and as far as I can see it will not affect the returned soldiers or the man who desires to go to a hotel in the way referred to by my honourable friend. If he thinks that it would, even that difficulty could be removed by strinking out the words "to whom he or she is not married" in the nineteenth line, and then going on to the end of the sentence.

Hon. Mr. MURPHY: I would like to ask the honourable gentleman if the amendment he proposes at the end of the Bill will not cover those cases?

Hon. W. B. ROSS: No.

The amendment of Hon. Mr. McMeans was agreed to.

Hon. Sir JAMES LOUGHEED moved that the Committee rise, report progress, and ask leave to sit again to-morrow.

The motion was agreed to, and progress was reported.

DIVORCE BILLS.

FIRST, SECOND AND THIRD READINGS.

Bill I5, an Act for the relief of Lauretta Estelle Cook.—Hon. G. V. White.

Hon. Mr. PROUDFOOT.

Bill J5, an Act for the relief of Reginald Muir Barlow.—Hon. G. V. White.

Bill K5, an Act for the relief of Alfred John Crawford.—Hon. Mr. Nicholls.

Bill L5, an Act for the relief of Frederick Minskip.—Hon. Mr. Nicholls.

The Senate adjourned until to-morrow at 2 P.M.

THE SENATE.

Thursday, June 24, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

CANADIAN NATIONAL RAILWAYS BILL.

THIRD READING.

Bill 141, an Act respecting Canadian National Railways.—Hon. Sir James Lougheed.

BANKRUPTCY BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 126, an Act to amend The Bankruptcy Act.

Hon. RAOUL DANDURAND: Before this Bill is passed, I want to reiterate my fear that this may be a step which it will be necessary for us to retrace, as we had to retrace our steps when we repealed the Bankruptcy Act in 1879 or 1880. Conditions are not at all what they were a few years ago. Each province has had its own legislation for the liquidation of bankrupt estates. I am somewhat fearful of the policy which we are going to adopt; but time only will tell.

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

DIVORCE BILL.

THIRD READING.

Bill E5, an Act for the relief of Charles Henry Foster.—Hon. Mr. Bradbury.

CRIMINAL CODE AMENDMENT BILL.

FURTHER CONSIDERED IN COMMITTEE.

The Senate again went into Committee on Bill 137, an Act to amend the Criminal Code. —Hon. Sir James Lougheed. Hon. Mr. Michener in the Chair.

On section 8—penalty of whipping added:

Hon. Sir JAMES LOUGHEED: The object of this is to punish rape by the penalty of whipping. At the present time it extends only to indecent assault.

Hon. Mr. McMEANS: This is not for rape; it is for an attempt to commit rape.

Hon. Sir JAMES LOUGHEED: That is made an offence distinguishable from indecent assault.

Section 8 was agreed to.

On section 9—carnally knowing girl between 14 and 16:

Hon. W. B. ROSS: I wish to propose the addition of certain words that have been left out after the word "girl" in the third line of new subsection 2. I move that after the word "girl," the words, "'of previous chaste character," be added. These words are in the other section.

Hon. Mr. PROUDFOOT: I object to that amendment. We have amended one of the previous sections by increasing the age of consent from 16 years to 18. It follows, I think, as a matter of course, that the age should also be increased in subsection 2 of section 9. It is the idea, apparently, to add some words which did not exist in the clause that this is intended to take the place of. The adding of these words is going to nullify to a very great extent the value of this particular section. In dealing with girls of from 14 to 16 we are dealing simply with children; so why should a clause of that kind be added? If you were dealing with girls of a greater age, there might be some excuse for it. For years the law has been that it was a criminal offence to have carnal intercourse with a girl under the age of 14 years, no matter whether she was chaste or not. The clause as it stands deals not only with seduction, but with the offence of having carnal knowledge of a girl who, as I said before, may be regarded as a child. The qualifying clause has no place in this section. Take, for instance, a concrete case. A girl of very tender years has been demoralized. She is apprehended and sent to an institution, and is taken care of for a couple of years. She receives considerable training there, and is able, at the end of that time, to start out again. She is taken hold of by some of the men who had carnal knowledge of her before, and she is again seduced. She is still under the age mentioned in this section. Why should not girls of that description be protected?

Hon. W. B. ROSS: Section 301 of the Criminal Code is untouched. It protects girls below or up to the age of 16. It remains exactly as it was. Under this section a new offence is constituted. This does not touch section 301, which protects girls up to 14 years of age.

Hon. Mr. MURPHY: Whether they are chaste or not.

Hon. W. B. ROSS: This new section deals with another class of girls altogether. Under the old law 14 was fixed as being approximately the age of puberty. All girls below that age were treated as being children, and they are left as much under this section. All girls between 14 and 16, and some even younger than that, have not attained the age of puberty, but there are many of them, Italians and Serbians and so on, who come here, who are fully developed women. All I say is that if you are going to deal with them, deal with them on the same footing as you deal with those between the ages of 16 and 18. In both cases you are dealing with women. Do not send a man to the penitentiary for five years if he is seduced by a prostitute off the sidewalk.

Hon. Mr. PROUDFOOT: It is quite true that you are increasing the age to 16, but my contention is—

Hon. W. B. ROSS: I do not want to interrupt my honourable friend unnecessarily, but that is scarcely stating the case exactly. We are not increasing the age. Section 301 deals with girls up to 14 years of age. That is a clause by itself. Up to that age they are children and are dealt with as such, and no one has ever quarrelled with that principle. But this section does not increase the age. It makes a new offence, that of having illicit connection with girls between 14 and 16.

Hon. Mr. PROUDFOOT: This clause simply takes the place of the clause which we are doing away with.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. PROUDFOOT: That is the effect of it.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. PROUDFOOT: It strikes me that way.

Hon. Sir JAMES LOUGHEED: We are not repealing section 301.

Hon. Mr. PROUDFOOT: No, but an offence is created.

Hon. W. B. ROSS: You have two offences: one in the case of girls between 14 and 16, and one in the case of girls between 16 and 18. In one case the punishment is two years, and in the other five years.

Hon. Mr. PROUDFOOT: The question of the years of punishment is not so important as fixing the age up to which children will be protected. I regard it as a protection of children, although my honourable friend says they have reached a mature age at 16. That is not the experience in the part of the country from which I come.

Hon. W. B. ROSS: I do not say it is common of Canadian girls, but there are thousands of girls of other nationalities who attain puberty early—and some of our girls reach it at 14.

Hon. Mr. PROUDFOOT: I submit that the clause should remain as it is. It is placed here for a purpose, and will afford a very considerable amount of protection.

(Hon. Mr. Crosby resumes the Chair.)

Hon. Sir JAMES LOUGHEED: Although I have charge of this Bill I must say that I do not see the wisdom of this section, which, if it were passed, would be subsection 1 of section 301. If we passed this subsection there would be two offences one of carnally knowing a girl under the age of 14 years, punishable by imprisonment and whipping, and one of carnally knowing a girl of the same class between 14 and 16 years of age, punishable by imprisonment without whipping. It is proposed that the latter provision should be amended by providing that the girl should be of previous chaste character.

Hon. Mr. BOSTOCK: The term of punishment in the Bill is five years.

Hon. Sir JAMES LOUGHEED: Yes. It is the same offence, but the penalty is different. We come back to the question of raising the age from 14 to 16, because the penalty is a severe one in any event.

Hon. Mr. POWER: I should like to repeat substantially what was said in connection with an earlier clause. As I said before, everyone who lives in a city like Ottawa or Montreal or Toronto knows that there are numbers of girls between the ages of 14 and 16 who are running about the streets trying to lead men astray. Such a clause as the one before us would simply strengthen the position of those mischief makers. It does not even say that the girl should have been of previous chaste character. Any man who offends with any girl —she may be really a professional prostitute —is liable to imprisonment for five years. I think that is a most unreasonable proposition.

Hon. Mr. PROUDFOOT: If this amendment is carried, what protection have girls from 14 to 16 years of age? It is intended to add to this section the words, "of previous chaste character." If that is done, how is the girl protected if she has not been of previously chaste character? She has no protection at all. I regard a girl of 16 as being no better able to protect herself than a girl of 14; and when we have increased the age of consent to 18 years, as we did yesterday, we should follow that up by keeping the legislation in line, and increasing the age to 16 years in this case.

The amendment of Hon. W. B. Ross was agreed to: yeas, 34; nays, 6.

Hon. W. B. ROSS moved that at the end of the clause the following proviso be inserted:

No person accused of any offence under this subsection shall be convicted upon the evidence of one witness unless the evidence of such witness is corroborated in some material particular by evidence implicating the accused.

He said: We added these words last year, as applicable to certain sections of the Code, and I move that they be applied to this new subsection.

The amendment was agreed to.

Section 9, as amended, was agreed to.

Hon. W. B. ROSS: As we are dealing with sections 4, 5, and 9, I would like to be allowed to go back to section 5. That is a new section in substitution for section 213 of the Code. It is not very long, and perhaps it would help us to understand the question if the House would bear with me while I read it:

Everyone is guilty of an indictable offence and liable to two years' imprisonment,—

(a) who, being a set-parent or foster parent or guardian, seduces or has illicit connection with his step-child or foster child or ward; or,

(b) who seduces or has illicit connection with any woman or girl previously chaste and under the age of twenty-one years who is in his employment in a factory, mill, work-shop, shop or store, or who, being in a common, but not necessarily similar, employment with him in such factory, mill, workshop, shop or store, is, in respect of her employment or work in such factory, mill, workshop, shop or store, under or

in any way subject to his control or direction, or receives her wages or salary directly or indirectly from him.

That is a pretty wide section, and I would have thought the provision sufficiently drastic. I would not object to the section at all, with the exception of the use of the word "woman." Now you have section 5 of this Bill, which it is proposed to substitute:

(b) who seduces or has illicit connection with any woman or girl previously chaste and under the age of twenty-one years who is in his employment, or who, being in a common, but not necessarily similar, employment with him—

—and so on, the same as section 213. You see, this is a blanket section. Though the old one was very wide, still it had some limitations. This covers household servants. What I would suggest is that probably the best thing would be to adhere to the old section 213. I move now to strike out section 5.

Hon. Mr. BOSTOCK: We will have to rescind our action of yesterday. We should have a motion to reconsider first.

Hon. W. B. ROSS: Then I move the reconsideration of section 5.

Hon. Mr. PROUDFOOT: The great defect in the section that we are trying to amend was that it did not protect women in hotels, restaurants, laundries, offices, or homes, The new section does protect them; that is, the section that we passed yesterday by majority vote, as it stands. To be really effective it should remain as we left it yesterday.

Hon. Mr. McMEANS: What is the penalty for the offence?

Hon. Sir JAMES LOUGHEED: Two years in prison.

The motion to reconsider section 5 was agreed to.

Hon. W. B. ROSS: I move that we strike out section 5. That will leave the law as it is in section 213.

Hon. Mr. DANDURAND: But if section 5 was deemed by Parliament to be a good one for the protection of women under the control of certain classes of employers, what harm is there in extending that protection to other employees or servants who are under the influence, direction and control of another class of employers, since we have already established the right of those women to protection?

Hon. Mr. POWER: The question of the honourable gentleman from De Lorimier is periectly fair and reasonable—as his questions generally are, I might say; by the change proposed to be made in the Act employers who are householders are made liable in case a domestic servant should come to grief. As I said at an earlier stage of the debate everybody knows that, whatever may have been the case fifty years ago, to-day the master and mistress do not control those who are their servants. The domestic servant really controls the position of the master and mistress, though holding a comparatively inferior position. Everybody knows that in these days domestic servants go out, some of them every evening, some every second evening, and remain out of the house for hours. To say that a householder shall be liable in a case of that sort simply opens the door to blackmail to a very considerable degree, and I do not think that we should do that.

Hon. Mr. PROUDFOOT: With all deference to what the honourable gentleman has stated. I think he is entirely wrong. One would suppose from his remarks that if a servant girl went out during any evening and got into difficulty the master would be responsible; but that is not the class of case that is meant; it is where a master seduces or has illicit intercourse. If protection was considered desirable for people in workshops, why not have it cover hotels, restaurants, laundries, and offices? Because that is about all this section does. I would draw attention to the fact that we dealt with this section yesterday, and without any new light on the subject—though I am not trying to belittle the remarks made by my honourable friend—why should we go back to a section which we passed yesterday by a very considerable majority?

The Hon. the CHAIRMAN: The motion is that section 5 be struck out. I think the noes have it.

Hon. W. B. ROSS: No: one minute. Yesterday I asked the House to strike out the word "woman" where it occurred in that section, and I am not sure that honourable gentlemen understood that motion. Section 4 deals with a girl, while section 5 deals with a woman. Now, you must give some meaning to the word "woman" there as distinguished from the word "girl" as used in the other parts of the Act. The only meaning I can attach is the words "girl of previously chaste character" refer to an unmarried female or a maid, and that the

word "woman" is used as distinguished from a maid, and is meant to cover a married woman. Without the word "woman" in this section it is, I think, quite plain that the offence would be the seducing or having illicit connection with a maid, an unmarried woman, of previously chaste character.

There is one objection, and a serious one, to all this legislation, though I do not say it is all-prevailing: it is that it opens the door to blackmailing by unscrupulous women. All the cases of blackmailing I have ever had to deal with in the course of my profession were those of attempted blackmail by married women, who very often acted in conjunction with their husbands. One of my very last cases was a charge made by a woman who extorted payment of money from a man for two or three years, and finally her husband came into it. He was not satisfied that the wife was always getting the money, so he put in his plea that he wanted money, and the man blundered by paying the husband some money, and then finally, tiring of paying, he consulted a lawyer, who suggested that a charge of conspiracy should be laid against the husband and wife, who had acted together. I have asked one or two lawyers about this, and they told me the same thing—that the blackmailer is the married woman. She is past the time when her sexual desire is very strong; certainly it is not so strong as her love of making money. If blackmail takes place under this law I am perfectly satisfied it will be by married women. When you look reasonably into the Act itself, there cannot be any possible reason why a married woman should have legislation of this kind passed for her. I can understand it perfectly well in the case of a chaste girl who may be seduced, but the idea of a married woman being seduced is perfectly absurd. If she is wronged by her employer by force, or anything of that kind, there are plenty of provisions in the Act to prosecute him for rape or attempted rape, as in the section just dealt with, where there is a provision for whipping. To my mind this section 5 would be very much improved if the word "woman" were taken out, and I move that that word be struck out.

Hon. Mr. DANDURAND: Under the rules the honourable gentlemen will find it difficult to move a second time to strike out the word "woman," as he moved it yesterday and it was voted down. I confess that I was disposed to vote with him for that amendment. I looked through the interpretation clause of the Criminal Code and I did not find any distinction in the interpretation of the word "woman," and I would like my honourable friend who leads the House to tell us directly from his own knowledge, or from the Parliamentary Counsel sitting in front of him, what interpretation he gives to that word. If it means married woman, as my honourable friend says, I would be disposed to strike it out, but after the vote of yesterday I doubt if we can do so except on the third reading.

Hon. Sir JAMES LOUGHEED: In my judgment the distinction is this. Though there is no provision in the Interpretation Act as to a distinction between a married woman and a girl, yet in this particular case there might be a married woman who was under 21 years of age, and she would be held to be chaste, that is to say, if she had not had relations with any man other than her husband. Consequently the term would cover a married woman under 21 years of age, as well as a girl or unmarried woman under 21 years of age. We are legislating for the protection of two classes of women—one a married woman under 21 years of age previously chaste, and an unmarried woman under 21 previously chaste. If the word "girl" alone were used, I think the court would hold that that would not include a married woman under 21, and in my judgment that is the reason why the term "woman" is used.

Hon. Mr. DANDURAND: But I do not interpret section 5 as constituting the offence of having illicit connection against the will of the married woman or the girl.

Hon. Sir JAMES LOUGHEED: I am not talking about that at all.

Hon. Mr. DANDURAND: Then there would be consent on the part of the married woman; so I cannot put that offence on the same footing as the other.

Hon. Sir JAMES LOUGHEED: It would be under the Act. If a man had illicit relations with a married woman in his employ who was previously chaste, then he would come within the section just as fully as if he had relations with an unmarried girl previously chaste.

Hon. Mr. DAVID: The punishment would be the same in both cases?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. MURPHY: Honourable gentlemen, do you not think that the cases cited by my honourable friend as requiring protection under this Act are so very few and the chances of causing a hardship are, on the other hand, so great, that this word "woman" if left in the Act would be rather dangerous? There are very few married women under the age of 21 who are in employment, as compared with the number from 25 to 30; and I agree with the honourable gentleman from Middleton (Hon. W. B. Ross) and also with the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) that the word "woman" is so elusive that it should be stricken from the statute altogether. Besides that, I think that the clause for the protection of the man that has been added to another section should be added also to this; that is, that the word of the woman should not be taken as absolutely final evidence, but there should be some corroboration. Otherwise there would be great danger that a woman employee might blackmail her employer. There should be some means of protection. Some corroboration should be required, either incidentally or otherwise.

Hon. Mr. PROUDFOOT: I rise to a point of order. I submit that my honourable friend, having moved yesterday the same amendment, which was voted down, is not at liberty to move it again.

The Hon. the CHAIRMAN: No, that amendment was not moved yesterday.

Hon. Mr. PROUDFOOT: Yes.

The Hon. the CHAIRMAN: It was only suggested, and was passed over.

Hon. Mr. PROUDFOOT: Oh, no; my honourable friend from Middleton moved that the word "woman" be struck out.

The Hon. the CHAIRMAN: He suggested that, but there was no motion.

Hon. Mr. PROUDFOOT: Yes, there was a vote taken on it.

The Hon. the CHAIRMAN: The same situation prevailed yesterday as to-day; that is, after the honourable leader of the House gave the explanation, the clause was passed.

Hon. Sir JAMES LOUGHEED: I must say, honourable gentlemen, although I have charge of this Bill, that I do not think this clause should be made to extend to a married woman. I think a married woman should be able to take care of herself even though she is in the employ of somebody.

Hon. W. B. ROSS: With regard to what the honourable member from Tignish (Hon. Mr. Murphy) says about corroborative evidence, I find that section 213 of the Act, which section 5 of this Bill supersedes, is covered by section 1002, providing that there shall be no conviction on the evidence of one witness without corroboration.

Hon. Mr. MURPHY: That is all right.

Hon. Mr. POWER: As to the point of order raised by the honourable gentleman from Huron (Hon. Mr. Proudfoot), it will be remembered that the Committee decided to go back and reconsider this clause. There is no limit to the powers of the Committee when the clause is reconsidered.

The amendment of Hon. W. B. Ross was agreed to, and section 5, as amended, was agreed to.

On section 7—betting, pool selling and bookmaking:

Hon. Mr. PROUDFOOT: I move that all the words after the word "repealed," in the third line, be struck out. The clause would then read:

Subsection two of section two hundred and thirty-five of the said Act, as enacted by chapter nineteen of the statutes of 1912, is repealed.

This would do away with the present legal standing that is given to betting.

Hon. Mr. MURPHY: You want to go back to the book-making sub rosa.

Hon. Mr. PROUDFOOT: Just to repeal the existing law.

The Hon. the CHAIRMAN: Is there any seconder?

Hon. Mr. PROUDFOOT: It does not need a seconder.

Hon. Mr. POWER: This is to prevent betting on races.

The Hon. the CHAIRMAN: There is not much use taking a vote if there is no seconder.

Hon. Sir JAMES LOUGHEED: As I pointed out in introducing the Bill, this clause is the outcome of the inquiry made by Dr. Rutherford at the instance of the Government into the whole question of racing. It is well known that there are two extreme parties, one seeking to strike a blow which would mean total abolition, and the other seeking to maintain all the abuses which to-day prevail. The intention of this clause is to do away with book-making, to

have the pari-mutuel machines regulated by the Government, and to compel them to make such percentage contribution as may be imposed by the Government. On the whole, I think—I say it with a good deal of confidence—that it has received the support of all reasonably-minded persons—those who take a reasonable view as to a sport of this kind. It is in the interest of good horse-breeding, and I think it may be said that, on the whole, it is in the interest of good morals.

Hon. Mr. BOSTOCK: Honourable gentlemen, I find myself in accord with my honourable friend on this matter. If legislation of this kind is not put through, the ultimate result will be that all racing in this country will be done away with. Betting is, I think, one of those things that we cannot abolish altogether, and the best way to deal with it is to see that proper regulations are made. I think that the Government are to be congratulated on the decision they have arrived at in regard to this clause.

Hon. Mr. PROUDFOOT: In view of the statements made by the two leaders, and of the evident intention on the part of honourable members present to carry this section, I will not trouble the House by giving all the reasons why many persons think betting should be done away with.

Some Hon. SENATORS: Carried.

Hon. Mr. DANDURAND: The Senate took the lead in 1900, I think, in abolishing betting in a very vicious form, namely, the selling of lottery tickets. We had allowed to grow in this country an evil practice which was being carried on under the pretext of advancing art: people were openly conducting lotteries in the large cities of Canada. However, although we abolished lotteries, we must remember that there is a sporting element which claims that betting in connection with horse-racing encourages the breeding of a good class of horses. I am not so sure that that assistance is necessary. However, this Bill is in the right direction, and if we find that under it considerable abuses continue, we can perhaps go a step further later on.

Hon. Mr. DANIEL: Does this affect trotting races?

Hon. Sir JAMES LOUGHEED: No; it deals with running races only.

Hon. Mr. WATSON: Honourable gentlemen, my attention has been called to this proposed legislation. I have no opposition to offer to it, for I have every confidence in the gentlemen who prepared the report on which the Government framed the Bill. But it has been urged that Parliament should not put this clause into operation until the racing associations have had their meets. They have made their purses, and they should have an opportunity to make the percentage which under the present arrangement must be taken out of the pari-mutuel receipts. You can quite appreciate the situation. Toronto and, I think, Hamilton have had their races; Ottawa is having its races now; but at other places like Niagara and Windsor the racing meets have not yet been held. They will have to pay to the provincial government a tax of $7,500 a day; and they have made arrangements to pay that tax. If we are going to legalize racing and permit racing associations to hold meets, we ought to see that the regulations are fair, and the Government should not bring this Act into force until after these associations have had their spring meets which they have advertised. I am informed by people interested in race tracks that on account of the war there has been no racing for the last four or five years; the race tracks have fallen into bad repair and thousands of dollars have had to be spent to put them into proper condition for the races. If racing is legalized, the persons who are interested in conducting them should not be penalized unfairly, therefore I am inclined to think that the Government would be well advised to delay the operation of this Act until after the associations have had their spring meets. I hope that this view of the matter wil be approved by honourable members, and that we may prevail upon the Government to delay the operation of the Act.

Hon. W. B. ROSS: If it were brought into force say on the 1st of October—

Hon. Mr. MURPHY: That would be all right.

Hon. Mr. WATSON: I think that would be all right. By that time most of the associations would have had their spring and fall meets. The associations that have advertised their races should be allowed at least to hold their spring meets before this legislation comes into effect. You can easily understand that, as they have made up their purses, if this legislation is enforced, tthey will be faced with tremendous losses.

Hon. Sir JAMES LOUGHEED: I might point out to my honourable friends by way of explanation that this clause is largely the outcome of an honest endeavour on the part of the Government to suppress many of those meets which would otherwise take place between the present time and the date in October mentioned by my honourable friend, particularly those held at places adjoining the American boundary. I cannot speak with personal knowledge on the subject, but I have suggested to those who seem to be very much interested in extending the time to permit of those meets and the continuance of those abuses that they should see the Minister of Justice or the department charged with the preparation of this legislation. Those who approached me on the subject promised that that would be done, but I have not yet been favoured with any further interview from them on the question. I am told by an honourable member of this House who has an intimate knowledge of conditions on the boundary that the extension of the time for the operation of this Bill to the date proposed would simply lead to a continuance of the abuses which have been a reproach to the people of Canada for some time past.

Hon. Mr. FOSTER: If my honourable friend who advocates the extension of the time is really disposed to be friendly to those who are interested in racing, I think he makes a mistake for himself and for them. Since racing began in this country there have been abuses which opened the eyes of hundreds of people in Canada who would have been opposed to this legislation in the beginning if they had realized what it meant. If the people who want to run race-tracks are well advised they will see that the maximum amount of the dishonesty and robbery that has taken place in certain provinces ceases and that some protection is given to people who apparently do not know how to protect themselves when they go to a horse-race.

Hon. Mr. WATSON: Honourable gentlemen, I am not here as an advocate. This case was presented to me by a former member of the House of Commons, and it seemed to me that his reasoning was fair. If the Government are going to legalize horse-racing, as they are doing by this Bill and as they have done by Acts passed previously, it seems to me that if the legislation is enforced at once it will catch only a portion of the associations who have advertised their race meets, and it will catch them after they have repaired their tracks and buildings, which have been unused during the five or six years during which there has been no racing, and after they have spent money in advertising. I am not an advocate of horse-racing at all, but I think it is only fair that those associations be treated in the same way as others. The fact that some of the associations have met before this legislation is passed would exempt them, while others would have to pay the tax. They have made their purses and advertised their programmes on the understanding that they would have to pay the province of Ontario $7,500 a day. They have based their estimates on that. But now, on top of that tax comes this legislation, which will interfere with their receipts by reducing the percentage of profit which they may take from the pari-mutuel betting. It seems to me that all the racing associations should be placed on an equal footing and have the privilege of carrying on the races as they have already arranged. As to the abuses mentioned by the honourable leader of the Government, it seems to me that the law of the land should prevent things of that kind. They are not legalized by this Act. My only contention is that all the associations should be put on an equal footing.

Hon. Sir JAMES LOUGHEED: Would my honourable friend explain why those associations cannot operate under the clause which we are now considering? They have not yet paid out their purses; they still retain their properties, and if they are continuing they will have not only the advantages which this Bill proposes to give them but all the advantages which respectable courses operating under this Bill will have. What is good for the associations coming under this Bill should be equally good for those gentlemen. I might say to my honourable friend furthermore that, in order that every opportunity may be given for full consideration of his suggestion, I intend not to move the third reading of the Bill to-day, but will let it stand until to-morrow or the next day. The parties interested can have a hearing if there is a feeling in the House that they should have it. But I cannot myself understand why a distinction should be made between the two classes. If those abuses have been notorious and have been condemned by the evidence of the public, as reported by the Royal Commission appointed to inquire into the subject, why should they be continued? No money has yet been paid out by those associations. The purses are in

their own hands. They have had notice that the inquiry was made for the purpose of entirely reforming and reconstructing the whole subject of racing. Not only have they had notice of this from the Dominion Government, but for several months they have had notice from the Ontario Government, which has imposed a substantial license fee.

Section 7 was agreed to.

On section 11 (new section 664A)—process not to issue for the arrest or summoning of a person outside a province without approval of Attorney General or a judge:

Hon. W. B. ROSS: Honourable gentlemen, I want the House to consider seriously this section 11. On its face it may be rather innocent looking. It is familiar, I think, to practically all citizens, that the criminal law, for time out of mind—at all events, in English-speaking countries—I do not speak for the French provinces at all—has been that if a man commits a crime in Ottawa, be it murder, theft, or whatever else, he is liable to be arrested and tried here.

Hon. Mr. DANDURAND: That is the law all over the country.

Hon. W. B. ROSS: When the Criminal Code was first consolidated in the time of Sir John Thompson that was changed, and it was made possible, provided the crime was committed in Canada, to arrest a man and try him anywhere in the country. That raised a great uproar, and in less than two years time the old law was restored. It is a very serious thing to disturb a law of that kind. It has become part of the life of the nation; and I think we are entitled to assume that a law that has persisted so long is well founded, and is a sound and good law.

I have a suspicion as to where this section comes from, because it dates from the time when the Doherty Act, so-called, was introduced. If a man were to sell a bottle of whisky in the city of Ottawa to another man, knowing that the other man was going to take it into a province which at that time had a law against the importation of intoxicating liquors, say Manitoba, under the Doherty Act he would be held to have committed a crime. Now, the man who sold the bottle of whisky committed the crime and completed it in the city of Ottawa, because to have committed the crime he must have sold the whisky with the intention of its being taken to Manitoba. What the other man did after he got to Manitoba was none of the vendor's business; but the temperance people ask that he be tried in Manitoba. There might be cases in which that would impose great hardship. It is just as well to understand what that would mean. A man might be arrested anywhere in eastern Canada and be transferred to Vancouver or the Yukon or any place in the West for trial.

I have always put this question: suppose a man were arrested in Halifax, and were taken to Vancouver and tried there and found not guilty, how is he going to get home? From all the information I have been able to get, it would seem that he could only foot it home. Some temperance enthusiast—and they are not all of the highest character, I am told—goes to the Attorney Genneral or to a judge in the province of British Columbia, and says, "We want to arrest this man." He gets an order and sends a warrant down here, and the man is taken to that province. He should not be taken out there on the order of a judge of a county court or any one else out there; the papers should be sent down here and the matter should come before a judge in the East, who can find out what the man's circumstances are, where the witnesses are, and how the man is to get home again. If there is going to be any change from the existing law, the fair thing to do would be to provide that if a man is to be transferred from Ottawa to Vancouver, the transfer should be made on the order of a judge in Ottawa. In passing a law such as this you are only adding to government by Order in Council—government by a sort of back-stair influence. It will be just as bad as any tyranny that existed in the dark ages, and there will be no chance of redress or of finding out who is at the bottom of things and is putting the machinery in motion. I would be satisfied if this matter were left to a judge in the place where the man charged lives.

I move that the words, "it is sought to issue the process" be struck out, and that the words, "such person resides," be substituted.

Hon. Mr. PROUDFOOT: What is the law at the present time? Suppose I want to arrest a man in Montreal for an offence committed in Ottawa. I go to a police magistrate and lay an information. On that information a warrant is issued and sent to Montreal, and executed there; and before the man can be taken from Montreal the warrant has to be backed by a magistrate there. Is that correct?

Hon. W. B. ROSS: Yes. But in that case the crime is committed in Ottawa. I have not the slightest objection to that. If you leave the law that way, well and good: I will accept it without the slightest hesitation. But you are turning that upside down and providing that a man shall go, not to the place where the offence was committed, but to a place where some temperance organization says they would like to have him tried.

Hon. Mr. DANDURAND: I would suggest that we have a statement from the leader of the Government as to the reason for this amendment. So far, under our procedure, we have been able to send out warrants to other provinces, have them endorsed there by a magistrate, and executed. I quite understand the fear of my honourable friend from Middleton, and I should like to hear an explanation from the leader of the Government.

Hon. Sir JAMES LOUGHEED: As I understand it, the law of to-day does not require the sanction of the attorney general of any province for the issuance of a warrant. The consequence has been that warrants have been issued, say in the province of Ontario, under which men have been arrested and carried to a far western province, where they have been tried and dismissed, and from which they have to find their way back. It is desirable for the protection of the public that that kind of thing should not be done and that no warrant should be issued to take a man outside of his own province without the sanction of some reliable authority within that province.

Hon. W. B. ROSS: That is what I want.

Hon. Sir JAMES LOUGHEED: We propose to do that in this way—

Some Hon. SENATORS: Oh, oh.

Hon. Sir JAMES LOUGHEED: I am perfectly right. My honourable friend was perhaps a little prematurely facetious. A process is being issued in this province, and it should not be issued without the sanction of the attorney general of this province, who will satisfy himself that a prima facie case has been made out against the person against whom it is directed. It seems to me that that should be a sufficient safeguard. If the attorney general of the province to whom application is made for sanction is not a reliable person, I do not know where you will find a reliable person. He surely is as much to be relied upon as a judge. Then you have the alternative of the approval of a judge of the superior court, of the county court, or of the district court.

My honourable friend transposes the whole procedure. He says the application must be made in the province in which the man resides. By the time that application from a distant province reaches the province in which the man resides, and by the time it has undergone the scrutinizing process, and inquiry, there is every probability that the accused will have heard of it and will have disappeared. It seems to me that the public interest is best served by the procedure proposed in the section before us. My honourable friend has not yet pointed out wherein it might be abused.

Hon. Mr. BEIQUE: I understand that under this amendment, if it passes, a person living in Ottawa might be arrested under a warrant issued in British Columbia.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEIQUE: With the consent of a judge.

Hon. Sir JAMES LOUGHEED: He can be arrested at the present time on a warrant.

Hon. Mr. BEIQUE: Not for a crime committed in British Columbia.

Hon. Sir JAMES LOUGHEED: He can be if the warrant is backed. That is done perfunctorily without any inquiry or examination being made. So this will remove what might be termed an abuse.

Hon. W. B. ROSS: Will the honourable gentleman excuse me? When the crime is committed in British Columbia the warrant is issued there. If the man is here the warrant comes down here and is backed to take him to the place where the crime was committed. This section provides for something else. It provides that a person may apply to a judge in British Columbia for a process to take to that province for trial a man who it is said has committed a crime in Ottawa. There is no use denying that. I have discussed this question with the temperance people, and have asked them to give a justification of this provision. They say: "Unless you give up this power we cannot impose the Doherty Act; that is the weapon that we want. He sold the liquor in Ottawa and committed the crime in Ottawa; but for the good of the peace of British Columbia we want to take him to Manitoba to be tried."

Hon. Mr. McMEANS: Was this clause put in at the instance of the temperance people?

Hon. Sir JAMES LOUGHEED: No. My recollection is that in the liquor legislation which passed Parliament last session or the session before there is a provision by which this very thing is done. I think there is a clause similar to this in what is known as the Doherty Act.

Hon. W. B. ROSS: It is not the same as this.

Hon. Mr. McMEANS: There should be some very good reason for changing the procedure in criminal matters. What is the evil that this is supposed to rectify? I have heard no complaints about the liquor law.

Hon. Mr. DANDURAND: Clause 662 of the Criminal Code lays down the ordinary procedure to be followed when one is outside of the jurisdiction of a justice of the peace, so I cannot quite understand why this amendment is now proposed. To guard against the fear expressed by my honourable friend from Middleton (Hon. W. B. Ross), this clause might be amended to read thus:

No warrant or other process shall be issued in any province for the arrest or summoning upon a criminal charge for a criminal act committed in such province.

Would my honourable friend from Middleton be satisfied with an amendment of that kind?

Hon. W. B. ROSS: I am going to suggest to the leader of the Government that he drop this section for this year. If it is needed it can be brought up again with a proper explanation from the Department of Justice as to what it means and what specific need there is for it.

Hon. Mr. PROUDFOOT: My honourable friend from Middleton does not read the clause as I read it. I take it to mean that you still require to lay your information; but before you can send it to the province where you are going to have it executed, you must get the consent of the attorney general, a judge of the superior court, a county court judge, or a district court judge. That is additional procedure that you have to take. I do not think this section covers anything more than that. It is an additional safeguard to prevent magistrates sending out warrants in a way in which some people claim they should not be sent out. After many years of experience I have never yet found any hardship arising from the issuance of a warrant in one province and the sending of it to another province to be backed in order to bring a man to trial. Suppose this clause is passed, and it is necessary to arrest a man who has committed an offence in the city of Ottawa. You are required to issue a warrant because he has gone across the river, absconded from Ottawa, and is getting away as fast as he can. Besides laying the information and getting the warrant, you have to hunt up the Attorney General in Toronto, or get the country court judge—and he might be away—and in the meantime the criminal escapes. That is the great objection that I see to this section.

Hon. Mr. McMEANS: It is a pretty serious one.

Hon. Sir JAMES LOUGHEED: We will withdraw the clause.

Section 11 was struck out.

Hon. Sir JAMES LOUGHEED: At the instance of the Department of Justice I desire to insert another clause. It has to do with procedure under the Secret Commissions Act. Under that Act prosecutions have been taken against employees of railways, particularly conductors, who have been charged with collecting fares and misappropriating the proceeds. At the time that Act was passed it was never intended by the Government or by the Department of Justice that a prosecution should take place under that Act, because it gives no right of election to the accused to be tried other than summarily. Hence the amendment is for the purposes of permitting trial to take place as practically under any charge of an analogous character which might be made. It will read as follows:

The Criminal Code, R.S.C., 1906, chap. 146, is amended by inserting the following section immediately after section 412 thereof:

412a. Everyone is guilty of an offence who (a) being an officer or employee whose duty it is to collect fares or tolls wilfully neglects to collect fares or toll, or wilfully collects less than the proper amount, or accepts any valuable consideration for omitting to collect such fare or toll; (b) gives, or offers to give, any such officer or employee any valuable consideration for not collecting such fare or toll or for collecting a less amount than is properly due;

And shall be liable upon indictment to two years imprisonment, or to a fine not exceeding $2,500, or both imprisonment and fine.

2. (1) section 773 of the said Act is amended by inserting the following paragraph immediately after paragraph (g) thereof:

(h) with any offence under section 412.

(2) subsection 1 of section 781 is amended by inserting the words "or (h)" immediately after the words "or (g)" in the second line thereof.

3. Any person liable to punishment under section 412 shall not be prosecuted under the provisions of the Secret Commissions Act, 1909.

I might add that this has been done with the concurrence of the Department of Justice.

Hon. Mr. BOSTOCK: Would my honourable friend let that stand until to-morrow?

Hon. Sir JAMES LOUGHEED: It will appear in the minutes, and I shall see that every opportunity is given to examine it before the third reading.

The amendment was agreed to.

Sections 12, 13, 14 and 15 were agreed to.

On section 16—Attorney General of Quebec given power to apply for change of venue as well as accused when no criminal terms in district where accused is:

Hon. Sir JAMES LOUGHEED: The Attorney General of the Province of Quebec has requested that this section be re-drafted as follows, replacing the section which appears in the draft Bill before us:

887. (1) Whenever in the province of Quebec, it has been decided by the competent authority that no jury is to be summoned at the appointed time in any district in the province within which a term Court of Kings Bench holding criminal pleas should be then held the Attorney General or his agent or any person charged with an indictable offence whose trial should by low be held in the said district may in the manner hereinbefore provided obtain an order that the trial be proceeded with some district within the said province named by the Court or judge.

Section 16, as amended, was agreed to.

On section 17—appeal to Supreme Court of Canada where judgment conflicts with the judgment of any other court of appeal:

Hon. Sir JAMES LOUGHEED: The reason for that section is this. A difference of interpretation of the criminal law has taken place in a number of cases, the courts of one province deciding in one way and the courts of another province in another way. This section provides for an appeal to the Supreme Court of Canada where the provincial courts of appeal have differed in their interpretation of the law. The object is to bring about uniformity of judicial decisions. I desire to insert the words "of appeal" in the 46th line, so as to make it read, "notice of appeal in writing."

Hon. Mr. PROUDFOOT: I am in favor of there being an appeal to the Supreme Court in every case of an indictable offence, and my suggestion is that we strike out the following words, commencing at line 40: "if the judgment appealed from conflicts with the judgment of any other court of appeal in a like case." That will give a right of appeal to the Supreme Court. At present there is practically no appeal to that court in a criminal case, unless there should be a dissenting judge in the court of appeal of the province. If a man has a claim for $1,000 or over he has a right to appeal his case to the Supreme Court and secure the judgment of the highest court in the realm; but his life may be in jeopardy, or he may be imprisoned for a term of years, and yet he has no right of appeal to the Supreme court; so that a mere matter of dollars and cents is placed on a higher level than a man's own liberty. For that reason I wish that an appeal should be given to the Supreme Court. The striking out of those words would permit of an appeal being taken in the way I mention, and there would be this safeguard, that an appeal would not go as a matter of course; it would be necessary to secure leave to appeal in the same way as in the cases provided for in this section. I would impress as strongly as I can on honourable gentlemen the desirability of giving a man who is unfortunate enough to be sentenced for a crime the same right of appeal as if he had had a judgment against him for $1,000 to $2,000.

Hon. W. B. ROSS: I am very glad the honourable member from Toronto has brought this mater up. It is one that I considered last year and the year before. I entirely sympathize with the proposition he submits, that, while a man may appeal for a very trifling matter of property, he may be very seriously affected by a judgment in criminal matters, for any one of a number of crimes. In addition, there are a great many prosecutions under Acts which are not of a civil nature, but quasi criminal, and are particularly classified as criminal law. I believe there is a good deal of injustice done in such matters at the present day. It strikes me as absurd that a man should have an appeal where the judges are three to two in a trifling civil matter, while in a serious criminal matter he should have no right to appeal unless one of the judges chooses to write the judgment in appeal and let it go at that.

Hon. Mr. PROUDFOOT: I would move that the words be struck out: "if the judgment appealed from conflicts with the judgment of any other court of appeal in a like case." The section would then permit an appeal in any case on an indictable offence.

Hon. Sir JAMES LOUGHEED: While very much might be said in respect to the proposition advanced by my honourable friend, yet it involves so much consideration, and has been the subject of so much discussion and deliberation in judicial circles, as well as in legislation in England and elsewhere, that at this late hour of the Session it would be futile to attempt to deal with a subject so important and comprehensive. My honourable friend from Winnipeg (Hon. Mr. McMeans) during the present Session brought down a Bill looking to the revision of sentences, which was, in its nature, somewhat of an appeal, so that a sentence might be revised by the Court of Appeal with the consent of the Attorney General of the province. The question of appeal was at that time discussed at considerable length in this House, and I think the consensus of opinion was that it would be unwise to depart from the principle of the great body of criminal law as we have it to-day on the statute book. The subject is entirely too large to be dealt with in a summary manner, as it would of necessity have to be at this particular time. In the United States the facility of appeal is said to be largely responsible for the failure to administer successfully the criminal law in that great country. It has been largely responsible for the delays, the failures, and the many abortive trials which have taken place in the most serious criminal offences; and it would be very unwise if we should introduce anything of that kind in Canada without considering very fully the experience which other countries have had in dealing with a subject so important. I am very sorry to say to my honourable friend that the Government at this late date of the Session would not give any serious consideration to it. If a subject of this kind is to be properly dealt with it seems to me that it should be introduced by the Department of Justice. The Minister of Justice should be responsible for legislation of so serious a character, particularly as it makes a departure from the established principles of the criminal law.

Hon. Mr. DANDURAND: I fully agree with the conclusions of my honourable friend, but I rise to remind him that his memory fails him when he says that the Senate did not approve of the Bill of the honourable gentleman from Manitoba.

Hon. Sir JAMES LOUGHEED: We approved of that Bill, but we did not approve of an appeal, as is now suggested by my honourable friend from Toronto.

Hon. Mr. DANDURAND: The Bill does not go so far. It has reached the Commons, and as we have not heard anything about it, though it has been there six weeks, I am quite sure that this proposed amendment would raise too large a question for the Commons to discuss now.

The Hon. the CHAIRMAN: Does the honourable member from Toronto persist in his amendment?

Hon. Mr. PROUDFOOT: In view of what the honourable leader of the Government has said, I withdraw the amendment, with the consent of my seconder.

Section 17, as amended, was agreed to.

Hon. W. B. ROSS: I announced that I would move an amendment as section 18. It refers to sections 4, 5, and 9 of the Act. It is a section that was carried in this House two years ago by a very large majority. I do not want to weary the House with it, but I would say that section 301, dealing with children, is left exactly as it was; if there is proof of the assault, that ends it. There is only one party to that, namely, the man, and he is punished. In those offences that come under sections 4, 5, and 9, under certain conditions there may be two parties to the crime, as there are two parties to the act; and it is quite possible that in some cases it may be the woman who is to blame, although in the majority of cases it is the man. But there must be some way to guard against possible injustice. Two years ago the House thought that a very good way to do that was to provide that the presiding judge should leave the matter to the jury; and the section which I submit to the House for its consideration and adoption is this:

18. On the trial of any offence against section 4, 5 or 9 of this Act the trial judge shall instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of said offence they may find a verdict of acquittal.

Hon. Mr. BOSTOCK: I do not want to oppose this, but I do not think the wording is quite correct. My honourable friend mentions sections 4, 5, and 9 of this Act. As this Bill will be incorporated into chapter 146, would it not be better to refer to sections 211, and so on?

Hon. W. B. ROSS: No; that will all be worked out afterwards. This is definite as it is now, and when it is edited those points can be taken care of. This is identical

verbally with what was voted by the Senate two years ago.

Hon. Mr. PROUDFOOT: I do not want to object to what my honourable friend from Middleton proposes, but it seems to me the same objection applies to this amendment as to the amendment I proposed a few moments ago. If instructions are to be given to a judge, they also should be dealt with by the Minister of Justice and should be brought down by him. I do not like the wording of that clause, because it reads that the trial judge shall instruct the jury. I do not think we should place on the statute books any words to that effect. Suppose that the trial judge should not instruct the jury in that way, then there would be a mis-trial, and the conviction, if there was a conviction, would not be enforced. I think the sections as passed are sufficiently safeguarded and afford sufficient protection to the class of people we are dealing with, and that it would be a mistake to hamper the trial judge with a clause of that kind. I do not suppose it would amount to anything anyway. Nine times out of ten a judge in charging a jury would tell them practically what my honourable friend has set forth in that clause. So you are placing on the statute book something which, instead of being useful, may do a very considerable amount of harm. I think it would be very much better to let the legislation go as we have amended it, without adding to it a rider of this nature.

Hon. Mr. DANDURAND: The word "shall," at all events, seems to be one that might well be changed to the word "may."

Hon. W. B. ROSS: I have no objection to changing it to "may." That will be the only word in which the section differs from that which we carried at a previous session.

Hon. Mr. DANDURAND: I am a little doubtful of this rider, because it provides that if the guilt is shared to a certain degree by the other party, the offender is freed from the responsibility of his act. That is what this in effect declares, and it would to a considerable extent, I fear, nullify the effect of the three clauses.

The amendment of Hon. W. B. Ross was negatived: yeas, 10; nays, 12.

Hon. Mr. McLENNAN: Honourable gentlemen, I move that the following be added to this Bill as section 18:

Section 216 of chapter 146, as amended by section 9 of chapter 13 of 1913, is amended by striking out, in line 2 of the said section, the word "five" and substituting therefor the word "ten".

This amendment met with the acceptance of the House when the matter was last under consideration. The reason for that acceptance was that the penalty applied to lesser offences was five years, the same as for the offences enumerated in clause 216. It seems to me that the House last year accepted the view that there was a very great difference in the nature of those offences, both as to the motive of the individual and the effect on society. Glancing at the headings of clause 216, you will see that the offences punishable by five years' imprisonment are: procuring a girl for defilement; enticing a girl to a house of ill-fame; procuring a girl for prostitution; procuring a girl to leave Canada for that purpose; to come into Canada for that purpose; to leave her abode for that purpose; carnal connection by threats, by false pretenses, by the administering of drugs for the purpose. These offences are all vastly more serious than the offences referred to in the clauses we have now dealt with and passed. I therefore propose that the difference in the anti-social nature of the offence be recognized in the penalty, and that the penalty be not the same as now, namely, five years alike for the lesser offences and for those far more odious crimes, but that for the latter class the penalty be made ten years.

Hon. Mr. DOMVILLE: For what crimes is the penalty to be ten years?

Hon. Sir JAMES LOUGHEED: For white slavery.

Hon. Mr. McLENNAN: The effect of the amendment is to impose a penalty of ten years' imprisonment on a man who procures a girl for a house of ill-fame, or who seduces her. This amendment passed last year in exactly the same form.

The amendment of Hon. Mr. McLennan was agreed to.

Hon. Sir JAMES LOUGHEED: I move that the following be added to the Bill as section 19:

This Act shall come into operation on the first of September.

This will permit of copies of the Act being printed and distributed amongst judges, magistrates, and other court officials.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Mr. PROUDFOOT: I would ask the Committee to go back to clause 6, which we had before us yesterday.

Hon. Sir JAMES LOUGHEED: That is the hotel clause?

Hon. Mr. PROUDFOOT: Yes. I have been requested to have this clause brought again before the Committee.

The Hon. the CHAIRMAN: You cannot bring that before the Committee again without the unanimous consent of the House.

Hon. W. B. ROSS: It requires a motion to bring it up.

Hon. Mr. PROUDFOOT: I move that the Committee take up clause 6.

The Hon. the CHAIRMAN: It requires the unanimous consent of the House.

Hon. W. B. ROSS: The decision before, when I wanted certain matters brought up, was that I had to move and get a majority vote.

The Hon. the CHAIRMAN: But this clause has been carried.

Hon. Mr. PROUDFOOT: I know, but the other clause, which my honourable friend from Middleton (Hon. W. B. Ross) brought up, was also carried—the one he had reconsidered by the Committee.

The Hon. the CHAIRMAN: That was different; that clause had been allowed to stand. A clause carried by the Committee cannot be taken up again without unanimous consent.

Hon. Mr. PROUDFOOT: That is exactly what I contended a while ago.

The Hon. the CHAIRMAN: You were out of order at that time; and we are still going to keep order.

Hon. Mr. PROUDFOOT: If you rule that way—

The Hon. the CHAIRMAN: I must rule that way, because there is no other way to rule.

Hon. W. B. ROSS: I have been mistaken. Those sections that I had the Committee consider had not been passed.

Hon. Mr. PROUDFOOT: They were passed. That is the point.

The Hon. the CHAIRMAN: No, they were not passed.

Hon. Mr. PROUDFOOT: Then, do you rule that—

The Hon. the CHAIRMAN: I am very sorry, but I cannot rule any other way.

Hon. Mr. PROUDFOOT: Then we have had two rulings which are opposite to each other.

The preamble and the title were agreed to.

The Bill was reported as amended.

DIVORCE BILL.

SECOND AND THIRD READINGS.

Bill G 5, an Act for the relief of Joseph Dubé.—Hon. R. S. White.

INLAND REVENUE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 178, an Act to amend the Inland Revenue Act. Hon. Mr. Blain in the Chair.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I wish to ask Mr. Taylor, of the Inland Revenue Department, to take a chair at the Table.

On section 1—"chemical still":

Hon. Sir JAMES LOUGHEED: The change in this section from the present Act is the introduction of the following words:

—"the measured content of which is less than fifty gallons."

Hon. Mr. BOSTOCK: Is it making the still smaller than it was before?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: It does not alter the size?

Hon. Sir JAMES LOUGHEED: No.

Section 1 was agreed to.

On section 2—standard leaf tobacco:

Hon. Mr. MILNE: I wish to say a few words in regard to this section. I understand that this section is going to work a hardship on the manufacturers of tobacco in this country. They do not mind paying a proper duty on tobacco; but, as we know, tobacco coming in from Havana to Montreal is very susceptible to moisture, so that, instead of containing 10 per cent, it may contain up to 20 per cent. What the manufacturers complain of is the fact that the excise is put on before the tobacco goes into the warehouses. They claim that it should

be put on after the tobacco is cured, and normal, and that the moisture will then not exceed 10 per cent.

It seems to me that we should be very careful in this matter. Times are very strange, and we do not want to put any obstacles in the way of the manufacturers of this country. I am informed that if this provision is carried it will cost the Tuckett factory from $60,000 to $75,000 extra per year, and will practically put them out of business. I think a good deal of this kind of legislation could be avoided if the Ministers understood what they were legislating about. There are plenty ways of getting information as to what is proper legislation, but it seems that some people prefer to take the responsibility on their own shoulders. As honourable gentlemen know very well, the manufacturers are very hard pressed at the present time, and we should not put any obstacles in their way if it is possible to avoid doing so. Some years ago legislation was proposed in regard to bottles which would have made it practically impossible for the brewers to carry on business. Their difficulty was that they could not get bottles from the glass manufacturers, and they had to pick up bottles as best they could. That legislation was put over for three years.

Since this year's Budget was introduced many amendments have been made, and much dissatisfaction has been aroused. We all know that the great war must be paid for. In that connection I would remark to honourable gentlemen that the mercantile community pay a large proportion of the taxes of this country. I do not mind paying my income tax and business tax, provided that the other fellow does the same thing. I know for a fact that a great many people among the farming community who should pay income tax do not pay it. The manufacturers have to pay their share of the tax, but it is unfair that they should have to do so unless others do likewise.

I hope the Government will see its way clear to do something in this case, because if this legislation goes through it is going seriously to affect the tobacco industry from which the Government gets millions of dollars in revenue. The other House passed this Bill without thoroughly considering what they were doing, and, as I have pointed out, it does an injustice which should be remedied by this House. We in this House do not have to go back to our constituents, and in that respect are independent; and, as I have heard honourable gentlemen say, we should look after the interests of the country as a whole, rather than those of one particular section.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, since this Bill was discussed in the House of Commons representations have been made to the Government as to the undesirability of passing this legislation and, as pointed out by my honourable friend from Hamilton, handicapping the manufacturers. Therefore, after discussing the matter with the Minister, I agree to withdraw this section.

Hon. Mr. BOSTOCK: The clause will stand as it is in the Revised Statutes?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Could my honourable friend tell us just how the present Act operates? Is the tax paid on the 90 per cent?

Hon. Sir JAMES LOUGHEED: 90 per cent of solid matter and 10 per cent of moisture. I understand that the Act as it is at present operates satisfactorily, and is not objectionable to the manufacturers.

Section 2 was struck out.

Section 3 was agreed to.

On section 4—abatements in computation of duty:

Hon. Sir JAMES LOUGHEED: The new words in this section are as follow:

When stored in warehouse in wooden or in ventilated metal tanks approved by the Department, an abatement which shall not exceed four per cent for the first year after the date of original warehousing, three per cent for the second year, two per cent for the third year, two per cent for the fourth year, and one per cent for each succeeding year, up to ten years in all;

When stored in warehouse in wooden barrels, eight per cent for the first year after the date of original warehousing, six per cent for the second year, four per cent for the third year, three per cent for the fourth year, and two per cent for each succeeding year, up to ten years in all;

Hon. Mr. DANIEL: How about the retroactive feature of subclause 2?

Hon. Sir JAMES LOUGHEED: It dates back to the 1st of April, this year.

Hon. Mr. BOSTOCK: That is not quite so bad as it might be.

Section 4 was agreed to.

On section 5—spirits warehoused for two years, etc.:

Hon. Sir JAMES LOUGHEED: This adds a proviso to section 171.

Hon. Mr. DANIEL: That means that it is not obligatory.

Hon. Sir JAMES LOUGHEED: No; the operation of the subsection may be suspended.

Hon. Mr. BOSTOCK: Can my honourable friend say what those spirits are used for?

Hon. Sir JAMES LOUGHEED: The object of this is to permit those using alcohol for commercial purposes to secure it without its being kept for this period of time.

Hon. Mr. BOSTOCK: Does that cover the case of the denatured alcohol?

Hon. Sir JAMES LOUGHEED: No; there is a special clause in regard to that which we will come to later on.

Section 5 was agreed to.

On section 6—penalty for illicit distillation increased, etc.:

Hon. Sir JAMES LOUGHEED: This increases the fine from $100 to $200.

Hon. Mr. BOSTOCK: Could my honourable friend say whether there has been a great deal of illicit distilling?

Hon. Sir JAMES LOUGHEED: There has been a very great increase in illicit distilling. Last year no less than 985 stills were seized, which shows that they were doing quite a business.

Hon. Mr. BOSTOCK: Is that all over Canada?

Hon. Mr. DANDURAND: Not all in the holy province.

Hon. Sir JAMES LOUGHEED: The province of my honourable friend (Hon. Mr. Dandurand) enjoys such a large measure of freedom in this regard that it has not had to resort to this sort of thing; but the necessities of the other provinces are so great that apparently it has been absolutely necessary for them to do so. In 1917-18 there were 13 stills; in 1918-19, 191; but business has increased so rapidly and to such an extent that in the year ending the 31st of March last the number of stills was 985.

Hon. Mr. WATSON: Could you give us the figures by provinces?

Hon. Sir JAMES LOUGHEED: The province of Ontario is showing marked progress in this direction. In 1917-18 there were none; in 1918-19 there were 50; but, owing to the enterprise of the Ontario people, this number increased to 296 last year. In Quebec, notwithstanding the very generous provisions which have been made for liquor in that province there were eleven stills in 1917-18, 37 in 1918-19, and 43 in 1919-20. That province has not made as great progress as one would naturally expect.

Hon. Mr. BEAUBIEN: How are the other provinces doing?

Hon. Sir JAMES LOUGHEED: The province of New Brunswick was pure and undefiled in 1917-18; in 1918-19 it had only one still; but that number was increased to 8 in 1920.

Nova Scotia had 1 in 1917-18; 8 in 1918-19; and 20 in 1919-20.

Prince Edward Island had none in the former years, and only one in 1920. I am rather surprised at that, in view of the magnificent crops of potatoes produced in that province.

In Manitoba there were none in 1917-18, 28 in 1918-19, and 137 in 1919-20.

I am very glad to point out that my own province is showing almost more progress than any of the other provinces. In Alberta we had none in 1917-18, but we increased that in 1918-19 to 36, and now we have reached the very respectable number of 210. We are pressing the province of Ontario very closely. Very likely during the current year we shall catch up to the banner province.

Hon. Mr. WATSON: What about Saskatchewan?

Hon. Sir JAMES LOUGHEED: There was one in 1917-18, 15 in 1918-19, and 160 in 1919-20. In British Columbia there were none in 1918, 18 in 1918-19, and 110 in 1919-20. So the West is doing well.

Hon. Mr. WATSON: Can my honourable able friend tell me if the Dominion Mounted Police are employed for the purpose of detecting illicit stills?

Hon. Sir JAMES LOUGHEED: Yes. That is included amongst their duties. That duty is delegated to them in the different provinces by the Dominion Government.

Hon. Mr. WATSON: I know that a few months ago the provinces had to employ their own detectives and inspectors for that work, and I think the Mounted Police felt that it was not properly their duty. I know also that an application was made to get their assistance.

Hon. Sir JAMES LOUGHEED: They are engaged in that duty now. I fancy that the duty is divided between the Mounted Police and the other officials.

Hon. Mr. BOSTOCK: I notice that we are raising the minimum penalty from $100 to $200. Is that because in cases of convictions the offenders have not been fined heavily enough?

Hon. Sir JAMES LOUGHEED: It is pointed out that this is such a profitable business that by the manufacture of a few barrels of alcohol at the very start of the business, a man will make enough to pay his fine. Consequently we have to keep pace with him by fixing a fine in due proportion to the price realized on the alcohol, and making it a very substantial one. There is a very large margin of profit in this business.

Hon. Mr. BOSTOCK: The question arises whether it would not be better to make the fine greater than the section mentions.

Hon. Sir JAMES LOUGHEED: It might not be wise to discourage it entirely, because we are enjoying a source of revenue which is not to be overlooked.

Hon. Mr. BOSTOCK: Those who have been administering the law have it in their power to impose a fine up to $500 for the sale of illicit liquor and it might be advisable to make the minimum still higher.

Hon. Sir JAMES LOUGHEED: We have to leave it to the discretion of the magistrate.

Hon. Mr. McCALL: From the evidence just given by the honourable leader it is quite clear that fines do not prevent people from distilling, which is going on and rapidly increasing. A fine of $100, or even $200, is nothing, for a man working at an illicit still can make in a few days much more than his fine. I suggest that there ought to be the penalty of imprisonment for any person carrying on a still, for such a person not only defrauds the revenue but helps to debauch the men who drink the stuff he produces. I believe that in every town and in every community there are stills now in operation. I understand that a still can be made for a few dollars and attached to some kitchen utensil, and that spirits produced in that way are being bottled up and sold to people, to their injury in every way. If it is in order I would move that imprisonment be added to the fine.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that that provision is already in the law. For the first offence the accused is liable to a penalty not exceeding $500 and not less than $100 and to imprisonment, with or without hard labour, for a term not exceeding twelve months and not less than one month.

Hon. Mr. McCALL: Does the record show that that has been enforced.

Hon. Sir JAMES LOUGHEED: I do not know; that is within the discretion of the magistrate. In default of payment of the penalty the accused is liable to a further term of imprisonment not exceeding twelve months and not less than six months, and for every subsequent offence to a penalty of $500 and to imprisonment with hard labour for a term not exceeding twelve months and not less than six months; and, in default of payment of the penalty, to a further term of imprisonment.

Section 6 was agreed to.

On section 7—penalties increased for sale of liquor unlawfully manufactured:

Hon. Mr. BOSTOCK: Will my honourable friend tell us what the change is?

Hon. Sir JAMES LOUGHEED: The fine is increased to $500 and not less than $200, and for each subsequent offence the penalty is $500.

Hon. Mr. BOSTOCK: The old one was $50?

Hon. Sir JAMES LOUGHEED: Yes.

Section 7 was agreed to.

Section 8 was agreed to.

On section 9—excise duties payable on spirits used in the production of vinegar:

Hon. Mr. BOSTOCK: Has there been no duty collected before on the spirits used in the manufacture of vinegar?

Hon. Sir JAMES LOUGHEED: No; simply on the vinegar.

Section 9 was agreed to.

On section 10—remission of duty on malt used to make vinegar:

Hon. Sir JAMES LOUGHEED: Under the British law, a malt vinegar manufacturer is permitted to use other cereals than malt in the manufacture of vinegar. A very large quantity of English malt vinegar has hitherto been imported into Canada, but during the past three or four years the Canadian manufacturer has had the market largely to himself. The food standards established for vinegar under the provisions of the Adulteration Act sanction the use of other cereals with malt, and recommend the purity of the article thus pro-

duced. The Canadian manufacturers claim that in order to compete with the imported article they should be placed on the same plane as the foreign manufacturer, and the object of repealing the existing section and substituting this section is to provide that refund of duty may be paid when other authorized cereals, in addition to malt, are employed.

Section 10 was agreed to.

On section 11—label on containers of methyl alcohol in medicinal preparations:

Hon. Sir JAMES LOUGHEED: The words introduced here are "Methyl Hydrate —Poison," because several cases of poisoning have been caused by persons drinking mehtyl alcohol under the impression that, as the article was labelled as an "alcohol," they were consuming an intoxicant. It is therefore believed that the use of the words "Mehyl Hydrate," the chemical synonym for Methyl Alcohol, will, to a very large extent at least, overcome the difficulty.

Hon. Mr. DANIEL: Does that exactly meet what is known as wood alcohol?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And the word "poison" has to be on the bottles?

Hon. Sir JAMES LOUGHEED: Yes.

Section 11 was agreed to.

Sections 12, 13 and 14 were agreed to.

On section 15—license to pack or cure Canadian leaf tobacco:

Hon. Mr. BOSTOCK: This section 328B is new, is it?

Hon. Sir JAMES LOUGHEED: Yes, it is a new clause providing for a license for the packer of Canadian leaf tobacco.

Hon. Mr. DANDURAND: What does it cover? I observe that subsection 1 says that every person who desires to pack or cure Canadian leaf tobacco must apply for a license; but the raisers of tobacco, the farmers throughout the country, are doing a certain amount of curing. Are they all obliged to secure a license?

Hon. Sir JAMES LOUGHEED: No, it only extends to the packer. The object of having a packer licensed is to enable the Department to follow the sale of the leaf. A cultivator otherwise could sell to a leaf dealer or packer, and this dealer or packer could sell to any manufacturer or retail merchant and evade the five cents duty on the leaf thus sold. Packers also cure the leaf and pack it in cases or bales and place the same upon the market. If the Department licenses the cultivator and the packer, they are in a position to know what becomes of all leaf grown; that is, whether it was sold to a retail merchant or to a licensed manufacturer, and whether the duty was paid thereon.

Hon. Mr. BOSTOCK: Is it not a fact that a number of packers are also cultivators?

Hon. Sir JAMES LOUGHEED: If they are packers they would have to take out licenses.

Hon. Mr. DANDURAND: There is an interpretation in subsection 5 which states what a packer is.

Hon. Sir JAMES LOUGHEED: Yes; he is a jobber and dealer in tobacco, and may be a cultivator; but so long as he assumes the role of packer he comes under the Act.

Section 15 was agreed to.

Section 16 was agreed to.

On section 17—wood alcohol:

Hon. Sir JAMES LOUGHEED: This deals with denatured alcohol.

Hon. Mr. BOSTOCK: Can my honourable friend say whether this denatured alcohol would be handled in the same way as ordinary alcohol, the distiller having to get a license and have a bonded warehouse in the same way?

Hon. Sir JAMES LOUGHEED: This denatured alcohol may, of course, be manufactured, and will be manufactured by the distiller and furnished to the trade without any restrictions.

Hon. Mr. BOSTOCK: But anybody wanting to undertake the manufacture of denatured alcohol would have to take out a license, just as an ordinary distiller?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And provide a bonded warehouse?

Hon. Sir JAMES LOUGHEED: Yes, but in his ordinary business he could manufacture denatured alcohol and sell it.

Hon. Mr. MURPHY: But those matters would be attended to by the distillers if quantities are greater than one gallon?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: What is the nature of the denatured alcohol?

Hon. Sir JAMES LOUGHEED: That is largely under the consideration of the Department as yet. Of course, it will be so manufactured that it cannot be consumed. Mr. Taylor tells me that the methyl alcohol cannot be recovered once it is denatured; that is to say, it must be used for these purposes, and cannot again be converted into alcohol that could be consumed.

Hon. Mr. BOSTOCK: What ingredient is used to denature the alcohol?

Hon. Sir JAMES LOUGHEED: Wood alcohol.

Hon. Mr. BOSTOCK: But if wood alcohol is mixed with the other alcohol, would it have to be separated again?

Hon. Sir JAMES LOUGHEED: No.

Section 17 was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

FEEDING STUFFS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 165, an Act to regulate the Sale and Inspection of Commercial Feeding Stuffs, Bran, Shorts, Middlings and Chop Feeds. Hon. Mr. Gordon in the Chair.

Hon. Sir JAMES LOUGHEED: I would ask that Mr. Clark, of the Seed Branch of the Department of Agriculture, come within the Bar.

Sections 1 to 9 inclusive were agreed to.

On section 10—purchaser may have analysis made:

Hon. Mr. BOSTOCK: Does the party have to send the sample down here, or is there any arrangement with the provincial governments to make that analysis?

Hon. Sir JAMES LOUGHEED: He may forward it to any official analyst appointed by the Governor in Council.

Hon. Mr. BOSTOCK: Is it the intention to appoint analysts in the various provinces?

Hon. Sir JAMES LOUGHEED: The Government has laboratories at Toronto, Winnipeg, and Calgary, and will establish them at other places.

Hon. Mr. DANDURAND: Have they not some in Montreal and Toronto?

Hon. Sir JAMES LOUGHEED: No, not at present.

Section 10 was agreed to.

Sections 11, 12 and 13 were agreed to.

On section 14—regulations:

Hon. Mr. BOSTOCK: Where will those regulations be published?

Hon. Sir JAMES LOUGHEED: They will be published, together with a reprint of the Act, and distributed through such channels as may be desired.

Hon. Mr. TAYLOR: Will they appear in the Canada Gazette?

Hon. Sir JAMES LOUGHEED: Yes, although the average farmer does not peruse the Gazette very closely. However, they will be well circulated.

Hon. Mr. DANDURAND: There is the Agricultural Gazette.

Hon. Sir JAMES LOUGHEED: Yes, they will be published in that and in all the literature in which they would naturally be expected to appear.

Section 14 was agreed to.

On section 15—penalty:

Hon. Mr. BOSTOCK: What is the penalty?

Hon. Mr. DANDURAND: For the third offence the party offending should be sent to prison and be fed on that stuff.

Hon. Sir JAMES LOUGHEED: Yes, that would show what the effects of bad food were.

Section 15 was agreed to.

Sections 16 to 20 inclusive were agreed to.

On section 21—place of offence:

Hon. Mr. BOSTOCK: What is the section of the Criminal Code to which this refers?

Hon. Sir JAMES LOUGHEED: Part XV deals chiefly with procedure in summary convictions. It deals with: "proceedings not objectionable on certain grounds:" "particulars to be ordered;" "description of offence in words of Act;" "variance or defects."

Section 21 was agreed to.

Section 22 was agreed to.

On section 23—commencement of Act:

Hon. Mr. BOSTOCK: Why should not this Act come into force at once?

Hon. Sir JAMES LOUGHEED: There will have to be an organization of that particular branch of the department on whom will devolve the administration of the Act. Organization will be required first of all, and then there will be more or less machinery to be set in motion.

Hon. Mr. BOSTOCK: It is intended to bring it into effect as soon as possible?

Hon. Sir JAMES LOUGHEED: Yes.

Section 23 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

RAILWAY ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 135, an Act to amend The Railway Act, 1919. Hon. Mr. Daniel in the Chair.

On section 1—railways excepted from those deemed to be works for the general advantage of Canada:

Hon. Sir JAMES LOUGHEED: As I explained yesterday, honourable gentlemen, this is to take out of the Railway Act, in which we unwittingly included them, certain tramways, notably the British Columbia system of tramways.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

RETURNED SOLDIERS INSURANCE BILL.

FIRST READING.

Bill 195, an Act to provide for the Insurance of Returned Soldiers by the Dominion of Canada.—Hon. Sir James Lougheed.

ROYAL CANADIAN MOUNTED POLICE BILL.

FIRST READING.

Bill 196, an Act to amend the Royal Canadian Mounted Police Act.—Hon. Sir James Lougheed.

MILITIA PENSION BILL.

FIRST READING.

Bill 197, an Act to amend the Militia Pensions Act.—Hon. Sir James Lougheed.

PENSION BILL.

Bill 198, an Act to amend the Pension Act. —Hon. Sir James Lougheed.

BOARDS OF TRADE BILL.

FIRST READING.

Hon. Sir JAMES LOUGHEED presented Bill M5, an Act to amend the Boards of Trade Act.

He said: The object of this Bill is to enlarge the present Boards of Trade Act, with a view to affording greater facilities for the organization in towns and cities of so desirable an institution as the Board of Trade. It is represented to me by the Department of the Secretary of State that since the close of the war a great number of applications have come into the Department, indicating that the facilities or opportunities for organization are not wide enough under the present Act, and it is very desirable to recast it. I am not going to ask for the second reading until to-morrow. We hope by that time to have the Bill printed.

Hon. Mr. DANIEL: Could not Boards of Trade be established without coming under some Act of Parliament?

Hon. Sir JAMES LOUGHEED: No; the Boards of Trade now come under a general Act.

Hon. Mr. MURPHY: Several conditions are necessary.

Hon. Sir JAMES LOUGHEED: However, we shall have a full explanation of the Bill when it is printed.

The Bill was read the first time.

ORFORD DIVORCE PETITION.

MOTION FOR REMISSION OF FEES.

Hon. Mr. PROUDFOOT moved:

That the fees paid in the case of the petition of Frederick Orford, praying for a Bill of Divorce, be refunded to Counsel for the Petitioner.

He said: When the petition came before the Divorce Committee it was refused. It is usual for counsel then to make application for a refund. That was overlooked, and the only way it can be dealt with now, I understand, is to bring it before the House.

Hon. Mr. MURPHY: I understand that the petitioner is wealthy, and I do not see why his fees should be refunded when he fails to make good his application.

Hon. Mr. PROUDFOOT: It is the ordinaray procedure.

Hon. Mr. MURPHY: No, it is not.

Hon. Mr. PROUDFOOT: I am unaware of a refund having been refused. This has not cost the country anything.

Hon. Mr. MURPHY: It is altogether at the discretion of the House. If a man brings in an action which he cannot sustain, and if he is well able to pay the expenses of the suit, he should be made to pay them.

The Hon. the SPEAKER: This will have to be considered as a notice of motion.

Hon. Mr. PROUDFOOT: My idea was to have this motion referred to the Committee on Divorce.

Hon. Mr. MURPHY: I object. It is out of order.

Hon. Mr. DANDURAND: Of course, the members of the Divorce Committee are more familiar with the practice than are other members of the Senate; but in looking through the printed evidence sent to me I have observed that sometimes, even when there were only a couple of witnesses to establish, for instance, that a divorce had already been obtained in the United States, the petitioner had paid the lawyers $600 or $700. It has seemed to me that the amount was very high. The amounut generally mentioned was $600 or $700, and the petitioner had taken a number of years to save it in order to get a divorce. I was somewhat shocked. Of course, I do not know how much was included for the deposit, the agency fees, and other expenditure, but the total would appear to be exceptionally high.

Hon. Mr. DANIEL: I think the large amounts to which the honourable member refers are the amounts obtained by the counsel. It is the lawyers who get the money. All that Parliament gets is $210, and I think it has been the practice, when a petition has been refused, to refund the petitioner the amount paid to Parliament.

Hon. Mr. CASGRAIN: Less the cost of printing.

Hon. Mr. DANDURAND: But has the Committee no rule fixing the fee that counsel are entitled to charge? I have seen amounts which were quite large and seemed cruel in the case of women petitioners who were earning their own living and had to save for a year or two in order to put aside the amount necessary to make the application to Parliament. Of course I know that divorces should be discouraged, but we have at the bar of the province of Quebec, at all events, a schedule of fees, and I am surprised that the Divorce Committee has had no such regulation.

Hon. Mr. DANIEL: The Committee has no power to tax the charges, but where application has been made for remission of the parliamentary fees it has been our practice to inquire how much money the counsel had received, and if he had received any such amount as that mentioned by the honourable member (Hon. Mr. Dandurand), we have made him pay the fees to Parliament on account of the money paid to him.

With regard to this application, I do not recall the circumstances. As a general rule it is better for the recommendation regarding the fees to come from the Committee itself. The Committee meets to-morrow, and the honourable gentleman from Huron (Hon. Mr. Proudfoot), who is a member, can bring up the question then and have a recommendation made by the Committee.

Hon. Mr. MURPHY: Honourable gentlemen, this looks to me like a very easy way for the counsel to supplement the already large fee which he has in all likelihood received from the petitioner. It seems to me also that, in order to obviate that, the Committee should provide for the returned fee going into the hands of some other person than counsel. When the petitioner says, "I am through with the case," it is very easy for the counsel to come here and make application for remission of the fee, and to put it into his pocket.

Hon. Mr. WATSON: Particularly this session, there have been a great many divorce applications made on behalf of returned soldiers. At this and at other sessions, when application has been made for the remission of fees on account of the inability of the petitioner to pay, the Committee has invariably granted the request, but it has undertaken to tax the bill of costs. I suppose that is the term used by the legal gentlemen. The Committee has questioned lawyers and witnesses as to what the petitioner was paying, and I think the members of the Committee will agree with me that as a rule the expenses of the petitioner have not exceeded $300. In remitting the fees we have invariably done so on the understanding that they should be returned to the petitioner, not to the lawyer. The cheque has been sent directly to the petitioner. As a rule, the lawyers from Toronto have received only about $100 for their trouble in coming down here and pleading the case. Then there are the expenses of advertising; and the fees of the local agents in this city, which are, I think, in most cases about $75, for looking after the whole matter; and there are the witnesses' fees. All these matters have been inquired into, and I think I may safely say that in cases where application has been made for the remission of the fees the lawyers have not got away with the large amounts suggested by some honourable members of this House, but that the benefit of the refund has been given directly to the petitioner, who as a rule, this session, has been a returned soldier.

The motion was referred to the Standing Committee on Divorce.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Friday, June 25, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

SUSPENSION OF RULES.

Hon. Sir JAMES LOUGHEED moved:

That from and inclusive of to-day, and until the end of the Session, Rules 23b, c, d, e, and g, 24a, h, j, k, and 30 be suspended in so far as they relate to Notices of Motions and Motions.

Hon. Mr. BOSTOCK: Could my honourable friend say just what the object of that motion is? It is rather different from what we have had before.

Hon. Sir JAMES LOUGHEED: That would be as to notices of motion to do away with the two days' notice. It is to enable me to move motion Number 2.

Hon. Mr. BOSTOCK: This is something rather exceptional.

Hon. Sir JAMES LOUGHEED: It is simply as to the time that must expire between the notice of the motion and the moving of the motion. If it is carried I am in a position to move that the House meet to-morrow.

Hon. Mr. BOSTOCK: If it is passed it would apply to all motions.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: We lose control of everything.

Hon. Sir JAMES LOUGHEED: I will be candid, and say that I have not anything else that I know of at the moment to which it might apply.

The motion was agreed to.

SATURDAY SITTINGS.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That commencing on Saturday next, and each succeeding Saturday until the end of the Session, unless differently ordered, there shall be a sitting of the Senate, commencing two o'clock in the afternoon, and that all Standing and Select Committees of the Senate be permitted to sit while the Senate is in session, notwithstanding anything contrary in Rule 86.

Hon. Mr. DANDURAND: I have no objection to sitting on Saturday next week.

Hon. Sir JAMES LOUGHEED: Possibly you might have.

Hon. Mr. DANDURAND: My honourable friend said yesterday that he would have us sit to-morrow only if he saw that is was absolutely necessary.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that there is a very large body of legislation yet to be brought up to the Senate. For instance, there is the Franchise Bill, which I expected to be here to-day, and which in all probability will reach us to-morrow. In addition to that, there is other legislation which has been before the Commons, which I anticipate will reach the Senate by to-morrow. I think it is highly necessary that we should

meet to-morrow. The Prime Minister informed me to-day that in the Commons they fully expect to get through by Tuesday or Wednesday.

Hon. Mr. BOSTOCK: I understand, then, that the position would be that, even if the Franchise Bill were brought up in the House to-morrow, we would proceed with it at once.

Hon. Sir JAMES LOUGHEED: Yes. I am not committed, nor would I desire, to put it through all its stages to-morrow; but we should take one or two stages of the Bill to-morrow.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

THIRD READING POSTPONED.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 137, an Act to amend the Criminal Code, as amended.

Hon. Mr. BELCOURT: Honourable gentlemen, I was not here yesterday, and I have only now got this Bill in my hands. I want to draw the attention of my honourable friend to the provision in regard to racing. I refer to the provision which fixes the date when this Act would become effective.

Hon. Sir JAMES LOUGHEED: It is not on the printed Bill; it will be found in the Minutes.

Hon. Mr. BELCOURT: I want to suggest to my honourable friend that, instead of making the date the 1st of September, it ought to be made the 15th of October. If you make it the 1st of September, certain clubs will enjoy the advantages of the present law, which entitles them to take up to 10 per cent, while others will not, and, if I may say so, those clubs which, according to Dr. Rutherford's report, are most deserving are the ones which will suffer most, while the clubs to which objection has been raised—I may say that they are those on the border, where gentlemen from the other side of the line operate—would get the benefit. I therefore suggest that, instead of the 1st of September, the date should be the 15th of October.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend from Ottawa that it has been a somewhat controversial question as to when the Bill should come into operation, and I have not had an opportunity of seeing the Minister in whose department this particular clause will be administered. I should be very happy to postpone the reading of the Bill until I have an opportunity of discussing the matter with him, and I will direct his attention to the remarks of my honourable friend.

Hon. Mr. BELCOURT: May I add that the first of the fall racing meets will be that of the Connaught Jockey Club, at Ottawa, and will begin on the 31st of August and terminate on the 7th of September. We would have the first day under the old law and the six remaining days under the new law.

Hon. W. B. ROSS: Honourable gentlemen, when this Bill was in Committee we had a rather small House, and I would suggest adding a clause to the Bill which I think is in the interest of justice. As the Bill stands, you prove the age of the girl and you prove a sexual offence; and the crime is complete; it does not matter whether the girl or the man is to blame. I have always admitted, and I think most men will admit, that in the majority of these cases you may assume that the man is the aggressor; but it is impossible to assume that in all cases. One of the best judges in Nova Scotia told me of a case which he tried. On a Sunday afternoon a negro girl looking out of a window saw a young negro coming up the street. She beckoned him, called him across the street, and asked him to come into the house. A few minutes afterwards he came out and went up the street, and almost immediately she came out and followed him up to a grove of bushes. An old negro saw them going up there, and he followed. Later a charge was made against this young negro under the section. The judge told me that the incident was all one-sided, and went to prove that the girl had provoked the whole thing; and that boy, if a verdict of guilty had been found against him, would have had to go to the penitentiary for I do not know how many years. The judge said that if the jury had done that, he would not have known what to do. But there was a little bit of doubt in the evidence about the girl's age, and the jury took advantage of that and found a verdict of not guilty. Under the law as it now stands you may have cases of young boys—not black boys or yellow boys, but white boys—who do not instigate the offence at all.

Now, I think there ought to be something to guard against what would be a very unjust punishment. That can be done by this clause without invalidating the law at all in the case of a man who is guilty. The section that I propose is this:

18. On the trial of any offence against section 4, 5 or 9 of this Act the trial judge may instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of said offence they may find a verdict of acquittal.

I need not again discuss sections 4, 5, and 9: they are familiar to you all now. This is a democratic age. The jury hear all the evidence and they see all the parties, and if the law is to be administered fairly and in the interest of the country we ought to leave discretion to the jury to bring in a verdict of acquittal if the girl was chiefly or wholly to blame.

Hon. Mr. DOMVILLE: Does the woman's evidence stand against the man's? Is the woman's evidence paramount?

Hon. W. B. ROSS: No, her evidence has to be corroborated.

Hon. Mr. DAVID: I think, honourable gentlemen, that the objection raised by the honourable member for Middleton deserves consideration. I have been told several times that in Montreal, for several years, there have been more boys seduced by young girls than girls seduced by boys. That is the experience in Montreal.

Hon. Mr. CLORAN: There is no doubt about it.

Hon. W. B. ROSS: I move that amendment.

Hon. Mr. BEAUBIEN: I will second that.

Hon. Mr. BOSTOCK: The honourable leader of the Government said he was going to allow this Bill to stand over until to-morrow.

Hon. Sir JAMES LOUGHEED: We had better deal with this amendment now, and if it is carried we will then let the Bill stand until to-morrow for the third reading.

The Hon. the SPEAKER: Then it would be better to defer the moving of that amendment.

Hon. W. B. ROSS: No. We might as well dispose of it now.

Hon. Sir JAMES LOUGHEED: There is no reason why this motion should not be dealt with now and disposed of one way or the other.

The Hon. the SPEAKER: The amendment cannot be moved until there is a motion for the third reading.

Hon. Sir JAMES LOUGHEED: I move the third reading; but I do not intend to press the motion. The third reading is on the Order Paper, and I move the third reading now if I did not do so before. Then I shall ask that it stand.

Hon. W. B. ROSS: And I move my amendment, that the clause which I have proposed be added to the Bill.

The amendment of Hon. Mr. Ross was agreed to.

On motion of Hon. Sir James Lougheed, the debate was adjourned.

NATURALIZATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 184, an Act to revive and amend the Naturalization Act, 1914.

He said: Honourable gentlemen, in 1914 the Parliament of Canada passed a Naturalization Act as the result of an agreement between the Imperial authorities and the Government of Canada. It was the outcome of an agreement among the different parts of the Empire with a view to making naturalization uniform and common throughout the whole Empire. At the same time we repealed the Naturalization Act which we had upon our statute book. In 1919, after the armistice was arrived at, and after public opinion had been excited over what should constitute the naturalization of alien enemies, we repealed the Act of 1914 and passed a new Act. Probably the most prominent feature of the later measure was a prohibition as to the naturalization of certain alien enemies until they had put in a residence of ten years in the Dominion. It was afterwards discovered that there had been a misunderstanding between our own Government and the Imperial authorities. The opinion was that Great Britain had acted similarly. It has been found that that is not the case, and, owing to certain amendments which were made at the time, it has been thought desirable to return to the Act of 1914. The consequence is that it is now proposed to repeal the Act of 1919 and revive the Act of 1914, making such amendments to the 1914 law as may be necessary to bring it into conformity and uniformity with the Act of the British Parliament. This, shortly, is the object of the Bill.

Hon. HEWITT BOSTOCK: Honourable gentlemen, the explanation given to the House by the honourable leader of the Government shows the position we are in to-day. The object of this legislation, I un-

derstand, is to enable the Government to deal with a question that arose under the Franchise Act in another place. When this Bill becomes law the Government will be able to give naturalization to aliens who lived in this country prior to the coming into effect of the Act of 1914, but who had not taken out naturalization papers.

Hon. Sir JAMES LOUGHEED: Yes, and whose loyalty wil be proven to the satisfaction of the authorities.

Hon. Mr. BOSTOCK: I think I am right in stating that there is another improvement in this Naturalization Act, inasmuch as certain powers which before were left entirely in the hands of the Secretary of State are now to be exercised by the Governor in Council on the advice of the Secretary of State. This brings the matter to the attention of the whole Government and in a way is, I think, an additional advantage to the whole country.

There is a point regarding the manner in which this Bill is drafted which I intend to bring to the attention of the honourable leader of the Government when we go into Committee. I may mention it now. If the honourable gentleman has Bill 184 before him, he will see that it is not stated where section 7 is to be inserted. When we come to discuss this in Committee, that should be changed so as to state definitely where section 7 of the Bill shall be inserted in the Act itself. It can be discussed better in Committee than at the present time.

Hon. Mr. BRADBURY: Does this Bill affect aliens coming into the country? I understand that at the present time an alien coming into Canada must make his residence here before securing naturalization.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BRADBURY: This does not affect that at all?

Hon. Sir JAMES LOUGHEED: Yes, it does affect that. The honourable gentleman is referring to aliens coming into the country?

Hon. Mr. BRADBURY: To any aliens coming in now.

Hon. Sir JAMES LOUGHEED: Or coming in hereafter. I could not answer my honourable friend. I have sent for the Under Secretary of State and I would suggest that we go into Committee and discuss the various clauses, and if any difficulty arises or I am not prepared to make an explanation I shall be very glad to have it stand. We shall make some progress by going into Committee.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill Hon. Mr. Donnelly in the Chair.

Section 1 was agreed to.

On section 2—(new section 7)—revocation of certificate of naturalization by Governor in Council on report of Secretary of State.

Hon. Sir JAMES LOUGHEED: This section provides for the substitution of two sections in place of section 7 of the Act of 1914. That is to say, we are amending the Act of 1914 by the substitution of the two sections to which I am about to allude. These two sections were intended to be introduced into the Act of 1919, to establish uniformity with the British Act of 1914, as amended by the British Act of 1918. There were, however, omissions, and some verbal differences between the clauses of our Act of 1914 and the British amendment, and these differences and omissions are corrected in the present session. The most substantial difference between the proposed section 7 and section 7 of the Act of 1919 is that paragraph b of subsection 2 was omitted in the 1919 Act, whether by oversight or for any special reason is not apparent. This clause was in the British Act of 1914, as amended in 1918, and was one of the clauses which formed the subject of previous consultation with the Dominion and which had been assented to. It is therefore one that should be included in the Dominion Act in order to maintain uniformity. In other words, we are simply inserting the same sections as are in the British Act.

Hon. Mr. BRADBURY: Does this repeal in any respect the power that the Government had under the amendment of 1919 to revoke the naturalization of an alien? I miss something from this, but I do not know just what it is.

Hon. Sir JAMES LOUGHEED: I could not tell the honourable gentleman that We propose to repeal the whole of the 1919 Act. Then the question arises whether the Act of 1914, with the amendments which we are now moving, will meet the requirements in the Dominion. But I unhesitatingly say that this will bring our legislation into uniformity with the British Act. I do not intend to move the third reading to-day,

and there will be ample opportunity to make a comparison between the proposed amendments and the Act of 1919.

Hon. Mr. BRADBURY: I desire to point out that during the discussion on the Deportation Bill and the amendment proposed in this House it became quite evident that under the existing law the naturalization which had been granted to an alien could be revoked for certain reasons; and when his naturalization was revoked he would of course become an undesirable citizen; in fact, he would be deported. I have not the statute before me at the present moment, but I rather think that if you pass the amendment as proposed, while naturalization may be revoked for certain causes, some of the causes of revocation mentioned in the 1919 amendments are not included. That is what I fear.

Hon. Sir JAMES LOUGHEED: Will the honourable gentleman look at paragraph d of the section we are now considering?

Hon. Mr. DANDURAND: Paragraph e is a most extraordinary one. It gives complete and conclusive power to the Secretary of State to revoke a certificate if in his opinion the continuance of the certificate is not conducive to the public good.

Hon. Sir JAMES LOUGHEED: I move the adoption of subsection 1.

Hon. Mr. BOSTOCK: Is not the difference between subsection 1 of the present Bill and the similar provision in the Act of 1919, first of all, that the matter is left in the hands of the Governor in Council on the advice of the Secretary of State, instead of being dealt with by the Secretary of State without reference to the Governor in Council; and, secondly, that if any of the conditions mentioned in the clause exist, then the Governor in Council has no discretion in the matter, but shall revoke the naturalization papers? In the Act of 1919 there was a permissive "may" instead of "shall."

Hon. Sir JAMES LOUGHEED: Yes, that is one of the amendments. I will come to that presently.

Hon. Mr. BOSTOCK: That is the position as I see it. There is practically no alternative.

Hon. Sir JAMES LOUGHEED: The one is mandatory; the other was permissive.

Subsection 1 of new section 7 was agreed to.

On subsection 2—cases in which certificate shall be revoked:

Hon. Sir JAMES LOUGHEED.

Hon. Mr. DANDURAND: I would draw attention to the fact that paragraphs a, b, c, and d are hardly necessary if in paragraph e we give the Governor in Council the right to recall a certificate in any case when he deems that the certificate is not conducive to the public good. That is an extraordinary power to give to the Governor in Council; yet it may be somewhat tempered by the preceding paragraphs which are precise and determinate. I realize that paragraph e was in the Act of 1919, but it was not in the Act of 1914. As the leader of the Opposition has said, it is not only the Secretary of State who can exercise this judgment, but it must be endorsed by the Governor in Council. I wonder if the person who is thus dealt with will have an opportunity of knowing the precise reason which actuates the Governor in Council? If the Governor in Council acts under paragraphs a, b, c, or d, the reason will be obvious; but if he undertakes to act under paragraph e, then it may be that no reason will be given. It would seem to be a very arbitrary action to withdraw the certificate without the person knowing the reason.

Hon. Sir JAMES LOUGHEED: The paragraphs referred to lay down certain principles by which this act of revocation should be acted upon, and in my judgment they would be a feature in the event of any action being taken. When a country is in a state of war, conditions may arise which it is not possible to foresee, and it seems to me that this is not an unreasonable discretion, because the revocation of the certificate is not a very serious matter so far as the person holding it is concerned. It deprives him of certain privileges, but under such conditions it is not a very serious matter.

Hon. Mr. POWER: There is just one point to which I should like to direct the attention to the leader of the House. It strikes me that in subclause 2 of section 2 the word "shall" should be "may," because the Governor in Council might see some reason for not revoking the certificate, even in a case in which, under the wording of this clause, he could do so. I think the better way would be to leave the discretion with the Governor in Council, either to revoke the certificate or not to do so.

Hon. Mr. DANDURAND: Why is the change made from the permissive to the imperative?

Hon. Sir JAMES LOUGHEED: The section as we are now considering it is, I understand, verbatim with the British Act. It is with the object of obtaining uniformity that the amendments are being made. It seems to me that it would be very undesirable for us to depart in the slightest degree from the British Act. Of course, we may make a clause of this kind mandatory so far as the Governor in Council is concerned, but nevertheless the Governor in Council may exercise discretion. That is to say, I know of no power except the defeat of the Government that can compel the Governor in Council to commit an Act.

Subsections 2, 3, and 4 were agreed to.

On subsection 5—revocation of certificate granted in some other portion of His Majesty's Dominions:

Hon. Mr. BOSTOCK: Is this a new subsection?

Hon. Sir JAMES LOUGHEED: It is taken from the English Act.

Hon. Mr. BOSTOCK: It was not in the Act of 1919. It is a new provision.

Subsections 5 and 6 were agreed to.

On new section 7a—effect of revocation upon status of wife or minor children:

Hon. Sir JAMES LOUGHEED: Subsection a corresponds to subsections 1, 2, and 3 of section 8 of the Act of 1919, so that we have already passed those. I will therefore move the adoption of new section 7.

New section 7 was agreed to.

Naturalization Act, 1914, revived:

Hon. Sir JAMES LOUGHEED: Subsections 1, 2, 3, 5, and 6 were contained in the Act of 1919, and therefore are not new.

Subsections 1, 2, 3, 5 and 6 of section 3 were agreed to.

On subsection 4 of section 3—imperial naturalization:

Hon. Sir JAMES LOUGHEED: Subsection 4 provides for the amendment of section 8 of the Act of 114, simply to correlate that section with the amendments herein made.

Hon. Mr. BOSTOCK: This subsection reads:

> In section 8 the words "Governor in Council" shall be inserted immediately after the words "Secretary of State of Canada" in the 10th line, and the words "and of the high court or superior court of the province in which the case arises."

Is that for the purpose of giving a right of appeal to the superior court?

Hon. Sir JAMES LOUGHEED: In some of the overseas Dominions the court is termed the high Court and in others it is called the superior court. For instance, in Canada in some of the provinces the court is known as the high court and in others as the superior court. This simply indicates to what court application is to be made.

Hon. Mr. BOSTOCK: So application for naturalization is made to the superior court of the province?

Hon. Sir JAMES LOUGHEED: Yes, whatever is dealt with in section 8. An application regarding that subject will be made either to the high court or to the superior court, by whichever name it is known in the province.

Hon. Mr. BOSTOCK: The change is that the application will be made to a superior court. I think that previously it could be made to a country court in certain cases.

Hon. Sir JAMES LOUGHEED: No, apparently it was to a superior court.

Hon. Mr. BRADBURY: That appeal to the superior court would be in the option of the Governor in Council.

Hon. Sir JAMES LOUGHEED: Whatever the provision is under section 8. This is simply declaratory of the court.

Hon. Mr. BRADBURY: There is just one thing that bothers me a little at the present time, owing to discussions that have taken place in regard to the power the Government of the country exercises in the way of revocation of citizenship. I am wondering if the present amendments are intended to make it impossible for the Government to exercise control. Section 7 of the Act of 1919 reads as follows:

> Where the Secretary of State of Canada is satisfied that a certificate of naturalization granted by him under this Act, or granted under any Naturalization Act heretofore in force in Canada, has been obtained by false representation of fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State of Canada may recommend that the certificate be revoked, and the Governor in Council may by order revoke the same—

I was just wondering if that would be nullified by this clause.

Hon. Sir JAMES LOUGHEED: It only changes it in this way. Paragraph d of new section 7 reads:

—was domiciled and had continuously resided in Canada for a period of at least ten years immediately preceding the seventh day of July, 1919.

So that he would have been in the country for several years before the war, practically five years before the war started—

—and who establishes to the satisfaction of the Secretary of State of Canada that he has always during his residence in Canada conducted himself as a good and loyal citizen and that his allegiance to His Majesty will not be affected by sympathy or association with the enemy state of which he was formerly a subject.

—and it seems to me a very reasonable thing, even though he might have been the subject of an enemy country, that if he has been in Canada for ten years prior to the 7th of July, 1919, and in addition has established his loyalty to the Dominion to the satisfaction of the Secretary of State—

Hon. Mr. BRADBURY: That is the granting of certificates. I am referring to the powers of revocation.

Hon. Sir JAMES LOUGHEED: If my honourable friend will look at the section which we have already dealt with he will see that the fullest power of revocation is given. We can revoke any certificate for the reasons set out there. Will my honourable friend look at paragraphs d and e of new section 7?

Hon. Mr. BRADBURY: Those would cover, I suppose, the amendment of 1919, that is, chapter 38, section 7?

Hon. Sir JAMES LOUGHEED: Yes. I think the most ample protection is given.

Section 3 was agreed to.

On section 4—new section 19—application to court:

Hon. Sir JAMES LOUGHEED: I move that in line 31, after the word "court" the following words be inserted: "in the province of Ontario, the court of General Sessions of the Peace." When this was up before I think my honourable friend from Ottawa (Hon. Mr. Belcourt) suggested that that should be done.

The amendment of Hon. Sir James Lougheed was agreed to, and new section 19 as amended was agreed to.

On new section 20—posting of application:

Hon. Sir JAMES LOUGHEED: That is practically the same as section 21 of the Act of 1919; in fact, so far as I can see, it is precisely the same.

Hon. Mr. BELCOURT: I doubt that the wording will insure continuous posting. I think the language is hardly sufficient for that.

Hon. Sir JAMES LOUGHEED: It will be done by the clerk or other proper officer.

Hon. Mr. BELCOURT: I know, but that wording might mean merely a posting up three months before the application, and not a continuous posting up until the application is heard.

Hon. Sir JAMES LOUGHEED: I am informed that the form of the affidavit requires the statement that the application was posted up and kept posted up continuously during that period of time.

Hon. Mr. BELCOURT: But should not the section conform with the schedule?

Hon. Mr. DANDURAND: Should not this read: "Such notice shall be posted up for a period of at least three months"?

Hon. Sir JAMES LOUGHEED: Would there be any difference between that and the present wording, "at least three months"?

Hon. Mr. DANDURAND: It says the notice shall be posted at least three months before, but it does not say that the notice shall remain up.

Hon. Mr. BELCOURT: I appeal to the honourable leader that this would be clearer if it read, "for a period of at least three months."

Hon. Sir JAMES LOUGHEED: Will the honourable gentleman suggest to the Chairman just what the wording should be.

The Hon. the CHAIRMAN: The amendment is that the clause should read:

Such notice shall be posted up continuously for a period of at least three months before the application is heard by the court.

The amendment of Hon. Mr. Belcourt was agreed to, and new section 20, as amended, was agreed to.

On section 5, new section 24—issue of certificate of naturalization:

Hon. Sir JAMES LOUGHEED: This is the same as section 25 of the Act of 1919.

Section 5 was agreed to.

On section 6—"section 26 of the said Act is repealed":

Hon. Mr. DANDURAND: That is, of the Act of 1914?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Why is that done?

Hon. Sir JAMES LOUGHEED: Section 26 provided that the Governor in Council should have power to appoint Commissioners to take oaths under this Act. Those officials are not now required.

Section 6 was agreed to.

On section 7—certificates granted to enemy subjects since 4th August, 1914:

Hon. Mr. BELCOURT: Is this grammatical enough for ordinary legislation? I doubt that it is.

Where a certificate of naturalization has been granted in Canada since the fourth day of August, one thousand nine hundred and fourteen, to a person who, at, or at any time before the grant of the certaficate,—

Hon. Sir JAMES LOUGHEED: This corresponds to section 8 of the Act of 1919.

Hon. Mr. BELCOURT: This wording is very confusing, and it is certainly not grammatical. I know what the intention is, but I do not think it is correctly expressed. Perhaps it should read: "A person who, at the time of, or at any time before, the grant of the certificate."

Hon. Mr. MURPHY: Or "prior to."

Hon. Mr. BELCOURT: Or, "prior to." I am not objecting to the word "before." I would put it this way: "who at the time of, or at any time before."

Hon. Sir JAMES LOUGHEED: Is not that what it really means?

Hon. Mr. BOSTOCK: If not that, what does it mean?

Hon. Mr. BELCOURT: It does not read grammatically. I have no doubt as to what it means, but I do not believe it is grammatical.

Hon. Mr. DANDURAND: In order to make the phrase clear, I would ask my honourable friend to leave out the alternative and see what remains. I would like to know what then would be the meaning of the phrase.

Hon. Sir JAMES LOUGHEED: What does the honourable gentleman propose to strike out?

Hon. Mr. BELCOURT: I propose that it should be amended to read: "A person who at the time of, or at any time before."

Hon. Sir JAMES LOUGHEED: We will accept that.

The amendment of Hon. Mr. Belcourt was agreed to, and subsection 1 of new section 7 was agreed to.

On subsection 2 of new section 7—no certificate to enemy subject for ten years after the war:

Hon. Mr. POWER: I think that that is a subclause which requires some consideration. That just means that any man who was a subject of Austria or Germany or Turkey, etc.,—any country that the Empire was at war with—cannot get a certificate of naturalization before the year 1928. It seems to me that this is an unreasonably long probation. I think we had better leave it at five years, as it is in some other portions of the Act. In the first place, after the expiration of five years the feelings that the war has created, feelings of hostility between different peoples, will have passed away. And then there is this other feature about it, that, while Germany, or Austria, or whatever the country may be, was at war with the British Empire, the individual subjects of that country may not have any hostile feeling towards the Empire at all; and I think we should also bear in mind that this long term of ten years may prevent Canada from getting immigrants who would be very desirable. It is one of our great objects now to get people to come to Canada who will help to carry the burden that the country will have to carry for several years. I move that the word "ten" in line 17 be stricken out and that the word "five" be substituted therefor.

Hon. Sir JAMES LOUGHEED: I may say that in 1919 we passed this same legislation. In the Bill now before us we have slightly modified it by paragraph d so that it will not apply to anyone who was not residing in Canada ten years previous to the 7th of July, 1919. On the previous occasion the ten-years clause was very fully discussed, and I think it is not unreasonable, because if the persons to whom it applies could comply with a, b, c, and d, the refusal to issue them a certificate would not be made. But I think it is entirely necessary to retain the ten-years provision as to an alien from an enemy country.

Hon. Mr. BOYER: Make it twenty-five.

Hon. Mr. POWER: I fail to see it.

The amendment of Hon. Mr. Power was negatived.

Hon. Mr. BOSTOCK: I want to draw the attention of the leader of the Government to that clause. I do not quite see where it is going to come in in the Act. It is section 7 of the Bill, but it should really come in as section 7B.

Hon. Sir JAMES LOUGHEED: The numbers of the sections in the Bills we pass are not observed when the statutes are consolidated.

Hon. Mr. BOSTOCK: Should it not have a number?

Hon. Sir JAMES LOUGHEED: No, because it is an entirely new section. It would be entirely immaterial whether it came at the end of the Act or in the middle of it.

Subsection 2 of section 7 was agreed to.

On section 8—short title:

Hon. Mr. BELCOURT: I would like to ask my honourable friend in regard to the revocation of certificates of naturalization. May anyone move the Secretary of State?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: That is provided for in the amendment, is it?

Hon. Sir JAMES LOUGHEED: That is the practice. The Secretary of State will take notice of any information which is brought to him from the police, from citizens, or from any other source. He is the depositary of all information in regard to the administration of the Act.

Hon. Mr. BELCOURT: I think every facility should be afforded for the revocation of certificates so granted, because in many instances these certificates are granted after very little investigation. In the past it has been a pure matter of form.

Hon. Sir JAMES LOUGHEED: I am told that that is a very serious reflection upon the administration of the Department of the Secretary of State, and that the closest investigation is made into every application for naturalization.

Hon. Mr. BELCOURT: That is something new.

Hon. Sir JAMES LOUGHEED: Since the war we have found the necessity of it.

Hon. Mr. BELCOURT: One would not have to have a very lively memory to remember the time when such things never took place.

Hon. Sir JAMES LOUGHEED: Since it has been administered by the Department of the Secretary of State, it has been done in a model way.

Hon. Mr. BOSTOCK: Section 8 refers to the Naturalization Acts of 1914 and 1920. Are there any other Naturalization Acts in force? I thought they were all repealed.

Hon. Sir JAMES LOUGHEED: We repeal them formally.

Hon. Mr. BOSTOCK: Should not this be called the Naturalization Act in that case?

Hon. Sir JAMES LOUGHEED: This, of course, repeals the Act of 1919, and I think it is desirable that the section should be as it is, because it shows that the Act of 1914 is again in force, and likewise this Bill, which will become the Act.

Hon. Mr. POWER: I understand quite well why the proposed title is in the form in which it is. I understand that the Act of 1914, except in so far as it is amended by this Act, is still in force, so you have to put it in the title.

Hon. Mr. BELCOURT: The Act of 1919 disappears?

Hon. Sir JAMES LOUGHEED: Yes.

The Bill, as amended, was reported.

RETURNED SOLDIERS INSURANCE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 195, an Act to provide for the insurance of returned soldiers by the Dominion of Canada.

He said: Honourable gentlemen, this Bill is the outcome of recommendations made by the Parliamentary Committee which has been sitting since almost the beginning of the session, making a very extended inquiry into the re-establishment of returned soldiers. The subject of insurance for returned soldiers very naturally is one in which a very great interest has been evinced, particularly since the return of the disabled men from the recent war.

The principle underlying the Bill is this. The returned soldier has served his country patriotically and loyally, and by reason of that service has more or less suffered physical impairment or disability, and does not possess the physical qualifications to pass the necessary medical examination that very properly is enforced by insurance companies doing a commercial business. The question arises, is it not highly proper that the state should make provision to meet the difficulties which the returned soldier has encountered? The Government therefore proposes to establish an insurance scheme, by which the returned soldier who makes application may take out a policy just as he would do in any legitimate or standard company.

The only difference will be that the medical examination will be dispensed with.

Hon. Mr. THOMPSON: That is a very important difference.

Hon. Sir JAMES LOUGHEED: Undoubtedly. But naturally we could not expect those who have served their country under the very trying conditions which faced those men to come back with all their physical energies and qualities unimpaired. If such were the case they would not require the assistance which the Bill proposes to give them. Probably it would be undesirable to go into the provisions of the Bill in detail now, inasmuch as they can be elaborated upon in Committee.

Hon. Mr. POWER: I think that the suggestion made by the honourable gentleman from Fredericton (Hon. Mr. Thompson) deserves rather more consideration than it is apparently going to get. As I understand it, the principle upon which this Bill is based is that the man who has gone overseas and who has been permanently disabled shall be entitled to receive state insurance. The point is just this: how is the Government going to tell whether a man is entitled to insurance or not unless there is a medical examination? I think it is absolutely necessary that you should have a medical certificate stating that the man has suffered permanent physical injuries. There seems to me to be a disposition to leave our ordinary common sense behind when we come to deal with men who went to the front. If the money which the country is supposed to pay these men were to be picked up on the streets, it would be well enough; then we need not exercise any precautions in dealing with the matter. But that is not the case. The money that is to go to pay these benefits is money that will be taken out of the people of Canada, and I think the people are entitled to be satisfied that that money goes to persons who are really qualified by law to receive it, and I fail to see how you can deal with a man as having been disabled unless there is a medical examination.

Hon. Mr. BEAUBIEN: I think the honourable gentleman from Halifax has not very well considered the question. This Bill has for its object the insurance of soldiers who cannot pass a medical examination. They are badly injured, and will not be accepted as risks by ordinary companies.

Hon. Mr. POWER: I quite agree.

Hon. Mr. DANDURAND: Will the applicant have to show that he has not been able to obtain insurance in a standard company?

Hon. Mr. BEAUBIEN: Now I come to the second point. Those men are bad risks and they are taken care of by the Government. But suppose those who could pass an examination were to apply for this insurance, surely my honourable friend could not object, because they are good risks, and the more good risks there are the easier it will be for the Government to carry on the insurance.

Hon. Mr. DANDURAND: Provided that the rates are the standard rates charged by the other insurance companies.

Hon. Sir JAMES LOUGHEED: These are standard rates, I understand. They are based on 4 per cent.

Hon. Mr. POWER: I owe an apology to the House. I spoken under the misapprehension that this insurance was confined to soldiers who had suffered under disability, but I find it is a general enactment.

Hon. Sir JAMES LOUGHEED: I may say that this does not differ so widely from the class of business that is becoming, I understand, somewhat popular with standard companies—that is, group insurance. I know the matter has been discussed on previous occasions, and my impression is that we have already legislated along this line in giving certain companies authority to do group insurance, and under which authority they take insurance upon an existing group, entirely irrespective of individual physical standards.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Watson in the Chair.

Hon. Sir JAMES LOUGHEED: May I ask Mr. Finlayson, the Superintendent of Insurance, to come within the bar?

Section 1 was agreed to.

On section 2—definitions:

Hon. Sir JAMES LOUGHEED: I move that after the word "child" in paragraph b, the word "legally" be inserted—"child legally adopted." Also that in paragraph g, in the second line, the word "has" be struck out, and that after the word "served"

the following words be added: "as an officer or warrant officer, or who enlisted or was enrolled or was drafted for service."

Hon. Mr. DANDURAND: Read the paragraph as amended.

The Hon. the CHAIRMAN (reading):

"Returned soldier" means any person, male or female, who served as an officer or warrant officer, or who enlisted, or was enrolled, or was drafted for service in the naval, military or air forces of Canada in the Great War—

Hon. Mr. BOSTOCK: The rest of the clause remains as it is?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: In what capacity would a woman have been serving?

Hon. Sir JAMES LOUGHEED: As a nurse.

Hon. Mr. BELCOURT: Would this include a V. A. D. girl also?

Hon. Sir JAMES LOUGHEED: I do not know whether the V. A. D.'s were enrolled or not. If they were enrolled they are entitled to the insurance. I could not tell the honourable gentleman at the moment what the military standing of the V. A. D. would be, because it is in a sense a voluntary organization. I understand it is not a military organization in the sense that nursing sisters are. Nurses became, and are, members of the militia.

Hon. Mr. BELCOURT: They had the rank of officers.

Hon. Mr. BOSTOCK: I would like to ask my honourable friend, with regard to paragraph b, why is the date set as the first of July, 1920—"a child legally adopted before the first day of July, 1920, or not less than five years before the death of the insured"?

Hon. Sir JAMES LOUGHEED: You mean, it should be a later date?

Hon. Mr. BELCOURT: No. Why is it not another date?

Hon. Sir JAMES LOUGHEED: We did not want to give time to permit of any illegal act of the kind being covered up by an attempt at legalization.

Hon. Mr. BOSTOCK: The war ended in 1918, but this paragraph extends the time right to the first of July, 1920.

Hon. Mr. BELCOURT: I think the idea is to prevent people from going on adopting children for the purpose of getting under the Act.

Hon. Sir JAMES LOUGHEED: Precisely; and, furthermore, this anticipates the Act coming into force about July the first.

Hon. Mr. DOMVILLE: Does this mean that anybody who served can get an insurance policy at these rates?

Hon. Sir JAMES LOUGHEED: Yes, any person coming within the classes mentioned in the Bill.

Hon. Mr. BELCOURT: You would make it perfectly certain if you fixed a date anterior to the first of July. Quite a number of people have had notice of this Bill, and if they were inclined to perpetrate a fraud they would have an opportunity to do so. Why not say the first of January, 1920?

Hon. Sir JAMES LOUGHEED: They would not have had any intimation of a particular clause of this kind. They might have a general intimation of a Bill providing for insurance for returned soldiers, but I think this would come as news to any of us; none of us would have anticipated this particularity in the Bill.

Hon. Mr. DOMVILLE: This is a special table of rates different from the ordinary rates?

Hon. Sir JAMES LOUGHEED: They are based upon standard rates.

Hon. Mr. DOMVILLE: If they are based on standard rates, could not the widow and orphan do just as well in any private company?

Hon. Sir JAMES LOUGHEED: They could not get the insurance in a private company.

Hon. Mr. DOMVILLE: Why not?

Hon. Sir JAMES LOUGHEED: If they were insurable they could, but this is to cover a class of persons who have suffered from their war service and could not readily get insurance in standard companies.

Hon. Mr. BELCOURT: Is it confined to them?

Hon. Sir JAMES LOUGHEED: No, it is open to all who have served.

Hon. Mr. ROBERTSON: But those are the necessitous cases.

Hon. Sir JAMES LOUGHEED: Probably that class will be the more numerous.

Hon. Mr. BELCOURT: What is the difference, roughly speaking, in the rates?

Hon. Sir JAMES LOUGHEED: They are practically the same; just a small fraction lower than the standard rates.

Hon. Mr. BELCOURT: Why are they made lower?

Hon. Sir JAMES LOUGHEED. These are based upon the 4 per cent table, whereas the insurance table, as my honourable friend will doubtless remember, was placed some years ago on the 3 per cent basis. The 4 per cent table will permit of rates being slightly less than the standard rates under the 3 per cent interest calculation.

Hon. Mr. BELCOURT: I suppose the rate has been made as low as is consistent with the cost of administration?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DOMVILLE: The rates seem all right. This is a kind of clearing-house, is it not?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: What is a clearing-house?

Hon. Mr. DOMVILLE: Do you not know that?

Hon. Mr. BELCOURT: No, I do not. I cannot tell from the definition that we have just had.

Hon. Mr. DOMVILLE: I did not hear the definition. In the United States they have what they call a clearing-house for insurance companies. I want to ask the honourable leader a question: how do any of these people obtain insurance?

Hon. Sir JAMES LOUGHEED: Those who come within the classes provided for in the Bill will make application to a representative of the Government for a policy up to a maximum of $5,000, paying the premium prescribed in the Act.

Hon. Mr. DOMVILLE: And proving that they are entitled to insurance by having been in the service?

Hon. Sir JAMES LOUGHEED: Yes, the necessary evidence will have to be forthcoming.

Hon. Mr. BOSTOCK: Has any estimate been made as to the number of persons to whom this Act will apply?

Hon. Sir JAMES LOUGHEED: It will apply to the whole Expeditionary Force. It is difficult to say how many will avail themselves of it.

Hon. Mr. BEAUBIEN: The widow of a soldier can take out insurance?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEAUBIEN: Even if she is not insurable in an ordinary company?

Hon. Sir JAMES LOUGHEED: Yes, she can do that. The probabilities are that the risk—

Hon. Mr. BELCOURT: I suppose that the larger the numbe: of insured the better for all.

Hon. Sir JAMES LOUGHEED: Yes, the larger the number the better.

Hon. Mr. BELCOURT: The lower, proportionately, the cost of administration will be.

Hon. Sir JAMES LOUGHEED: The widow of the deceased soldier will probably be a better risk than he would have been in his lifetime.

Hon. Mr. DOMVILLE: The rates are calculated on the expectation of life?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DOMILLE: And while the ordinary company does not take as many chances, the Government think these will be commensurate with the risk they take?

Hon. Sir JAMES LOUGHEED: Yes.

The amendment of Hon. Sir James Lougheed was agreed to, and section 2 as amended was agreed to.

On section 3—insurance and limits thereof:

Hon. Sir JAMES LOUGHEED: The insurance runs from $500 to $5,000.

Hon. Mr. BELCOURT: Is the insured entitled to have the whole amount payable to his beneficiary at his death, or is it payable only in this way, one-fifth in cash and the remainder by annuity?

Hon. Mr. BEAUBIEN: It is at the option of the insured.

Hon. Mr. BELCOURT: I had not noticed the words, " at the option of the insured."

Hon. Mr. DANIEL: One-fifth is payable at death and the rest is payable in annuities.

Hon. Sir JAMES LOUGHEED: So that the beneficiary may not squander the whole amount.

Hon. Mr. BELCOURT: Subsection 5 is a very complicated clause.

Hon. Sir JAMES LOUGHEED: All insurance is more or less complicated. It will be worked out by the Insurance Branch of the Department of Finance. They will be quite equal to it.

Hon. Mr. DANDURAND: Will this insurance money form a special fund?

Hon. Sir JAMES LOUGHEED: Yes, there will be a consolidated fund established for the administration of this Act.

Hon. Mr. DANDURAND: So that we may see from year to year what are the results obtained and whether we are going behind or holding our own?

Hon. Sir JAMES LOUGHEED: Yes. The fund will be quite distinct and the results can be ascertained.

Hon. Mr. BELCOURT: With regard to the words,

—"if such disability is not deemed to be attributable to his service so as to bring him under the provisions of the Pension Act—"

Suppose that after paying four, five, or six premiums, the insured is declared to be unable to carry on a gainful occupation. He is granted a board and is found eligible for a pension. What becomes of the four, five, or six premiums that he has already paid?

Hon. Sir JAMES LOUGHEED: I suppose my honourable friend has in view a case in which the insured drops the premiums?

Hon. Mr. BELCOURT: No. I have in mind this case. A man is insured say on the first of July, 1920. He pays five premiums. After five years it is found that because of disability incurred during war service he is absolutely disabled and becomes entitled to a pension. Does he retain his insurance?

Hon. Sir JAMES LOUGHEED: Yes. He goes on paying the premiums if he desires to do so. But let us assume that he dies and leaves a widow and that the widow is entitled to a certain pension by reason of his services. The combined benefits of the insurance and the pension must not exceed the $5,000 or the benefits of this Act; but she will be entitled as beneficiary to a return of the premiums in the same proportion as the principal is reduced.

Hon. Mr. BELCOURT: Take a converse case. The insured does not wish to continue, or rather his means is not sufficient to enable him to continue paying the premium. What becomes of the three, four, or five years' premiums he has already paid? I suppose he would be entitled to a paid-up policy.

Hon. Sir JAMES LOUGHEED: There is no provision here for surrender, as in certain standard companies, but it can be made the subject of a regulation. When the Act is put into operation it may be found desirable to make an arrangement of that kind.

Hon. Mr. BELCOURT: It seems to me it would be only fair that if the insured has paid for a number of years and is unable to continue the payments, he should get the benefit of either a paid-up policy or a cash surrender value.

Hon. Sir JAMES LOUGHEED: There may be a regulation in that respect.

Hon. Mr. BELCOURT: But can you have such a regulation if you do not provide for it in the Act?

Hon. Sir JAMES LOUGHEED: Oh, yes, it is provided for in the Act. Will my honourable friend look at section 17, paragraph f. The necessary authority is taken under that.

Hon. Mr. BELCOURT (reading):

Determining beforehand the cases or classes of cases in which an insurance contract may be surrendered and a cash surrender value paid therefor, or a paid-up insurance contract—

I see.

Section 3 was agreed to.

On section 4—payments, whom to be made to:

Hon. Mr. BELCOURT: Why is a creditor eliminated?

Hon. Sir JAMES LOUGHEED: This is only for the benefit of the insured or his family. The Government could scarcely be expected to extend the advantages of this Act to the creditor of a deceased man. The creditor has to look out for himself.

Hon. Mr. MURPHY: Creditors cannot come in on this insurance any more than they can on ordinary beneficiary insurance.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BELCOURT: If a creditor advanced loans on the security of the insurance why would he not be made a beneficiary?

Hon. Sir JAMES LOUGHEED: That would be an insidious way of getting an assignment of the benefits which should go to his family. That would induce speculation. I think it better not to admit that.

Section 4 was agreed to.

Section 5 was agreed to.

On section 6—beneficiaries when insured is unmarried:

Hon. Mr. GORDON: Why not include the mother as a beneficiary?

Hon. Mr. MURPHY: How is he going to determine the future children?

Hon. Mr. GORDON: If a man who is taking out insurance has a widowed mother why should not provision be made for her?

Hon. Mr. DANDURAND: Why this clause at all? The insurance would go to his legal heirs in any event.

Hon. Sir JAMES LOUGHEED: They would not be his legal heirs in this case.

Hon. Mr. BELCOURT: A married man might have a grandchild, and this section would debar him from making the grandchild his heir.

Hon. Mr. DOMVILLE: Suppose he is divorced, what are you going to do then?

Hon. Sir JAMES LOUGHEED: Let us follow this section: the man's first duty is to his wife and children.

Hon. Mr. DANDURAND: But he has none.

Hon. Sir JAMES LOUGHEED: He can make the insurance assignable to his future wife, or future wife and children. At the time of his death he may not be married.

Hon. Mr. MURPHY: This section would debar the children by his first wife altogether. It only includes his future wife or future children.

The Hon. the CHAIRMAN: There is an amendment proposed to this by the honourable leader of the Government, which reads as follows, immediately at the close of section 6:

—as he deems fit; but if at his death he is still unmarried or is a widower without children the insurance money shall, subject to sections 4 and 9 of this Act, fall into and become part of the estate of the insured.

Hon. Mr. DOMVILLE: Who is to be the trustee for the future wife and children?

Hon. Sir JAMES LOUGHEED: Sections 4 and 9 make provision for the devolution of the estate in the event of this condition mentioned in section 6 not arising.

Hon. Mr. BELCOURT: That is only in the case of the death of the beneficiary named in the policy; but section 6 debars the insured from making a contract of insurance for the benefit of any but widow or children. What about the case of a grandchild?

Hon. Sir JAMES LOUGHEED: That would come under section 4 and the amendment thereto. It makes provision that he may make the insurance money payable that way if he chooses. Section 6 presupposes that there is to be a future wife and children, and the object is to make provision for them to the exclusion of others; but if they are not in existence, then the ordinary devolution provided for in sections 4 and 11 apply.

Hon. Mr. BELCOURT: Let me put the whole case. A soldier has been married; his wife is dead; by that wife he had a child; who is dead also; but that child gave birth to a grandchild; so that this unmarried or widowed soldier may have no children at all, but may have a grandchild. He may want to leave the insurance to the grandchild, but he cannot do it.

Hon. Sir JAMES LOUGHEED: But this section presupposes that he has a wife and children, or a wife or children. If those classes do not exist he may will it to the grandchild or anybody to whom he wish.

Hon. Mr. BELCOURT: Does that mean that the Act is not to extend to more than one generation?

Hon. Sir JAMES LOUGHEED: No, not if they are in existence.

Hon. Mr. BELCOURT: But suppose the children are all gone, but they have left a child, and the widower says, "I am going to insure my life in favour of my grandchild." He cannot do that under this section.

Hon. Mr. MURPHY: In case he has a second wife, and has children by that wife, they take preference over any grandchild that he may have by reason of a former marriage.

Hon. Mr. BELCOURT: But that has nothing to do with my point at all.

Hon. Sir JAMES LOUGHEED: We will consider that. We will not give the Bill the third reading to-day.

Hon. Mr. BELCOURT: I am not going to prolong the discussion; I do not think it is worth while.

Hon. Sir JAMES LOUGHEED: I think section 6 outlines a good policy.

Section 6, as amended, agreed to.

Sections 7, 8, and 9 were agreed to.

On section 10—limit of benefits when death of insured attributable to war service:

Hon. Mr. MURPHY: What does that computation mean?

Sir JAMES LOUGHEED: It means that both insurance and pension combined shall not exceed the total amount of insurance.

Hon. Mr. BELCOURT: I would call my honourable friend's attention to the peculiar wording at line 24: "which the amount of the said deduction is." I do not know what kind of language that is.

Hon. Mr. MURPHY: My honourable friend from Ottawa will understand that these two things are taken in connection: the amount coming to the heirs under his pension and the amount coming under the insurance. The balance, which would be less than $5,000, we will say, would be proportioned.

Hon. Mr. BELCOURT: That is all clear to me, but the rest is not clear.

Hon. Sir JAMES LOUGHEED: We must leave something for the lawyers. It does not do to make these things too clear.

Hon. Mr. BOSTOCK: My honourable friend has beside him the officer who is going to administer this Act, and surely we ought to understand what we are doing.

Hon. Sir JAMES LOUGHEED: If people read the discussion in Hansard they will understand.

Hon. Mr. BOSTOCK: But people who do not read Hansard will not understand. I really think we ought to put that in proper shape.

Hon. Mr. DANDURAND: Perhaps that section might stand, and between now and to-morrow the Department can clarify it.

Hon. Sir JAMES LOUGHEED: I will not ask for the third reading to-day, but if my honourable friend, in again looking at it, should think it desirable to amend it somewhat, I would be quite willing.

Hon. Mr. BELCOURT: I cannot think of any amendment; I do not know what it means.

Hon. Sir JAMES LOUGHEED: I would like it to be accurate, and I am quite willing to have it go back again for any clearing up if there is any doubt about it. Has my honourable friend any doubt?

Hon. Mr. BOSTOCK: Yes. I cannot say, any more than the member from Ottawa, what that means.

Hon. Sir JAMES LOUGHEED: We know what it means: the question is, does it carry out the meaning?

Hon. Mr. BELCOURT: What does it mean?

Hon. Sir JAMES LOUGHEED: A deduction has to be made; that is assuming the benefits to be for $5,000, if the two funds combined exceed the amount of $5,000 a deduction will be made so as to reduce the amount to that, so that the beneficiary will not receive, by pension and insurance combined, more than the maximum amount of the insurance. That is the meaning. That is to say, they cannot have two benefits at the same time, one through the policy, and another through the pension, exceeding $5,000; and if on the death of the insured that condition does exist, then a deduction will be made, reducing it to the amount of the maximum.

Hon. Mr. MURPHY: We need not go up to $5,000. Suppose we take the amount for which the soldier is insured at $1,000. His heirs are receiving pensions for their lifetime, and those are computed on an actuarial basis, and if they go up to $1,000 the premiums paid in by the deceased will be returned to his heirs proportionately, with 4 per cent, interest.

Hon. Sir JAMES LOUGHEED: They may be entitled to a very substantial return in premiums; but until the death of the assured it is not possible to ascertain what the deduction may be. That being ascertained, the deduction is made.

Section 10 was agreed to.

Sections 11 and 12 were agreed to.

On section 13—Minister may refuse to insure:

Hon. Mr. GORDON: What would that cover?

Hon. Sir JAMES LOUGHEED: If there are good reasons why insurance should not be taken, the Minister may refuse it. There may be an aggravated condition brought about by the man's own acts.

Hon. Mr. MURPHY: He might have got syphilis since.

Hon. Sir JAMES LOUGHEED: Yes.

Section 13 was agreed to.

Section 14 was agreed to.

On section 15—medical examinations:

Hon. Mr. BELCOURT: In calculating the cost, has any provision been made for probable benefits, that is to say, profits beyond the amount of insurance issued?

Hon. Sir JAMES LOUGHEED: There will be no profits; it is non-participating. I wish there were even a distant prospect of there being profits.

Hon. Mr. BOSTOCK: The Bill first provides that no medical examination shall be required; then it provides that the Minister may require a medical examination. Would it not have been better all the way through to have medical examinations?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. MURPHY: Then it would be absolutely useless.

Hon. Mr. BOSTOCK: Then what is the good of them at all?

Hon. Sir JAMES LOUGHEED: Conditions may arise after a man's return from service which would make it apparent that he was not entitled to take advantage of the Act. In such cases the Minister may order a medical examination for the purpose of satisfying himself on that point.

Hon. Mr. BELCOURT: I understand that this is not based on business principles at all; because to insure without medical examination is the most unbusinesslike thing that one could think of.

Hon. Mr. DANDURAND: It is done in the case of group insurance.

Hon. Mr. MURPHY: The reason for the passage of this Act is the claim, which is very well founded, that men in the service had put themselves in a position in which it was impossible for them to get insurance under ordinary conditions, and that the Government should step in and say: "If you received this disability as a result of your service we will do away with the medical examination and take you as though you had not gone to war at all, presuming that you were all right when you passed the army examination."

Hon. Mr. BELCOURT: It is something we are doing for the returned soldier.

Hon. Sir JAMES LOUGHEED: Yes. It is being done in pursuance of the report to which I have referred.

Hon. Mr. DANDURAND: But of course the insurance can be taken advantage of by others than soldiers.

Hon. Sir JAMES LOUGHEED: Oh, no. It is confined to returned men.

Hon. Mr. DANDURAND: I thought the benefit extended beyond that.

Hon. Sir JAMES LOUGHEED: No. Further than that, the application must be made within two years.

Section 15 was agreed to.

Sections 16 and 17 were agreed to.

On section 18—money received to go to Consolidated Revenue Fund:

Hon. Mr. BELCOURT: I see it is proposed to deal with this money as part of the Consolidated Revenue Fund?

Hon. Sir JAMES LOUGHEED: Yes, but there will be a separate account. My honourable friend will see from the next section how it will be kept.

Section 18 was agreed to.

On section 19—statement to be made, etc.:

Hon. Mr. POWER: I think we need a little information on this. There is a large blank in the section.

Hon. Sir JAMES LOUGHEED: That should read: "The superintendent of insurance or such other officer as may be appointed."

The Hon. the CHAIRMAN: It is proposed in line 22 that the word "three' should be stricken out and the word "six" inserted.

Hon. Mr. MURPHY: I should like to ask the Minister if he does not think it would be wise to incorporate in this Bill a provision to the effect that a man who had lapsed in this payments one, two, or three months could have his policy reinstated. A man may carry on his payments for perhaps ten or fifteen years, and then lapse in his payments. In ordinary fraternal insurance

there is provision made that within one or two or three months, by paying up arrears, a man may revive his policy.

Hon. Mr. THOMPSON: He has to pass another medical examination.

Hon. Mr. MURPHY: No, not within a reasonable time.

Hon. Mr. BOSTOCK: Why is it necessary to change the period from three months to six months? Is it going to take six months to make up statement at the end of the fiscal year?

Hon. Sir JAMES LOUGHEED: Let it stand at three months.

Section 19 was agreed to.

Section 20 was agreed to.

On section 21—commencement of Act:

Hon. Mr. BELCOURT: Why is the Act not put in force at once?

Hon. Sir JAMES LOUGHEED: Forms and things of that kind have to be prepared and distributed; and different officers will have to be appointed.

Section 21 was agreed to.

The schedule was agreed to.

The preamble and the title were agreed to.

The Bill, as amended, was reported.

MILITIA PENSION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 197, an Act to amend the Militia Pension Act.

He said: Honourable gentlemen, it will doubtless be remembered that last session or the session before we passed a provision in the Militia Act precluding a member of the Militia from drawing pensions from both the Militia and a second source. That is to say, he would draw only one pension. That provision worked in this way. Certain Imperial officers were in receipt of a pension, and at the same time they were entitled to a pension under the Militia Act. By our action we precluded such persons, while they were drawing a Militia pension, from availing themselves of the advantage of a pension from another source. It was done, I think, without our having a full knowledge of what we were doing. The Bill was sent down from the Commons and we acted accordingly. The purpose of this Bill is to repeal subsection 2 of section 25 of the Militia Pension Act.

Hon. Mr. MURPHY.

Hon. Mr. DANDURAND: Would the honourable gentleman read the clause which we are repealing?

Hon. Mr. BOSTOCK: I would suggest to my honourable friend that it might be better to go into Committee and deal with it then.

Hon. Sir JAMES LOUGHEED: Yes; when we go into Committee I will do that. The object of the Bill is simply to repeal that section.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed the Senate went into Committee on the Bill. Hon. Mr. Gordon in the Chair.

On section 1—subsection forbidding duplication of pensions repealed:

Hon. Sir JAMES LOUGHEED: This is what we enacted in the session of 1919:

25. (1) The pension of a widow shall, if her husband was at the time of his death on full pay, be an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death, or, if at the time of his death he had been pensioned, an amount equal to one-half of such pension.

(2) If a widow or child is entitled to a pension, gratuity or allowance under this Act and is also entitled to a pension, gratuity or allowance under any other Act passed by the Parliament of Canada, or under any law of the United Kingdom of Great Britain and Ireland, or under the law of any other portion of His Majesty's Dominions, such widow, or, in the case of a child, the parent or guardian, or tutor of such child, shall elect which pension, gratuity or allowance she or he desires to accept, but no widow or child shall receive two pensions, gratuities or allowances.

Hon. Mr. DANDURAND: That looks to be fair enough.

Hon. Mr. CASGRAIN: Does the beneficiary have the option of taking the larger pension? That is the case in England. When there are two pensions the pensioners have the option of taking whichever one they like. Naturally they take the larger one.

Hon. Mr. THOMPSON: Now they can get only one pension.

Hon. Mr. CASGRAIN: But we do not want them to get both.

Hon. Sir JAMES LOUGHEED: Yes. By the regulation of last year we precluded the widow or the child from participating in both pensions. They had to take one or

the other. But if they have come rightly by both, it seems to me it is not equitable to prevent them from getting the two. Let me read this again:

The pension of a widow shall, if her husband was at the time of his death on full pay, be an amount equal to one-half of the pension.—

That deals with what the pension of a widow shall be. Then we went on:

If a widow or child is entitled to a pension, gratiuty, or allowance under this Act.

That is, under the Militia Pension Act—

—and is also entitled to a pension, gratuity, or allowance under any other Act passed by the Parliament of Canada.

She might have been entitled to a pension arising from an allowance which her husband should have drawn say from one of the railways or from some commercial institution, and that would have been under an Act passed by the Parliament of Canada—

—or under any law of the United Kingdom of Great Britain and Ireland, or under the law of any other portion of His Majesty's Dominions, such widow, or, in the case of a child, the parent or guardian, or tutor of such child, shall elect which pension, gratuity or allowance she or he desires to accept, but no widow or child shall receive two pensions, gratuities or allowances.

Hon. Mr. POWER: That is subsection 2 of section 25, is it? That is what we are striking out?

Hon. Sir JAMES LOUGHEED: That is what we propose to strike out.

Hon. Mr. BELCOURT: What happens in a case of this kind? Suppose the widow is entitled to a pension in her own right, because of having served, for instance, as a nurse during the war?

Hon. Sir JAMES LOUGHEED: She could not draw both; she would have to forego one pension or the other, under the legislation of last year.

Hon. Mr. BELCOURT: Yes, that is what I mean. But we are making it permissible for her to draw at the same time the pension to which she is entitled in her own right and the pension she should get because of her husband's death?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: The Act will have the effect of enabling her to draw those two pensions?

Hon. Sir JAMES LOUGHEED: Yes. That was the law before last session.

Hon. Mr. BELCOURT: I do not see why it should not be so.

Hon. Sir JAMES LOUGHEED: But last session Parliament unwittingly, without considering the effect or the injustice, passed this clause.

Hon. Mr. CASGRAIN: Does the honourable gentleman think it is an injustice? The system that prevails in other countries does not allow of two pensions being paid. Take England, for instance. A man in the army retires and gets a pension. If he takes any kind of service, either in England or in the colonies, and if the remuneration is greater than his pension, he foregoes the pension. He is not entitled to receive his pension in addition. The pensions are supposed to be reasonable. Why give two pensions to one individual? The Government must have become very rich. It does not appear to me unjust to provide that only one pension shall be paid.

Hon. Sir JAMES LOUGHEED: Suppose that an officer in the militia, through his service in the Imperial army, was entitled to a pension; then he came to Canada and served full time, and became entitled to a pension under the Militia Act. Should his widow be deprived of the pension he earned in England before coming to Canada?

Hon. Mr. CASGRAIN: She would be if she were living in England.

Hon. Sir JAMES LOUGHEED: I am not prepared to accept that construction.

Hon. Mr. CASGRAIN: She would not get the pension from the Imperial Government. The British Act says that if they get anything from any of the overseas dominions, then that amount is deducted from the pension in England.

Section 1 was agreed to.

The preamble and the title were agreed to.

Hon. Mr. DANDURAND: Most of the honourable Senators present are I suppose, unable to foresee the effect of the repeal of this clause. Its repeal may result in abuses creeping in and causing commotion in the country. At the moment I am not in a position to say what effect it will have. I know that people generally are somewhat chary about the liberal granting of pensions, and if they hear that two pensions are paid to one person it may open their eyes and they may wonder what we are coming to.

Hon. Sir JAMES LOUGHEED: I would be very sorry to ask the House to pass this legislation without full consideration being given it. I have made inquiry and am told that there are in the Militia Department ten or twelve cases that this would affect. I may say also that the next Bill to come before us deals with precisely the same subject as it affects the Mounted Police. If my honourable friend would like to look into this matter we will let the third reading stand until, say, Monday next.

Hon. Mr. BOSTOCK: This was recommended by the Pension Committee too?

Hon. Sir JAMES LOUGHEED: Looking at the matter in its broadest aspect, I think it is but fair that if a widow is properly in receipt of a pension from another source and is legally entitled to a pension, say from the Canadian Government, she should not be deprived of the one or the other.

Hon. Mr. DANDURAND: I have this case in mind—

Hon. Sir JAMES LOUGHEED: I have no case in mind myself.

Hon. Mr. DANDURAND:—which I cite in order that we may see how far public opinion will endorse our action. In 1906, I think, the Parliament of Canada decided that a Minister of the Crown who had rendered five years' service, disassociating himself from his private business and giving all his time to the state, should ipso facto receive a certain pension, which was not a large one. I think it was $2,500 or $3,500 a year.

Hon. Mr. POWER: It was half his regular salary.

Hon. Mr. DANDURAND: I think it was about $3,500 a year. The ex-Ministers who were thus benefited received that pension for a certain number of years. But it happened that some of those ex-Ministers were re-elected to the House. One or two were sitting in this Chamber. There was such an infernal noise throughout the country because those men who had served the state for five years were receiving both the pension and an indemnity as members of Parliament, that the Government that had obtained the legislation came before Parliament and asked for the withdrawal of the pension. I think that that pension was a very proper one. I remember that when I represented to the Prime Minister that the action had been hasty, and perhaps the pension might have been suspended, or there might have been a deduction from it of the amount of the indemnity received by the ex-Minister as a member of either House—I was speaking, of course, of the impression prevailing throughout the country and the argument that was being used against the payment of both the indemnity and the pension—the Prime Minister said that he thought it was a mean view to take that a certain public man—whom he named—who had been Minister of Finance for a number of years, and had brought to the affairs of this country mature experiences and great talent, should be deprived of a pension of $3,500 because he happened to be continuing to serve the country and was receiving an indemnity of $2,500. Yet such was the state of opinion in the country a few years after the legislation was passed. Now we are adopting the same principle that we had to abandon because of the force of public opinion: we are declaring that a person may receive two pensions from this country. I am afraid it will create considerable scandal in the country, in view of the experience we have had, for I doubt that public opinion has changed very much.

Hon. Mr. POWER: Perhaps the Committee will permit me to say a word or two on the historical matter that the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) has brought up. The Act to which he refers was supposed to be based on the English principle. The English law provided that in order to qualify for a pension the ex-Minister had to make a declaration that his private means were insufficient to enable him to live in the style to which he had been accustomed. That was one qualification. The other qualification was that if the ex-Minister became a member of Parliament the pension was to cease, or, at any rate, the amount that he received in the one capacity should be deducted from the amount that he received in the other. At that time, of course, in England, the members of Parliament were not paid, and that provision applied only to place-holders. Unfortunately in Canada we did not make the exception which was made in England. There was no declaration required from the ex-Minister that his circumstances called for the pension, and there was nothing to hinder him from occupying a position in Parliament or in the Government and drawing the pension. I remember that one gentleman who had been leader of the Government in this

country was drawing $2,500 a year as a member of one House and $3,500 as an ex-Minister. He was a gentleman who was very well off, and his case attracted a good deal of attention. I thought it was worth while, just for the information of the committee, to mention the fact.

The Bill was reported.

ROYAL CANADIAN MOUNTED POLICE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 196, an Act to amend the Royal Canadian Mounted Police Act.

He said: Honourable gentlemen, the principle which applies in this Bill is that to which I have already referred with respect to the previous Bill, but the change in the statute is somewhat different. Last year, apparently upon the recommendation of the Committee on Pensions, we passed this legislation:

> **Provided, however, that the amount of any pension, gratuity or allowance which any member of the Royal Northwest Mounted Police receives or is entitled to receive or apply for, in respect of any injury received by him while serving in the military, naval or air forces aforesaid shall be deducted from any pension, gratuity or allowance to which such member would be entitled under the said Act, other than pension for four years of service, irrespective of any infirmity of mind or body or bodily injury; and no widow or child of any such member who received, or is entitled to receive or apply for any pension, annuity, gratuity or allowance in consequence of the death, incapacity or injury of any such member while serving in the forces aforesaid shall be entitled to any pension, annuity or allowance under the said Act.**

Now it has been recommended by the Committee on Pensions and Re-establishment that this provision of last year should likewise be repealed. I cannot inform the House as to whether there are any specific cases on which this bears heavily, but the House of Commons has passed the Bill, and I presume it has done this largely upon the recommendation of that Committee. To what extent the Committee may have heard witnesses or representations as to the desirability of the legislation I cannot say.

Hon. Mr. POWER: As I understand, it simply puts the Police in the same position as the Army.

Hon. Sir JAMES LOUGHEED: As they were before last session.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. McMeans in the Chair.

On section 1—proviso forbidding duplication of pensions repealed:

Hon. Mr. BOSTOCK: Under the Pension Act, which is next on the Order Paper, are we increasing the pensions to these various persons?

Hon. Sir JAMES LOUGHEED: Yes. The increase of pensions by Bill 198, which is, I think, next on the Order Paper, would have the effect of increasing, by way of bonus, the pensions of the police and the militia. It is not absolutely certain to increase them because those who belonged to the Canadian Expeditionary Force are not necessarily members of the militia at the present time. But it is well known that many of the police went overseas. There is a relationship in the three Bills so far as increased pensions are concerned. Of course, that does not affect the principle.

Hon. Mr. BOSTOCK: No; but the point is that under this Bill there would probably be a larger number who would be entitled to draw this double pension.

Hon. Sir JAMES LOUGHEED: No, it does not affect that; it does not create a new class of pensioners. The Pension Bill proposes increasing the rate of pensions only by way of bonus; it does not propose creating new classes of pensioners.

Hon. Mr. BOSTOCK: My honourable friend said, I think, with regard to the Bill we were discussing just now, the Militia Bill, that there were only some 8 or 10 cases of men drawing the double pension.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: But under the present Bill there would be a great many more.

Hon. Sir JAMES LOUGHEED: No, not necessarily. If it proposed creating a new class of pensioners I could understand that. It will increase the pension.

Hon. Mr. BOSTOCK: Were there not a large number of Royal Northwest Mounted Policemen who went overseas, and who would be entitled to the pension under the Northwest Mounted Police Act?

Hon. Sir JAMES LOUGHEED: I am assuming their pensions would have been fixed some time ago, anterior to the passage of last session's legislation.

Hon. Mr. BOSTOCK: Those men would draw the pension under the Northwest Mounted Police Act.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And would now daw the pension under Pension Act?

Hon. Sir JAMES LOUGHEED: Yes, there is a possibility of their doing that.

Hon. Mr. BOSTOCK: And under the Pension Bill we are also increasing the pensions?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: We are going a good deal further by this legislation. Last year we enacted legislation to do away with this double pension matter, and now we are not only giving them immediately the double pension, but we are increasing the pensions.

Hon. Sir JAMES LOUGHEED: Yes. The injustice of last year was that rights which pensioners enjoyed up to the legislation of last year, and which they had enjoyed for years, were at once disturbed and interfered with, possibly wiped out. There were vested interests of a very substantial character interfered with; that is to say, pensions that had been drawn possibly for many years were suddenly discontinued by the Act of last year, but we apparently gave no consideration to the fact. However, I will make further inquiry before we give this Bill the third reading.

The Bill was reported without amendment.

PENSION BILL.

SECOND READING POSTPONED.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 198, an Act to amend the Pension Act.

Hon. Mr. POWER: This is a long and important measure, and I think we should have a little more time to consider it before going into it. We have done a fair afternoon's work, and I presume the honourable leader does not object to our going into it to-morrow?

Hon. Mr. DANDURAND: We might have the honourable leader's explanation of the Bill on the second reading.

Hon. Mr. POWER: I think the principle involved is that of making pensions all round. I think that might be considered.

Hon. Sir JAMES LOUGHEED: Let this stand until to-morrow.

Hon. Sir JAMES LOUGHEED.

The order for the second reading of the Bill was postponed until to-morrow.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Saturday, June 26, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

MAGDALEN ISLANDS STEAMSHIP SERVICE.

REPORT OF SPECIAL COMMITTEE.

Hon. Mr. THOMPSON presented the report of the Special Committee appointed to inquire into the subject of the steamship service to the Magdalen islands.

He said: I desire to make a few remarks in respect to this report. Until after the committee had met, I was not personally acquainted with the subject-matter to be considered. I found then that it had to do with matters that were of concern to 6,800 residents of Canada living on the Magdalen islands, which are, as I understand, part of the county of Gaspé. The Magdalen islands are situated at a considerable distance from the mainland, and the people living there depend entirely for their supplies of various kinds, such as flour and clothing, upon steamship connection with the mainland. The Magdalen islands are located nearest to the county of Kings, in Prince Edward Island, and the Government has subsidized a steamship service to run from there to the islands. For six months of the year, the Committee ascertained, they are practically in the Arctic zone, for they are surrounded by ice and the people have no chance of reaching the mainland. We found it to be important that a service should be made available to the people of the islands as early as possible after the opening of navigation in the spring, and as late as possible in the fall, in order that the supplies for the six months during which they are frozen in may be obtained. The people of the islands are engaged in fishing, and the products of their industry, such as fish and lobsters, are said to be worth upwards of $1,000,000. Their industry is a genuine wealth-producing industry, and these people belong to the Dominion of Canada and their interests should be conserved in the best possible way, even as we would be disposed to conserve the interests of a larger popu-

lation. The steamship service they have had has not been equal to the demand, and that service is of vastly more importance to those people than the equipping of the Parliamentary tower with a carillon would be to the people of Canada.

In investigating the matter we have dealt with the different Departments which have to do with the subsidizing of the steamers. In many respects the service has been unsatisfactory, and in a general way the report, while not severely critical, brings to the notice of this honourable House the fact that there has been a deficiency in connection with this service. Permit me to read the concluding paragraph in the findings of the Committee:

> Your Committee, taking the whole evidence into consideration, would strongly urge the Government to build a steamer of 4,000 barrels capacity, with accommodation for about 50 passengers and speed of not less than 12 to 14 knots per hour, capable of making two round trips per week in the busy season.

The Committee was influenced largely by the views expressed by the honourable Senator from Souris (Hon. Mr. McLean), who is conversant with all the facts, who knows the people and knows their needs. The honourable gentleman is familiar with what is required to serve the people. I submit the report for the consideration of this honourable House.

LAKE WINNIPEG.

NEED OF A HARBOUR OF REFUGE.

On the Orders of the Day:

Hon. Mr. BRADBURY: I desire to call the attention of the Government to a condition that exists on lake Winnipeg. I think it was four years ago that the Government undertook to build a small harbour of refuge on what is known as Big George's island, in lake Winnipeg. There are a great many boats going up and down that lake, which is 300 miles long.

Hon. Mr. DANDURAND: Is it a question of urgency? Cannot the honourable gentleman give notice?

Hon. Mr. BRADBURY: It is a question of urgency, and I am leaving tomorrow.

Hon. Mr. CROSBY: That is the urgent part.

Hon. Mr. CASGRAIN: It has been customary to get through with some of the Orders of the Day. By the leave of the House the honourable gentleman would then be allowed to make a full statement.

Hon. Mr. DOMVILLE: Leave the honourable gentleman alone. He has as much right to talk as you have.

Hon. Mr. BRADBURY: I will take only a few moments. This is a matter of great importance. There are large boats travelling on this lake which carry at times from 50 to 100 passengers. Three years ago there was very nearly a serious disaster because there was no harbour of refuge at that point. One of the big boats, the Grand Rapids, was in distress, and if it had not been for the fishing boats there might have been very serious consequences. At that time this matter was brought to the attention of the Department of Public Works, and it was again brought to their attention at the beginning of this session. I am told that they placed an item of $18,000 in the Estimates to complete this work, and I am speaking now in the hope that nothing will be allowed to prevent the recommendation of the Department being carried out. I predict that if this work is not done there will be a disaster at that point some time which may mean a very serious loss of life and property. The expenditure required is a very small one, as the work is fully half completed, and there is no excuse for not proceeding with it at the present time. I telephoned to the Public Works Department, and I was informed by the Deputy Minister that somebody had struck that item out of the Estimates. I want to protest against that action, and to point out that if a wreck takes place at that point and lives are lost the Government will be directly responsible for the loss of those lives.

DIVORCE BILLS.

FIRST, SECOND AND THIRD READINGS.

Bill N5, An Act for the Relief of Mildred Euphemia Alsina Blanche Martin.—Hon. Mr. Ratz.

Bill O5, an Act for the Relief of Arthur John Frankling, otherwise known as John Arthur Holmes.—Hon. Mr. Watson.

Bill P5, an Act for the Relief of Nelson Alexander Boylen.—Hon. Mr. Blain.

Bill Q5, an Act for the Relief of Mahala Burton.—Hon. Mr. Blain.

Bill R5, an Act for the Relief of Joseph Henry Forbes.—Hon. Mr. Harmer.

RETURNED SOLDIERS INSURANCE BILL.

THIRD READING.

Bill 195, an Act to provide for the Insurance of Returned Soldiers by the Domin-

ion of Canada as amended.—Hon. Sir James Lougheed.

MILITIA PENSION BILL.

THIRD READING.

Bill 197, an Act to amend the Militia Pension Act.—Hon. Sir James Lougheed.

ROYAL CANADIAN MOUNTED POLICE BILL.

THIRD READING.

Bill 196, an Act to amend the Royal Canadian Mounted Police Act.—Hon. Sir James Lougheed.

BOARDS OF TRADE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill M5, an Act to amend the Boards of Trade Act.

He said: Honourable gentlemen, the object of this Bill is to amend the Boards of Trade Act so as to afford further facilities and encouragement for the incorporation of boards of trade. It is not a very radical departure from the present Act, but a glance over the eight sections of the Bill will impress honourable gentlemen that it is in the public interest that we should facilitate in every possible way organizations of this character.

Hon. Mr. BOSTOCK: Honourable gentlemen, this Bill has come down to us at a rather late hour of the Session, and, although my honourable friend says it is not a very radical departure, I want to draw his attention to one or two matters in the Bill which I think indicate rather extraordinary forms of legislation. In the first instance, section 3 deals with the incorporation of boards of trade. When I first took up this Bill to read it, I thought we were repealing the old Act, which deals with the incorporation of boards of trade; but, on comparing it with that Act, I find that if the present Bill goes into effect in the form in which it is presented to the House there will be two methods of organizing boards of trade. It seems to me that this is an extraordinary kind of legislation to introduce. The honourable leader of the Government, when he introduced this Bill to the House, said that he desired to extend the facilities for forming boards of trade. If that is the intention I would suggest that a better way of dealing with it would be to amend the sections of the old Act, and not have different sections in the two Acts dealing with the same subject. Then, further on in this Bill we find other sections providing for the powers to be exercised by boards of trade formed under this Act; but it is not very clear whether they have all the powers possessed by boards of trade formed under the Act as it stands today. Possibly my honourable friend may have some amendments to make in committee which will put that matter right.

Then if honourable gentlemen will look at section 7 of the Bill they will see rather extraordinary drafting. That section reads as follows:

> Any Board of Trade established under the provisions of this Act shall have all the powers and authorities conferred on a Board of Trade by the principal Act and shall be subject to all the provisions of the principal Act except in so far as the same may be varied by the provisions of this Act.

I have always understood that when we amended an Act of Parliament the entire Act was to be read as one; but, as I see that matter to-day, this section, if adopted, will put us in the very peculiar position of placing on the statute book two independent Acts. We refer to the "principal Act" and to this Act. I think the ordinary form of legislation is to amend the old Act while we are dealing with the various sections, and then treat it as all one. Unless my honourable friend is prepared to amend this Bill very considerably in committee I think the legislation is in very undesirable form.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that the Bill before us proposes to furnish very much more simple machinery than exists under the present Boards of Trade Act. The organizations which would be formed under or would take advantage of this Act will not be so elaborate in their purposes and machinery as those under the existing Act. This Bill is designed for the purpose of giving encouragement in smaller places to organizations that will be of advantage to the community. I might illustrate that by stating that section 4 of this Bill is copied largely from section 7 of the amendment to the companies Act of 1917, which in turn is taken almost verbally from the corresponding section of the Friendly Societies Act of the United Kingdom. Co-operative associations and other bodies of local public activity are incorporated under it. That legislation has been on the statute book for many years, and its operation is widely known throughout the whole United Kingdom; but in Canada no such legislation has been introduced. It seems to me that no harm can flow from giving every facility to public organization for the purpose of

united effort along any line that may be legitimate within that community.

Hon. Mr. DANDURAND: We all agree upon that feature,

Hon. Sir JAMES LOUGHEED: Hence this Bill will furnish greater encouragement than the present Act, under which Boards of Trade are incorporated to-day. It is for that purpose that it has been introduced.

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

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into committee on the Bill. Hon. Mr. Daniel in the Chair.

Hon. Sir JAMES LOUGHEED: I would ask Mr. Mulvey to come within the bar, with the consent of the Committee.

On section 1—short title:

Hon. Mr. BOSTOCK: In view of the remarks made by the honourable leader of the Government just now, I would suggest to him whether it would not be better to call these organizations Chambers of Commerce, or by some other title, so as to make the Act absolutely separate from the Boards of Trade Act.

Hon. Sir JAMES LOUGHEED: Under paragraph 6 of section 2 of the Boards of Trade Act, chapter 124, the two terms are interchangeable; the organizations can adopt the one term or the other: "Board of Trade includes Chamber of Commerce." It seems to me, therefore, that by keeping this to the term we use here we establish a distinction between this Bill, or the Act as it will become, and the Boards of Trade Act.

Hon. Mr. BOSTOCK: The only distinction is that one is known as the Boards of Trade Act and the other is known as the Boards of Trade Amendment Act, 1920.

Hon. Sir JAMES LOUGHEED: So far as legislation is concerned.

Hon. Mr. BOSTOCK: If anybody tries to look this matter up in order to find out under which Act he is going to incorporate a Board of Trade he would require that information.

Hon. Sir JAMES LOUGHEED: Under this Act the organizations would not be known as Chambers of Commerce, whereas under the present Act, Chapter 124, that name may be adopted. I think that in the province of Quebec the term chiefly used is "Chamber of Commerce."

Hon. Mr. BOSTOCK: That does not get away from the difficulty of having two Acts governing boards of trade.

Hon. Sir JAMES LOUGHEED: Except that the one makes provision for a much simpler organization than the other, and it cannot use the term "Chamber of Commerce."

Section 1 was agreed to.

On section 2—definition:

Hon. Sir JAMES LOUGHEED: This is merely an extension of the description of the governing bodies of boards of trade, and provides that they may be designated as directors, trustees, or otherwise. I might say that it is proposed that some rather numerous amendments should be made to this Bill, and I will proceed now, or if honourable gentlemen prefer we will let the Bill stand till to-morrow.

Hon. Mr. BOSTOCK: I think it will be better to let it stand.

Hon. Sir JAMES LOUGHEED: What I had better do is to go on now, and thus get the amendments on the Minutes, and then the Committee will rise and report progress. We propose striking out section 2, but leaving in subsection c, and it will then read as follows:

2. Section two of the principal Act is hereby amended by adding at the end thereof the following paragraph:—

"(c) 'council' includes 'board of directors' and trustees of the governing body, howsoever designated."

(2) In this Act the expression "the principal Act" means the Boards of Trade Act, chapter one hundred and twenty-four of The Revised Statues of Canada, 1906, together with the amendments of that chapter made by chapter nine of the statutes of 1908 and by chapter twelve of the statutes of 1917.

So that my honourable friend will see that we draw a distinction. That will be section 2. .

Hon. Mr. DANDURAND: If there are to be many amendments, would it not be as well that the Bill be reprinted with the proper amendments and distributed between now and Monday?

Hon. Sir JAMES LOUGHEED: I will just put the amendments in now, and if we can get the Bill printed by that time we will do so. At the end of section 3 we will add:

If and when the provisions of sections four and five of the principal Act have been complied with, section six thereof shall apply to the association.

Then, referring to section 6, we add, after the word "Canada":

Or any Act of the legislature of the former Province of Canada, or of any province now forming part of Canada.

Then, under subsection 3 of section 8, line 46, we change "may" to "shall."

Progress was reported.

PENSION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 198, an Act to amend the Pension Act.

He said: Honourable gentlemen, this is a Bill that has been prepared for the purpose of carrying out the recommendations made by the Pension Committee of the House of Commons. It proposes increasing the pensions, in round figures, by about 50 per cent.

Hon. Mr. BOSTOCK: What is the total amount of that 50 per cent?

Hon. Sir JAMES LOUGHEED: I think it will represent in the aggregate about $8,000,000 of extra payments; but I might point out that those are bonuses; they can be reduced at any time. The pensions are not definitely fixed at that amount, but upon the return of normal conditions it will be optional with the Government of the day to reduce them by whatever amount may appear to them reasonable.

Hon. Mr. BOSTOCK: Assuming that the pensions this year are $25,000,000, it would mean a total of about $33,000,000?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. THOMPSON: They are taken care of pretty well.

Hon. L. G. POWER: Honourable gentlemen, I looked over this Bill with a certain amount of care, and I have to confess that after reading it I really did not see where the increases came in. But I did see that the Act which this Bill proposes to amend was exceedingly liberal towards the beneficiaries under it. It was stated in another place by the leader of the Government that Canada was dealing more generously with her soldiers than any other country in the world, and I think there is not much doubt about that. It has been pointed out that we already proposed to spend $25,000,000 for the purpose of improving the material condition of the soldiers and their relatives; and now, having dealt so liberally with them, and having the testimony of the leader of the Government to the fact that Canada has dealt most generously with them, we would hardly expect to be called upon to spend another $8,000,000 a year for the purpose of still further improving the condition of these men and their relatives.

As I venture to say in connection with another matter, if these $8,000,000 were to be found lying about on the surface of the earth, and not extracted from the pockets of our people, there might be very little objection to such a measure as this; we might be as liberal as we pleased. But under existing circumstances honourable gentlemen must bear in mind that we are undertaking now to deal still more liberally with a class as to whom we have the authority of the leader of the Government for saying that they are dealt with more liberally than the same class in any other country in the world. I do not think, honourable gentlemen, that Canada is in a position to scatter millions about in that manner. If it were shown that anyone was suffering any severe hardship, I could understand it; but under the circumstances it does seem to me that we are not justified in undertaking to add to our liabilities in this way. It is not as though we were adding the $8,000,000 just for one year. The honourable gentleman (Hon. Sir James Lougheed) spoke as though, whenever we pleased, we could drop the provisions of this measure. But every honourable gentleman knows that that is not the case. We arrange for paying so much, and no Government would have the courage, and no Opposition would have the courage, to come out with a declaration that they were going to cut off some of the pecuniary benefits that are conferred upon the beneficiaries by this measure. If Canada were an exceedingly wealthy country I do not think that even then we should be justified in spending money in this way; but Canada is not a very wealthy country, and our population, or the bulk of them at any rate, have to earn their bread by the sweat of their brows. I do not think they should be condemned to see their earnings taken for the purpose of paying unnecessary sums. That is the way this thing strikes me.

Honourable gentlemen here can afford to be independent in a way that the members of the other House cannot. There is no doubt that the Great War Veterans and other military associations control, or are

supposed to control, a very considerable vote, and naturally, as the members of the popular House have to go back to look for votes, they do things that they would not do as a matter of business. Looking at this question in the interest of the country and considering our own reputation, the Senate should do what you can hardly expect the members of the other Chamber to do, and this Bill, I think should be thrown out.

Hon. E. L. GIRROIR: Honourable gentlemen, I for one would be very sorry to see Canada recede from the proud position which we occupy to-day, in being the country which has done most for her returned men. I believe that Canada's soldiers were the greatest soldiers in the war. I do not think that there were any soldiers who equalled them in bravery and in devotion to duty, and Canada owes them so great a debt for the lustre which they have shed upon her name that we ought to deal most generously with the returned men. I have always taken the ground that the man who has come home from the war as sound physically as when he went is not entitled to any great consideration on our part. In his day and generation it was necessary for him to make that sacrifice. Wars in the past have been fought by the young men of other generations, and in the future he will be relieved from that duty, which will be cast upon others in their time. But for the man who has been wounded, the man who has been physically disabled and unfitted for the work necessary to enable him to maintain his family and himself, we cannot do too much. For the widows and orphans of those who have given up their lives or have sacrificed their health we cannot do too much. Generosity in this case is, I think, a generosity which will meet with the approval of the masses of the people of this country.

I do not think it is fair to say that this Bill was supported by members of the House of Commons because, forsooth, they might have to call upon the electors to give them votes on some future occasion. I do not think that proposition is fair to the members of the House of Commons—

Hon. Mr. POWER: It is true, though.

Hon. Mr. GIRROIR:—because I believe —and I cannot understand how anybody could believe otherwise—that the members of the House of Commons as well as the members of this House generally are firmly of the opinion that the men who have received assistance under the Pension Act and the widows and the orphans of those who have lost their lives in the service of the country are not getting too much. I for one feel that it is our duty to strain our finances to the utmost in order that those who have suffered and sacrificed in the Great War should not go unpaid.

One can hardly realize what it means to a family to lose its head. One can hardly realize what it means to the widow and orphans to be deprived of the husband and father. Men have gone from Canada in the flower of their youth, full of strength and vigour, and have fought in the war and have come back decrepit and unable for the rest of their lives to earn a livelihood. For the rest of their lives they are going to suffer mentally or physically. I do not think, honourable gentlemen, that any money that we can pay can ever make up for that great loss.

Those of us who, on account of age or other impediment, were unable to take part in the war and fight for that great cause, the liberty of this country, in order that the great institutions under which we live might be saved for ourselves and for future generations, surely should not hesitate to make every sacrifice that can be made in order that those men who have done that great work for us, who have made that great sacrifice for us, should be recompensed as far as possible. In the case of a young man with good prospects in life, who went overseas and has come back an invalid and is going to suffer for the rest of his days, does any one mean to say that a mere pension will compensate him for that loss? I say that money cannot compensate him, but we certainly should go to the very limit in assisting him. As to the man who has come back safe and sound in mind and body, all I have to say is that he is mighty lucky; but for the man who has suffered, and for the dependents of the man who has suffered, I think we can hardly do too much, and I was a little surprised to hear the honourable member for Halifax (Hon. Mr. Power) make the statement that he did. I am sure that if he looks into this matter more carefully and weighs all the considerations that should count in a question of this kind he will come to the conclusion later on, if he does not immediately do so, that we should all hold up our hands in order that the returned man and the dependents of the returned man should be given every possible comfort and financial assistance. I for one am proud to be a Canadian citizen and to be able to say that Canada has done more

than any other country in the world for the returned men.

Hon. R. DANDURAND: Honourable gentlemen, I feel in this matter exactly as does the honourable gentleman who has just taken his seat. I think that no one can express sufficient admiration for the men who have returned from the war or sufficient sympathy for the widows who have suffered the loss of their husbands. I am unable, however, to pass judgment upon the work of the Commons Committee. It would have been necessary to follow the work of that Committee from day to day, attending its meetings and listening to the advice which was given, in order to be able to state that from A to Z its work has been absolutely satisfactory. As that Committee, if I am not mistaken, made a unanimous report, I assume that this is an indication that they have judged sanely and conservatively. I quite understand that my honourable friend from Halifax (Hon. Mr. Power) is a little fearful of the efforts that may be made from year to year to increase those pensions in one way or another, in view of the experience following the Civil War in the United States. During the last fifty years there have been influences, both in Congress and out of Congress, which perhaps unduly inflated the list of pensions in the United States. But as to the report which is now before us, I will not quarrel with it: first, because I am not qualified to express a judgment; secondly, because I am disposed to give a full measure of sympathy to the class of men and women who are being favoured by this Act.

There is only one query which I would like to make: that is concerning section 27, which amends the Pension Act by adding new sections 47A and 47B. I observe that the Committee reported—it must have so reported, as I find the provision in the Bill—in favour of increasing the pensions of the South African War veterans and the veterans of the Fenian Raid and the Northwest Rebellion to the level of the present pensions. I am wondering whether the people who have got those pensions will be entitled to an increase de plano, without their cases being examined individually for the purpose of determining whether or not they are entitled to pensions according to the scale to be found in schedules A and B, or whether they will have to pass some kind of examination to entitle them to take advantage of this Act. In other words, were the disabled veterans of the Fenian Raid or of the South African War treated more leniently, or more generously, than they would have been under this Act, and are they really all on an equal footing as to the rating of their disablement with the men who have returned from the Great War? That may require a considerable amount of money, and maybe there should be a distinction, which does not seem to be made in virtue of this Act. I should like to have some information from the leader of the Government as to that. I see that all those who were pensioned in 1867 and 1868 and who are still pensioners will have to stand an examination in order to receive the benefit of this.

Hon. Mr. BRADBURY: Are there many of those pensions?

Hon. Mr. DANDURAND: I do not know.

Hon. Mr. BRADBURY: It is pretty hard for me to concur in the finding of the Committee on the question of the provision made for Fenian Raid pensioners and South African War pensioners. I do not believe there is any analogy between them and the men whom we are now pensioning. I think the pensions provided for the Fenian Raid and South African War veterans were ample. Conditions were then very different from what they are to-day: A dollar then was equal to three dollars to-day. While I have not followed the report of the Committee, I am heartily in sympathy with most of the suggestions contained in it, because, ever since the pension system was inaugurated in Canada, I have felt that the scale of pensions was absolutely inadequate. There were many in my own battalion, who when they went overseas were splendid, strong young men, but who, when they came back, by reason of having lost an arm, or having contracted lung trouble or something of that kind, were absolutely incapacitated. I say that no matter how much money we give to those men we cannot compensate them for the great sacrifices they made. The widows of men who made the supreme sacrifice are equally deserving of consideration; and the children of fathers who are lying in France are public wards and must be taken care of and educated; nothing the Government can do can wholly make up for the great loss which they have sustained.

There is one other phase of this question to which I should like to refer. In many cases the medical boards have failed to make a proper diagnosis, and as a result men receiving a pension in accordance with the disability found by the Board have not received their due. There are to-day

many men on the pension list whose cases should be reconsidered; men who ought to have been given a higher disability than that given to them by the Board. I hope and trust that the Board will see that all such cases are thoroughly investigated; and, if there is any doubt, that the benefit of the doubt will be given to the man. I can mention the case of a young man in my own battalion. He was a lumber merchant from Northern Manitoba. He had a wife and two small children. When he went away he was in the pink of condition; but when he returned two years ago he was a broken-down man. The Medical Board gave him a pension of, I think, $12 a month. This man, although he had not been wounded, had contracted some kind of stomach trouble during his service, and the Board seemed to have difficulty in arriving at the extent of his disability. He is a reliable man, a real man; not a faker—and we have enough fakers, God knows—and the pension awarded him was entirely inadequate. This is only one case, and I am sure there are many similar ones.

I wish to say just a few words in reference to the men who have come back fit, without a wound or a scar. In hundreds of cases they came back better men than they were when they went away. I think that the Government of Canada has been more than generous to that class of men. The gratuity provided by the Government, in addition to the pay which they received, ought to have satisfied any reasonable person that the Government had gone to the limit in trying to recompense them for any sacrifice they made; but, in view of the agitation that has been raised by some of these men, I want to say that if a canvass were made of the dissatisfied element who are causing the unrest among our returned men, I believe we would find that 95 per cent of them are not Canadians. The real Canadian who went over did not do so for the money that was in it. He did not expect any compensation; he went over to do his duty and he did it well, and he has come back and as a rule is satisfied.

I am glad that the Committee has seen fit to bring in this report recommending protection and compensation for the real sufferers—the widows and the orphans and the men who have been maimed for life.

I do not think we need have any fear of future increases. There is no analogy between our case and that of the United States after the Civil War. Ours is a smaller country than the United States and I venture to say that we are a saner people along this line. I hope and trust that the present Government and future governments will always be generous to the men who made a real sacrifice for the sake of their country.

Hon. Mr. BEIQUE: It would be very interesting to know the number of persons pensioned by reason of having taken part in the South African War, the Fenian Raid, and the Northwest Rebellion.

Hon. Sir JAMES LOUGHEED: While I have not the particulars before me I may say that in the case of veterans who served in the South African War, the Rebellion of 1885, or the Fenian Raid, and who are to-day Imperial pensioners, it is proposed to make up the difference between the Imperial rate of pensions and the rate which we are paying. I am informed that these men are few, and that the maximum obligation which this would entail would not exceed $30,000 a year. For instance, there are in Canada men who lost their eyesight, and who are suffering a real hardship because of the low rate of Imperial pensions in force at the time they served. It seems to me that we would not be justified in establishing by statute a distinction between those men who suffered in the defence of the Empire and the men who suffered in the late war. They were all willing to make the supreme sacrifice, and it seems only right that they should be recognized by the Government of the country in whose defence they were fighting and in which they reside.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Blain in the Chair.

Hon. Sir JAMES LOUGHEED: I would ask Colonel Margeson of the Pensions Board to come within the Bar.

On section 1—paragraphs a, e, g, and i of section 2 repealed, etc:

Hon. Mr. BOSTOCK: Would my honourable friend point out what alterations are made in the definitions?

Hon. Sir JAMES LOUGHEED: I am informed that there is no substantial difference between section 1 of the Bill and section 2 of the Act of 1919.

Hon. Mr. POWER: In line 9 we find "recurrence of an injury or disease" instead

of "disability." I notice that where the word "disability" is used in the existing law, throughout the Bill the words "injury or disease" are substituted. Perhaps the leader of the House would explain the meaning of that change and what is the object of it.

Hon. Sir JAMES LOUGHEED: "Appearance of the injury or disease" includes the recurrence of an injury or disease which has been so improved as to have removed the resultant disability. Section 2A of the Act provided that if a disability reappeared after it had been reduced sufficiently to permit the member of the forces to serve in a theatre of actual war, the reappearance would be considered as being the original appearance, and anything that had happened in respect of the member of the forces previous to the reappearance would be considered as having happened previous to the appearance. He would thus be entitled to benefits such as additional pension for stepchildren as the result of his marriage with a widow who had children. If he died his widow would be entitled to pension, having married him previous to the reappearance of the disability. The subsection as it now stands means in practice the same as the previous subsection, although its scope is somewhat widened. The word "disability" in this section and in a number of other sections is changed to the words "injury or disease" from the point of view of clearness, involving no change in practice. That is to say, those two words will be used in place of the word "disability."

Hon. Mr. BOSTOCK: Is there any alteration in paragraph i?

Hon. Sir JAMES LOUGHEED: The old paragraph defines "member of the forces," as follows:

> "Member of the forces" means any person who was enlisted, enrolled or drafted during the war (1) for service in the military forces of Canada on active service, (11) for service on the high seas in the naval forces of Canada, or (111) for service in the air forces of Canada: provided, however, that after the Declaration of Peace, the words "member of the forces" shall not extend to or include any person who, notwithstanding that he was so enlisted, enrolled or drafted, is not at the time serving by virtue only of The Military Service Act, 1917, or under an attestation or declaration in which he expressed his readiness to serve overseas or on the high seas.

This is a very much more compact form of interpretation.

Hon. Mr. BOSTOCK: I think it is a little wider.

Hon. Mr. POWER: It is a good deal wider. Men who never went overseas could draw a pension under this.

Hon. Mr. BRADBURY: They ought to.

Hon. Sir JAMES LOUGHEED: They could under paragraph i.

Section 1 was agreed to.

On section 2—salaries increased:

Hon. Sir JAMES LOUGHEED: This has to do with the two Commissioners. Instead of $5,000, they are to receive $6,000.

Section 2 was agreed to.

On section 3—pensions to be awarded according to prescribed rates:

Hon. Sir JAMES LOUGHEED: I am informed that there is no change in that.

Hon. Mr. BOSTOCK: The change is in the schedule, I suppose.

Hon. Sir JAMES LOUGHEED: Yes.

Section 3 was agreed to.

Sections 4, 5, and 6 were agreed to.

On section 7—"injury or disease" replacing "disability":

Hon. Sir JAMES LOUGHEED: The words "injury or disease" take the place of the word "disability" where it appears in this section.

Hon. Mr. POWER: There has not been any explanation given of the reason for the change.

Hon. Sir JAMES LOUGHEED: It is simply in the administration of the Act; it works out much more satisfactorily.

Hon. Mr. POWER: I do not see why it should. Disability is, on the whole, a rather more appropriate word.

Hon. Sir JAMES LOUGHEED: It is a generic term that flows from the injury or disease, and consequently it has to relate back to the injury or disease from which it comes. It seems to me very much better and very much more sensible to use the term "injury or disease," because disability might flow from something else, and you would have to inquire into that. Now we limit it to the injury or disease acquired on service.

Section 7 was agreed to.

On section 8—pension suspended on imprisonment or paid to dependents; payment reconsidered upon pensioner's release:

Hon. Mr. POWER: I would like to have an explanation of the latter part of that section, relating to the prisoner's release from imprisonment.

Hon. Sir JAMES LOUGHEED: He may have recovered from the injury while in prison, and therefore he should be subject to another medical examination to ascertain the extent to which his injury has been reduced. Formerly we paid the pension while the man was in prison; we do not do so now.

Hon. Mr. BRADBURY: Is the pension suspended while he is in prison?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FARRELL: Line 30 says:

Provided, however, that the Commission shall have discretion to pay the pension or part of it to any person who was being or was entitled to be supported by the pensioner at the time of his arrest.

Hon. Sir JAMES LOUGHEED: Yes, in the case of dependents.

Section 8 was agreed to.

On section 9—repeal:

Hon. Mr. POWER: This is a section of some importance. Section 22, which it repeals, says:

If a person is entitled to a pension under this Act, and is also entitled to a pension, gratuity or allowance under any other Act passed by the Parliament of Canada, such person, or, in the case of a child, the parent or guardian, or tutor of such child, shall elect which pension, gratuity or allowance he desires to accept, but no person shall receive two pensions, gratuities or allowances.

Now, it seems to me that the law as it stands is perfectly clear. If a party is entitled to a pension under the provisions of the Act of last year which is greater than he would be entitled to under the provisions of any other law, he takes the pension under the Act of 1919. Why should he be allowed to take two? Why should he be put in a better position than the other beneficiary who takes just what the Act of 1919 gives him? I do not see it. I infer that this is a case, perhaps, of what is popularly known as greasing a fat pig.

Hon. Sir JAMES LOUGHEED: This question was thrashed out somewhat last night in connection with the Royal Canadian Mounted Police Bill and the Militia Pension Bill. Upon inquiry since then, I am informed that these pensioners pay for their pension. You might call it superannuation. They subscribe to a fund, as I understand it—about 5 per cent—and while we call it pension it is really for length of service; it is not for disability, and not for death. The pension scheme now before us goes on an entirely different principle. The officers of the Militia and Royal Canadian Mounted Police contribute during long periods of years to a pension fund, and upon the expiration of that period they are entitled to their pension. Likewise the men enlist at a low rate of compensation or pay in consideration of the benefits which will flow from long service; so that on retirement they get perhaps a superannuation allowance, just as the Civil servants in whom my honourable friend, since I have been in this Chamber, has been deeply interested in regard to superannuation. I see no distinction between the two. You might call it a pension or you might call it superannuation. Such a person might have bought an annuity for the same amount as the subscription which he made, and might thus have acquired the right of superannuation. Why should that be interfered with if in giving his services to his country he became disabled? He might have made provision through one of our insurance companies for precisely the same advantage, and it was never expected that the thrift, prudence, and caution which he might thus have exercised in making provision for his old age should be disturbed in case he rendered service to his country in the event of war.

Hon. Mr. POWER: After the explanation my honourable friend has given I assume that it is just; and there is no objection to that clause, because the Militia and the Mounted Police have all contributed at the rate of 5 per cent of their salaries to the Pension Fund, and of course it would be most unfair to interfere with that.

Hon. Sir JAMES LOUGHEED: Yes, it is simply for long service. I must say that yesterday I did not realize this; and I think that, in dealing with the matter last Session, we had not before us that information, either in the House of Commons or in the Senate. We passed that legislation without information, and unwittingly, and I think it is only right that we should restore the pension.

Hon. Mr. BRADBURY: That relates to the permanent men?

Hon. Sir JAMES LOUGHEED: Yes, only to the men in the permanent force.

Hon. Mr. BRADBURY: The only objection I would find in that regard would

be that many of those men were increased in rank very rapidly; but I think they are entitled to a pension.

Hon. Sir JAMES LOUGHEED: I quite agree with that.

Section 9 was agreed to.

Sections 10 and 11 were agreed to.

On section 12—discretion of Commission to pay pension to certain classes of children:

Hon. Mr. BOSTOCK: Would my honourable friend explain what is meant by that?

Hon. Sir JAMES LOUGHEED: This change authorizes the Commission to pay an amount "not exceeding" orphans' rates instead of orphans' rates. It is only in case of need that this is paid. It gives a wider discretion to the Commission than heretofore.

Section 12 was agreed to.

On section 13—no deduction in certain cases of disability; no payment in certain other cases:

Hon. Sir JAMES LOUGHEED: This amendment is made in accordance with the practice adopted, and is self-explanatory. The words "congenital defect" are new. I might say that for a long period claims were made by those applying for pensions that they having been accepted by the medical board, even if there had been no latent injury or disease, the Government was stopped from saying, " You were not physically qualified at the time you were enrolled." This will not permit a position of that kind to be taken. For instance, if a man had an artificial leg at the time he went overseas he could not be heard to say that he had not.

Hon. Mr. BRADBURY: I had two or three cases in my own battalion of men who went overseas after having been examined by my own medical officer, paraded three times before they left Canada, paraded at Witley Camp before they went over to France, were passed by the medical boards, accepted as fit men, and then sent over to fight. One of those men returned with considerable disability; he contracted rheumatism, and was told by the medical board that he must have had some of this trouble before he joined up with my battalion. I do not think that is fair to men who were accepted by board after board, who went over and performed their duties, and after they came back developed disabilities. I say the country ought to be responsible for those men; it accepted them and took them over there; the men performed their duties; and the doctors should not be able to say, "You have fifty per cent or seventy-five per cent disability, but you must have had some of those troubles before you joined up with the force at all."

Hon. Mr. DOMVILLE: Why did they take them?

Hon. Mr. BRADBURY: That is what I want to know.

Hon. Mr. FARRELL: Because they were looking for quantity, not quality.

Hon. Mr. BRADBURY: They passed the doctor, and it is hardly fair to say to those men now, "You have done your bit, you come back broken down, but you must have had some of this disease before you went to the trenches."

Hon. Mr. GIRROIR: They do not say that.

Hon. Sir JAMES LOUGHEED: If they went to France and accepted all chances of war it is all right; but if they did not go to France it is not.

Hon. Mr. BRADBURY: That is satisfactory.

Section 13 was agreed to.

Section 14 was agreed to.

On section 15—minimum and maximum of increased pension in certain cases:

Hon. Mr. POWER: A little explanation of that section would not be out of place.

Hon. Sir JAMES LOUGHEED: I understand this is the only increase that is given to commissioned officers.

Hon. Mr. DOMVILLE: Is that for medical attendance?

Hon. Sir JAMES LOUGHEED: Yes.

Section 15 was agreed to.

Section 16 was agreed to.

On section 17—time for which payment of pensions for disability shall commence:

Hon. Mr. FARRELL: What does that mean?

Hon. Sir JAMES LOUGHEED: This amendment is necessitated by the definition of the words "appearance of the injury or disease." This deals with the word "disability."

Section 17 was agreed to.

On section 18—difference between pay and allowances and pension to be applied for hospital maintenance:

Hon. Sir JAMES LOUGHEED: The purpose of this is to make uniform the amount payable to all patients in hospital.

Section 18 was agreed to.

On section 19—annual allowance not exceeding $180 each for maintenance of parents:

Hon. Sir JAMES LOUGHEED: That is new.

Hon. Mr. POWER: The existing law provides:

> When the member of the force has no wife, or the additional pension on account of his wife has been refused, an amount equivalent to the additional pension for a married member of the forces may be paid to him if he is maintaining, or in the opinion of the Commission is substantially assisting in maintaining, one or both of his parents.

I do not see just what the change is or what is the object of the change. The wife is dropped out altogether in the Bill as it is before us.

Hon. Sir JAMES LOUGHEED: The explanation as given to me is this. The amendment of this section provides for the payment of an additional pension to a disability pensioner for the parent or parents, even though he is receiving an additional pension on account of his wife or children. He may have been maintaining a parent as well as his wife. But the amount shall not exceed $180.

Hon. Mr. POWER: There is a provision here that $180 may be paid for each of his parents. Take the case of a young man whose parents are really very well-to-do. Perhaps he is the son of a millionaire. Should there not be some inquiry made?

Hon. Sir JAMES LOUGHEED: Yes, there is. He has to prove that he has been supporting his parents. The case is determined by the evidence submitted to the commissioners.

Hon. Mr. DOMVILLE: The parents would not be millionaires if he had to support them.

Hon. Sir JAMES LOUGHEED: No. The matter of support has to be made very clear to the commissioners before payment is made.

Hon. Mr. POWER: All right.

Section 19 was agreed to.

On section 20—sickness and burial expense not to exceed $100:

Hon. Mr. DOMVILLE: That is a small price for lumber.

Section 20 was agreed to.

Sections 21 and 22 were agreed to.

On section 23 (new section 34, subsection 7)—pension to widowed mother not reduced on account of earnings, free lodgings or other small income:

Hon. Mr. BOSTOCK: What is the alteration in subsection 7?

Hon. Sir JAMES LOUGHEED: This is an amendment to the first proviso of the previous subsection 4 of section 34. It is to be noted that outside Canada the pension of a widowed mother would not be reduced on account of her earnings or on account of her having free lodging, and that inside Canada it will also not be reduced if she has an income which does not exceed $240 a year, or $20 a month. If her income does not exceed those amounts the pension shall not be reduced; otherwise it may be, at the discretion of the Commission.

Hon. Mr. BOSTOCK: Anything over that amount is taken into account.

Section 23 was agreed to.

On section 24—death pensions payable from day after death:

Hon. Mr. BOSTOCK: What is the effect of paragraph a?

Hon. Sir JAMES LOUGHEED: Apparently to give the commissioners discretion as to when the dependency pension shall start. It will not necessarily start upon the death of the pensioner. It is for the commissioners to inquire as to when the dependency arises.

Section 24 was agreed to.

On section 25—supplementary pensions to members of allied forces:

Hon. Mr. BOSTOCK: Why is that limited to all who are of or above the rank of warrant officer?

Hon. Sir JAMES LOUGHEED: Below that rank they are paid by the Imperial Government.

Section 25 was agreed to.

On section 26—additional pension to dependents while residing in Canada of members of Allied forces domiciled and resident in Canada at beginning of war to bring up total amount from other pensions to that of members of Canadian Forces:

Hon. Mr. POWER: We should have a lucid explanation of that.

Hon. Sir JAMES LOUGHEED: This is the outcome of an arrangement between the Imperial Government and Canada by which, in the case of persons of the rank of warrant officer, or of a higher rank, we make up the difference between the Imperial Government pension and our own, and the Imperial Government make it good. As is self-evident, the purpose is to provide the pensioners with enough money to enable them to live in this country.

Hon. Mr. POWER: If a man entered the British army or navy instead of entering ours, this is to give his dependents the same pension that they would obtain from the Government of Canada?

Hon. Sir JAMES LOUGHEED: Yes, we make it equal to our pension rate, and the Imperial Government repays to Canada the difference—that is, if they were resident in Canada before the war.

Section 26 was agreed to.

On section 27 (new sections 47A and 47B) —South African War pensions, while recipients reside in Canada, to be brought up to amount payable under this Act; Fenian Raid and Northwest Rebellion pensions to be increased:

Hon. Mr. POWER: Honestly I do not think that is desirable legislation. The Fenian Raid took place 53 years ago.

Hon. Sir JAMES LOUGHEED: There are about ten cases.

Hon. Mr. POWER: But I wish to call attention to the fact that although the American Civil war ended in the spring of 1865 the United States were paying three or four years ago as much as they had paid at any time previously. The widows and children and other dependents managed things so that the pensions kept on. We may find that there are a large number of Fenian veterans who would come in and make a claim under this provision. I was out during the Fenian Raid myself.

Hon. Mr. DOMVILLE: So was I.

Hon. Mr. POWER: But, I may say, I have not put in any claim up to date. Then take the Northwest Rebellion. That rebellion took place 33 years ago, and the men who took part in it did not expect to receive liberal pensions. It was a very short rebellion; it lasted only a few weeks; and I do not see why we should go back 33 years for the purpose of trying to find some-

one who would feel like putting in a claim on that account. This is vicious legislation, in my humble opinion. These people have been satisfied up to a very recent date, and I do not see why the rest of the country should suffer now in order to give them something that they never expected.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that no abuse can arise from new applications coming in, because the provisions are confined to those who are to-day on the pension list and are receiving pensions. I understand that the Fenian Raid veterans and the Northwest Rebellion veterans will receive, in all, about $8,000 a year. As to the South African veterans, we make up the difference between the pensions which are now being paid to them and the amount payable under this Act.

Hon. Mr. POWER: "It is such a little one."

Hon. Mr. BOSTOCK: Of course, these pensions for veterans of the Fenian Raid and the Northwest Rebellion are not granted for any disability or injury of any kind?

Hon. Sir JAMES LOUGHEED: Oh, yes; they have to undergo a medical examination before they become entitled to the payment under this Act.

Hon. Mr. BOSTOCK: I notice there is a difference in wording between 47A and 47B.

Hon. Sir JAMES LOUGHEED: These are all disability pensions, mentioned in 47A and 47B.

Hon. Mr. BOSTOCK: I thought there was a distinction there.

Hon. Sir JAMES LOUGHEED: Of course, there are paid to those who suffered the disability or to their dependents.

Section 27 was agreed to.

Sections 28 and 29 were agreed to.

On section 30—commencement of Act:

Hon. Mr. BOSTOCK: Is there any particular reason for fixing that date?

Hon. Sir JAMES LOUGHEED: Yes. It will require considerable preparation to obtain the necessary information to meet the new rates.

Section 30 was agreed to.

Schedules A and B, the preamble, and the title were agreed to.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

THE BRITISH NORTH AMERICA ACT.

PROPOSED AMENDMENT—JOINT ADDRESS TO THE KING.

The Senate proceeded to consider a Message from the House of Commons with a proposed Address to His Majesty the King, praying that he may graciously be pleased to give his consent to submitting a measure to the Parliament of the United Kingdom to amend certain provisions of the British North America Act, 1867, in the manner set forth in the said Address.

Hon. Sir JAMES LOUGHEED moved that the Senate do unite with the House of Commons in the said Address by filling up the blank therein with the words "Senate and."

He said: The object of this is to secure Imperial legislation amending the British North America Act, whereby it will be placed beyond all controversy that the Dominion Government has authority to legislate extra-territorially. This legislation is desirable chiefly because of the new conditions which have arisen through the development of aerial transportation. Not only is the Government of Canada establishing an air service, but aerial transportation is being organized and established by commercial companies. This will involve of course a new branch of law, and it is desirable that there should be no question as to the authority of Canada to legislate for the punishment within its own territory of violations of the law which may take place over the territory of another nation. It is doubtful whether we have that authority to-day. Of course, every sovereign power has that authority; but, owing to the British North America Act being silent upon a question of that kind, or not dealing with it in express language, it is very desirable that we should secure the necessary legislation to permit of our regulations being enforced. We are entering into arrangements, for instance, with the United States, to enforce regulations that may be agreed upon between the two countries respecting aerial navigation. The United States, being a sovereign power, could exercise jurisdiction extra-territorially to enforce regulations, and persons who violated those regulations outside the United States could be punished upon their return to United States territory. It would be unfortunate if we in Canada were precluded from enforcing our regulations likewise. We do not say we have not inherently that right, by reason of the constitutional powers which we already possess, but it is desirable, in view of our relations with other countries, that this should be placed beyond all peradventure. Our object is, therefore, to seek legislation amending the British North America Act so as to give us expressly that authority.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I have listened to the very full explanation my honourable friend has given on this matter. I regret to say that I have not been able to look into it personally as much as I would like to do, but I cannot see why this legislation is necessary. It does seem to me that any citizen of Canada who goes outside the Dominion and infringes the law of the country can be punished when he comes back if the Government thinks it desirable to punish him.

Hon. Sir JAMES LOUGHEED: Not if the offence has been committed outside of Canada.

Hon. Mr. BOSTOCK: That is just the point.

Hon. Sir JAMES LOUGHEED: Yes, that is the point.

Hon. Mr. BOSTOCK: The offender can be punished when he comes back. We cannot of course punish him if he is outside our jurisdiction.

Hon. Sir JAMES LOUGHEED: It is not absolutely clear that we have the right, for the constitutional reasons I have pointed out.

Hon. Mr. BOSTOCK: Of course, if it is not absolutely clear, I do not see any harm in making it clear; but I should have thought that we had that right already.

Hon. Mr. POWER: I think that after the aviator passes the three-mile limit he ceases to be within the jurisdiction of this Parliament, and it is questionable whether anything he did then would be an offence against the laws of Canada.

Hon. Sir JAMES LOUGHEED: That is the point.

The motion was agreed to.

On motion of Hon. Sir James Lougheed, it was resolved that an Address be presented to His Excellency the Governor General, respectfully requesting that His Excellency would be pleased to transmit the said Joint Address to His Majesty the King.

The motion was agreed to.

It was ordered, that a message be sent to the House of Commons to acquaint that House that the Senate has adopted the said Address.

SHIPBUILDNG BLL.

FIRST AND SECOND READINGS.

Bill 51, an Act respecting the Dominion Fire Insurance Company.—Hon. Mr. Lynch-Staunton.

SHIPBUILDING BILL.

FIRST READING.

Bill 199, an Act to assist Shipbuilding.—Hon. Sir James Lougheed.

INDIAN BILL.

FIRST READING.

Bill 14, an Act to amend the Indian Act.—Hon. Sir James Lougheed.

The Senate adjourned until Monday next at 2 p.m.

THE SENATE.

Monday, June 28, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

PRIVATE BILL.

THIRD READING.

Bill 51, an Act respecting the Dominion Fire Insurance Company.—Hon. Mr. Lynch-Staunton.

BRITISH COLUMBIA INDIAN LANDS BILL.

REPORT OF SPECIAL COMMITTEE.

Hon. G. G. FOSTER moved concurrence in the report of the Committee on Banking and Commerce with reference to the petition of the Allied Indian Tribes of British Columbia.

Hon. Mr. BOSTOCK: Honourable gentlemen, as I understand it, if this report is now concurred in, the position with regard to this Bill will be a rather peculiar one. I wish to say that I do not altogether concur in the finding contained in this report. I do not think it goes far enough. The report says:

> The committee beg to suggest, however, that before exercising the authority granted by clause 3 of the Bill, an endeavour should first be made to secure a surrender, under the provisions of the Indian Act of the proposed reductions or cut-offs.

I appreciate very highly the recommendation of the Committee that the Indians should be considered before anything is done, but I feel that it would be very much better if clause 3 of the Bill were amended so that no action could be taken until after the Department had tried to come to an arrangement with the Indians to obtain their consent to what is to be done under the Commission; and, if in any particular case they cannot get the consent of the Indians and find that they are prevented from dealing with the matter, that they should come back to Parliament and ask for power to deal with the matter without obtaining the consent of the Indians. I do not know whether it is wise to go into a discussion on that point now, but I propose to move that amendment when we reach the order on the Order Paper dealing with this Bill.

I think it is a serious matter for the Government to announce to the country and to the Indians that they desire to have this power on the statute book before having shown that there is any necessity for it. They are altering the position of the Indians; and, in view of the situation which exists in Canada to-day, and, I may say, almost throughout the world, I do not think it is advisable for the Government to take such an action, which may be misinterpreted by the Indians. The Indians may feel that the Government is not giving them due consideration, but is rather trying to proceed with a club in its hands in order to make the Indians do things which they do not want to do.

I do not want to take up the time of the House in discussing this matter now. I think honourable gentlemen realize the situation, and I hope they will see their way clear to adopting the course which I have outlined. I do not want in any way to hamper the Government in their action. If the Government can show that there is any case in which they cannot get the consent of the Indians, and that it is in the interest of the whole country that a particular reserve should be dealt with, I would be perfectly ready to assist them in putting

through legislation that would give them that power; but, until it is known that they have tried to obtain surrenders, and have not succeeded because the Indians will not give their consent, I do not think this legislation should be put through.

The motion was agreed to.

RETIREMENT OF MR. JOSEPH BOUCHARD.

MOTION.

Hon. Mr. DANIEL moved:

That the action of the Senate of the 21st April last, adopting the 6th Report of the Standing Committee on Internal Economy and Contingent Accounts, be rescinded in so far as it relates to the retirement of Mr. Joseph Bouchard, Translator on the Senate Debates staff, referred to therein.

He said: The reason that I make this motion is this. The action of the Senate was to retire Mr. Bouchard on the 1st of July next at a certain salary, which, I think, was half the salary he had been receiving. As a result of the Superannuation Act now going through Parliament, which places the retirement of these officials in the hands of the Civil Service Commission, there has been nothing put in the Estimates to provide for that salary. Of course, the Civil Service Commission, under the Act, if it is passed, as I suppose it will be, will then be able to deal with the retirement of Mr. Bouchard according to the terms of the Act, and unless we take this action, as there is no provision to pay Mr. Bouchard anything, from the 1st of July he will not be in receipt of anything. For this reason it is considered necessary to rescind our former action, and to leave Mr. Bouchard as he is until the Civil Service Commission are able to act under the Superannuation Act.

The motion was agreed to.

CRIMINAL CODE BILL.

THIRD READING.

On the Order:

Resuming the debate on the motion of Hon. Sir James Lougheed for the third reading of Bill 137, an Act to amend the Criminal Code, as amended.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I beg to move that this Bill be not now read the third time, but that it be amended by striking out the words "first day of September," and substituting the words, "the fifteenth day of October."

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

NATURALIZATION BILL.

THIRD READING.

Bill 184, an Act to revive and amend the Naturalization Act, 1914.—Hon. Sir James Lougheed.

BRITISH COLUMBIA INDIAN LANDS BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 13, an Act to provide for the Settlement of Differences between the Governments of the Dominion of Cannada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

Hon. HEWITT BOSTOCK: Honourable gentlemen, this question has already been very fully discussed in this House, and I feel that I ought in a certain sense to apologize for taking up the time of the House any longer; but I do feel that this matter should not be allowed to proceed without an expression of opinion by this House regarding the power that is given to the Government under Bill 13 to make reductions in the reserves without obtaining the consent of the Indians. I desire to point out one or two reasons why this power should not, in my opinion, be given at the present time.

The report on this matter brought down to the House by the Government contains a copy of the agreement which was made betweeen Mr. J. A. J. McKenna, Special Commissioner appointed by the Dominion Government to investigate the condition of Indian affairs in British Columbia, and the Hon. Sir Richard McBride as Premier of the province of British Columbia. The second clause of that agreement, paragraph a, reads as follows:

At such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.

That was the agreement made between the two Governments, and it specifically recognized that nothing should be done without the consent of the Indians. The Provincial Government was quite satisfied with

that arrangement at that time, as was the Dominion Government. The Provincial Government since then have obtained the passage of an Act dealing with this matter, which is somewhat similar to the Bill we have now before us; but in the Act passed by the Provincial Legislature words were inserted to the effect that the British Columbia Government was quite ready to negotiate with the Indians. Honourable gentlemen will understand that the Provincial Government has really no power to negotiate with the Indians; that the Dominion is the authority responsible for the care and welfare of the Indians, and that anything to be done between the province of British Columbia and the Indians must be done through the Dominion Government. But I maintain that the Act passed by the Legislature of British Columbia indicated that the Government of that province desired to show to the Indians every consideration possible in this aspect, and did not wish to give the Indians the idea that the Government were using their power and authority to override the interests of the Indians and treat them in a high-handed, arbitrary manner, but were prepared to do anything they could to come to a reasonable and equitable settlement with the Indians.

We all know that a great portion of the areas held as Indian reserves is good and valuable land, and that as the population of the province increases it is but natural for people to say that it should be used to the fullest extent. Some people in British Columbia possibly think that the land is not being used as much as it might be if it were in the hands of white men; but that is a consideration which I do not think should be allowed to affect our attitude in this matter. The Indians had these lands set aside for them years ago, when the Indian population in British Columbia was greater than at the present day, and when it was very important for the white people that the Indians should treat them properly and should live peaceably alongside the newcomers. Therefore I think that the Government of British Columbia were perfectly right in showing that they did not want to act in an arbitrary manner, now that the white population had become so much greater than the Indian population and were in a position practically to dictate the terms.

I desire to draw the attention of the House to another point in regard to this agreement. Clause 4 says:

Hon. Mr. BOSTOCK.

> The lands which the Commissioners, shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.

And clause 5 says:

> The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this Clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.

Under this arrangement the province of British Columbia, as I understand, is to get one-half of the money for which those reserves are sold. Under the agreement a certain acreage will be taken away from the reserve and a certain acreage will be added from the lands of the province of British Columbia. But I do not see why the two Governments should have agreed that the province of British Columbia should receive one-half of the proceeds of the sale of these lands.

The report of the Commission deals with the situation in British Columbia as they found it at the time of their investigation. On page 17 of the report the Commissioners state:

> The land Act of 1875 provided for the conveyance of lands to the Dominion Government "in trust for the use and benefit of the Indians." By section 9, of Chapter 38 of the Statutes of 1899, an amendment was made by adding to the provision in the Land Act these words "and in trust to reconvey the same to the Provincial Government in case such lands at any time ceased to be used by such Indians."

The Government of British Columbia, for some reason, did not deem it well to carry out the arrangement which they made in 1875 with the Dominion Government, and under which, as stated in the Commission's report, the onus was thrown upon them of conveying the lands which were set apart as reserves by the Commission that was appointed in 1876 for the purpose of surveying the reserves. The province of British Columbia never completed that arrangement in the way they ought to have done. Under this Land Act, as the Commission points out, the province had to convey to the Dominion Government the land set aside as reserves for the use and benefit of the Indians, and there was a proviso to the effect that if at any time those lands were no longer required for the use and benefit of the Indians, then the reversionary title of the province of British Columbia came into effect. That, I think, was a reasonable and proper arrangement to make. But the province of British Columbia later on was not satisfied with that, and, inasmuch as

they had not carried out their part of the agreement of 1875 and conveyed the lands to the Dominion Government, they started in to make all the trouble they could. The report of the Commission goes on to say:

> Provided always that it shall be lawful for the Lieutenant-Governor in Council to at any time grant, convey, quit claim, sell or dispose of, on such terms as may be deemed advisable, the interest of the Province, reversionary or otherwise in any Indian Reserve or any portion thereof.

That was an enactment made in 1911. Now, the province of British Columbia had no power to make an enactment of that kind. They were abrogating a solemn agreement which had been made between the province of British Columbia and the Dominion, and which they had never properly carried out as they were bound to do.

Then the report, on page 18, quotes the following enactment:

> There shall not be registered in any Land Registry Office any title derived from His Majesty the King in the right of Canada... land forming part, or that at any time formed part, of an Indian Reserve, without the sanction of the Lieutenant-Governor in Council (Vide Section 2, Chapter 27, Statutes 1910, and Section 59, Chapter 127, R.S.B.C., 1911).

The report goes on to say:

> To remove the administrative entanglement thus occasioned, and to provide for the final and complete allotment of lands for Indians in British Columbia, the Agreement hereinbefore quoted in full was entered into by the Governments of the Dominion and the Province, and this Commission was appointed thereunder.

The Dominion Government should have insisted that the Provincial Government carry out the agreement made in 1875 and convey the title to those reserves which were set aside in 1876 and two or three years later. Instead of insisting that the Provincial Government hand over the title to these reserves for the use and benefit of the Indians, as the province had agreed to do, the Dominion Government entered into this agreement with the Provincial Government, and, apparently in order to bring the Provincial Government to some settlement, they were prepared to give them a half-interest in the proceeds in the sale of the land taken out of the reserve. I maintain that if the Dominion Government found it necessary to treat the Provincial Government in that way, and considered that the only manner in which they could bring about a settlement was by the payment of a certain sum of money to the province of British Columbia in order to induce them to accept an agreement of this kind, the Dominion Government should have come down to this House with a special Bill providing for the payment to the Provincial Government out of the funds of the country of the amount of money agreed upon, but they had no right to give way to the province in this matter by allowing the province to benefit by the sale of those lands taken out of the Indian reserve.

I draw this matter to the attention of honourable members of this House because I think it shows that the Dominion Government have not acted in the interest of the Indians as they should have acted, and that they have rather tried to follow along the line of least resistance in making an unjustifiable agreement with the Provincial Government. They should have insisted that the Provincial Government carry out the terms of that agreement of 1875 by conveying to the Dominion the title to those lands. This very fact alone should lead honourable members of this Chamber to realize that, when the Government ask us to pass a Bill of this kind, enabling them to proceed to complete the work of the Commission without obtaining the consent of the Indians, the Indians are not being fairly treated in the matter. I therefore beg to move:

> That Bill 13 be not now read a third time, but that it be referred back to the Committee of the Whole House for the purpose of amending clause 3 of the said Bill by striking out all the words after the word "council" in the twenty-fourth line, and down to and including the word "and" in the twenty-seventh line of the said clause.

For the information of the House I will read the clause as it would then stand:

> For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may carry on such further negotiations and enter into such further agreements with the Government of the Province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I shall not occupy the time of the House at any great length in replying to my honourable friend. What he has stated, it seems to me, demonstrates very fully the inutility of making a charge against governmental administration in a matter which apparently is not fully understood. Criticism of this kind, which constitutes a bill of complaint, if not a wail of complaint, as to the attitude of the Government touching the solution of the Indian question, is not appreciated by me, at

least from the honourable gentleman, who comes from the province of British Columbia, where he has been in touch with the administration of the Government ever since he has been in that province. So far as I have come in contact with either friendly or unfriendly critics, no one has been able to attack the policy of the Dominion Government in dealing with the Indians from Confederation down to the present time. If there is one feature of our Government that has been divested absolutely of all political and all party feeling it has been the administration of our Indian affairs; and if one feature has been emphasized more than another in that administration it has been the almost parental solicitude shown by the Canadian Government in dealing with the Indian tribes of this country.

My honourable friend has moved to strike out certain words in section 3, and he is gracious enough to leave the balance of the section, which would be entirely unnecessary, because the Indian Act as it is to-day has all the powers which this Bill gives, with the exception of the part which my honourable friend strikes out. Hence I fail to see why he has left the balance.

Permit me to say that this legislation which my honourable friend is attacking has been asked particularly by the Government of British Columbia. When the province of British Columbia in 1912 entered into the agreement to which my honourable friend has referred it made provision that agreement for the cutoffs should be decided by the Indians; but that decision had no sooner been reached than the British Columbia Government realized that if cutoffs were made in the event of the surrender not being secured, then a legislative transfer of the cutoff must be made. It was therefore necessary that, if the Indians refused to surrender the cutoffs, the Governments involved would be in a position to give legislative effect thereto. That was asked for by the Government of British Columbia, not by this Government.

Now let me point out to honourable gentlemen the effect of the mischievous element which my honourable friend insists upon calling into existence, namely, that the Indians should be first approached to give a surrender, and, in the event of a refusal, that this Government should come to Parliament and ask for legislation. Does my honourable friend seriously think that, if the Government approached the Indians for a surrender of these cutoffs, they would then be justified in coming to Parliament and saying: "We have deliberately negotiated with the Indian for this cutoff and that cutoff; they would not give it to us, and now we must have legislation to take it, absolutely against their will." Why, if anything would lead to trouble, it would be that. It is the purpose of the Government, honourable gentlemen,—and I say this upon a statement made to me by the officers administering this Act—to protect every scintilla of interest of the Indians in those cut-offs.

Hon. Mr. BELCOURT: In what way?

Hon. Sir JAMES LOUGHEED: In this way. They intend to review the whole action of the Royal Commission in regard to these cutoffs; they intend to negotiate and discuss the whole subject again with the Indians. They do not intend to accept the arbitrary findings of the Royal Commission; but, with all the advantage of negotiating ab initio concerning this point, they propose entering upon such negotiations; then if the Indians do not surrender it will be for the Government to exercise its discretion in giving legislative effect to the agreement between the province of British Columbia and this Government.

Hon. Mr. BELCOURT: Would that be by means of expropriation?

Hon. Sir JAMES LOUGHEED: It would be by means of legislation. I am not prepared to say whether that legislation would not require the action of both Governments, inasmuch as the fee simple is in the province of British Columbia. I am not prepared to say that the Dominion Government could make a transfer of those cut-offs; but it could be a party consenting to carrying out the Indian Act. Because this would be an amendment to the Indian Act to the extent of consenting to any legislation involving the transfer of those cut-offs.

Hon. Mr. BOSTOCK: Would the Department be prepared to vary the finding of the Commission if it should be considered necessary?

Hon. Sir JAMES LOUGHEED: Yes. This is purely a matter of adjustment of differences between the two Governments, and I cannot see how any honourable gentleman with a reasonable mind—and I am sure we are all possessed of that useful commodity, if we would only give it free play, though of course we sometimes cast impediments in the way—can arrive at any other conclusion as to how those differences

can be adjusted. Surely it will not be contended that a committee of the Senate could adjust the differences, or that we could sit around a table in committee, or in this Chamber, and settle all those difficulties referring back several centuries, and involving almost all the constitutional difficulties; because, as seriously pointed out by the representative of the Indians, such constitutional difficulties would place the people of British Columbia in a position of jeopardy, and practically lead to a denial of their having any interest in those lands.

Hon. Mr. BELCOURT: What disposition has the province of British Columbia shown so far, as to compensation of the Indians for whatever has been taken away?

Hon. Sir JAMES LOUGHEED: I will come to that in a moment. My honourable friend referred to the legislation of 1875, and construed the agreement with British Columbia as conveying to the Dominion Government a certain title over the Indians in their reserves.

Hon. Mr. BOSTOCK: It was following up Section 13.

Hon. Sir JAMES LOUGHEED: It may have been, but my honourable friend entirely overlooks this point—that all those agreements have reference only to a qualified interest in the land. In the colonial days, when the two Crown colonies were administering Indian affairs—and I hesitate to again refer to this, because I have done it on two or three occasions—the agreement was that the Crown colony of British Columbia and the Crown colony of Vancouver Island would transfer certain lands to the Indians for their use and occupation. There never was any agreement that the fee simple would be transferred to the Government, but only a qualified interest in the lands, making the reversion of land in the province of British Columbia upon the extinction of the Indians; and that qualification has always been observed not only from Crown colony days, but from Confederation down to the present time. Section 13 of the Act of Union makes use of the words, "use and occupation," and any lawyer appreciating legal terms will know that a qualified interest in land can be transferred, giving the use and occupation of the land, and leaving the remainder or reversion upon use and occupation ceasing. That was the case here. Consequently the British Columbia Government always claimed the reversion of all the Indian lands which they transferred to the Indians in the province of British Columbia, which aggregated practically three-quarters of a million acres, and negotiations had always to be entered into with the province of British Columbia as to their transferring that reversionary interest even after the surrender was made by the Indians of the lands which they occupied. This was always an aggravation, not only to this Government, but to the Indians; yet the right of British Columbia to that reversionary interest was always conceded. The agreement of 1912 was due very largely to the very fact that it was desirable to adjust this difficulty between the two Governments and the Indians, and as a result the province of British Columbia agreed that if those cut-offs were made, and the land sold, and the other differences adjusted, they would forego their reversionary interest, taking 50 per cent of the sale of all lands, while 50 per cent would go to the Indians. That refers to the reserves where the Indians had disappeared or where they had become extinct.

Hon. Mr. BELCOURT: Would that percentage be paid to Indians living in the province, or to Indians generally?

Hon. Sir JAMES LOUGHEED: The Indians living in the province; and it is in order to give effect to this agreement that the two Governments have come together and arranged for the adjustment of their differences. The legislation we are proposing to-day is to give effect to that agreement.

Hon. Mr. BELCOURT: Had any of those cut-offs been taken previously?

Hon. Sir JAMES LOUGHEED: No; they have all been delimited, under the agreement of 1912, by the Royal Commission.

Hon. Mr. BELCOURT: And they all come under this legislation?

Hon. Sir JAMES LOUGHEED: Yes. The cut-offs constitute 47,000 acres of the totality of the reserves in British Columbia, and in lieu of those 47,000 acres the Indians got 87,000 acres of land, which will be transferred by the British Columbia Government to the different tribes in that province. There are good reasons why some of those cut-offs should be made, and why the Indians should be compelled to surrender them, because we know that many of those reserves are contiguous to civilized communities, they impinge upon many urban municipalities, and in the moral interest of

the Indians it is not desirable that they should live on reserves immediately adjoining cities.

Hon. Mr. BELCOURT: It is a cut-off only; that is, only a portion of the reserve is to be taken?

Hon. Sir JAMES LOUGHEED: Only a portion. My honourable friend will see that it is only a fraction, because the Indians have in round numbers, three-quarters of a million acres of land in British Columbia, and those cut-offs will total only 47,000 acres.

Hon. Mr. BELCOURT: How many reserves are there?

Hon. Sir JAMES LOUGHEED: About 1,200 reserves, I believe, in British Columbia. Some represent only a few acres; some represent perhaps a few hundred acres. But coming down to a common-sense basis, honourable gentlemen, I feel that we should try to see if there is any way in which the two governments and the Indians could get together and settle this business. Let us drop all discussion about the constitutional interpretation that should be placed upon the Act of Union, or the different agreements entered into between the Indians and the Government of British Columbia, or between this Government and that of British Columbia. There is only one way of doing this: it is for all parties to get together; and the intention of this Government is to get together with the Indians to settle those differences just as wisely and particularly as if no previous negotiations had taken place. I therefore oppose my honourable friend's amendment.

Hon. Mr. BEIQUE: I have given some attention to this Bill, and have perused the proceedings of the Royal Commission, and I must say that I am in sympathy with the main part of this Bill. I think, as was very properly said by the honourable leader of the Government, that this question should be approached by both sides of this House without any political bias. The Indian tribes all over this Dominion have been treated generously by all Governments, whether Liberal or Conservative, and I am sure that they expect to be treated by the present Government as they were dealt with by previous ones. My only trouble about this Bill is as regards giving power to this Government to go beyond the agreement of 1912, which was limited to dealing with Indian reserves; it in no way covered fishing or hunting grounds. The matter has been dealt with by the Government through a Royal Commission, which has made a report on the Indian reserves, and I do not think it would be proper for this Parliament to go beyond that agreement and adopt legislation to cover or interfere with or override the fishing or hunting rights of the Indians. For my part I am willing to approve of the present Bill to the extent mentioned in the agreement of 1912, because I think that it is such a vexed question as must of necessity be dealt with by the Government and not by Parliament; for the Government has to take the advice of its officers and assume responsibility for its own action. But I think that section 2 of the Bill should be amended, and as soon as this House has disposed of the present motion I propose to move that section 2 be amended by adding, after the word "differences" in line 18, the words, "falling within the scope of the said agreement." I think that the Government should have the power to deal with the Indian reserves or with the cut-offs, but not to interfere with Indian fishing or hunting rights. I do not think that, after the Royal Commission has been limited to the Indian reserves and the cut-offs, it would be proper for this Parliament, in enacting legislation to give effect to the report of the Royal Commission, to go beyond the scope of the agreement of 1912.

Hon. Mr. POWER: Honourable gentlemen, I think it is desirable that I should say a word or two upon this subject. It is perfectly true, as the leader of the Government has stated, that in Canada we have dealt very fairly and liberally with the Indians; but the point I cannot quite understand is why has it been impracticable, in dealing with Indian lands in British Columbia, to follow the same course that has been pursued in the other provinces. I understand that agreements have been made with the Indians in all the other provinces. Every little while the Government have made a treaty with such and such Indians for such and such land. Why has not that been done in the case of the Indian lands in British Columbia? I may be muddled intellectually, but I do not see why it has been impracticable to do the same thing there that has been done in other provinces, and it seems to me that if that had been done no difficulty could arise.

The leader of the Government told us that after this Bill becomes law the Government will consult with the Indians. It seems to me, honourable gentlemen, that

that is a case of putting the cart before the horse. I think the consultation with the Indians should be had before the land is taken away. I say this in all humility: I do not profess to understand the question very thoroughly.

There is one other point that has not been made very clear by the leader of the Government. It is proposed that these lands, which it is clearly desirable should cease to be Indian lands, shall be sold, and half of the proceeds handed over to the provincial Governments. I really do not see why that should be. In dealing with Indians in other parts of the country the Government do not pay over half of the price for which Indian lands are sold to the Provincial Government; and I have not yet heard any good reason why that action should be taken in British Columbia. These, honourable gentlemen, are the reasons which induce me to vote for the amendment of my honourable leader.

The amendment of Hon. Mr. Bostock was negatived, on division.

Hon. Mr. BEIQUE: For the reasons which I stated a moment ago I now beg to move:

That this Bill be not now read a third time, but that it be recommitted to the Committee of the Whole House, and that it be amended by adding after the word "differences" in clause 2, line 18, and in clause 3, line 30, the following words: "falling within the scope of the said agreement."

As I said before, I think it is not proper for this House to go beyond the agreement. The great objection of the Indians to this Bill, and, as I take it, their main objection, is that it may be interpreted as making away with their fishing and hunting rights. I think they should be reassured in that respect, and that the Government should be content with the power necessary to deal with the reserves and the cut-offs.

Hon. Mr. BELCOURT: My honourable friend who has just moved has, to my mind, given no indication whatever of the extent, if any, to which the rights of the Indians in regard to picking and choosing are going to be affected. Unless there is some danger of that I cannot quite see why the amendment should be carried. Again, should we not consider this element, that it is quite possible that when the two Governments and the Indians get together there may be a disposition on the part of the Indians to curtail their hunting and fishing rights for a consideration. It is conceivable that the whole agreement may turn on that question, because I imagine that there is nothing of more interest to the Indian than his right to fish and shoot. Therefore I do not see why at this stage we should circumscribe the negotiations to be carried out, and if we accept the amendment we may be taking something out of the agreement which would be the very thing upon which an agreement would be made.

Hon. Sir JAMES LOUGHEED: It would defeat the legislation.

The amendment of Hon. Mr. Béique was negatived, on division.

The motion for the third reading of the Bill was agreed to, and the Bill was read the third time, on division, and passed.

MAGDALEN ISLANDS STEAMSHIP SERVICE.

ADOPTION OF REPORT OF SPECIAL COMMITTEE.

Hon. F. P. THOMPSON moved concurrence in the second report of the Special Committee appointed to inquire into the whole subject of the steamship service to the Magdalen islands.

Hon. JOHN McLEAN: Honourable gentlemen, after the remarks of the Chairman of the Committee yesterday in presenting this report, it is hardly necessary for me to say anything. I wish only to give my reasons for asking for the appointment of the Committee. To my mind the Magdalen islands have never been justly treated in regard to their steamship service. I know something of the experience of the province of Prince Edward Island in trying to obtain a satisfactory service. Happily its difficulties have been overcome by the steamer which has been put on that route.

The Magdalen islands are peculiarly situated. There are three harbours at which the steamer to the Magdalen islands are supposed to call—Amherst, Rindstone, and Grand Entry. On the bar in the harbour of Grand Entry there is only 12 feet of water at high tide; consequently the steamer has to be specially built so that she will not draw too much water, and at the same time, in order to carry the freight offering there, she must be capable of carrying 4,000 barrels bulk. So far, a satisfactory steamer has not been put on to do the work. While the company rendering the service at the present time have done the best they could with the steamers at their disposal, the service has not been satisfactory, because the steamers, owing to their lack of speed, are not able to make two trips a

week. In the fall of the year freight has had to be left over from time to time; and, as the people of the Magdalens are almost entirely a fishing community, in the fall of the year they have to get sufficient supplies to carry them over the winter, and their fishing supplies for the next season. Honourable gentlemen who know anything of the fishing industry know that until the fishermen have sold their fish in the fall they are unable to buy flour and other necessities, and as the islands are isolated for practically six months of the year it is very necessary that they should be certain of getting their winter supplies.

Last year the Government did everything possible to place a steamer on the route to carry on the service satisfactorily; but she failed. The Montcalm was then sent down, but she failed to arrive until the middle of the winter. This spring the service has been very unsatisfactory, and there was no service when navigation opened on the 1st of April. If the Department had placed the matter in the hands of Captain Taylor, the agent at Charlottetown, I have no doubt that a steamer would have been provided which would have arrived at the islands not later than the 15th of April. The lobster season opens on the 25th of April and ends on the 25th of June, and, because of the failure the previous fall and on account of the steamer not sailing until the 1st of May, the supplies were not received by the people in time to be of use, but were left lying in the steamer at Souris. The Department failed in not placing the matter in the hands of a man on the spot; and, when the captain of the ship was sent down from Quebec, he found that the steamer had not sufficient coal on board to make the trip, which caused further delay.

As I said in opening, my reason in asking for a committee was to bring before the Government the necessity of an improved service and to place the matter before the Government in such a way as to show what would be in the best interests of the people of the islands. Some years ago William Leslie and Company and some others built a steamer for this service. She was called the Lady Sibyl. She was capable of 13 or 14 knots an hour, and carried about 3,000 barrels in bulk. She made two trips every week. This steamer was so punctual in her trips that passengers on board of her could depend on catching trains, either at Souris or at Pictou.

Your Committee have recommended that as the Government are building steamers at the present time they should build a steamer of 4,000 barrels capacity, capable of a speed of 12 or 14 knots an hour, and strengthened at the water line so that in the fall she would be capable of going through the sheet ice, and in the spring would be able to make her trips through the loose floating ice. The people of the Magdalen islands are at the present time paying three times the freight rate that they have had to pay in 1914, and I think they are entitled to a satisfactory service, the best service the Government can give them. When one takes into consideration the fact that a subsidy of $20,000 a year is now being paid, if a proper ship were built and put on the service, the cost of the operation of such a service as the people of the Magdalen islands are entitled to would be very little more than the present expenditure.

The motion for concurrence in the report was agreed to.

THE PARLIAMENTARY RESTAURANT.

ADOPTION OF REPORT OF JOINT COMMITTEE.

Hon. Mr. CASGRAIN (for Hon. Mr. Watson) moved concurrence in the first report of the Joint Committee on the Restaurant.

Hon. Mr. BOYER: Before this report is concurred in, because I am a French Canadian and do not understand English, I should like to ask what clause 2 of the report means. It says:

> The restaurant shall be for the use of Senators and members of the House of Commons and their families, who shall have the right of inviting guests.

Does that mean that senators and members of the House of Commons shall have the right to invite guests, or that their families shall have that right? Could that be put in English in such a way that a man from the province of Quebec could understand it?

Hon. Mr. TANNER: Before this motion is carried, I also would like some explanation. I understood at the beginning that steps were to be taken towards improving the restaurant, and my recollection is that a special Committee was appointed to look into the question. I presume it was expected that that Committee would report to the House before the end of the Session. Personally I am not familiar with the management of the restaurant, and it is for that reason that I am on my feet. I observe that this is described as the first

report of the Joint Committee of both Houses on the Restaurant. Judging from the time of its presentation, it will also be the final report. There is not very much information contained in the report.

Hon. Mr. GORDON: There was a report in Toronto Saturday Night.

Hon. Mr. TANNER: I do not know whether it has been the custom in the past for the Committee to give the House any fuller details as to the conduct of the restaurant or the regulations touching its administration. It is not material that we should know anything about the contracts that are made if both Houses are quite satisfied. I understood however, that this House was not satisfied, inasmuch as earlier in the Session we agreed upon the appointment of a special Committee for the purpose of bringing about what was described as " much needed improvement." I should like to know what steps have been taken in that direction, and I should also like to know a little more than this report discloses in regard to the administration of the restaurant. Perhaps it is over-inquisitiveness on my part, but I submit this question to honourable members of the Committee and shall be glad to have any information that they can give me.

With regard to the regulations which have been made, I would venture to make the suggestion that these regulations should be submitted to the House before they are put into operation. I understand that there was some little friction in regard to them. I do not know whether this Committee has carte blanche to make regulations without the concurrence of the House; but I should think that, at any rate, it would be expedient and would be in line with proper business methods for any Committee of this House, especially such a Committee as this, when it proposed to make regulations of this nature, to ask for the concurrence of the House before putting them into operation.

Hon. Mr. THOMPSON: I may say, honourable gentlemen, that I have been a member of the Restaurant Committee for three or four years past. We have held meetings regularly and have tried to deal with matters in such a way as might meet the reasonable expectations of the members of this House and the members of the Commons. I do not know exactly what are the obligations of the Committee towards the Senate—whether we ought to present to this House a report on the menu or on the administration of the restaurant. The best judgment of the Committee has been used with respect to the management. In the early part of the session there was suggested the appointment of a Committee to deal with the new restaurant. We were to have an Empire club. The proposition was one that the Committee of which I am a member was not big enough to deal with. The members of the Joint Committee considered that the rules adopted were quite proper; but it is certainly open to any member of the Senate to make any criticism he wishes. In other years it was never considered necessary for the Committee to report on these matters to this House or to the Commons. What has been done may be right or it may be wrong. That is a question which is left to the judgment of honourable gentlemen; but, as I say, the rules made by the Committee have never been submitted to the House before adoption, nor has the Committee reported on its transactions. In regard to the restaurant, I may say that I have had meals regularly there since the opening of Parliament, and, although I have heard some criticism in respect to what we have to eat, personally it has been entirely satisfactory.

Hon. Mr. TANNER: I had the pleasure of eating some decayed fish, which poisoned me and made me ill for thirty days.

Hon. Mr. THOMPSON: I do not think that the honourable gentleman came to the Committee and reported that. If he had done so, I as a member of the Committee would have taken some action and endeavoured to ascertain how that had occurred. I did not have any of that fish, and did not know anything about it. If I had, I would probably have made some trouble. However, with regard to the rules and regulations, any honourable member can read what they are and interpret their meaning. With His Honour the Speaker I have attended the meetings of the Joint Committee, and I know that the Committee have endeavoured to discharge their duties in the best interests of the restaurant and of the members of both Houses.

Hon. Mr. TANNER: I am not questioning the desire of the Committee at all. Do I understand that this Committee that is now reporting will have no power to continue next Session unless the House authorizes it to proceed?

Hon. Mr. THOMPSON: It is the view of the Committee that it is appointed only for the Session.

Hon. Mr. CASGRAIN: That is all.

Hon. Mr. THOMPSON: I understand that in the early part of the Session the honourable leader of the House suggested a Committee to take up the question of arranging for this Empire club or a larger restaurant, when the accommodation is completed.

Hon. Mr. DOMVILLE: I think it is too luxurious. At home we are not fed on such fine grub. However, if the restaurant is to be improved there is no use discussing or debating the question, but we should go down and see the chef and see what we can get him to do. Let us show him that the true way to an Englishman's heart is through his belly. We ought to have something better than we are getting. It is true, the price is low—very low; but I would rather go to a Chinese restaurant if I were not so lame that I cannot walk.

Hon. Mr. POPE: I am not so much interested in what we have to eat as what we are going to have to drink, and, since the details of this whole matter are being discussed, we might as well understand that all the privileges that were enjoyed by the House of Lords at the time of Confederation are enjoyed by this House of Lords in the Parliament of Canada, and nobody should infringe upon them. Are we to be imposed upon by the uplifters who are laying the foundations of a great deal of disturbance throughout the length and breadth of the land? If the Chairman of the Restaurant Committee is present, I would draw his attention to the fact that we are not limited to cold water and weak tea and miserable coffee and a glass of milk; we have privileges that extend far beyond. and, while I can quite understand that the honourable member from Rothesay (Hon. Mr. Domville) would not agree with me—

Hon. Mr. DOMVILLE: I am with you.

Hon. Mr. POPE: Oh, you would agree? With your approval, I feel that the Committee would be fully justified, according to the constitution, in recognizing that for men of our age, having lived a certain length of time and having acquired certain habits, it is dangerous to turn off the tap too suddenly; and if the gentlemen who occupy fleeting positions in another Chamber, and who like the clouds come and go with public opinion—if they are afraid to associate with us, then I say let us have a separate restaurant where we can have a drink of whisky or something else, and where we can enjoy all the privileges that we are entitled to under the British North America Act.

Hon. Mr. GIRROIR: Whilst this matter is under discussion I would like to say a few words. I have been using the restaurant right along, and to me it is quite satisfactory. Of course, I have never been accustomed to anything very great—have always had to go pretty slow, but I can honestly say that I have got good value for my money. But it does seem to me that the Committee should proceed a little cautiously about inaugurating a new set of rules governing the restaurant. I do not know what powers they have; but I think that some of the new rules that have been laid down are not satisfactory to a great many members of Parliament. For a number of years, as I understand, it has been the privilege of members of the Press Gallery to come into the restaurant on practically the same terms as members of Parliament. That privilege has to a certain extent been taken away, and I really do think that this is a mistake. There is, I understand, a new rule which reads as follows:

4. Members of the Press Gallery will be permitted to use the Restaurant, and shall have the privilege of introducing non-resident guests connected with the Press, on the application of the Secretary of the Press Gallery to any member of the Restaurant Committee.

I do not wish to introduce any contentious matter in this debate, nor am I bringing up this question because I wish to criticise the action of the Committee; but I think that perhaps it would be better, in the interest of all concerned, if the old rules in that regard were restored. The chairman of the Press Gallery could hand in to the Secretary or the Chairman of the Committee a list of its members, who are well known here—just as well known in this House as are the members of the House of Commons and of the Senate—and it would not be at all necessary for them to go to the Secretary and obtain cards, because the persons in charge of the restaurant could identify them. This has been the cause of a little friction, I think, and it is my opinion at least that these cards are not necessary. If a list were handed in, that would be amply sufficient. I am sure that the members of this Committee have been doing the very best they can to make the restaurant a success. I know that it has been run to some extent at a loss, but that is not their fault. They are giving a very cheap meal, and very good meal. No doubt mistakes occur occasionally; but mistakes are made at home occasionally. I do not think we have any great reason to com-

plain in this respect, but I do think there ought to be some modification of the rule with regard to members of the Press Gallery. They are a good lot of fellows; they are men we all like to talk to, because they have a fund of information on all public questions in which we are concerned; and it will not hurt us a bit to associate closely with them and to chat with them during the meals. They have to be here, and they have very arduous duties to perform, and no doubt it is a great advantage to them to be able occasionally to use the restaurant. I do not think they have used it in the past to any great extent, but it certainly is worth a good deal to be able to use it whenever they wish. We ought to restore the old arrangement, which, I think, was fairly satisfactory all round. If any abuses occur with regard to the persons whom members of Parliament, Senators, or pressmen bring into the restaurant, each particular question can be settled on its merits. But I really do think—I say this honestly—that in the interest of all concerned it would be better to restore the old situation and do away with the necessity of applying for those particular cards or tickets.

Hon. Mr. CROSBY: Honourable gentlemen, I rise for the purpose of endorsing to some extent the remarks of my honourable friend from Antigonish (Hon. Mr. Girroir). It has been stated here that the restaurant is run in a splendid way. I do not think so. I may not be a good judge, but if I am right I think there should be some improvement and the restaurant should be run in first-class order. It has been intimated that there is a deficit from the restaurant, and I do not suppose that the members of the Committee make up the amount. I suppose the Chairman can tell me whether they do or not?

Hon. Mr. THOMPSON: The Speaker is Chairman of the Committee.

Hon. Mr. CROSBY: If the Speaker is Chairman I am quite satisfied that he does not allow the other men to pay. The money must come from somewhere. The restaurant should be established and operated as a club for the members of the House of Commons and the Senate, and, as urged, also for the members of the Press Gallery. I am quite in accord with my honourable friend from Antigonish. Members of the Press Gallery ought to be allowed to bring in guests. If anything wrong should occur, the privilege could be restricted. But I cannot understand why the Committee, in the exercise of judgment or common sense, should decide that while a member of the Press Gallery might come into the restaurant and obtain his meals there whenever he desires, he could not bring his wife with him. I would like some honourable member of the Committee, if he had any part in making such an arrangement to state for what reason any such line has been drawn. The member of the Press Gallery is permitted to go to the restaurant, and yet, if he is a married man, he is not permitted to bring his wife with him! It seems to me that the Committee has not given this matter proper consideration, and, not having given it proper consideration, they should be asked to do so. Before the old Parliament Buildings were destroyed I had the pleasure of going to the restaurant frequently, and I know that it was splendidly conducted. It was very much better conducted than the present restaurant is. Of course, there have been disadvantages through lack of accommodation, but that should not interfere with the provisions. The honourable gentleman from Pictou (Hon. Mr. Tanner) spoke of the fish. Any man who knows anything about fish knows that he never can get anything but stale fish in the restaurant. I prefer fish to meat, and, coming as I do from a fish district, I am a fairly good judge of fish, and I must say that in the restaurant I have never got a piece of fish that was not stale, and sometimes it was worse than stale. This is a very important matter. Again, there is a time during the Session, namely, the lenten season, when some special provision should be made for men who ask for fish. The Committee should see that fresh fish is provided. And there is no trouble in getting first-class, fresh fish in the city of Ottawa, because there is a car coming from Halifax twice a week.

I did not have the opportunity to read the report, which was presented on Saturday when I was absent; but I would urge upon the Committee to revise their rules, and if there is anything in those rules which would exclude the wife of a member of the Press Gallery, I want to declare here and now that I am utterly opposed to that and will vote against it, unless some good reason can be given to show me why the man should be separated from his wife, or the wife should not be allowed to go where he may go for a meal. It seems to me this point has not been given proper attention.

Hon. Mr. BOYER: Honourable gentlemen, just one word. The honourable leader

said at the beginning of the Session that it was the intention to make of the restaurant a first-class club. Now, if you take a guest into any club, whether first, second, or third-class, you must register the name of your guest with the steward at the desk. As to the restrictions regarding non-resident guests connected with the press, it is no great hardship for any gentleman of the press to say to a member of the Committee, "Allow me to introduce to you Mr. So-and-so from Vancouver," or, "from Halifax."

Hon. Mr. CROSBY: Does the honourable gentleman think that the wife of a member of the Press Gallery should be excluded?

Hon. Mr. BOYER: I am in favour of his wife, his cousin, or his aunt being admitted, as far as that is concerned.

Hon. Mr. POWER: The House may be somewhat surprised to learn that I am prepared to endorse this report without any qualification whatever. I think that, everything considered, the restaurant has been conducted very successfully. The food is good, as a rule; the cooking is not too bad; and the attendance is very good indeed. We are getting these meals, which are at least moderately good, at a remarkably low figure; and the one thing which I miss from the report of the Committee is a statement that in future Sessions Parliament will not be in a position to furnish meals to members at a loss. I think that we should add at least 50 per cent to the present price of meals. I do not think there is any question about that at all. I do not think that our restaurant should involve a heavy burden on the public purse. But as to the restaurant itself, I must say that I have been agreeably disappointed.

Hon. Mr. CROSBY: I would like to find out who is the Chairman of the Committee, or if there is any other member of the Committee who could give the information. I want to ask him whether there is any possibility of the Committee changing its views with regard to the rules?

Hon. Mr. DANIEL: Mr. Michael Steele is the Chairman.

Hon. Mr. CROSBY: We do not care for Michael Steele. We do not know anything about Steele. There must be some member of the Committee in this branch of the legislature who can give us some information.

The motion for concurrence in the report was agreed to.

BOARDS OF TRADE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

The Senate again went into Committee on Bill M5, an Act to amend the Boards of Trade Act.—Hon. Sir James Lougheed. Hon. Mr. Daniel in the Chair.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, it will be recalled that when we were last in Committee I moved certain amendments for the purpose of placing them on the Minutes, and stated that we would have the Bill reprinted if at all possible. The Bill, as reprinted, has now been distributed. As we have gone through the Bill already, I do not know whether honourable gentlemen will desire that we should do so again.

Hon. Mr. BOSTOCK: We did not go through the amendments which my honourable friend presented; but as they have now been incorporated in the Bill as reprinted, I think we ought to go through them so that we will understand what we are doing.

Sections 1 and 2 were agreed to.

On section 3—formation; association:

Hon. Mr. BOSTOCK: Would my honourable friend explain the object of that section?

Hon. Sir JAMES LOUGHEED: It is to permit of wider powers being exercised by an organization, such as a Board of Trade, than they can exercise under the present Act. There are many subjects that are not of a strictly commercial character, such as town-planning, sanitary problems, and other questions of that kind. This section will permit of a very much wider sphere of operations than has heretofore been adopted by Boards of Trade, or than they could have undertaken, because of the restricted conditions fixed by the present Act.

Hon. Mr. BOSTOCK: There is another point about this section. Those thirty persons who are enabled to form a Board of Trade need not be residents of the district at all; they can come from the outside and form this body in the district.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Is there any particular reason for giving that power?

Hon. Sir JAMES LOUGHEED: It is a very healthy thing sometimes to introduce new blood into organizations of this kind.

Persons may have interests in the community without being residents; they may have real property and other investments.

Hon. Mr. CASGRAIN: The Board of Trade in Montreal takes in all the surrounding country.

Hon. Sir JAMES LOUGHEED: Then there may be specialists along certain lines, who may be desirous of engaging in a propaganda for the promotion of public questions, and they might interest themselves in different communities, although not residents.

Hon. Mr. BOSTOCK: Is there not a danger that this might conflict with existing Boards of Trade, so that there might be struggles between the two?

Hon. Sir JAMES LOUGHEED: I understand that cannot be done.

Hon. Mr. BOSTOCK: That is provided for?

Hon. Sir JAMES LOUGHEED: Yes, so that there shall be only one.

Hon. Mr. BELCOURT: These Boards of Trade have no judicial functions—no authority to do anything.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BELCOURT: Purely advisory?

Hon. Sir JAMES LOUGHEED: Yes, purely so.

Sections 3 to 7, inclusive, were agreed to.

On section 8—annual summary; filing; penalty:

Hon. Mr. BOSTOCK: I suppose this section is to make every board throughout the country comply with these provisions.

Hon. Sir JAMES LOUGHEED: Yes; the absence of provisions touching returns was felt very much, and it is to overcome that difficulty.

Section 8 was agreed to.

The preamble and the title were agreed to.

The Bill, as amended, was reported.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

INDIAN BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 14, an Act to amend the Indian Act.

He said: This is another Bill to amend the Indian Act. The Bill proposes legislation on two points. The first feature, and the most important one, is to give authority to the Government to undertake the education of children of Indian parents. The Government now maintains certain educational institutions for this purpose, and under the Act powers are vested in the Government to permit of that laudable purpose being carried out. This Bill, however, contains additional powers, so that we may give the fullest effect to the steps that have already been taken and to the plans which have worked out most satisfactorily on the different Indian reserves in the Dominion. I think I need not elaborate on that subject, because I appeal to every honourable gentlemen whether it is not desirable that the Government should assume this responsibility, and take every reasonable measure for giving practical effect thereto. In the past the plan has worked out most satisfactorily; schools have been established upon the different reserves; they have been manned by competent teachers; Indian children have been taken from their parents and furnished with educational advantages and desirable influences, and many of them have become self-supporting and are today good citizens. It is necessary that this work be carried on to a greater extent than has been done in the past. What I might say is the corollary of that is the next feature of the Bill, namely, that we should enfranchise the Indians as quickly as possible. The fundamental principle that underlies all the work that is being done by the Government with reference to the Indians is that they should be qualified for citizenship. The Bill proposes that authority shall be given to the Government to enfranchise the Indian compulsorily. It shall not be left to his option, but shall be at the discretion and wisdom of the Government to say that when a given time is reached he is presumed to possess those qualities by which he may assume all the responsibilities of citizenship, and take his place and share the burden, with the other citizens of the Dominion. This provision is surrounded by every safeguard so as to ensure that no abuse will

follow from the authority which is being vested in the Government. Honourable gentlemen will probably appreciate the necessity of the effect given to this compulsory feature. The Indian has not those characteristics which make it proper to leave to his discretion, whether he shall assume responsibility or not. Up to the present time, and for some time to come, he is and will be the ward of the nation. But that condition must terminate some time; and when it is found that the Indian possesses the personal qualities and the qualities of experience and education necessary to the assumption of his duties as a citizen, the Government may take the necessary steps to declare him a citizen, and thus separate him from the Indian privileges which to-day he is enjoying.

These, in a few words, are the principles of the Bill. I think they serve a laudable purpose, and I am sure they will be supported by the House.

Hon. Mr. BOSTOCK: Honourable gentlemen, this Bill, I think, raises a very serious question with regard to the whole Indian situation in this country. My honourable friend referred first of all to the clauses of the Bill which deal with the question of the schools. He has said that under that clause the Department proposes to take in charge the education of the Indian children and to compel them to be educated. I think every honourable gentleman in this House is anxious to assist in promoting the education of Indian children, and to help them to prepare themselves so that they will be able to take their stand alongside the white men of this Dominion and become citizens of the country. At the same time, I think there is a great deal to be said against the Government taking power to take these Indian children away from their homes at the age of seven or eight years and put them in boarding schools. We all know that there is a certain amount of compulsion in regard to the education of white people; but nobody so far as I know has ever suggested that the Government should have the power to take children of white people away from their parents and send them to boarding school and insist upon their being educated there. I think it is a very serious matter indeed for the Government to undertake to take these Indian children in this way and to separate them from their parents and their home surroundings and to put them in boarding schools, which, if careful inquiry were made, I think we might find were subject to certain objections and not altogether satisfactory.

Hon. Mr. MURPHY: Will the honourable gentleman permit me to ask a question? Did he not have to send his own children to boarding school?

Hon. Mr. BOSTOCK: I sent my children to boarding school, but I did it because I considered that it was the best way to train them. But there was no compulsion on me to do it; the matter was left to my own judgment. I think that if the Government were to confine their powers to compelling the children to attend day schools on the reserves there would not be the same objection to it. I think the parents of these Indian children have as much right to be considered in this matter as the parents of white children. I think the course proposed by the Government is a very arbitrary one. The Indians are spoken of as the wards of the Government. The question of the condition of the Indians from one end of Canada to the other is a very important one, and I think we should endeavour to know what their real condition is. We are inclined to look upon them as people who do not know anything more than children, and we are inclined to think that therefore they have to be looked after. But there is another point of view from which the matter can be considered. The Indian has a mentality different from that of the white man. He looks at things in a different way; the course of his development has been along different lines from that of the white people, and consequently he will not view this question or any other question in exactly the same way that white people would. In view of this, I think we must very carefully consider their position, particularly in dealing with matters of this kind.

Another matter that must be taken into consideration is the arrangements that have been entered into with different bodies of Indians. It seems to me that there is a very serious question as to whether the Government has any right to ask for the power for which they are asking under this Bill—to take these children away from their homes and send them away to schools. If the Government could show that they had established day schools on the various reserves, where the children could be educated, there would not be nearly so much objection to compulsory education; and, from what I know of the Indians of British Columbia, with whom I am best acquainted, I think they have shown every desire

to have their children educated and trained, and that the children themselves have shown that they have a mentality that makes them capable of acquiring information and of responding very quickly to the training which they are given.

There is a further power which the Government asks for under this Bill, namely, the power compulsorily to enfranchise the Indians. That also is a serious question. The compulsory enfranchisement of the Indians means that eventually the reserves will be broken up and that the Government will be relieved of the necessity and the trouble of looking after the reserves and the affairs of the Indians as they do at the present time. I am informed that certain arrangements were made between the Six Nation Indians and the Imperial Government a great many years ago. At that time there was trouble between the American colonists and the Imperial Government, and there was some question as to whether the Six Nation Indians would take part with the colonists or with the representatives of the Imperial Government. They came to this country and an arrangement was made laying down certain conditions and granting them certain territories. In the year 1887 a return was brought down to the House of Commons dealing with all of the documents, as I understand, affecting the Six Nation Indians and their position. On page 5 of that return which is a copy of a grant to these Indians of practically all the land on the Grand river, I find these words:

> Giving and granting and by these presents confirming to the said chiefs, warriors, women, and people of the said Six Nations and their heirs the full and entire possession, use, benefit, and advantage of the said district or territory, to be held and enjoyed by them in the most free and ample manner, and according to the several customs and usages of them the said chiefs, warriors, women and people of the said Six Nations.

I understand that these people think that if this legislation goes into force their rights will be overridden, and that the Government will be in a position compulsorily to enfranchise them and take away their reserves.

Hon. Sir JAMES LOUGHEED: Each man gets his land.

Hon. Mr. BOSTOCK: Yes, but it breaks up the reserves. It breaks up their condition of life. Under their system those Indians live together in a community under the guidance and rule of chiefs, and it is their custom to meet together in council and to settle and arrange their own affairs. They have been trained in that way, and if they are compulsorily enfranchised, as I understand is proposed under this Bill, their whole system is broken up. I think it is a very serious matter that the Government should deal with this question in this way. I understand that at the present time there is on the statute book an enactment whereby Indians can become enfranchised if they wish, provided that they have advanced sufficiently, and have become sufficiently educated in order to take their place beside the white people of the country. In view of that provision, I cannot see why the Government should desire to have this power compulsorily to enfranchise the Indians against their wish.

Some reference was made in another place to the Indians not paying their debts, and it was said that, on account of their position at the present time on the reserves, they could not be given a line of credit by a storekeeper, an implement manufacturer, or anyone else. I believe that if a large number of white people could not get as much credit as they do to-day they would be better off and the country would be better off. The fact that the Indians cannot get credit is not altogether an argument in favour of this Bill. I think possibly the Indians may be happier and in a better position to-day than they would be if they were to get credit. It is acknowledged at the present time that no one would think of giving an Indian credit. If a man has anything to sell to an Indian he sells for cash, and if an Indian has not the cash he does not get the article which he wants to buy. That is thoroughly understood, and I think that the Indians are much better off under that condition than they would be if they were able to get unlimited credit, which in the end might mean that they would lose all the property they have.

This Bill, of course, has been under very careful consideration in the other House, and the members of that body have gone into a large number of questions relating to it. A Mr. Moses came before a Committee in another place, and the following question was put to him:

> When in your opinion should the Indians be enfranchised?

To this he replied:

> That is a very hard question to answer. We would place it this way; give us an opportunity to prepare ourselves, let us have a meeting and bring these matters before our people and let them know what is going on. Let me try and make a point right here—my own father was a hard-working man; he started with nothing

and he has reared a family of ten; we are all on that reserve at the present time. He has worked hard and what he has made is going to be distributed among his family. But, gentlemen, if you call upon him at the present time to become an enfranchised man, and to be taxed up for his fee, and everything else, it is just simply impossible; he cannot do it, because he has never expected such a thing; you have never suggested it to him and he has never thought of such a thing. If you give us to understand that this is going to come, from this time forward, I will go home and I will prepare myself and my family for that time when we are going to become enfranchised and that will be the fair British way of doing it. And any parents on that reserve, who have reared their family of children, will be placed out on the road if this Act goes into force in its present form. I claim that we ought to strike the happy medium. I know that our Council has opposed this department in everything.

The League of Indians of Canada also passed a resolution one of the clauses of which reads as follows:

The League of Indians of Canada as an association is not unalterably opposed to the principles of enfranchisement so long as it is based upon educative ideals and the proper training for the eventual assumption of the individual for the highest status of citizenship involving all its responsibilities. At the outset, the will and pleasure of the individual to assume the role and status should be based on the true principle of self-determination, but by no means or measures of coercion. Any intention of this order should be also by concurrence of a wife —if man is married—in order that separation, divorce and estrangements may not be encouraged. And such intention should be a matter the council or chiefs and band should be fully advised primarily.

That is an expression of opinion which was laid before the other House, and I think it would be of interest to this House to know the feeling of some of those people who appeared before the Committee in another place.

We have placed in our hands a statement in reference to Bill 14. It is of considerable length, and I do not want to weary the House by reading the whole of it, but at the same time I think I should put before the members of this House some of the points raised in it. It says:

2. Judging the Bill from the actual effects it would have, we see in it a most serious attack against the position of all tribes in Canada and especially those of British Columbia for the purpose of

(1) Breaking up the tribes.

(2) Destroying their status.

(3) Preventing their obtaining recognition of the tribal rights guaranteed them by Imperial enactment.

(4) Preventing the Nishga tribe from proceeding with its Petition now before the Privy Council.

(5) Breaking up the reserves so these lands may rapidly become possessed by whites.

(6) The making of a large number of Indian vagabonds.

3. We consider the following features of the Bill are unjust, undemocratic, and detrimental to our best interests.

(1) The feature of compulsion.

(2) The unlimited and autocratic power which it is proposed to confer on the Superintendent General.

(3) In exercise of that power the Superintendent General may at any time destroy the very existence of a tribe by enfranchising all its members.

(4) He may at any time on recommendation of Indian agents or others forcibly separate from the tribe by enfranchisement any Indian who takes an independent stand or is active against the autocratic decrees of the Indian Department or its agents.

(5) He may at any time divorce from the tribe its best and most capable men by enfranchising them.

(6) The Bill sets out no definite standard to be attained by individuals preparatory to enfranchisement. Not over 5 per cent of the Indians of British Columbia are educated and some tribes have been in contact with whites only since about 1875.

(7) The Bill does not contemplate treating with the Indian tribes, nor does it in the slightest degree provide for the obtaining of their consent or views.

(8) The Bill throughout ignores the rights of the tribe and assumes that reserves and other properties belong to bands.

(9) The Bill proposes the breaking up of the reserves without the consent of the Indians who thus have no voice in the disposal of their property.

However advantageous any one may think Bill 14 to be, we consider it fundamentally unjust to lay violent hands on the Indian tribe, break its status, and divide up its lands by compulsory methods. If it can be demonstrated the Bill will be advantageous to us, the only just way is to treat with us and make us parties to any arrangements.

These are some of the objections taken to this Bill 14, and I think they are very serious objections. Legislation of this kind will not be acceptable to the Indians and will have the effect of stirring up serious dissatisfaction and unrest amongst them. We have been told by the Government on more than one occasion this Session that there exists a condition of unrest throughout the country, amongst other people besides the Indians. Every honourable gentleman in this House, I am sure, is anxious that the present discontent should be allayed as much as possible, and it is very undesirable to bring in legislation which, according to what I have read to-day, is not viewed with satisfaction by the Indians and will have the effect of adding to the unrest now prevailing. I therefore very much regret that the Government have brought down such a measure and are endeavouring to obtain this compulsory power at the present time.

I would urge that this matter be held over and that the whole situation be considered from the point of view from which I have tried to present the case. The Government should take further evidence from the Indians and try to please them instead of seeking to exercise compulsory power.

Hon. Mr. FISHER: As the honourable gentleman who has just taken his seat referred more particularly to the Indians on the Six Nations reserve, I would like to say a word or two. The Six Nations reserve is situated in the riding which I formerly represented in the House of Commons. It is a reserve of about 5,000 Indians, and I think I may safely say, and it will not be contradicted, that they are among the most intelligent bands of Indians in the Dominion of Canada. So far as the franchise is concerned, I believe that very many of them, perhaps the majority, would be able to exercise the franchise just as intelligently as any white man in the Dominion of Canada. They are, however, objecting to this Bill on the ground that they do not want to be compelled to be enfranchised. I may say that in years past they have on different occasions asked that the franchise be granted them; but they do not wish to have it forced upon them. They take the ground that they are allies of Great Britain and not subjects. They have always taken that ground. I understand they now have before the Governor in Council a petition asking that their case be referred to the Supreme Court, or to some other court having jurisdiction, in order that their status may be defined; and they wish that until that status is defined they should not come under the provisions of this Bill. We had an interview this morning with the Deputy Superintendent General of Indian Affairs, and it was to my mind very satisfactory. He gave them assurances which, I think, should be satisfactory to them, and are certainly satisfactory to me. The representatives of the Indians—there are three of them from the Six Nations present to-day—stated that the assurances were satisfactory to them. They would of course prefer to have the whole section in regard to compulsory enfranchisement thrown out, but, that not being possible, I think that, as far as the Six Nations are concerned at any rate, the matter is in a satisfactory condition. I have referred to this more particularly because the honourable leader of the Opposition mentioned specifically the Six Nation Indians. I believe there is in the Bill a clause by which, if an Indian is to be given the franchise, the Governor in Council will not bring it into force for two years unless requested by the applicant to do so. That will give ample time for full investigation and, if necessary, for looking further into the matter. For my own part I cannot see that there is any great objection to the Bill. As I have said, if the Indians get the franchise, they will exercise it intelligently. The only thing they object to is compulsory enfranchisement but, according to the arrangement that we have made with Mr. Scott, I think that objection, at least so far as it concerns the Six Nations at present, has been removed.

Hon. Mr. McLENNAN: It seems to me that, in view of the splendid record that Canada has had in the past regarding our treatment of the Indians, we ought to be extremely careful not to do anything that would lower our reputation in this respect. The behaviour of the Indians has also been extremely good, and is an evidence of the manner in which the Department of Indian Affairs has cared for them and protected their interests. I think we have a right to depend on that. Unless I misread this proposed measure, there is no case here for compulsory enfranchisement. Section 107 says that the Superintendent General may appoint a Board to make inquiry and report as to the fitness of any Indian to be enfranchised, and when the report is received the Governor in Council may by Order enfranchise such Indian. It seems to me—I speak subject to correction—that this only gives permission to the Department of Indian Affairs to take such steps when they are necessary, and that in view of Canada's reputation for the treatment of the Indians, we may depend upon the Department, after the investigation, to take such action as is in the best interest of the Indians and of the country. If this clause had been different—if by the use of the word "shall" instead of "may" the Government would have to take up the case of every Indian in the country—I should have been more inclined to agree with the honourable leader of the Opposition (Hon. Mr. Bostock). As it is, I think we can support this Bill and may depend, as Canada has depended in the past, on the wise and proper administration of the law in the interest of the Indians by the Indian Department.

Hon. Mr. McHUGH: May I ask the honourable leader of the Government, has there been any request made by the Indians from any part of Canada to be enfranchised

by this Bill, or have they, before the Committee of the other House, strenuously opposed this enfranchisement being forced upon them in the manner proposed? I understand that, with one bare exception, the Indians from British Columbia, from Quebec, from New Brunswick and wherever else they came from, have all opposed it, and the only exception was an Indian who, when asked whom he represented, said he was invited there by the Superintendent General of Indian Affairs.

Hon. Sir JAMES LOUGHEED: In answer to my honourable friend's question I would say that many tribes of Indians have been looking forward to enfranchisement, but the difficulty lies in the carrying out of any system of enfranchisement without the Government having authority to make a proper investigation and to take action as a result of that investigation. To leave the matter purely optional is impractical and would not accomplish the desired end. It seems to me—and it must appeal to every honourable gentleman present—that the point must ultimately be reached where the Indians will become citizens, exercising all the rights, obligations and privileges of citizenship, and I cannot appreciate or understand how we are to arrive at that very happy consummation of our wish unless we lay down a well defined policy to bring it about. Every honourable gentleman will concede that the Government of Canada cannot continue for all time to be the guardian of Indians who by a proper process of education, might become as fit for citizenship as any other class in the community. To say that we should not adopt a well-defined scheme whereby, upon the closest inquiry and examination, we may determine who are fit for citizenship, would be equivalent to saying that the Indian must for all time remain helpless and must never become a citizen; that he must rely upon the Government for wardship.

Hon. Mr. McHUGH: He can become enfranchised now if he so desires. If he asks for enfranchisement the request is considered, and if he is intelligent enough to use his franchise he is permitted to use it under the present law, without any compulsory feature. It is the compulsory part that the Indians object to; they object to enfranchisement being forced upon them.

Hon. Sir JAMES LOUGHEED: As my honourable friend from Cape Breton (Hon. Mr. McLennan) has pointed out, the Indians will have a good deal to say about it themselves. This contemplates the appointment of a board including representatives from the Department of Indian Affairs and a member of the Indian band selected by the band themselves, to make inquiry into the fitness of each man. As an additional safeguard it is provided that the Governor in Council "may by order direct that such Indian shall be and become enfranchised at the expiration of two years from the date of such order or earlier if requested by such Indian." So there is a probationary period of two years during which the Indian may avail himself of the responsibilities about to be assumed. He then has transferred to him the land which he has occupied upon the Indian reserve, and whatever interest he may have in the funds of his band, and in that way he goes forth as fully equipped for the exercise of citizenship as any other member of the community. Unless we adopt some well-defined policy of this kind, by which in the process of time we may bring about the enfranchisement of the Indians, it must be obvious that for all time we shall have to look after the Indians as wards of the nation, and that is undesirable.

Hon. Mr. BELCOURT: I must confess I am not convinced that a man can be fit for citizenship who does not want to become a citizen. I should think that the first essential qualification for citizenship is the desire to be a citizen, and if a man is lacking in that requirement it does not matter what other qualifications he may have. What kind of citizen are you going to make of a man who must be compelled to become a citizen?

Hon. Sir JAMES LOUGHEED: I do not want to interrupt my honourable friend, but I would ask him to consider the principle which will be invoked in the case of the inquiry:

> It shall be the duty of the Board to take into consideration and report upon the attitude of any such Indian towards his enfranchisement, which attitude shall be a factor in determining the question of fitness....

So it is quite apparent that if the Indian did not choose to qualify he should not be brought within the clause.

Hon. Mr. BELCOURT: I do not know. I am afraid that this is all wrong—to make a man a citizen against his will. The man upon whom citizenship is forced will be a very disappointing citizen. I doubt very much if that kind of man can become a good citizen. I should think that in this respect, as in regard to many other things, such as character and morality, it is necessary for the

person to be educated and convinced; and for my part I doubt very much that it will be for the good of the Indians, or for the good of the community, to make the Indian a citizen against his will.

Hon. Sir JAMES LOUGHEED: Do you not think he would be equal to many of the aliens who have come here from the slums of Europe?

Hon. Mr. BELCOURT: But you require them to be in this country for five years; and citizenship is a privilege—

Hon. Sir JAMES LOUGHEED: But they do not improve very much.

Hon. Mr. BELCOURT: It is a privilege you are conferring upon the immigrant, and he is asking for it. If he is fit for citizenship it may be granted to him, but it is not necessary to grant it. Here the position is reversed: you proceed on the ground that the Indian must become a citizen whether he desires it or not.

Hon. Sir JAMES LOUGHEED: No, we do not; we consult his attitude in regard to it.

Hon. Mr. BELCOURT: My honourable friend used the word "compulsory."

Hon. Sir JAMES LOUGHEED: Perhaps I used it inadvisedly. I withdraw that.

Hon. Mr. BELCOURT: But whether my honourable friend uses the word or not, the effect of this is compulsory, and for my part I am very doubtful about it.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Crosby in the Chair.

On section 1 (new section 9, subsection 2)—power to declare any school to be industrial or boarding school:

Hon. Mr. BOSTOCK: My honourable friend led the House to assume that there are a number of day schools established throughout the country. Can he tell us on what reserves the Government has established day schools?

Hon. Sir JAMES LOUGHEED: I cannot give my honourable friend a list of the many day schools which we have. We have over 300 day schools on different reserves, and we have a large number of boarding schools. While on my feet may I point out this—and honourable gentlemen will, I think, appreciate it when I mention it—that in many cases it is very desirable to take the children away from the demoralizing influences which surround them in their homes. The children are placed in those boarding schools, under not only moral but religious influences, every regard being paid to the religion of which they are adherents. It is desirable to keep them away from the immoral influences which surround them not only very frequently upon the reserve, but also in the particular home to which they belong. If they drop back there they fall under those deteriorating influences. It is very desirable to keep them segregated. There may be conditions which warrant us in having the children sent to day schools on the reserves to which they belong, for there are many Indians who realize their obligations and take an interest in their children. On the other hand, there are others who do not do so. It must appeal to all, I think, that if the children are brought up in properly-conducted educational institutions they must in a very short time become qualified for citizenship. Certainly the influences which surround them will be of a more salutary character than if they were left in immoral homes.

Hon. Mr. BOSTOCK: There is no doubt there may be homes wherein the conditions are such as my honourable friend depicts, but I am afraid that there are also boarding schools in which the conditions are not what we would like to see them. I think it is a very serious matter that the Government should be taking those children away compulsorily from their parents and putting them in boarding schools. We all know that in a school of that kind there may be undesirable children, and one bad child may have a very serious effect on a large number of others. I do not say that the Department does not exercise every care they possibly can to prevent that kind of thing, but I think this plan is open to very serious objection.

Hon. Mr. TURRIFF: I would like to know what proportion of those schools are directly under the Department of Indian Affairs and what number of them are run by the different churches.

Hon. Sir JAMES LOUGHEED: A certain number of religious denominations enter into contracts for the carrying on of boarding and industrial schools, and the children belonging to those particular denominations are entered in those schools,

but they are all subject to inspection and regulation by the Government, just as much as if they were conducting the different classes in those schools.

Hon. Mr. TURRIFF: That does not answer my question. I would like to know what proportion of the education of the Indian children is directly under the Government. My experience has been that it is unsatisfactory to have the different churches running Indian schools and the Government paying for them. What I want to know is what proportion of the schools are conducted directly by the Government.

Hon. Sir JAMES LOUGHEED: Some of the day schools are conducted by the Government, but most of the schools are under those religious denominations to which the children belong—the Anglican schools, the Catholic schools, the Presbyterian schools, the Methodist schools. Those four denominations, in fact, control all of them.

Hon. Mr. TURRIFF: It seems to me it would be much better if the Government undertook the education of the children directly.

I would like also to ask a question in regard to those children in the boarding schools. I have understood that they go in at an early age and are kept there for six, seven, or eight years. What is the record of the children when they grow up to be young men and young women? My experience in the West was that in most cases when you educated an Indian child in that way you spoiled a good Indian and made a poor citizen. Those children are taken away and kept for a number of years from the surroundings in the agency or reserve; they are kept at school; and, after five, six, seven, or eight years of that school life, where they are educated among children many of whom are bright and clever at their books, they are more or less ashamed of their parents and do not like living at home. Then they are left to themselves, and what is the result? It is that they practically fall back to the Indian mode of life, and then you have a citizen with a pretty good education following the Indian mode of life; so that in the end he does not make a very good citizen. I would like to know if the Department has any record of what these children do in after years, because they have been turning out these educated young Indians for the last fifteen, twenty, or twenty-five years, and there should be some good record now as to what has become of them. Have they become teachers, doctors, lawyers, or farmers? And do the girls take any part in the community? They do not make very good servants; they are spoiled for that by their education. I would like to know if the Department can give any information as to what has been the result of this teaching, and whether the scholars have become good citizens and are making a success in life. My experience, I must say, would incline me to think that the answer would be against bringing them up in that way.

Hon. Sir JAMES LOUGHEED: I cannot produce statistics or data that would appeal to my honourable friend, except to say this, that the results are fairly satisfactory to the Department, considering the nomadic disposition of the Indians and other conditions which have to be overcome. You cannot expect to take the children of Indians, who have been nomadic for centuries, and civilize them at once; but many of those children who are educated in those industrial schools are placed in various channels of life and are doing very well, many of them learning trades; and there are successful colonies of those educated Indians settled on the reserves. I am informed that the parents of the children who went through those schools are beginning to appreciate the very great advantages that come from the influences which surround them in the schools. I live in a section of the West where I come more or less in contact with Indians, and I know many Indians who have accounts in the chartered banks; they come in and draw their cheques and do business just the same as any other man in business. When I first went to the country those Indians simply roamed about the streets with a blanket about their head and were looked upon as incapable of citizenship.

Hon. Mr. TURRIFF: Are they farming?

Hon. Sir JAMES LOUGHEED: Yes, many of them are farming and stock-raising. They bring in their products into market and sell them as advantageously and with as much business acumen as if they had been engaged in business for many generations.

Hon. Mr. TURRIFF: I just want to say, in conclusion, that if the Government would inaugurate a policy of giving the education directly, and do away with all the churches in the Indian communities, I think they would do it a mighty sight more successfully.

Hon. Mr. BOSTOCK: I should like the leader of the Government to tell us how often the Department holds an inspection of those schools so that they may know what is being done.

Hon. Sir JAMES LOUGHEED: They have travelling inspectors.

Hon. Mr. BOSTOCK: How often do they get a report?

Hon. Sir JAMES LOUGHEED: Then, in addition to the various inspectors and superintendents they visit those reserves. The agent of each reserve is charged with the duty of exercising more or less supervision over any educational work that is being done on the reserve, and those agents from time to time report to the Department. They are always prepared to give information as to what is being done and as to whether it is being done satisfactorily or otherwise.

Hon. Mr. BOSTOCK: I have an amendment to section 1, new section 10, line 20, after the word "officer," to delete the words, "and shall have authority to enter any place where he has reason to believe there are Indian children between the ages of seven and fifteen years," and to substitute the following: "but no child shall be forced to attend an industrial or boarding school without consent of his or her parent or guardian." It does seem to me that this idea of forcing these children to go to those boarding schools, taking them away from their homes, is very unfair to the Indians, and is exercising too strong power on the part of the Government. It means practically breaking up their homes.

Hon. Sir JAMES LOUGHEED: We are doing that now. There is no necessity for the Bill if you strike that out.

Hon. Mr. BOSTOCK: Yes, there are other things in the Bill besides this particular question of education; but there seems to be no necessity for that particular clause.

Hon. Sir JAMES LOUGHEED: We are taking those children now and educating them; but we find that, after establishing schools, equipping them and assuming all the expenses incident to their maintenance, we cannot get sufficient children. We have either to abandon the schools and the provision we are making at considerable expense for the education of the children, or take the authority to secure children in this way. Which course will my honourable friend prefer to take?

Hon. Mr. TURRIFF: Shut up the schools.

The amendment of Hon. Mr. Bostock was negatived, and section 1 was agreed to.

Section 2 was agreed to.

On section 3—enfranchisement of Indians:

Hon. Mr. TURRIFF: I would ask if many Indians are applying now, under the existing conditions, for enfranchisement?

Hon. Sir JAMES LOUGHEED: Yes, Mr. Scott informs me that a goodly number are applying for enfranchisement.

Hon. Mr. BOSTOCK: Can my honourable friend tell us how many Indians have been enfranchised up to the present time?

Hon. Sir JAMES LOUGHEED: About 400.

Hon. Mr. BOSTOCK: Throughout the whole of Canada?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Have any Indians been enfranchised in British Columbia?

Hon. Sir JAMES LOUGHEED: No, I understand not. They will probably see the necessity of becoming enfranchised and coming down here to represent their friends.

Hon. Mr. BOSTOCK: My honourable friend, on the second reading of this Bill, in answer to the honourable gentleman from Ottawa (Hon. Mr. Belcourt), stated that a Board is to be appointed consisting of two officers of the Department of Indian Affairs and two officers from the band to which the Indians belong; but, if I understand section 1, it puts the power into the hands of the Superintendent General to make such appointment without being required. It does not stand to reason that a Board is to be appointed because it says the Superintendent General may appoint.

Hon. Sir JAMES LOUGHEED: Subsection 2 must be read in connection with subsection 1.

Hon. Mr. BOSTOCK: But my honourable friend sees that a report can be made without the appointment of any Board?

Hon. Sir JAMES LOUGHEED: That is a wrong interpretation of the statute. It presupposes that everything in subsection 1 has been done before the report mentioned in subsection 2 is made.

Section 3 was agreed to.

Sections 4 and 5 were agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

SHIPBUILDING BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 199, an Act to assist Shipbuilding.

He said: Honourable gentlemen, this Bill introduces into the shipbuilding industry a factor in which we are all more or less interested. I do not need to point out that during the recent Great War a very great impetus was given to shipbuilding in Canada. Previous to the war we had reached a point when it looked very much as if the industry of shipbuilding would be largely confined to European countries. But necessity very frequently develops resourcefulness in people as in individuals; and immediately we found ourselves involved in the war we entered upon this very important industry, which has developed to a wonderful extent—in fact, to an extent which has far exceeded our anticipations. To-day we have no less than seventeen shipyards throughout the country carrying on this industry, many of them doing a business far in excess of their most sanguine expectations. It is estimated the shipyards of Canada are capable of turning out a maximum net tonnage of 250,000 tons a year, and employing something like 25,000 men. An industry which is capable of producing this tonnage, and of employing this number of men, together with many industries that are germane to it, must necessarily be of inestimable advantage to the industrial life of the country.

Now that shipbuilding has become revived to a great extent in Europe, and now that a new impetus has been given to it in the United States, it becomes incumbent upon the Government of Canada to consider in what way it can keep alive the industry that it has been building up during the last five years.

Many applications have been made for assistance, and many suggestions have been made to the Government. I may say that the great progress to which I have referred could never have been made but for the very valuable assistance which from time to time was given to this industry during its infancy; but the Government feels that the time is gone by when this industry can be supported by direct grants or by the payment of extraordinarily large amounts for the production of the tonnage which we are to-day receiving. To make a long story short, honourable gentlemen, we have discarded the idea of giving bonuses or of entering into contracts for the building of ships at a certain rate per ton, and it is proposed that a system of loans shall be adopted, whereby the Government of Canada shall advance to the purchasers of ships 50 per cent of the cost of the ships, and shall take back, mortgages upon the ships by way of security for the amounts advanced.

Hon. Mr. THOMPSON: Does the Government purpose floating those notes? The Bill says it is to endorse the notes.

Hon. Sir JAMES LOUGHEED: The Government does not advance the money, but endorses the notes and assumes a liability of 50 per cent of the cost of the ship. A mortgage is taken from the purchaser, and the ship is registered in the Canadian register.

With regard to foreign ships, while the Government is prepared to give every financial assistance, security which must be ample will have to be furnished to the Government, because, of course, those ships will be of foreign register. Some of the European nations, particularly France, are willing at the present time to enter into contracts with our shipyards for the turning out of a substantial tonnage, more particularly if this assistance is granted.

Under the circumstances it seems to me that if the provisions of the Bill are administered so that proper security is taken, the Government would be amply secured for the amount of the guarantees. I may say that these guarantees will be on a much more satisfactory footing than the guarantees which have been given to our railroads. We have guaranteed bonds amounting to very large sums for the building of railroads, and, in order to realize upon them we have had to adopt in many cases legislation which was not of the most popular charcter. Here is a clean-cut proposition which in my judgment can be realized upon at any time. I doubt if there is any ship which would not realize in the

open market 50 per cent of its cost; and if there is any default in the early stages of the transaction the Government can at once realize, as it will be its duty to do, upon the security.

Hon. Mr. CROSBY: The ships will be insured?

Hon. Sir JAMES LOUGHEED: Of course, there will be insurance just the same as in the case of a loan company advancing money upon a building property and taking insurance for the amount advanced.

Hon. Mr. BOSTOCK: Honourable gentlemen, the leader of the Government has said that the purpose of this legislation is to some extent to find employment for large numbers of men employed in the shipbuilding industry in Canada. If I recollect aright, he went on to say that the shipbuilding industry in Canada, which was started as a result of the war, has been a very great success, far exceeding anything expected of it when it was first started. That being the case, it seems rather curious that we should now be asked to assist that industry and to find work for those 25,000 men who are engaged in the shipyards.

If I am rightly informed, the labour situation throughout the country is such that no man who wants to work has any difficulty in finding work; and, if for the time being there should be a slackness in the shipyards, I fail to see why the men employed there should not be able to find work elsewhere. We know, of course, that in countries like England, where a great deal of that kind of business is carried on, shipbuilding has its ups and downs, and that there are times when work is slack and men have to be laid off. I presume that we in Canada have to face a similar situation.

The argument of my honourable friend, as I understand it, leads to this. We are being asked to guarantee this money in order to keep the shipyards going. During the present Session the Government brought down a report of the Canadian Government Merchant Marine, Limited; and in looking over that report I find the following shipyards mentioned: The Wallace Shipyards, Limited, Vancouver; J. Coughlan & Son, Vancouver; Davie Shipbuilding Company, Levis, Quebec; Tidewater Shipbuilding Company, Three Rivers, Quebec; Canadian Vickers, Limited Montreal; Nova Scotia Steel & Coal Company, New Glasgow; Collingwood Shipbuilding Company, Kingston; Collingwood Shipbuilding Company, Collingwood; Harbour Marine Company, Victoria; British-American Shipbuilding Company, Welland; Port Arthur Shipbuilding Company, Port Arthur; Halifax Shipyards, Halifax; Dominion Shipbuilding Company, Toronto; Prince Rupert Dry Dock Company, Prince Rupert; Midland Shipbuilding Company, Midland. That is a total of fifteen shipyards in which the Government at the present time apparently is having ships built for which, I understand, the country is putting up the money. My honourable friend referred to seventeen yards. When we go into Committee I hope he may be able to tell us what the other shipyards are, because I think it is very important that we should know all the particulars of the yards before making these guarantees.

Most of these shipyards, I think, have been built up as a result of the policy pursued during the war, first by the Imperial Munitions Board and afterwards by the Dominion Government, of finding money for the building of ships. According to the list which I have before me, at the time this report was brought down to the House some 44 vessels were being built in these various yards. I presume that some of them have since been completed, and are probably no longer in the yards. When this report was laid before Parliament 19 vessels had been completed, and 44 were still in the various yards, making a total of 63 vessels, which had been built or were being built for the Dominion Government. The total tonnage of these 44 vessels, according to the report, is 280,530 tons. I have not seen any statement as to the length of time it takes in these various shipyards to build a vessel, and I think it would be of interest to know how long the work at present going on in these yards will keep them employed.

My honourable friend has referred to the matter of guarantees, and to the fact that we had adopted a policy of guaranteeing railway bonds. It is not necessary to take up the time of the House in going into the railway situation of the country. We started in by guaranteeing railway bonds and ended up by taking over the railways; and now we have to find the money to keep them going. Remembering the railways that we have on our hands, I very much fear that later on we may find ourselves with these ships on our hands too, and will be in a position where we shall have either to face a loss or put up more money in order to keep the ships going. There is another difficulty that I foresee. Whereas the railways are in this country, and in handling them we have the competition of only one corporation, which is a Canadian corporation, when it comes to handling ships we shall

be in competition with the whole world, and shall have to deal with a very different situation. Further more this shipbuilding is being done at a time when the cost of everything is exceedingly high. My honourable friend has said that we are going to guarantee only 50 per cent of the value of a ship; but it may be found when the ship is launched that 50 per cent of the value at the time the contract was made, owing to the altered conditions throughout the world, and a reduction in the cost of materials, and that kind of thing, will represent a great deal more than the actual value of the ship.

This question of the building of ships at the present time is a somewhat complicated one. I understand that in another place there has been some discussion on the question of the Government also putting up some $20,000,000 for the purpose of building ships. I suppose my honourable friend can tell us when the Supply Bill comes down whether that is being done. If we are asked to put up $20,000,000 for the purpose of helping to build ships under the direction of the Government, and are also asked to guarantee the notes of the purchasers, which I presume will be floated in the United States, because that is about the only country in which at the present time money can be had, it seems to me that we are being asked to provide a very considerable sum of money.

There is one more point to be considered. To-day the Canadian dollar is at a discount of some 15 per cent in the American market. If we were in a position to find this money within our own boundaries and to handle this matter ourselves it would not affect in any way the question of exchange; but if these notes are to be endorsed by the Canadian Government and the money is then to be found by some financial corporation in the United States, it means that a large amount of Dominion Government notes will be floating about in the United States, and that the rate of the exchange between the two countries will be seriously affected. I did not notice that my honourable friend made any reference to that matter. Probably he will be able to give us further information upon it when we go into Committee on the Bill.

If Canada were in the position which she occupied when she was guaranteeing the bonds of the railways, this would be a very different question; but to-day we have a very considerable debt; and if the Government has decided—as I understand they have and rightly so—that we will not go any further in the borrowing of money for the purpose of carrying on the affairs of this country, it seems to me that the proposals contained in this Bill are not consistent. We may not be borrowing money directly, but we are doing it indirectly by endorsing the notes of the shipbuilders. I think this is a very questionable policy, and I think that our experience in guaranteeing the bonds of railway companies has not been such as to inspire one with confidence that the policy now proposed is in the interest of the country.

I think it would have been better to have faced the situation. If these shipyards that have been referred to are not in a position to get business and cannot keep going, we had better face the situation and see where we stand. To my mind it is a question whether Canada is really in a position to build ships in competition with the other countries of the world. The other day some honourable members of this House, myself amongst them, enjoyed the privilege of listening to a speech made by a gentleman well known in the shipbuilding business of the West, who came here, as I understand, on his way to England. He is a hard-headed, shrewd business man who has built up a considerable fortune for himself. But I have not read that he has thought it advisable to try to get ships built in Canada at the present time. Of course, there may be reasons why the particular class of ship that he is anxious to get cannot be built in this country. But I do think that we are in a very serious position and we ought very seriously to consider this whole situation as to whether it is advisable for us to attempt to carry on this shipbuilding business, which must be carried on in competition with the whole world and which we cannot assist in the way that other businesses have been assisted in this country, by putting on a protective tariff.

I noticed that in my honourable friend's speech there was one "if"—that he qualified his statement by saying that if this matter were properly handled and carefully looked after, it would result satisfactorily and be a success. But we are entering upon an entirely new business. This legislation is brought down in the very last days of the Session, and honourable members of this House, at any rate, have not had sufficient time to consider it and to realize fully what its effect may be. It is questionable whether it is in the interest of the country for this Bill to pass at the present time.

Hon. J. S. McLENNAN: Honourable gentlemen, I might recall to the House that a couple of years ago, or perhaps earlier, I made some remarks in reference to shipping, which tended to show that it was inadvisable for Canada, as Canada was then circumstanced, to attempt to encourage shipbuilding by the ordinary processes of a bounty on yards or a bounty on tonnage produced. The scheme presented in this Bill seems to me to involve none of the disadvantages which are connected with the ordinary schemes for the promotion of shipbuilding.

I did not understand the honourable leader of the House to say exactly what was attributed to him by the honourable leader of the Opposition, namely, that this measure was introduced in order to keep some 25,000 men employed and certain yards busy. At a time when there is need for thousands and tens of thousands of men in Canada, it would be foolish to spend any of the country's money, or even to embark the credit of Canada in trying to find work for them in that particular way. The situation, it seems to me, is this. Canada in shipbuilding, as in the manufacture of munitions, displayed an extraordinary and unlooked-for ability, both as to the volume and the cost of production. My honourable friend on the other side who shakes his head has had some experience in this connection and knows that a great proportion of the munitions produced, the last part of them, was produced in competition with all the manufacturers of this continent; namely, that part supplied by Canadian firms to the American Government. But be that as it may, we have shown that we could build ships, at all events, vastly nearer the cost at which the English yards, the best in the world, were producing ships. The cost in Canada was astonishingly near that of the English yards.

What Canada is doing to-day is giving an opportunity to anybody, particularly any foreigner, who wants to build a ship and who will find 50 per cent of the cost of it. The Government will finance the other 50 per cent of the cost, for say about three years from the time of the completion of the vessel. The Bill says 57 months. Well, the vessel would take one year anyway to build. That would mean, at the most, something under four years that the Government would be carrying that particular burden. It seems to me that the provision of that 50 per cent would be substantial assistance, and that the shipbuilding yards in Canada would produce ships at a much better cost, as compared with English costs, than any firm that now has an opportunity of taking part in the work and getting business. If there are any French people, or any people in some other European country, who want to build ships and can find 50 per cent of the money, we will finance the other 50 per cent.

I cannot agree with my honourable friend the leader of the Opposition as to there being a parallel between the guaranteeing of railways and the guaranteeing of ships. The railway is built under a guarantee, and if there is not sufficient traffic between the two terminal points on that railway to make it pay, the guarantor will be called on—the country will lose. If this Bill is enforced you will get the ship for 50 per cent of the cost, and that 50 per cent will be reduced every few months that the ship is available for trade in any part of the world.

Shipbuilding has been extraordinarily successful during the war; but it must also be remembered that for six or eight years before the war the shipping trade of the world was enormously profitable. It must be profitable in decreasing degree if we are to get onto a sound basis, but it seems to me that within the time for which this guaranteeing is done—if, as the honourable leader of the House says, these contracts are carefully entered into—there is a reasonably good prospect of building up and strengthening the shipbuilding industry in this country with the minimum of risk to its people.

Hon. J. G. TURRIFF: Honourable gentlemen, I wish on this occasion to put myself on record as being absolutely opposed to any proposition of this kind. You would think, when we are asked to guarantee money for building ships for France and other European countries and for people who want ships at home, that Canada was in a beautiful position, ready to lend money to anybody if the security was at all good. It looks to me as if the Government were embarking upon a policy simply to help out or to keep up the big interests that were started during the war, when conditions were not normal. This is exactly along the line of giving $25,000,000 to Greece and $25,000,000 to Roumania. It is all very well giving out the money, but sometimes it is a very different matter to get the money back.

My honourable friend (Hon. Mr. McLennan) who has just taken his seat

thinks that 50 per cent is quite safe to advance on ships; and so does my honourable friend the leader of the House. Well, it may be, and it may not be. In the lending of money on real estate, the most that any one will lend is 50 per cent of his own valuation of the property, to be safe; and very often he is not safe. Here you are building ships to-day at double the cost or more than double the cost, at which ships could be built a few years ago, and at a higher cost than ships will be built in other parts of the world with which our ships will have to compete. At the end of four years from the time these ships are completed conditions may have changed very much, with every shipbuilding country on earth straining every nerve to build ships. In England they are building as never before. I am not aware of what France is doing; but, knowing what the French nation are and what they can do, I am satisfied that they are building to the utmost limit. Four years from now the situation may be very different: shipping may be a drug on the market; there may be more ships than you can find freight for; and in that case, I venture to say, those ships will be put on the market and sold, and you may not get anything like 50 per cent of their value.

Hon. Mr. McLENNAN: May I call the honourable gentleman's attention to the fact that under this Bill the ship would practically be paid for in four years.

Hon. Mr. TURRIFF: Honourable gentlemen, I have known many cases in which money, loaned on more secure property than a ship, was to be paid off in five years, perhaps in five equal payments, and was not paid. Suppose the payment is not made—the second payment, or the first payment—what are you going to do? An individual or a company is in a much better position in that case than a government. We all know perfectly well that a government cannot take the extreme measures that the individual will take, and if this Government lend money on a ship and two or three years from now 25 per cent of the loan comes due and is not paid, what are the Government going to do? Simply wait, and let the matter stand. They will not sell the ship immediately. So I foresee the risk of a great loss in connection with this matter.

My honourable friend the leader of the Opposition (Hon. Mr. Bostock) was quite right in drawing a parallel between the railroads and the shipping. We guarantee the bonds. My honourable friend (Hon. Mr. McLennan) says there is no comparison. The two cases may not be identical; I do not say they are. But we have learned our lesson.

Hon. Mr. CROSBY: What guarantee did you have for the construction of the Transcontinental?

Hon. Mr. TURRIFF: You have the road, whatever you guaranteed it for.

Hon. Mr. CROSBY: Whatever you squandered on it.

Hon. Mr. TURRIFF: You have the ship also, but you take the ship at a time when it is very likely to be worth less than 50 per cent of what it costs to build the ship to-day. To my mind this is just a continuation of the policy of maintaining the institutions that were started during the war.

We have $1,500,000,000 on deposit in the banks. If the ship-building industry were legitimate and on a business basis, would the financial interests of Canada, the banks, not look after it? Would they not undertake to help out a deserving proposition? But they will not do it, because it would not be good business for them. So I say that the Government would do well to be very careful when they step in and undertake something that the common sense, level-headed, hard-headed business men do not see their way clear to undertake. Why should we, in the present financial condition of the country, come to the rescue of other people? My honourable friend (Hon. Mr. McLennan) says it is not for the purpose of providing work for the men, because there is plenty of work for everybody who wants to work; therefore it must be to keep going an industry that was started under mushroom conditions during the war, when the Allied countries, Great Britain, and Canada wanted vessels in the worst way, and, not knowing that the war would end when it did, undertook a large programme.

It is stated by the honourable leader that the business has proven to be much better and much more profitable than it was ever expected it would be. We do not know anything about that, honourable gentlemen. Twenty million dollars was voted in the other House in addition to the $50,000,000 we had already expended on the building of ships, and those ships are being built to-day. That is $70,000,000. And now the Government come forward with a proposition to provide $20,000,000 more in the

form of a guarantee. It does not look to me like good business, and I would warn the Government to go slow in this matter. About the shipbuilding during the war I am not going to complain in any way. Anything we did to bring the war to a successful issue was well done, in my judgment, even if it cost a good deal of money. But now the war is over and we must try to get down to normal conditions. As my honourable friend across the floor (Hon. Mr. Bostock) suggested, why not face the issues when they come up, instead of padding them and backing them up as the Government is doing by endorsing notes? It is a poor business for individuals to endorse notes for other people as I have found out to my cost—

Hon. Mr. CROSBY: You got good security.

Hon. Mr. TURRIFF: —a mighty poor business; and I say, honourable gentlemen, that it is mighty poor business for the Government to start in to endorse notes for people at home, or for foreigners for the sake of having them come here to build ships. If shipbuilding in Canada cannot be done on its own merits, then it is not a business that will ever amount to much in this Dominion. I fail to see how we can come out ahead in it, because it is a well-known fact that in normal times we in Canada cannot build ships as cheaply as they can be built in many other parts of the world. What does that mean? It means that our ships have to earn more money to pay their way than have ships built more cheaply; and you cannot work ships that way; they have to take whatever freight they can get. I am aware that at the present time freight rates are high. I understood the Minister of Marine and Fisheries to say a month or two ago, that he could sell at a profit all the ships that the Government have built. Well, if he could I think it would be very good business for him to sell them and take the profit for the country. No man becomes poorer by selling anything he has at a profit, and the Government would avoid the risk of loss if they would dispose of those ships at a profit, for in five years from now, I venture to say, ships can be bought or can be built very much more cheaply than to-day.

However, I will not take up any more of the time of the House. I desire to place myself on record as being utterly opposed to this style of financing and to the advancing of money to other countries on what is, to my mind, very doubtful security. We are deeply in debt and we are not paying our way nearly as well as other countries that are not by any means as wealthy per capita. It seems to me that we should adopt a policy of economy; and it is not a policy of economy to be lending money to nations all over the world and then to start lending money to shipbuilders or to the purchasers of ships. I will vote against the policy, and I hope it will not be carried out to any great extent.

Hon. A. B. CROSBY: Honourable gentlemen, I want to say just a few words with regard to this. If the honourable leader of the Opposition (Hon. Mr. Bostock) was as mixed when he voted on the Transcontinental and Grand Trunk Pacific scheme as he is on this question, I am not surprised that he voted for that measure. My honourable friend for Assiniboia (Hon. Mr. Turriff) seems to be logical in most things he takes up, but I must say he too is pretty badly mixed on the question of shipbuilding. He does not understand it very well. He should make sure that he is on good ground before he undertakes to make a speech such as that which he made this afternoon. I asked him when he was discussing the question of railway construction in Canada: "What guarantee did you have for the construction of the Transcontinental? what guarantee was there that you were going to get anything out of it?" My honourable friend had no guarantee at all but the possibility of the Grand Trunk Pacific Company running the railroad if it did not cost more than they thought it should cost. That was the kind of guarantee the Government had in the Transcontinental matter

Hon. Mr. TURRIFF: I learned my lesson.

Hon. Mr. CROSBY: I am glad you did, because it takes a good deal to teach you fellows a lesson. And I hope the honourable gentleman on the other side has learned his lesson too. The Grand Trunk Pacific railway is used as an illustration; but the present proposition is an entirely different matter. I appeal particularly to the honourable gentleman from Ottawa (Hon. Mr. Edwards) because he as a business man is generally pretty careful about these things, and is a man of great understanding; although, I must say, I do not like his speeches as a business man. I want him to listen to this as a business proposition. We undertake to assist in the construction of ships in Canada. We have been lending money or giving credit to nations in

Europe, not for the purpose of helping them, but for the purpose of helping the Canadian manufacturers and the working people of this country. What are we going to do in connection with the shipbuilding industry? We are going to do much more. We have good security. There is no possibility—I say this advisedly as a man who knows something about shipping—of the country losing on the proposition that is now being put before this House. When the building of a ship is to be contracted for, the contractor must in the first place be acceptable to the Minister of Marine and Fisheries and the Minister of Finance. He must come before them as a business man, representing a business concern that has some standing. He must deposit 10 per cent of the cost of the ship before the contract is made; and after he signs the contract he must deposit 10 per cent more; and he must continue making deposits until he has deposited 50 per cent of the price of the vessel. What is the next thing? A mortgage is taken in order that the shipbuilding concern may proceed to make contracts for the carrying on of their business and the financing of it. They cannot expect to get more for that ship until she is about ready to launch. Then the purchaser may be able to arrange to obtain the money somewhere else and to bring that money in and complete the payment. If he does not bring in the money, the Government hold the mortgage on the ship and she is not transferred from the Canadian register to any other register until every dollar of the mortgage is paid. The vessel is insured for such amount and in such companies as the Minister of Finance may determine, and the insurance policy is held by the builder of the ship or by the Government. Therefore there is not the slightest possible chance of loss. As I have already said, 50 per cent of the total price is paid by the man who makes the contract; and the contract for the construction of a ship is not a contract involving $100,000, $200,000 or $300,000. For instance, a 3,000-ton ship could not to-day be constructed for less than $125,000 to $150,000—and I am making a very low estimate. There are ships that would cost something like $500,000 or $600,000 to-day. So the contractor makes a deposit of 50 per cent of the ship, and we take the mortgage on it. We have also the insurance. Moreover, the ship is registered in Canada and cannot be removed from the Canadian register until she is paid for. There is not a moment from the time the construction is begun until the ship goes to sea that we have to take the slightest risk.

My honourable friend from Assiniboia (Hon. Mr. Turriff) talks about notes and says they are very dangerous things. So they are. But how do the banks make all their money if not by notes? How does any business man make money but by lending it or investing it in business? True, my honourable friend may have endorsed notes for some persons who did not pay, but on the other hand he may have endorsed notes on which he has made a good deal of money. In this case the Government do not put up a single dollar of cash; the Minister of Finance simply endorses the notes when the contractor is seen to have everything in perfect order. In the first place, the purchaser must be reliable; secondly, the people who are going to construct the ship must be reliable; and then the Minister of Finance and the Minister of Marine and Fisheries jointly must decide that they are reliable before any credit at all is given. I do not care what Government may come into power—and I do not think there is any possibility of any other Government coming into power than the one that is in now, because they say there are not going to be any more elections. Therefore we can be perfectly sure, if we have the same men that we have now, that very good progress will be made.

It was said before that this was done for the purpose of giving employment and carrying on the shipyards. I do not say it is so; but supposing that to be the case, would my honourable friend say it was not well to keep 25,000 men at work in Canada here? But we could not have that condition without this legislation. Would the honourable gentleman say that it was a wise policy for this or any other Government to allow an industry to go down, and those thousands of workingmen to go without employment, rather than have the Government endorse the notes of reputable people, taking a fifty per cent chance on a thing that they hold in their hands—for they hold the mortgage, the ownership, the control of the entire industry, and the whole consideration. Would my honourable friend say he would not agree to that?

Hon. Mr. TURRIFF: I would say it is good policy, if a man comes to borrow money, if you have the money and you want to lend it to him, to let him have it; but if you have not the money, don't sign a note.

Hon. Mr. CROSBY: My honourable friend knows as well as I do—and there are very few men in this House or anywhere in Canada who have had anything to do with business that do not know—that if a man never got any farther than his own money could carry him he would not get very far. I know that was my condition. If I had to wait till I got money of my own to put here and there, if I did not go to somebody and get a little credit to help now and again, I am afraid I would not have been here to-day. I know there are a great many men in Canada like me; nearly all Canadians have made their way by honest effort, and by trying to get assistance. My honourable friend did not answer the question I put to him. I say that if this Government did not take this chance, 25,000 men would be out of employment; and that would be a bad thing, as I am sure every man in this House will agree. If every dollar of interest, every dollar of subsidy, every dollar of endorsation made by the Government during the past years had been made on the same lines as this Bill calls for, we would never have lost any money; and I have no hesitation in stating that there will be no money lost by the Bill we are putting through, while a great deal of prosperity and a great deal of help and assistance will be given to the working people of Canada, and the shipbuilders of Canada as well.

Hon. W. C. EDWARDS: The matter of security is not the question that is involved in this Bill. During the war many extraordinary things were done in Canada that would not have been done but for the war, and no one is going to say that those things were not justified then. But the war is over, and if the Government desires to do that which is wise and judicious it will allow business to take its natural course, and not interfere with it in any manner or form. This Government meddling in business matters is a serious error, and the sooner the Government discontinues that practice the better. For instance, who ever heard anything so ridiculous as the suggestion of licensing foreign exports? All such suggestions are serious mistakes, and highly detrimental to the country. The sooner business is left to take its own natural course the better for Canada. Why undertake to aid shipbuilding, any more than to aid in a similar way various other industries in Canada? If this business of shipping is so fundamental, so secure, and has no doubts about it whatever, why not allow the business men of Canada to undertake the matter on their own account? I can assure the Government that, without any question of doubt, suggestions of this kind do not recommend themselves to the wise business community of the Dominion of Canada; and if the Government of Canada were composed to-day of business men as good and sound as my honourable friend the leader of the Government, no such projects would be undertaken. I am confident that my honourable friend disbelieves in such an undertaking as this to the same extent that I do, and I disbelieve in it absolutely.

Hon. IRVING R. TODD: The leader of the Opposition, speaking on this Bill a few minutes ago, said he thought it was a very doubtful piece of policy. I cannot agree with him, because I think it is the worst piece of business policy that I have heard proposed since I have been a member of the Senate. I would like to ask the leader of the Government what he would think of a corporation that would say: "We have a large debt, our expenses are heavy, we must reduce our expenses, put in the knife to the limit, we can hardly keep up," and the next minute turn around and vote $20,000,000 or $25,000,000 worth of notes? It is ridiculous on the face of it.

I cannot agree with the honourable member for Halifax (Hon. Mr. Crosby) in regard to this class of security. I know ships that were built when shipping was not as prosperous as it is now; they never paid a dividend from the first trip, and within five years they were sold for forty per cent of what they had cost. I think there is no question that the Government may make a loss over this thing.

Hon. Mr. CROSBY: We do not think they would run behind for five years.

Hon. Mr. TODD: What are you going to do if you are running behind?

Hon. Mr. CROSBY: They cannot run behind.

Hon. Mr. TODD: Terrible things happen when they run behind. I have known them to run behind. Why not let business men handle business affairs?

Hon. Mr. CROSBY: Will my honourable friend say that ships are running behind now?

Hon. Mr. TODD: No.

Hon. Mr. CROSBY: And no possibility of them running behind for the next year or two or three.

Hon. Mr. TODD: Yes, there is. The honourable gentleman might as well admit that we cannot build ships as cheaply as they can in England.

Hon. Mr. CROSBY: Oh, yes, we can.

Hon. Mr. TODD: And there is a big shipping policy being carried on in England, and also in the United States, and you will find that the building of ships will be overdone in the next four or five years. Why do not the large financial institutions of Canada advance this money—this fifty per cent? I would like to ask my honourable friend the leader of the Government that question.

Hon. Sir JAMES LOUGHEED: I do not know. That is their own judgment. I would say to my honourable friend that I have not the slightest doubt that the large shipyards of Canada are being very largely helped by the banks of Canada and the other financial institutions.

Hon. Mr. TODD: Then why do not the banks keep on helping them?

Hon. Sir JAMES LOUGHEED: I suppose the banks have a limitation.

Hon. Mr. TODD. I only wish the Government had a limitation. The only institution in this country that has no limitation is the Government. I tell you it is a business transaction, and you will find inside three or four years that many gentlemen on the other side will agree with me in that.

Hon. Mr. CROSBY: You will find you will be wrong.

Hon. Mr. EDWARDS: May I be permitted to add one word to what I said? I have some knowledge of the industrial conditions of Canada to-day, and I know of no industry that has to-day a sufficient supply of men. On the other hand, I know of some large institutions that have to close their works because of the lack of labour.

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

CIVIL SERVICE BILL.

SENATE AMENDMENT NOT INSISTED UPON.

A message was received from the House of Commons stating that that House had agreed to the second amendment made by the Senate in Bill 53, an Act to amend the Civil Service Act, 1918, and the Civil Service Amendment Act, 1919, but had disagreed to the first amendment made by the Senate in the said Bill.

Hon. Mr. CROSBY.

Hon. Sir JAMES LOUGHEED moved that the Senate do not insist on its first amendment, and that a message be sent to the House of Commons accordingly.

Hon. Mr. TURRIFF: Which amendment was that?

Hon. Sir JAMES LOUGHEED: That was the one taking the Senate out of the Civil Service Act.

Hon. Mr. BOSTOCK: I cannot say that I agree with the reasons given by the House of Commons for objecting to our amendment. I think we have every right to take the staff of the Senate out of the hands of the Civil Service Commission if we wish to, and I think that the House of Commons has not taken the proper view of this matter.

Hon. W. B. ROSS: I am quite at one with the honourable leader of the Opposition with regard to the reasons assigned by the House of Commons; but, as the situation is serious—for I feel that there would be trouble if we insisted on our amendment in these closing days of the Session—I do not think we should insist now. I am glad, however, that the leader of the Opposition has mentioned the matter, because I agree with him.

Hon. Mr. BOSTOCK: I would like to ask my honourable friend whether it would be possible to put in a rider to that effect.

Hon. Sir JAMES LOUGHEED: No.

The motion was agreed to.

INCOME WAR TAX BILL.

FIRST AND SECOND READINGS.

Bill 158, an Act to amend the Income War Tax Act, 1917.—Hon. Sir James Lougheed.

SPECIAL WAR REVENUE BILL.

FIRST AND SECOND READINGS.

Bill 183, an Act to amend the Special War Revenue Act, 1915.—Hon. Sir James Lougheed.

DEMOBILIZATION BORROWINGS BILL.

FIRST AND SECOND READINGS.

Bill 211, an Act to confirm certain Borrowings under the Demobilization Appropriation Act, 1919.—Sir James Lougheed.

The Senate adjourned until to-morrow at 2 p.m.

THE SENATE.

Tuesday, June 29, 1920.

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

SHIPBUILDING BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 199, an Act to assist Shipbuilding. Hon. Mr. Daniel in the Chair.

On section 1—conditions under which assistance may be given:

Hon. Mr. BOSTOCK: When this Bill was before the House yesterday, the argument that I understood the honourable leader of the Government to present to the House as the reason why the Bill should be accepted was that, as is stated in the preamble, "large numbers of men are employed in the shipbuilding industry in Canada," and there is danger that they may be laid off.

Hon. Sir JAMES LOUGHEED: No, I did not say that. I said that the industry had assumed very large proportions, and I mentioned the tonnage that was constructed and the number of men who were employed; but I did not make that the central fact.

Hon. Mr. BOSTOCK: My honourable friend does not fear that these men will be laid off necessarily?

Hon. Sir JAMES LOUGHEED: I know nothing about that. But I did not base my statement on anything of that kind.

Hon. Mr. BOSTOCK: I rather misunderstood, possibly from the way my honourable friend put it. The list of different firms in Canada which I read to the House yesterday by whom at the present time ships are being built for the Government would, I suppose, be the firms that are to get the assistance under this Bill, if it goes into effect. The list that I read yesterday included only 15 different firms, and I think my honourable friend said that there were 17 altogether. Can he tell us who the other two firms are? I think this is an important matter which we should understand in order that we may not be subsidizing or encouraging new firms to start up in this business. As I understand the situation, we are being asked to pass this Bill for the purpose of helping the firms that are now in existence. If it is necessary to encourage the shipbuilding industry in this country and to keep these firms employed, I do not think we should allow this assistance to be given to other firms that are not now building ships for the Government or are not in existence. I would ask my honourable friend if he can give us some information on this matter.

Hon. Sir JAMES LOUGHEED: No, the proposal does not necessarily relate exclusively to yards constructing Government ships, nor has it relation only to those yards which are now engaged in shipbuilding. The purpose is to assist shipbuilding generally.

Hon. Mr. DANDURAND: I would draw the attention of my honourable friend to the preamble:

> Whereas large numbers of men are employed in the shipbuilding industry in Canada; and whereas at the present time there is not sufficient demand for the construction of ships by Canadian purchasers and the Government of Canada has ceased placing further orders.

These employees the present shipbuilding yards are about to lay off because they have no orders. If that be so, is it not logical for my honourable friend (Hon. Mr. Bostock) to ask if this means what it says—that these subsidies or these encouragements are for the purpose of keeping those shipyards going and not for the purpose of encouraging other yards to open and other companies to handle contracts? I should assume that that went without saying; but the answer given by the honourable leader of the Government astonishes me. It is not the logical answer. If the existing shipyards are about to close because there is not sufficient work for them, should not my honourable friend answer readily and without doubt that this proposal is for the encouragement or the maintenance of those yards and is not intended to help other groups to open shipyards?

Hon. JAMES DOMVILLE: Let us bring my honourable friend's attention to this. It is now late in the Session, and everybody is happy because of the increased indemnity. The Minister is happy and everybody else is happy. I do not know that the public are unhappy. I am sorry the other honourable member for St. John is not present, and I see very few New Brunswickers here to fight the cause of New Brunswick. What about St. John as a shipbuilding centre? There is an immense dock being built there at Courtenay bay—I was going to say, the biggest in the world, but certainly the biggest in America. Why cannot ships be built at St. John? There is a bar sinister on this. I do not say it is placed there

intentionally. My honourable friend may be able to explain, and probably will explain, that St. John is to be counted in. But it is my duty to bring this matter before the Government for serious consideration. We in New Brunswick are not in a very happy position: we have not intelligence enough to be represented in the Government. Many of our representatives have shown their popularity, or their jocularity, but the Government do not seem to recognize their value sufficiently to take them in. This will be viewed by our people down there in a more serious way than we may at the moment suppose. There is, as I have said, an immense dock at St. John, and there is no reason why ships should not be built there. In Belfast, where great ships have been constructed, the people had neither coal nor iron; the plates and the girders all had to be conveyed there and erected. The same thing can be done at St. John; the only drawback, or the bar sinister, would be the haulage from Nova Scotia—from Sydney or wherever else the plates are rolled. There need not be a bar sinister, because in the summer the shipments can come in by water, and as to the winter, there is no reason why the Government, which is endeavouring to assist various industries in this country, should not give them some assistance. I shall not detain you on this question, as I have so little support in this House fighting for St. John. We have only a few members, and they have gone home happy. The welfare of the individual, I suppose, is of greater importance than the welfare of the nation or of the province. Perhaps I may be out of touch with the situation; but I desire to bring this question, in a friendly, sensible way, to the attention of the Government. Did not New Brunswick at one time have the third largest fleet of ships in the world? Did it not build the Marco Polo, which in her day was the fastest vessel sailing the ocean on this side of the Atlantic, or perhaps anywhere? The same talent is there to-day and the same desire to develop along the lines of the development of the Dominion. The people of New Brunswick desire to have their part in any development that may be contemplated. They want only to be placed on the same footing as other shipbuilding provinces, and not barred. The impression is, as an honourable member has said, that this proposal is for the establishment or maintenance of certain firms. I do not take that line at all. I am looking to the Government as a kind of salvator mundi.

I understand that in another place the Premier stated that he had been misinformed about fuel. Winter will not be long in coming, and we shall find ourselves confronted with the fuel problem. I dare say the Prime Minister has been misinformed. I think that if he had been properly informed he would have taken a different view. Now, I would point out—perhaps it is the last time I shall ever bring up the question—that there is an abundant supply of fuel in New Brunswick. There is oil enough in that province to run almost the whole country, yet there has not been a friendly reference to it except what was stated by my honourable friend the leader of the House a couple of sessions ago: he said he would do what he could. We shall soon have the winter with us, and every month is vital. Let us get started and produce. If there were any doubt as to whether coal or oil should be produced, or any doubt as to the quantity or the available markets, or the requirements, I would certainly feel that the Government were justified in giving New Brunswick the go-by in regard to fuel or shipbuilding. We have nobody in New Brunswick of sufficient intelligence in the eyes of the Government to be in the Cabinet to protect our interests. If there were anybody he would not remain there long; he would be hurled out of the province. I make these remarks, as I said before, for the purpose of asking the Government if St. John is to get its share in the shipbuilding industry. I think the answer given by the leader of the Government put this Bill in even a worse light than I thought it was in yesterday. I can quite understand that there might be some justification for the Government coming down with a Bill of this kind, and asking the country to endorse notes for the purpose of keeping busy shipyards that are already established; but I think it is a very bad policy to pass legislation encouraging other shipyards to start up when those that we already have apparently not sufficient business.

Hon. Sir JAMES LOUGHEED: Do I understand my honourable friend to advocate the exclusion of all yards that hereafter come into existence?

Hon. Mr. BOSTOCK: No. The point I am trying to make is this. The shipbuilding industry is like any other industry in the country: it should be run on business lines. If there is no business for

the present yards, other yards certainly will not come into existence. But if a group of gentlemen get together and think they can form a company and establish a yard, and get the Government to back their notes, they may be encouraged to start another yard in competition with yards which at the present time require assistance.

Hon. Sir JAMES LOUGHEED: Would not that be a good thing for the country—another successful yard?

Hon. Mr. BOSTOCK: I do not think it would be a good thing to encourage competition with yards which are already in existence and which have not enough to do.

Hon. Mr. PROUDFOOT: I should like to ask the honourable gentleman a question. Has the honourable gentleman considered the use of the words in the preamble:

And whereas it is advisable to assist in financing the construction of ships in existing Canadian shipyards.

Do the provisions of the Bill extend any farther than that?

Hon. Mr. BOSTOCK: The leader of the Government has said that they do. When I read the Bill yesterday I thought the assistance which was to be given was confined to yards already in existence; but the leader of the Government to-day has given an answer somewhat different from that. That is the very point I am trying to bring home to honourable gentlemen in this House —that the legislation goes further than we thought it did. In view of what has been said to-day, I think the Bill is even more objectionable than I thought it was yesterday. I think it is very questionable whether this legislation should be adopted at the present time. The leader of the Government has not shown to my satisfaction that the already-existing yards require assistance.

When the question is raised as to the providing of money for the purpose of enabling foreign companies to get ships built in Canada, we find the provision in the Bill that the Government will not take mortgages on those ships, but will take other approved security. It does not seem to me that there is much likelihood of this money being used for that particular purpose; it is more likely that the money would be used for the purpose of assisting people in New York, or some such point, where the notes will probably be financed, to come here and build ships very much to their own advantage.

Hon. Mr. FOWLER: Would not that incidentally be of advantage to Canada?

Hon. Mr. BOSTOCK: Certainly.

Hon. Mr. FOWLER: Would they not spend the money here for labour and materials?

Hon. Mr. BOSTOCK: Certainly, if there was enough business for the Canadian yards. I want to draw attention to a statement made the other day in another place when an item on the Estimates dealing with steamships subsidies was being discussed. It was pointed out, I understand, by the Minister of Trade and Commerce, that some of these subsidies could not be continued by the Government because there were not sufficient ships to put on the lines to do the business. Surely if the shipyards required work to keep their men going the proper thing to do would be to build ships to supply the people of our own country with facilities for carrying on trade. If, as is apparently the case, we have not enough ships for our own needs, surely we would rather be building them than helping other people to come in from outside to take up these yards with our credit.

Hon. Mr. MURPHY: I should like to ask the leader of the Opposition a question. Does he himself, or the honourable gentleman from Halifax (Hon. Mr. Power), or the honourable gentleman from Fredericton (Hon. Mr. Thompson), or the honourable gentleman to his right (Hon. Mr. Dandurand), think that they, or I myself, should be precluded from forming a company and building ships and taking part in world trade?

Hon. Mr. DANDURAND: Since the honourable gentleman has put the question to me as well as to others, I draw attention to the fact just mentioned a moment ago, that this Bill is to provide assistance to existing Canadian shipyards. That does not preclude the opening up of other shipyards. But, if it is true that there are 25,000 men threatened with being laid off, I would suppose that this money was for the purpose of keeping them employed. That being the case, I think it would be very injurious to the country for the Government to subsidize new companies or to sign notes to assist in the opening up of new yards.

Hon. Mr. MURPHY: Why could not you and I open a yard and employ some of those men?

Hon. Mr. DANDURAND: That could be done. But if shipbuilding in Canada is to succeed it must adjust itself to existing conditions, and I do not think it would be

conducive to the health of the industry to expend money in such a way as to bring utter failure to existing shipyards. I suppose we have at present as many shipyards as we need, and if we can keep them going I think we may congratulate ourselves.

I am rising, not particularly to answer my honourable friend (Hon. Mr. Murphy), but to ask the leader of the Government if he can lay on the Table the correspondence which has brought this Act into being. The Minister of Marine and Fisheries has stated that foreign countries wanted to build ships in Canada, and that, while they were not ready to pay the cost of building them here, they would under this arrangement pay up to 50 per cent of the cost, the Government guaranteeing the other 50 per cent. There is no such statement as that to be found in the preamble of the Bill. Apparently this Bill is the result of negotiations with foreign countries or foreign firms for the building of ships in Canadian yards. I do not know whether the information I ask for has been furnished in the other Chamber; at all events, I have not seen it, and I would ask the leader of the Government if he can lay before us the correspondence leading up to the present legislation.

Hon. Mr. GORDON: Honourable gentlemen, this measure appeals to me as being a step in the right direction, and one of the best business propositions which so far has been put forward by the Government. It is designed to have ships built in Canada which otherwise would not be built here. I understand that certain corporations in Europe are willing and anxious to have millions of dollars worth of ships built in Canada provided they receive help in the financing.

Hon. Mr. DANDURAND: Has the honourable gentleman seen that correspondence?

Hon. Mr. GORDON: No, but I was informed of that.

Hon. Mr. FOWLER: He has more faith than you.

Hon. Mr. DOMVILLE: We live by faith.

Hon. Mr. GORDON: As I say, this Bill is designed so that ships may be built in Canada which otherwise would not be built here. I think any honourable gentleman will readily admit that if that end can be accomplished without the country having to put up any money it will be a good thing for the country at large. There is nothing which the country requires to-day more than money. The building of these ships is going to be the means of giving the country hundreds of thousands of dollars not only through taxation on the material used in the construction of the ships, but also through the taxation which will be paid by the hands employed in constructing the vessels. One honourable gentleman said yesterday that he knew of vessels which had been built years ago, and which had been held for four or five years, and then, upon sale, had realized not more than 50 per cent of their value. Assuming that that might happen in this case, I do not believe that there would be any loss, because the taxes would make up the loss. I do not believe there is a chance of such a thing happening in any event, because the money will not be advanced to the ships' purchasers. In addition, the Government will have as security not only the mortgage, but also the company, and I am sure that they will be very reputable firms. If any reasonable care is taken in selecting the firms and in guaranteeing only for good, reputable business people, the loss which my honourable friend seems to fear so much will never take place. If, instead of guaranteeing 50 per cent to these companies, the Government were advancing the money, I would be the first one to stand up in this House and oppose such a policy.

One honourable gentleman asked yesterday why these people did not come to our banks for the money. He said that the banks of Canada had on deposit to-day over $1,500,000,000. I presume that the honourable gentleman's statement as to the amount on deposit in the banks is correct; but I would point out to him that the funds of the banks in Canada are pretty well employed to-day, and I would ask him why we should prevent these people from bringing in what we so much desire, and thus enabling us to acquire new capital?

Hon. Mr. MITCHELL: Where will the Government get the money if not from the banks?

Hon. Mr. GORDON: The Government is not getting the money. The Government is endorsing the notes.

Hon. Mr. MITCHELL: They are backing the notes, but the notes have to be discounted at some bank.

Hon. Mr. GORDON: It is for the maker of the note to get it cashed.

Hon. Mr. MITCHELL: I understand that the banks do not look very favorably upon ships as security.

Hon. Mr. GORDON: Supposing any shipbuilding firm were to build a ship costing $4,000,000, is there any business man who, even under existing conditions, with the high cost of construction and so on, would not be glad to take that vessel off the builder's hands, and give 50 per cent of its value, in other words, $2,000,000. I do not believe the Government is taking any risk; I do not believe they will ever have to put up any money; and I believe that by this legislation, through taxation alone, they are going to make a handsome profit.

Hon. Mr. DOMVILLE: Honourable gentlemen, my honourable friend seems to be barking up the wrong tree. We are not finding fault with the Government for encouraging business, but we want to know how far the limits of this assistance are going to extend. If one yard is going to be able to use the Government's credit to finance, why should not another? Why limit it? Of course, I can see the difficulty. The honourable gentleman from Prince Edward Island (Hon. Mr. Murphy) is perfectly right. But I can see before me the merger that we have been hearing about. The ramifications of that merger are greater possibly than any honourable gentleman in this House thinks. That merger would have power enough, I do not hesitate to say, to handle the Government or to handle nearly all the banks put together. It is a basket of chips.

We went into the Grand Trunk railway undertaking, and we had to pay off its liabilities. Why was it unsuccessful? Who made the Canadian Pacific railway successful? Americans. I for one would be glad to have them build up our industries, and I do not think we should be limited in the matter before us by any small ideas. I think the Bill before us implies that the shipbuilders require assistance and that they want to go on with their trade, but we are limiting the assistance to a few, and others cannot get the benefit of it. That is a very small policy. I agree that the assistance should be limited to a certain extent. There should be some means of knowing who are going to get the Government guarantees. The honourable leader of the Government says that we are not giving them money; that this is only a machine for making paper. But, as any honourable gentleman who is a shipbuilder or shipowner knows, we must consider the question of collisions, and things of that sort. However, I do not find fault with the Bill, except that it is not elastic enough, and perhaps, if I can get a seconder, we shall amend that clause so that it may apply to new industries that may be started. Are all the ships built on lake Erie, in Ontario? We in the Maritime Provinces built ships before they had a corporal's guard at work in Ontario. We owned ships and knew the art. I am sorry that my honourable friend from St. John (Hon. Mr. Daniel) is in the Chair, because otherwise he might have had a chance of standing up for his province. He is like the Scotchman's cow, which always came home at night because it was tethered by the mouth. The Irishman did not feed his cow in his pasture, but he always had some salt feed for it, and it came back at night to be milked. That was good policy. We on this side of the House are confined a bit: we are a miserable minority, and we know it, but are trying to assist you. No one is speaking against this legislation; but when it comes to a question of vital importance to our province, it is our duty to ask the leader of the House if he will not amend this clause. I think the principle is all right, and when the Bill is made so that it will not cut us out I think it will be good. I would ask the honourable leader of the Government if he would feel like doing that.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. DOMVILLE: All right; then we are all loving one another.

Hon. Mr. DANDURAND: I would like to ask my honourable friend if he has the correspondence.

Hon. Sir JAMES LOUGHEED: No, I have not, I am sorry to say.

Hon. Mr. DANDURAND: Would my honourable friend get it for the third reading?

Hon. Sir JAMES LOUGHEED: I would be very glad to lay it on the Table, but really I think it is unnecessary.

Hon. Mr. DANDURAND: I think the public would be very much interested in having it.

Hon. Sir JAMES LOUGHEED: It would be interesting.

Hon. Mr. DANDURAND: But is not the public entitled to that information?

Hon. Sir JAMES LOUGHEED: Oh, yes, I would say, provided we had it.

Hon. Mr. DANDURAND: But my honourable friend knows, and we know, that the Minister of Marine and Fisheries has

made the statement that foreign countries were ready to build ships in our yards, and approached the Government for the purpose of asking it to finance the operation. Well, since we have no statements except those that are before us, is not Parliament entitled to have that correspondence?

Hon. Sir JAMES LOUGHEED: Yes; but I would say to my honourable friend that if the orders do not come the Government will not have to incur the obligation.

Hon. Mr. POWER: Honourable gentlemen, I do not presume to know enough about the matter which is now before the House to undertake to deal with the details of the Bill; I leave that to honourable gentlemen who are better informed; but the preamble of the Bill places the matter in a light in which I think it should be considered. The experience of Canada, as well as of other countries, is that it is not desirable that Governments should go into lines of business which can be transacted by private enterprise. We have taken hold of railroads, and we have now a fair idea of what the practical result of Canada's undertaking to run nearly all the railroads of the country is likely to be. And now, not satisfied with dealing with the railroads, it is proposed that the Government should interfere in the matter of shipbuilding. I know that some little time ago the Government did interfere, and there was perhaps some justification for the Government's undertaking to build ships at a time when the tonnage available for traffic was not at all equal to the traffic which offered; and, in order to relieve the traffic distress which arose in that condition of things, the Government undertook to build ships. While I thought that that was an excusable thing, I believe it was a mistake. If there was so great a demand for tonnage, private enterprise, if given time, would have met the demand.

Hon. Mr. GORDON: Does my honourable friend think that the risk of endorsing notes for ships is as hazardous as the risk of endorsing for the railroads?

Hon. Mr. POWER: I think the honourable gentleman has had sufficient experience to make him a little cautious about endorsing even the best-looking paper; and, if these foreign governments are anxious to have ships built in Canada, why do they not have them built by the shipbuilders who are engaged in the business? That is what I cannot see. I do not see why the Government of Canada should be called upon to step in between the proposed buyer of tonnage and the people who build the tonnage.

The honourable gentleman from Rothesay (Hon. Mr. Domville) referred to the proposed effect of this legislation on the plant at St. John, N.B.; but in the city from which I come there is a private company at work building ships. That company employs three thousand men, and it does not seems to me to be the right thing for this Government to interpose itself between that company and the foreign government, if there is such, that desires to have a ship built. That is the way it strikes me—that if the tonnage is needed and the customers are there who are prepared to pay for it, the Government has no business to interfere; and, if there is no one able to pay for the building of ships, then the ships had better not be built.

Hon. Mr. FOWLER: When I first glanced over this Bill it struck me that it was a very good Bill indeed, a step in the right direction; that it tended to encourage shipbuilding in this country, providing a market for ship labour and for various materials that go to make up the ships. But when I heard the speech of one honourable member of this House, and observed the ominous silence of another honourable member, who very seldom misses an opportunity to enter into a debate, I began to think that there might be something behind all this that was not quite right. The honourable member for Rothesay intimated that the merger was behind all this legislation. The honourable member for De Lanaudière (Hon. Mr. Casgrain) has been conspicuous in this debate by his silence; therefore it would almost look as if there were some connection between the merger and this assistance to shipbuilding. If that be the case, I shall scan with suspicion the various sections of this Bill; but, if not, I will revert to my original opinion, that this measure is really in the interest of the country and should be passed.

Hon. Mr. ROBERTSON: Just a moment, if I may, to answer the point raised by my honourable friend from Kings and Albert (Hon. Mr. Fowler). I can assure him that the thought that he has advanced is entirely without foundation. There were two or three means which might have been adopted to aid in preserving and promoting the shipbuilding industry of Canada. Other methods did not seem feasible. It did not seem desirable to bonus shipbuilding out-

right, or to continue the shipbuilding programme at the expense of the country; but it did seem desirable, if feasible, to continue having ships built in Canada, thereby preventing the closing down of that industry both on the Pacific and the Atlantic coast, and the throwing out of employment of approximately 25,000 men now engaged in shipbuilding, and an almost equal number engaged in subsidiary industries which construct the materials which must go into the building of ships; engines, etc. There is a demand for ships that is not satisfied. There is capital available in foreign countries, one in particular, that would like to obtain ships; but they cannot furnish the cash to purchase those ships in this country at this time because of the tremendous loss they would sustain by reason of exchange. Therefore it did seem feasible to provide some means whereby the country, at no expense to itself, and with ample security, would be in a position to assist in continuing the shipbuilding industry until the now disorganized exchange situation becomes more normal, after which time it is hoped that the industry will be continued indefinitely and permanently in the ordinary run of business. It is well known that ships can be produced in this country as cheaply as they can be even in English and Scotch yards. The shipbuilders there cannot supply the demand, because they cannot get sufficient materials at the moment, and are refusing orders, and the purchasers of the world are anxious to come to Canada because of the financial situation which I briefly referred to, as they find themselves unable to get the cash at the moment.

Hon. Mr. DANDURAND: On what does the honourable gentleman make his statement that other countries are anxious to place orders here?

Hon. Mr. ROBERTSON: On information that has come to the Government, and inquiries made by those wanting to purchase ships in this country.

Hon. Mr. DANDURAND: What objection is there to laying that information on the table?

Hon. Mr. ROBERTSON: I have not the information to lay on the table. If this measure passes, in all probability it will not cost the Government or the people of Canada one single dollar. Each ship is to stand on its own bottom, not as belonging to any one corporation or combination and is to be its own security for the Government of Canada, which would by this means be amply secured for about 50 per cent of the cost. If it happened that the owners, who must put up 25 per cent of the cost of each ship in cash, failed to meet their liability, together with the additional 25 per cent which the shipbuilder himself must be prepared to risk before the Government is in any way implicated, they must lose their investment and the Government has the first security upon the ship. So it must be admitted the ships themselves constitute an ample security for the guarantee which the Government makes, and it will retain for Canada this important industry, and guarantee employment to anywhere from 40,000 to 50,000 men at a period of time which we are now approaching, when the prospect of unemployment during the coming winter and the next year is one for very grave concern. From the standpoint not only of maintaining the industry itself, but of lending such aid as we can to provide employment for the large number of skilled workmen who might otherwise emigrate from the country, and without any risk or cost to the country, this is a desirable measure, and I hope it will pass.

Hon. Mr. DOMVILLE: My honourable friend does not reach the bottom of this question. He has said it takes iron to build those ships. Undoubtedly, unless you make them of something else. But where is the iron to come from unless this country produces it? From the merger, absolutely. The current story is that they are giving 20 per cent, or promising it, for taking up their stock. They have had all this money there, and they could easily negotiate an exchange for the shipbuilding through New York, not from our banks, who are pleading in forma pauperis backed up by a great many people who say there is no money; but if you go down our way you will find from 50 to 200 little Chinese shops collecting interest, but they do not want to lend it. That money is being produced for the benefit of somebody. I am not finding fault with the merger; I hope they will rob all Canada, for the people are green enough for it. A member of the House of Commons who is a shipbuilder has transferred his business from St. John to Sydney; he is a director. To my knowledge, and everybody's knowledge—

Hon. Mr. MURPHY: Who was that?

Hon. Mr. DOMVILLE: You must ask the cook; I am not going to give anybody's name. I could give the name, if challenged, but it is unnecessary; it is a matter that has gone to the public press. When Mac-

kenzie and Mann in their heyday sent three or four trains to the West. I got three telegrams to accompany the party, but I replied: "No, you can't catch me with a drink and a free passage." But all those gentlemen went there and they whooped it up for the Canadian Northern; their hands were tied, and the Government finally had to take it over. What could they say? They had been entertained; they had eaten salt with their bread. That would be foreign to my ideas, and is so to-day. I think this shipbuilding question is a very large one; it is like throwing your bread on the water, as the Scripture says, and it may return again, but it might return without the crust. I have asked the honourable leader of the Government to give us some assurance that St. John is not to be ruled out in the Subsidy Act, but that we are going to be encouraged, so that I can say when I go home: "Look at what the Government has done; it is going to give us a chance to build ships." They will say: "Where are our members? what did they say?" Well, I don't know what to answer; they did not say anything. If they ask me, "How do you know the Government are going to do that?" I will answer: "I don't know at all, but I believe it, I hope it, because I hope the Government of the day is intelligent." All I ask is that there should be in this Bill something to show that St. John is a shipbuilding port. The minister does not want to give us the assurance for which I ask, but we shall not be ruled out of court.

Hon. Mr. TURRIFF: I think if there was anything to convince this country that the Bill should not be passed it was the speech of the honourable Minister of Labour in which he said that if some assistance were not given, the shipyards in Canada would be shut up and many thousands of men would be thrown out of employment.

Hon. Mr. ROBERTSON: If my honourable friend would quote me correctly he would not say that, because that is not what I said.

Hon. Mr. TURRIFF: It is very difficult to hear my honourable friend. He talks so low that anyone sitting behind him does not hear him distinctly; but I know he referred to the closing up of the shipyards and the putting of a lot of men out of employment.

Hon. Mr. DANDURAND: It is my honourable friend's own misfortune if he is sitting behind the minister, for he need not.

Hon. Mr. TURRIFF: I chose my own seat, and, while I do not agree with this measure of the Government, there is a great deal that my honourable friend on that side says that I do not agree with—not for one second. Generally speaking, I am favourable to the low-tariff policy that we used to advocate on that side of the House, but I am not so sure that a good many of my honourable friends now advocate that policy.

Hon. Mr. DOMVILLE: You will again, when you come back to us.

Hon. Mr. TURRIFF: My sympathies are altogether with the Farmers' party, I am much more in favour of the Farmers' party and the policy they advocate, because I believe firmly that if they had the opportunity they would go a good deal further along the lines that I believe in than would my honourable friends opposite with whom I formerly acted.

Hon. Mr. DANDURAND: The honourable leader of the Government will have to establish cross-benches in this Chamber before long.

Hon. Mr. TURRIFF: If the honourable leader of the Government had cross-benches established in this Chamber I would sit on them. However, that is neither here nor there.

If I have misinterpreted my honourable friend I apologize for not hearing him correctly; but I understood the trend of his argument to be that if this assistance were not given shipbuilding would cease and men would be thrown out of employment. Now, for whom is this legislation passed? It is not for the labour men, because there is not one labour man in Canada who, if the shipbuilding were shut down to-morrow, could not get work, plenty of it, at good, high wages, because there are hundreds of industries to-day suffering for lack of men: they cannot get them for love or money.

Hon. Mr. MURPHY: I would like to ask the honourable gentleman a question. Does he believe that a technical rivetter could get as much pay working on a farm in the Northwest as he could earn in a shipyard? It is nonsense to talk about getting enough to keep body and soul together.

Hon. Mr. TURRIFF: I am not speaking of work on the farm, but I see there is a call for 50,000 men for the farms in the West. And let me tell my honourable friend, if he does not know it already—but

I think he does—that the men on the farms are getting just as far ahead, so far as money is concerned, as the men working in factories, when board and lodging and other factors are considered. There is no use in my honourable friend bringing up that argument. It does not affect the question for one moment.

Hon. Mr. FOWLER: Why should a skilled mechanic be obliged to go and work on a farm at something he knows nothing about?

Hon. Mr. TURRIFF: I am not referring to a skilled mechanic working in a legitimate trade. If shipbuilders can afford to hire such a man and pay his wages and build ships, well and good; but if they cannot do that what are we going to do? Are we going to tax the people of Canada for all time to help up these infant industries.

Hon. Mr. FOWLER: There is no taxation necessary.

Hon. Mr. TURRIFF: Who are going to benefit by this? It is not the labour man particularly.

Hon. Mr. FOWLER: Will the honourable gentleman excuse me again?

Hon. Mr. TURRIFF: Well, I would rather that my honourable friend—

Hon. Mr. FOWLER: I am not to be excused?

Hon. Mr. TURRIFF: Oh, yes, go ahead.

Hon. Mr. FOWLER: Would my honourable friend point out under what section of this Bill the people of Canada are going to be taxed?

Hon. Mr. TURRIFF: My honourable friend was not in the House yesterday when I explained where we are very likely to be taxed. I would refer him to Hansard of yesterday: he will find his answer quite correctly and plainly stated there.

The point I am making is this. For whom is this legislation passed? I say it is not for the labour people, and it is not for the people of Canada generally. Then for whom is it? For a few pet shipbuilders.

Hon. Mr. DOMVILLE: The merger and others.

Hon. Mr. TURRIFF: A few pet shipbuilders. Why are they entitled to any more consideration than men who have invested their money by the millions of dollars in other industries?

The Hon. the CHAIRMAN: I must call the honourable gentleman's attention to the fact that the principle of this Bill has already been decided. What we are discussing now is clause 1 and I think the debate should be confined entirely to that.

Hon. Mr. TURRIFF: Mr. Chairman, I hardly think your suggestion to me has much point in it. My honourable friend the Minister of Labour went over exactly the same ground that I am touching on. However, I bow to the ruling of the Chair, and, having said partly what I wanted to say, I will try not to digress further, but will just finish the sentence I was at, and say that this legislation is exactly in line with a great deal of legislation that we are having at the present time—that it is being enacted for a few big interests at the expense of the rest of the country.

Hon. Mr. BOSTOCK: The Minister of Labour, speaking a few minutes ago, stated that applications in regard to this matter had been made to the Government—by certain firms? Well, from certain countries.

Hon. Mr. ROBERTSON: That certain countries wanted shipping.

Hon. Mr. BOSTOCK: Yes. In that case, I presume the application came through certain firms. It would not be made by the Government of the country.

Hon. Mr. DOMVILLE: It came from the Allied powers.

Hon. Mr. BOSTOCK: The application must have been made by some firm that was anxious to get ships built. I think the honourable the Minister should give us some information on that matter, because we ought to know where those applications have come from. It has been suggested to me that applications have been made from the United States as well as from other countries. Probably the Minister can tell us.

Hon. Mr. ROBERTSON: All the information that I feel free to give off-hand to my honourable friend is that, so far as I know, shipbuilders in this country, desirous of continuing the industry and continuing to employ the men who have been engaged in it during the past few years, have been seeking to obtain orders in foreign countries, from Governments or from purchasers of ships, and it is only to assist the building of ships in this country that this method, without cost to the country, is proposed.

Hon. Mr. DANDURAND: Honourable gentlemen, this legislation was introduced

in the House of Commons by the Minister of Marine and Fisheries on a concrete case. The Minister said:

The bankers have been consulted in regard to this proposition for several months past. The shipbuilders who are putting up 25 per cent of the money will have to go to the banks to get it; but such a large quantity of tonnage as this, if we get the orders we hope to get, will run into many millions of dollars. The shipbuilder is going to put up a quarter, the buyer is going to put up a quarter, and the Government is going to lend one-half from time to time as the ships are being constructed, with the admirable security which I have mentioned.

I have no quarrel with the statement made by the Minister of Labour, but I restate my question. There has been correspondence on which this legislation is based, either emanating directly from the parties who want ships or coming through their representatives in this country. What good reason has the Government to offer to this Chamber why this correspondence, based upon a concrete case and resulting in this legislation, is not brought down for the information of members of this Chamber? I have not discussed the policy. I have not discussed one line of the Bill, its merits or demerits; but I have taken the statement of the Minister of Marine and Fisheries that the Government had been approached. Now, when we are asked to sanction this scheme why should we not be given the information which the Government has in its possession?

Hon. Mr. BEIQUE: That the Government has been approached is apparent from the preamble, for it is stated:

Whereas inhabitants of European countries are desirous of placing orders for ships in Canadian yards, but owing to the present rates of exchange and the depreciated value of foreign currencies they are unable to finance such orders.

This shows that there must have been correspondence between the Government and people in foreign countries, and I think the demand made by the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) is fair, and that unless the Government says that there was no correspondence this House is entitled to have it.

Section 1 was agreed to.

Sections 2 and 3 were agreed to.

The preamble and the title were agreed to.

Hon. Mr. DANDURAND: I find, honourable gentlemen, that the information will be forthcoming, but that will be when the horse is out of the stable, not now. According to the last clause of the Bill, information is to be given to Parliament regarding the doings of the Government of the day; for this Government may go out within forty-eight hours. Information will be given of the endorsement made and of the liabilities incurred; but we are not to know whom we are endorsing.

Hon. Sir JAMES LOUGHEED: Is not that sufficient assurance for my honourable friend? It is placed right in the statute.

Hon. Mr. DANDURAND: Yes, but my honourable friend must not forget that we are not thinking merely of persons.

Hon. Mr. BOSTOCK: If my honourable friend has the correspondence he might let this matter stand and bring it before us on the third reading.

Hon. Sir JAMES LOUGHEED: The information will be given under the last section of the Bill.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

INCOME WAR TAX BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 158, an Act to amend The Income War Tax Act, 1917. Hon. Mr. McLennan in the Chair.

Hon. Sir JAMES LOUGHEED: May I ask Mr. Breadner to come within the bar.

On section 1—definitions; "dividends":

Hon. Sir JAMES LOUGHEED: We have added a paragraph there, honourable gentlemen:

(1) "Dividends" shall include stock dividends.

There was some doubt as to whether stock dividends were included in the former Act.

Hon. Mr. PROUDFOOT: Do the words "stock dividends" mean this? Supposing a company is not in a position to pay a cash dividend and it pays a dividend in stock. Is it intended that that stock should be taxed as part of the income? It may not mean cash at all.

Hon. Sir JAMES LOUGHEED: If it represents profits made since the Act came into force, then it is taxable.

Hon. Mr. BOSTOCK: This Bill seems rather peculiar in one respect. It is made retroactive and there are different dates at which various clauses shall come into effect. I would ask the honourable leader of the Government to indicate regarding each clause when it is proposed to make it effective. I think I am right in saying that this first clause with regard to stock dividends goes back to 1917?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: It is rather difficult to understand exactly what is the date on which each clause is to take effect.

Hon. Sir JAMES LOUGHEED: Since the Act came into force the Department has given effect to the interpretation which is here stated more clearly. This is simply declaratory of the interpretation that the Department has always given to the Act. It is not introducing a new element for taxation.

Hon. Mr. BOSTOCK: It really makes no change at all in the administration?

Hon. Sir JAMES LOUGHEED: No, it is simply declaratory.

Hon. Mr. GORDON: I desire to ask a question as to the effect of this. These stock dividends, I assume, can be taken only from a surplus. If that surplus is left it is entitled to be treated as capital.

Hon. Mr. MURPHY: No.

Hon. Mr. GORDON: Yes.

Hon. Mr. SMITH: Not necessarily.

Hon. Sir JAMES LOUGHEED: That question does not apply to the Income War Tax at all; it applies only to the Business Profits Tax.

Hon. Mr. MURPHY: Some honourable members may not be conversant with this matter. In my return I inserted something which affects everybody in this Chamber and in the other House as well. I put in as an exemption $1,000 for the extra cost of living at Ottawa and for the performance of my duties during the Session, and my good friend to the right (Mr. Breadner) writes and says he might allow me $10. I think he is probably a little parsimonious in his judgment. It is just as reasonable that I should get that exemption as that an allowance should be made for the wear and tear of my house. This is an expense incurred in the performance of my duty, and there should be an exemption for everything that pertains thereto.

Section 1 was agreed to.

Hon. Mr. DANDURAND: Clause 2 of the Act of 1919 states:

> Deficits or losses sustained in transactions entered into for profit but not connected with the chief business, trade, profession, or occupation of the taxpayer shall not be deducted from income derived from the chief business, trade, profession or occupation of the taxpayer in determining his taxable income.

And the addition here is:

> —and the minister shall have power to determine what deficits or losses sustained in transactions entered into for profit are connected with the chief business, trade, profession or occupation of the taxpayer, and his decision shall be final and conclusive.

I should like to know if the converse would be true. Would losses sustained in transactions entered into for profit, but not connected with the chief business, be deducted from the income?

Hon. Sir JAMES LOUGHEED: It would depend upon the nature of the transaction.

Hon. Mr. DANDURAND: I am speaking of an exactly similar transaction. I buy a stock on margin, or pay in full for it. It goes down in value and I sustain a loss, and in virtue of this Act I cannot deduct the loss from my income. Then take the other case. I buy a stock and it brings me a profit. Does that go to increase my income on which I pay a tax?

Hon. Sir JAMES LOUGHEED: If my honourable friend were a stock broker it would, but as he is not a different rule would apply. That, as I understand it, is the principle upon which the income is determined.

Hon. Mr. DANDURAND: I mentioned a stock transaction as an illustration; I could mention many others, for instance, a real estate transaction. If a man is not a real estate agent or a broker, and goes into a real estate transaction, and sustains a loss, he cannot deduct that loss from his income. If that transaction brings a gain, does it affect the tax?

Hon. Sir JAMES LOUGHEED: My honourable friend will, I think, appreciate the fact that if he were permitted to go into many side businesses and speculations he might destroy the whole of his income and render it unrealizable upon for taxation; consequently it is necessary to prohibit anything of that kind. That is to say, if my

honourable friend should purchase a farm and should incur a loss which would absorb his whole income as a lawyer, he could not say, "I have no income."

Hon. Mr. DANDURAND: I am not criticizing that feature of the law, although I think it is absolutely unsound. I would rather my honourable friend would address his illustration to the honourable gentleman from De Salaberry (Hon. Mr. Béique), who has a few hundred acres of land and is doing some farming, although practising law. But I cannot understand how my honourable friend can say, if I earn $10,000 a year at my profession and lose it on my farm, that at the end of the year, when I present a statement showing that I have not made a cent but am living on credit, the King can come and draw blood out of a stone. But that is not my question. The question which I am now putting is in order to ascertain whether in this illogical state of affairs, there is a logical converse proposition. My losses are not to be deducted from the income from my main business. I think that is illogical; but dura lex sed lex. But suppose I make a gain of say $5,000 on the transaction, is it reached by the Act?

Hon. Sir JAMES LOUGHEED: Yes. You have increased your income by that amount.

Hon. Mr. DANDURAND: Although during the preceding year I lost exactly the same sum and was taxed on the loss.

Hon. Sir. JAMES LOUGHEED: Yes.

Hon. Mr. MURPHY: If I lose on the goods in my store, am I supposed to be taxed on that loss?

Hon. Mr. SMITH: That is exactly the case of a business corporation under the Business Profits War Tax. They may lose year after year, and suddenly they come to a year when they make a profit, and they have to pay a tax.

Hon. Mr. CROSBY: The taxes are on the same principle.

Hon. Sir JAMES LOUGHEED: Otherwise you could not determine what the Income Tax would be.

Hon. Mr. GORDON: Is it intended that clause 2 shall apply to a loss of capital?

Hon. Sir JAMES LOUGHEED: This simply has to do with the income.

Hon. Mr. GORDON: It would have everything to do with capital. Suppose you invested $10,000 last year in your own line of business, and sold out this year for $2,000, there would be a straight loss of capital.

Hon. Sir JAMES LOUGHEED: You cannot take last year into consideration at all. The question is, what is your income this year?

Hon. Mr. GORDON: You invested $10,000 last year in your own line of business, and this year that business is closed out and you get back $2,000 in place of the $10,000 which you invested.

Hon. Sir JAMES LOUGHEED: It depends on what your income on that $2,000 would be.

Hon. Mr. GORDON: There was no income. You get $2,000 of your capital returned instead of getting $10,000 and some profit.

Hon. Mr. MURPHY: The mill blew up.

Hon. Sir JAMES LOUGHEED: It depends on what your income is. You have to say what it is.

Hon. Mr. GORDON: I want to find out if it is the intention to allow on that capital lost?

Hon. Sir JAMES LOUGHEED: No, there is no allowance.

Hon. Mr. BOSTOCK: I think this clause would read better if it said, "but the minister shall have power," etc., instead of "and the minister shall have power."

Hon. Mr. CROSBY: No, that is all right. That is good law.

Section 2 was agreed to.

On section 3—dividends or shareholders' bonuses:

Hon. Mr. BOSTOCK: What has been the policy with regard to this? I see that this is one of the clauses that do not come into effect until next year.

Hon. Mr. DANDURAND: Does this apply to dividends declared at the end of the year and paid at the beginning of the next year?

Hon. Sir JAMES LOUGHEED: This comes into force on the 1st of January, 1921.

Hon. Mr. BELCOURT: Dividends would not be taxable until they were paid?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: What change has been made?

Hon. Sir JAMES LOUGHEED: My honourable friend has the statute before him; he will see what it is. It is a very lengthy subclause.

Hon. Mr. BOSTOCK: Yes.

Hon. Mr. DANDURAND: If a dividend is declared in December and paid in the first days of January, is it part of the income of the year in which it is declared or the year in which it is paid?

Hon. Sir JAMES LOUGHEED: The dividend would be income in the year when it was declared, but it would be paid the following year.

Section 3 was agreed to.

On section 4—income from an estate or accumulating in trust:

Hon. Sir JAMES LOUGHEED: That is to make the tax payable annually instead of permitting the income to accumulate and become subject to the surtax.

Hon. Mr. GORDON: It has occurred to me that an income might be due and payable, and yet unobtainable. Take the case of a mortgage.

Hon. Sir JAMES LOUGHEED: This is simply dealing with estates, infant children, and so on. You make provision for the entire income during the year, so as to prevent accumulation at a future time when the surtax would become applicable and when it might possibly absorb the whole of the estate.

Hon. Mr. GORDON: An income might come from a mortgage or something of that description, and it might not be possible to collect it; yet you would have to pay a tax on it.

Hon. Sir JAMES LOUGHEED: In the statement of the income of the estate that would be shown.

Hon. Mr. GORDON: It might turn out to be an absolute loss.

Hon. Sir JAMES LOUGHEED: Then you would so stipulate in your statement.

Hon. Mr. PROUDFOOT: The latter part of the section says:

> Income accumulating in trust for the benefit of unascertained persons, or of persons with contingent interests, shall be taxable in the hands of the trustees or other like persons acting in a fiduciary capacity, as if such income were the income of an unmarried person.

What means is there of collecting the money?

Hon. Sir JAMES LOUGHEED: It must be in the hands of someone.

Hon. Mr. PROUDFOOT: There are millions of dollars in court, and the money accumulates for the benefit of the children. What authority would there be for the trustee to pay it out?

Hon. Sir JAMES LOUGHEED: He would have to make an application to the court. Because it is in court it does not follow that it is exempt.

Hon. Mr. PROUDFOOT: If it is in the hands of the trustee—

Hon. Sir JAMES LOUGHEED: If it is in the hands of the trustee he must pay it.

Hon. Mr. PROUDFOOT: Where is the justification for his making payment?

Hon. Sir JAMES LOUGHEED: If he is administering the estate he shall make application to pay it as he would any other taxes.

Hon. Mr. BELCOURT: What is the meaning of the words, "as if such income were the income of an unmarried person?" Is that as to the quantum?

Hon. Sir JAMES LOUGHEED: Yes.

Section 4 was agreed to.

Section 5 was agreed to.

On section 6—income tax and persons liable thereto:

Hon. Mr. McMEANS: I should like to ask whether there is going to be publicity given as to the number of people paying income tax? I understand that the proceedings are absolutely secret, and that you cannot find out anything about that.

Hon. Sir JAMES LOUGHEED: The policy of the department will be not to give information as to any particular individual—only as to the number paying the tax in defined areas.

Hon Mr. McMEANS: Suppose you know of the case of a man who is evading his tax.

Hon. Mr. GORDON: Report it.

Hon. Mr. McMEANS: You are pretty sure that he is evading the tax, but you cannot report it until you get the information. I might have a very strong suspicion, but I cannot find out anything definite.

Hon. Mr. DANDURAND: Is there any country in the world which allows the publication of the amount of income on which a citizen is paying a tax?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANDURAND: That was my impression. This section covers the case of people who are not naturalized Canadians, but who live in Canada for a certain number of days. Has the Government arranged with the United States for reciprocity of treatment in this matter?

Hon. Sir JAMES LOUGHEED: Yes.

Section 6 was agreed to.

On section 7—5 per cent added to tax and surtax on income of $5,000 or more:

Hon. Mr. BELCOURT: Will that surtax be applicable to cases in which the Income Tax was paid in 1919? Suppose I have paid my Income Tax for the year 1919, shall I be called upon to pay 5 per cent?

Hon. Sir JAMES LOUGHEED: There has been no assessment yet for 1919, but when the tax is levied this will be made applicable.

Hon. Mr. BOSTOCK: This is a tax on the tax.

Hon. Sir JAMES LOUGHEED: It is a supertax on the surtax.

Hon. Mr. BEAUBIEN: Is the honourable gentleman quite satisfied with the drafting of this clause? It says:

The several taxes and surtaxes prescribed by subsections 1 and 2 of this section are hereby increased—

That is the tax. Then it goes on to say:

—by the addition of five per centum to the amount of each.

Hon Mr. BOYER: Could I get some information at this point? We have so far paid taxes for 1917 and 1918. A friend of mine who has quite an income told me that he did not receive any bill for 1917 or 1918, and that he has never paid a cent of tax, although he has sent in his returns.

Hon. Sir JAMES LOUGHEED: He is a very fortunate man. Would my honourable friend have any objection to giving Mr. Breadner the name?

Hon. Mr. BOYER: Just as much as he has to giving us information about something else. Let him find out.

Hon. Mr. PROUDFOOT: The trouble about Mr. Breadner giving the information is that he is not allowed to give information; that he is liable to a penalty if he does so. What I want to find out is this. Supposing a man has an income of $10,000, he has to pay the tax and the surtax as provided for by the existing Act. Then will he pay under this Act 5 per cent additional on the second $5,000?

Hon. Sir JAMES LOUGHEED: There will be 5 per cent on the entire amount of tax which he pays on his income. Supposing his income tax under the tax and the surtax came to $1,000, he would pay $50 more.

Section 7 was agreed to.

Section 8 was agreed to.

On section 9—military and naval pay; income from pensions:

Hon. Mr. BOSTOCK: If my honourable friend has the Act of 1919 before him he will notice that in the section referred to there is a figure 2, which I suppose represents a subsection, and then there is another 2 which probably means a subsection. It may be all right, but under section 10 the public are supposed to understand this Act and to be able to make out their own returns without any information except what they get from the Act.

Hon. Sir JAMES LOUGHEED: The whole information is circularized, and will be sent out with all blank returns, so that the public will not have to refer to the Act.

Section 9 was agreed to.

On section 10—one-quarter tax to be forwarded with return; balance may be paid by instalment with interest:

Hon. Mr. BOSTOCK: I would like to know the reason for this provision requiring the taxpayer to pay a quarter of the tax at the time he makes his return.

Hon. Sir JAMES LOUGHEED: It will facilitate the collection of the tax; that is the main thing. In fact, it should have been done long ago, and the Government would have been able to collect much more successfully than has been done.

Hon. Mr. DANDURAND: If I am not mistaken, when this Bill was introduced there was a clause requiring any one, when making his return, to send a cheque for the total amount he thought he owed the Government for income; is that correct?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANDURAND: This section means that, although the taxpayer may only be obliged to send a cheque for 25 per cent, he has found the total which he admits owing, and it is upon that statement that he may be penalized for having committed an error. In other words, the taxpayer has himself to determine that total amount

he owes, and he may pay either a fraction thereof or the whole. I would draw the attention of my honourable friend and the department to the great difficulty which most taxpayers will encounter in fixing the amount which they owe.

Hon. Sir JAMES LOUGHEED: Let us draw a distinction between the income and the tax itself. If a taxpayer makes a wrongful return as to income, then he is penalized, but not as to the tax itself; he may misapprehend what the rate is. The penalty extends only to his making a wilfully wrong return of his business.

Hon. Mr. DANDURAND: He may make such wrong return on the income because, with his limited knowledge, he cannot satisfactorily interpret the Act itself. We were asked to prepare a statement of our income, and of certain charges which should be deducted, if upon stocks, we have heretofore left it to the Government to deduct a fair percentage, which is now 5 per cent. A few months later we have received from the department a statement which they prepared, containing all the deductions and the additions that the department were pleased to make. I am quite sure that nine-tenths of the people received such a statement, and took it for granted that it was useless to look to the department for information, or to wrestle with the amount found; so they sent the cheque. What the taxpayers have done to this date may be taken as a fair sample. A certain amount of work has devolved on the department to fix the amount which the taxpayer had to pay. If the matter is left to the taxpayer, without any help from the collector of the income tax in the various centres, I am convinced that there will be glaring errors in three-fourths of those returns made to the department.

Hon. Sir JAMES LOUGHEED: What would my honourable friend propose?

Hon. Mr. DANDURAND: What I propose is that since the work which the department now assumes will fall upon the taxpayer, he should have the opportunity of going to the representative of the department in his centre, showing him his statement, and verifying his conclusions. If that is not done, I know the department will be involved in frightful entanglements, because people around me have been asking questions about this Act, stating that they would be absolutely unable to draw conclusions as to the amount which they owe, unless they went to a lawyer or a specialist.

Hon. Sir JAMES LOUGHEED: The Department has inspectors in almost every centre, and the public are not only invited but welcomed by the inspector for the purpose of his communicating to them all the information they need. In addition to that, literature is distributed to all taxpayers with the view of giving them all the information possible.

Hon. Mr. DANDURAND: I make these remarks because I feel that the public will be very much demoralized.

Hon. Sir JAMES LOUGHEED: No; we will look after the public.

Hon. Mr. DANDURAND: They have to face the threat of those numerous penalties.

Hon. Mr. MURPHY: There is no penalty.

Hon. Mr. PROUDFOOT: I see a further objection to subsection 7 of section 10, requiring the taxpayer to pay 25 per cent with his income return, and the balance in three equal bi-monthly instalments thereafter. The next tax will be payable in April, but he will not receive notice until October. On the 30th of April or thereabouts he will be required to make his return, and as the tax for 1920 comes due at that time he has to pay the 25 per cent on it, and if he does not then pay that 25 per cent he must pay 6 per cent on the balance of the instalments. It looks to me as though this would work a hardship by requiring people to pay two taxes at the same time. I think further time should be given for making the payment called for in this subsection. I understand the Department checks over the returns sent in, and after they have done so the taxpayer gets a statement showing whether he is right or wrong, and he will be asked to make good a shortage if there be one.

Hon. Mr. DANDURAND: Provided I am not penalized.

Hon. Mr. CROSBY: You will not be penalized.

Hon. Mr. PROUDFOOT: I think subsection 11 will interfere very much with the investment of money in this country. It points out that anybody in control of funds from non-residents is bound to make a return of the income and a tax on that money is to be provided for. If we are going to tax money invested in this country in that way we will find that people will not send money here for investment, and we will be very much hampered in securing money from outside as we have done in the past.

My principal objection, however, is to subsection 7, and I think we should have more time to send in the return so as not to have two taxes coming in at the same time.

Hon. Mr. EDWARDS: It seems to me the most serious part of this Bill is subsection 7,which practically enforces the payment of two years' taxation in one. I think it will not only be difficult, but many people wil find it impossible.

Hon. Sir JAMES LOUGHEED. I do not know how my honourable friend makes out that it will require two years' taxes to be paid in one. The assessment will be made in November, 1919, for 1920.

Hon. Mr. DANDURAND: We paid this spring the 1918 tax, and we will pay the 1919 also.

Hon. Sir JAMES LOUGHEED: Then, for 1920 the returns will be made in April.

Hon. Mr. BOSTOCK: The tax has to go in at the same time.

Hon. Sir JAMES LOUGHEED: One-fourth.

Hon. Mr. BOSTOCK: And you have to pay interest on the balance.

Hon. Sir JAMES LOUGHEED: If there is anything for which provision should be made it is to expedite those payments. The Government has been attacked in every possible direction. Complaint was made that they had been remiss in placing in motion the proper machinery for the collection of this tax, but they no sooner do that than they fall under the criticism and censure of honourable gentlemen.

Hon. Mr. EDWARDS: I do not want to impede this measure in any way but if the past practice prevails hereafter—the 1918 taxation, for instance, was not payable till 1919—I assert that when you make the return for 1920 you will pay your taxation for two years in one year. I do not think that statement can be contradicted.

Hon. Sir JAMES LOUGHEED: It will be all right after that.

Hon. Mr. SMITH: If there is anything in this Bill for which I commend the Government it is this particular section. They have lost millions of dollars during the existence of this Act because they have not collected the money promptly. As to the argument of the honourable gentleman from Ottawa (Hon. Mr. Edwards), it seems to me that the taxpayer ought to be very well satisfied that he has had the Government to carry his taxes for him for a year for nothing. He might be well content to pay two taxes at one time. He only has to pay 25 per cent down, but in any case he has had the use of the tax money for a year, which he ought not to have had. Moreover, there is a very strong suspicion throughout the country that there are thousands of people like the person my honourable friend from Montreal (Hon. Mr. Boyer) spoke of a few moments ago, who had not paid their taxes and had not made any return. The Government have lost the use of that money, though they will no doubt collect it some day. This man who has escaped paying his taxes will suddenly find he has to pay them; but in the meantime the Government has been done out of the use of that money. It seems to me this section is an admirable one, as it will compel the prompt payment of taxes, and secure for the Government the use of the money.

Hon. Mr. McCALL: I have an observation to make on this Bill, and I do it with the more pleasure because the able administrator of this Branch is present. Reference has been made to the difficulty of making up returns. I have a case in mind of a medical man who derives income from his practice, against which he can set off his expenses; he is also interested in a drug store, from which he gets some profit; he owns a farm, from where he derives some profit; he is interested in a little fruit ranch with a poultry attachment; and he has some money at interest. I doubt if that man is able to get assistance in his own locality that will enable him to make up accurately all the sources of income and make his return properly. I will say further, with some modesty, that I believe the method of inspection and collection can be improved. If it is left to the honesty of the individual, he may not always make his return. There are in this country people who are isolated. I have in my mind now the case of a lone widow who has a lot of money. She says she never heard there was an income tax. She knew that the assessors of the township had asked her if she had any income. She may know of the income tax by this time, but she did not know quite recently. There are cases of that kind. Then there are people in some doubt whether they ought to pay income tax or not. I would suggest that if the inspection district were made smaller—were made to include the limits

of an ordinary county, and if an official of that county were to administer the Act, he could from his own knowledge, and from a search at the registry office and an examination of the assessment rolls and by other inquiry, ascertain the name of every person in that district who was liable, or nearly liable, for the income tax. Then he would issue a notice to all such persons to come to his office on certain days, bringing all their information, and there with his assistance they would make up a statement of the tax they should pay. When the amount payable was ascertained the individual should be called upon to hand in his cheque within ten days, the return being subject to correction at the Finance Department. If he had overpaid, the amount of the excess would be returned to him; if he had underpaid he would be called upon again. That inspection and assessment could be made in the early part of the year while the taxpayer's memory was fresh as to the operations of the year past, and the money would be paid promptly by the first of July on the assessment of the previous year. I do not know whether there is any merit in this suggestion or not. Of this much I am sure, that a very large amount of money is being lost to the treasury; that the owners of whole areas of successful farms which in these latter days with fruit-growing, the growing of clover seed, and all that sort of thing, are earning ordinarily an income of $5,000 or $6,000, have never been called upon, and the inspector does not know that such men are in existence, unless he goes from house to house and makes inquiries. But the local man, with local information, who has moved about in the community for a long period, perhaps all his business life, can pick out such men. I venture to say that in one inspection district with which I am somewhat familiar I could name one, two, three, or four men—bank managers who have been in the locality for very many years—who have in their office a credit list and could name the men who are near the taxable point. I offer these suggestions to the minister, and to the very able administrator of this Act for their consideration. As I am sometimes in the wrong, it may be that I am wrong in this case. At the same time I offer this suggestion with some knowledge of what I am speaking about.

Hon. Mr. FOWLER: Honourable gentlemen, I think there is a good deal in the suggestion of my honourable friend from Simcoe (Hon. Mr. McCall) that the districts are altogether too large. I would go further: I would make another subdivision: I would subdivide down to the school districts. I venture to say that at least one-half the amount that might be procured if there were a proper levy of this tax is lost at the present time. I know that in the town in which I formerly lived there are men who, I am satisfied, have never made returns and whose income is very much in excess of the tax exemptions. If you utilize the school collector, he knows approximately the income of every man in his school district. It would cost a very small amount to utilize his services, and you would find that in that way a very large amount would be collected. In the interest of the country generally I would be very glad to see the services of these men utilized. It would, I think, increase very largely the amount of money that would be collected. It has a very—what shall I say?—maddening effect upon the man who is honest enough to make a true return of his income and to pay his taxes, to know that many of his neighbours are getting clear. There is nothing that causes greater unrest or a stronger feeling against this whole system of taxation than that. Everybody whose opinion is worth anything realizes that the country is involved in a very heavy liability, and that the people must pay it; and the honest man is willing to pay what he is properly called upon to pay. Of course, he does not want to pay any more than he ought to pay, according to the amount of his income; and when he knows that there are men who are escaping and that apparently the Government is doing nothing towards bringing them into line, he says: "By George, I will try to get clear too." That is the way it works out. He does not realize that this is a new thing and that it cannot be done perfectly at once—that it will take years to perfect it. I think the suggestion of the honourable member from Simcoe is a very good one, and I hope that the Government will take advantage of it.

Hon. Mr. DANDURAND: Honourable gentlemen, I have had occasion to place on record my opinion as to what would be the proper policy to apply in this country in the levying of the Income Tax. I will repeat it in a very few phrases. We shall never have a satisfactory collection of Income Tax throughout the land until the Act is amended so as to force every man to make a return to the Government. The labourer, the farmer—everyone who

earns something or receives an income—should be required after he had passed a certain age to make a statement. If the Government had the courage to enact such a law—and it has lacked the courage to do so—then the Department of Finance would have a complete census of the financial strength of this country, and no one could escape, because everyone would be obliged to make a report. Until we have such a law I am quite sure there will be a state of dissatisfaction and unrest in the country, because men who are supposed to come under the Act are not making a return, feeling perhaps that they are absolved from doing so. A person, after examining into his income, may feel that he is not under obligation to make a return, and that in failing to make it he is not breaking the law. Only the person who recognizes that he comes under the Act and is obliged to pay the tax is under obligation to make a return. The person who, upon examining his income in the light of the law as he construes it, feels that he does not come under it, is not obliged to make a return. There is one saving clause in the Act by which the Department through its inspectors can reach him. The Department may inquire if AB, who lives in a township 600 miles away, should not be required to make a return. If they find that he should, they can write to him and call upon him to do so. Other persons situated in a position similar to his, and as to whom it is doubtful whether they come under the Act or not, may not be called upon by the Department to make returns. Is not that a ridiculous situation, honourable gentlemen? I feel that if we are to lift the immense burden of debt that the country is now carrying—if we are to levy an income tax sufficient to meet our obligations—every person who earns something in this country should be made to understand his relationship with the Government and with the Finance Department. What harm is there in asking a person for a statement even if he has the misfortune, or the good fortune, not to be earning an income which is taxable—if his earnings happen to be a few dollars below the maximum of exemption? Is it a great task for him simply to make a return? It seems to me that it would be a good lesson to the taxpayer to know that he is on the books of the Finance Department and that the time may come when he will have to pay something. It seems to me that it would have a salutary effect to require every person in Canada, even a farmer or a labourer earning $1,000 a year, to produce a statement. That may not be popular from the electoral standpoint, but I think it is sound. I think—and on this point my honourable friend might ask the Department now—that this is the law in most countries that collect an income tax.

Hon. Mr. PROUDFOOT: Would it meet the situation outlined by the honourable gentleman for the Department to provide for the publishing in the newspapers of the names of all those who paid taxes and the amounts that they paid?

Hon. Mr. DANDURAND: It would satisfy the curiosity of a small community to know that a certain number of persons named were paying the tax; it would arouse suspicion that certain persons of the same financial standing were not paying; but it would not furnish any information to the Department of Finance. Perhaps it might simply create greater dissatisfaction in the country; but it would not supply the Department with the names of all persons earning money in order that the Department might learn by further inquiry if a certain number were escaping payment.

Hon. Mr. FOWLER: In all the cities of my province the newspapers publish a list of the men who pay municipal taxes, together with the amounts of taxes they pay. There is no trouble about that.

Hon Mr. DANDURAND: That is on real estate?

Hon. Mr. FOWLER: On everything—real estate and everything else.

Hon. Mr. CROSBY: And personal property.

Hon. Mr. FOWLER: In the city of St. John a list is published, and also, I think, in the city of Fredericton. When the assessment comes out the newspapers publish the list of all persons whose total tax is over a certain amount—$50, I think.

Hon. Mr. BOSTOCK: Is that information given out by the city assessor?

Hon. Mr. FOWLER: Yes, and published in the newspapers. I know it is in the city of St. John and in the city of Moncton, and, I think, in the city of Fredericton.

Hon. Mr. THOMPSON: It is a list of all who pay over a certain amount—$50.

Hon. Mr. FOWLER: Yes. I do not see why there should be any feeling about the

publication of such a list with reference to the Federal tax.

Hon. Sir JAMES LOUGHEED: With newspaper advertising so expensive as it is?

Hon. Mr. FOWLER: The newspapers would be very glad to publish it. They give the names of firms and persons, and the list is published at the newspaper's own expense.

Hon. Mr. BOYER: It strikes me that the case mentioned by my honourable friend from De Lorimier (Hon. Mr. Dandurand) is already covered. We have the famous registration cards, that cost the country half a million of money to collect. You had to appear before an official and sign a card stating who you were, what you were, where you lived, etc. You could not even buy a railroad ticket without producing that card. The cards must be somewhere. Why does not the Department use them? They have cost enough money to the country. It seems to me that we were told at the time that they would give such valuable information to the country that nobody could escape. Surely they have been stored away somewhere.

Hon. Mr. BEAUBIEN: The purpose of the honourable gentleman from De Lorimier is evidently to have the people make returns. There would be of course no guarantee that the returns sent in were exact; but what the honourable gentleman is urging is that all should be required to make a report from which calculations might be made by the Department, and it could be ascertained whether the report was exact or not. Now, if there is an objection to publishing the amount of the tax paid by each person—and I think there is a very serious objection—what objection would there be to publishing simply the names of those who made returns, without stating the amounts? It seems to me that that would meet the case referred to.

Hon. Sir JAMES LOUGHEED: Information will be given out hereafter.

Hon. Mr. BEAUBIEN: Will the names of those making returns be published?

Hon. Sir JAMES LOUGHEED: Information showing the number of taxpayers in each district.

Hon. Mr. BEAUBIEN: That information would not at all serve the same purpose. If the Department sees no objection to publishing the names of those who have sent in their returns, that ought to meet the difficulty, it seems to me; because any person glancing around could ascertain those who should have made returns and had not done so. That is the information that we are seeking. Publication of the names would serve a very good purpose, because it is absolutely unfair that persons who are conscientious and honourable enough to bear their full share of the country's debt should see others pass by smiling and paying nothing at all.

Hon. Mr. FOWLER: I still fail to see any reason why you should not publish the amounts as well as the names, because we do not know whether the persons who have made returns are, as the honourable gentlemen said, bearing their full share of the country's burdens. They may be taking a very small part of their share.

Hon. Mr. DANDURAND: The objection which I formulated is one. I know there may be many others. I just put the question: was there any country in the world that publishes the name of the taxpayer and the amount he pays, and the answer was no.

Hon. Mr. FOWLER: I answered yes, so far as the cities of New Brunswick are concerned.

Hon. Mr. McMEANS: Anybody can go into a municipal office and find out how much taxes a certain person pays.

Hon. Mr. DANDURAND: I would point out to my honourable friend this difficulty. The publication would enable everybody to see the financial standing of a firm. Any firm may pass from years of plenty to lean years, and as the commerce of a country is largely based on credit and confidence the whole fabric might be affected by the publication of those returns.

Hon. Mr. PROUDFOOT: I fail to see why we should not have the opportunity of going into the office here in Ottawa and finding out at any rate what certain individuals are paying in the way of taxes. Supposing, for instance, I know of a man who has a certain income and I feel that he is not paying the proper amount of taxes, why should I not have a right to go to the Department and ascertain exactly what that man is paying?

As the law is at present the officials cannot give me that information without rendering themselves liable to certain penalties. I do not think the law should be left in that way. If you could find out what a man was paying, that would have the effect of

compelling individuals to put in proper returns. I see no objection whatever to the returns being made as public as possible. Everyone should pay his taxes, and if one knew how others were situated in that regard one would be able to point out to the Department that those other persons were not paying a proper amount, and they could be compelled to do so.

Hon. Mr. GORDON: It appears to me that such procedure, while it might satisfy the curiosity of a great many people, would not do much good. A gentleman goes to the Department and finds out that So-and-so has paid a tax of $1,000. He goes away, but perhaps his curiosity is not altogether satisfied. It may be that that gentleman will believe that So-and-so has not paid as much tax as he should pay. I cannot make myself believe that there are many people who have not paid their taxes.

Hon. Mr. PROUDFOOT: There are thousands.

Hon. Mr. GORDON: In the face of the penalties provided, I cannot believe it. I must say that gentlemen from other localities must be in a different situation from myself to see things in that way. In the locality from which I come I cannot tell you who has paid and who has not. I do not see what means any person has for saying at the present time that there are thousands or hundreds who have not paid their taxes. One honourable gentleman said that the Government was losing millions of dollars through uncollected taxes. If I knew that to be the case, I would think it my duty to go to the Department and inform them as to who was evading the tax.

Hon. Mr. SMITH: I said there was a strong suspicion that such was the case.

Hon. Mr. GORDON: Suspicion means nothing.

Hon. Mr. SMITH: Oh, yes, it does.

Hon. Mr. GORDON: Unless a person knows he should not say things like that.

Hon. Mr. PROUDFOOT: We want to put the people in a position to know.

Hon. Mr. GORDON: It appears to me that such a position would be rather to satisfy curiosity than anything else.

Hon. Mr. McMEANS: I see very great objection to publishing the names of men and their incomes. All taxes are a hardship. Surely it would be greater hardship to have such things thrown open to the gaze of the public. It would open the way to many abuses. A man wanting a subscription would find out what another man's income was, and then he would go to him and say, "I know what your income is, and you have to pay so much to this church, or for this pic-nic, or whatever it may be." I can conceive of it leading to trouble between a man and his family, or his wife, or his intended wife. They would come to him and say: "You have so much money; what are you doing with it?" I may say that this is not with me a personal objection, but for some honourable gentlemen sitting here it may be.

Hon. Mr. FOSTER: In the province in which I live there are no such great numbers of people who have not paid their taxes as one would gather there are in other districts. I have no doubt that there are in the city of Montreal hundreds and perhaps thousands of people who have not paid their taxes, but I think the publishing of the details would do a great deal of harm. There are merchants and others in the city who are in a weak position financially, who are struggling to get on, and if all the inside details of their business were published in the newspapers, they would be very seriously affected if they required credit from the banks or from people with whom they deal. Another thing is that it seems to me absolutely impracticable to carry this out. Take, for instance, the city of Montreal. I wonder if my honourable friend has considered how much space it would require in the newspapers to print a list of all the people who should make returns. This is a new line of activity in this country; but, while mistakes have been made in probably every quarter, I must say that the law has been administered from the head down by capable, honest men who have endeavoured to get every dollar that was due. The man who is at the head of the organization in my city has worked as hard as any man has ever worked at his own business. I suppose he has made mistakes; I think he has missed men who should have paid the tax, but I know he has worked hard to perform his duties, and it does seem to me that it should be possible to carry out the law without doing harm to a great many innocent people.

Hon. Mr. FOWLER: The arguments advanced in favour of secrecy would apply to such agencies as Dun-Wiman. We permit them to publish statements.

Hon. Mr. DANDURAND: They are confidential.

Hon. Mr. FOWLER: Anyone who wants to get a copy of Dun-Wiman's report can buy it. It is the business men to whom this information is important. It is important to the business men to know the position of the people who are skating on thin ice. My honourable friend spoke about the banks. Everyone who goes to a bank to get credit has to show what he is worth. That is an argument against secrecy. I do not see why there should be any secrecy, and if there were less of it I believe that a great deal of money that now escapes would be brought in.

Section 10 was agreed to.

Sections 11, 12 and 13 were agreed to.

On section 14—penalties for short payments, etc.:

Hon. Mr. BOSTOCK: I presume that this is not going to be enforced very rigorously at the beginning.

Hon. Sir JAMES LOUGHEED: I think the complaint invariably has been that the Government has not enforced similar provisions with the same harshness that an individual would, or with the same degree of force. I think the public can rely upon the Government not doing anything unreasonable in exercising the rights which they may have.

Hon. Mr. DANDURAND: For a number of years the Department will have to act as schoolmaster to the taxpayers, who will need a great deal of coaching before they understand the Act. I would urge compulsory education in this respect.

Section 14 was agreed to.

Section 15 was agreed to.

On section 16—retroactive effect, etc.:

Hon. Mr. POWER: Honourable gentlemen. I should like to say a word before this Bill is passed. There is no doubt that the Income Tax law, as it stands now, is a very puzzling combination. The Act was passed I think in 1918; it was very largely amended in 1919; and now in 1920 we are largely amending it again. With respect to understanding the meaning of statute law. I think I am about equal to the average non-instructed person, and I find it very difficult indeed to tell just what should be contained in the return with respect to the tax. It seems to me, honourable gentlemen, that it is only the consideration which is due to the people who are expected to pay these taxes that they should have the law before them as it is, so that a taxpayer should not be obliged to go and look up the law of 1918 or the law of 1919 or the law of 1920. The Department should see that the law as it stands now, with all its amendments, is placed where the ordinary taxpayer can consult it. That is a mere mechanical thing, but I think it is very important.

Hon. Sir JAMES LOUGHEED: It is the intention of the Department to do that next year.

Hon. Mr. PROUDFOOT: What is the effect of making clauses 1, 2, 4, 8, 11, 12, 13, and 15 retroactive? Personally, I am always opposed to retroactive legislation. The principle is wrong, and when I find that you are going to tax people or make changes in the taxation years afterwards, then I think you are doing something that should not be done.

Hon. Sir JAMES LOUGHEED: The intention is simply to give effect to the interpretations which have been placed upon the preceding Acts by the Department. This does not call into operation any new law; it is simply declaratory of the Department's interpretation of the statute.

Hon. Mr. PROUDFOOT: The section does not so state. Of course, that may be the intention of it, but I do not so read the clause.

Hon. Sir JAMES LOUGHEED: I think you will find that all the sections mentioned have been in operation since the passing of the Act.

Hon. Mr. PROUDFOOT: If that construction has been placed upon them, why the amendment? The construction apparently is satisfactory.

Hon. Mr. DANDURAND: This is an artistic way of making an interpretation clause.

On the preamble:

Hon. Mr. McMEANS: Before the Bill is reported, I would ask for some information about section 6. That deals with persons liable to income tax. It makes no exemptions whatsoever. As I understand, there are certain people in Canada who are exempt. There are the judges of certain courts. I know that certain judges of the superior court in Manitoba are paying taxes on the increased salary which they got, while the judges of the court of appeal do not pay any tax at all. This question has been the cause of considerable com-

ment by these gentlemen, and I feel strongly that there should be some well-regulated principle in regard to it.

Hon. Sir JAMES LOUGHEED: My honourable friend will recall the legislation which we passed, I think last session, wherein we increased the salaries of superior court judges, and wherein provision was made that the increase should be liable to taxation. That is in the Judges Act.

Hon. Mr. McMEANS: There is no exemption under this clause. You say here that every one in Canada shall pay.

Hon Sir JAMES LOUGHEED: You have to read it in connectin with the other law on the subject.

Hon. Mr. McMEANS: The Judges Act was passed some years ago. But even so, I do not like the discrepancy between one judge and another. The judges of the court of appeal whose salaries were not increased pay no tax whatever; the other judges got an increase of $1,000, and pay an income tax on the $1,000 only.

Hon. Mr. FOWLER: I understood that it was to be on the whole salary.

Hon. Mr. McMEANS: No. The judges of the superior court say, "Why should we pay an income tax on any portion of our salary when the judges of the court of appeal pay nothing at all?"

Hon. Sir JAMES LOUGHEED: I do not wish to anticipate any Bill that is coming down. but when the Judges Bill comes before us we will take that up.

The preamble was agreed to.

The title was agreed to.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

SPECIAL WAR REVENUE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 183, an Act to amend the Special War Revenue Act, 1915. Hon. Mr. Crosby in the Chair.

Hon. Sir JAMES LOUGHEED: May I ask Mr. Breadner to come within the Bar?

Hon. Mr. McMEANS.

On section 1—stamp tax, bills and notes:

Hon. Sir JAMES LOUGHEED: This proposes placing a stamp on notes for every $100 or fraction thereof. At the present time a stamp of two cents is payable on each cheque, bill of exchange, and promissory note.

Hon. Mr. BOSTOCK: This brings in everything.

Hon. Sir JAMES LOUGHEED: Except cheques, and except three-day bills of exchange. Anything exceeding three days is taxed.

Hon. Mr. PROUDFOOT: How will paragraph d, which calls for a stamp tax on documents which contain promises to pay, affect mortgages?

Hon. Sir JAMES LOUGHEED: Mortgages are not included. This only affects documents going through a bank.

Hon. Mr. PROUDFOOT: But banks frequently take mortgages.

Hon. Sir JAMES LOUGHEED: But mortgages are invariably taken as collateral, and all the stamps would be on the negotiable paper to which the mortgage was collateral.

The Hon. the CHAIRMAN: Shall section 7 be adopted?

Hon. Mr. FOWLER: I submit that the Bill before us is a matter of some importance, and it does not speak well for this legislature to be rushing it through in this manner. Some of us will not understand it, and I am asking that the Bill be read. I want you, Mr. Chairman, to read the Bill.

The CHAIRMAN: Is it the desire of the House that I should read this Bill?

Hon. Mr. FOWLER: Yes, it is. I think that is the rule of the House. My point is this, that this is very important legislation, and it is being rushed through, and nobody is understanding it. I am sure I do not understand it, and I would be very glad to do so.

The Hon. The CHAIRMAN: The motion is that the section shall be read in full.

Hon. Mr. BOSTOCK: I do not think that a motion is necessary. When an honourable member asks to have a section read I think he is entitled to have it read; I do not think it is a subject for a motion at all.

The Hon. The CHAIRMAN: All right. Now I will read section 1.

On new section 1, subsection 3—stamp tax on bills payable on demand, etc.:

Hon. Sir JAMES LOUGHEED: Heretofore it was only two cents on a document no matter what the amount was, but hereafter it will be two cents on each $100 or fraction thereof.

Hon. Mr. PROUDFOOT: On $1,000 it would be 20 cents?

Hon. Sir JAMES LOUGHEED: Yes.

On paragraph d of section 1—stamp tax on documents or writings containing promise to pay, or pledge of securities, to secure payment of advances:

Hon. Mr. BEAUBIEN: What is the explanation of that?

Hon. Sir JAMES LOUGHEED: There is no change in that. If it is more than a three-days draft the two cents shall be applicable for every $100 or fraction of $100.

On paragraph c—stamp tax on promissory notes given for advances:

Hon. Mr. FOWLER: Is that new?

Hon. Sir JAMES LOUGHEED: Yes, that requires a quarterly statement to be made by the Bank.

Hon. Mr. FOWLER: Does that mean that for every $100 advanced to a person by the bank, he has to put a two-cent stamp?

Hon. Sir JAMES LOUGHEED: Yes, on the note, and the bank hereafter shall make a return to the department of all advances, and the persons to whom the advances have been made.

Hon. Mr. BEAUBIEN: Is this applicable to the loans already contracted?

Hon. Sir JAMES LOUGHEED: No, but if there is a renewal it is.

Hon. Mr. PROUDFOOT: Will the department supply a special stamp, or may people use postage stamps, as heretofore? I think the idea would be very much better to have a special stamp.

Hon. Sir JAMES LOUGHEED: Yes, there will be a special stamp. They are printed now.

On subsection 4—transfer delivery of bill or note without stamp; penalty:

Hon. Mr. McMEANS: I would like to ask about that penalty of $50. Sometimes banks have notes for $2,000, $3,000, $5,000, and I think the penalty would be less than the stamp duty.

Hon. Mr. FOWLER: I think it is quite large enough.

Hon. Sir JAMES LOUGHEED: They would be liable to the stamp tax as well as to the penalty.

Hon. Mr. BOSTOCK: Under subsection 10 I understand the banks will now have to issue all their cheques with stamps affixed.

Hon. Sir JAMES LOUGHEED: Not necessarily. They can put on an adhesive stamp in lieu thereof.

On subsection 13—stamp tax on sale or transfers of stock:

Hon. Sir JAMES LOUGHEED: This is a new provision—that the stamp tax shall be applicable to shares of stock of the face value of $100 or fraction thereof.

Hon. Mr. FOWLER: Is that for every company?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: How much is the tax on shares of the value of one dollar?

Hon. Sir JAMES LOUGHEED: It is intended to apply to shares of a par value of $100. It is not anticipated that it will be made applicable to shares of a dollar, such as mining shares. This provision is taken from the Ontario Act, I understand, and it is not intended to apply to cases of that kind.

Hon. Mr. PROUDFOOT: The tax is imposed on stock—I suppose it is not important whether it is of Dominion or provincial companies?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. PROUDFOOT: We already have in Ontario a tax on all transfers of stocks in Ontario companies, and this will mean a double tax on the transfer of every share of stock. First the Ontario Government tax must be paid, and then also the Dominion Government tax, under this section. I think the payment of one tax ought to be sufficient.

Hon. Sir JAMES LOUGHEED: To-day, unfortunately for the taxpayer, a municipality may levy an income tax, a province may do the same, and the Dominion Government may also do so. That applies to the land tax as well. For instance, in Alberta and municipality levies a land tax

on the value of the property; the provincial government likewise levies a tax on all lands, and I am very happy to say that up to the present time this Government has hesitated to do that.

Hon. Mr. FOWLER: Here is a difficulty I see. The transfer agent is supposed to make the return. For instance, in mining stocks how are they going to distinguish between stock on which the Dominion Government will not collect the tax, and stock on which it will collect it? There is nothing here to show that any kind of corporation is liable for this tax.

Hon. Sir JAMES LOUGHEED: All share certificates:

"No person shall sell or transfer the stock or shares of any association, company or corporation..."

It is made as sweeping as it can be made.

Hon. Mr. FOWLER: There is nothing to indicate that it will not cover mining stocks as well.

Hon. Sir JAMES LOUGHEED: If mining stocks be issued in $100 shares, it will. Will my honourable friend look at line 12, page 5?

Of the value of two cents for every one hundred dollars or fraction thereof of the par value of the stock or shares sold or transferred.

Consequently shares of stock not coming within that description of stock would be exempt from the tax.

Hon. Mr. PROUDFOOT: I do not read it in that way. Suppose you have 100 shares of mining stock in one certificate. It seems to me that under this clause as it reads for every $100 of the par value of that stock you would be obliged to put on a stamp.

Hon. Sir JAMES LOUGHEED: So that you have a certificate of $100.

Hon. Mr. FOWLER: So long as it takes only two cents per $100, that is satisfactory.

Hon. Mr. PROUDFOOT: It says, "for every one hundred dollars or fraction thereof."

Hon. Sir JAMES LOUGHEED: That is the way the Ontario Act reads.

Hon. Mr. PROUDFOOT: Is the fraction over the $100 or under?

Hon. Sir JAMES LOUGHEED: I would say over the $100.

Hon. Mr. FOWLER: I would say it would be this way. Suppose a man bought 50 shares of $1 each and you issued 50 shares in one certificate, he would pay two cents on that. That is a fraction of $100. Or if there were 75 shares and the amount were issued in one certificate, he would pay only two cents on it. Is that the understanding?

Hon. Sir JAMES LOUGHEED: Yes, that is what I am informed.

Hon. Mr. DANDURAND: Would my honourable friend allow me to refer to section 10, on page 4: "penalty for issue of bank cheques, etc., without stamp." Here is the clause as it stands in the Act of 1915:

Every bank which issues, pays, presents for payment or accepts payment of a cheque or other bill of exchange or promissory note upon which a stamp of the value of two cents has not been fixed or impressed in accordance with the requirements of this section shall be liable to a penalty of one hundred dollars.

Now, here is the amendment before us:

Every bank which issues, pays, presents for acceptance or payment or accepts payment of a cheque or other bill of exchange or promissory note upon which a stamp of the requisite value according to the requirements of this section has not been impressed shall be liable to a penalty of one hundred dollars.

Not "affixed"; the word "affixed" is struck out.

—shall be liable to a penalty of one hundred dollars.

The amendment would seem to require the printing of the stamp in the cheque itself, as part of the cheque, and to withdraw the permission to affix a stamp to the cheque.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANDURAND: If you compare section 10 of the Act with the amendment you are now making, it is quite clear that you are dropping the affixing of the stamp and leaving on the impressing of it.

Hon. Sir JAMES LOUGHEED: It seems to me that "affixing" and "impressing" are almost synonymous terms. What is required now is a two-cent stamp on every $100 or fraction thereof. Under the old Act this was not the case.

Hon. Mr. DANDURAND: But I would draw my honourable friend's attention to the fact that all the cheques which will be used henceforth will be impressed cheques. Is that the intention?

Hon. Mr. BEIQUE: Is that in harmony with subsection 2 of section 1 of the Bill, which says:

No cheque or other bill of exchange shall be issued or paid by a bank unless there is affixed thereto an adhesive stamp or impressed thereon by means of a die a stamp or stamps of the requisite value according to the requirements of this section.

If I am permitted in issuing a cheque either to affix a stamp or to impress a stamp on it by means of a die I do not see why the bank would not accept the cheque.

Hon. Sir JAMES LOUGHEED: A word has probably been omitted from subsection 10.

Hon. Mr. BOSTOCK: It ought to read as in the present Act.

Hon. Mr. FOWLER: "Affixed or impressed."

Hon. Sir JAMES LOUGHEED: Yes, "affixed or impressed."

Hon. Mr. BEAUBIEN: May I ask my honourable friend how a no-par-value share will be dealt with?

Hon. Sir JAMES LOUGHEED: I would say that it did not come within the section.

Hon. Mr. BEAUBIEN: Therefore there is no tax for a new method of issuing a no-par-value share?

Hon. Sir JAMES LOUGHEED: How would you issue a share of no par value?

Hon. Mr. BEAUBIEN: There are a great many shares that have no par value. The stock of a company may be divided into so many shares and they derive their value from their sale, so to speak; there is no par value at all.

Hon. Mr. DANDURAND: From the balance-sheet.

Hon. Mr. BEAUBIEN: That is one thing that I do not think this section covers, and there should be some provision for it. May I go further? I do not quite understand the meaning of subsection 13 as it is drafted. You have to affix a two-cent stamp for every $100 of face value—or of par value, which I suppose, means face value in this case. Suppose I have a share of $100 and it has fallen in value to $30. If I transfer that, I have to pay two cents, because its face value or par value is $100.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEAUBIEN: Very well. Suppose I buy one share with a par value of $10, what do I pay?

Hon. Mr. POWERS: Two cents.

Hon. Mr. BEAUBIEN: Wait a moment. I want to know about this, because we do not seem to be in accord.

Hon. Mr. FOWLER: If you buy one share of $10 you pay two cents; and if you buy ten shares and get them all in one certificate, you pay only two cents.

Hon. Mr. BEAUBIEN: I want to have an answer from my honourable friend the leader of the House, because this does not seem very clear to me.

Hon. Mr. FOWLER: Well, that is the statement the honourable the leader made to me.

Hon. Sir JAMES LOUGHEED: What is that?

Hon. Mr. BEAUBIEN: If I buy one share of a stock with a par value of $10 I put two cents on it?

Hon. Sir JAMES LOUGHEED: If you have a certificate issued for that, yes.

Hon. Mr. BEAUBIEN: And if I buy ten shares of the same stock with a par value of $10 each, what do I pay on each certificate?

Hon. Sir JAMES LOUGHEED: You pay two cents on each certificate.

Hon. Mr. BEAUBIEN: Therefore it is going to cost me 20 cents. If I buy my stock in ten certificates instead of one, I shall have to pay 20 cents instead of two cents? Is that the decision?

Hon. Sir JAMES LOUGHEED: I think so.

Hon. Mr. FOWLER: If a person buys ten single certificates he pays 20 cents, but if he buys all in one certificate of ten shares he pays only two cents.

Hon. Sir JAMES LOUGHEED: He would save 18 cents.

Hon. Mr. DANDURAND: It is much better to buy wholesale.

Hon. Mr. BEAUBIEN: I do not see that that is just. That is not the way to equalize the tax.

Hon. Sir JAMES LOUGHEED: It aims at the certificate rather than anything else—just the same as a note.

Hon. Mr. BEIQUE: If they are no-par-value shares, what is payable on them?

Hon. Sir JAMES LOUGHEED: No provision is made for that class.

Hon. Mr. BEAUBIEN: They go scot free.

Hon. Mr. BEIQUE: No-par-value shares do not seem to be covered. I suppose they would have to pay only the minimum?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEIQUE: However, it is very uncertain, because they may be worth more than that.

Hon. Sir JAMES LOUGHEED: That will be another source of revenue from taxation that we had not discovered. We are looking for sources of that kind. That may be the subject of another Bill.

New section 13 was agreed to.

Subsection 2 of section 1 of the Bill was agreed to.

On section 2 (new section 19BB)—new excise taxes; ten per cent tax:

Hon. Mr. BOSTOCK: Can my honourable friend give us some explanation about these taxes?

Hon. Sir JAMES LOUGHEED: These are the luxury taxes, that is all.

Hon. Mr. BOSTOCK: I notice that under subsection 1 the tax is on the total price of the article hereinafter specified.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Then, on page 7, there is a 15 per cent tax, apparently on the total price. Then, on page 8, in subsection 2, there is a 10 per cent tax on the excess of price.

Hon. Sir JAMES LOUGHEED: Yes, we have classified them in that way.

Hon. Mr. BOSTOCK: The ordinary storekeeper is supposed to understand this whole matter?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And every assistant storekeeper as well?

Hon. Sir JAMES LOUGHEED: It is his duty to acquire the necessary knowledge.

Hon. Mr. BOSTOCK: I think the Government is very hopeful in thinking that the storekeepers are going to be able to understand this kind of legislation. It seems to me it is going to cost an enormous amount of money to collect a tax of this kind, because the Government will have to check it all. They cannot depend entirely on the storekeeper doing the work voluntarily without some check upon him to see that he is collecting the tax properly. If it requires, as it will require, a great deal of time and trouble on the part of the assistant clerk in the store to see that the taxes are properly paid and the slips properly made out, it is going to take the Government a great deal of additional time to check up the figures. Has the Government calculated what will be the cost in the way of providing sufficient officials to see that the tax is properly paid?

Hon. Sir JAMES LOUGHEED: The United States have done this very satisfactorily, and in the large departmental stores in Canada no difficulty is being experienced. They have expressed themselves as being able to do the work with the greatest facility. Of course, they are furnished with stamps, etc., and other facilities are afforded; but this problem can be worked out.

Hon. Mr. BOSTOCK: What about the small stores?

Hon. Mr. FOWLER: I think the principle of this tax is splendid. I congratulate the Government upon putting a tax upon luxuries. If people buy expensive stuff, let them pay into the treasury of the country for it. The rest of us, who have to do with stuff of inferior quality, ought to be relieved of the tax because we cannot help ourselves; but let the millionaires pay. I believe in charging the millionaire everything that we can get out of him.

Hon. Mr. DANDURAND: The honourable gentleman is very self-denying.

Hon. Mr. PROUDFOOT: At the foot of page 6 there is an item, "sporting goods, such as tennis rackets," etc. What is the amount proposed on such articles when the value is over 50 cents?

The Hon. the CHAIRMAN: Ten per cent on all these items until you come to paragraph b, on page 7.

Hon. Mr. PROUDFOOT: I move that this item be struck out. I do not think we should charge anything on sporting goods, tennis rackets, and other articles as described at the foot of page 6 and at the top of page 7, ending with line 6.

Hon. Sir JAMES LOUGHEED: I do not wish to enter upon a discussion of the power or authority of this House to amend a taxation Bill, but that is what my honourable friend proposes to do. I would suggest to him that up to the present time, at any rate, it has been assumed that we

have no authority to deal with a taxation Bill in this way.

Hon. Mr. FOWLER: Why does it come before us if we have not the power?

Hon. Sir JAMES LOUGHEED: We can reject the entire Bill.

Hon. Mr. DANDURAND: I do not admit my honourable friend's statement, because if that principle were adopted, then the Bill would be read at the table and could be rejected on the second or the third reading or in committee pro forma. I claim that in reading the Bill clause by clause we are simply acting in accordance with the resolution passed unanimously by this Chamber whereby we declared that we had the right to amend a money Bill; and my honourable friend joined in that resolution.

Hon. Sir JAMES LOUGHEED: No, I am not prepared to say that I went as far as my honourable friend charges that I did. However, it is undesirable that at this late hour in the Session we should enter upon a discussion as to what the powers of the Senate are in connection with financial measures. As to considering this Bill clause by clause, it is properly within our power to do that, because there might be a clause which would warrant the Senate in rejecting the whole Bill, and hence it is necessary to deal with it clause by clause. It seems to me it is more desirable to impose a tax upon sporting goods than upon clothing.

Hon. Mr. FOWLER: Yes, much more.

Hon. Mr. DANIEL: I would ask the honourable gentleman from Toronto (Hon. Mr. Proudfoot) why he objects to the payments of a tax on billiards and pool tables?

Hon. Mr. PROUDFOOT: They come under the heading of sporting goods.

Hon. Mr. DANDURAND: What objection has my honourable friend to that item?

Hon. Mr. PROUDFOOT: I say we should not impose a tax at all on sporting goods, such as are described in the item which I read. That is the ground that I take.

Hon. Mr. DANDURAND: But why?

Hon. Mr. PROUDFOOT: It is in the interest of the health of the young people of the country not to impose a tax on sporting articles that they are using constantly, day by day.

Hon. Mr. FOWLER: What particular benefit do they derive from playing billiards, for instance, in a super-heated room in the summer time, inhaling bad tobacco and cigarette smoke, etc.? Is that of any particular advantage to the youth of this country?

Hon. Mr. PROUDFOOT: I am quite willing to drop the part of the item relating to billiard tables. I had not observed that billiard tables were referred to particularly in this portion. My motion would be to strike out the several lines at the foot of page 6 and the five lines at the top of page 7.

Hon. Mr. DANDURAND: I would draw the attention of my honourable friend to the fact that there are sporting goods that are very luxurious. Only the other day I saw a rod which was given as a present to a friend of mine, and which cost $25. I live among people of but ordinary means. My honourable friend to my right knows of rods that have cost $100. It seems to me that since we are trying to reach the many who can afford to pay the tax, the younger generation should be asked to make a little sacrifice. It will teach them something of responsibility and will help to make them good citizens.

The amendment of Hon. Mr. Proudfoot was negatived.

Subsection 1 of section 2 was agreed to:

On subsection 2 of section 2—excise taxes on excess of price:

Hon. Mr. BOSTOCK: Would the leader of the Government say how the decision was arrived at that tax of 15 per cent should be paid on the excess in the case of boots and shoes, and that a tax of 10 per cent on the total price should be paid in the case of hats and clothing? It seems to me that boots and shoes are just as important as other articles of clothing.

Hon. Sir JAMES LOUGHEED: There is a very much greater range of prices in boots and shoes which permits of this principle being applied to them. You can buy boots at any price up to $50 if you are rich enough and extravagant enough.

Hon. Mr. FOWLER: I do not quite understand that item about clothing, near the top of page 9.

Hon. Sir JAMES LOUGHEED: For ready-made clothing the price is set at $45, and for custom-made clothes $60.

Section 2 was agreed to.

Section 3 was agreed to.

Subsection 2 of section 2 was agreed to.

Subsection 3 of section 2 was agreed to.

On subsection 4 of section 2—new excise taxes:

Hon. Mr. BOSTOCK: Are these taxes paid by the wholesaler?

Hon. Sir JAMES LOUGHEED: By the manufacturer or importer.

Hon. Mr. FOWLER: Does this section with regard to the tax on motor boats apply to new boats? Suppose a man has a boat which he has had for five or six years and he sells it, is there a tax on that sale?

Hon. Sir JAMES LOUGHEED: It would be applied only under two conditions: in the manufacture or in the import. As the boat is an old one changing hands it would not be subject to the tax. Of course, if it were bought out of the country and were imported it would be subject to the tax.

Hon. Mr. FOWLER: There is a tax on automobiles. Why do you not tax gasoline?

Hon. Sir JAMES LOUGHEED: That is subject to the Sales Tax.

Hon. Mr. FOWLER: I would suggest that there should be a special tax on gasoline, with a rebate to people who require to use it, because there is an enormous amount of money wasted by joy riders.

Hon. Sir JAMES LOUGHEED: The difficulty is to follow it.

Hon. Mr. FOWLER: Is not this a very simple matter? There would be a tax on every gallon of gasoline sold. Then men like doctors and merchants—

Hon. Mr. McLEAN: And fishermen.

Hon. Mr. FOWLER:—and fishermen—whoever require in their business to use motors of any kind—would get a rebate. In that way you would get after the joy riders, and would stop the excessive use of gasoline. If it did not do that it would fill the coffers of the country if they continued their wild extravagance. I would suggest that something should be done along that line.

Hon. Sir JAMES LOUGHEED: It is worth considering. Of course, we now get 2 per cent on the sale.

Hon. Mr. FOWLER: You ought to get 20 cents a gallon from the joy rider.

Hon. Sir JAMES LOUGHEED: We will get after him.

Hon. Mr. FOWLER: Why should there be the tax which is proposed in paragraph f of this section? Have we not prohibition in the country? It would seem that the Government has not yet been apprised of the fact that we have prohibition.

Hon. Mr. DANDURAND: The honourable gentleman should know that each province has its autonomy, and the Government is recognizing that principle.

Hon. Mr. FOWLER: All right, let it go.

Subsection 4 of section 2 was agreed to.

On subsection 5 of section 2—payment at time of sale or importation:

Hon. Mr. BOSTOCK: There is a matter here which I do not quite understand. This subsection says:

> The excise taxes as imposed by the preceding subsections 4 and 5 shall be payable on the duty paid.

It is subsection 5 that we are dealing with. I think there is an error there.

Hon. Sir JAMES LOUGHEED: That is evidently wrong. Strike out the words "and five" and strike off the "s" from the word "subsections."

Subsection 5 of section 2, so amended, was agreed to.

Subsection 6 of section 2 was agreed to.

On subsection 7 of section 2—licenses:

Hon. Mr. BOSTOCK: Would every person dealing in articles like lime juice in a retail store have to take out a license?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: What is the cost of the license?

Hon. Sir JAMES LOUGHEED: $2 is the maximum.

Hon. Mr. DANDURAND: I would call the attention of my honourable friend to the fact that there are little businesses—I would hardly call them stores—carried on by people in their own houses along the roads, where they sell ginger ale and other things. Of course, I do not know what profit they get in a year, but no doubt they get something. I have no objection to the Government levying a $2 tax on them.

Hon. Mr. FOWLER: They are not covered by this provision.

Hon. Sir JAMES LOUGHEED: Those soft drinks do not contain alcohol.

Hon. Mr. FOWLER: It is not the people who are selling ginger ale and things of that kind that we want to get at. But there are

a great many grocers and others who are selling enormous quantities of essence of lemon, and that beverage is being drunk, to the injury of the people, instead of the good old liquors that they used to drink.

Subsection 7 was agreed to.

On new section 19BBB—tax on sales:

Hon. Mr. BOSTOCK: What is the meaning of the words "for the purposes aforesaid" in subsection 2 of this section? What do they refer to?

Hon. Mr. FOWLER: Subsection 1 is the subsection aforesaid.

Hon. Mr. BEIQUE: You except there the articles for which a special license has to be had.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: The words "by or for the Senate or House of Commons" at the end of subsection 3 do not seem to be in the right place.

Hon. Sir JAMES LOUGHEED: I think all the words after the words "His Majesty" should be stricken out, and I so move.

The proposed amendment of Hon. Sir James Lougheed was agreed to.

New section 19 BBB, as amended, was agreed to.

Section 3 was agreed to.

On the preamble:

Hon. Mr. BOSTOCK: I should like to ask the leader of the Government whether the Government have been able to form any estimate of the amount of money that they are going to raise under this taxation? I have heard it said that the income to be derived under the one per cent sale tax would amount to $200,000,000.

Hon. Sir JAMES LOUGHEED: It has been estimated that $75,000,000 to $80,000,000 will probably be realized.

The preamble was agreed to.

The title was agreed to.

The Bill, as amended, was reported.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

DEMOBILIZATION BORROWINGS BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed the Senate went into committee on Bill 211, an Act to confirm certain borrowings under the Demobilization Appropriation Act, 1919. Hon. Mr. Gordon in the Chair.

On section 1—excess borrowings confirmed:

Hon. Sir JAMES LOUGHEED: This Bill is simply to authorize the Government to accept the subscriptions which were made in connection with the last loan. It is desirable that this should be done, as I understand from the Minister of Finance that when that loan was placed on the market the subscriptions exceeded the amount contemplated by some $340,000,000. This money is required, and will avoid the necessity of raising another loan of that amount. Consequently we desire to include these in the borrowing powers of the Government.

Hon. Mr. BOSTOCK: I presume that the Government has received this money, and has probably already made use of it.

Hon. Sir JAMES LOUGHEED: That may be.

Hon. Mr. PROUDFOOT: Some of it.

Hon. Mr. DANDURAND: My honourable friend is making this proposition without a blush. That $340,000,000 was filched out of the pockets of the public and transferred into the treasury. He is not sure that it has been spent, yet he will have to render an account of it before many days.

Hon. Mr. FOWLER: I rise to a point of order. Perhaps I misunderstood the honourable member for DeLorimier (Hon. Mr. Dandurand), but it seems to me he used the word "filched"—that the Government had filched out of the pockets of the people that amount. Now, I do not think the honourable gentleman should use language like that in a dignified Chamber like this—accuse a body of men who are presumably respectable of having committed an offence of that kind.

Hon. Mr. DANDURAND: Well, the expression must be very bad on which my honourable friend has raised a question of order. I may confess that I need a little more leeway than my friends of the Anglo-Saxon race, because I sometimes use an expression that comes to my lips for the first time, and I am not very sure that I

could use a synonym. Of course, when I said filched I meant took by legerdemain. I suppose there is a French expression that is used in English, "from the pockets of the people," that is to say, from the public, for the purposes of the Government. The Government was authorized to borrow, I think, $500,000,000.

Hon. Sir JAMES LOUGHEED: Yes; we were authorized to borrow in all $1,750,000,000; that was the entire borrowing power. The subscriptions exceeded that amount by practically the amount in the Bill, and we therefore ask authority of Parliament for that additional borrowing power which, in any event, would have to be secured for the purpose of an additional loan if we did not take advantage of this over-subscription.

Hon. Mr. DANDURAND: I understand how it was done; the people over-subscribed the last loan; but I feel all the same that the Government was enabled through that surplus subscription to boast lately that it would not appeal to the public this year for another loan. The question is as to the accounting, and I suppose that the close of this Session may be the end of this Parliament, and we may have a full accounting for the total sum.

Hon. Mr. FOWLER: I am surprised, now that the honourable gentleman understands just how this money came, that he should not withdraw the word or apologize for its use as applied to the Government, because the people had so much confidence in this Government that when it asked them for $400,000,000, or whatever it was, they gave them $350,000,000 in excess. So that it was not necessary, you see, to filch even if they had been so minded; but the people, having that confidence in this Government that they would expend the money properly, and having that patriotic feeling that they must put up the money because it was needed for public purposes, over-subscribed. Now, this legislation is simply to take advantage of that over-subscription and use that money, not for the Government's purposes, but for public purposes. So that the honourable gentleman's language is astray on two counts: one, that he has accused the Government of filching the money from the people, and the other, that he claims the money is being used for Government purposes instead of for public purposes.

Hon. Mr. DANDURAND: I think the honourable gentleman is very much mistaken if he takes for granted that the surplus amount subscribed by the people means confidence in the Government. It means confidence in themselves, in the people of Canada, because the several by-elections we have had in the last few years do not seem to imply over-confidence in the present Government.

Hon. Mr. FOWLER: Those can all be accounted for.

Section 1 was agreed to.

The preamble and the title were agreed to.

Hon. Mr. DANDURAND: While the Chairman of the Committee is performing his duty of signing this Act, and as the honourable gentleman from New Brunswick is within the reach of my voice, I would like to read for his benefit a statement made by President Wilson, which could be altered in one word, in explanation of the fact that, in spite of his protest a year or two ago that my voice irritated him, I am still on my feet. President Wilson was asked to say a few words at a charity musicale, and as he was surrounded by ladies he said:

> For beauty I am not a star;
> There are others more handsome by far.
> My face I don't mind it,
> Because I am behind it:
> It's the people in front that I jar.

I can alter this by saying:

> My voice, I don't mind it,
> Because I am behind it;
> It's the people in front that I jar.

Hon. Mr. CROSBY: That latter part is correct.

Hon. Mr. FOWLER: The people feel so badly about your voice, but I am quite accustomed to it now: it is like a saw-mill.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

DOMINION ELECTIONS BILL.

FIRST AND SECOND READINGS.

Bill 12, an Act respecting the Election of Members of the House of Commons and the Electoral Franchise.—Hon. Sir James Lougheed.

CANADIAN WHEAT BOARD BILL.

FIRST READING.

Bill 206, an Act respecting the Canadian Wheat Board.—Hon. Sir James Lougheed.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

Hon. Mr. BOSTOCK: Is my honourable friend going to explain this Bill at all?

Hon. Sir JAMES LOUGHEED: Shortly, it is this. The Government proposes asking Parliament for authority to continue the control of the Wheat Board in the event of conditions warranting their intervention. I will not say that the legislation in the United States is precisely similar to this; but they have a measure of legislation by which they can exercise control of the wheat crop under certain conditions. There are conditions likewise in Europe by which the Allied Powers may exercise, and as I understand are exercising, control over wheat and flour in the Allied countries. There are also conditions of a very disturbing character which may render it necessary for the Government of Canada, as well as the Government of the United States, practically to repeat what they have done on this subject during the last couple of years. It is difficult to say whether those conditions will reach such an acute stage as to warrant governmental action, but it is desirable to have this authority given the Government and placed upon the statute book, so that in the event of our being warranted to exercise that power which the Government now asks we would have it. It will be in the public interest that this be done. I may say that the Bill will be upon our files when we return this evening.

Hon. W. B. ROSS: I would like the leader of the Government to be able to inform us then whether, in the United States, apart from the war legislation, there is any legislation in force giving that Government the right to control the wheat of the country. I understand that there was a bill there that had that effect, but that ceased some time early this month, and what is left is the War Act. There must be some one here in the Department of Foreign Affairs who can give us information on that, because I think it is a relevant point in the consideration of this Bill.

Hon. Sir JAMES LOUGHEED: I understand that wheat has been decontrolled in the United States: but under their War Measures legislation they have still the right to regulate, and that practically is our situation in Canada. The present intention is not to control, but to take authority to intervene if it is desirable. I notice that the Minister of Trade and Commerce, who had charge of this Bill in another place, intimated that he was hopeful that it may not be necessary. It will be purely a matter of the Government exercising its discretion upon the conditions that may arise.

Hon. Mr. BOSTOCK: This Bill has been introduced by the Government in the dying hours of the Session, and we have not had an opportunity of seeing and studying the measure. It does seem to me that this legislation is somewhat extraordinary for the Government to be introducing at the present time.

Hon. Sir JAMES LOUGHEED: Not more extraordinary than we have been passing for the last couple of sessions.

Hon. Mr. BOSTOCK: I know, but that legislation was brought in as a result of the war.

Hon. Sir JAMES LOUGHEED: So is this.

Hon. Mr. BOSTOCK: We had hoped that we were getting through that condition, and that it would not be necessary in the future to go on passing this kind of legislation. From the remarks made by the honourable leader of the Government just now, it might seem that all the Government is asking at the present time is an enabling power to deal with this matter; but it may have a very serious effect on the business of the country. People will not know under what conditions this power is going to be exercised. If the Bill goes through there will be power in the hands of the Government to act or not as they think fit; but the people engaged in the business will not know whether this is going to be put into force or not. I have not had time or opportunity to read the Bill and therefore I may not fully appreciate all the sections of the Bill; but I do think it is a very serious matter to ask us to deal with legislation of this kind in the last hours of the Session, when we are very near prorogation. We have had the same kind of thing to complain of in the past, and I do not think that what has happened previously gives us any confidence in dealing with measures in this way. If my honourable friend will recollect, the Bill dealing with the formation of the Board of Commerce was introduced into the House in this way, in the last hours

of the Session, and before we had had an opportunity of reading and understanding it, and I for one found it necessary to state at that time that it was impossible to understand the legislation we were putting on the statute book—

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. BOSTOCK:—and we practically refused to discuss the matter at that time.

Hon. Mr. SHARPE: You have had this Act for three years.

Hon. Mr. BOSTOCK: We have had other amendments made that were introduced in that way, and I do not think our experience has been of a kind to make us wish to legislate in that way any more than is absolutely necessary. I certainly think that this legislation is of a most objectionable kind, and I would prefer to see the House consider it very carefully before they pass the Bill.

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

At six o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

DOMINION ELECTIONS BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 12, an Act respecting the Election of Members of the House of Commons and the Electoral Franchise. Hon. Mr. Thompson in the Chair.

Section 1 was agreed to.

On section 2—definitions:

Hon. Mr. BOSTOCK: Are there any alterations in this section, or is there any point in it to be considered?

Hon. Sir JAMES LOUGHEED: No. There are only about three sections in the entire Bill that have been discussed in the House of Commons.

Hon. Mr. BOSTOCK: The advance poll is something new. I do not know whether other honourable gentlemen understand it or not. Perhaps when we come to the clause dealing with that we can discuss it.

Hon. Mr. McMEANS: You can go back at any time.

Hon. Mr. CROSBY: Come back after the session.

Hon. Mr. DANDURAND: I suppose it would be cruel to ask the honourable gentleman to give us a definition of "advance poll"?

Hon. Sir JAMES LOUGHEED: Oh, no. All I can say is that it is a poll of advanced character. When we come to the section dealing with it, we can elaborate upon that.

Section 2 was agreed to.

Sections 3 to 9, inclusive, were agreed to.

On section 10—contributions for political purposes:

Hon. Mr. BOSTOCK: I would like to have some explanation about this clause. I think this is a new provision, which states that companies are not to contribute for election purposes.

Hon. Sir JAMES LOUGHEED: No, this is the old section.

Hon. Mr. BOSTOCK: Is there nothing new in this clause?

Hon. Sir JAMES LOUGHEED: This has been the law for years.

Section 10 was agreed to.

Sections 11 and 12 were agreed to.

On section 13—illegal payments to electors:

Hon. Mr. BEIQUE: Should not the words, "or who may have voted," be added after the words, "who may intend to vote"?

Hon. Sir JAMES LOUGHEED: The elector may not get the opportunity to vote.

Hon. Mr. BEIQUE: But those words should be added in both paragraph a and paragraph b in order to cover what the section is dealing with. The section begins:

> Every person who before, during or after an election, directly or indirectly or by any means or device in attempted evasion of the following provisions,—
>
> (a) Pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote—

He may intend to vote, or he may have actually voted.

Hon. Mr. BEAUBIEN: The clause is worded properly. It forbids providing transportation for not only the man who votes, but also for the man who has the intention of voting. Surely a man who has voted has had the intention of voting. Therefore the case is covered.

Hon. Mr. CHAPAIS: And this is the law as it now stands on the statute book.

Section 13 was agreed to.

On section 12 (re-considered)—conveyance of electors to polls, etc., for hire forbidden:

Hon. Mr. DANDURAND: I want to draw the attention of the House to the fact that, while the provisions of section 12 are suited to conditions in the rural districts, it is hard to find in it anything that would remedy its defect in regard to the cities. I have heard members of Parliament on both sides state that this clause could not be complied with honestly at elections in large cities. As to the country districts the prohibition to hire vehicles to convey electors is all right, because nearly every elector has a horse and cart, which under some pretext might be hired by one party or the other. But in the cities, where distances are great, the electors are often two, three or four miles away from their poll, and as candidates feel the necessity of getting the electors to the poll at dinner time or during the day, cabs are hired. The best of candidates, while making an effort to obey the law, will close their eyes to the fact that their friends step in and arrange for the hiring of cabs. It is said that there is not an election in a large city like Montreal, Toronto, Winnipeg or Hamilton, which could not be annulled just because of the hiring of conveyances to carry electors to the polls. This is a clause under which the candidates in the cities suffer. Of course, we Senators have not to go through the mill, but I dislike to see this clause repeated without an effort having been made to prevent the abuse of the law in those large centres. This is honoured more in the breach than in the observance. Such a clause is necessary for the rural districts, but as to the large cities, while it would hardly be proper at this late hour to try to find a remedy, I desire to point out that the law will continue to be violated and treated with contempt.

Hon. Mr. SHARPE: What would you propose?

The Hon. the CHAIRMAN: He does not propose anything.

Sections 14 to 18, inclusive, were agreed to.

On section 19—the Chief Electoral Officer:

Hon. Mr. BEIQUE: It reads, "his Majesty's council."

Hon. Mr. DANDURAND: Would the honourable leader of the Government explain why the name of the Chief Electoral Officer is mentioned instead of the office itself?

Hon. Sir JAMES LOUGHEED: I understand that my honourable friend's political friends in the other House insisted that the name should be mentioned in the Bill.

Hon. Mr. CROSBY: We have given them their own way.

Hon. Mr. DANDURAND: Does that imply that the Commons have insisted upon having the appointment of the officer?

Hon. Sir JAMES LOUGHEED: Well, it is very desirable that the officer appointed to this office should have the confidence of both sides of the House, and I understand that it was mutually arranged that this appointment should be made and that the name should appear in the Bill.

Hon. Mr. BOSTOCK: Should not a change be made to correct what is probably a clerical error, referred to by my honourable friend from De Salaberry (Hon. Mr. Béique)? It ought to be "counsel," not "council."

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CROSBY: It is only a clerical error.

The Hon. the CHAIRMAN: That will be corrected.

Hon. Mr. BOSTOCK: Does this mean that Mr. Biggar will give all his time to the duties of Chief Electoral Officer?

Hon. Sir JAMES LOUGHEED: I understand that Mr. Biggar is acting as counsel for the Government and that he retains his other fees. He will continue to perform the duties that he has been performing for some time past.

Hon. Mr. BOSTOCK: He is attached to the Department of Justice?

Hon. Sir JAMES LOUGHEED: Not necessarily. He has been appointed Chief Counsel for the Government.

Hon. Mr. BOSTOCK: Under a retaining fee?

Hon. Sir JAMES LOUGHEED: He is paid a salary. I do not speak with absolute certainty about it, but I think he is receiving $10,000 for that office and $2,000 for this—a total of $12,000.

Hon. Mr. DANDURAND: Would it not be the reverse?

Hon. Mr. BEIQUE: Does the honourable gentleman mean $10,000 for this?

Hon. Sir JAMES LOUGHEED: No, $2,000. It is provided here that a salary may be attached to this office.

Hon. Mr. McMEANS: The same salary as a Supreme Court judge?

Hon. Sir JAMES LOUGHEED: Yes. The Chief Electoral Officer performs other duties as well.

Hon. Mr. McMEANS: What about the Civil Service Commission in connection with this appointment?

Hon. Mr. BEIQUE: I do not understand the purpose of subsection 6.

Hon. Sir JAMES LOUGHEED: If the Chief Electoral Officer should be incapacitated or unfitted to act, this provides the machinery for the appointment of a substitute.

Hon. Mr. BEIQUE: The previous subsection provides for the appointment, and then it provides for the cancellation of the appointment. It gives one judge the power to appoint and another the power to rescind.

Hon. Sir JAMES LOUGHEED: It may become necessary in the absence of these judges to rescind that order, and this makes provision for it.

Hon. Mr. FOWLER: The latter part of the previous section provides for rescission.

Hon. Sir JAMES LOUGHEED: This makes provision for a further contingency. If it should be necessary in the absence of the Chief Justice or a judge of the Supreme Court of Canada to rescind the order appointing the first substitute, it may be rescinded.

Hon. Mr. FOWLER: If those judges are not present it says who shall rescind it. It is perfectly logical.

Section 19 was agreed to.

On section 20—assistant chief electoral officer:

Hon. Sir JAMES LOUGHEED: There is a typographical error in this section. The word "head" should be changed to "chief."

The Hon. the CHAIRMAN: "Chief clerk."

Hon. Sir JAMES LOUGHEED: Yes.

Section 20 was agreed to.

Sections 21 to 31, inclusive, were agreed to.

On section 32—preparation of lists of voters:

Hon. Mr. BEIQUE: Can my honourable friend explain how the lists are to be arranged?

Hon. Sir JAMES LOUGHEED: As I understand, in rural districts a list will be prepared by a registrar appointed for that purpose. In the cities the provincial lists, if not more than two years old, will be accepted. If the lists are over two years old, new lists may be made, or the old lists may be added to or taken from.

Section 32 was agreed to.

On schedule A to section 32:

Hon. Mr. BEIQUE: Under rule 11, jurisdiction is given to more than one judge. It states that one only will act, but it does not state which.

Hon. Sir JAMES LOUGHEED: The judge of the senior court shall act where there are both senior and junior court judges; in other places the County Court judge shall act.

Hon. Mr. BOSTOCK: Under rule 15 the list will be posted up 12 days before polling day.

Hon. Sir JAMES LOUGHEED: I think it is twelve days. It has to be posted up a reasonable time.

Schedule A to section 32 was agreed to.

Schedule B to section 32 was agreed to.

Sections 33 to 38, inclusive, were agreed to.

On section 39—disqualification of candidates:

Hon. Mr. DANDURAND: Is a deposit still exacted from the candidates?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Is this the same as the old Act?

Hon. Sir JAMES LOUGHEED: It is apparently taken from sections 70 and 71 of the old Act. The construction of the clause may not be the same, but from looking over it hastily I would say it was practically the same.

Section 39 was agreed to.

Section 40 was agreed to.

Section 41 to 50, inclusive, were agreed to.

On section 51, paragraph 1—attempts:

Hon. Mr. FOWLER: In the other cases where a penalty is attached, the burden is on the accused to prove himself innocent,

but in this case the burden of proof would be on the Government. Why is there a difference?

Hon. Sir JAMES LOUGHEED: I do not know.

Section 51 was agreed to.

Sections 52 to 65, inclusive, were agreed to.

On section 66, subsection 8—ballot boxes delivered free of postage:

Hon. Mr. BOSTOCK: Those ballot boxes, I presume, would be absolutely distinct from the ones used in the advance polls, we come to later?

Hon. Sir JAMES LOUGHEED: Yes; I understand they are not the same.

Section 66 was agreed to.

Sections 67 to 88, inclusive, were agreed to.

On section 89—election not avoided unless illegal practices by candidates, agents, etc:

Hon. Mr. DANDURAND: Why is that word "avoided" there?

Hon. Mr. BOSTOCK: It should be "voided."

Hon. Sir JAMES LOUGHEED: Yes; that is a typographical error.

Section 89 was agreed to.

Sections 90 to 99, inclusive, were agreed to.

On section 100—advance polls for railway employees, sailors and commercial travellers:

Hon. Mr. BOSTOCK: Would my honourable friend give us some explanation of this now? For whom are these advance polls to be established?

Hon. Sir JAMES LOUGHEED: I really could not give my honourable friend any information other than what appears in the clause?

Hon. Mr. BOSTOCK: Has he no information at all other than is contained here?

Hon. Sir JAMES LOUGHEED: No, I have not. The clause is not only lengthy, but explanatory. This seems to be entirely new.

Hon. Mr. BOSTOCK: How is this worked out? How many days before the other polling are the advance polls established?

Hon. Sir JAMES LOUGHEED: Three days?

Hon. Mr. DANDURAND: Is the returning officer to proceed to establish these advance polls whether they are asked for by the candidates or not?

Hon. JAMES H. ROSS: There will be a notice in the Canada Gazette first.

Hon. Sir JAMES LOUGHEED: On page 118, in Schedule two, will be found information as to where the advance polls shall be held. The different points are named. It will be observed that the advance polls are established by statute.

Hon. Mr. BOSTOCK: They are fixed in the Bill, are they?

Hon. Sir JAMES LOUGHEED: Yes, under Schedule two.

Hon. JAMES H. ROSS: The places are mentioned there.

Hon. Mr. DANDURAND: I see that subsection 3 provides:

> (a) If a total of not less than fifty votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or,
>
> (b) If he is advised and believes that a total of fifty votes will be polled at any place in case an advance poll is established there, he may add the name of that place.

Hon. Sir JAMES LOUGHEED: Yes, and under subsection 4 the Chief Electoral Officer gives notice in the Canada Gazette of so doing.

Hon. Mr. DANDURAND: We have not time to read every clause. At one of those advance polls is the elector supposed to vote in the county in which the poll is held, or is his vote placed in an envelope which can be sent to his own county?

Hon. Sir JAMES LOUGHEED: His vote applies only in the electoral district to which he belongs; not in any other.

The Hon. the CHAIRMAN: Subsection 9 states pretty clearly the conditions for voting at advance polls.

Section 100 was agreed to.

Section 101 was agreed to.

Schedules 1, 2 and 3 were agreed to.

The preamble was agreed to.

The Bill was reported without amendment.

THIRD READING.

Sir JAMES LOUGHEED moved the third reading of the Bill.

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

On the motion that the Bill do now pass:

Hon. Mr. BOSTOCK: My attention has just been called to form A, the latter part of which says: "(or as the case may be) Returning Officer." If honourable gentlemen turn to clause 7 of the Bill they will find that it deals with the administration of oaths. The point raised is that it would be better that form A should read: "Returning Officer, or other person authorized to do so." Very often there is considerable confusion in regard to that oath and who may take it.

Hon. Sir JAMES LOUGHEED: As it did not occur to the Commons to change it, I think we had better leave it as it is.

Hon. Mr. BOSTOCK: It may be one of those things that was not noticed. I thought it only right to call it to the attention of the House.

Hon. Sir JAMES LOUGHEED: I think we had better leave it; it will not be an insurmountable difficulty.

Hon. Mr. BOSTOCK: Perhaps it could be arranged at another session.

Hon. Sir JAMES LOUGHEED: Yes.

The motion was agreed to, and the Bill was passed.

CANADIAN WHEAT BOARD BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed the Senate went into Committee on Bill 206, an Act respecting the Canadian Wheat Board. Hon. Mr. Daniel in the Chair.

Sections 1 and 2 were agreed to.

On section 3—Wheat Board may be constituted:

Hon. Mr. BOSTOCK: I understand that the present Act remains in force up to the 15th of August this year. Is that correct?

Hon. Sir JAMES LOUGHEED: I cannot inform my honourable friend definitely on that point.

Hon. Mr. BOSTOCK: Subsection c of section 2 of this Bill provides:

"wheat" in clauses 6, 7, 9 and 12 means wheat harvested in 1920 or other wheat delivered to the Board after the 15th day of August, 1920.

It is evidently intended that this Bill shall not come into effect until the 15th day of August.

Hon. Sir JAMES LOUGHEED: It is not in operation now. I understand that the business is now being controlled, and this provision does not come into operation until a proclamation is issued by the Governor in Council.

Hon. Mr. BOSTOCK: But is there not an Order in Council in operation at the present time, clearing up the work of last year?

Hon. Sir JAMES LOUGHEED: I cannot speak definitely as to that.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—Board may make investigations, etc.:

Hon. Mr. BOSTOCK: Subsection 2 of this section might lead to the Government having to pay very large sums of money. If the board commenced operations late in the season, after the business had been running for say a month or six weeks, the members of the Wheat Exchange might find themselves very seriously hampered and very much injured in their business. It seems to me that it would be better if the Government were to fix a date and let the people know what is going to be done.

Hon. Sir JAMES LOUGHEED: My honourable friend at my right (Hon. Mr. Robertson), who is better informed in regard to this matter than I am, informs me that the Act on the statute book is now in force, and will remain in force for the handling of this year's crop.

Hon. J. H. ROSS: Up to what date?

Hon. Sir JAMES LOUGHEED: August, I understand. It is probably the date which appears on the face of the Bill, namely, August 15.

In regard to the assumption of loss by the Government, on a former occasion they assumed the same responsibility when the Wheat Board entered upon its duties. They are fully cognizant of what that loss will be, so they are not going to assume a liability of which they have no conception.

Hon. Mr. BOSTOCK: Has my honourable friend any figures to show what that loss has been in the past?

Hon. Sir JAMES LOUGHEED: There has been a very substantial surplus; in fact, the surplus from the handling of this business is so substantial that it amazes one. The farmers and the public get the benefit of it.

Hon. Mr. BOSTOCK: Up to the present time there has been no loss?

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. SHARPE: It is claimed that the surplus in the hands of the Government at the present time is over 40 cents a bushel. They are going to issue cheques for 50 per cent of it by the 15th of this month. That goes to the farmer.

Hon. W. B. ROSS: But that is not the loss which this subsection deals with. It is quite correct, as the honourable gentleman from Manitou (Hon. Mr. Sharpe) has said, that the Wheat Board has 40 cents a bushel which it holds. Those who held on will get 40 cents; but the grain dealer who went out and bought wheat at say $3, before the Government came in and fixed a price of $2.75, made a loss; and there was a loss last year. There has been a partial settlement of that loss, but I think there is still a claim of some $20,000 in that regard. I think that is what is referred to in this section. If you have an open market for a time and men buy wheat at certain prices the board is then appointed and fixes a price, it is possible that the price which they fixed may cause a loss to the men who have been buying in the open market. That is what this section provides for, and it is possible that there might be a big loss. I think, however, that that is not a thing to worry over, because at the time they constituted the board the Government naturally would know whether there had been much buying, and would take care not to fall into a hold of that kind.

Hon. Mr. SHARPE: Last year the Government were very undecided whether to go ahead and control the wheat or not, and for a time they allowed the Grain Exchange to buy and sell wheat. This year they will have their minds made up before they allow the Grain Exchange to open at all; and if they allow it to open, they will allow it to handle the whole crop.

Section 5 was agreed to.

On section 6—powers of Board:

Hon. W. B. ROSS: I think this is an opportune time to mention a certain matter which I have in mind. I take it that the existing Wheat Board was constituted under the War Measures Act, or during war time; and, of course, I can quite well understand where the Board got its powers. But in the light of the British North America Act, I am puzzled to know where the Parliament of Canada gets power to pass this legislation now that the war is over. So far as we have gone, well and good. I quite understand that the Board should be able to make inquiries and reports in the public interest; but if you read section 6 you will find that some very drastic powers are being placed in the hands of this Board. Take, for instance, paragraph g, under which they shall have power:

> To fix maximum prices or margins of profit at which flour and other products made from wheat delivered to millers may be sold, and to fix standards of quality of such flour.

Then paragraph k, which says:

> For the purpose of performing its duties under this Act, to allocate Canadian lake tonnage and to distribute cars for rails shipments.

The Board will have power to take the whole of the lake shipping in hand. I understand very well that the Government claims to have got the power last year; but since then there has been a declaration of peace.

Hon. Sir JAMES LOUGHEED: No.

Hon. W. B. ROSS: No declaration of peace?

Hon. Sir JAMES LOUGHEED: There is no declaration of peace with Turkey yet.

Hon. W. B. ROSS: I have in my possession, and I could get it in a very short time, a proclamation of King George issued on the 7th day of July this year, stating that war between Great Britain and Germany and her Allies had come to a close.

Hon. Sir JAMES LOUGHEED: With Germany, yes.

Hon. W. B. ROSS: With Germany and her Allies.

Hon. Mr. BEIQUE: Are we still in a state of war?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. W. B. ROSS: Under a statute passed last year, England is; but Canada, under international law, under the War Measures Act, and under the proclamation of His Majesty the King issued last July, is at peace with Germany and with all the Allies of Germany.

The Hon. the CHAIRMAN: How about Turkey?

Hon. W. B. ROSS: We are at peace with Turkey.

The Hon. the CHAIRMAN: They are firing on her now.

Hon. W. B. ROSS: Great Britain is, but we are at peace with Turkey. Great Britain is working under the statute passed last year.

Then, paragraph q of this section says:

To require that any wheat sold or purchased in Canada shall be delivered to the Board or to its order in accordance with such regulations as the Board may from time to time make.

That is to say, they could order wheat to be delivered to them or to someone else. I would like to know where the Parliament of Canada gets the authority to give them the power to do that. Then you will find that under section T they have the following power:

To order any person holding wheat stored in any elevator or warehouse, or on railway cars or Canadian boats to sell and dispose of the same to any purchaser named by the Board, on such terms as the Board may direct, and any such order of the Board shall pass to the purchaser the title in the wheat mentioned in any such order.

This is a most sweeping clause, and I should like to know where we get the power to pass such legislation.

Hon. Mr. BOSTOCK: Can the leader of the Government give us any information about that? I think the point raised is a very important one, and one upon which we should have some information.

Hon. Sir JAMES LOUGHEED: We are exercising the same authority that we have always exercised. There may be something in what my honourable friend has said, but the Government is quite willing to accept the responsibility and to exercise this power of legislation. If anyone considers it ultra vires of the Canadian Parliament he has his remedy in the courts. But there is a good deal of force in the good old rule, the simple plan, that they shall take who have the power and they shall hold who can.

Hon. Mr. BOSTOCK: That was the German idea.

Hon. Sir JAMES LOUGHEED: That may be, but the public have their remedy in the courts if they think that this is ultra vires of this Parliament.

Hon. Mr. McMEANS: The same question was raised about the Indian Acts the other day, but we passed those Acts.

Hon. Mr. BOSTOCK: The whole question was raised about the Commerce Act.

Hon. Sir JAMES LOUGHEED: All legislation is susceptible of being investigated as to its validity.

Hon. Mr. BOSTOCK: But I do not think it is a good thing for this House to be passing legislation of this kind.

Hon. Sir JAMES LOUGHEED: It has worked very satisfactorily in the past. The power that has been exercised in putting legislation on the statute book in former sessions is good enough to place it on at present.

Hon. Mr. BOSTOCK: But the conditions of the country when this Act was in force before are different from what they are now.

Hon. Sir JAMES LOUGHEED: No; I would say that the conditions to-day are even more startling than they were when this legislation was placed on the statute book. They are all conditions arising out of the war.

Hon. Mr. WILLOUGHBY: One of the first questions would be whether the Board could operate successfully without the powers granted in section 6. The powers are very extensive, and any one familiar with the handling of grain, if he studies that section, will conclude that those powers are absolutely necessary if the Government is to take control and handle the grain of Canada under certain circumstances, which is the object of the Bill. Many of the powers mentioned here were exercised before the War Measures Act was passed; that is, the Grain Commission had power of control in handling the cars. They allocated the cars, and ordered the different railways to send cars to certain points, and to observe the order of shipment. I do not know why we can do it with grain cars under the Railway Act and not with other cars; one is as much ultra vires as the other. There is something in the point raised by the honourable member for Middleton (Hon. W. B. Ross) that would give any lawyer ground for argument anyway. If we are going to give the Government this power and put this Act into operation I do not think section 6 contains power that is not absolutely necessary to work the Act properly.

Hon. Mr. BOSTOCK: That may be perfectly true, but the position is this. We may say that it is necessary to give the Government those powers, but we are not in a position to give them. If any man came to my honourable friend as a law-

yer and asked his advice in the matter, he would probably say, "Go and sue the Government at once, and have the matter settled."

Hon. Mr. CROSBY: If he had a good fee he would.

Section 6 was agreed to.

Sections 7 to 15, inclusive, were agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

RAILWAY ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

Bill 217, an Act to amend the Railway Act, 1919.—Hon. Sir James Lougheed.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Daniel in the Chair.

On section 1—powers of Board of Railway Commissioners with respect to coal and other fuel supplies:

Hon. R. S. WHITE: Are the powers given to the Railway Board exercised over the Department of Marine, the Department of Labour, and the Department of Trade and Commerce, or what powers do they have?

Hon. G. D. ROBERTSON: The powers that the Railway Board may exercise under this Bill will be practically the same as those that were conferred upon the Fuel Controller during the war under the War Measures Act. It is intended that the Board shall have general jurisdiction over and assist in the obtaining of coal necessary to meet our requirements, and the transportation and distribution of it.

Hon. R. S. WHITE: If they find, for instance, that the production of coal is not sufficient, can they call on the Labour Department to increase that output, or not? Have they any power over the Labour Department, or any instructions about it?

Hon. Mr. ROBERTSON: I do not assume that the Board of Railway Commissioners would have any more power in that direction than the Fuel Controller had. They would simply make the necessary representation as to what, in their opinion, ought to be done, and the Departments would have some power to exercise in that direction. At the present time the fuel situation is indeed serious in the provinces of Ontario and Quebec. During the first part of this year the importations exceeded those for the first five months of last year; but, owing to transportation difficulties in the United States, and the scarcity of coal, that is, the demand not being met even in their own country, drastic steps have been taken over there to control the situation; and the Interstate Commerce Commission has been placed in control of the coal situation under much the same powers as Mr. Garfield exercised as Fuel Controller during the war. Embargoes have been placed on the exportation of coal overseas. It is obvious that some control must be maintained over coal in Canada, and as it has been thought wise by the United States to suggest that coal should not be exported to Europe, we would expect that country to supply coal here. Therefore some body must have power in Canada to exercise such control as was exercised by the coal director under the War Measures Act; and inasmuch as the Railway Board are in direct touch with and control transportation movements, it is felt that they are the logical body in whom to vest this power.

Hon. Mr. WHITE: Would they have any power over the ships owned by the Canadian Government if they wanted tonnage?

Hon. Mr. ROBERTSON: I would assume that they would represent to the Minister of Marine what was required in the way of ships. I would not assume that they had any commandeering power under this Bill.

Hon. Mr. FOWLER: Suppose the production of coal in Nova Scotia had fallen off, would they have power to take drastic measures to increase that production?

Hon. Mr. ROBERTSON: They have power to take control of a mine and operate it, if necessary.

Hon. Mr. BOSTOCK: This Board of Railway Commissioners would have that power?

Hon. Mr. ROBERTSON: The Bill says:

> The Board shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as the Board, by reason of real or apprehended scarcity of coal or other fuel supplies in Canada, may deem necessary or advisable for the provision of such supplies and for the distribution, control and disposition thereof.

The regulations which the Board are empowered to make would, I assume, be along the lines of those that governed the operations by the Fuel Controller, and under those regulations he was empowered, in the event of industrial difficulties which interfered with or interrupted the production of coal, to take such steps as in his opinion were necessary to guarantee and continue the coal production, even to the extent of operating the property.

Hon. Mr. FOWLER: It would be assumed that coal operators, that is, the owners of the coal mines, would be anxious to produce as much coal as possible.

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. FOWLER: But they are often prevented from doing that by reason of the action of the miners. What extra powers would the Railway Board have to take hold of the situation and make them produce?

Hon. Mr. ROBERTSON: All that they could do, I assume, if they found it necessary to take control of and operate the mine, would be to take such steps as were necessary in the way of production.

Hon. Mr. FOWLER: What steps could they take? Suppose the labourers refused to work?

Hon. Mr. ROBERTSON: Get labour that would work.

Hon. Mr. BEIQUE: This Bill is open to the same objection as was raised by the honourable member from Middleton (Hon. W. B. Ross) in connection with the Bill which has just been passed by this honourable House. There is no question that the Railway Board, under this Act, may prevent the exportation of coal; that would be within the power of this Parliament; but, as was stated by the honourable member from Middleton, they would not be entitled to interfere with contracts, nor to control the price at which coal was sold at the mines, nor would they be entitled to take possession of the coal, as that would be interfering with the provisions of the British North America Act. Of course, if we were in a state of war that would be another thing, but we understand that we are not. If we are not, then all contracts are within the exclusive jurisdiction of the province.

Section 1 was agreed to.

Hon. Mr. ROBERTSON: It is deemed desirable that there should be an amendment added. It is proposed to insert the following as subsection 3 of section 1, and the present subsection 3 will become subsection 4:

All orders and regulations made under this section by the Board shall have the force of law and may be varied, extended or revoked by any subsequent order or regulations; but if any order or regulation is varied, extended or revoked, neither the previous operations thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation, or liability acquired, accruing or incurred thereunder be affected by such variation, extension or revocation.

Hon. Mr. BOSTOCK: It seems to me that this measure, like the other one dealing with the Wheat Board, will be open to dispute; that in this case the Board of Railway Commissioners will try to enforce the law and some company or person will engage a lawyer and dispute the whole thing, and it will be tied up. It does seem to me that it is foolish for Parliament to pass legislation of this kind. It may be all right for the lawyers, but I do not see that it is wise legislation.

Hon. Sir JAMES LOUGHEED: We would not legislate at all if we adopted that principle.

Hon. Mr. ROBERTSON I would point out to my honourable friend and to the House that these are amendments to the Railway Act. Section 52 of the Railway Act, if I remember correctly, provides for an appeal at any time from the decision of the Board of Railway Commissioners to the Governor in Council. There is therefore a safety valve.

The amendment of Hon. Mr. Robertson was agreed to.

On subsection 3—duration of section:

The Hon. the CHAIRMAN: Subsection 3 now becomes subsection 4.

Subsection 4 was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

THIRD READING.

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

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

SITTINGS OF THE SENATE.

Hon. Sir JAMES LOUGHEED moved:

That beginning to-morrow and for the balance of the session there shall be two distinct sittings of the Senate, the first sitting to be from 11 o'clock, a.m., until 1 o'clock, p.m.,

and the second sitting to commence at 2 o'clock; and that all Select Committees of the Senate be permitted to sit while the Senate is in session, notwithstanding anything to the contrary in rule 86.

The motion was agreed to.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE.

Wednesday, June 30, 1920.

First Sitting.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

FRANCO-CANADIAN TRADE.

MOTION.

Hon. C. P. BEAUBIEN moved:

Whereas the abrogation of the Franco-Canadian Commercial Treaty on the 19th of June instant will seriously affect Canada's export trade to France;

Whereas the said abrogation will further place France at a grave disadvantage with her competitors on the Canadian market;

Be it resolved that the Canadian Government be earnestly urged to forthwith enter into negotiations for the purpose of concluding a new Treaty or a temporary agreement with France of a nature to protect and if possible stimulate trade between the two countries.

He said: Honourable gentlemen, I have no apology but an explanation to give this House why this motion is presented so late. It is a case of necessity. The policy of the Government in this respect was not announced until the 26th of June instant. I was unable until yesterday to obtain from the different departments the information required; therefore it was, prior to this moment, impossible to put this matter before the House in an intelligent manner.

In these last fleeting hours of the session I would certainly not inflict on this House a subject of a rather dry nature, composed practically of quotations and figures, if I did not consider it of paramount importance to the country; but I do. I wish I had the natural ability that many members of this House possess, of putting a business proposition in concise, crisp and clear language.

Let me preface what I have to say by stating that this motion has been approved by very important bodies of men in this country. I will quote a resolution recently adopted by the Canadian Manufacturers' Association at their last annual meeting:

Whereas, the Franco-Canadian Customs Tariff Convention will terminate about June 19, 1920, and

Whereas, it is highly desirable that the friendly trade relations between France and Canada should be improved by a new Customs Convention whereby direct shipping may be promoted and French markets opened which, owing to the high general Customs duties of France would otherwise remain closed against numerous Canadian products, both agricultural and manufacturing, and on the other hand desirable markets may be opened in Canada for various French products not made or produced in Canada.

Therefore be it resolved, that the Canadian Manufacturers' Association in annual meeting assembled in Vancouver on June 9, 1920, earnestly petition the Dominion Government to negotiate a new Franco-Canadian Customs Tariff Convention, as soon as conditions become opportune.

A similar resolution was adopted by France-Amerique, a very important organization composed of men endeavouring to strengthen the trade and intellectual relations existing between Canada and France. This association comprises many of the heads of our big railroads, of our banks, of our industries—men who hold very high positions in every walk of life. The resolution adopted by this association is as follows:

Extract from the minutes of a meeting of France-Amerique, held in the city of Montreal on the 17th day of May, 1920.

Whereas the repeal of the commercial treaty between Canada and France will operate from the 19th day of June next (1920), and whereas the negotiation of a new treaty will no doubt entail protracted discussions, extending over a long period;

Whereas it is of vital importance that Canadian exportations to France, so highly developed during the war and to a substantial extent maintained since should not be jeopardized by such revocation, but should be protected and, as far as possible, helped by a temporary agreement between the two nations;

Wherefore it is unanimously resolved;

That the Government of Canada be earnestly requested forthwith to take such steps as may lead to the negotiations of such a temporary agreement prior to the 19th day of June, 1920.

Resolutions to the same effect have also been adopted by the Montreal Board of Trade and by the two Chambers of Commerce of Montreal.

These resolutions, honourable gentlemen, fortify the proposition I wish to lay before you. What is the position of Canada now? We were very unfortunate in the war in that we lost the flower of our manhood and burdened our country with a very heavy debt. But we have been fortunate in this, that our trade has been extremely prosperous, and that the unfavourable balance of trade, which had increased so alarmingly from 1910 to 1914 to the extent of $1,000,000,-

000 was offset by a favourable balance in the four following years, from 1914 to 1919, that is, to an amount of no less than $1,300,-000,000. This was very satisfactory indeed for Canada, being face to face with the enormous debt which she had to assume as her fair and glorious share of this world war, the war of liberty and of civilization.

But what I need draw your attention to is not so much the past but the present. While I am speaking we are consuming this favourable balance of trade at the rate of about a million and a half a day. Let me quote some figures. The favourable trade balance, in 1918, was $576,000,000; in 1919, $296,000,000; in 1920, $174,000,000. Let me now put before you, as business men, a comparative statement for the three last months of this year, as compared with the same period of last year. Taking March of 1919 and March of 1920, how do they compare? In 1919 we had a favourable balance of $28,000,000. What have we this year? We have an unfavourable balance of $49,000,000 —a reversal of $77,000,000 against Canada in one month. In April of last year we had a favourable balance, already declining, of $10,000,000. What have we this year? In April, 1920, we have an unfavourable balance of $44,000,000. Last year in the month of May we had a favourable balance of $20,000,000. What have we this year? An unfavourable balance of over $36,105,321. In the last three months, honourable gentlemen, we have already consumed no less than $1,432,-000 of our favourable balance. If we continue at this rate, in less than twelve months we shall have reduced it by no less than $522,000,000, which means that practically, in two years, all that we have accumulated during the war will be gone. Am I therefore right in contending that every effort must be made to increase our exportations and, if possible, to diminish our importations?

I have endeavoured to treat this as a business proposition and to find out where we have gained and where we have lost. A country has clients just the same as a corporation, a company or a business man. I have carefully examined the list of our customers; and have, first of all, eliminated all small countries with whom we do less than $1,000,000 of business, a year; secondly, I have ranged off on one side those countries with whom we are doing what I would call a profitable business—a business which at the end of the year will leave us something to the good. I have put on the other side those countries to whom we are losing money. How do we stand?

The countries with which we have a favourable balance are fifteen in number. The first one, of course, is the British Empire. In trading with the British Empire we make no less than $387,000,000. I know that the Government will do everything that is required in the near future to ensure that this favourable balance will be maintained and if possible increased. I have no doubt either as to their intention or their ability for so doing.

Hon. Mr. POWER: May I interrupt the honourable gentleman for a moment? Of what year is he speaking?

Hon. Mr. BEAUBIEN: Of the twelve months ending on the 31st of March last.

Hon. Mr. DANDURAND: And the first three months of this year?

Hon. Mr. BEAUBIEN: I think I made that quite clear. The British Empire is our best customer. Who do you think is our next best client? France, and with her we are no less than $52,642 to the good. Let us continue. Then we come to Greece with $28,888,000; then to Belgium and her colonies, with $27,526,000; then to Italy, with $15,962,000. Then we come to Roumania, with $12,953,000. You know what money we have loaned to Roumania. We fall off very much indeed at this point as we come to China, with $5,458,000; to Norway, with $4,000,000; Sweden, with $3,000,000; Denmark, with $2,832,000; Albania, with $2,741,-000; the Netherlands, with practically $1,500,000; Russia, with $1,477,000; Turkey, with $1,103,000; and finally we come to Brazil, with $729,000.

What about the unfavourable balances? First of all comes our good neighbour to the south, with an unfavourable balance of no less than $336,000,000; then comes Switzerland, with $6,273,000; then Japan, with $5,903,000; then Peru, with $4,798,000; then Mexico, with $2,238,000; then Cuba, with $1,256,000, and, finally, Spain, with $444,000.

Now let us ascertain how far these figures have been influenced by our commercial treaties. As already stated we deal with two groups of nations, one which pays us and the other which does not. We have had a favourable treaty with France. What has it given us? It brought us, just as soon as opportunity offered, no less than the amount which I have stated—over $52,000,-000—in the year just elapsed. You will say: "But why has this treaty been revoked?" It has been revoked for this reason: France, as you know, in 1871, shed her heart's blood, then she was bled of her gold,

and then was shackled for all time to come in her business relations. Germany, indeed, said to her: "Our troops will not quit your soil until such time as you bind yourself not to grant commercial favours to any nation in the world unless they are automatically extended to us." So France has gone on for over forty years carrying these chains and making good the business of Germany. As soon as war was declared France thought of breaking her shackles, and in the month of September, 1918, she did so. But, honourable gentlemen, these shackles dragged other chains; and to free herself entirely denounced all her existing treaties.

But here, honourable gentlemen, a new necessity arose, and in this regard I do not blame the Government for what they did. We had to get more money, and it was only reasonable to impose heavier taxes upon objects of luxury. France exports to this country mainly objects of luxury. But that is not all. Whatever commercial treaty advantage is granted to France is now automatically extended by the most favoured nation clause to twelve other nations. We therefore had to denounce the French treaty. Notice was given, and the French Treaty was cancelled on the 19th of this month.

Now, honourable gentlemen, how is it that we are not free to trade separately with every nation? How is it that when we give an advantage to France we have to give it to twelve other nations? How is it that when we grant a concession to a country that benefits us to the extent of $52,000,000, we have at the same time to extend it to a country that costs us several millions a year? It seems to me that if you, as good business men, were dealing with a company, you would be extremely curious to find out the reason for such a state of affairs. Let me tell you how it is.

We were all proud indeed, during the negotiations of the Treaty of Peace, to see Canada so well represented by our Prime Minister and other members of the Cabinet. Let me say here, looking towards my honourable friends opposite—and I feel that in a large measure they will share my opinion—that Canada has left in France a very deep and loving impression. This impression is due not only to the valour of our soldiers, which was unsurpassed, not only to their conduct as good, kind-hearted, generous men, who after fighting without food for a whole day to capture Mons, forgot the pangs of hunger and turned their kits over to the famished population—this impression is due also to the stand Canada has taken as a nation and to the manner in which she was represented by her statesmen. I can tell you without exaggeration that no country in the world stands closer to the heart of France than our dear country of Canada.

One thing has struck the French people, as it has struck you, honourable gentlemen, it was the sudden realization that Canada had gotten out of her swaddling clothes. We have been men of full virility in the trenches; we have been men of full maturity in the negotiations for the Treaty of Peace. Very often, indeed, the opinion of our Prime Minister has been accepted and is now reflected in the writings of the Treaty of Peace. Our Prime Minister and the other members of the Cabinet have insisted upon one thing—that Canada should stand by itself. England had magnificent men to represent her; she had men of talent and men of experience—men who came from a long lineage of diplomats; men who have been brought up generation after generation to be statesmen. Still Canada insisted that she should be represented by her own sons, the sons of the land. Therefore, gentlemen, we were bound by the signatures of our own peers.

Now, honourable gentlemen, if we were not willing to be held by the signature of Lloyd George or that of Balfour, what do you say to being bound by that of Lord Aberdeen? Or by that of Lord Beaconsfield? Or that of Lord Liverpool? Are you willing to be pledged by the signature of Charles the Second? Nay, are you willing to be bound by the signature of Queen Anne? What is your answer? Canada, at this hour, is obligated to extend the most favoured nation clause to twelve countries, as follows: Argentine, under a treaty made with Great Britain on the 2nd February, 1825; Colombia, under a treaty made with Great Britain on the 16th day of February, 1866—I believe it was then Robert Peel who had the rare privilege of tying us up long before a great many of the honourable gentlemen in this House were born; I shall not mention Japan, because we have seen fit to denounce the old treaty, and to make one ourselves, in 1913; Norway, under treaty with Great Britain, dated 18th March, 1826; Russia, under treaty with Great Britain dated 12th January, 1859; Spain, under treaty dated September 9th, 1713, which was confirmed by another treaty dated the 17th of August, 1814; Sweden, under treaty made with Great Britain on the 18th March, 1826; Switzerland, under

treaty made with Great Britain on the 6th of September, 1855; Venezuela, under treaty made with Great Britain, on the 18th of April, 1825, confirmed by another treaty made with Great Britain on the 29th October, 1834, and again renewed and confirmed by an exchange of notes with Great Britain on the 3rd of February, 1903.

Your first question, I suppose, will be: Is it necessary that we should so be bound? Can we get out of this servitude?—because, after all, it is servitude. What did we do in the case of Japan? We made representations to England, and what happened? England gladly renounced her treaty with Japan. Honourable gentlemen, why should we not act similarly in all these similar cases? Now let me tell you how this most favoured nation clause works out. The nations that benefit by this clause (I cite from the customs tariff of 1907, with amendments, up to the first of December, 1919) are the following: the United Kingdom and colonies; France and colonies—I do not need to deal with those; the Argentine Republic. What business do you think we transact with the Argentine Republic? We import from it $49,000 worth and we export to it for $33,000. What is the sense of conceding such extraordinary advantages to a country that brings such an insignificant amount of business? At any rate, the result is that we lose $16,000. Colombia: we import $502,000 from her, and we export to her $101,000. The net result, while it may be insignificant, is unfavourable to the extent of $401,000. Denmark: we have a favourable balance with her although small; it amounts to $2,832,000. Then there is Japan. What do you think is our business with Japan? We lose with her to the extent of $5,903,000 a year—practically $6,000,000. Norway, we make something on Norway—$4,336,000. Russia: it is no use speaking of Russia now; we do not know when we shall be able to trade with her. We lose with Spain a small amount, $444,000. On Sweden we make a shade over $3,000,000. We lose with Switzerland over $6,000,000. On Venezuela we make a very small amount, $367,000.

Now let us add together what we make and what we lose, and where do we stand? Mind you, we make an immense sacrifice in being unable to treat separately with any nation in the world unless we say to them: "The advantage that we are going to give you is only a fraction of an advantage; it will have to be shared by no less than twelve other nations." Of course, they immediately retort: "What is the use? That is no advantage. We are prepared to grant you exclusive concessions and you, in return, offer advantages shared by a group of nations." You see at once on what footing of inferiority we are placed when negotiating commercial treaties. Well, taking all those nations together, we lose over $3,000,000 a year. It costs us over $3,000,000 a year to bear shackles of that kind Is this reasonable? I put the question to you: are you willing to agree to that?

Now, what is the purpose of my motion? The purpose is to show you, first of all, that it is worth our while getting free from the restraint of the above treaties so that we may go to France, our second best customer, and say—not that we are going to grant her our intermediate tariff, as was proposed on the 26th instant by the Minister of Trade and Commerce; no, but that we are willing to give her exclusive advantages on certain lines of goods, which we do not manufacture, provided we are given equally exclusive concessions for such of our goods that we can sell to best advantage on the French market as a result of the introduction of our goods into France during the war or by reason of the needs of France for the purposes of reconstruction or on account of replacement of goods that France used to import from Germany and Austria.

Prior to the war we used to export to France $3,630,000. During the eleven months ending on the last day of February of this year—the entire period being after the war and in fact beginning a number of months after the armistice was signed—we exported to France $57,427,000. There will be a slight difference between the figures for the eleven months and the total for the year which did not close until the end of March.

Our trade with France for the eleven last months comprises no less than thirty-one lines of goods which we did not export to that country prior to the war.

I know that with your business acumen you will come back to me with the question: "Is this permanent business?" Very well, let me answer it, if I can.

First of all, I think I may say that Canadian goods have acquired quite a reputation in France. Of course, you will have to accept my word for that, because there is no evidence except the volume of our trade to support my affirmation. That reputation is worth a great deal of money and should be preserved.

I mentioned reconstruction in France. Do you know that France has lost no less than 600,000 houses, 500 city halls, 1,200

schools, 1,600 churches? That is, she has lost many more buildings than exist in the whole province in which I live. There are, in my province, 1,200 post offices, many of which, as you know, have been established for the convenience of people scattered in the country districts, and at places where there are groups of only three, four or ten houses. In France no less than 560 city halls and 1,200 schools have been destroyed. You may say: "Yes, but how many of those are rebuilt—because we are interested only in future trade?" Very well, let us see how many have been rebuilt. At the beginning of the year there were only 60,000 houses rebuilt and 60,000 under repair. Therefore, at the present moment there are no less than 480,000 houses to build, leaving aside altogether the city halls, the schools and the churches. "But," you will say, "that requires only building material; what about the rest?" Here is my answer: The ten departments of France which were invaded comprised 85 per cent of the industrial production of France. Here is the list as briefly as I can give it. The products of these departments were: wool, 94 per cent; linen, 90 per cent; mineral ores, 90 per cent; iron, 83 per cent; sugar, 70 per cent; coal, 55 per cent; cotton, 60 per cent; electrical energy, 45 per cent.

The region invaded was utterly destroyed or stripped and its restoration will require years of strenuous efforts. But you will further ask: "How is our agricultural community interested?" Let me deal with that question. France has lost no less than 1,300,000 head of cattle. How many do you think have since been replaced? Two hundred thousand. There are still 1,100,000 head of cattle to be obtained by France somewhere. Why should we not furnish them? There are hundreds of miles of railway to be built, of canals to be repaired; there are no less than 504 bridges to be reconstructed.

With reference to the third point, the abrogation of the Treaty of Frankfort presents a great opening for us. What were the imports of France from Germany prior to the war? One billion sixty-eight million francs. And from Austria the imports amounted to 103,500,000 francs. Those imports include many articles which we are now prepared to supply.

What is the remedy proposed by the Government? It consists of an offer to France of our intermediate tariff, in exchange of special concessions on certain lines of goods. We are going to ask for favours and what do we offer? Equality. Equality with whom? With the worst competitors that France has. Do you think we are going to get much? Do you think we are entitled to get much? Should we not shake off our fetters of old, free ourselves from the servitude of the most favoured nation clause and then say to France: "We are free; we will bargain with you; what will you give us for our agricultural implements? We sell largely to you in this line; cut down your tariff so low that we shall have an exclusive preference. You want to export silk? Very well, we do not manufacture any silk, and for your goods we will cut down our tariff lower than for any other nation." We could apply this method to a great many lines of merchandise. That is by far the best way to negotiate.

But let me go further. Should the Government succeed in obtaining from France special concessions in exchange for our intermediate tariff, how will it work out for France? Let me call your attention to a very serious state of affairs. How was our tariff applied to France by the Department of Customs? I thought the method of its application so extraordinary, I received representations from France so often, that I made an earnest effort to ascertain the facts. The duty on French goods is imposed on a fictitions value of the franc. How does this fictitious value affect the goods imported from France? Let me take a very small sum as an example, so that I may be better understood. Suppose you are a merchant and you have one dollar to spend. You send an order to France for goods worth one dollar. That means that you buy goods to the value of 10 francs 35 centimes, at the present value of French currency, which is worth 10 francs 30 centimes to the Canadian dollar. Very well, you go to the Customs Department and you say: "I have paid a good Canadian dollar for this article. The duty is 35 per cent on this; now impose your duty; you have a right to 35 cents." "Oh, no," says the Customs officer, "you have bought goods to the value of 10 francs 30 centimes in France, but an Order in Council has fixed the value of the franc at 5 francs 15 centimes to the dollar. Therefore the duty must be imposed on 10 francs 30 centimes; that is to say, on two dollars instead of one." Therefore the goods are charged, not with 35 cents, but with 70 cents. That seems very unjust.

But that is not all. As you are aware, it is impossible to obtain short deliveries for any goods ordered in France. If your order is placed to-day you may not receive the

merchandise for six months. The ocean is not as easy to cross as the border. You can go to the United States and order your goods and get them within 30 days, but you cannot expect to receive goods so quickly from France. Well, what happens? The customs regulation provides that in regard to goods upon which no actual value is placed at the time of shipment—and this is practically always the case for importations from France—there is a super-tax imposed of 20 per cent when three months elapse between the order and the shipment; 12½ per cent when two months elapse between the order and the shipment; and 5 per cent when the delay is reduced to 30 days. How does that work out? It means that the importer has to pay a double duty and the super-tax. When the goods reach Canada, he has to pay $1 for the goods, plus 70 cents for duty, plus 40 cents super-tax, or a total of $2.10.

Hon. Mr. CROSBY: Of duty?

Hon. Mr. BEAUBIEN: Now if the duty was imposed on the real value of the franc, which is 10 francs, 35 centimes to the dollar, and even with the application of the super-tax, which I think is unjust, the amount payable would be only $1.55.

Now let us see how this compares with France's greatest competitor, the United States. You have one dollar to spend. You buy your goods in the United States and bring them in. What duty do you pay? Thirty-five cents, nothing more. Therefore you pay one dollar for your goods and 35 cents for duty. You get the goods mostly within 30 days; therefore the super-tax is only 5 cents, and the total cost to you is only $1.40. Of course, you have to add to that an amount sufficient to make up the depreciation on our own money, 15 per cent, which brings the amount to about $1.55 or $1.60. Is it reasonable to expect that French goods can compete with American goods under such circumstances? Increase that one dollar to $100,000 and in the case of France you will have to spend $210,000, whereas if you bought similar goods in the United States, the cost would be $160,000. It is altogether out of the question for France to compete under the present conditions.

Evidently you must say: "This difference in treatment in these two cases is so great that there must be a reason for it." That was my first thought. Very well, let us see whether there is a reason for it or not. Section 59 of the Act respecting Customs is very plain. My honourable friends can easily refer to it, it is chapter 48 of the Revised Statutes, section 59; it provides, in part, that unless there is a value fixed on foreign currency by Order in Council it shall be the duty of those importing goods from a country in which the currency is depreciated to obtain from any Consul residing in such country a certificate of the value of that depreciated currency at the date at which the goods are shipped. In such case the duty is imposed on the value of the currency so established. Why is that section not applied? Simply because there is an Order in Council which states that the franc is worth 5 francs, 15 centimes to the dollar.

You will further say: "Surely there is a reason why the value of the franc is so fixed and cannot be altered. It is only too apparent that it is to the detriment of France, and it is of no benefit to us, because the goods which otherwise come from France, come from other countries; therefore we gain nothing at all; we get the same amount of duty; other countries profit and France loses the trade."

Well, gentlemen, I find that this Order in Council is dated on the 1st February, 1918. The franc there is quoted at 19.30 cents, which is 5.15 francs to the dollar. This Order in Council was amended on the 5th of November, 1919, in respect to the currencies of Guatemala, Honduras, San Salvador, China, Paraguay, and Persia. In addition it does not establish the value of the American dollar. Why could it not be amended to eliminate from it the fixed value of the franc. Is there any practical or technical difficulty in the way? Honourable gentlemen, in the Republic to the south of us, with a very much larger and more complicated business than our own, whenever French goods are imported the American Consul certifies on the date of shipment of the goods the value of the French currency, and it is on the value so certified that the duty is paid.

Some time in 1919, I think it was on the 6th October last, as shown in Hansard, page 842, Hon. Mr. Maclean gave two reasons why our duty should be applied as it presently is. These reasons at first sight seemed plausible. The first one was that it was very difficult to modify the existing system. I think I have disposed of that objection by reference to the practice followed in the United States. But the other one was very much more serious in its consequences. He said: "If you favour France because the currency has depreciated, you are going to favour Germany very much

more." Honourable gentlemen, are you aware that some of our good neighbours to the south take their raw materials across to Germany, get them there turned into finished goods, bring them back and pay duty, and lay them down on their own market cheaper than they could get them manufactured at home; and I would not be at all surprised to learn that they also often ship them across the frontier to us. Germany cannot get raw material as with her depreciated currency she has to pay 800 per cent advance on anything she imports whilst France pays slightly over 200 per cent. France wants all sorts of goods for reconstruction purposes. Why should we not furnish them? We have the sympathy of the people of France; they open their arms to us, they only ask that we make it possible for them to deal with us.

I am sorry to see that the ministerial chairs are empty at the present time, and that the advantage we possess of speaking directly to the Government through its representatives, in this House, is denied to me at this time. I earnestly hope, however, that pending the negotiations now going on with France, two things will be done: first, that we will get rid of the shackles—and, mind you, our freedom is within our reach and for our asking. England will not stand in the way; if we only express the wish, she will grant it. Let us be, first of all, free, let us offer to France special privileges in exchange for special privileges. Let us further have the customs duties imposed as they should be on the real value of French currency, and not on a fictitious value, which practically chokes every possibility of trading with a country to which we are drawn by every possible advantage and every possible sympathy.

Let me close by saying that it is good business for us to trade with France, as she in no way competes with our home industries. There is another reason which rises above purely material considerations: France has bled more than any other country, she has assumed a heavier debt than any other country. All of France has been bleeding and paying for all of humanity, and now that she is bravely striving to climb the steep and narrow path that leads her to the far but radiant summit of prosperity and happiness, surely she deserves the help and sympathy of people so deeply moved by her heroic deeds and so greatly benefited by her appalling sacrifices.

Hon. A. B. CROSBY: I wish to second this motion. I cannot find words to thank the honourable gentleman who has just spoken for the very eloquent, able, intelligent and businesslike presentation he has made to this House. As one very much interested in transportation, exporting, and importing, and very familiar with the conditions of Canada's products for export, the whereabouts of imports we desire, and with the countries that have been mentioned as at a disadvantage in relation to us, and knowing what they take from Canada, and what they cannot get anywhere else, I think the time has arrived when all those treaties with what we call the favoured nations should be set aside. All we have to do is to ask the mother country, who has done so much for us, and has always been glad to meet us on all occasions when we appealed to her on any measure that seemed to be in the interests of this country. This country should proceed at once, without any hesitation or reservation, to bring about conditions that will enable us to treat with those countries with which it is best for us to deal.

Hon. RAOUL DANDURAND: Honourable gentlemen, we are nearing the end of this Session, the time at our disposal is very precious, and we have yet some Bills to which we must give our attention. For this reason I will not prolong the debate on this motion, except to urge the Minister of Trade and Commerce to make the greatest and most diligent effort to arrive at a provisional arrangement with France, so as not to allow a gap to intervene which would dislocate our trade with France. We sold ships to France to the amount of $20,000,000 last year, and this trade can be developed. We sold wheat to the value of $11,310,719 and oats to the value of $884,319. We may not expect a continuance of those sales, but we are justified in expecting to continue the sale of flour, of which we sold to France last year $5,631,860. We sold her agricultural machines to the amount of $2,867,542, and lobster and salmon to the amount of $2,487,060, and that trade should develop. We sold her boots and shoes to the amount of $1,627,750, and this is a developing trade; and possibly we may be able even under present conditions to continue that trade for some time to come. We sold pulp to the value of $808,257, and there is no reason why that should not be increased. We sold $803,671 worth of cheese, and this amount should be increased as soon as the French people learn that the English Cheddar that they have been buying for years from England is really our Canadian cheese, should

be able to do a direct trade with France in that article, and increase it to a considerable extent. In lumber, including finished lumber for the construction of buildings, we sold to France $487,620. The honourable gentleman from Montarville (Hon. Mr. Beaubien) has explained the great need of this lumber for the rebuilding of Northern France, and it is an article which could be sold in large quantities for a number of years. Of asbestos, which is a Canadian article, we sold to France $226,705 worth, and that should be increased. There are very many articles which we have sold to France, and I have only mentioned the principal ones. I believe that those channels of trade, and those relations which have been created and developed, should not be broken; and the responsibility falls upon the Minister of Trade and Commerce to do what is needful to prevent an absolute dislocation of that trade. I am convinced that if the Minister of Trade and Commerce will offer our intermediate tariff for the minimum tariff of France, we will get a solution of this matter immediately, because France sees the importance of preventing any dislocation of trade relations. We should not ask the intermediate tariff of France, but its minimum tariff, and it would be a splendid thing if we could get that minimum tariff against our intermediate tariff as a provisional matter until a definite treaty is signed.

Hon. N. A. BELCOURT: I had intended saying something and submitting some figures on this subject, but as the time is very near when the House must adjourn I shall refrain from doing so. I hope that the Government of the day will take such steps as will not leave the commercial relations between France and this country in the position they occupy to-day owing to the suspension of the Treaty on the 19th of June last. That position is worse to-day than that between this country and a number of countries with which we have little or no relations, and which yet get an advantage. Of all the nations with which we trade, France is the one under the greatest disability.

Hon. Mr. CROSBY: And shut out of our trade.

Hon. Mr. BELCOURT: As my honourable friend says, shut out of our trade. It is inconceivable to me that that country, for reasons that are so apparent, should be placed in the position of saying, "You treat me worse than you treat anybody else." It is absolutely inconceivable to me that that condition could continue any longer, and I am sure this Government will see the absolute necessity of remedying it at once.

The motion was agreed to.

The Senate adjourned until 2.30 p.m. this day.

Second Sitting.

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

MINISTERIAL SALARIES AND SESSIONAL INDEMNITY BILL.

FIRST READING.

Bill 219, an Act to amend the Salaries Act and the Senate and House of Commons Act. —Hon. Sir James Lougheed.

SECOND READING.

On motion of Hon. Sir James Lougheed, the Bill was read the second time.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Gordon in the Chair.

On section 1—salaries of Ministers increased:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this Bill is known as the Increased Indemnity Bill. It seems to have met with a measure of approval in another place, which would discourage any adverse comments being made upon it in this House. Under these circumstances I do not propose to criticize the action of the House of Commons.

Hon. Mr. BOSTOCK: Honourable gentlemen, I do not think it is necessary to criticize the action of the House of Commons; but at the same time I think that in going through this Bill we ought to discuss the terms of the Bill so as to know how they will apply. There are certain fines and regulations that may not be quite clear, and I think we should thoroughly understand the Bill before we part with it.

Section 1 was agreed to.

On section 2—First Minister, etc.:

Hon. Mr. BOSTOCK: Would my honourable friend explain just exactly what is the meaning of this clause?

Hon. Sir JAMES LOUGHEED: Heretofore the office of the Prime Minister has not been dealt with as a distinct office; it has always been dealt with as that of a member of the Council holding the office of Prime Minister, and has necessitated his having a portfolio. Under the present Bill it is not necessary that the Prime Minister should be designated as holding a specific portfolio. The salary is voted to the office of Prime Minister.

Hon. Mr. BOSTOCK: Does it not amount to a change in the Constitution—in this way, that under our Canadian Constitution and also under the traditions of the British Constitution the Prime Minister has been looked upon simply as a member of the Cabinet whom the other members have agreed to work with, and who, of course, has been called upon by the King to form a Cabinet? No recognition was given to him as Prime Minister. He accepted a portfolio either as First Lord of the Treasury in England, or in Canada as President of the Council. Now we are going to adopt an altogether different programme, as it were: the Prime Minister is Prime Minister without any other portfolio.

Hon. Sir JAMES LOUGHEED: We recognized him as holding that office. I think it is a distinct improvement in our Constitution.

Hon. Mr. BOSTOCK: But it is a change.

Hon. Sir JAMES LOUGHEED: Yes, to that extent it is a departure.

Hon. Mr. POWER: He has to run an election.

Hon. Sir JAMES LOUGHEED: He need not necessarily do that. He might be a member of this Chamber.

Section 2 was agreed to.

Section 3 was agreed to.

On section 4—provisions applicable to present session:

Hon. Mr. BOSTOCK: I think we might have a little explanation of this. The first two lines of this section provide that the other regulations in this Bill shall not apply to the indemnity for this particular session. That is to say, the rules and regulations that have applied to the paying of the indemnity heretofore will apply to this session except in so far as the amount of the indemnity and the amount that is to be deducted for absence are concerned.

Hon. Sir JAMES LOUGHEED: The effect of it will be that notwithstanding the increase of the indemnity the Act as at present upon the statute book, with regard to payments and absences of members, and so on, shall be in operation as it the Act had not been amended, except to the extent of the greater compensation. The difference between $2,500 and $4,000 shall apply to this session.

Hon. Mr. BEIQUE: And $25 instead of $15 for absence?

Hon. Sir JAMES LOUGHEED: Yes. The deductions will be made as they will be made hereafter; but the Bill permits members who were absent to take advantage of the increased indemnity less the increased deductions to the same extent as if no increase had been made.

Hon. Mr. POWER: Does not the leader of the Government see that there is to a certain extent a contradiction between this provision and the provision in clause 5? The clause we are considering provides that the members shall attend three-quarters of the sitting days, and new section 35 says:

> A deduction at the rate of twenty-five dollars per day shall be made from such sessional allowance for every day beyond fifteen on which he is a member, if the House sits on such days.

I do not undertake to say that under that provision a member could get away with the gross indemnity without attending three-quarters of the days. We will say that the session lasts 50 days. Three-quarters of 50 are in round numbers 36. Now, a member attends 22 days, and then he has these 15 days for which he is not penalized under section 35. Is there not some risk that we may get back to the old abuse? I think that, when we are getting so generous an indemnity as is being given by this measure, this provision allowing 15 days to a member on which he does not need to sit should be omitted.

Hon. Sir JAMES LOUGHEED: I think not. The Parliamentary Counsel tells me that that has received every consideration, and that there is every safeguard surrounding it. The introduction into the Bill of a compulsory attendance of three-quarters of the days upon which the House sits will amply protect against that; and likewise there is an additional provision in the last proviso in subsection 1 of new section 35, under which a member must be in his place during the last two weeks of the session.

Hon. Mr. FOWLER: How is he going to know when the last two weeks will begin?

Hon. Sir JAMES LOUGHEED: He will have to take his chances on that. He may have to wait here three weeks to ascertain when the last two weeks will begin, but that will be to the advantage of the Senate. Consequently the two provisions combined will pretty well assure a full attendance unless a member desires to throw away his indemnity.

Hon. Mr. FOWLER: I was not here when section 3 was discussed, and I should like to ask a question. I see that a very generous allowance is made to the Speaker of the House of Commons and to the Speaker of the Senate. Does that mean that he gets in addition some $3,000 a year, I think it is for his house?

Hon. Sir JAMES LOUGHEED: Not under the Act. A provision has been made by Order in Council, I think, and afterwards carried into the Estimates, by which, under the exceptional circumstances growing out of the fire, the allowance was made to both Speakers as to residence. There is no statutory authority for that, however: it is simply an act of grace from session to session.

Hon. Mr. FOWLER: Is this intended to cover the House allowance as well?

Hon. Sir JAMES LOUGHEED: It does not preclude Parliament from making any further grants in lieu of residence.

Hon. Mr. FOWLER: Is there a grant of $3,000 this year?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: Then this year each of the Speakers would receive $3,000.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. FOWLER: Yes.

Hon. Sir JAMES LOUGHEED: I could not say exactly what the amount is. On the basis on which my honourable friend computes it he is correct.

Hon. Mr. FOWLER: So that in four years the Speaker would draw $52,000. He is pretty well paid.

Hon. Sir JAMES LOUGHEED: This increase would not come into operation until the end of the session. My honourable friend must keep this in view, that under the old practice quarters and also servants were allotted to the Speakers, and they also had the advantage of fuel and light, and other perquisites.

Hon. Mr. FOWLER: I am not objecting to the $3,000 allowance, but I am objecting to the additional allowance provided for here, because I say that $13,000 is more than the position is worth, and I think that would be the general feeling in the country.

Hon. Sir JAMES LOUGHEED: Now that the increased allowance appears upon the statute book and will come into operation when the Act is passed, of course Parliament can revise what it has done in the past. It does not follow that the same allowance will be made for house and servants and fuel.

The Hon. the SPEAKER: I may tell the honourable gentleman from Kings (Hon. Mr. Fowler) that, as far as the $3,000 grant it concerned, conditions are far from being as good as they were in the old House. In the old House the Speaker was provided with fuel and with help—he generally had six employees at his command for the whole year—whereas now, for instance, I have bought a house on which the interest on the amount invested is $1,500, and I pay $500 for taxes. I have to hire all my servants, and I have to pay for my fuel, my light, and everything else. So it will be seen that former Speakers were much better paid than we are now. If I understood the honourable gentleman aright, he said that the Speakers were paid too much for their work.

Hon. Mr. FOWLER: I think so.

The Hon. the SPEAKER: I suppose that when the honourable gentleman is appointed Speaker of this House he will decide whether he will refuse the $3,000 or not.

Hon. Mr. FOWLER: I do not think that is the right way to put it. I think I have a right as a member of this House to criticize, and I should perhaps criticize a little more closely now, since His Honour the Speaker takes that attitude. It is no argument to say what I or any other person would do if appointed Speaker; it is a question as to what the people who have to pay the Bill will consider with regard to this. I was not objecting to the $3,000 that was given in lieu of quarters, servants, and all that; but I object to the increase which gives to the Speaker $13,000 a year. Ministers of the Crown, who have to devote

the whole of their time to the service of their country, receive $9,500, including their sessional indemnity; and yet the Speaker, who is obliged to give his time only when Parliament is in session and perhaps a week or two before and a week or two afterwards, to fulfil the duties of his office, is to receive $3,500 more than a Minister of the Crown received under the old Act. This applies not only to the Speaker of this House but to the Speaker of the other House as well. I say that the increase is too great. That is my opinion, and I am not afraid to express it.

Section 4 was agreed to.

On section 5—sessional indemnity:

Hon. Mr. BOSTOCK: This extends the minimum session for which an indemnity is payable from 30 days to 50 days?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And the new section 33 requires that a member must be in attendance for at least three-quarters of the sitting days of the House to be entitled to the indemnity of $4,000. Is not that the case?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: How does the 15 days allowance come in? Is it when the member has attended for at least three-quarters of the sitting days?

Hon. Sir JAMES LOUGHEED: And the last two weeks of the session.

Hon. Mr. BOSTOCK: In the new section 35 I find these words:

> Provided also that the deduction shall be made for every day on which a member does not attend a sitting of the House of which he is a member during the last two weeks of any session of Parliament.

So I take it that as the sessions generally run, the 15 days allowance will not be of any advantage to honourable members of this House.

Hon. Sir JAMES LOUGHEED: It will not be of the same advantage as it formerly was.

Hon. W. B. ROSS: If a member is present for three-quarters of the time he gets his full indemnity.

Hon. Mr. DANDURAND: No.

Hon. W. B. ROSS: If he falls short of that the allowance is $25 for each day's attendance.

Hon. Mr. BOSTOCK: That is the point I want to have cleared up.

Hon. Mr. DANDURAND: As I understand it, a member of Parliament will not be entitled to his full indemnity if he does not attend three-quarters of the sittings of the House of which he is a member.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: But when he has attained that 75 per cent attendance he is entitled to the $4,000 indemnity; but from that $4,000 will be deducted $25 for each day that he is absent beyond the 15 days that are allowed him.

Hon. Mr. FOWLER: Certainly.

Hon. Mr. BOSTOCK: I do not think the honourable gentleman (Hon. Sir James Lougheed) has quite caught my point, because this provision regarding the last two weeks of the session does not apply there at all.

Hon. Sir JAMES LOUGHEED: No, the 15 days at the close of the session do not apply there. The 15 days must be taken before the last two weeks of the session.

Hon. Mr. FARRELL: You must be here for the last two weeks.

Hon. Mr. POWER: There is one point regarding section 32:

> For every session of Parliament which extends beyond 50 days there shall be payable to each member of the Senate and House of Commons attending at such session a sessional allowance of four thousand dollars and no more.

I think that neither the honourable leader of the House nor any other honourable member will venture to say that it is likely we shall have any session of less than 50 days. I think this is equivalent to saying that there shall be no session less than 50 days.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER: I think we may trust the energy and perspicacity of the members of both Houses to feel assured that no session hereafter will be less than 50 days.

Hon. Mr. DANDURAND: Yes, but those 50 days will not be 50 sitting days.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. DANDURAND: It means 50 calendar days from the opening of Parliament. For instance, from the first of one month to the twentieth of the following month.

Hon. Mr. BOSTOCK: I do not think the fifteen days allowance is going to be of much value in the Senate. I asked the question because I want to have this point made clear.

Hon. Sir JAMES LOUGHEED: It will depend largely on the length of the session.

Hon. Mr. BOSTOCK: Take, for instance, this session, which has lasted 52 days.

Hon. Sir JAMES LOUGHEED: Oh, no; 52 is the number of actual sitting days, but we have been over four months in session.

Hon. Mr. BOSTOCK: There have been 52 sitting days this session. Three-quarters of that number would be 40.

Hon. Sir JAMES LOUGHEED: That is, in this Chamber; but there have been more sitting days in the House of Commons. The number must have gone away beyond that; it is in the nineties, I understand.

Hon. Mr. BOSTOCK: Three-quarters of the total number of sitting days being 40, there are left only 12 days.

Hon. Sir JAMES LOUGHEED: My honourable friend must keep in mind that the three-quarters applies to the sittings of the particular House of which the person is a member.

Hon. Mr. BOSTOCK: Yes. This is how I understand it will work out in the case of the Senate. It will be three-quarters of 52; that will be 40 days. Then there will be only 12 days over and above that.

Hon. Sir JAMES LOUGHEED: Then there are the last two weeks.

Hon. Mr. BOSTOCK: So the 15 days allowance will not amount to much.

Hon. Mr. FARRELL: Do not forget that.

Hon. Mr. McMEANS: I would like to have some explanation of the latter part of subsection 2 of new section 35:

Except for calculating the number of days he attended a sitting of the House for the purposes of section 33, each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day shall be reckoned as a day of attendance at such session for every member who was in attendance at a sitting of the House on the day immediately before such adjournment.

Does that refer at all to the provision respecting three-fourths of the number of days? I do not quite understand it. A member must be here on the day previous to the day over which it has adjourned; otherwise he will not get credit for the days that the House is adjourned. This does not apply to the three-quarters clause?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. McMEANS: To what does it apply?

Hon. Sir JAMES LOUGHEED: It simply means this: that no absence shall be allowed for illness or other cause if a member was not here previous to the day of absence. Otherwise he might not be present during the session at all, and yet might come within the clause.

Hon. Mr. McMEANS: He could not come within this section 35.

Hon. Sir JAMES LOUGHEED: The time must be counted from the day of attendance. It was the same under the old Act.

Hon. Mr. McMEANS: This does not refer to the three-quarters clause?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. McMEANS: And does not refer to the two weeks.

Hon. Mr. BOSTOCK: I do not understand the particular clause to which the honourable gentleman refers unless it is intended that the sitting days to be counted shall be the sitting days of the House of Commons. What is the object of these words?

Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day shall be reckoned as a day of attendance at such session for every member who was in attendance at a sitting of the House immediately before such adjournment.

Days of attendance are not going to count at all in this, I understand; it will be only the sitting days that will count.

Hon. Sir JAMES LOUGHEED: I must say that I do not understand the point that my honourable friend makes.

Hon. Mr. BOSTOCK: Take as an example the present session. The Senate has had 52 sitting days, and three-quarters of that number would be 40. The question of attendance, as I see it, does not come in. A member has to be here on the 40 sitting days in order to be entitled to the $4,000.

Hon. Mr. ROBERTSON: Unless he is ill.

Hon. Mr. BOSTOCK: I do not see how this paragraph that I have read regarding attendance works out.

Hon. Mr. POWER: It seems to me, honourable gentlemen, that subsection 2 of section 35 gives a chance to perpetuate what was undoubtedly an abuse. If a member of this House is present on Friday, we will

say, and the House adjourns for a fortnight, he is entitled to count every one of the days of adjournment as a day of attendance—as a sitting day. As I say, this would have a tendency, it seems to me, to open the doors to an abuse that we are trying to guard against.

Hon. Mr. McLENNAN: Section 35 says:

Except for calculating the number of days he attended a sitting of the House for the purposes of section 33—

Section 33 states the condition on which the member shall be entitled to the full indemnity:

—each day during the session on which there has been no sitting of such House. . . shall be reckoned as a day of attendance.

This cannot affect the days included in the three-quarters, but only the lesser number of days. If you attend three-quarters of the sitting days you get the whole indemnity; otherwise the allowance is $25 a day, and if the days of absence are to count, the member must have attended on the day previous to the adjournment.

Hon. Mr. McMEANS: Yes.

Hon. Mr. DANDURAND: Honourable gentlemen, I confess that until this moment I had not completely read the Bill, I have been going through it clause by clause and am becoming somewhat nonplussed. Coming to the subsection regarding illness, subsection 2 of section 35, I find that only half of it refers to illness, and the latter part seems to extend to the general question of attendance.

Hon. Sir JAMES LOUGHEED: As I understand it, before a member is entitled to draw either the sessional indemnity or daily allowance he must have made an attendance. A member must have attended before he can take advantage of an adjournment. That is to say, if there be an adjournment of the House, the member must have attended the sitting on the day before. If this House adjourned say for three weeks, after meeting a fortnight, and if during the fortnight the member did not appear in his place, he is not counted as having been in attendance until after the expiration of that adjournment and he would not be entitled to his indemnity. Of course, if he was ill that would be a different question.

Hon. Mr. BEIQUE: It would be as if he were absent all the time?

Hon. Sir JAMES LOUGHEED: Yes, precisely.

Hon. Mr. BOSTOCK: The first question is: is this clause supposed to apply only to cases of illness?

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. BOSTOCK: Or does it apply generally?

Hon. Sir JAMES LOUGHEED: It deals with two classes of cases.

Hon. Mr. BOSTOCK: It applies generally. The next question is: are days of adjournment to be counted as sitting days?

Hon. Sir JAMES LOUGHEED: Yes, if the member was in his place before the adjournment. He need not remain here during the adjournment, but he must have been here before the adjournment to be entitled to the allowance.

Hon. Mr. FOWLER: What provision has been made for monthly payment? I do not see anything in the Bill.

Hon. Sir JAMES LOUGHEED: As I understand, the provision in the old Act still remains.

Hon. Mr. FOWLER: Then a member would receive the same—$10 per day?

Hon. Sir JAMES LOUGHEED: That has been increased to $25.

Hon. Mr. FOWLER: But there is nothing here amending the Act with regard to that.

Hon. Sir JAMES LOUGHEED: I think so.

Hon. Mr. FOWLER: I could not find it.

Hon. Mr. POWER: I find that I was perhaps a little in error in what I said about this clause a few minutes ago. Beginning on line 17 it reads:

—and, except for calculating the number of days he attended a sitting of the House for the purposes of section 33, each day during the session on which there has been no sitting of such House, in consequence of its having adjourned over such day shall be reckoned as a day of attendance at such session for every member who was in attendance at a sitting of the House on the day immediately before such ajournment.

Now I find that section 33 says that a member shall not be entitled to the sessional allowance if he does not attend the sitting of the House of which he is a member on at least three-quarters of the days upon which such House sits. I think

that probably I was mistaken in supposing that he could get over the three-quarters clause, but that seems to be prevented by this exception in subsection 2 of section 35.

Hon. Mr. DANIEL: As a rule, this House does not sit on either Saturday or Monday. Do those days count as adjournments or not?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: But my honourable friend, I think, must qualify that answer. He told us that subsection 2 of section 35 would prevent a member of Parlament from taking advantage of those days of adjourment if he had not previously put in an appearance.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: That is all right. The intention of this is to prevent an abuse which has been complained of—the practice of members absenting themselves for a certain time during the session, and then appearing before the close and claiming all the days over which the Senate adjourned in previous months. I would draw the attention of my honourable friend to a phraseology which works out unjustly. In order to obtain the advantage of the adjournment say over the week-end, from Saturday to Monday, a member will need to be present on the day preceding the adjournment. So that it will work in this way: for instance, a member of this Chamber may be absent on the Tuesday, the Wednesday, and the Thursday, and those days will be deducted from his fifty days if the session is long enough. But if he attends on the Friday he will be entitled to count in his favour the Saturday and the Monday, whereas if absent on the Friday he will not be entitled to claim the Saturday and Monday as attendance days for the making of the 75 per cent. I do not quite understand why that word "immediately" is there, because if a man be absent on Friday, although he has been here all week, he would lose the advantage of that attendance, while another member may be absent the whole of the week, but be here on the Friday and gain those days.

Hon. Sir JAMES LOUGHEED: But will my honourable friend go back to new section 33, where he will see that the phrase "three-fourths of the days" is applied only to those days on which the House sits.

Hon. Mr. BOSTOCK: Then what is the good of it?

Hon. Sir JAMES LOUGHEED: It does not sit on week-ends.

Hon. Mr. DANDURAND: But what do those attendance days mean?

Hon. Sir JAMES LOUGHEED: It probably might be reasoned that it would affect you in regard to the 50 days.

Hon. Mr. BOSTOCK: The term "50 days" has no bearing on this.

Hon. Mr. DANDURAND: The period of 50 days has been replaced by the terms "three-fourths of the days upon which the House sits."

Hon. Mr. WILLOUGHBY: I think there is one case that should be remedied—the case of distant members. If we have an adjournment of three or four days or a week, and those members must be here on the day preceding the adjournment, a member living in British Columbia, for instance, if he wished to go home, would have to spend the whole time on the train. That is a serious handicap to members living at a distance, and I point it out in order that it may be remedied.

Hon. Mr. BOYER: What is the object of having a man living within ten miles of the city of Ottawa? Suppose a member from Montreal breaks his leg in Ottawa, and is carried home to where he lives?

Hon. Sir JAMES LOUGHEED: It is conditional. It would probably admit of a man remaining in Hull during the period of his illness.

Subsection 2 of new section 35 was agreed to.

New sections 37, 38 and 39 were agreed to.

Section 6 was agreed to.

Hon. Mr. DANDURAND: We may have some consolation in passing this Act, that at the end of next session we will know how it works.

Hon. Sir JAMES LOUGHEED: Yes; there may be a difference of opinion even then.

Hon. Mr. DANDURAND: But before the Bill goes out of Committee I would strongly urge the leader of the Government to see if, after consulting with the

Privy Council, the word "immediately" is essential to that phrase, and to the economy of the Act, because the phrase "within eight days preceding" or "within five days preceding" would seem to be preferable.

Hon. Sir JAMES LOUGHEED: I think it is necessary. If it works oppressively the House of Commons will be the first to end it.

The preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING.

On motion of Hon. Sir James Lougheed, the Bill was read the third time and passed.

JUDGES ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

Bill 218, an Act to amend the Judges Act.—Hon. Sir James Lougheed.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the House went into Committee on the Bill. Hon. Mr. Fisher in the Chair.

On section 1—definition of "judge" made to include a president of a court:

Hon. Sir JAMES LOUGHEED: This is simply a change in the interpretation. It is made to include the judge of the Exchequer Court, which is a new term we adopted this session.

Section 1 was agreed to.

On section 2—Supreme Court of Canada:

Hon. Sir JAMES LOUGHEED: The salary of the Chief Justice of Canada under the present law is $10,000. The proposed salary is $15,000.

Hon. Mr. BOSTOCK: The $15,000 is for other duties as well?

Hon. Sir JAMES LOUGHEED: Yes. It includes the duties he will perform as Deputy Governor. So it will do away with any question hereafter as to any additional duties he may be called upon to perform.

Section 2 was agreed to.

Sections 3, 4, 5 were agreed to.

On section 6 (new section 10)—New Brunswick:

Hon. Mr. FOWLER: I want to say, with regard to judges, that I think their salaries are fairly commensurate with the services they give to the country in most cases. I object to judges taking assignments, holding commissions, etc.

Hon. W. B. ROSS: That is provided for; that is one of the great things in this Act.

Hon. Mr. FOWLER: Then that is all right; I have nothing more to say.

New sections 10, 11, 12, 13, 14, and 14A were agreed to.

Section 7 was agreed to.

On section 8—Judicial Committee of the Privy Council:

Hon. Mr. BELCOURT: I want to ask my honourable friend just what has been the situation in this regard during the last two or three years. It is traditional for the Chief Justice of the Supreme Court to attend the sittings of the Judicial Committee of the Privy Council, and for many years past provision has been made to cover his travelling expenses. Last year and this year the Chief Justice did not attend, but one of the other judges of the Supreme Court who is a member of the Privy Council attended the sitting, the amount necessary for his travelling expenses being voted in the Estimates. Apart from this Bill altogether, I want to ask why the Chief Justice was not chosen.

Hon. Sir JAMES LOUGHEED: I really could not tell my honourable friend. I fancy that if the Chief Justice wanted to go there would be no objection to his going.

Hon. W. B. ROSS: He was not strong enough.

Hon. Mr. BELCOURT: Did my honourable friend examine him medically?

Hon. W. B. ROSS: I do not need to. That is a notorious fact.

Hon. Mr. BELCOURT: I might be willing to take my honourable friend's word on questions of law, but I do not know whether I should take it on medical matters.

Hon. Mr. CROSBY: Take your medicine.

Hon. W. B. ROSS: I think perhaps it would be safer to take it on medicine. No affront has been put on the Chief Justice.

Hon. Mr. BELCOURT: I did not say there had been; but I wanted to know why the tradition had been departed from.

Hon. W. B. ROSS: He did not want to go.

Hon. Mr. BELCOURT: Does my honourable friend know that?

Some Hon. SENATORS: Carried.

Hon. W. B. ROSS: Before this is carried, I want to say a word or two. There have been some strictures passed upon a late member of the Supreme Court of Canada, which I think were not well deserved. I was informed by Chief Justice Strong that anyone attending the meetings of the Judicial Committee has to go well informed as to the whole course of judicial procedure and judicial decisions in Canada, and must be prepared to give some information as to what is going on in the United States. In addition to that, I found that he was working hard to get a general idea of what was going on in Australia, in India, and in Egypt, because a man cannot sit among the members of the Judicial Committee of the Privy Council unless he is qualified along the same lines as they are. This is no small matter, and I would be sorry to think that anyone should go away with the idea that the $3,000 is not a well-earned sum, no matter who the judge may be who takes the position.

Hon. Mr. BOSTOCK: I should like to ask if this $3,000 is sufficient to meet the expenses that the representative would be put to?

Hon. Sir JAMES LOUGHEED: Oh, I think they will see to that.

Hon. Mr. DANDURAND: Would it not be better that the Government should revert to the old system of designating the Chief Justice, and, if he did not wish to go, of allowing him to designate some one to take his place? We have been trying to maintain the independence of the judges and to keep them free from political influence. I dislike the idea of the Government selecting one of the judges of the Supreme Court of its own free will. It seems to me—I want to be as gentle as possible in my expression—that there may be a tendency on the part of the public to discuss the reason why Mr. So-and-so has been selected in preference to somebody else? This is not the result of a flight of imagination on my part, but is because of some questions put to me as to why the Chief Justice of the Supreme Court was not selected and someone else was. Then the question of the relations between the judges of the Supreme Court and the Department of Justice or the Government of the day comes into the discussion. I say that advisedly, because we must rise above persons and personalities. We are legislating without having in view individuals. We are trying to establish rules to guide the Government of the day—and the Government of the day is the Government of this day and the Government of to-morrow. As I have said, I dislike the principle of allowing any department of the Government the discretion of selecting a judge. I think we should say that it should be the Chief Justice, or someone whom he may designate. In this way we would cut the connection between the Government and the judiciary with all that that may imply.

Hon. Sir JAMES LOUGHEED: This does not say that the Government shall make the selection. It only makes provisions for travelling and living expenses.

Hon. Mr. DANDURAND: Yes, but that does not detract from the argument I have made, because the Government in later years, instead of applying to the Chief Justice, has appointed one of the puisne judges, naming him, and has given him the stipend.

Hon. Mr. BELCOURT: Why is the amount put in this Bill instead of being placed as usual in the Estimates?

Hon. Sir JAMES LOUGHEED: It is unnecessary to put it in the Estimates from time to time. The judge may not attend the sittings of the Privy Council every year.

Hon. Mr. BELCOURT: The same thing happens with thousands of items. Expenses are voted to be expended only if the required event takes place. In the past this item has always been voted.

Hon. Sir JAMES LOUGHEED: It was not very pleasant for the Chief Justice to have it discussed on the floor of Parliament. It is not desirable that it should be so. This is a matter of uncontrollable expenditure, and it is very much better that it should be provided for in the statute, just as are the judges salaries.

Hon. Mr. BELCOURT: That may be so; but if there is anything in the argument of my honourable friend from De Lorimier (Hon. Mr. Dandurand), the public and the representatives of the people in the House of Commons, who have the right to discuss the question would be interested in knowing why one judge was chosen in preference to another.

Hon. Mr. BEIQUE: I think there is another reason for it. This Act determines

what amount shall be paid to the judges, and closes the door to them receiving any other remuneration in case they are called upon to render other services than sitting on their regular courts. That being so, it became necessary to make an exception of this $3,000 paid for attending the sittings of judicial committee of the Privy Council.

Section 8 was agreed to.

Sections 9, 10, and 11 were agreed to.

On section 12—judges not to be paid any remuneration for acting on commissions, etc.:

Hon. W. B. ROSS: I am more than pleased to find this section in the Bill, because it has removed what I think was one cause of rapid deterioration in our judicial system. The proviso at the end of subsection 2 is objectionable, but I hope the time is not far distant when we may get free of that. There are judges in Ontario who are paid allowances by the provincial Government. As I have said before—and I am satisfied now that the Department of Justice agrees with me—those payments to judges appointed by the Dominion, and whose salaries are fixed by the Dominion, are ultra vires. I think it is highly objectionable that any Dominion judge should have any sum paid to him by any province or any municipality. Now that the judges' salaries are being increased, I hope the provinces will see their way clear to abolishing provincial statutes authorizing that practice, and that they will keep their hands off the Dominion judges in the future, whatever excuse they may have had in the past. However, half a loaf is better than no bread, and this section is well worth the whole of the cost that is going to be thrown upon the country by the increase in judges' salaries. The proper course to follow is to appoint a judge and to fix his salary; the country is then entitled to his whole time. This will put an end to canvassing, or attempted canvassing, for appointments on arbitrations.

Hon. Mr. BELCOURT: Like my honourable friend, I too am grateful for half a loaf; but to me it is only half a loaf; and so long as I have a seat in this House I propose every time that opportunity offers to get the other half of the loaf if it is to be got. I think that this Parliament ought to endeavour at the earliest possible moment to prevent any judge from doing anything beyond sitting in court performing judicial work. We have judges in this province, and some of the highest in the land, who are seeking appointments as arbitrators every time there is an arbitration in sight, and I have no hesitation in mentioning the Chief Justice of Ontario.

Hon. W. B. ROSS: He is cut out under this.

Hon. Mr. BELCOURT: No, he is not cut out. He could act as an arbitrator, but he could only get his travelling expenses.

Hon. W. B. ROSS: Your point is that he must employ his whole time with judicial duties?

Hon. Mr. BELCOURT: Absolutely.

Hon. W. B. ROSS: And stop serving on commissions.

Hon. Mr. FOWLER: Even without pay.

Hon. Mr. BELCOURT: I think my honourable friend and I are agreed on that point. Judges are appointed to act as judges in court; it was never contemplated that any judge was to act as an arbitrator, either with or without pay.

Hon. Mr. FOWLER: They will not act very long without pay.

Hon. Mr. BELCOURT: I think that Parliament ought to prohibit them acting in that capacity in any way. They are not appointed for that purpose. A judge may think that it is a diversion to leave his court and to sit as chairman of an arbitration, even without pay; but during the time he is sitting on that arbitration his judicial duties are being neglected, and he is not performing the function for which he was appointed.

I am not completely satisfied with this Bill. I have been helping my honourable friend in his move to prevent the judges acting as arbitrators, and I propose to help him in the future; I hope we may stick together in that fight; but if he does not choose to keep on I will keep on by myself. I am not satisfied. Judges have no right to act as arbitrators, executors, or anything but judges.

Hon. W. B. ROSS: I have not changed my mind in the slightest degree since I stated in this House, not only last year but on several other occasions that the ideal condition is to have a judge attend to his judicial duties and to them alone. If we allow judges to leave the Bench to go out and sit on disputes that are not purely judicial, we are in danger of destroying their utility and the confidence which the people have in them. In England, where they have had several hundred

years more experience than we have had, I find that the trend of opinion is all the same way. While the judges there were serving outside of their regular judicial positions during the war, now that the war is over the leading papers say they should get back to the old rule. The Law Times gave some instances of men who were as fine judges as ever sat on the Bench, but who, because they left the Bench and served on one or two commissions, lost their influence and the confidence of the public as a whole.

The administration of justice is the first thing in every civilized country. That is the difference between a civilized and an uncivilized country; and the only thing that will save us from Bolshevism and all the wild things which are floating around to-day will be to keep these men in such a position that everyone will have confidence that the poorest man as well as the richest, or the richest as well as the poorest, can go into court and get fair and honest treatment.

Hon. Mr. BELCOURT: There was a time in Canada when the judges from one end of the country to the other enjoyed the universal respect and admiration of the people. But that time has passed. I have often heard Americans, in times past, express their great respect and admiration for the Canadian judiciary, but they do not to-day entertain quite as high an opinion of them as they did in the days of which I speak;—and certainly there is not the same high regard for them in Canada —why? Largely because of this abuse that has been resorted to by the Governments in the Dominion and the provinces. I make no distinction between one party and another. It has been practised by both. It is largely because these gentlemen have been appointed to hold the balance between the public and the Government in such important matters, for instance, as the Canadian Northern railway deal and the Grand Trunk railway transaction. I dare say that 50 per cent of the people of Canada are not going to be satisfied with the judgment that will be rendered in either of those cases. No matter how just or how fair it may be, there will be a strong suspicion that will not down that some members of the Commission acted under some influence or other in arriving at the conclusion that they have reached. I cannot understand why this practice of appointing judges should be persisted in and should be on the increase. To-day there is no commission of any sort to which a judge is not appointed. I have felt warmly on this question for a long time, and I am glad to have this opportunity of giving expression to my feeling.

Hon. Mr. PROUDFOOT: I have just a word to say. I do not agree with my honourable friend who has just spoken, that the judges do not stand as high in public estimation now as they formerly did.

Hon. Mr. BELCOURT: Well, everybody else does.

Hon. Mr. PROUDFOOT: Probably my honourable friend has some reason for feeling sore towards the judges and has made his remarks accordingly.

Hon. Mr. BELCOURT: I have no feeling of that sort.

Hon. Mr. PROUDFOOT: I do not know how that may be, but his statement is not in keeping with the universal experience in that portion of the province from which I come. There is a good deal to be said, however, in favour of the contention that judges should not act as arbitrators. We have at present in Ontario an illustration of how public business fails to be attended to owing to the judges accepting arbitrations. At the present time we have two judges sitting as arbitrators for the Ontario Government. They have been engaged in that arbitration now for something like three weeks, and I do not know how much longer it is going to be continued. The result is that other judges are obliged to do their work. Unfortunately there is a vacancy on the Bench, and another judge is ill. Consequently the ordinary duties of four judges are not being attended to, and business is congested. The Court of Appeal failed to sit from the 15th of June to the end of the month. At the close of the sitting there were some sixty cases not disposed of, and these must stand over until September. One can readily see that if it requires a certain number of judges to do a given amount of work, and if two of them are transferred to arbitrations and two are ill, or otherwise incapacitated, the work is not going to be carried on.

Now, just a word as to the payment of $1,000 a year to the judges of Ontario. The judges of the Supreme Court of the province of Ontario each receive the Ontario Government $1,000, which is paid to them for services they are supposed to perform.

It was originally given to them as members of what was called the Heir and Devisse Commission. I do not know what that Commission is now, or what work it does, but I do know that the judges, or at least two of them, at every session of the Ontario Legislature, receive from the Government all Bills of a legal nature and give their opinion upon them. They make changes in the proposed measures and return them to the Government with an expression of their views. In that way they are supposed to earn, or at any rate to do something for, the extra $1,000. Under this Bill they are to receive an additional $1,000, but if you deprive them of the $1,000 they receive from the province, the present Bill will be of no value to them, for they would be just where they were before.

Hon. Mr. FOWLER: Do they not get $2,000 under this?

Hon. Mr. PROUDFOOT: I think they get only $1,000.

Hon. W. B. ROSS: The Chief Justice of Ontario gets $10,000.

Hon. Mr. PROUDFOOT: Under this Bill the Chief Justice gets $10,000, the Chief Justice of the Exchequer Court gets $10,000, and the Puisne Judges get $9,000.

Hon W. B. ROSS: Formerly it was $8,000 and $7,000; now it is $10,000 and $9,000.

Hon. Mr. PROUDFOOT: But you are overlooking the fact that their salaries were increased within the last couple of years to $8,000 and now you are increasing them to $9,000.

Hon. Mr. CROSBY: The Chief Justice is to receive $10,000, and the others $9,000.

Hon. W. B. ROSS: To-day the salaries in Ontario are: for the Chief Justice $8,000, and for the puisne judges $7,000.

Hon. Mr. PROUDFOOT: No; the Chief Justice gets $9,000 and the others $8,000, as I recollect.

Hon. Mr. BELCOURT: No, no; $7,000 from this Government and $1,000 from the Ontario Government.

Hon. Mr. PROUDFOOT: Well I may be mistaken.

Hon. W. B. ROSS: You are counting in the Ontario allowance.

Hon. Mr. PROUDFOOT: No, I was not counting that in. The salaries were increased a couple of years ago, and I was stating my recollection of them.

Hon. W. B. ROSS: They were raised to $8,000 and $7,000.

Hon. Mr. WILLOUGHBY: Subsection 2 of section 34 reads:

> Every judge who may be nominated for the purpose by the Governor in Council or the Lieutenant Governor in Council shall execute without additional remuneration any commission or enquiry for which he may be appointed as commissioner under any authority in that behalf exercisable by the Governor in Council or the Lieutenant Governor in Council,—

That is quite clear—

> —including the discharge of the duty of arbitrator in any case in which he may be named to act by the competent authority.

Is that the case of a judge being appointed by a council, we will say; not by the Governor in Council of Canada or the Lieutenant Governor in Council of the province, but by a municipal council? Take the province of Saskatchewan. I suppose that similar provisions prevail elsewhere. The district court judge, corresponding to the county court judge in other provinces, is by law made the arbitrator in municipal arbitrations.

Hon. Mr. BELCOURT: This does not apply.

Hon. Mr. WILLOUGHBY: I just want to have this made clear:

> Any case in which he may be named to act by the competent authority.

These words are at the top of page 8. The competent authority to name him in such a case would be the council of the city, town or municipality.

Hon. Mr. BEIQUE: As I read this, it seems to me it would cover a nomination by a municipal council.

Hon. Sir JAMES LOUGHEED: This clause does not prevent a judge from acting in the capacity of a commissioner or arbitrator; it simply deprives him of any remuneration.

Hon. Mr. WILLOUGHBY: He is not prevented from acting in any capacity at all, but in all these cases he is compensated under the municipal or provincial law. This seems, by inference, to take away the compensation that is given by the statute of the province wherein he performs his duty as an arbitrator. Does it apply to him at all?

Hon. Mr. BELCOURT: Will the honourable gentleman permit me to call his at-

tention to the words in subsection 1 of section 34:

—or for any duty or service, whether judicial or executive, which he may hereafter be required to perform for or on behalf of the Government of Canada or the Government of any province thereof.

That is the limit. He gets no remuneration for any duty which he is called upon by the Governor in Council or the Lieutenant Governor to perform. So, by inference, any duty he is called upon by any municipal council to perform, remains as it was previously.

Hon. Mr. FOSTER: And he can be paid for it.

Hon. Mr. BELCOURT: He can be paid for it because this is limited to Government work.

Hon. Mr. FOSTER: It does not refer to anything else.

Hon. Mr. DANDURAND: My honourable friend from Ottawa (Hon. Mr. Belcourt) has said that some of the judges have lost their prestige by sitting on commissions. I think that in the particular instance he mentioned the blame must be shared by the present Government, and I accuse my honourable friend the leader of the Government of not having done his duty by one of the judges who sat on those Commissions. I refer to the Canadian Northern arbitration. Sir William Meredith was made chairman after the Government had said that he should not go beyond $10,000,000 in estimating the equity of the common stock. When from year to year, millions are asked for the purpose of meeting the deficit on operating account, the public will remember that Sir William Meredith decided the equity in the common stock to be $10,600,000, and will laugh heartily at that decision. Everybody looked upon that as a joke.

Hon. Mr. BELCOURT: A costly joke.

Hon. Mr. DANDURAND: A costly joke. The Government has not done the right thing by that Commission. It has failed to lay before this House, at all events—and I doubt if it has laid before the other House—the report of the arbitrators. If my honourable friend will promise to bring down the report voluntarily at the opening of next session, I will not move in that direction.

Hon. Sir JAMES LOUGHEED: Better not move under this Bill.

Hon. Mr. DANDURAND: I will not move under this Bill.

Hon. Sir JAMES LOUGHEED: Better put in a notice of motion.

Hon. Mr. DANDURAND: At all events, those three Commissioners had some standing in the community, but it has been considerably shaken. They may possibly recover it to some extent—we have an open mind in the matter—if we are informed of the reasons for their conclusion.

Hon. Sir JAMES LOUGHEED: They will be glad to hear that

Section 12 was agreed to.

On section 13—increases of salary not to affect annuities equal to a full salary under section 20, and said section not to apply to judges hereafter appointed:

Hon. Mr. FOSTER: Will the honourable leader please explain this section?

Hon. Sir JAMES LOUGHEED: Under the present Act the judge has a right, after reaching a certain age limit or putting in 25 years of judicial service, to retire on his full allowance. This section proposes hereafter to do away entirely with that privilege. Furthermore, if the judge has put in the required period of service or has reached the age limit for which the Act provides, this limits his retiring allowance to the salary as it is to-day; he does not get the advantage of the increase which we have provided for in this Bill .

Hon. Mr. FOWLER: And as to the judges appointed in future?

Hon. Sir JAMES LOUGHEED: It does away entirely with the right of a judge to retire on full allowance. Up to the present time, in the case of judges who have accepted appointments, it has been regarded as a statutory contract between the judge and the Government of Canada that he shall have the right to retire on full allowance; but hereafter that will be abolished.

Hon. Mr. DANDURAND: Will the judge retiring after 15 years—

Hon. Sir JAMES LOUGHEED: He will retire on the basis of the salary he is receiving at the time of his retirement. This does not affect the two-thirds allowance.

Hon. Mr. DANDURAND: It affects only the full amount to which he was entitled under the Act of 1908?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOSTER: Honourable gentlemen, I am not going to take any exception to the item under consideration, or move any amendment to this Bill; but because I hope it will come up in the future, I want to put myself on record in opposition to the clause just referred to by the honourable leader of the House. I have in mind three instances of grave injustice being done to worthy members of the bench of the province from which I come. One is the acting Chief Justice of the Superior Court; the others are judges of the Superior Court who have served the full term of 25 years, and are entitled to retire. During that time these men, at small or inadequate salaries, have served the public faithfully and well, and have looked forward to an increase in their salaries, which has been promised them by different Governments and by different law societies which have been interested in this question. Those gentlemen —the acting Chief Justice of the Superior Court at Montreal, another judge in Montreal, and one in Quebec city—have been entitled to retire; but, because they were able to discharge their duties faithfully and well, and because their services were needed in their judicial districts, they have continued to exercise their functions. They now find themselves, according to the statement which the honourable leader gives, in this position. If the Chief Justice, for instance, retired to-morrow or in six months, instead of getting $10,000 as a retiring allowance, he would receive an allowance of only $8,000. In other words, the man who has borne the brunt of the troubles of the bench in that district, does not get the benefit of one single cent by reason of this increase. It seems to me that in a measure of this kind, which is broad and sweeping and is intended to do justice to everybody, it is wrong to make an exception in cases such as this. I do not think that the public interest would have been injured, and on the contrary I think that a very wise example would have been set if these exceptions had not been made—if these men who served 26 and 28 years at the miserable salary of $7,000 were enabled to retire with the full benefit of this increase. So far as I am concerned, I am never going to be satisfied that this law has done full justice to the Bench. It is an injustice to those men. While on the last day and in the closing hours of the session I do not intend to speak further on the matter, I hope to live till next year when we can see justice done to these men and others who will suffer grave injustice under the Bill that is being passed to-day.

Hon. Mr. FOWLER: You will not find the people weeping many sad tears over their fate.

Hon. Mr. FOSTER: Notwithstanding my honourable friend's sarcasm there are many who will resent this action, among the public as well as on the bench and at the bar.

Section 13 was agreed to.

Section 14 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING.

On motion of Hon. Sir James Lougheed, the Bill was read the third time and passed.

PUBLIC SERVANTS RETIREMENT BILL.

FIRST READING.

A message was received from the House of Commons, with Bill 120, an Act to provide for the retirement of certain members of the public service.

The Bill was read the first time.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

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

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Gordon in the Chair.

Hon. Mr. BOSTOCK: I desire to call the attention of the House to this Bill, because I think there is in it a matter with which we should deal. The definition clause provides that "deputy head" includes the Clerk of the Senate and the Clerk of the House of Commons. Section 2 of the Bill says:

> The Civil Service Commission shall, immediately after the passing of this Act and after consultation with the deputy heads,—

That is, in the case of the Senate, with the Clerk of the Senate—

> —prepare and submit to the Governor in Council...

In the Act which we are amending, namely, chapter 17 of the Revised Statutes, there is this exception in the interpretation clause, section 2, paragraph c:

Saving all rights and privileges of either House in respect to appointment or removal of its officers and servants.

Under the Civil Service Act of 1908 we allowed appointments to the staff of the Senate to pass out of our hands, but, as I understand it, we still retain the right to say whether we desire any member of our staff to be removed. I do not think we should now allow this alteration to be made without at least uttering a protest against it. The other day the Senate thought it wise to adopt an amendment to the Civil Service Act stating their position—that they desired to take the staff of the Senate from the control of the Civil Service Act and place them back in their previous position under chapter 17 of the Revised Statutes. Our action in that case did not meet the approval of the other House in respect to the appointment and removal of the officers and servants of the Senate; and I think we should register our objection to what is being done now under this Act, and maintain that the Senate should still have the right of being consulted and of saying whether they desired that the members of their staff should be removed or not.

Hon. Sir JAMES LOUGHEED: I do not quite appreciate the point made by my honourable friend. Do I understand the objection to be to section 1 of the Bill?

Hon. Mr. BOSTOCK: No, it really comes in under section 2.

Hon. Sir JAMES LOUGHEED: Whatever is done, the report of the Civil Service Commission to the Governor in Council must necessarily be based upon the report which hereafter will be made to the Commission by the officer of this House, that is, the Deputy head, who is the Clerk of the Senate. The Clerk of the Senate—

Hon. Mr. BOSTOCK: Is appointed by the Government.

Hon. Sir JAMES LOUGHEED: Is appointed by the Government, but he makes his report to the Civil Service Commission. The Commission does not act on that report; it is submitted to the Council. The Civil Service Commission act only as a conduit for conveying that report to the Governor in Council.

Hon. Mr. FOWLER: I do not quite agree with that. If the honourable Leader will pardon me, I would draw his attention to the first two lines of subsection 1 of section 2:

The Civil Service Commission shall, immediately after the passing of this Act, and after consultation—

They consult with the deputy heads, but they do not necessarily follow the advice of the deputy heads; they make a report after consultation with the deputy heads. That is, they are supposed to consult with the deputy heads, but they are not supposed to report in accordance with that consultation.

Hon. Sir JAMES LOUGHEED: But will my honourable friend peruse the Bill further, and it will be seen that the Civil Service Commission is simply used as a means of communication between the Deputy Head of the Senate and the Governor in Council. He reports to the Civil Service Commission certain facts; they embody those in a report as to all departments of Government; and then that report goes to the Governor in Council, and the Governor in Council acts. There is no discretion vested in the Civil Service Commission.

Hon. Mr. FOWLER: I do not agree with you there.

Hon. Sir JAMES LOUGHEED: As we go through the Bill we will come to that; but it seems to me that this proceeding contemplates a report being obtained from all the branches of the Government service. Deputy heads of all the branches will be appealed to by the Civil Service Commission to prepare a report along the lines mentioned in the Bill. It does not seem to me to be a matter for the exercise of discretion on the part of the Civil Service Commission, but the discretion must be exercised by the deputy head of the department. He reports one fact, namely, those who are sixty-five or over; he reports other facts, as to those who are inefficient, etc.; so that the discretion is exercised by him. He conveys that report to the Civil Service Commission; they embody it all in one report, and it comes to the Governor in Council, and the Governor in Council acts.

Hon. Mr. FOWLER: The very fact that they embody it in one report makes it a report of the Civil Service Commission, and not that of the deputy head. They get their information from the deputy head. They can get it from anybody else. They are supposed to consult with him, but they are not confined to the deputy head for the information they receive, and they are not obliged to act as a mere conduit, as has been said, but they make a new report; it may be founded more or less on the information they receive, but that is absolutely as they see fit. This report may not take into consideration one iota of the report that has been made by the deputy head, and yet it is the report upon which the Government must act.

Hon. Sir JAMES LOUGHEED: Let us proceed with the Bill seriatim, and then we can discuss that more particularly.

Section 1 was agreed to.

On section 2, subsection 1—report by Civil Service Commission upon character of service of all officers of 65 and over:

Hon. W. B. ROSS: We are right up against the only point there is with regard to this. Will honourable gentlemen allow me to read paragraph C of section 2 of the Civil Service Act:

The Civil Service is defined, for the purposes of this Act, as including and consisting of the permanent officers and servants of the Senate and the House of Commons, and the permanent officers and servants employed in the Library of Parliament, saving all rights and privileges of either House, in respect to appointment or removal of those officers and servants.

If you pass this subsection 1 of section 2, the last vestige of authority that this House has over its employees will go; the last piece of influence that it has will be gone; because the Civil Service Commission make their report to the Governor in Council, and as far as this House is concerned there is nothing to do. Now, I propose an amendment, which I will bring in after paragraph c, so as not to disturb the section in any other respect. It is as follows:

In the application of this section to the officers, clerks, and employees of the Senate or the House of Commons, the expression "Governor in Council" means the Senate or the House of Commons, as the case may be.

If honourable gentlemen will look at the section they will see what this means. The Civil Service Commission reports to the Governor in Council as to departmental officials, but in the application of this section to the officers, clerks and employees of the Library of Parliament, or to such other clerks or employees as are under the joint control of both Houses of Parliament, the report is not made to the Governor in Council but to the Senate and the House of Commons.

This amendment will keep the control in the hands of the Senate. We gave way a few days ago to the House of Commons on another Bill touching this point, not insisting on our amendment which was very necessary in the public interest. I gave way unwillingly, as I think other members did. I move that amendment.

Hon. Sir JAMES LOUGHEED: There seems to be a misapprehension in the House, if I may be permitted to say so, as to the object of this Bill. Honourable gentlemen talk about the interests of the Senate being interfered with by the Civil Service Commission, and our rights being legislated away, and so on. This Bill is only a temporary measure, to be enforced for a year. It expires next year, as honourable gentlemen will see by section 8:

8. No person shall be retired under the provisions of this Act after the first day of July, one thousand nine hundred and twenty-one.

Now, there is a special reason, a reason which has been strongly urged upon the Government, for the passage of this legislation. The action that has been taken by the Government within the last year, looking to the reconstruction of the public service, has impressed upon the Government that there is a large class of employees in the different branches of the service who have reached an age that will not only warrant but require the Government to take steps for their superannuation in order that the most efficient service may be rendered. I am not for a moment saying that men of that age cannot render efficient service; but provision is made in the Bill so that no injustice will be done in cases of that kind. Then there is another class provided for in the Bill—men who have reached a certain age, and who, however inefficient, must be provided for. Honourable gentlemen who do not come in contact with those features of the public service do not appreciate the very great number of men who are in the public service throughout the whole of Canada—a service which numbers something like 60,000 employees—who are absolutely inefficient who are drawing public money but giving no value for it. We know perfectly well that in the past, when an appointment has been made to the public service, the tendency has been to omit to provide any way of removing the appointee from the service. But is it not a highly laudable object, unpleasant though it be to the Government, to have a thorough investigation into the whole public service, in order to ascertain what men are unable to perform their duties, through age, through inefficiency, through illness? I may say there are thousands of such men. If you force upon the Government by legislation machinery whereby this reconstruction will become abortive or be defeated, such action would be a reproach to the Senate of Canada. The Senate of Canada should be the first to hold up both hands to as-

sist the Government in giving a competent service to the people of Canada, and this legislation has that object in view. If I can succeed in impressing upon honourable gentlemen the necessity of this legislation, I do not propose to be defeated in this purpose by any group of men who belong to the class whom it is proposed to superannuate. I know that opposition has been given to this Bill by some of those who may apprehend being disturbed or retired; but this Bill is so framed that no injustice will be done to any man who has been in the public service. It provides a rate of compensation that will prevent injustice. I say unhesitatingly that it does not permit the Civil Service Commission to exercise a discretion which can in any way prove an injustice to those who may be involved in the investigation which will take place. They will simply be used for the purpose of collating information and presenting it to the Governor in Council; and the Clerk of the Senate, or the Clerk of the House of Commons will be charged with precisely the same duty as the deputy head of any other department. I hope honourable gentlemen will realize that a measure of this kind, which has the efficiency of the public service in view, must not be defeated because some two or three public servants may apprehend that they will come under the class who will be retired.

Hon. Mr. BOSTOCK: I think every member of the Senate must agree with my honourable friend in the desire that the public service of Canada shall be made as efficient as possible; and if such conditions exist in it as my honourable friend has depicted to the House, I am sure we would all desire to assist him as far as possible in this matter, because I think we all want abuses which we recognize as having existed in the service for a great many years to be done away with. But I do not think that my honourable friend's remarks have met the point that I made, and which I understand the amendment of my honourable friend from Middleton (Hon. W. B. Ross) will effect, namely, that the Clerk of the Senate should be in a position to deal with the servants of the Senate, and that if he made a recommendation, the Senate should be in a position to say whether any of those servants shall be removed or not.

Hon. Sir JAMES LOUGHEED: Then you propose to postpone the operation of this legislation until the Senate meets next session, because the Governor in Council is the Senate, and it is proposed that this legislation shall come into operation at once; but, as it expires in a year, the Act will have expired by the time the Senate could take action.

Hon. Mr. BOSTOCK: Not if I understand that section.

Hon. Sir JAMES LOUGHEED: Well, you do not understand it.

Hon. Mr. BOSTOCK: The section says:

8. No person shall be retired under the provisions of this Act after the first day of July, one thousand nine hundred and twenty-one.

Does my honourable friend say that the next session of the House will not start before the first day of July, 1921?

Hon. Sir JAMES LOUGHEED: I say, and I say it advisedly, that such a report as that which my honourable friend aims at could not possibly be prepared until that date. To-morrow is the first of July, 1920. We meet annually, and the probabilities are that next session will be even a longer one than this.

Hon. Mr. BOSTOCK: But I think a report on the staff of the Senate could be made within a comparatively short time. The report would be made by the Clerk as provided in this Bill, and it would be made to the Senate, and they would be in a position to deal with it.

Hon. Sir JAMES LOUGHEED: Excuse me for interrupting my honourable friend; but does he propose throwing a matter of this kind on the floor of the Senate, as to whether the Senate will sanction the removal of this officer, that officer, or the other? I am surprised that any honourable gentleman could advocate that that kind of business should be done by the Senate of Canada.

Hon. Mr. BOSTOCK: The Senate of Canada had that power to deal with their officers and servants.

Hon. Sir JAMES LOUGHEED: Yes, and they handed it over, and were very glad to do so.

Hon. Mr. BOSTOCK: They had it until 1908, and I think the members of the Senate are just as capable of dealing with the question as the members of the Government. It seems to me that the practice of the Senate of abrogating its privileges and handing them over to the Government, as it unfortunately has done in the past, should not be continued. I think the honourable members of this House and the members of the other Chamber do not realize the

position which they occupy as members of Parliament. They should recognize the importance of Parliament, and should not delegate their powers to the Government as they have done in several instances. I think that they should assert their position in regard to this matter.

Hon. Mr. POWER: The leader of the House has painted a rather melancholy picture of things as they would prevail if the Senate continued to deal with its own officers. The Senate has been in existence now for a great many years, and though the practice which the leader of the Government finds so highly objectionable has been in operation during all those years, I think that on the whole the staff of the Senate will compare favourably with the staff of any department of the public service. Evidently the leader of the Government has believed for a long time that there is a great deal of virtue in an Order in Council. If every little thing of this sort is to be done by an Order in Council we are practically giving up parliamentary government. For that reason I am very much in favour of the amendment moved by the honourable gentleman from Middleton (Hon. W. B. Ross).

There is another point which has not been referred to. The Bill now before the Committee provides that if everything is satisfactory in the case of an employee he is to be allowed 50 per cent of his salary.

Hon. W. B. ROSS: Would the honourable gentleman excuse me if I were to ask him not to mix that question with the other one? They are two distinct points, and they can be argued better separately.

Hon. Mr. POWER: I do not care about making a number of speeches. The point I was going to make is really relevant to the clause which we are considering—at least so it seems to me. The law as it stands to-day is that a civil servant, if he is reported upon favourably, is entitled to retire upon half the pay that he has been receiving. But a number of the employees of this House—and the same is true of some of the employees of the Commons and some in the various departments—have been working under the old superannuation law, which was in operation up to 1898, and which still operates as regards civil servants employed before 1898. Under that superannuation law a member of the Civil Service who had served thirty-five years was entitled to receive thirty-five fiftieths of his salary.

Hon. Sir JAMES LOUGHEED: We do not disturb that. We make special provision reserving the right of civil servants under the Superannuation Act.

Hon. W. B. ROSS: If that is preserved, it would be very satisfactory.

Hon. Sir JAMES LOUGHEED: It is preserved.

Hon. Mr. CROSBY: The other day I voted in favour of taking the employees of the Senate out of the jurisdiction of the Civil Service Commission; and, as this Bill seems to be somewhat similar to the one there under discussion, perhaps I ought to explain my position. I am going to vote for this Bill.

This is another Bill altogether. The leader of the Opposition is mixed on this Bill. The members of his profession work at the Bar and there are always mixers at the Bar; consequently they mix everything they come in contact with. This Bill is just as clear as it possibly could be; and, as a layman, knowing nothing about law, I can give a perfect explanation of it. If officials of the Senate are perfect and complete in their make-up, and are able to carry out their duties, they have nothing to fear. The Bill, as I understand it, permits the Civil Service Commission to go into the departments to consult with the deputy heads, and to investigate as to the age of every official and as to his ability to perform the work that was assigned to him perhaps twenty-five or thirty or forty years ago. While a man may have been perfectly capable at that time, he may not be so capable now; and if such a case is found provision is made to relieve the position of the incumbent, and to provide for him in such a way that with the assistance of his superannuation he may live the rest of his days in moderate comfort.

I understand that this is a temporary Bill, and will only be effective to the 1st of July, 1921. Am I right in that?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CROSBY: As I said when I spoke on the question of taking the Senate employees out of the control of the Civil Service Commission—and I think every honourable gentleman who spoke at that time said the same thing—where could you get a better set of men to deal with a matter of that kind than the men at the head of the Civil Service Commission? Where could you get better men to do the work of reorganizing the departments and making reports after having gone into the departments?

It seems to me that this Act is as clear as it is possible to make it, and I think that the sooner it is put on the statute book the better. No one will be hurt and the service will be improved. The leader of the Government is not speaking without some authority or without some experience; he is not speaking without some real knowledge of the situation and of the facts in connection with the departments. Therefore I have no hesitation in saying that I shall vote for the Bill.

Hon. Mr. ROBERTSON: Honourable gentlemen, speaking in reference to the amendment offered by the honourable gentleman from Middleton (Hon. W. B. Ross), I might point out that it is to be observed that the Bill is to remain in force for one year. That being the case, it would not seem to me so important to give consideration to the amendment proposed by the honourable gentleman as it would be if this were permanent legislation. It is further to be observed that in all probability some form of permanent superannuation will eventually have to be arranged to fit the whole Civil Service. A few months ago, a survey of the Service was taken and it was found that there were approximately 1,300 people in the Service over the age of 65 years, many of whom were no longer able to give value for the compensation received. It is equally true that it is not possible for them to retire from active work and to discontinue receiving compensation; if they did, they would not be able to carry on and support themselves.

The Government has no desire, and I am sure Parliament has no desire, to treat these old and faithful employees in anything but a fair and proper manner. It is therefore deemed necessary, not only in justice to these people, but for the purpose of improving the efficiency of the public service, to make temporary provision whereby such employees as have reached the ages named and who are not able to give full time service should be retired upon the terms set out in the Bill, subject, of course, I assume, to the preparation and adoption at a future session of a permanent system of superannuation.

This measure also concerns economy as well as efficiency. A large number of these civil servants who have been in the service of the country for a number of years have reached the zenith of their ratings or gradings. They draw the top salaries, and doubtless have merited consideration in the past by reason of long service; but the situation at present is that juniors who are in receipt of much smaller salaries are in many instances performing the duties of these older employees. To continue in the Service employees who do not and who in many cases are not able to appear at their offices to render service is somewhat discouraging to these juniors. My experience covers perhaps the smallest department; but I have there one very pitiable case, so far as one's sympathy is concerned. It is the case of a man whom in my opinion it would be a very serious matter to retire without giving him sufficient compensation to enable him to take care of himself and his aged wife so long as he lives.

This Bill simply provides a modest but at the same time a very helpful retiring allowance. If the amendment of my honourable friend from Middleton (Hon. W. B. Ross) is seriously put forward and should prevail in this House, with the prospect of prorogation to-night—and I think we have already had notice from the Governor General—it is quite possible that this Bill would not get back to the House of Commons and be returned here again. The result would be that it would fall, which I think would be regrettable. Inasmuch as the whole matter will likely come under consideration at a future session, I express the hope that my honourable friend will not press his amendment.

Hon. W. B. ROSS: One matter has been cleared up. I understand that there are men who, under the existing law, would be entitled to retire on thirty-five-fiftieths or seven-tenths of their salaries. Some of them are afraid that under this Act they might be retired on fifteen-sixtieths; but their fears should be dispelled by the assurance of the leader of the House that that is not so, and that anyone who has a vested right to retirt on seven-tenths of his salary is protected, and that even if there is something wrong in the construction of the Act it will be made good. As I understand the Bill will automatically cease on July 1, 1921, it may be as well to let it go. So, with the explanation I have made, I will be satisfied to let the Bill pass as it is.

Hon. Mr. BOSTOCK: I listened with a good deal of interest to the remarks of the Minister of Labour (Hon. Mr. Robertson); and, while I quite agree with what he said, I would point out that he did not at all touch the point which I raised. I do not quite see why the Government should not agree to accept this amendment, as I do not think it would jeopardize the Bill

in any way, and I do think we should put ourselves in a position to maintain the privileges of the Senate and to see that they should not be overridden. I do not exactly understand the action of the leader of the Government in desiring that the Government should take unto itself the work of managing the staff of the Senate, and in that way overriding the privileges of the Senate. That is the point that I tried to make. Perhaps honourable gentlemen did not understand me. I think the Senate should maintain its privileges, and I do not think that any argument advanced overturns that contention.

Hon. W. B. ROSS: If our rights revive after 1921, it will not be so bad.

Hon. Sir JAMES LOUGHEED: This is simply to permit of a reorganization similar to that which took place in the Printing Bureau.

Section 2 was agreed to.

Sections 3 to 8, both inclusive, were agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING.

On motion of Hon. Sir James Lougheed, the Bill was read the third time, and passed.

CANADA GRAIN BILL.

FIRST READING.

A message was received from the House of Commons with Bill 194, an Act to amend the Canada Grain Act.

The Bill was read the first time.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

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

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. McLennan in the Chair.

On section 1—grading of grain inspected as no grade for moisture and dried:

Hon. Sir JAMES LOUGHEED: The first clause honourable gentlemen, is to amend the grading of a class of wheat which is now inspected as "no grade," so that if it is recovered the inspector may place it in the grade to which it belongs. If honourable gentlemen will look at the section they will see it is self-explanatory. I move the adoption of the first clause.

Section 1 was agreed to.

On section 2—issue of cash purchase ticket or certified cheque on receipt of storage receipt; and section 3—failure to redeem cash purchase ticket:

Hon. Sir JAMES LOUGHEED: The object of the other two clauses is to provide for certified cheques being paid for the purchase of grain, and for the payment of purchase tickets upon presentation. There has been considerable loss experienced by the farmers in accepting for the purchase of grain cheques which have not been certified. There is also a practice by which purchase tickets issued for grain are frequently not redeemed. The purpose is simply to insure the payment of those obligations incurred in the handling of grain in elevators.

Hon. Mr. BOSTOCK: I suppose these alterations are being asked for by the people interested?

Hon. Sir JAMES LOUGHEED: Yes. The object is simply to protect the farmer.

Sections 2 and 3 were agreed to.

The preamble and title were agreed to.

The Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

GENERAL DIVORCE BILLS.

INQUIRY.

Hon. W. PROUDFOOT: Honourable gentlemen, I would like to ascertain what has become of the Divorce Bills sent over to the Commons a considerable time ago.

Hon. W. B. ROSS: Honourable gentlemen, I did intend to bring up that matter, and I am much obliged to the honourable member for mentioning it, because there is now a situation with regard to divorce that the House will have to deal with seriously. This year there have been over 100 Divorce Bills granted, and, so far as the signs of the times indicate, there will be applications for 200 next year. If this House is to hear and determine all those petitions we certainly shall need more than one Divorce Committee. There will have to be some change in the rule so as to provide for two

or possibly three Committees. I have not attended the meetings of the Committee as regularly this year as I did in the prior seven years. I heard only about 34 divorce cases, and there were over 100. But the Committee has sometimes sat from half-past 10 in the morning until half-past 1, and from 2 o'clock until half-past 6, and then from 8 to 10 at night, in order to clear these cases. It is becoming a very great labour.

These Divorce Bills to which the honourable gentleman refers were passed through this House by very large majorities. They are very conservative measures. They do not enlarge the grounds upon which divorce is granted. On the contrary, they narrow them; because there are no limits to the grounds on which Parliament may grant divorces. But the divorce courts would be confined to the divorce laws existing in England in 1870, and in those laws the grounds for the granting of divorce are well-defined, and, I would say, fairly conservative.

I am very much disappointed that the Bills did not pass the lower House. I have tried to find out why, and, so far as I can understand, what happened was this. When the Bills were sent down to the Commons I asked Mr. Boys to take charge of them there. He was, I think, absent for two or three days, and by the time he was ready to move in the matter—he was perhaps a little off his guard—the time for private members introducing Bills had expired and he would have to get a day from the Government. As I understand, the opponents of divorce in the lower House say: "Why did you not move before it became necessary for you to ask for a day? If you had done that and you had a majority in the House, the Bills would have passed; but now, inasmuch as you have to ask for leave, and as we are opposed on principle to divorce, we are not going to help you out of the hole you have fallen into, and you must get out of it yourself." I do not think very much of that attitude myself; I think it is very technical and very narrow. As a matter of fact, I think there is no doubt that if the Bills came regularly before the House of Commons they would carry by a substantial majority. As I say, the Bills were conservative, and the province of Quebec was left out, the system now followed in that province being left as it is.

The only suggestion that I can make to help us out of the difficulty would be that these Bills should be introduced in the House of Commons on the first or second day of next session and dealt with there—either killed or passed. Then, at an early date they should be brought to this House and we should pass them, and the Royal Assent could be given within the first three weeks of the session. If that were done, the petitions that are before the House might be referred to the courts and any fees that had been paid could be handed back.

Hon. Mr. PROUDFOOT: Do we have to pass the Bills again?

Hon. Mr. ROSS: Oh, yes. They are dead now. The whole procedure has to be gone over again. You have to listen to all the speeches over again. But I think that what I suggest would be a way out of the difficulty. If that is not done, then I think we have to change the rules of this House and have at least two Committees, perhaps three; and I think that is very undesirable. The simplest thing of all would be to have the Commons pass the two Bills.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I am glad the honourable member for Middleton has dealt with this question, because I think it is one that we should consider. To treat legislation coming down from this House as the other Chamber has treated these Bills, is not showing proper regard for the Senate. The honourable gentleman (Hon. W. B. Ross) spent a great deal of time and took a great deal of trouble in piloting this legislation through the Senate, and the Senate gave it careful consideration, feeling that they were doing something in the interest of the whole country in endeavouring to place it on the statute book. We have at present no means of knowing whether the House of Commons has any objection to this legislation or not, or why they took no steps to pass it. The only thing that I can suggest to my honourable friend is that, if he is prepared to second me in the matter, we should simly refuse to pass the Supply Bill until that divorce legislation is dealt with. We have the matter in our hands now, and if we desire to bring it to a head we certainly have the power to do so. It would certainly create a little excitement in the House and in the country, and at the same time it would be enforcing our rights and might perhaps lead to better consideration being given in the future to legislation that is sent down from the Senate to the House of Commons.

Hon. W. B. ROSS: Yes. I do not think there is the least sign that the Commons

have acted reasonably. Those Bills were really not a private member's Bills. Mr. Boys, a private member, was moving them, but as a matter of fact they were public Bills, and they passed this House by a large majority. I have already said, and I want to accentuate it, that the Bills have received very shabby treatment, and if I had power to hold up the Supply Bill I would be strongly tempted to do so until those Bills were passed. I know from private correspondence that the failure to pass them is a great disappointment, not so much to suitors as to the judges and others who are interested in the welfare of the country. A large number of public bodies have dealt with the question of divorce. The Methodists and the Presbyterians have expressed their opinion. You cannot afford to ignore all these people. I hear from Prince Edward Island, too, that there is a great disappointment there in regard to these Bills. I understand that there are a few cases in which soldiers are concerned, and it is a long way to have to come up here in the winter time, when, as everybody knows, the ice conditions are bad. I regard it as almost a public calamity that those Bills were not passed by the lower House.

Hon. Mr. EDWARDS: What do you say to refusing Supply?

The Senate adjourned until 8.30 p.m.

The Senate resumed at 8.30 p.m.

Hon. Sir JAMES LOUGHEED moved that when the House adjourns it do stand adjourned until to-morrow at 1.30 p.m.

The motion was agreed to.

The Senate adjourned until to-morrow at 1.30 p.m.

THE SENATE.

Thursday, July 1, 1920.

The Senate met at 1.30 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

FISH INSPECTION BILL.

FIRST READING.

A message was received from the House of Commons with Bill 50, an Act to amend the Fish Inspection Act.

The Bill was read the first time.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

Hon. Mr. BOSTOCK: Explain.

Hon. Sir JAMES LOUGHEED: When we go into Committee.

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

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Gordon in the Chair.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this is a Bill making provision for the inspection and regulation of the packing of pickled fish. This has been introduced very largely upon the representations of the Canadian Fisheries Association, and it practically places fish upon the same plane of fruit and other products which are inspected and regulated by the Government. Up to the present time the inspection of fish has not been carried on to the same extent as the inspection of other products—in fact, it has not been done.

Hon. HEWITT BOSTOCK: Honourable gentlemen, the extraordinary thing that I see about this Bill is that, if it is a desirable measure, as my honourable friend has endeavoured to point out to the House, it has not been dealt with before. Had prorogation taken effect, as we expected, at 10 o'clock last night, this Bill would apparently not have been passed. It is now brought down to us—I was going to say, in the dying hours of the session, but it is later than that—

Hon. Sir JAMES LOUGHEED: Say the eleventh hour.

Hon. Mr. BOSTOCK: —when the members have gone home and we are not in a position to study the Bill.

As to the Bill itself, I had a copy placed in my hands only a few minutes ago, and it is hard to tell exactly what it means. However, I would draw the honourable gentleman's attention to the last clause, which says:

> This Act shall come into force, with respect to fish caught on the Pacific coast, on the first day of November, one thousand nine hundred and twenty, and, with respect to fish caught on the Atlantic coast on the first day of April, one thousand nine hundred and twenty-one.

I therefore fail to see why there is a necessity to rush this legislation through at the

present time. If the fishing business has been carried on successfully, as it has been carried on, in this country for a number of years past without this legislation, and if this is to apply on the Pacific coast only after November, and not to apply on the Atlantic coast until after the 1st of April, 1921, surely this legislation could have been held over until next session, when we could study it carefully and know what we were doing.

Hon. Mr. CROSBY: This measure should have been passed ten or fifteen years ago.

Hon. Mr. BOSTOCK: Perhaps my honourable friend (Hon. Sir James Lougheed) would explain the meaning of the provision at the end of new section 9:

> Provided, however, that there shall be no appeal in any case where the appellant is unable to satisfy the Minister that the identity of the container or fish with respect to which an appeal is desired has been carefully preserved.

Hon. Sir JAMES LOUGHEED: There must be evidence on which the appeal is based. That is a principle of law that applies to all evidence.

Hon. Mr. BOSTOCK: But would there not have to be evidence in the first case if the inspector took a man up for not having his fish in conformity with the regulations under the Act?

Hon Sir JAMES LOUGHEED: The evidence might not have been preserved afterwards. When the appeal comes before the Minister there must be evidence of the subject-matter of the appeal. That is all it means.

Hon. Mr. BOSTOCK: If the appeal took a long time, the evidence might possibly get into such a condition that it would not be recognized in any court, or anywhere else.

Hon. Sir JAMES LOUGHEED: You would not advocate an appeal if there be no evidence.

Section 1 was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

Hon. Mr. BOSTOCK.

APPROPRIATION BILL No. 4.

FIRST READING.

A message was received from the House of Commons with Bill 221, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending the 31st March, 1920, and the 31st March, 1921.

The Bill was read the first time.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: Honourable gentlemen, the Supply Bill now before us is obviously a large one, and a perusal of it will inevitably lead to the conclusion that the votes contained therein are entirely necessary for the public service. No good purpose would be served by making even limited remarks, let alone extended remarks, upon a Supply Bill so large and so important as the one now before us. When I say that no good purpose would be served, of course I have in view the fact that the constitutional functions of the Senate would stand in the way of our giving to it that analytical attention which so large a measure is entitled to receive, if it is considered at all. No other Bill that comes before Parliament receives the same degree of attention as the Supply Bill. It reflects not only a scrutiny and searching investigation by Parliament itself, but also, to an even greater degree, a scrutiny by the Government, more particularly the Finance Minister and his associates.

It is a mistake to think for a moment that every item which is presented to the Government by different Ministers as the subject-matter of a parliamentary vote is included in the Supply Bill. I say with every confidence, and unhesitatingly, that the searching examination which is made by the members of the Government concerning a Supply Bill before it is presented to Parliament, is very much greater and more searching than that of Parliament itself. Consequently honourable gentlemen can accept the Supply Bill with the greatest measure of confidence, knowing that it has undergone the investigation and examination to which I have referred.

The Main Estimates for 1920-21 represent:

Consolidated Revenue Fund	$440,496,333.09
Capital	58,189,695.00
Demobilization	38,463,400.00
Total	$537,149,428.09

The Supplementary Estimates of 1920-21 amount to $12,500,000, which is confined exclusively to the bonus which has been voted by Parliament for the different purposes set out in the legislation by which the amount has been authorized.

The further Supplementary Estimates for 1920-21 consist of:

Consolidated Revenue Fund..	$58,804,062.45
Capital..	1,329,420.48
Demobilization..	1,869,000.00
Total..	$62,002,482.93

Further Supplementary Estimates amount to $53,000,000, making the following totals for 1920-21:

Consolidated Revenue..	$511,853,395.54
Capital..	59,519,115.48
Demobilization..	40,332,400.00
Total..	$611,704,911.02

Supplementary Estimates for 1919-20 are:

Consolidated Revenue Fund..	$18,634,598.84
Capital..	416,600.00
Total..	$19,051,198.84

The grand totals are:

Consolidated Revenue Fund..	$530,487,994.38
Capital..	59,935,715.48
Demobilization..	40,332,400.00
In all, a total of..	$630,756,109.86

Hon. GEORGE W. FOWLER: Before the honourable gentleman resumes his speech, may I ask if this Supply Bill has been submitted to the Committee on Finance of this House that was appointed for the purpose of regulating the financial affairs of the country.

Hon. Sir JAMES LOUGHEED: No, it has not, and may I say in that connection that I scarcely think the Finance Committee desires to assume a task so great as that of revising the Supply Bill. I rather think the object of the Finance Committee was to revise other financial Bills rather than the Estimates. Of course, the scope of the Committee was sufficiently wide to permit of any Bill being referred to it; but I have not yet heard of any motion to refer the Supply Bill to the Committee.

Hon. Mr. FOWLER: I may say in passing that the appointment of that Committee was opposed by myself; but I think that the main argument in support of it was that it could go into the Supply Bill. A Committee consisting of business men of high repute was appointed for the purpose of bringing to bear upon the Supply Bill the power of their strong financial minds, so that they could understand it and could explain it to the rest of us who do not possess that great business acumen which leads to great financial success. I regret to find that my forecast at the time has proved to be correct, and that the work of that Committee will be conspicuous by its absence.

Hon. HEWITT BOSTOCK: Honourable gentlemen, when I listened to the leader of the Government introducing this Bill, I thought from his opening remarks that he realized the position in which he is placed at the present time and the enormity of the sins the Government have committed. I regret to find that as he proceeded with his speech he apparently was quite satisfied with the work that has been done and with the tremendous amount asked for in the Supply Bill. $630,000,000 odd is a very large sum indeed to have to find for the work of a country with a population not exceeding 9,000,000.

Hon. Mr. EDWARDS: 8,000,000.

Hon. Mr. BOSTOCK: I wanted to give the Government the benefit of the larger figure. Supposing that the population is 9,000,000 this is an enormous amount to require for conducting the affairs of the country this year. Particularly does this seem so when we remember that the Finance Minister in his statement to the House estimated his revenue at $388,000,000 odd. It indicates the large sum of money that has to be raised by extra taxation through the measures which we put through the House the other day.

At the time the Bill dealing with the luxury tax was before the House my honourable friend made the statement that he hoped that the revenue from that tax would be between $75,000,000 and $80,000,000. Even if his hope is realized we will have to find an enormous amount in some way to meet the demands as outlined by my honourable friend to-day.

If we are to prorogue at half-past two this afternoon, time is too short to attempt to deal with this situation; but I want to refer to one or two things that appear in this Supply Bill—things which we in this House have before maintained should not be placed in a Supply Bill. We provide $140,000,000 to pay the interest on the public debt. The Finance Minister, when dealing with the public debt in another place, took an exceedingly courageous and bold stand when he admitted that certain items that had been carried in the accounts of the

country for a number of years as assets were not longer to be considered as assets, and he put the net debt at $2,273,305,436. That is an enormous net debt for this country to be carrying. When you come to figure the interest on that debt at 6 per cent it only amounts to $136,398,826. So, taking this as the net debt, either we are paying on other items over and above the amount included in the net debt, or the rate of interest is higher than 6 per cent.

In the Supply Bill as brought down we have two items dealing with loans to railways. One is an item of $48,000,000 for the Canadian Northern railway, and the other is $25,000,000 for the Grand Trunk railway. In both case the Government provides that the loans shall bear interest at the rate of 6 per cent; but, as I have tried to show the House, it looks as though the rate of interest should be more than 6 per cent. It would appear as though, when the Government makes a loan to these railways and only charges 6 per cent, the Government is not getting enough interest to cover the rate charged.

We have also in these Estimates other figures dealing with the railway situation. I want to read to the House a couple of items which appear and to which I think attention should be drawn. In the Supply Bill and in the Main Estimates we have an item which reads:

> The Canadian Government railways, towards deficit of working expenditure for nine months ending December 31st, 1920, the management of the railways being hereby authorized to apply the receipts and revenues toward payment of the working expenditure, $5,000,000.

Then, in the Supplementary Estimates there is another item of $1,000,000, making a total of $6,000,000. Apparently it is proposed to adopt a system of accounting on the Government railways different from what we have had up to the present. Up to the present time the moneys received have been paid into the Consolidated Revenue Fund, and expenditures have been paid out of that Fund, and the accounts have gone through the Department of the Auditor General. But this item is quietly put in and nothing is said about it. I do not suppose that any honourable gentleman in this House realized what the item was until it was brought to his attention. Apparently it is a change which the Government is going to make without acquainting the country with what they are doing. I do not know whether the country is prepared to have the accounts of the Intercolonial railway and the National Transcontinental dealt with in that way. I quite understand that some honourable gentlemen may say in reply, "Of course the accounts will be audited in the same way as other railway accounts." But I do not think, in view of the way the railways have been run in the past, that the Government is quite justified in calmly doing this without giving Parliament an opportunity of saying anything about it. At this late hour of the session it is impossible for any honourable gentleman properly to criticise an action of that kind.

Then we have in the Supply Bill other items of railway expenditure which I do not think should be treated in that way. In fact, I think all items of railway expenditure which are large items, and which deal not with the question of carrying on the business of the country, but with the development of these railways, or the supplying of greater equipment or something of that kind, should not be put into the Supply Bill proper. They should be brought in in a different form, and honourable gentlemen should be given an opportunity of discussing them.

The honourable gentleman from Kings and Albert (Hon. Mr. Fowler) raised the question of bringing the Supply Bill before the Finance Committee of this House. I am sorry that the Finance Committee has not been able to do the work which I had hoped at the time it was established that it would do. I hope that next session the Senate will take this matter up, and consider it, and I trust that they will be able to bring it to the attention of the Government in such a way that the Government will realize that, when the Senate adopted the resolution of the honourable gentleman from Middleton (Hon. W. B. Ross), they were serious and did not pass the motion simply for the pleasure they got out of it.

There are one or two other items to which I think reference should be made. The Government have placed in the Bill the amount of $1,700,000 for the purpose of dealing with the navy; but they have not stated to the House any definite policy with regard to that question. I think the whole question is a very important one, and one which in the interests of the country should be very carefully considered and discussed. I do not think the Government is justified at the present time and under present conditions in committing the country to an expenditure of this kind until they have thoroughly gone into the matter and decide upon a policy.

The same argument applies very largely to the amount set aside for the Militia. For many years we have been spending money on the militia, and it is probably necessary that we should have an organization of that kind. But I want to draw attention to the fact that, although we have been spending money on the militia ever since Confederation, when the war broke out the militia organization was not used in raising battalions, but the work that had been done in previous years by the Militia Council and by the officers and men of the militia and the permanent force was practically thrown to one side by the hon. Minister of Militia.

Some Hon. SENATORS: No.

Hon. Mr. CROSBY : You are wrong.

Hon. Mr. LAIRD: Absolutely wrong.

Hon. Mr. CROSBY: The militia regiments were not used because of some bad legislation of a Minister that you followed, the late Sir Fred Borden. There was a misunderstanding because your people did not know anything about it, and we had not time to look it over. The foundation was laid, and it was of great assistance in sending 33,000 men overseas in the first six weeks after the war broke out.

Hon. Mr. BOSTOCK: The honourable gentleman may profess to know more about this than I do; but if he will inquire into the matter I think he will find that there was an organization in the Department which would have enabled the necessary battalions to be raised at a minimum of expenditure and trouble. I think that is a question that should have received careful consideration before we went on with an expenditure of a further sum of money on the militia.

Hon. Mr. GORDON: Will my honourable friend permit me? Did the honourable gentleman not take the view of his leader that Germany was our friend at that time, and that we did not require any militia?

Hon. Mr. BOSTOCK: I do not quite understand what my honourable friend is asking.

Hon. Mr. GORDON: Do you want me to ask again? My question is this: did you not at the time follow the opinion of your leader, who took the view that Germany was our friend and we did not require the money?

Hon. Mr. BOSTOCK: The fact remained that we had the militia; that in 1910, I think it was, the then representative of the Government, the head of the Militia Department, went over to England and took part in deliberations there for the purpose of organizing the whole forces of Canada so that they would be in a position to be utilized when any emergency arose, such as the war with Germany.

Hon. Mr. CROSBY: They were utilized.

Hon. Mr. BOSTOCK: And they formed an organization and adopted a plan and a policy that were to have been used if any trouble such as the war with Germany did break out. But I think that, as I said before, that organization was not used in the way that it should have been. We ought to have a thorough discussion and explanation of the whole situation before we go on spending more money on the militia.

I feel very strongly that the Government are to-day spending more money than they are entitled to spend in the carrying on of the affairs of this country. We are brought to a position in which we can no longer borrow money outside of Canada. We are not acting in the interest of the country, we are not benefiting the country, if we borrow more money from the people of Canada for the purpose of carrying on the country's business. The Government should have done more pruning on their Estimates, so that they might be more in keeping with the present condition of the country.

I do not want to take up any more of the time of the Chamber. There may be other gentlemen who desire to say something on this matter; and I do not suppose that any further protest that one could make would have any effect on the Government.

Hon. J. G. TURRIFF: Honourable gentlemen, the amount of the Supply Bill that has now been brought down should show the country that the Government are unduly extravagant and have not exercised the care and economy that ought to be exercised under present conditions. When Canada, with a population of from 8,500,000 to 9,000,000, has a Supply Bill amounting to some $630,000,000, and when the estimated revenue is only about $450,000,000 at the outside, then the situation is very serious for this country. Canada is about the only country in the world among those which are supposed to be up to date that is not reducing its liabilities. The United States, a country that I do not think is any richer per capita than we are, is reducing its war debt very materially. I saw it stated that during the month of April it had reduced

its debt by $275,000,000. The British Government are reducing their war debt at such a rate that, although it may take a considerable number of years, the time is quite within sight when it will be wiped out. In Canada, more than a year and a half after the war has closed, not only are we not reducing our war debt, but we are not even paying our way; we are adding to our debt. There is a material increase in the debt this year. The Minister of Finance stated a short time ago that we were not going to borrow any more; but when your expenditure is $630,000,000 and you have only $450,000,000 to pay it with, if you do not have a public subscription for a loan, you must borrow the money in some other way; you cannot overcome the fact that the money has to be paid and the debt of Canada is increased. I am convinced that there is too much extravagance; that in many lines the Government could have cut the expenditure away down had they seen fit to do so; and I am sure that, if the people of the country once realize that at our present rate of spending we are not able to pay our way and that the situation will become worse and worse every year, they will be very much opposed to the extravagant policy that is apparently being followed at the present time.

Hon. J. W. DANIEL: Honourable gentlemen, I did not intend to say anything at this time; but I do object to the statements made by the honourable gentlemen who have just sat down. I object to this extent. If money should be spent on anything in Canada, it should be spent on those forces and those undertakings that are necessary for the peace, order and safety of this country. We heard in days gone by, before the late war, similar sentiments expressed: "Nothing for militia, nothing for the army, nothing for the navy!"—the very things on which the safety, order, and success of the country depend. What would have become of France if she had not been prepared to meet the German army in 1914? What would have become of this whole country under such circumstances? What would have become of our Empire if the advice of the peace-at-any-price people had been followed and the navy had been allowed to go down into desuetude and decrepitude? The inevitable result would have been that we would now be the slaves of Germany. We would have had no country of our own to live in, let alone to boast of. I cannot understand the views of people who want to spend money on everything else—even on the Hudson Bay railway—rather than on the forces on which the peace, order, and safety of our country depend. I certainly must protest against the statement that the armed force of our country must be the first thing to be set aside when economy is considered.

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

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

The Senate adjourned during pleasure.

After some time the sitting was resumed.

PROROGATION OF PARLIAMENT.

His Excellency the Governor General having come and being seated on the Throne:

The Hon. the SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that: "It is His Excellency the Governor General's pleasure they attend him immediately in the Senate Chamber."

Who being come with their Speaker:

The following Bills were assented to, in His Majesty's name, by His Excellency the Governor General:

BILLS ASSENTED TO.

An Act to amend the Inspection and Sale Act.
An Act to amend the Admiralty Act.
An Act to amend the Northwest Game Act.
An Act respecting the Director of Coal Operations.
An Act for the relief of Mary Oakley.
An Act for the relief of Margaret Elizabeth Cooper.
An Act for the relief of Catherine Burfoot.
An Act for the relief of Thomas Lindsay Thacker.
An Act for the relief of Margaret Henrietta Pettit.
An Act for the relief of John William Wallace.
An Act respecting the Colonial Investment and Loan Company.
An Act to incorporate The Great West Bank of Canada.
An Act to amend and consolidate the Acts respecting the British America Assurance Company.
An Act to amend and consolidate the Acts respecting the Western Assurance Company.
An Act for the relief of Edith Ellen Holmes Austin.
An Act for the relief of Ethelbert Gilmour Harris.
An Act for the relief of Albert Ernest Wice.

An Act for the relief of Peter Sutherland Cowie.
An Act for the relief of Roy Bradley.
An Act for the relief of Joan Doran.
An Act for the relief of Alexander Ross, Junior.
An Act for the relief of Jean Mary Sandford.
An Act for the relief of John Durose.
An Act to incorporate The North West Route, Limited.
An Act to amend the Customs Tariff, 1907.
An Act to amend the Business Profits War Tax Act, 1916.
An Act to amend the Penitentiary Act.
An Act respecting the Harbour of Pictou, in Nova Scotia.
An Act to amend the Irrigation Act.
An Act respecting Dominion Trust Company.
An Act to incorporate Reliance Insurance Company of Canada.
An Act respecting Maple Products.
An Act to amend the Canada Shipping Act (Sick and Distressed Mariners).
An Act respecting Canadian National Railways.
An Act to regulate the Sale and Inspection of Commercial Feeding Stuffs, Bran, Shorts, Middlings and Chop Feeds.
An Act to amend the Railway Act, 1919.
An Act for the relief of George Emerson Fox.
An Act for the relief of Graziano Bertini.
An Act for the relief of William Henry Caswell.
An Act for the relief of John Covert.
An Act for the relief of Mary Ireland.
An Act for the relief of John Daniel Mills.
An Act for the relief of Joseph Aimee Wilfrid David.
An Act for the relief of Richard Simpson.
An Act for the relief of Nora Dowle.
An Act to amend the Militia Pension Act.
An Act to amend the Royal Canadian Mounted Police Act.
An Act to amend The Pension Act.
An Act to amend the Post Office Act.
An Act to amend the Inland Revenue Act.
An Act to amend the Bankruptcy Act.
An Act to amend the Yukon Placer Mining Act.
An Act to amend the Civil Service Act, 1918, and the Civil Service Amendment Act, 1919.
An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.
An Act respecting The Dominion Fire Insurance Company.
An Act to amend the Indian Act.
An Act for the relief of Muriel Curren Gilmour.
An Act for the relief of Marie Jeanne Yvonne Albertine St. Amour Lallemand.
An Act for the relief of Lauretta Estelle Cook.
An Act for the relief of Reginald Muir Barlow.
An Act for the relief of Alfred John Crawford.
An Act for the relief of Frederick Minskip.
An Act for the relief of Charles Henry Foster.
An Act for the relief of Frank Cox.
An Act for the relief of Joseph Dubé.
An Act for the relief of John Donnelly.
An Act to assist Shipbuilding.
An Act to amend The Income War Tax Act, 1917.
An Act to amend The Special War Revenue Act, 1915.
An Act to confirm certain borrowings under The Demobilization Appropriation Act, 1919.
An Act respecting the Election of Members of the House of Commons and the Electoral Franchise.
An Act respecting The Canadian Wheat Board.
An Act to amend The Railway Act, 1919.
An Act to revive and amend The Naturalization Act, 1914.
An Act to amend the Criminal Code.
An Act to amend the Salaries Act and the Senate and House of Commons Act.
An Act for the relief of Mildred Euphemia Alsina Blanche Martin.
An Act for the relief of Arthur John Frankling, otherwise known as John Arthur Holmes.
An Act for the relief of Nelson Alexander Boylen.
An Act for the relief of Mahala Burton.
An Act for the relief of Joseph Henry Forbes.
An Act to amend The Boards of Trade Act.
An Act to provide for the Insurance of Returned Soldiers by the Dominion of Canada.
An Act to provide for the retirement of certain members of the Public Service.
An Act to amend The Canada Grain Act.
An Act to amend the Judges Act.
An Act to amend The Fish Inspection Act.
An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1920, and the 31st March, 1921.

THE GOVERNOR GENERAL'S SPEECH.

After which His Excellency the Governor General was pleased to close the fourth session of the thirteenth Parliament of the Dominion of Canada with the following Speech:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance in Parliament, I am happy to recall that your labours during the session have resulted in many beneficial enactments.

You have given to the Franchise Act the long and careful deliberation which the importance of this measure amply justified. It embodies provisions which should insure the preparation of fair and impartial lists at all future elections.

The liberal increases in pensions which have been granted, the establishment of a scheme of state insurance for returned soldiers, and the further provisions concerning the settlement of soliders upon the land, have shown your determination to take every practical means of fulfilling just obligations towards those who have rendered to our country such conspicuous service.

In the taxation measures which have been adopted, you have courageously taken account of a difficult financial situation and it may be confidently expected that they will materially increase the revenues.

You have wisely made provision to continue authority for the supervision of the marketing of the Canadian wheat crops, if events in the world's markets should render this the most advantageous method of protecting the interests of the Canadian people. The exercise of this authority will necessarily receive the most at-

tentive and careful consideration from my advisers.

The measure providing for the control of fuel recognizes the peculiar importance of this matter in the national economy and the need for insuring supplies to the greatest possible extent.

You have adopted legislation with respect to shipbuilding which should result in the continued employment of many thousands of men hitherto engaged in that and associated industries.

The provision made for the naval service wisely recognizes the importance of preserving a nucleus which can be developed if need should arise.

Provision for the air service has also been made in such a manner as will produce the largest trained personnel consistent with the financial capacity of the country. Because of Canada's peculiar geographical position and features, it is highly important that the possibilities of this new method of communication and transportation should be fully explored. The Air Board will be enabled to watch every new development and to take practical steps in the interests of aerial navigation in the Dominion.

The measure for the education and enfranchisement of Indians constitutes an effective means of enabling these wards of the nation to make further advance to the responsibilities of citizenship.

The settlement of the issues of the war still proceeds, but it is hoped that before another Session the final treaties will have been concluded. After obtaining your approval the Government have sanctioned on behalf of Canada, the ratification of the Treaty with Bulgaria; the Treaty with Hungary has been signed, but the Treaty with Turkey is still under negotiation.

During the Session, as a result of a Conference between the Government and the Governments of the British West Indian Colonies, an important agreement was concluded with the object of rendering still closer the trade relationship between Canada and these Colonies and of improving the means of intercourse and communication. This agreement will be submitted to you in due course.

Gentlemen of the House of Commons:

In His Majesty's name I thank you for the provision you have made for the needs of the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

On your return to your homes, I trust you will find such reassuring evidences of a bountiful harvest and of continued productiveness in every sphere of national activity as will enhance your confidence in the prosperity and stability of the Dominion in these critical times.

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